



**HIGHLAND GREEN
SITE PLAN APPLICATION
SUBDIVISION AMENDMENT**

**FINAL PLAN SUBMISSION
PHASE 4D**

**Assisted Living Expansion
&
Audubon Way Extension**

July 20, 2021

**BY: Belanger Engineering
63 Second Avenue
Augusta, Maine 04330**

**FOR: Highland Green
7 Evergreen Circle
Topsham, Maine 04086**

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Highland Green
Phase 4D

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June 24th, 2021

Christopher Belanger, P.E.
Belanger Engineering
63 Second Avenue
Augusta, ME 04330

RE: Local and State Permitting Authorization
Town Hall Village, Highland Green, JBW Management, OceanView at Falmouth and
OceanView at Cumberland Communities
For and on Behalf of Sea Coast Management Company and associate entities

Dear Chris,

Please accept this letter as the full authorization for Belanger Engineering to act as agent for Sea Coast Management Company with regard to various land use permitting requirements for all of its communities and projects including, but not limited to, Town Hall Village at the Highlands, Highland Green, Central Topsham Associates, 10-16-63 Corp. JBW Management Inc., JBW Construction, OceanView at Falmouth and OceanView at Cumberland. This authorization includes any and all submissions to DEP, DOT, EPA, ACOE and the Towns of Topsham, Cumberland and Falmouth, Maine.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Chris Wasileski", followed by the date "6/24/21".

Christopher Wasileski
Director of Development
Sea Coast Management Company



July 20, 2021
Mr. Andrew Deci, Assistant Planner
Town of Topsham
100 Main Street
Topsham, Maine 04086

**RE: Highland Green, Site and Subdivision Plan Approval
Phases 4D – 48 Unit Assisted Living Facility.
Tax Map R4 Lot 17A-1.**

Dear Mr. Deci;

Enclosed please find the proposed expansion plans for the Assisted Living project at Highland Green. The planning board approved the project on December 17, 2019. See NOD letter from the Town of Topsham dated December 23, 2019. **The approval has expired. We are requesting an amendment and re-approval of the plans to include the following:**

1. The developer proposes to convert the single story building to two story structure. We have provided updated building elevations and floor plans from the architect.
2. The approved units will stay the same as the original approval. (48 units). We acknowledge adding a second floor provides room for future expansions but currently have no plans to expand the project units to more than the original approved 48.
3. Future expansions are not part of this approval. Any future expansion may or may not occur.
4. The impervious area and developed areas on the Assisted Living site has been reduced for this phase. We do not intend to increase impervious areas beyond the current dep approval for this phase. Future phases show a minor increase in impervious and developed areas. We have included the full development impervious area and developed area in the submitted stormwater calculations. The ponds are sized for the full build out potential. The stormwater report dated 7-20-2021 is provided under separate cover.
5. The geotechnical study indicated the proposed fill over the building footprint was causing the entire building be pre-loaded for clay settlement. To avoid the pre-load for most of the building, we dropped the grade by 3.5' plus or minus at the entrance.
6. Dropping the grade required us to install two ponds in areas where buffers could not work. The submitted plans show One filter Pond (Pond 8P) and One Wet Pond (Pond 6P) in addition to buffers provided. We located the ponds out of the 75' buffers to the extent possible. The pond pipe outlets can only outlet adjacent to the wetlands. The impacts into the buffers have been minimized and are similar to the buffer stone berm level spreader impacts required for buffer treatment on the original plan. Buffers are still used where feasible.

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7. We have updated the subdivision plans to provide grading, drainage, and utility easements for the two ponds and updated the building and parking layout. No lots lines are being moved or shifted with this revision.
8. We would also like to remove or revise the original expired condition of approval regarding second access along Audubon Way. We intend to build and pave Audubon Way up to station 315+00 from Village Drive as part of the Assisted Living project. Approximately 1500' of new road. The developer will also re-connect the new road to the existing gravel road for emergency and construction access. Further, the developer will widen the remaining gravel road to 20' and extend this width to Tedford Road to provide emergency secondary access as required by the original condition of approval. The plans reflect this work to Tedford Road as summarized for this phase. The road work described on the plans will be completed prior to occupancy of the Assisted Living facility in accordance with the performance guarantee language.
9. Maine DEP has reviewed the requested changes and indicate they are acceptable. No additional review is required. See email from Beth Callahan in the application text.

Project Summary Phase 4D Assisted Living Development

The developer intends to construct an assisted living building located on Lot R1 (Tax Map R4 Lot 17A-1). The two story 24,893 s.f. building and 54 car parking lot is proposed for phase 1. The stormwater calculations assume a full build out potential for the site. We have planned for future phase 2 building expansions of 27,991 s.f.. The total Building footprint is assumed to be 52,884 s.f. = 1.22 acres. It is noted that only 48 units are proposed in phase 1 which matches the original approval in 2019. Future expansions are not guaranteed and will be submitted separately. We have sized the ponds so they can provide treatment for all future phases. A roof dripline will provide water quality treatment for the building. Paved areas and developed areas will drain to a wet pond for treatment. The assisted living site creates 2.46 acres of impervious area and 4.31 acres of developed area. The site will be access from Audubon Way.

Audubon Way is a future public road approved to be built during phase 2B. The road is along the existing sewer line and serves as emergency access to Village Drive and Tedford Road. Due to the proposed building size, we will shift the approved/existing road and sewer line over. Audubon Way creates 1.44 acres of impervious area and 2.67 acres of developed area. We have included Audubon Way in the treatment calculations. We lowered the road profile in the vicinity of the assisted living entrance to reduce fill required. As a result, buffer treatment was not available in some areas. To provide treatment, we will construct a filter pond adjacent to the road. Audubon Way and the Assisted Living project creates 3.90 acres of impervious area and 6.98 acres of developed area.

Updated Narratives for Town Ordinance Sections 175, 191, and 225 are provided in this submission.



Waiver Requests

We have completed the waiver request form as required and is included in the application. The following waivers for the project are requested for the assisted living facility expansion.

- Waiver Requests Section 175-12 Parking in the front.

The unique functional requirements of an Assisted Living/Memory Loss facility make it somewhat difficult to compare to the specific site development and landscape requirements of the town's Land Use and Site Plan Ordinance. Safety and protection of our residents is of paramount importance. Such facilities require a single controlled access to monitor the entry and departure of residents and guests. Also, it is important that parking and pedestrian access be as close to the front entry as possible particularly when some residents may be physical challenged. This requirement drives the need for drop-offs, walkways and parking to be in front of the building which is contrary to the Town's MUL zoning district.

- Waiver Requests Section 175-10 Additional Landscape Standards

See Letter from Landscape Architect Dave Haynes describing the landscape plan and phasing elements and how they related to the Ordinance. While we believe the Landscape Architect meets the Ordinance intent with the plan submitted, we formerly request a waiver of the standard as some specific standards won't be met with regard to tree spacing and counts for phase 1. Waiver of Standard Street tree spacing @ 45' instead of 30' required. Waiver of Setback plantings per 100'. Phase 1 may not meet the current standard for multi-stem clumps and evergreen trees but the deciduous shrubs doubles the min. requirement. Evergreen Shrubs are not required at all but the plan provides 87. The standards require approximately 231 plants, trees, and shrubs. The enclosed plan provides 420 plants, trees, and shrubs for phase 1 which exceeds the minimum standard in our opinion. At full buildout, if it occurs, additional plantings will be completed. We believe we exceed the intent of 175-10.

Wetland Impacts

Maine DEP and ACOE approved the proposed/previously approved wetland impacts in 2020. See L-20337-87-U-A & L-20337-TG-V-N dated April 2020. No changes are proposed beyond what was already approved.

Traffic

A Traffic Study was completed by Diane Morabito in 2017. The study included the residential cottage expansions for phase 4 and also included a 58 unit assisted living facility. No additional updates are necessary for this project.

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Stormwater Management – 225-34

The full stormwater report is provided in a separate binder. The stormwater report overview and summary are shown below:

The assisted living site and Audubon Way will be treated by a filter pond, wet pond, forested buffers, and a roof dripline along the building. The project captures 92% of the project impervious area and 100% of the site developed area. This treatment exceeds the 90% and 80% capture standards required by the Maine DEP. We submit that the General Standards has been met or exceeded with the development.

Highland Green Phase 4D Assisted Living + Audubon Way - Treatment Summary 7-20-2021					
Treatment Area	Imp. Treated Acres	Lawn Treated Acres	Developed Area Treated Acres	Calculated Buffer Width Feet	DEP BMP
Buffer #10 - Sta 304+00 Right	0.19	0.08	0.27	26.55	BMP 5.2, W=27', L=75', C, 0-8%
Filter Pond - Sta 311+00 Left	0.41	0.2	0.61		Filter Pond
Buffer #11 - Sta 312+00 Left	0.23	0.17	0.4	41.64	BMP 5.2, W=42', L=75', C, 9-15%
Buffer #12 - Sta 313+50 Right	0.12	0.06	0.18	17.1	BMP 5.2, W=20', L=75', C, 0-8%
Buffer #13 - Sta 315+50 Left	0.15	0.11	0.26	27.12	BMP 5.2, W=28', L=75', C, 9-15%
Wet Pond - Sta 313+00 Right	1.14	1.56	2.7		Wet Pond
AL Site Buffer #16	0.09	0.11	0.2	18.12	BMP 5.2, W=20', L=75', C, 9-15%
Building Drip Lines	1.22	0	1.22		Roof Dripline
Lawns to Stream Buffer #18	0.05	1.09	1.14		75' Stream Buffers
Total Treatment	3.60	3.38	6.98		
Total Area to be Treated	3.9		6.98		
No Treatment	0.30		0		No Treatment
% Treated	92.3%		100.0%		

The hydrocad model results indicate the overall project maintains pre-development peak flow rates or reduces them as required. Proposed peak flows have been reduced by constructing storm and underdrain along the new road areas and sending the proposed paved areas to the wet pond and filter pond for treatment and storage. Other areas will drain to wooded buffer areas established adjacent to the road to treat portions of the road.

FLOODING STANDARD RESULTS Pond 1P			
Storm	PRE C.F.S.	POST C.F.S.	DIFFERENCE %
2 YEAR	21.86	21.68	-1%
10 YEAR	97.58	81.72	-19%
25 YEAR	262.48	180.35	-46%
50 YEAR	387.13	267.31	-45%
100 YEAR	491.7	346.24	-42%

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As the results indicate, the post development peak flows stay below the pre-development peak flow for the 2, 10, and 25 year storms as required. The proposed ponds and structures have the capacity to control flow from the 25 year storm which exceeds the Flooding Standard requirement. As a result, the project does not significantly impact downstream structures or properties. We submit that the Flooding Standard has been met or exceeded with this development.

The owner has developed storm water buffers along the stream corridors to provide water quality treatment of the road areas. Two treatment ponds are being constructed with this phase for quality treatment. Individual buffer plans have been created in the stormwater report.

The Basic Standards will be met with the proposed erosion control plans and stabilization details provided on the construction plan set. We submit that the project meets the Basic, General, and the Flooding standard as outlined in the Maine DEP Chapter 500 Stormwater Rules which meets or exceeds Town of Topsham standards outlined in Section 225-34.

We have updated the draft stormwater agreement for town infrastructure maintenance as a result of Audubon Way (public road) construction. Other areas beyond the public rights of way will remain privately owned and maintained. See draft language and plan attached.

Minor pond grading within the buffer

Regarding the stream setback and buffer. We are formerly requesting the board allow a encroachment into the buffer for the pond berm grading. The berm and slope will be re-seeded and can revert back to a meadow condition once complete. The old design required a 30,000 CY fill import which was not economically feasible for this project. The geotechnical investigation suggested the site be lowered to the extent feasible. Lowering the grade also lowered the outlets that discharge into the buffer area.

Please reply if you all set with the information provided. Should you have questions, please call.

Very truly yours,

A handwritten signature in black ink that reads "Ch Belanger". The signature is written in a cursive, somewhat stylized font.

Christopher S. Belanger, P.E.
Enclosures

cc: Chris Wasileski, Seacoast Management Company



TOWN OF TOPSHAM PLANNING OFFICE

100 Main Street, Second Floor
Topsham, Maine 04086

Phone: (207) 725-1724 • Fax: (207) 725-1737

SITE PLAN REVIEW APPLICATION

(Note: All performance standards must be addressed. Waivers may not be granted by staff.)

FEES FOR SITE PLAN REVIEW		NEW CONSTRUCTION	AMENDMENTS		Amount Paid	Date Paid
	Staff Review	<input type="checkbox"/> \$0.10/s. f. of new building footprint area <input type="checkbox"/> \$0.01/s. f. of new impervious area (parking, etc.)	Minimum fee of \$250 or ½ the cost of an application fee as calculated to the left.		\$	
	Planning Board Review	<input type="checkbox"/> \$0.10/s. f. of new building footprint area <input type="checkbox"/> \$0.01/s. f. of new impervious area (parking, etc.)	Minimum fee of \$350 or ½ the cost of an application fee as calculated to the left.			
PROPERTY DESCRIPTION	Parcel ID	Map/Lot #(s)	Zoning District		Total Land Area (acres)	
	Physical Address					
PROPERTY OWNER(S) INFORMATION	Name		Mailing Address			
	Phone					
	Fax					
	Email					
	Fax					
	Email					
APPLICANT(S) AGENT'S INFORMATION (Please submit agent authorization form.)	Name		Name of Business			
	Phone		Mailing Address			
	Fax					
	Email					
Existing Use:						

PROJECT DESCRIPTION	
	Proposed Use: Please describe in detail all changes to the current use of the property, any renovations to be made to existing buildings and any proposed new structure. (Attach a separate sheet if more space is needed.)

THE ORIGINAL SIGNED COPY OF THIS FORM MUST BE ACCOMPANIED BY THE REQUIRED APPLICATION AND ESCROW FEES, REQUIRED NUMBER OF APPLICATION FORMS, PLANS, AND OTHER NECESSARY SUBMISSIONS, AS OUTLINED IN THE CHECKLIST BELOW.

Note:

1. Submittals that the town planner deems sufficiently lacking in content will not be scheduled for review.
2. It is the responsibility of the applicant to present a clear understanding of the project.
3. The written materials and plans must be organized and contained in a single collated report and folded. Rolled plans will not be accepted.
4. The application and escrow fees are required at time of submission.

SITE PLAN REVIEW CHECKLIST

(See Chapter 175)

Please Check Yes or No	PLEASE ANSWER THE FOLLOWING:	List Plan Sheet or page, Explain or comment as needed for clarification
	<input type="checkbox"/> 9 Paper Copies of the entire Plan Packet [nine (9) of written materials, four (4) - 24 "x 36" plan sets plus five (5) - 11" x 17" plan sets] <input type="checkbox"/> ONE (1) Electronic copy (via thumb drive/USB; email submissions will not be accepted) <input type="checkbox"/> Self-addressed stamped envelope to mail thumb drive back to applicant. <input type="checkbox"/> Waiver form, signed, if needed <input type="checkbox"/> Agent Authorization form, signed <input type="checkbox"/> Peer Review Engineering Escrow <input type="checkbox"/> Traffic Impact Fee, if in Topsham Fair Mall (See Chapter 199)	
YES	NO	THE PROPOSED PROJECT INCLUDES THE FOLLOWING:
<input type="checkbox"/>	<input type="checkbox"/>	Map at a scale of not less than 1 inch to 100 feet that conforms to 175 - 5 A.
<input type="checkbox"/>	<input type="checkbox"/>	Written statement that conforms to 175 - 5 B.
<input type="checkbox"/>	<input type="checkbox"/>	Change of use to existing structure
<input type="checkbox"/>	<input type="checkbox"/>	New ground disturbance of five thousand (5,000) or fewer square feet
<input type="checkbox"/>	<input type="checkbox"/>	Architectural changes to existing buildings (Must meet both Chapter 175-10 and 175 - 11
<input type="checkbox"/>	<input type="checkbox"/>	Is this application an amendment to an approved Site Plan? If so, please provide the name of the approved plan and date of approval in the box to the right.
<input type="checkbox"/>	<input type="checkbox"/>	A sketch plan pre-application meeting with the Planning Board is required for new developments. What was the date of that meeting? Please write it in the box to the right.
<input type="checkbox"/>	<input type="checkbox"/>	Attached are copies of most recent Deed, documents showing 'Right, Title and/or Interest' in the property, or Contract to Purchase or Option to Lease the property.
<input type="checkbox"/>	<input type="checkbox"/>	Does the owner hold any interest in abutting or contiguous property? If yes, please explain in an attachment.
<input type="checkbox"/>	<input type="checkbox"/>	Identify any and all easements on the property. Attach copies of all easement deeds.
<input type="checkbox"/>	<input type="checkbox"/>	Are there any waivers or variances with the property? Attach existing plan listing them.
<input type="checkbox"/>	<input type="checkbox"/>	Are you requesting waivers from the Planning Board? Please submit the waiver application with this application.
<input type="checkbox"/>	<input type="checkbox"/>	Are/did you requesting/receive a variance from the Board of Appeals? Please submit the variance decision with this application.

<input type="checkbox"/>	<input type="checkbox"/>	Are you applying for or amending a conditional use permit? Please submit the conditional use permit application with this application.	
YES	NO	DIMENSIONS: Please attach calculations and/or plans, as applicable, that show construction details for the following, Parking Area(s), Constructions Notes, Final Grades, Drainage, Etc.	
<input type="checkbox"/>	<input type="checkbox"/>	Existing Footprint of structure(s) is:	sq. ft.
<input type="checkbox"/>	<input type="checkbox"/>	Proposed Footprint of new structure(s) is:	sq. ft.
<input type="checkbox"/>	<input type="checkbox"/>	Existing Building height is (are):	feet
<input type="checkbox"/>	<input type="checkbox"/>	Proposed Building height is (are):	feet
<input type="checkbox"/>	<input type="checkbox"/>	Existing open space ratio :	
<input type="checkbox"/>	<input type="checkbox"/>	Proposed open space ratio :	
<input type="checkbox"/>	<input type="checkbox"/>	Existing floor area ratio:	
<input type="checkbox"/>	<input type="checkbox"/>	Proposed floor area ratio	
YES	NO	PRESERVES AND ENHANCES LANDSCAPING: Chapter 175 - 8 A	
<input type="checkbox"/>	<input type="checkbox"/>	Landscaping plan shows existing and proposed vegetation conforming to 175-10	
<input type="checkbox"/>	<input type="checkbox"/>	Maine registered landscape architect has sealed landscaping plan	
<input type="checkbox"/>	<input type="checkbox"/>	If this project is an amendment to an existing site plan and does not require compliance with 175-10 E(3), do you have a letter from a Maine registered landscape architect stating that the existing landscaping is still compliant with the original landscaping plan?	
YES	NO	RELATIONSHIP OF BUILDINGS TO ENVIRONMENT: Chapter 175 - 8 B	
<input type="checkbox"/>	<input type="checkbox"/>	Architectural plan shows existing and proposed buildings conforming to 175-11	
<input type="checkbox"/>	<input type="checkbox"/>	Is the architectural plans signed by a Maine registered architect or engineer	
YES	NO	VEHICULAR ACCESS: Chapter 175 - 8 C	
<input type="checkbox"/>	<input type="checkbox"/>	Site plan shows access and egress locations	
YES	NO	TRAFFIC IMPACT (ATTACH SEPARATE STUDY, IF NECESSARY)	
<input type="checkbox"/>	<input type="checkbox"/>	Estimate the number of vehicle trips entering and leaving the site on a daily basis.	existing; projected
<input type="checkbox"/>	<input type="checkbox"/>	Estimate the number of vehicles entering and leaving the site during the busiest a.m. hour:	entering; exiting The busiest a.m. hour falls between a.m. and a.m.
<input type="checkbox"/>	<input type="checkbox"/>	Estimate the number of vehicles entering and leaving the site during the busiest p.m. hour:	entering; exiting The busiest p.m. hour falls between p.m. and p.m.

<input type="checkbox"/>	<input type="checkbox"/>	Will there be delivery truck service? If so indicate the following: size, number, type and frequency of delivery and service vehicles:	The size is _____ feet wide and _____ feet long; The number is _____; the type is _____ and the frequency is _____ trips per day.
YES	NO	PARKING and CIRCULATION: Chapter 175 - 8 D And 175-12	
<input type="checkbox"/>	<input type="checkbox"/>	Parking plan shows existing and proposed parking conforming to 175 -18 D and 175-12	
<input type="checkbox"/>	<input type="checkbox"/>	Total number of parking spaces required under the Zoning Ordinance Chapter 225-27	
<input type="checkbox"/>	<input type="checkbox"/>	Number of existing parking spaces:	
<input type="checkbox"/>	<input type="checkbox"/>	Estimated number of parking spaces required by proposed use is:	
<input type="checkbox"/>	<input type="checkbox"/>	Existing paved area is:	_____ sq ft.
<input type="checkbox"/>	<input type="checkbox"/>	Proposed new paved area is:	_____ sq ft.
<input type="checkbox"/>	<input type="checkbox"/>	Number of proposed new parking spaces	
<input type="checkbox"/>	<input type="checkbox"/>	Size of spaces: (ex. 9' x 18')	
<input type="checkbox"/>	<input type="checkbox"/>	Width of maneuvering aisles	
YES	NO	SURFACE WATER DRAINAGE: Chapter 175-8 E	
<input type="checkbox"/>	<input type="checkbox"/>	Stormwater plan conforms to Chapter 175-8 E	
YES	NO	UTILITIES, WATER NEEDS, SEWER: Chapter 175-8F, N, O, AND Q	
<input type="checkbox"/>	<input type="checkbox"/>	Public Sewer: Attach a letter from the Sewer District that verifies that public sewer can be connected to, and that the existing system has available capacity.	The estimated gallons per day is _____ gpd.
<input type="checkbox"/>	<input type="checkbox"/>	Septic System: Subsurface waste disposal. Attach a copy of the HHE 200 Report.	
<input type="checkbox"/>	<input type="checkbox"/>	Public Water: Attach a letter from the Water District that verifies the site can be served for the foreseeable future and that the proposed water plan meets or exceeds design requirements of the Water District.	
<input type="checkbox"/>	<input type="checkbox"/>	Potable water will be provided by an on-site well. Attach letter from well driller stating water is available.	
<input type="checkbox"/>	<input type="checkbox"/>	Fire Protection: Attach a letter from the Town of Topsham Fire Chief that verifies all design requirements for fire service and/or fire protection are satisfactory.	
		Utilities will be: <input type="checkbox"/> Underground <input type="checkbox"/> Overhead.	
		Power will be: <input type="checkbox"/> Single Phase <input type="checkbox"/> 2 Phase <input type="checkbox"/> 3 Phase	
		Who is the Natural Gas provider?	
		Who is the private hauler for Trash Pick-up?	
<input type="checkbox"/>	<input type="checkbox"/>	Will the proposed use produce and/or involve the use of hazardous waste materials? If so, list all hazardous materials to be used and/or fabricated on site. Provide the name of the disposal company and attach copies of agreements.	

YES	NO	ADVERTISING FEATURES (SIGNAGE): Chapter 175-8G	
<input type="checkbox"/>	<input type="checkbox"/>	Are there existing signs on-site? If so, how many are there and what is the total sign area in square feet?	sq. ft.
<input type="checkbox"/>	<input type="checkbox"/>	Is there proposed new signage? If so, please fill out the Sign Application Packet and include with this packet.	
YES	NO	SPECIAL FEATURES: Chapter 175-8H	
<input type="checkbox"/>	<input type="checkbox"/>	Are there exposed storage areas, machinery, service areas, truck loading areas, utility buildings and similar buildings? If so, please show on site plan with setbacks and screening.	
YES	NO	EXTERIOR LIGHTING: Chapter 175-8I	
<input type="checkbox"/>	<input type="checkbox"/>	Does the exterior lighting plan conform to 175-9?	
<input type="checkbox"/>	<input type="checkbox"/>	Does the lighting comply with the Illuminating Engineering Society of North America (IESNA) standards	
YES	NO	EMERGENCY VEHICLE ACCESS: Chapter 175-8J	
<input type="checkbox"/>	<input type="checkbox"/>	Does the site plan provide for convenient and safe emergency vehicle access?	
YES	NO	MUNICIPAL SERVICES: Chapter 175-8K	
<input type="checkbox"/>	<input type="checkbox"/>	Does the development impact municipal roads, Fire Department, Police Department, solid waste program, sewerage treatment plant, schools, open spaces, recreational programs and facilities and other services and facilities? If so, please explain how.	
YES	NO	WATER POLLUTION: Chapter 175-8L	
<input type="checkbox"/>	<input type="checkbox"/>	Will there be any undue water pollution based on the criteria listed in 175-8L? Please explain.	
YES	NO	AIR POLLUTION: Chapter 175-8M	
<input type="checkbox"/>	<input type="checkbox"/>	Will there be any undue air pollution based on the criteria listed in 175-8M? Please explain.	
YES	NO	EROSION: Chapter 175-8P	
<input type="checkbox"/>	<input type="checkbox"/>	Does the erosion control plan meet the requirements of this section?	
YES	NO	SHORELAND AREAS: Chapter 175-8S	
<input type="checkbox"/>	<input type="checkbox"/>	Is any part of the property within the Shoreland Overlay District or a flood hazard area that is subject to periodic flooding? If yes, explain.	
<input type="checkbox"/>	<input type="checkbox"/>	Are the 100 yr. Floodplain Zones and the Shoreland Zoning boundaries shown on the site plan?	
YES	NO	STORMWATER MANAGEMENT	
<input type="checkbox"/>	<input type="checkbox"/>	Will the construction activity disturb one acre or more?	
<input type="checkbox"/>	<input type="checkbox"/>	Is the project reviewed using Site Location Of Development Act (SLODA)?	

YES	NO	NATURAL BEAUTY, HISTORIC, ARCHEOLOGICAL, HABITAT, AND ENVIRONMENTAL IMPACT Chapter 175 -18 R	
<input type="checkbox"/>	<input type="checkbox"/>	Is this property an important historic, archeological or natural resource site, or adjacent to such a site? If yes, explain:	
YES	NO	GENERAL PERFORMANCE STANDARDS Chapter 225 Article VII	
<input type="checkbox"/>	<input type="checkbox"/>	Do you comply with the performance standards in Chapter 225 Article VII General Performance Standards	
YES	NO	STATE AND LOCAL PERMITS	
<input type="checkbox"/>	<input type="checkbox"/>	Is a Maine Department of Environmental Protection (MDEP) Permit required? If so, list the permit.	
<input type="checkbox"/>	<input type="checkbox"/>	Is an Army Corps of Engineers approval/permit required? If so, list the permit.	
<input type="checkbox"/>	<input type="checkbox"/>	Are there any State or Federal approval required? If so, list the approval.	
<input type="checkbox"/>	<input type="checkbox"/>	Are there any State or Federal Licenses/ Permits required? If so, list the license/permit.	
<input type="checkbox"/>	<input type="checkbox"/>	A Maine Construction General Permit (MCGP) is required where the area of disturbance is greater than one acre. Is an MCGP permit required?	
<input type="checkbox"/>	<input type="checkbox"/>	Is a variance from the Zoning Board of Appeals required? If yes, please describe:	
<input type="checkbox"/>	<input type="checkbox"/>	Is a waiver needed from the Planning Board? If yes, please include the waiver request application with the site plan application.	

The undersigned hereby makes application to the Town of Topsham for approval of the proposed project and declares the foregoing to be true and accurate to the best of his/her knowledge.

Christopher Belanger

SIGNATURE: APPLICANT OR APPLICANT'S AGENT

DATE

PRINT NAME



**TOWN OF TOPSHAM
PLANNING OFFICE**
100 Main Street · Second Floor
Topsham, Maine 04086
Tel: (207) 725-1724 · Fax: 725-1737

SUBDIVISION REVIEW APPLICATION

Fees for Subdivision Review	<input type="checkbox"/> All subdivision amendments \$150/ lot or dwelling unit	_____ # of Lots or DU @ \$150	Total \$ _____
	<input type="checkbox"/> \$150 for 4 or less lots or dwelling units	_____ # of Lots or DU @ \$150	Total \$ _____
	<input type="checkbox"/> \$150 for 5 or more lots or dwelling units (Min. fee of \$750)	_____ # of Lots or DU @ \$150	Total \$ _____
	<input type="checkbox"/> \$250 for 5 or more lots or dwelling units with a road (Min. fee of \$1500)	_____ # of Lots or DU @ \$250	Total \$ _____
	<input type="checkbox"/> \$1,500 Peer Review Escrow Subdivision with road		Total \$ _____
	<input type="checkbox"/> \$2,000 Peer Review Escrow Subdivision with road & stormwater		Total \$ _____
	<input type="checkbox"/> \$2,500 Peer Review Escrow Subdivision SLODA project		Total \$ _____
	<input type="checkbox"/> \$1,000 Other Professional Peer Review		Total \$ _____

PROPERTY DESCRIPTION	Parcel ID	Map(s)	Lot(s)	Zoning District(s)	Total Land Area (sq. ft.)
	Physical Address				
PROPERTY OWNER'S INFORMATION	Name				Mailing Address
	Phone				
	Fax				
	Email				
APPLICANT'S INFORMATION (if different from owner)	Name				Name of Business
	Phone				Mailing Address
	Fax				
	Email				
APPLICANT'S AGENT INFORMATION	Name				Name of Business
	Phone				Mailing Address
	Fax				
	Email				

PROJECT DESCRIPTION	Existing Use:						
	Name of Subdivision:				Will there be a Home Owner's Association?	Y	N
					<input type="checkbox"/>	<input type="checkbox"/>	
	Dwelling Units	Single Family	Duplex	Multi-Family	Commercial Units		
	Number of Dwelling Units						
Proposed Use							

THE ORIGINAL SIGNED COPY OF THIS FORM MUST BE ACCOMPANIED BY THE REQUIRED APPLICATION AND ESCROW FEES, REQUIRED NUMBER OF APPLICATION FORMS, PLANS, AND OTHER NECESSARY SUBMISSIONS, AS OUTLINED IN THE CHECKLIST BELOW.

Note:

1. Submittals that the town planner deems sufficiently lacking in content will not be scheduled for review.
2. It is the responsibility of the applicant to present a clear understanding of the project.
3. The written materials and plans must be organized and contained in a single collated report and folded. Rolled plans will not be accepted.
4. The application and escrow fees are required at time of submission.

SUBDIVISION CHECKLIST (See Chapter 191)

- 9 Paper Copies of the entire Plan Packet, collated and bound. [Nine (9) of written materials, four (4) - 24 "x 36" plan sets plus five (5) - 11" x 17" plan sets]. Rolled plans will not be accepted.**
- ONE (1) Electronic copy (via thumb drive/USB; email submissions will not be accepted)**
- Self-addressed stamped envelope to mail thumb drive back to applicant.**
- Agent Authorization form, signed**
- Peer Review Engineering Escrow**
- Traffic Impact Fee, if in Topsham Fair Mall (See Chapter 199)**

The Subdivision Plan document/map, includes the following:

- A) Paper size; no less than 11" X 17" or greater than 24" X 36"
- B) Plan Scale
 - Under 10 acres: no greater than 1" = 30'
 - 10 + acres: 1" = 50'
- C) Title block
 - Applicant's name and address
 - Name of preparer of plans with professional information
 - Parcel's tax map identification (map and lot) in bottom right corner of map

		THE FOLLOWING QUESTIONS MAY APPLY. (Answer Yes/No or comment Does Not Apply).	Explain or comment as needed for clarification
CHECK ALL THAT APPLY	GENERAL INFORMATION		
YES	NO		
<input type="checkbox"/>	<input type="checkbox"/>	Existing and proposed elevations and benchmark locations and elevations are clearly indicated on the plans.	
<input type="checkbox"/>	<input type="checkbox"/>	An Agent Authorization form has been completed.	
<input type="checkbox"/>	<input type="checkbox"/>	Copies of documents that show ' Right, Title and/or Interest ' in the property, or if applicable, contract to purchase or option to lease the property are attached.	
<input type="checkbox"/>	<input type="checkbox"/>	The Owner holds an interest in abutting and/or contiguous property? If yes, please explain.	
<input type="checkbox"/>	<input type="checkbox"/>	Documents for conservation provisions such as open space easements, covenants, agreements, etc. are attached.	
<input type="checkbox"/>	<input type="checkbox"/>	All easements are shown and labeled on the property. Copies of all easement deeds are attached.	
<input type="checkbox"/>	<input type="checkbox"/>	All phasing (streets, drainage, utilities, etc.) is clearly indicated on the plans.	
<input type="checkbox"/>	<input type="checkbox"/>	A Medium Intensity Soils Survey with test logs and boring results is complete, and test pit locations are shown on the plans.	
<input type="checkbox"/>	<input type="checkbox"/>	A site inventory plan of the parcel has been submitted for review during pre-application by Planning Board. (191-2.2)	
<input type="checkbox"/>	<input type="checkbox"/>	A preliminary plan has been submitted and reviewed by Planning Board. (191-5)	
<input type="checkbox"/>	<input type="checkbox"/>	A final plan has been submitted and reviewed by Planning Board. (191-10)	

YES	NO	Is the following information shown on the plans? Provide calculations, if applicable, on a separate sheet that shows how the following is calculated.	
<input type="checkbox"/>	<input type="checkbox"/>	Total building area(s):	sq. ft.
<input type="checkbox"/>	<input type="checkbox"/>	Floor area ratio:	
<input type="checkbox"/>	<input type="checkbox"/>	Net density calculations:	
<input type="checkbox"/>	<input type="checkbox"/>	Lot frontages:	feet
<input type="checkbox"/>	<input type="checkbox"/>	Yard setbacks:	
<input type="checkbox"/>	<input type="checkbox"/>	Buffer strips:	
<input type="checkbox"/>	<input type="checkbox"/>	Distances between structures:	feet
<input type="checkbox"/>	<input type="checkbox"/>	Open space or public use areas:	sq. ft.; acres.
<input type="checkbox"/>	<input type="checkbox"/>	Area(s) reserved for active recreational purposes	sq. ft.; acres.
YES	NO	Are locations and dimensions of the following shown on the plans?	
<input type="checkbox"/>	<input type="checkbox"/>	Driveway entrance points	
<input type="checkbox"/>	<input type="checkbox"/>	Streets/drives	
<input type="checkbox"/>	<input type="checkbox"/>	All roads shown as through roads. (191-6)	
<input type="checkbox"/>	<input type="checkbox"/>	Parking areas	
<input type="checkbox"/>	<input type="checkbox"/>	Easements and right-of-ways	
<input type="checkbox"/>	<input type="checkbox"/>	Building height and shape	
<input type="checkbox"/>	<input type="checkbox"/>	Site distances	
YES	NO	Are widths and <u>cross sections</u>, per Chapter 185, shown on a plan?	
<input type="checkbox"/>	<input type="checkbox"/>	Streets, drives, curbs and sidewalks	
<input type="checkbox"/>	<input type="checkbox"/>	Is there proper continuation of streets from the adjacent lands?	
YES	NO	STORMWATER MANAGEMENT (Chapter 225-34)	
<input type="checkbox"/>	<input type="checkbox"/>	Are significant water bodies, wetlands, woodlands, cleared areas; trees, gullies, ravines and ledge outcroppings shown on the plans?	
<input type="checkbox"/>	<input type="checkbox"/>	Are floodplain boundaries and Base Flood Elevations (BFE) indicated?	
<input type="checkbox"/>	<input type="checkbox"/>	Are Shoreland zoning overlay districts indicated?	
<input type="checkbox"/>	<input type="checkbox"/>	Is there an erosion control plan?	
<input type="checkbox"/>	<input type="checkbox"/>	Are areas of storage designated for snow storage?	
<input type="checkbox"/>	<input type="checkbox"/>	If phasing is proposed, is it reflected in the design and construction of the drainage plan?	

CHECK ALL THAT APPLY		THE FOLLOWING QUESTIONS MAY APPLY. (Answer Yes/No or comment Does Not Apply).	Explain or comment as needed for clarification
YES	NO	UTILITIES:	
<input type="checkbox"/>	<input type="checkbox"/>	Public Sewer: Attach a letter from the Topsham Sewer District (TSD) that verifies that public sewer can be connected to, and that the existing system has available capacity.	The estimated gallons per day are _____ g.p.d.
<input type="checkbox"/>	<input type="checkbox"/>	Sewer mains, related infrastructure and stationing for manholes, cleanouts and individual service connections are shown in plan and profile.	
<input type="checkbox"/>	<input type="checkbox"/>	Septic System: Subsurface waste disposal. Attach a copy of the HHE 200 Report.	
<input type="checkbox"/>	<input type="checkbox"/>	Public Water: Attach a letter from the Topsham Water District (TWD) that verifies the site can be served for the foreseeable future and that the proposed water plan meets or exceeds design requirements of the TWD.	
<input type="checkbox"/>	<input type="checkbox"/>	Potable water will be provided by an on-site well.	
<input type="checkbox"/>	<input type="checkbox"/>	Number and location of fire hydrants shown on plan.	
<input type="checkbox"/>	<input type="checkbox"/>	Fire Protection: Attach a letter from the Town of Topsham Fire Chief that verifies all design requirements for fire service and or fire protection are satisfactory.	
<input type="checkbox"/>	<input type="checkbox"/>	Will site be served with Natural Gas? If so, who is the supplier? Please provide answer to the right.	
<input type="checkbox"/>	<input type="checkbox"/>	Are mailboxes to be clustered? Please provide answer to the right.	
		Power will be: <input type="checkbox"/> underground <input type="checkbox"/> overhead <input type="checkbox"/> Single Phase; <input type="checkbox"/> 2 Phase; <input type="checkbox"/> 3 Phase.	
		Who is the private hauler for Trash Pick-up? Please provide answer to the right.	
		Who will be contracted for the disposal of construction and site debris? Please provide answer to the right.	
YES	NO	SIGNAGE:	
<input type="checkbox"/>	<input type="checkbox"/>	Is there new signage proposed?	
YES	NO	AESTHETICS AND ENVIRONMENTAL IMPACT	
<input type="checkbox"/>	<input type="checkbox"/>	Is this property an important historic or natural site, or adjacent to such a site? If yes, explain in attachments.	
<input type="checkbox"/>	<input type="checkbox"/>	Is there a proposed landscape plan and planting schedule?	
YES	NO	POST CONSTRUCTION STORMWATER MANAGEMENT	
<input type="checkbox"/>	<input type="checkbox"/>	Will the construction activity disturb one acre or more?	
YES	NO	STATE AND LOCAL PERMITS	
<input type="checkbox"/>	<input type="checkbox"/>	A Maine Construction General Permit (MCGP) is required where the area of disturbance is greater than one acre. Is an MCGP permit required?	
<input type="checkbox"/>	<input type="checkbox"/>	Is a Maine Department of Environmental Protection (MDEP) Permit required? If so, list the permit here.	
<input type="checkbox"/>	<input type="checkbox"/>	Is an Army Corps of Engineers approval/permit required? If so, list the permit here.	
<input type="checkbox"/>	<input type="checkbox"/>	Are there any State or Federal approvals required? If so, list the approval here.	
<input type="checkbox"/>	<input type="checkbox"/>	Is a variance from the Zoning Board of Appeals required? If yes, please describe in space provided to the right.	

TRAFFIC: THE BOARD MAY REQUIRE A TRAFFIC STUDY.

Estimate the number of vehicle trips entering and leaving the site on a daily basis.

existing:

projected:

Estimate the number of vehicles entering and leaving the site during the busiest a.m. hour:

The busiest a.m. hour falls between

a.m. and
entering;

a.m.
exiting

Estimate the number of vehicles entering and leaving the site during the busiest p.m. hour:

The busiest p.m. hour falls between

p.m. and
entering;

p.m.
exiting

PACKETS FOR ESTABLISHING PERFORMANCE GUARANTEES ARE AVAILABLE IN THE TOPSHAM PLANNING OFFICE.

The undersigned hereby makes application to the Town of Topsham for approval of the proposed project and declares the foregoing to be true and accurate to the best of his/her knowledge.

Christopher Belanger

SIGNATURE: APPLICANT OR APPLICANT'S AGENT

DATE

PRINT NAME

APPLICANT'S CHECKLIST FOR SUBDIVISION PLAN REQUIREMENTS

IT IS THE RESPONSIBILITY OF THE APPLICANT TO PRESENT A CLEAR UNDERSTANDING OF THE PROJECT.

The following checklists includes items generally required for development by the TOPSHAM LAND USE ORDINANCES and, due to projects specifics, are required to provide a complete and accurate set of plans, reports and supporting documentation.

- A) Paper size:
 - No less than 11" X 17" (reduced) or greater than 24" X 36" (full)

- B) Scale size:
 - Under 10 acres: no greater than 1" = 30'
 - 10 + acres: 1" = 50'

- C) Title block:
 - Applicant's name and address
 - Name of preparer of professional consultants with license numbers and professional seals
 - Parcel's tax map identification (map – lot)
 - Date of plan preparation

- D) Boundary survey performed and sealed by licensed surveyor:
 - Identify all existing boundary markers
 - Show all proposed boundary monuments
 - Show all metes and bounds, rights of way and easements
 - Show names of adjacent lot owners and parcel tax map numbers

- E) Provide orientation:
 - Arrow showing true north and magnetic declination
 - Graphic scale
 - Parcel Owners with map and lot numbers
 - Signature block for planning board

- F) Show location and description of:
 - Elevations of dwelling units. If applicable
 - All structures within 50 feet of the project parcel
 - All driveway entrances or accesses within 100 feet

- G) Show parcel data:

<input type="checkbox"/> Zoning District(s)	<input type="checkbox"/> Lots	<input type="checkbox"/> Lot Depths
<input type="checkbox"/> Street frontage	<input type="checkbox"/> Building setback lines	<input type="checkbox"/> Lot Areas
<input type="checkbox"/> Rights-of-way	<input type="checkbox"/> ROW area	<input type="checkbox"/> Parcel areas
<input type="checkbox"/> Wetlands	<input type="checkbox"/> Wetland setbacks	<input type="checkbox"/> Lot Widths
<input type="checkbox"/> Common tracts	<input type="checkbox"/> Easements	
<input type="checkbox"/> Shoreland Zoning setbacks		
<input type="checkbox"/> Exist. & New street names		
<input type="checkbox"/> Undisturbed areas		
<input type="checkbox"/> Note on the subdivision plan regarding areas to be taped off and protected until project construction is completed.		

- H) Label all zoning districts abutting the property boundaries.

- I) Show locations of natural physical features such as water bodies, watercourses, forest cover, and ledge outcroppings.

- J) Show the location of existing and proposed Utilities and identify which utilities are to be privately owned/ municipally owned:

<input type="checkbox"/> Overhead Electric	<input type="checkbox"/> underground electric
<input type="checkbox"/> Water mains	<input type="checkbox"/> Wells
<input type="checkbox"/> Sewer mains	<input type="checkbox"/> Test pits
<input type="checkbox"/> Leach fields	<input type="checkbox"/> Storm drain lines
<input type="checkbox"/> Culverts	<input type="checkbox"/> Gutters
<input type="checkbox"/> Stormwater storage basins	<input type="checkbox"/> level spreaders
<input type="checkbox"/> Rain gardens	<input type="checkbox"/> Nearest fire hydrant

SUBMITTALS THAT THE TOWN PLANNER DEEMS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE SCHEDULED FOR PLANNING BOARD REVIEW.

- K) Indicate required landscaping in Chapter 225 Section 29 including:

<input type="checkbox"/> Type of plant material	<input type="checkbox"/> Plant/Tree sizes
<input type="checkbox"/> Placement	<input type="checkbox"/> Irrigation systems

- M) Legal Documents:

<input type="checkbox"/> Easements	<input type="checkbox"/> Deed of Covenants
<input type="checkbox"/> Homeowners' Assoc.	<input type="checkbox"/> Deed Book & Page numbers
<input type="checkbox"/> Road Maintenance Docs	<input type="checkbox"/> Bonds, letters of credit, etc.
<input type="checkbox"/> W&S Districts Agreement to serve	

- N) Provide a vicinity map at a scale not more than **400 feet to the inch** showing the relation to other properties and geographic features and show:
 - All the area within five hundred (500) feet of the boundary line of the proposed development;
 - Any smaller area between the tract and all existing streets provided any part of such a street used as part of the perimeter for the locus map is at least five hundred (500) feet from any boundary of the proposed development.

- O) Show the locations of any:
 - Parks or Preserved Open space
 - Conservation easements
 - Note on the subdivision plan regarding areas to be dedicated for public use and conditions of such dedication.

- P) Include plans, profiles and typical sections of all roads and other paved ways, including all relevant street data.

<input type="checkbox"/> Intersections or	<input type="checkbox"/> Distance to nearest intersection
<input type="checkbox"/> Driveways onsite	<input type="checkbox"/> Distance to nearest driveway
<input type="checkbox"/> Sight visibility lines	

- Q) Show all existing and proposed lighting
 - Map of all street lighting, attached lighting, and area lighting
 - Location of lighted signs
 - Photo-metrics map

- R) Indicate the location of any permanently installed machinery likely to cause appreciable noise at the lot lines.

- S) Provide description of these materials stored on the property:

<input type="checkbox"/> Hazardous	<input type="checkbox"/> Toxic	<input type="checkbox"/> Raw Waste
------------------------------------	--------------------------------	------------------------------------

- T) Show existing contours and finished grade elevations onsite and sufficiently offsite to demonstrate how the project is situated in the surrounding environment.

- U) Indicate the location and dimensions of:

<input type="checkbox"/> Sidewalks	<input type="checkbox"/> Curbs	<input type="checkbox"/> Driveways
<input type="checkbox"/> Fences	<input type="checkbox"/> Retaining walls	<input type="checkbox"/> Other artificial features

- V) Copies of State and Local permit applications:
 - Identify named streams, rivers, ponds on-or-within 250' of site
 - Notice of Intent
 - NRPA
 - Permit by Rule
 - All other applicable permits

- W) Copy of FIRM Map showing the proposed subdivision boundary to scale.

NOTE TO APPLICANT: PRIOR TO ANY SITE WALK, TEMPORARY MARKERS MUST BE ADEQUATELY PLACED THAT ENABLE THE PLANNING BOARD TO READILY LOCATE AND APPRAISE THE LAYOUT OF THE PROPOSED DEVELOPMENT.

Submissions and Scheduling of an Item for Planning Board Review

1. An application will not be deemed complete until the applicant has submitted the signed original application, with all supporting documentation, payment of the application fees and nine (9) complete **collated** packets [4 - 24 x 36 plan sets and 5 – 11 x17 plan sets] containing one copy each of all supporting documentation in the following order:
 - a. The signed application form
 - b. Supporting documents such as:
 - i. A copy of the current deed to the property. If the applicant is not the owner; a contract to purchase or lease, or other form of right, title or interest. or agreement to purchase.
 - ii. A completed Agent Authorization form, if the applicant is represented by an agent; and
 - iii. Any Easement Deeds, reports, studies, etc. [Stormwater Reports]
 - c. Plan Sheets. [4 Full size (36" x 24") and 5 Reduced size (11" x 17") copies] Multiple plan sheets must be individually folded and bound with a rubber band or stapled together and folded. All plans and other oversized material must be folded to 9" x 12", with title displayed. **Rolled plans will not be accepted;**
 - d. Electronic thumb drive with all materials to be reviewed on it.
2. The Town Planner will forward the application, plans and supporting documents to the Town's peer review engineer and other professionals, as requested by the Planning Board.
3. The Review Staff, which includes the Town Planner, Assessing and Code Departments, Fire, Police and Public Works departments as well as the Town's Engineer, Topsham Water District, Topsham Sewer District will review all complete applications and the Town Planner will prepare a staff memorandum for the Planning Board.
4. Upon completion of staff memorandum for the next scheduled Planning Board meeting, the Town Planner will email, (as an attachment) the staff memorandum to the applicant or the applicant's agent, if applicable. Hard copies of staff notes will be distributed only upon request.
5. Only applications with sufficient information for review (as set forth in the Land Use Code) will be considered for placement on an upcoming Planning Board Agenda. Please note:
 - Space on an agenda may not be reserved by a call, letter, or partial submission.
 - Public Hearings are placed at the beginning of the Agenda.
 - Items tabled at previous meetings will generally receive scheduling priority over new applications, in order of how long each has been pending.
 - New applications will be placed on the Agenda on a first-come, first-served basis. If more items qualify for scheduling that can be considered by the Board at a single meeting because of the number or complexity of previously scheduled items, then excess items will be carried over to the next regular meeting.
 - Applications or projects of special significance to the Town of Topsham may receive scheduling priority on the Planning Board agenda at the discretion of the Planning Board chair.
 - Certain business will always be afforded agenda priority over all other business, as follows:
 - a. Advertised public hearings.
 - b. Business tabled at the previous meeting because of lateness.
 - c. Requests for reconsideration of action taken at previous meeting.

6. Meeting and Deadline dates for submittals are on the Planning webpage. (See Planning Board Meeting Schedule chart.) If documents, reports and plans are not included in the Planning Board packets at the time of distribution to the Board, the Town Planner will use discretion in distributing late items to the Board.
7. The conditions of approval must be added to the Plan for any subdivision, site plan or private way and the Plan shall be recorded at the Sagadahoc County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board. A dated copy of the recorded site plan shall be returned to the Town Planner prior to the start of site construction.
8. The final recording Mylar for any subdivision, site plan or private way may be signed by the Planning Board at the close of the meeting only if the mylar and four (4) paper copies have been filed with the Planning Department by noon on Monday one (1) week prior to a Planning Board meeting.



TOWN OF TOPSHAM PLANNING OFFICE

100 Main Street
Topsham, Maine 04086
PHONE: (207)725-1724 FAX: (207)725-1737

APPLICATION: PERFORMANCE GUARANTEE							
Property Description	Parcel ID	Map	R4	Lot	17A-1	Date of Final Plan Approval	under review
Project Address		Highland Green, 7 Evergreen Circle, Topsham, Maine					
Subdivision/Project Name		Highland Green Audubon Way Extension and Assisted Living Expansion Project - Phase 4D					
Applicant's or Applicant's Agent Information	Name	Chris Wasileski			MAILING ADDRESS	Owner: John Wasileski Central Topsham Associates II LLC Seacoast Management Company 20 Blueberry Lane, Falmouth, Maine Agent: Chris Belanger, Belanger Engineering cbelanger@roadrunner.com Agent Phone: 207-622-1462	
	Phone	207-233-4194					
	Fax						
	Email:	chrisw@oceanviewrc.com					
See the "Establishing a Performance Guarantee" attachment in this packet.							
COST ESTIMATE FORM	An itemized cost estimate is submitted for Audubon Way Extension phase 4D. Phase 4D includes the construction of Audubon Way up to Station 315+00 as shown on the submitted plans. Further an emergency gravel secondary access 20' wide will be extended to Tedford Road. Public only improvements are included in the estimate.						
PERFORMANCE GUARANTEE INFORMATION							
Type of Guarantee	<input type="checkbox"/> LETTER OF CREDIT		<input type="checkbox"/> OCCUPANCY RESTRICTION <small>Improvements to be completed by occupancy of AL Building</small>			<input type="checkbox"/> ESCROW ACCOUNT	
Specify Bank or other Institution	Pending cost review		Pending cost review			Pending cost review.	
ID #	LOC #:		CHECK #:				
Expiration or Completion Date			Fall 2022 estimate Audubon Way completion to Sta 315+00			To be confirmed	

I certify that the above information is true and accurate to the best of my knowledge.

SIGNATURE: APPLICANT OR APPLICANT'S AGENT

DATE

PRINT NAME

ESTABLISHING A PERFORMANCE GUARANTEE

All Performance Guarantees must be established through the Planning Office and approved by the Planning Board as reviewed by the Town Planner **prior to the review by the Planning Board.**

STEP ONE The applicant must submit an itemized cost estimate of the work that is to be secured by the Performance Guarantee to the Town Planner. A spreadsheet for cost estimation is attached. This itemized cost estimate must include all proposed public and quasi-public improvements including, but not limited to, road construction, fire ponds, public sewer and public water, roadway monumentation, and the installation of street trees, required landscaping, etc. The applicant must indicate the date by which all of the improvements will be completed.

STEP TWO The Town Planner will refer the itemized cost estimate for improvements to the Town's Engineer and Public Works Director who will review the proposed scope of work and cost estimates. Once the description of the work to be done and the estimated costs have been reviewed by the Town's Engineer and Public Works Director, the Town Planner will advise the applicant of any requested changes.

STEP THREE The applicant can then use the approved cost estimate to establish a Performance Guarantee with a local bank or other lending institution of his/her choice. The required Performance Guarantees can be one of several forms:

1. A Letter of Credit from a bank or financial institution that contains all of the items listed on the attached checklist;
2. Occupancy restriction; or
3. A Cash deposit via a certified bank check/treasurers check that is held in an escrow account by the Town of Topsham.

STEP FOUR The proposed form of the Performance Guarantee is submitted to the Town Planner by the applicant. The Planner will forward it to the Planning Board for review and approval.

STEP FIVE When the Planning Board has given final approval, the Town Planner will notify the applicant who can then ask the lending or bonding institution to prepare and submit a final guarantee document to the Town Planner.

STEP SIX When the Town Planner and the applicant have completed the performance guarantee, the Town Planner will notify the Planning Board that the performance guarantees are met and the Planning Board will sign a mylar of the Final Plan.

STEP SEVEN Prior to the pre-application meeting the applicant must record the Final Plan in the Sagadahoc County Registry of Deeds and must provide the completed Escrow agreement for field inspection with the escrow amount to the Town Planner.

If you have any questions, please contact the Town Planner at 207-725-1724.

See the Topsham ordinances for additional information regarding performance guarantees.

Town of Topsham, Maine

COST ESTIMATE WORKSHEET

OWNER/APPLICANT: Highland Green - Central Topsham Associates II LLC



PROJECT NAME: Audubon Way Road Extension Phase 4D

	<i>ITEM</i>	<i>UNIT</i>	<i>QUANTITY</i>	<i>UNIT COST</i>	<i>TOTAL</i>
1	Clearing and Grubbing	Acre	3	\$12,275.00	\$36,825.00
2	Erosion/Sediment Control	Lump Sum	3	\$5,000.00	\$15,000.00
3	Site Stabilization	Lump Sum	3	\$5,000.00	\$15,000.00
4	Ledge Removal	Lump Sum	1	\$50,000.00	\$50,000.00
5	Sanitary Sewer				
	Manholes	Each	8	\$4,500.00	\$36,000.00
	New 15" Main	Linear Foot	1000	\$45.00	\$45,000.00
	Assisted Living Services (2)	Linear Foot	50	\$28.00	\$1,400.00
6	Water Main				
	Main	Linear Foot	1500	\$115.00	\$172,500.00
	House Services	Linear Foot	70	\$88.00	\$6,160.00
	Hydrants	Each	1	\$6,500.00	\$6,500.00
7	Electric				
	Underground Utility Trench	Linear Foot	1500	\$12.00	\$18,000.00
	Conduit/Wiring	Linear Foot	1500	\$12.00	\$18,000.00
	Transformer Bases	Each	2	\$500.00	\$1,000.00
8	Storm Drainage				
	Pipe/Culvert	Linear Foot	2956	\$44.00	\$130,064.00
	Catch Basin	Each	16	\$4,500.00	\$72,000.00
	Underdrain	Each	3000	\$18.00	\$54,000.00
9	Stormwater Management				
	Level Spreader	Each	3	\$5,000.00	\$15,000.00
	Stromwater Management Facilities	Each	1	\$40,000.00	\$40,000.00
10	Excavate and Grade Subgrade	Cubic Yard	600	\$17.00	\$10,200.00
11	Roadways				
	Subbase Gravel	Cubic Yard	2109	\$20.00	\$42,180.00
	Base/Finish Gravel	Cubic Yard	438	\$25.00	\$10,950.00
	Base Paving	Ton	573	\$120.00	\$68,760.00
	Finish Paving	Ton	344	\$120.00	\$41,280.00
	Geotextile Fabric	Square Yard	0		\$0.00
12	Sidewalks				
	Subbase Gravel	Cubic Yard	0		\$0.00
	Base/Finish Gravel	Cubic Yard	277	\$25.00	\$6,925.00
	Base Paving	Ton	0		\$0.00
	Finish Paving	Ton	92	\$150.00	\$13,800.00
13	Parking Lots/Other Areas				
	Subbase Gravel	Cubic Yard	0		\$0.00
	Base/Finish Gravel	Cubic Yard	0		\$0.00
	Base Paving	Ton	0		\$0.00
	Finish Paving	Ton	0		\$0.00

Town of Topsham, Maine

COST ESTIMATE WORKSHEET

14	Curbing – Bituminous	Linear Foot	0		\$0.00
15	Curbing - Concrete	Linear Foot	3000	\$12.00	\$36,000.00
15	Curbing – Granite	Linear Foot	0		\$0.00
16	Pavement Striping	Linear Foot	3000	\$1.15	\$3,450.00
17	Guardrail	Linear Foot	500	\$25.00	\$12,500.00
18	Fencing	Linear Foot	0		\$0.00
19	Loam and Seed	1,000 Square Feet	95	\$150.00	\$14,250.00
20	Riprap	Cubic Yard	757	\$75.00	\$56,775.00
21	Landscaping	Lump Sum	1	\$18,000.00	\$18,000.00
22	Street Lights	Each	10	\$1,000.00	\$10,000.00
23	Site Lighting	Each	0		\$0.00
24	Monuments/Iron Pipes	Lump Sum	1	\$3,000.00	\$3,000.00
25	Clean Up	Lump Sum	1	\$2,500.00	\$2,500.00
26	As Builts	Lump Sum	1	\$5,000.00	\$5,000.00
27	Other				\$0.00
28	Other				\$0.00
29	Other				\$0.00
30	Other				\$0.00
31	Other				\$0.00

COST ESTIMATE TOTAL:

\$1,088,019.00

110% of TOTAL:

\$1,196,820.90

FOR OFFICE USE ONLY

EROSION CONTROL/SITE STABILIZATION BOND (IF APPLICABLE): _____

PERFORMANCE GUARANTEE REQUIRED: _____

Name: _____

Signature: _____

Date: _____



Ch Belanger



TOWN OF TOPSHAM

PLANNING OFFICE

100 Main Street, Second Floor

Topsham, Maine 04086

Phone: (207) 725-1724 • Fax: (207) 725-1737

APPLICATION: REQUEST FOR WAIVER									
PROPERTY DESCRIPTION	Parcel ID	Map		Lot		Zoning District		Total Land Area	
	Physical Address								
	Subdivision/Site Plan Name								
APPLICANT'S INFORMATION	Name				Date of preliminary plan approval				
	Email				Phone		Fax		
DESCRIPTION	Ordinance Section	CLEARLY Describe why this request is being made.							
	EXAMPLE CHP 175, SEC. 10 – ADDITIONAL LANDSCAPING STANDARDS.	***EXAMPLE*** Requesting a waiver of this ordinance since the existing landscaping meets the requirements of this section.							

SITE PLAN: CHAPTER 175, SECTION 13 - WAIVERS

The Planning Board may modify or waive any of the above application requirements or performance standards when the Planning Board determines that because of the special circumstances of the site such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and not adversely affect the abutting landowners and the general health, safety and welfare of the town.

STREET DESIGN AND ACCEPTANCE: CHAPTER 185, ARTICLE IV WAIVER PROCEDURE

A. The provisions of this chapter are the minimum standards for the protection of the public welfare. The Planning Board may grant a **waiver** from literal compliance with the mandatory provisions of this chapter if the applicant can demonstrate either 1) that compliance would cause hardship as it applies to a particular property, or 2) that an alternative proposal will allow for equal or better results than those stated in the standards above.

B. The approval of a **waiver** shall not have the effect of making null and void the intent and purpose of this chapter. In the approval of a **waiver**, the Planning Board may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this chapter.

C. Procedure for **waiver**. All requests for waivers shall be processed in accordance with the following:

- (1) A request for a **waiver** shall be submitted to the Town of Topsham Planning Office on any business day. The request shall be made in writing and identify a) the specific section of this chapter which is requested for **waiver**; b) the proposed alternative to the requirement, when applicable; and c) justifications for an approval of the **waiver** or appeal.
- (2) The Planning staff shall a) schedule the request for consideration by the Planning Board at a public meeting within sixty (60) days of receipt and b) provide adequate notice to the applicant and any other involved parties of the meeting to which consideration of the request is scheduled.
- (3) The Planning staff or Planning Board at their discretion shall refer the matter to the Town Peer Review Engineer for recommendations.
- (4) The Planning Board shall, following the consideration of the request, take such public action as it shall deem advisable.

SUBDIVISION: CHAPTER 191, SECTION 20 – VARIATION AND EXCEPTIONS

- 1) Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or injustices, the Planning Board may vary or modify such requirements so that the subdivider is allowed to develop his property in a reasonable manner, but so at the same time the public welfare and interests of the Town are protected and that the intent and spirit of these regulations, Chapter 225, Zoning, and the Comprehensive Plan are preserved.
- 2) When a variation or exception is granted to any of the improvements required by these regulations, the final plan shall indicate variances or exceptions granted and the date on which they were granted.

ZONING: CHAPTER 225, SECTION 27 – WAIVERS FOR PARKING PERFORMANCE STANDARDS

- (1) Waiver. The Planning Board may modify or waive any of the above performance standards when the Planning Board determines that because of the special circumstances of the site such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and not adversely affect the abutting landowners and the general health, safety and welfare of the Town.
- (2) The approval of a waiver shall not have the effect of making null and void the intent and purpose of this chapter. In the approval of a waiver, the Planning Board may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this chapter.
- (3) Procedure for waiver. All requests for waivers shall be processed in accordance with the following:
 - (a) A request for a waiver shall be submitted to the Town of Topsham Planning Office on any business day. The request shall be made in writing and identify a) the specific section of this chapter which is requested for waiver; b) the proposed alternative to the requirement, when applicable; and c) justifications for an approval of the waiver or appeal.
 - (b) The Planning staff shall a) schedule the request for consideration by the Planning Board at a public meeting within 60 days of receipt and b) provide adequate notice to the applicant and any other involved parties of the meeting at which consideration of the request is scheduled.
 - (c) The Planning staff or Planning Board at their discretion shall refer the matter to the Town Peer Review Engineer for recommendations.
 - (d) The Planning Board shall, following the consideration of the request, take such public action as it shall deem advisable.

The following corresponds to Chapter 175 of the Topsham Code
175-5 Site Plan content and application procedures

- A. *Map. A map or maps prepared at a scale of not less than one (1) inch to one hundred (100) feet and shall include:*

The Highland Green development is 663 acres over multiple lots. The enclosed master plan has a scale of 1"=300'. The assisted living project is located on Town Tax Map R4 Lot 17A-1. The site development plans have been prepared at appropriate scales to detail each area for construction. Phases 1-3 have been submitted, approved, and constructed since 2000. Phase 4D is proposed which includes the extension of Audubon Way (to Station 315+00). Phase 4D also includes the development of the Assisted Living Building on Lot 17A-1.

- (1) *Name and address of the applicant or his authorized agent and name of proposed development and any land within five hundred (500) feet of the proposed development in which the applicant has title or interest.*

Seacoast Management Company (20 Blueberry Lane, Falmouth, ME) has developed the Highland Green project since the project began. John Wasileski, owner of Seacoast Management Company has also developed the Highlands Retirement Community in Topsham and Oceanview Retirement Community in Falmouth. Representatives of Seacoast Management Company are Chris Wasileski and Christian Haynes. Chris Belanger, Belanger Engineering is an authorized agent for Seacoast Management Company. Address and phone numbers are provided on the application. The developer has been working in Town since the late 80's developing Highlands Estates and Highland Green.

- (2) *Existing soil conditions as described by either a soil scientist, geologist, engineer or SCS medium intensity soil surveys.*

A Class C medium-high Soils Survey was performed by Albert Frick Associates in the winter and spring of 2000. A copy of the plan was in the stormwater report. A copy was provided to the Town for the record.

<u>Soil Classification</u>	<u>Hydrologic Group</u>
Elmwood Fine Sandy Loam	"C"
Lyman-Tunbridge Rock	"D"
Rock Quarry / Made Lane	"D"
Adams Loamy Sand	"A"
Swanton Fine Sandy Loam	"D"

- (3) *Municipal tax maps and lot numbers and names of landowners within two hundred (200) feet of the boundaries of the proposed development.*

A list of abutting landowners for the property have been submitted. No new lots are being proposed but 48 units are being added. We have attached the submitted list which

includes Name and Addresses within 200'. The assisted living facility on lot R1 abuts the DOT and Town Maintenance facilities.

- (4) *Perimeter survey of the parcel made and certified by a registered land surveyor relating to reference points, showing true North, graphic scale, corners of parcels, date of survey and total acreage.*

A standard boundary survey has been completed by Paul Ruopp Surveying and Mapping. The proposed boundary and topographic plans are included in the plan set.

- (5) *Areas within two hundred (200) feet of the proposed development site, which shall include existing and proposed locations and dimensions of any utility lines, sewer lines, water lines, easements, drainage ways, and public or private rights of way.*

The site development plans showing residential cottages expansions for phases 1-3, Village Drive, Evergreen Circle, Mountain Road, and Audubon Way Road extensions have been submitted and approved previously. The partial completion of Audubon Way will be constructed in phase 4D to Station 315+00.

Water Service: The project will be serviced by Public Water provided by the Brunswick/Topsham Water District. An ability to serve letter is enclosed for your review. Water service will extend from an existing 12" water line located in the Coastal Connector constructed by Highland Green in 2000. A 12" main will be extended along Audubon Way.

Sewer Service: The project will be serviced by Public Sewer provided by the Topsham Sewer District. A 15" gravity sewer line has been installed from the existing line located in Middlesex and extended approximately 5000' along Tedford road to reach the development parcel. The existing 15" line will be re-located to accommodate the Assisted Living building and site development on Lot R-1. The road location has not changed since approved in 2019.

Power service has been extended from the existing power line bisecting the property. Phone and Cable service have been extend from Route 201 along the power line to the property.

- (6) *Location of buildings and other structures on parcels abutting the site.*

Abutting structures are shown on the submitted plans for your review. Most of the abutting structures are also part of the Highland Green project. The next closest building is the DOT and Town Maintenance facilities.

- (7) *If the site is not to be served by a public sewer line, then an on-site soils investigation report by a licensed soils evaluator shall be provided. The report shall contain the types of soil, location of test pits and proposed location of the best practical subsurface disposal system for the site.*

Not applicable to the project

- (8) *Location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of ingress and egress of vehicles to and from the site onto public streets and curb and sidewalk lines.*

The proposed road network and pedestrian access ways are shown on the plans. In addition a trail system has been developed for use by the residents and the public. The trails will interconnect to the golf course cart paths to create a pedestrian / golf cart network for resident use. The trail network does connect the heath, conservation areas, golf club house, community buildings, residential development pods, Mt Ararat High School, and the middle school. See Access, Pedestrian, and Trail access plans.

- (9) *Landscape plan showing location, type, and approximate size of plantings and location and dimensions of all fencing and screening.*

The landscape plans for the Assisted Living facility is attached as required by Staff.

- (10) *Topography indicating contours at interval of two feet in elevation as specified by the Planning Board.*

Contours are shown on the enclosed plans at a 2' contour interval for your review.

- (11) *Location of floodplains, aquifers, and aquifer recharge areas, if mapped.*

A copy of the FEMA map for the project has been provided with the overall project approval. The map indicates that the only area subject to the 100 year flood event, as mapped by FEMA, are along the Cathance River which will not be subject to any development. The Topsham Zoning map does not indicate any aquifer areas on the property.

- (12) *All revised plans will have a revised plan date and comments which reflect the changes.*

The plans are noted as required.

- (13) *Location of Wetlands and Vernal Pools.*

Wetlands were originally delineated by Woodlot Alternatives. Eco-Analysts have provided updated wetland delineations on proposed development areas. A potential vernal pool is located adjacent to the ecology center. See DEP and NRPA submittal completed in 2000 from Woodlot Alternatives. A copy of the DEP submission is on file at Town Hall. No vernal pools exist within the phase 4D development areas.

B. *Statement by applicant. A written statement by the applicant that shall consist of:*

- (1) *Evidence by the applicant of his title and interest in the land for which the application covers. Such evidence shall consist of a deed or a purchase and sales agreement.*

The Assisted Living Facility is located on lot R1 (Tax Map R4 Lot 17A-1) as shown on the Highland Green Subdivision Plans. The parcel is owned by Central Topsham Associates II LLC. Ownership documents are included in the application.

Copies of the most current deed for the properties are attached.

- (2) *A description of the proposed uses to be located on the site, including quantity and type of residential unit, if any.*

The facility will be an Assisted Living and Memory Loss care facility for Senior Citizens.

- (3) *Gross floor area and ground coverage of each proposed building and structure, percentage of lot covered by each building or structure and percentage of lot remaining in vegetation.¹*

Total Area = 22.40 acres

Building = 24,893 s.f. (0.57 acres) , Paved = 42,931 s.f. (0.99 acres)

Impervious=1.56 acres

Developed Area (DA) = 3.63 acres, Lawns=2.07 acres

% Lot Coverage (Building) (floor area ratio) = $1.05 / 22.4 = 0.025 = 2.5\%$

% Lot Coverage (Impervious) = $1.56 / 22.4 = 0.069 = 7\%$

% Lot Developed (Impervious and Lawns) = $3.63 / 22.4 = 0.162 = 16.2\%$

% Lot Landscaping (open space ratio) = $18.77 / 22.4 = 0.838 = 84\%$

- (4) *Summary of existing and proposed easements, restrictions and covenants placed on the property.*

Easements are proposed for storm drain facilities for inspection and maintenance. The storm drain outlets into stone berm level spreaders and forested buffers adjacent to the stream. These are shown on the subdivision plan.

- (5) *Method of solid waste disposal.*

Highland Green currently receives rubbish pick-up and removal from Pine Tree Waste, Inc. The existing service will be expanded to include the new Highland Green Assisted Living facilities. Normal household rubbish will be stored in dumpsters in the rear of the building.

- (6) *Erosion and sedimentation control plans and stormwater management plans in conformance with § 225-34, Stormwater management, which*

¹ All proposed structures will be submitted separately

*have been approved by the Androscoggin Valley Soil and Water Conservation District or the Town's designated review engineer.
[Amended 5-17-2017 STM, Art. 13]*

This project has undergone a detailed review by the Department of Environmental protection. The latest DEP Board Order approving Phase 4D Assisted Living facility is enclosed for your review. This submittals included final construction details, storm drain basin sizing, and erosion control. DEP has indicated it does not require additional review as a result of the two story building and the proposed revisions to the site plan including adding two ponds. We have submitted final plans for phase 4D for re-approval. We have updated and submitted the stormwater report specific to this phase.

(7) *Repealed*

(8) *A statement from the Fire Chief as to the availability and adequacy of fire hydrants and/or fire ponds or provisions of fire protection services.*

Hydrants shall be spaced roughly 500' apart or at key building clusters and will follow the road system. Specific hydrant locations are shown on the construction plans. We have submitted the plans to the Topsham Fire Chief for review. A statement from the fire chief is expected prior to final approval.

(9) *If public water and/or sewer are to be used, a statement from the water and/or sewer district or utility as to the availability of public water and/or sewer lines.*

Ability to serve letters from the Brunswick / Topsham Water District and the Topsham Sewer District have been obtained. Copies are submitted.

(10) *A recommendation from the Town Engineer, Public Works Director or Road Commissioner on proposed road or street design and layout.*

We have submitted the construction plans to the Town Review Engineer and the Public Works Director for review. A recommendation from the public works director and Town Engineer is expected prior to final approval.

(11) *An estimate of the date when construction will start and when the development will be completed.*

We expect to begin construction in the fall of 2021 and finish in the spring of 2023.

(12) *Performance Guarantee method and draft instrument.*

The developer proposes to complete the public improvements prior to occupancy of the Assisted Living Building. A draft Performance Guarantee application is attached.

- (13) *If there is a vernal pool(s) on the property, a statement indicating how the site has been designed to minimize the impact on the vernal pool and its adjacent habitat except for projects involving vernal pool mitigation in accordance with § 225-20.2, Vernal Pools Overlay District. If the vernal pool(s) is subject to state or federal regulation, evidence of compliance with those regulations must be included. If the applicant is proposing to use the provisions of § 225-20.2, Vernal Pools Overlay District (VPO District), with respect to vernal pool mitigation, evidence of payment of the vernal pool mitigation fee or the completion of permittee-responsible mitigation activities shall be provided. [Added 5-18-2016 STM, Art. 14; amended 5-17-2017 STM, Art. 14]*

During the Master Planning we met with Maine DEP, ACOE, and US Fish and Wildlife in 2000. We developed conservations areas and educational facilities to preserve the vernal pool and provide educational opportunity with the SAD 75 school District. A conservation easement of 230 acres has been preserved around the interior heath and provided a 1000' buffer natural buffer along the Cathance River. The plans were approved by ACOE and Maine DEP in 2000. No vernal pools are located within the phase 4 areas.

A. *Application fee. All applications for site plan review shall be accompanied by a fee and deposit as indicated in Chapter 109 of the Town Code. [Amended 5-20-2004 STM, Art. 16]*

B. *Performance guarantees. [Amended 5-21-2003 STM, Art. 11]*

(1) *At the time the Planning Board grants final or conditional site plan approval, the applicant shall agree to meet all terms and conditions of approval, and to complete all improvements in accordance with the approved plans and supporting documentation, and with these regulations and standards, unless otherwise waived in accordance with this ordinance.*

(2) *All performance guarantees shall include a construction schedule, itemized cost estimates for each element of the project, provisions for inspections of each phase of construction, provisions for the release or partial release of the guarantee to the developer, and a date after which the developer will be in default and the Town will have access to any remaining funds to finish construction of site improvements.*

(3) *The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage, soil erosion controls, utility extensions, off-site improvements, landscaping and other site improvements specified on*

the final plan within two years of the date of the performance guarantee.

(4) The performance guarantee shall consist of one or more of the following forms, or other forms as may be found acceptable to the Planning Board:

(a) Escrow account: Funds deposited with the Town of Topsham, deposited into a joint savings account between the applicant and the Town, or used for the purchase of a joint certificate of deposit. Withdrawals by the applicant shall only be allowed following approval by the Planning Office. Withdrawals by the Town of Topsham shall be permitted without the applicant's approval, pursuant to the performance schedule and default dates in the performance guarantee.

(b) Letter of credit: An irrevocable letter of credit, issued by a state or federally chartered bank or credit union in the name of Town of Topsham, shall indicate that funds have been set aside for the construction of all site work and may not be used for any other portion of the project. The Town may draw from the fund if construction is inadequate or incomplete. The Town will determine in its sole judgement the adequacy of the letter of credit and the issuing institution.

(c) Occupancy restriction: A statement signed by the developer that he/she will not seek a certificate of occupancy until all site

§ 175-7 SITE PLAN REVIEW § 175-8

improvements are completed in accordance with the approved plans, as determined by the Town Planner.

- (5) Extension. The Planning Board may recommend a maximum extension of 12 months to the guaranteed performance period when the applicant can demonstrate, to the satisfaction of the Board and the municipal officers, good cause for such extension. Such recommendation shall be referred to the municipal officers for official action.*
- (6) Release. Before an applicant may be released from any obligation requiring his guaranty of performance, the Planning Board will require certification from appropriate municipal officers and consultants, if any, to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards (state, federal and local codes, ordinances, laws and regulations).*

C. Consultant fees.

- (1) The Planning Board reserves the right to obtain an independent evaluation of a proposed development, to assist it in making necessary findings of fact. If the Planning Board deems such study necessary, it will request a reasonable additional sum from the applicant to defray the cost of such study or studies. Any funds not utilized for consultant studies will be returned to the developer.*
- (2) The Planning Board may require that the applicant establish an escrow or other type of fund to cover the cost of conducting reasonable inspections of the proposed development to ensure compliance with all conditions of the approved application.*

175-8. Performance standards

*The following standards are to be used by the Planning Board in judging applications for site plan reviews and shall serve as minimum requirements for approval of the site plan. The Planning Board shall also use the performance standards contained in **Chapter 225, Zoning, Articles VII and VIII**, of the Code when reviewing applications under this chapter. The site plan shall be approved, unless in the judgment of the Planning Board the application is not able to reasonably meet one (1) or more of the standards in this section or in **Chapter 225, Zoning, Articles VII and VIII**. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application.*

- A. *Preserve and enhance the landscape. The landscape shall be preserved in its natural state isofar as practical by minimizing tree removal, disturbance of soil and retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted that will define, soften, or screen the appearance of off-street parking areas from the public right of way and abutting properties and/or to minimize the encroachment of the proposed use on neighboring land uses. Landscaping shall conform to the provisions of §175-10*

The developer has worked very hard to develop an inviting development to attract retirees to the area. Landscaping is a high priority to the developer. Landscaping of the buildings will blend in with the existing natural features of each specific area. We are maintaining a 75'+/- buffer area surrounding the adjacent stream. Existing natural features will be preserved whenever possible.

- B. *Relationship of the proposed buildings to environment. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity which have a visual relationship to the proposed buildings. Special attention shall be paid to the bulk, location and height of the building(s) and such natural features as slope, soil type and drainage ways. The architectural design of the project shall conform to the provisions of §175-11.*

The proposed project has been developed to fit with the existing site features. The building will be developed to minimize impacts on steep slopes and natural drainage ways. The bulk, location and height of the buildings will meet the requirements of the Topsham Ordinance as required. No adverse impacts to abutting properties will result from this development.

- C. *Vehicular access. The proposed site layout shall provide for safe access and egress from public and private roads by providing adequate location, numbers and control of access points, including site distances, turning lanes and traffic signalization when required by existing and projected traffic flow on the municipal road systems.*

Audubon Way will be extended as required to provide access to the proposed Assisted Living Facility. The remaining existing gravel road to Tedford will be widened to provide emergency second access to Tedford Road. The proposed entrance has 250' of sight distance in both directions along Audubon Way.

- D. *Parking and circulation. The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives and parking areas shall provide for safe and general interior circulations, separation of pedestrian and vehicular traffic, service traffic, loading areas and arrangement and use of parking areas. The design of parking lots shall conform to the provisions of §175-12.*

Vehicle Access and 54 Parking spaces are provided on site. Pedestrian sidewalks are shown on the plans. A 12' fire lane is provided in the back of the building. Adequate Fire Truck and Garbage Truck turn around is provided on site. Commercial Loading areas are shown in the rear of the building. The walks connect to the Town sidewalk along Audubon.

- E. *Surface water drainage. Adequate provision shall be made for surface drainage in conformance with § 225-34, Stormwater management, so that management of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion or the public storm drainage system. Whenever possible, on-site absorption of runoff waters shall be utilized to minimize discharges from the site. Green roof technologies, gray water systems and porous pavement systems may be utilized to minimize discharge from the site and provide on-site irrigation. In general, low-impact development standards as established by the Maine DEP and defined elsewhere are encouraged to mitigate on-site and off-site impacts of stormwater. **[Amended 5-20-2009 STM, Art. 15; 5-17-2017 STM, Art. 13]***

A detailed stormwater management report for Phase 4D is provided under separate cover. See Phase 4D stormwater report dated July 20, 2021.

- F. Existing utilities. The development shall not impose an unreasonable burden on sanitary sewers and storm drains, water lines or other public utilities.*

Ability to serve letters from the Brunswick / Topsham Water District and the Topsham Sewer District have been provided and demonstrate the systems capacities to handle the development.

- G. Advertising features. The size, location, design, lighting and materials of all exterior signs and outdoor advertising structures and the surrounding properties.*

The project signs will be submitted to the planning department for their review and approval under separate cover.

- H. Special features of the development. Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall have sufficient setbacks and screening to provide an audiovisual buffer sufficient to minimize their adverse impacts on other land uses within the development area and surrounding properties.*

Mechanical units, Dumpster and Compactor units will be located behind the building. These facilities will be surrounded by Cedar Fence. Commercial kitchen loading areas are located in the rear of the building. The loading areas is adequately screen from adjacent residents. A forested buffer is located between the new building and the DOT and Town maintenance facilities.

- I. Exterior lighting. All exterior lighting shall be designed to minimize adverse impact on neighboring properties. Exterior lighting shall conform to the provisions of §175-9.*

Lighting for the roads are cut off luminaries. Village Drive, Mountain Road, Audubon Way, and Evergreen Circle has light poles located along the roadways. Lighting expansion is on-going per phase. Fixtures remaining consistent with existing facilities. We have included catalog cut of the street light. On site lighting for the assisted living facility has been designed to minimize impacts to abutting properties. See Mancini Electric Plans and Photometrics in the submitted plan sets.

- J. Emergency vehicle access. Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.*

As stated above the parcels primary access is Audubon Way located off the Village Drive. A second emergency access, Audubon Way, will connect to Tedford Road. An existing gravel road exists at the end of Tedford Road which will serve as emergency access through construction. This road will be widened to 20' as required. Emergency vehicles have convenient and safe access to structures at all times. Emergency connections will be plowed and maintained to provide year round access.

- K. Municipal services. The development will be considered in terms of its impact on municipal services, including municipal road systems, Fire Department, Police Department, solid waste program, sewage treatment plant, schools, open spaces, recreational programs and facilities and other municipal services and facilities.*

The development project will not result in undue impact on municipal services in Town. The staff will review current proposals as submitted.

- L. The development will not result in undue water pollution. In making this determination it shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and, if necessary, their ability to adequately support waste disposal and/or any other DEP approved licensed discharge; the slope of the land and its effect on effluents; the aquifers and aquifer runoff; and the applicable federal, state, and local laws, ordinances, codes and regulations.*

The project will not result in undue water pollution for the project. Resource protection areas have been preserved from development. No significant aquifers are located on the property. The project will be service by public utilities for water supply, wastewater collection and treatment, and solid waste collection and disposal. The project development area is not located in a flood plain. Copies of all applicable FEMA maps have been previously submitted.

- M. The development will not result in undue air pollution. In making this determination it shall consult federal and state authorities to determine applicable air quality laws and regulations.*

The project is a residential retirement community with amenities to support the residents. No industrial or heavy commercial uses are proposed. Typical air emissions created will be limited to exhaust from vehicles such as cars,

mechanical units supporting the building, construction equipment, and dust from the construction of the project.

Control of fugitive dust emissions was built into the construction plan by limiting the amount of open areas at any one time. The contractor has been responsible to maintain dust controls during dry periods with water or applications of calcium chloride. Once the sites has been seeded and becomes operational, the expansive green space should cause no adverse non-point air emissions.

N. Water; future needs. The development has sufficient water available for the reasonably foreseeable needs of the development.

An ability to serve letter was received from the Brunswick / Topsham Water district indicating their willingness and ability to serve the development project.

O. Existing water supply. The development will not cause an unreasonable burden on an existing water supply, if one is to be utilized.

An ability to serve letter was submitted from the Brunswick / Topsham Water district indicating their willingness and ability to serve the development project.

P. Erosion. The development will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

The submitted plans addressed temporary and permanent erosion and sedimentation control measures and details for the overall project construction.

Q. Sewage. The development will provide for adequate sewage disposal.

The project will connect to the municipal sewer system. An ability to serve letter from the Topsham Sewer District was submitted.

R. Natural beauty; historic site; habitat. The development will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.

(1) If any portion of the land within the proposed development has been identified as containing historic or archaeological resources by the Comprehensive Plan, the Town of Topsham Historic District Commission or the Maine Historic Preservation Commission, the development proposal shall include appropriate measures for protecting these resources, including but not limited to modification of the proposed design of the site, timing of construction and limiting the extent of excavation.

- (2) *If any portion of the land within the proposed development is located within a medium or high potential archaeology zone as delineated on the Cultural Resource Protection Zone Map and the Comprehensive Plan, a phase I reconnaissance level archaeological survey shall be conducted, unless those lands have previously been surveyed in accordance with Maine Historic Preservation Commission guidelines.*
- (a) *The requirement for a survey may be waived for those lands which are proposed to be left in their natural state, undisturbed or undeveloped. The plan shall, by notes on the final plan and deed restrictions, prohibit the development of those areas designated on the plan.*

The Maine Historic Preservation Commission (MHPC) was contacted to determine the presence of mapped structures or archaeological sites of historic significance. In the response letter from Mr. Earle Shettleworth, the MHPC suggested that a Phase 1 archeological study be performed. The study was completed as requested.

The applicant contracted with Deborah Wilson, archeological consultant, who performed an investigation of the property. A copy of Ms. Wilson's final report is included in the DEP submission package which is on file.

The phase 1 archaeological survey concluded that no prehistoric cultural material was encountered during the survey. They conclude that development of the property will not impact potentially significant cultural resources, and the report recommends that no further work be carried out there.

We obtained an updated MHPC letter in 2019 as part of the DEP permit amendment submission.

- (3) *If any portion of a proposed development lies within:*
- (a) *Two hundred fifty feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife or the Comprehensive plan as:*
- [1] *Habitat for species appearing on the official state or federal lists or endangered or threatened species;*
- [2] *High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;*
- [3] *High and moderate value fisheries habitat, including spawning and nursery areas;*
- (b) *One thousand three hundred twenty feet of an area identified and mapped by the Department of Inland Fisheries and Wildlife or*

- other agency or report as a high or moderate value deer wintering area or travel corridor;*
- (c) *Or other important habitat areas identified in the Comprehensive Plan, the applicant shall demonstrate that there shall be no adverse impacts on the habitat and species which it supports. A report prepared by a qualified wildlife biologist with demonstrated experience with the wildlife resource being impacted shall be submitted. This report shall assess the potential impact of the development on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the development will have no adverse impacts on the habitat and the species which it supports.*

No known mapped “Essential Habitats” as mapped by the Maine Department of Inland Fisheries and Wildlife are located on the project.

In 2019, we requested and received an updated letter from Maine Fish and Wildlife as part of the project amendment update for phases 4 A-D and is on record.

- (4) *If the development site contains one or more vernal pools, all activities shall be carried out to minimize the impact on the vernal pools except for projects involving vernal pool mitigation in accordance with § 225-20.2, Vernal Pool Overlay District. All development activities shall be located to conserve the vernal pools plus the necessary terrestrial amphibian post-breeding habitat adjacent to each pool to the maximum extent reasonable consistent with the proposed use of the property unless vernal pool mitigation is proposed.*

No vernal pools exist within the project area.

- (S) *Shoreland areas. Whenever situated in whole or in part within two hundred fifty (250) feet to any pond, lake, river or tidal waters, the development will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.*

Not applicable to this development. No shoreland and natural resource protection areas are located within the project areas.

§ 175-9. Additional lighting standards.

Lighting should conform to the following standards if deemed practicable by the Planning Board:

- A. General lighting design.*
 - (1) All light fixture specifications and light levels shall at least meet the minimum standards established by the Illuminating Engineering Society of North America (IESNA) for each particular land use.*
 - (2) Parking lot, roadway, pedestrian, signage and exterior building lighting shall provide safe passage for vehicles and pedestrians as well as selectively accent buildings and the landscape. Light pollution to abutting uses shall be minimized by using minimum required light levels and by using cut off fixtures.*
 - (3) The style of the light fixtures and standards shall be consistent with the architectural style of the principal building and/or streetscape.*
 - (4) Lighting design shall reinforce pedestrian and vehicle circulation systems and accent intersections and entrances.*
 - (5) Lighting with a lumen output equal to or greater than a two-hundred-watt mercury light shall not be directed towards the sky or adjacent properties.*
 - (6) No rotating or flashing lights or signs, except safety signaling devices required by law, are permitted.*
- B. Site plan approval. A lighting plan, prepared by a registered engineer, shall be submitted as part of site plan approval that includes the following:*
 - (1) A site plan showing buildings, landscaping, parking areas and all proposed exterior fixtures.*
 - (2) A written narrative describing the intent of the lighting plan.*
 - (3) Photometric analysis plan which shows light distribution and footcandle levels.*
 - (4) Proposed mounting heights and specifications for all mixtures.*
- C. Energy conservation. Timers, photosensors, dimmers and other energy-saving devices should be utilized to conserve energy and limit negative impacts of lighting.*
- D. Glare.*
 - (1) All light fixtures shall be shielded to a maximum of 90° above horizontal. Seventy-five degrees above horizontal is recommended.*
 - (2) Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians or from adjacent dwellings.*
 - (3) Direct or indirect illumination shall not exceed 0.5 footcandle upon abutting residential properties.*
- E. Roadway lighting.*
 - (1) Light poles and fixtures shall be on the same side of the street as the sidewalk, wherever practicable.*
 - (2) Height of freestanding fixtures shall not exceed the height of the principal building.*

F. Parking lot lighting. Parking lot lighting shall be kept to a minimum to avoid glare and sky glow from pavement reflection and shall not visually compete with surrounding commercial uses and signage.

- (1) Parking lots for a typical commercial use shall have a minimum of 0.2 footcandle and a maximum of 2.0 footcandles unless a different standard is established in Chapter 225 for the zone in which the use is located. Light distribution shall have a uniformity ratio of 4 to 1. (The average footcandle for the lights cannot be more than four times greater than the minimum footcandle.) [Amended 5-24-2007 STM, Art. 15]*
- (2) Light poles shall be placed in locations to avoid damage from vehicles. Consideration shall be given to the growth of trees which might affect the distribution of light.*
- (3) Height of freestanding fixtures shall not exceed the height of the principal building and shall be held to the scale of the project. The limitation on fixture height shall not apply within the BP Zone and the CC 196 Zone but fixtures shall be located at the lowest reasonable height that allows for illumination that complies with the uniformity ratio of Subsection F(1) above and is in keeping with the scale of the project. [Amended 5-24-2007 STM, Art. 15]*
- (4) Parking lot lights for clubs in an R-1 or R-2 Zoning District shall be shielded to 75 degrees, with no lenses visible below the housing.*

[Added 5-24-2006 STM, Art. 15]

G. Pedestrian lighting

- (1) The use of bollard lights and decorative pole-mounted fixtures is encouraged. The height of fixtures shall be less than parking lot lighting to create more human-scaled spaces.*
- (2) Walkways should have a 0.6 average footcandles, and steps and accessible ramps shall have an average of 10.0 footcandles. Entrance areas should have a minimum of 5.0 footcandles and maximum of 10 footcandles.*

H. Gas station/canopy lighting.

- (1) Canopy lights shall be recessed flush into the ceiling of the canopy to reduce glare.*
- (2) The area around gas pumps shall have an average horizontal illuminance of 30.0 footcandles or less. Maximum light levels shall only apply to the area below the canopy and within 20 feet of the canopy.*
- (3) Parking areas, walkways and drives associated with the service station shall follow light level guidelines established elsewhere in this section.*
- (4) Illumination for building facades and other active service structures shall not exceed 5.0 footcandles.*
- (5) Lights shall not be mounted on the sides or top of canopies.*

I. Building/landscape lighting.

- (1) Maximum building illumination shall not exceed 5.0 footcandles.*

- (2) *Facade lighting that is aimed downwards is preferred. Any lighting aimed up to illuminate a facade or landscaping shall be properly shielded to avoid sky glow and glare on adjacent walkways, roads or properties.*
- (3) *Wall mounted lights on clubs in an R-1 or R-2 Zoning District shall be fully shielded with no light spillage above seventy-five degrees. Lenses shall not be visible below the housing.*
[Added 5-24-2006 STM, Art. 15]

The assisted living project meets the lighting standards of 175-9 as required. See Mancini Plans with lighting details and photometrics. Lighting along Audubon Way will match the lighting along Village Drive and Audubon Way.

§ 175-10. Additional landscaping standards.

A. General landscape design.

- (1) *Landscaping (trees, shrubs, perennials, annuals, evergreens, grasses and site structures) shall be part of the site plan and shall be detailed in a landscape plan submitted as part of site plan review. Landscaping shall conform to following standards if deemed practicable by the Planning Board. The landscape plan shall be prepared by a registered landscape architect or qualified landscaping firm.*
- (2) *The landscape plan shall include:*
 - (a) *The location, type and size of all existing trees a four-inch caliper and greater measured six inches above the ground and general areas and types of understory shrubs and ground cover.*
 - (b) *The location and type of all proposed plantings.*
 - (c) *A matrix detailing the type, size and spacing of proposed plant materials.*
- (3) *Trees, shrubs and other plant materials shall reinforce pedestrian and vehicle circulation systems, provide seasonal interest, break down large spaces into smaller spaces, accent buildings and screen parking and loading areas.*
- (4) *Plant material native to the Midcoast area and tolerant of local climatic conditions are recommended.*
- (5) *The mature form and size of trees and shrubs and other plant material shall not interfere with pedestrian and vehicular circulation, signage, lighting and above ground and buried utilities.*
- (6) *All plantings shall be selected with an understanding of their maintenance requirements. Leaf and seed litter, strength of branches, fertilizer and irrigation requirements shall be taken into consideration when preparing a landscape plan.*
- (7) *Prior to the issuance of any building permit, the applicant shall furnish the Town of Topsham a bond, letter of credit or other form of security. The security shall be filed with the Planning Office at the time of the*

submission of the final plan. The security shall be in an amount sufficient to defray all expenses. The bond shall be binding for a minimum of three years and shall be subject to the condition that required plantings be maintained in accordance with the terms of the site plan approval and in good and healthy condition. Notwithstanding the requirement of a bond from the applicant, the owner of any premises approved by the Planning Board under any section of this chapter shall have a continuing obligation to maintain required plantings in accordance with the terms of the site plan approval and in good and healthy condition.

- B. Parking lot landscape design. The provisions of this subsection shall not apply to development within the BP Zone and the CC 196 Zone. The Planning Board may require that new development in these two zones comply with some or all of these requirements to the extent that they are consistent with the planned use.*

[Amended 5-24-2007 STM, Art. 15]

- (1) Trees and shrubs within and surrounding parking areas should be part of the overall design concept for a site plan. Berms are not recommended as a screening technique.*
 - (2) Canopy trees in parking lots shall be a minimum of 2 1/2 inches to three inches caliper measured six inches off the ground.*
 - (3) Trees in parking lots and pedestrian ways shall be of a sufficient type and height and maintained so that lower branches are eight feet above the ground.*
 - (4) One canopy tree shall be planted every 14 parking spaces throughout the interior of parking lots. Trees required for the interior of the parking lot cannot count towards trees required for buffering or front setback landscaping. Parking lots with less than 14 spaces will have a minimum of four street trees spaced evenly around the lot.*
 - (5) A landscape island, minimum width the same as the required width of a parking space, is required every other row of parking. Grass or groundcover is recommended for the islands.*
 - (6) All rows of parking shall end in a landscaped island the same size as a required space. One street tree shall be planted in each end landscaped island. In the case of a double row of parking, the end island will be the size of two parking spaces. Trees required for end island(s) cannot count towards the required one tree per 14 spaces.*
 - (7) Trees and shrubs planted within parking lot islands shall be a minimum of four feet from the edge of a parking or drive lane.*
 - (8) Areas for snow storage shall be included in the landscape plan.*
 - (9) For appropriate parking lot trees, see § 175-10B(2).*
- C. Street tree landscape design.*
- (1) Canopy trees shall be planted within the public right-of-way every 30 feet of street frontage and shall not be located directly under overhead utilities in order for the tree to develop its mature form. If a pattern of street trees exists on a street then the spacing and type of new street trees shall match the existing spacing and form. The intention is to create a welldefined and*

consistent street corridor. Street trees installed in the LV, VC, LI, BP2 and R4 Zones within a hardscape streetscape design shall be planted in five foot by five foot (5') tree pits with tree grates or landscaped beds with the tree trunk a minimum of two feet (2') from the curb. This requirement does not apply to the Rural Commercial Use and Industrial Zones.[Amended 5-20-2009 STM, Art. 15]

- (2) *Canopy trees planted as street trees should be a minimum of three inches to 3 1/2 inches caliper six inches off the ground. Canopy trees planted as in parking lots should be a minimum of 2 1/2 inches to three inches caliper measured six inches off the ground. Recommended canopy trees include, but are not limited to:*

Common Name	Latin Name
Green ash	<i>Fraxinus pennsylvanica</i>
Shademaster honeylocust	<i>Gleditsia triacanthos inermis</i> Shademaster
Norway maple	<i>Acer platanoides</i>
Red maple	<i>Acer rubrum</i>
Red oak	<i>Quercus rubr</i>

- (3) *Trees should be planted a minimum of three feet from sidewalks and 10 feet from sewer or water lines.*

- (4) *Trees and overhead and buried utilities shall be coordinated as to not interfere with each other.*

D. *Landscape specifications. The following are minimum sizes for required plantings (caliper measured six inches above the ground):*

Plant Type	Size of Plant Material Adjacent to Vacant Land	All other Plantings
Canopy Tree (CT)	1 1/2 inch caliper	Min. 2inch caliper
Understory tree (UT)	4 feet (height)	1 1/2 inches caliper
Multistem clump (MSC)	6 feet (height)	8 feet (height)
Evergreen tree (ET)	3 feet (height)	5 to 7 feet (height)
Deciduous shrub (DS)	15 inches (height)	24 inches (height)
Evergreen shrub (ES)	12 inches (height)	18 inches (height)

E. *Planting setback requirements for Commercial Corridor, Limited Industrial, Mixed Use Commercial, including the MUC-1, Mixed-Use Limited and Rural Commercial Use Zones.*

[Amended 5-20-2007 STM, Art. 18; 5-24-2007 STM, Art. 15; 5-20-2009 STM, Art. 15]

- (1) *For the Commercial Corridor, Limited Industrial and Mixed-Use Commercial, including the MUC-1, Mixed-Use Limited and Rural Commercial Use Zones, setbacks shall only be used as a landscape buffer except for access drives which run perpendicular to the setback. Setback planting requirements are separate from interior parking lot planting and street tree requirements. For the Limited Industrial Zone, these standards*

are required for any parcel with frontage on Route 201, even if the Route 201 frontage is not considered the front setback for the parcel.

- (2) After creating the allowable number of driveways per lot, 80% of all trees over four inches caliper measured at a six-foot height shall be maintained. Within the Rural Commercial Use and Mixed-Use Limited Zones in addition to preserving 80% of all trees over a four-inch caliper measured at a six-foot height, 50% of all underbrush, evenly distributed through the setback shall be saved. Trees can be limbed up to eight feet. If existing vegetation is saved [and at least meets the minimum requirements of § 175-10E(4)] within the setbacks, part or all of the required plantings can be waived by the Planning Board. Healthy, existing vegetation of appropriate size is preferred over new plantings. If the existing condition of the site is bare of trees and/or shrubs then the planting requirements in § 175-10E(4) shall be met.*
- (3) Existing developments coming before the Planning Board for improvements shall be required to install a five-foot minimum wide landscaped buffer at the front property line, unless waived by the Planning Board in accordance with the Zoning Ordinance. One-half (rounding up) of the setback planting requirements as outlined in the revised performance standards, § 175-10E(4), planting setback requirements, shall be required.*
- (4) The following planting guidelines shall be followed for setbacks. Setback planting requirements are separate from requirements for parking lots. Setback plantings shall be part of the overall design for the landscape site plan.*
 - (a) For every 100 lineal feet of frontage in the Rural Commercial Use and Mixed-Use Limited Zones, the following plants are required:*
 - (1) Four canopy trees 2 1/2 inches minimum caliper.*
 - (2) Three understory trees.*
 - (3) Three multistem clumps.*
 - (4) Twenty deciduous shrubs.*
 - (5) Three evergreen trees.*
 - (b) In the Commercial Corridor, Limited Industrial, Commercial Corridor 196, Mixed-Use Commercial, Mixed Use Commercial One Zones for every 100 linear feet of frontage, the following plants are required:*
 - (1) Two canopy trees at 2 1/2 inches caliper minimum or required number of street trees at three inches caliper minimum.*
 - (2) Two understory trees.*
 - (3) Three multistem clumps.*
 - (4) Five evergreen trees.*
 - (c) For every 100 lineal feet of side and rear lot lines in the Mixed-Use Commercial, including the MUC-1, Commercial Corridor,*

Mixed-Use Limited and Rural Commercial Use Zones, the following plants are required:

- (1) Three multistem clumps.*
- (2) Ten shrubs.*
- (3) Ten evergreen shrubs.*
- (4) Five evergreen trees.*

(5) Service areas, loading docks and utilities may require screening beyond the requirements of this section and shall meet the requirements of § 175-10E.

F. Commercial buffering. Commercial and industrial uses shall conform to the following:

- (1) Within the CC, RCU, MUL, MUC, MUC-1, MV, R4 and BP2 Zones, 80% of all trees over three inches caliper at a four-and-one-half-foot height in the front setback shall be maintained, excluding one twenty-six-foot wide access road. [Amended 5-24-2007 STM, Art. 15; 11-13-2008 STM, Art. 8; 5-20-2009 STM, Art. 15]*
- (2) Within the CC, RCU, MUL, MUC and MUC-1 Zones, existing developments coming before the Planning Board for improvements shall be required to install a five-foot minimum wide landscaped buffer (where none currently exists) at the front property line unless waived by the Planning Board. One-half (rounded up) of the setback planting standards set out in § 175- 10E(4) shall be required. Existing developments in the LV, MV, VC, LI, R4 and BP2 Zones coming before the Planning Board for improvements shall be required to install a ten-foot minimum wide landscaped buffer (where none currently exists) at the front property line. [Amended 5-24-2007 STM, Art. 15; 5-20-2009 STM, Art. 15; 11-13-2008 STM, Art. 8; 5-20-2009 STM, Art. 15]*
- (3) All setbacks in the CC, RCU, MUC, MUL and I Zones shall maintain a fifty-foot vegetated buffer where the setback is adjacent to a lot in residential use or a residential zone.*
- (4) Buffering from clubs in an R-1 or R-2 Zoning District abutting residential properties shall include a minimum buffer width of 40', and shall be landscaped to the standards in § 175-10. [Added 5-24-2006 STM, Art. 15]*
- (5) Within the MUC-1 Zone a residential buffer strip must be provided in accordance with § 225-60.8 or the planned mixed-use development requirements of § 225-60.7. [Added 5-24-2007 STM, Art. 15]*

See enclosed landscaping plans for the Assisted Living project by the landscape architect David Haynes. Also see attached summary letter from the landscape architect summarizing how the plans meets the development standards listed in 175-10.

§ 175-11. Commercial architectural design standards.

- A. *General standards. To protect, enhance and perpetuate the town's historic, cultural and architectural heritage and to enhance the town's attraction to residents and visitors and to serve as a support and stimulus to business and industry, construction of a new building or structure or addition to an existing structure shall be of such design, form, proportion, mass, configuration, building material, texture, color and location on a lot as to conform with the following standards as deemed practicable by the Planning Board. In areas of the town where structures have little or no historic value (e.g., franchise architecture), new construction or renovations shall enhance the area rather than replicate existing structures. These standards shall not apply to the Industrial Zone. New development in the Business Park and Commercial Corridor 196 Zones, including additions and renovations to existing buildings, shall only be required to conform to specific standards (7) and (8). [1] These standards shall apply in the LV, MV, VC, LI, R4 and BP2 Zones, including the construction of new, or renovation of existing, multifamily dwellings. [Amended 5-24-2007 STM, Art. 15; 11-13-2008 STM, Art. 8; 5-20-2009 STM, Art. 15]*
- (1) *Applicability. These design standards apply to all new commercial buildings, structures and additions in the Town of Topsham with the exception of the Industrial Zone.*
 - (2) *Registered architects and engineers. All buildings and additions shall be designed by a registered architect or engineer in the State of Maine.*
 - (3) *Architecture as advertising. Proposed buildings, improvements and additions shall not be stylized to the point that the building or improvements are more an advertisement than an architectural form.*
 - (4) *Overall development. Clusters of buildings or overall developments should be encouraged rather than lot-by-lot development.*
 - (5) *Facade length. Long or continuous facades do not provide visual interest. Facades shall be articulated every 50 feet using varied setbacks, rooflines, materials and heights. Within the LV and MV Zones, the front facade shall be limited to a maximum of 100 feet and shall be designed to look like more than one building. Editor's Note: See Subsection B(7) and (8) below.*
- B. *Specific standards. New construction or renovations shall be visually appropriate in terms of:*
- (1) *Height.*
 - (a) *The height of the proposed building(s) or addition(s) to existing buildings shall be appropriate with neighboring buildings.*
 - (b) *In reviewing a proposed new building or structure, or additions to existing buildings, relate the overall height of new construction to that of neighboring structures. As a general rule, construct new buildings to a height comparable to the average height of existing buildings from the historic period on the same side of and across the street.*

made, buildings should be set back into the lot rather than closer to the street. If existing setbacks vary, new buildings should conform to historic siting patterns.

- (c) Do not violate the existing setback pattern by placing new buildings in front of or behind the historic facade. Avoid placing buildings at odd angles to the street, unless in an area where diverse siting already exists, even if proper setback is maintained.*
- (d) When adding a porch or an addition to the front of a building avoid solid, opaque forms that block the view of the original structure.*
- (7) Materials, textures and color. The relationship of materials, textures and color of the facade of a building shall be visually compatible with that of the predominant materials used in the buildings to which it is visually related or traditionally used in the area. Materials common to New England, such as brick, clapboard and shingles, are encouraged. Highly reflective materials such as plastic panels, aluminum and metals shall not be used. Roofs shall be a unified material and a darker color than the building.*
- (8) Roof shapes.*
 - (a) The roof shape of a building shall be visually compatible with that of buildings to which it is visually related. When no clear pattern exists, a roof pitch of 5/12 or steeper shall be used, or the building should be designed so as to appear to have a pitched roof. The design of the roofline or parapet wall shall screen any air conditioning or other utilities placed on the roof.*
 - (b) Relate the roof forms of the new building to those found in the area. Although not entirely necessary, duplication of the existing or traditional roof shape, pitches and materials in new construction is one way of making new structures more visually compatible.*
 - (c) Avoid introducing roof shapes, pitches or materials not traditionally used in the area.*
 - (d) Where allowed, 45-foot tall buildings with three full floors and a flat roof clearly defined in the elevation shall have a cornice above the third floor. The fourth floor shall step back with the roof pitch not visible from the street. [Added 5-20-2009 STM, Art. 15]*
 - (e) When installing green roof systems, strict adherence to these standards may be waived by the Planning Board. All green roofs shall have a cornice or other architectural detail above the roofline, to conceal any flat roof areas. [Added 5-20-2009 STM, Art. 15]*
- (9) Scale of buildings.*
 - (a) The size of the building, the building mass in relationship to open spaces, the windows, door openings, porches and balconies should be visually compatible with those characteristics of buildings and spaces to which it is visually related.*
 - (b) In reviewing a proposed new building or structure, or addition to an existing building, relate the size and proportions of new structures to the scale of neighborhood buildings. Although much*

- larger than its neighbors in terms of square footage, the building shown maintains the same scale and rhythm as the existing buildings.*
- (c) *Buildings that in height, width or massing violate the existing scale of the area shall not be permitted.*
- (10) *Directional expression of front elevation.*
- (a) *A building shall be visually compatible with the building(s), square(s) and place(s) to which it is visually related in its directional character, whether this is vertical character, horizontal character or nondirectional character.*
- (b) *In reviewing a proposed new building or structure, or addition to an existing building, relate the vertical, horizontal or nondirectional facade of the character of the new buildings to the predominant directional expression of nearby buildings. Horizontal buildings can be made to relate to the more vertical neighboring structures by breaking the facade into smaller masses that conform to the primary expression of the streetscape.*
- (c) *Buildings and additions shall be parallel to the street frontage wherever practicable.*
- (11) *Linear commercial structures.*
- (a) *Buildings with multiple storefronts (e.g., strip shopping centers, one-story office buildings) shall be visually unified through the use of complementary architectural forms, similar materials and colors, consistent details and a uniform sign-mounting system. The goal is to create an overall sense of design and scale while avoiding nondescript architecture and places.*
- (b) *Variations in setback on linear structures adds visual interest, creates common plaza areas and landscape areas.*
- (c) *Variations in rooflines, gables and building height add visual interest and break down the scale of the building.*
- (d) *Covered walkways and awnings along the front facade provide shelter, help scale the building to the pedestrian and visually unite the structure.*
- (12) *Large-scale structures.*
- (a) *The scale of big-box-type structures shall be broken down using changes in roof lines, gable ends, towers, colonnades, architectural details and landscaping.*
- (b) *Blank walls shall be made more visually interesting by including elements that create shadow lines, changes in setback, material and rooflines and other architectural details consistent with the historic patterns in the area as deemed practicable by the Planning Board.*

- (c) Parking should be placed to the rear or side of these buildings, and parking lots shall be landscaped following the requirements in § 175-10B.*
- (d) Cart storage shall be integrated into the site using similar materials.*

See enclosed architectural plans for the Assisted Living project by the Gawron-Turgeon Architects designing the building. Also see attached summary letter from the architect summarizing how the plans meets the development standards listed in 175-11.

§ 175-12. General parking design.

The design of off-street parking lots shall conform to the following standards if deemed practicable by the Planning Board:

A. Off-street parking should not be provided in front of a building and should be placed to the side or rear of buildings wherever practicable subject to the following requirements:

(1) Within the CC Zone, a maximum of one row of parking and access driveway may be placed in front of a building, but the required plantings set forth in § 175-10E(4) shall be increased by 50%. [Amended 12-13-2006 STM, Art. 10]

N/A

(2) Within the LV, MV, VC and R4 Zones, parking shall not be allowed in front of a building but shall be placed to the rear except as part of a common plan of development. In the MV and R4 Zones, parking may be placed to the side of a building if the applicant demonstrates that this is the only location where the parking lot can be built due to the uniqueness of the lot. In the BP2 Zone, new parking lots shall be located to the side or rear of new structures. Existing parking areas may be maintained, but shall be brought into conformance with all applicable standards. In the LI Zone, and that portion of the CC fronting on Rt. 201, parking shall be located in accordance with Section 225-60.11.F. [Amended 11-13-2008 STM, Art. 8; 5-20-2009 STM, Art. 15]

N/A

(2.1) On-street parking shall be utilized in the in the LV, VC, LI, BP2 and R4 Zones where allowed to calm traffic, create a village-scaled street and minimize the need for off-street parking. Stacked parking is allowed in the LV, MV, VC, LI, R4 and BP2 Zones. Stacked parking management plans shall be approved by the Planning Board. [Added 5-20-2009 STM, Art. 15]

N/A

(3) Within the MUC and MUC-1 Zones, parking for larger buildings should not be the dominant foreground feature of the site. This can be accomplished by locating a significant share of the parking to the side or rear of major buildings or by locating smaller freestanding buildings or

*major landscape features between the front facade of major buildings and the primary access street. To accomplish this objective, the following standards apply to buildings that are located outside of the streetscape zone, streetscape zone being the area immediately adjacent to the primary access street and extending to a depth of one-hundred fifty (150) feet:
[Added 12-13-2006 STM, Art. 10; amended 5-24-2007 STM, Art. 15]*

- (a) Not more than sixty (60) percent of the required parking may be located in the “storefront parking area” unless the site meets the requirements of Subsection A(3)(b). The balance of the parking must be located outside of the “storefront parking area” preferably to the side or rear of the building. The “storefront parking area” encompasses the parking spaces between the front of the building and the primary access street included within the area formed by lines extending outward at a 45 degree angle from the end corners of the front wall of the building to the front property line or primary access street.*
- (b) The share of parking allowed within the “storefront parking area” may be increased if the site design provides for the location of one or more smaller, freestanding buildings or major landscape features within the streetscape zone in front of the major building. The building(s) or major landscape feature(s) must be located entirely within the one hundred fifty (150) foot wide streetscape zone. The share of parking allowed within the “storefront parking area” may be increased ten (10) percent for each freestanding building or major landscape feature up to a maximum of ninety (90) percent of the required parking. If the lot upon which the building or project is located has more than eight hundred (800) feet of frontage on the primary access road, the number of buildings or features required to utilize the increase shall be increased by one for every additional five hundred (500) feet of frontage or portion thereof.*
- (c) A freestanding building must have a minimum footprint of two thousand (2,000) square feet and be located entirely within the streetscape zone to count toward the increase in the share of storefront parking allowed.*
- (d) A major landscape feature is intended to provide “near-field” visual interest, soften the visual impact of the parking areas, and provide an attractive amenity for shoppers and other users of the site. A major landscape feature must consist of a heavily landscaped area that is at least sixty (60) feet by sixty (60) feet in size. A major landscape feature must be suitably landscaped with flowers, shrubs, ornamental and shade trees (both evergreen and deciduous) at least 5 inches dbh and incorporate pedestrian facilities such as benches and sitting areas, picnic tables, bicycle racks, fountains and sculptures, and similar amenities. The*

Planning Board may alter the size of a major landscape feature or allow for major landscape features that are outside the streetscape zone if it finds that the intent of this provision will still be met.

N/A

B. *Parking shall be broken into small areas using landscaping, buildings, roads, wall and fences and changes in topography. For parking lot landscaping requirements see § 175-10B, landscaping.*

Parking has been broken up into small areas as required.

C. *Parking areas on corner lots shall not be placed between the principal building and frontage(s). If the lot is used only for parking, no parking is allowed in the setback and all setbacks must be the maximum required for the zone. Adequate screening of parking is required to maintain a street edge and to screen parking from roads and sidewalks. Access to a parking area on a corner lot shall be off the less traveled frontage.*

N/A

D. *Shared parking and driveways are encouraged to limit curb cuts and maintain architectural continuity. The width of driveways shall be kept to the minimum requirement.*

One Curb cut is proposed. Driveway width is the minimum necessary for truck access.

E. *Lot-to-lot and interior connecting roads are encouraged behind buildings.*

N/A. There is not potential for interior connecting roads for this project.

F. *Site plans shall provide for future connections to adjacent lots.*

N/A. There is not potential for interior connecting roads for this project.

G. *A four-space bike rack is required for all commercial developments. Bike racks shall be located so as to not interfere with pedestrian or vehicular circulation.*

A four space bike rack is shown on the plan as required.

Parking for the assisted living facility is located in the front and side of the building for this project. Parking in the front has been limited as far as practical but is needed to make the project access work. It is necessary to provide ADA parking as close to the front entrance as practical for this type of facility. Additional parking has been developed around the drop off areas to take advantage of the circulation patterns to reduce paved areas. We have developed islands and drop off areas to provide pedestrian access to the building. Section 175-12 does not have specific regulations or restrictions for parking within the MUL Zone area. Parking for this facility will not be seen by abutters other than Highland Green Residents. Parking is necessary in the front near the main entrance. The Planning Board and the Town reviewed and approved the plan in 2019 with parking in the front of the facility. The building has been located as close to the front setback as practical (including potential future expansion). In addition, approximately 21 spaces are located within the 20' front setback area but are located approximately 20' from the road edge of pavement. We believe we meet the intent of the code and the Planning Approved the plan in the past. We have requested a waiver as required for parking in the front.

§ 175-13. Waiver; conditional agreement; time limits.

A. *Waiver. The Planning Board may modify or waive any of the above application requirements or performance standards when the Planning Board determines that because of the special circumstances of the site such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and not adversely affect the abutting landowners and the general health, safety and welfare of the town.*

The waiver request application was filled out and summarized proposed waivers for the assisted living project.

B. *Conditional agreement. The Planning Board may require the execution of a conditional agreement with the municipality of the applicant.*

o.k.

C. *Conformance with site plan. All construction performed under the authorization of a building permit or certificate of occupancy issued for development within the scope of this chapter shall be in conformance with the approved site plan.*

o.k.

D. *No plan shall be approved by the Board as long as the applicant is in violation of a previously approved site plan within the municipality.*

o.k.

E. *Work or construction, or occupancy if no construction is involved, shall commence within 12 months of the date of final approval by the Planning Board of a site plan. If work or occupancy is not commenced within this period, the site plan approval shall be null and void. The deadline may be extended for one additional six-month period by the Planning Board upon the written request of the applicant. The written request for extension must be submitted prior to the date of expiration of the site plan approval. If the final approval by the Planning Board is appealed to the courts the deadline may be extended for a reasonable time as determined by the Planning Board. After the site plan has expired or an extension*

request has been denied by the Planning Board, the applicant may reapply for site plan review at any time without prejudice. The Planning Board shall approve a request for an extension unless the Board has become aware of one of the following:

- (1) Additional information that indicates that the plan does not meet the standards of Chapter 225, Zoning, or this chapter.*
- (2) Failure of the applicant to meet a condition of approval.*
- (3) An amendment in Chapter 225, Zoning, or this chapter which prohibits or alters the proposed site plan.*

o.k.

Chapter 191 – Subdivision of Land

§ 191-2. Approval by Planning Board.

No plan of a division of land within the Town of Topsham which would constitute a subdivision may be hereafter filed or recorded in the Sagadahoc County Registry of Deeds until a final plan thereof has been approved by the Topsham Planning Board in accordance with all of the requirements, design standards and construction specifications set forth in this chapter, nor until such approval has been entered on such final plan by the Planning Board.

o.k.

§ 191-2.1. Site location of development; stormwater permits.

[Added 9-8-2005 STM, Art. 3]

Site developments needing approval under Title 38 M.R.S.A. §§ 420 and 481 through 500, to the degree permitted under § 489A, shall be reviewed under the procedures of the Topsham Town Code, Chapter 191, Subdivision of Land, and shall meet the development standards of Title 38 M.R.S.A., §§ 420 and 481 through 500, as may be amended from time to time, as well as those in the regulations of the Maine Department of Environmental Protection, including Chapters 371 through 377, and others that may be issued by the MEDEP, which are hereby adopted by reference for projects falling under this article. Projects subject to this section shall also meet the standards of the Topsham Zoning Ordinance. [1] Topsham will provide notice to the MEDEP upon the submission of any projects subject to this article.

Editor's Note: See Ch. 225, Zoning.

o.k.

§ 191-2.2. Preapplication procedures for major subdivisions.

[Added 5-16-2012 STM, Art. 11]

A. Purpose. The purpose of the preapplication procedures for a major subdivision is for the applicant to present general information regarding the site of the proposed subdivision to the Planning Board and receive the Planning Board's comments prior to the layout and design of the subdivision. The Planning Board's review and comments shall be based on the applicant's choice of the form of the subdivision (conventional, open space, or large lot).

The project is an amendment to an approved plan. In our opinion 191-2.2 does not apply any longer to this project. The project has gone through full reviews by the Town and Maine DEP since 2000. The Maine DEP application on file fully addresses the site inventory and analysis requirements. This was completed as was the intent of the section.

For this specific expansion, we will construct a 48 unit assisted living building on Lot R1 (R417A-1). No new lots or units are being proposed. We are adding and revising the drainage easements to accommodate the pond design. The easements have been updated on the approved subdivision plans which is submitted for review.

B. Procedure.

Not Applicable to this project.

- (1) Prior to submitting any materials, the applicant shall meet with the Town Planner or her/his designee to review the Town's procedures and requirements.*
- (2) The preapplication procedures are intended to provide the applicant, the Planning Board, and the planning staff with a better understanding of the site and the opportunities and constraints imposed on its use by both the natural and built environment. The focus of the preapplication process is on the overall utilization of the parcel. It is anticipated that this analysis will result in a subdivision plan that minimizes the impact of the development on significant natural and cultural resources while allowing for development of the parcel.*
- (3) The Planning Board may waive the preapplication site inventory and analysis process or reduce the information to be included in the site inventory and analysis for subdivisions or for amendments to approved subdivision plans if the Planning Board finds that the scale or complexity of the project or the characteristics of the site make the process or information unnecessary to understand the development opportunities and constraints of the site. The applicant shall submit any requests for waivers in writing to the Town Planner prior to the submission of the site inventory and analysis, and the Planning Board shall act on the requests prior to the submission of the site inventory and analysis.*
- (4) After the meeting with the Town Planner or her/his designee the applicant shall submit a site inventory and analysis consisting of a site inventory map, site analysis map, and site analysis narrative to the Planning Department. The submission must be accompanied by a review fee of two hundred and fifty dollars (\$250) plus the estimated cost for mailing the public notices.*
- (5) Upon receipt of the site inventory and analysis submission, the planning staff shall review the material and determine whether all materials have been submitted, taking into consideration any waivers granted by the Planning Board. If the submission is determined to be incomplete, the planning staff shall notify the applicant, in writing, of this finding, shall specify the additional material required to make the submission complete, and shall advise the applicant that the application will not be considered by the Planning Board until the additional information is submitted. These steps shall be repeated until all materials have been submitted. When the submission is determined to be complete, the planning staff will place the item on the agenda for review by the Planning Board.*
- (6) The preapplication review of the site inventory and analysis must be completed prior to the preparation and submission of a preliminary application for a major subdivision. The Planning Board shall review the preapplication submission with the applicant and shall authorize the submission of the preliminary application when the site analysis phase is complete.*

- (7) *The Town shall, at the applicant's expense, notify all property owners within two hundred fifty (250) feet of the property to be subdivided of the pending application and the date, time, and place of the meeting at which the Planning Board will review the site inventory and analysis submission.*
- (8) *Within forty-five (45) days of the first Planning Board meeting at which the site inventory and analysis is discussed or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall complete its review of the site inventory and analysis.*
- (9) *The Planning Board may schedule an on-site inspection of the site to review the existing conditions, field-verify the information submitted, and investigate the development site.*
- (10) *The Planning Board shall review the submission to determine if the information provides a clear understanding of the site and identifies opportunities and constraints that help determine how the area should be developed, including identifying areas with significant natural resource or cultural values that should be considered in the design and layout of the subdivision. The Board shall also consider any input received from members of the staff or public. At the conclusion of the Planning Board review of the submission, the Board shall identify the issues and constraints that must be addressed in the formal subdivision application.*

C. Submission requirements. The form of the site inventory and analysis submission shall be determined by the applicant in consultation with the Town Planner or his/her designee and may include electronic or paper copies or a combination of the two. The number and size of any paper copies of the submission will be determined, but in no case will the applicant be required to provide more than 18 paper copies of the submission or any part thereof. The submission must include the following information, unless the Planning Board, by formal vote, has previously waived the submission of specific items of information based upon a finding that the information is not needed to determine the optimal utilization of the parcel:

- (1) *A site context or locus map drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties and to allow the Board to locate the subdivision within the municipality. The location map shall show:*
 - (a) *An outline of the proposed subdivision and any remaining portion of the owner's property if the formal application will cover only a portion of the owner's entire contiguous holding.*
 - (b) *Existing subdivisions that abut the proposed subdivision.*
 - (c) *Locations and names of existing streets.*
 - (d) *The Tax Map(s) and lot number(s) of the parcel proposed to be subdivided.*
 - (e) *The location of any focus areas identified in the Town's Natural Areas Plan.*

- (2) *An accurate scale site inventory plan of the parcel at a scale of not more than one hundred (100) feet to the inch showing the existing conditions of the area proposed to be subdivided. The information on natural features and resources and cultural and historic features may be based upon published sources and information available from the Town, including the Natural Areas Plan and/or from state agencies, except as specifically provided below. The site inventory plan must show the following information:*
- (a) *The proposed name of the development, North arrow (true meridian), date, and scale.*
 - (b) *The boundaries of the parcel based upon either an accurate parcel data source with data source cited or a standard boundary survey prepared by a registered land surveyor and giving the bearings and distances of all property lines. The Planning Board may modify this requirement when only a portion of a parcel is proposed to be subdivided.*
 - (c) *Existing restrictions or easements on the site (if none, so state).*
 - (d) *The location of any focus areas identified in the Town's Natural Areas Plan.*
 - (e) *The general topography of the site including an indication of those areas where the slope is likely to be greater than 35%.*
 - (f) *The major natural features of the site, including wetlands, vernal pools, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats, and significant geological features, or other important natural features, including habitat for rare plant and animal species and rare and exemplary natural communities.*
 - (g) *The soils on the site through a medium-intensity soil survey. The Planning Board may require the submission of a high-intensity soils survey if it determines that a high-intensity survey is needed to evaluate the appropriate use of the property.*
 - (h) *Vegetative cover conditions on the property as depicted on a recent aerial photo of the site.*
 - (i) *The general drainage pattern of the site.*
 - (j) *Existing buildings, structures, or other improvements on the site, including streets, driveways, and cemeteries (if none, so state).*
 - (k) *Locations of all culturally, historically or archaeologically significant buildings, features, or sites.*
 - (l) *The location and size of existing utilities or improvements servicing the site (if none, so state).*
 - (m) *Any potential sources of fire protection water supply within one-half mile of the site, including public water mains, existing fire ponds, or possible sources of water supply.*
 - (n) *The location of any conservation land on or adjacent to the parcel.*
- (3) *A site analysis map at the same scale as the inventory plans [see Subsection C(2) above] highlighting the opportunities and constraints of the site in a*

bubble diagram or annotated format. This map should enable the Planning Board to determine which areas of the site may be well suited for the proposed use; which portions of the site may be unsuitable for development or use (primary conservation areas); which areas of the site may have potential natural resource or cultural value (secondary conservation areas) that should be addressed in the subdivision plan; and which areas of the site may be subject to off-site conflicts or concerns (noise, lighting, traffic, etc.) that need to be addressed in the preliminary application.

- (4) A site analysis narrative describing the existing conditions of the site, the constraints and opportunities created by the site for the proposed development, and the natural resource and cultural resources on the site that need to be considered in the design and layout of the subdivision.*

§ 191-3. Preliminary and final plans required.

Any subdivider who plans to divide any land within the Town of Topsham shall prepare and submit to the Planning Board both a preliminary plan for study, and, if necessary, alteration and modification, and a final plan. The subdivider shall not prepare the final plan until he has received from the Planning Office written notice of a vote of a majority of the Planning Board approving his preliminary plan. Final plan only is required on minor subdivisions. Notice is to be mailed within 10 days of the vote.

- A. Minor subdivisions. The Planning Board may require, where it deems necessary for the protection of public health, safety and welfare, that a minor subdivision comply with all or any of the requirements specified for major subdivisions.*
- B. Approval expiration. Approval of a preliminary plan and the accompanying preliminary data expires one year from the date of the vote. The final plan of a subdivision must be prepared, submitted, reviewed, approved, attested and recorded in the Sagadahoc County Registry of Deeds by the subdivider within said year.*
 - (1) Subdivision completion required. Public improvement (example: roads, drainage, utilities) in a subdivision must be substantially completed [75%] within five years of receiving Planning Board approval or reapply for approval of the uncompleted portion of the subdivision. No additional fee would be required.*
 - (a) Any subdivision presently approved that is not substantially completed [75%] within five years of the enactment of this chapter must reapply for approval of the uncompleted portion of the subdivision. No additional fee would be required.*
 - (b) The Planning Office shall instruct the Code Enforcement Officer not to issue building permits for any lot in a subdivision where the approval has expired or where public improvements to a lot in accordance with the subdivision approval have not been completed. [Amended 5-18-1994 STM, Art. 17]*
 - (2) Extension of deadline. Subdivisions with lots equal to or in excess of required size at the time of approval expiration may request extension of completion time by letter without full resubmission.*

§ 191-4. Work without approval prohibited.

No utility installation, no ditching, grading or construction of roads, no grading of land or lots and no construction of buildings is to be done on any part of a subdivision until the final plan has been duly recorded by the subdivider in the Sagadahoc County Registry of Deeds. No clearing of land will be allowed until acceptance of the preliminary plan.

§191-5 Preliminary Plan

The subdivider shall submit an original and seventeen prints of the preliminary plan to the Planning Board, each on one or more sheets, with a scale of not more than 100 feet to the inch. The sheet size is to be 24 X 36 inches maximum.

- A. *Representation. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the plan.*

A representative will attend the meeting as required. Chris Belanger will present the project with input from the design team.

- B. *Additional information. The subdivider shall submit all of the following information with the preliminary plan and such additional information as is necessary to document compliance with the performance standards contained in Chapter 225, Zoning, Articles VII and VIII, of the Code.*

- (1) *Name. The proposed subdivision name or title.*

The name of the project is called Highland Green. Plan of Subdivision Amendment X Lots C3, C4, C6, C7, R1, R3, R4, R10, R18, R19, G8. Rev 1 dated July 20, 2021.

- (2) *Owner. Name of owner of record, subdivider if different and designer.*

Seacoast Management Company, owned by John Wasileski, is a development company and has developed the Highland Retirement and Oceanview Retirement communities over the last 20 years. The owner has also developed Highland Green under the ownership entities “Central Topsham Associates, L.L.C., Central Topsham Associates II LLC, and Highland Green Associates LLC. Fully developed portions of the site have been or will be transferred to Topsham Associates LLC which is a separate management company geared toward operations of the existing facilities as opposed to development of the project. The assisted living facility is located on Lot R1.

- (3) *Scale, Date, North point.*

As shown on the submitted plans.

- (4) *Size: physical features. Number of acres within the proposed subdivision, location of property lines and other essential physical features, distances and bearings of all lines.*

As shown on the subdivision and boundary plans completed by Paul Ruopp surveying and mapping. Overall the project is 663 acres. Forty Eight (48) lots have been created to support the Highland Green development. No new lots are proposed with this development expansion.

- (5) *Zoning. State zoning districts where the proposed subdivision is located.*

Zone lines are shown on the overall subdivision, phasing, and master plans. The assisted living facility and Lot R1 is located in the mixed use limited zone (MUL).

- (6) *Adjoining owners. Names of all subdivisions immediately adjacent and the names of owners of record adjacent acreage.*

A full abutters list (from the original project) is on file. The Town provides abutter notifications. Mailing costs are billed to the developer. The project abuts other lots of Highland Green and is adjacent to the Town and State public works facilities located on the opposite side of the stream along the back boundary.

- (7) *Streets. Name, location, right of way lines, width, profile, typical cross sections, radius of curves of all existing and proposed streets at a scale of one inch equals 50 feet and a vertical scale of one inch equals five feet.*

The streets have been shown on the plans. The plans show right-of-way lines, width, profile, typical cross sections at a scale shown on submitted plans. Street names are shown on the plans as required. Street names have been coordinated with the Assessors Office as required.

- (8) *Stormwater management. A stormwater management plan conforming to the requirements of § 225-34, Stormwater management*

We have submitted an updated stormwater management plans, report, and calculations as required. Maine DEP has approved the stormwater management report for the assisted living project.

- (9) *Utilities. Location of existing and proposed underground utilities. A storm water management plan approved by Androscoggin Valley Soil and Water Management District.*

As shown on the plans submitted. A stormwater report is also submitted under separate cover.

- (10) *Sewer; soils.*
(a) *Existing and proposed location, size, profile and typical cross section of sanitary sewers; or description, plan location or other means of sewage disposal with evidence of soil suitability.*

The project will be serviced by public sewer. Sewer extension locations are shown on the plans submitted.

- (b) *A soils report identifying the soil boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accordance with USDA Soil Conservation Service National Cooperative Soil classification. The intensity of this study must identify changes in soil conditions down to 1/8 acre. A lot by lot soils suitability determination for house building with septic disposal will be made in accordance with the Soil Suitability Guide for Land Use Planning in Maine and will accompany the plot plan soils study. Plotting of soils type is not required if public sewer is proposed above.*

The site will connect to the public sewer system. This section is not applicable to the development. Albert Frick provided a soil survey in 2000 and is part the Highland Green DEP submittal on file at Town Hall.

- (11) *Lot dimensions. Lines and dimensions of lots and identification system for all lots and blocks.*

Lot lines, labels, and areas are shown on the subdivision plans. The current proposal is Amendment X rev 1.

- (12) *Contours. Contour Lines at intervals of not more than five feet or as such intervals as the Planning Board may require, based on United States Geological Survey datum or suitable survey.*

Contours at a 2 foot contour interval are shown on the plans submitted with each phase.

- (13) *Sidewalks. Building Lines. Proposed location and widths of sidewalks, alleys, easements and building lines.*

Sidewalks, building lines are shown on the final plans submitted.

- (14) *Culvert. Preliminary design of any bridges or culverts which may be required.*

Culvert designs are shown on the plans.

- (15) *Dedicated Land. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.*

No new dedications are proposed with the assisted living project.

- (16) *Preserved areas. The location of all natural features or site elements to be preserved.*

No new preserved areas are proposed with the assisted living project. The Highland Green project includes a 250' buffer surrounding the heath and an extensive 1000' buffer along the Cathance River for conservation. The conservation area is 230 acres in size (tax map R9 Lot 65). There are two parcels adjacent to the Coastal Connector (R4/lot16) and the CMP power lines (Parcel C, Map R4-17B-2) which are also set in conservation. Stormwater Outlets will discharge to stormwater buffers to be preserved. These buffers are predominately located along the stream corridors and wetland boundaries. These areas within 75' of the stream will be preserved as shown on the submitted plans. These areas have been updated and shown on the subdivision plan submitted.

- (17) *Erosion. A soil erosion and sediment control plan approved by the Androscoggin Valley Soil and Water Conservation District.*

Erosion control notes and details are shown on the submitted plans. This phase has been submitted to the Town's peer review consultant as part of this submission. Maine DEP has approved the proposed amendments.

- (18) *Housing type. The developer must state type of housing (ex: single, duplex, multi-unit, etc.)*

The current plan includes 48 Assisted Living Units (one building).

- (19) *Wetlands and vernal pools. The location of all wetlands and vernal pools on the site. If there is a vernal pool(s) on the property, a statement indicating how the site has been designed to minimize the impact on the vernal pool and its adjacent habitat except for projects involving vernal pool mitigation in accordance with § 225-20.2, Vernal Pools Overlay District. If the vernal pool(s) is subject to state or federal regulation, evidence of compliance with those regulations must be included. If the applicant is proposing to use the provisions of § 225-20.2, Vernal Pools Overlay District (VPO District), with respect to vernal pool mitigation, evidence of payment of the vernal pool mitigation fee or the completion of permittee-responsible conservation activities shall be provided. [Added 5-18-2016 STM, Art. 14]*

No vernal pools exist within the proposed assisted living project development area. The project went through a full DEP and Town review in 2019/2020. In addition, an NRPA permit was approved for the project in 2020. The site has been designed to minimize impacts to vernal pools and other natural resource areas. Eco-Analysts completed an update review in 2018 for the quarry parcel and R1 development area.

- C. *Updated site inventory and analysis. If the applicant was required to submit a site inventory and analysis as part of the preapplication procedures of § 191-2.2, the applicant must submit an updated version based upon any field investigations or new information developed after the initial site inventory and analysis review by the Planning Board. [Added 5-16-2012 STM, Art. 11]*

We consider the current development an amendment to the approved project. No new lots are being proposed. Easements areas have been adjusted on the subdivision plan to accommodate the stormwater design. An updated site inventory and analysis is not required for this plan amendment.

- D. *Compatibility analysis. The applicant must submit an analysis that can be in the form of a plan and/or narrative demonstrating how the design and layout of the subdivision is compatible with the site inventory and analysis, how the issues addressed in the Planning Board's review of the site inventory and analysis have been addressed, and how the impact on significant natural resources, including primary and secondary conservation areas, will be minimized. [Added 5-16-2012 STM, Art. 11]*

We consider the current development an amendment to the approved project. No new lots are being proposed. The approved plans were compatible with the DEP's site law review which exceeds the site inventory thresholds. The proposed road and buildings are located outside stream corridors and other primary and secondary conservation areas. The development has minimized conservations areas to the extent practical.

§ 191-6. Dead-endroads.

[Amended 5-21-2003 STM, Art. 13; 5-19-2010 STM, Art. 14]

A. All proposed roads shall be designed as through roads, and shall connect at both ends to different public roads.

[Amended 5-20-2015 STM, Art. 10]

No new lots are proposed. No new roads are proposed. Village Drive provides a “public” connection to Route 196. Audubon Way will provide a public connection to Tedford Road and Village Drive. Mountain Road provides a through road connection to Canam Drive. Evergreen Circle is a “private” loop road with a right of way and has been designed to public standards and connects to Village Drive. These major road segments provide access to 48 approved lots. We will call these the “primary” subdivision roads and have been designed as through roads as required.

(1) The Board may approve a new subdivision road that connects to the same public road in more than one location under the following circumstances:

(10) The size or shape of the parcel to be subdivided does not allow for a through road to be constructed;

(11) The two points of connection to the public road are separated by at least 500 feet;

(12) The parcel to be subdivided has no access to a second public road, or will not likely have access in the future; or

(13) No lot within the subdivision is located more than 2,000 feet from the connecting point on the public road.

This section is not applicable to the development as the project connects to two (2) public roads. The third connection will be Canam Drive which is a currently private but was required to be connected by the Town as a third “public” connection.

B. The prohibition on dead-end roads (roads with a single connection to a public road) may be waived by the Board under the following circumstances:

- (f) Lot location and/or configuration does not provide for connection to an existing public road;*
- (g) Constraints on the subdivided parcel are such that no connections to existing public roads can be made;*
- (h) The road is part of a phased project, and subsequent approved phases would provide for connection to public roads;*
- (i) Existing natural features and resources are located in such a fashion to prevent connections to a public road; or*
- (j) Valuable open spaces or natural resources can be preserved by eliminating a second entrance into the property.*

The “primary” subdivision access roads to the Highland Green Subdivision project are not designed as dead end roads and is part of a multi-phased project. This section is not applicable to this development. Each lot is being served by these primary subdivision roads. The assisted living facility is located on Lot R1. As part of the project a portion of Audubon Way will be constructed to provide access to the project as required by the subdivision approval. Audubon Way will be a public road and connects Village Drive to Tedford Road. In addition, the existing gravel road will be widened to 20’ wide to Tedford Road to provide emergency second access.

C. When the Board waives the dead-end restriction, the following standards shall apply:

(1) No dead end shall exceed the following size limitations:

- (o) In the R-1 District, no dead end shall exceed 1,500 linear feet, or 30 lots.*
- (p) In the R-2 District, no dead end shall exceed 1,875 linear feet, or 30 lots.*
- (q) In the R-3 District, no dead end shall exceed 2,250 linear feet or 30 lots.*
- (r) In the R-4 district, no dead end shall exceed 1,125 linear feet or 30 lots.*

No new roads or lots are proposed with the Assisted Living Expansion. This section is not applicable to the development as the project connects to two (2) public roads.

- (2) The Board may allow "lollipop" roads, which provide a single connection to a public road, and have a looped design within the subdivision, such that the to the split in the subdivision road is less than 1,500 feet in the R-1 and R-2 Districts, less than 2,000 linear feet in the R-3 District, and less than 1,000*

linear feet in the R-4 District, and that no homes are more than 2,000 linear feet from the split in the subdivision road.

Village Drive and Mountain Road connects to Evergreen Circle which makes them no longer dead end roads. The Village Drive and Mountain Road connections provide “Public” interconnections as required by 191-6.

(3) No more than two driveway, each serving a single home, may be built off of any turn around.

N/A

(4) Dead-end roads, where practical, shall be designed to terminate, or approach, within 25 feet of neighboring lots. At such point, the right-of-way shall be extended to the neighboring property line for future extension. The right-of-way shall be included in the street dedication to the Town. This shall be labeled "Future Road Extension" on all plans of the project and noted in all deeds. Dead- end roads shall also be designed with "Future Road Extensions" every 500 feet along both sides of the dead end, connecting to the adjacent parcels.

No new lots are proposed. No new roads are proposed. Village Drive provides a “public” connection to Route 196. Audubon Way will provide a public connection to Tedford Road and Village Drive. Mountain Road provides a through road connection to Canam Drive. Evergreen Circle is a “private” loop road with a right of way and has been designed to public standards and connects to Village Drive and Mountain Road. The project is designed with through roads as required.

Highland Green primary roads are not Dead end roads. We have provided turn arounds at the end of each private secondary access driveway. All the dead end roads located at Highland Green are private and will remain so. The development more closely follows the large lot development within each individual parcel at Highland Green.

D. The Board may approve the extension of a dead-end road beyond the length restrictions of Subsection C(1) of this chapter, if a secondary emergency access is provided or if the subdivider can demonstrate that adequate fire protection measures have been included in the design of the subdivision or in the construction of the individual homes, to meet the needs of the Fire Chief. Where a secondary emergency access is provided, it shall be a minimum of 20 feet wide, with at least 15 inches of gravel, and shall be kept open and maintained on a year-round basis by the owner of record.

As part of the project the remaining gravel road along Audubon Way will be widened to 20’ and will have a gravel depth of 15” as required. This will provide a secondary emergency access connection to Tedford Road as required. The road shall be plowed and maintained open all year.

E. If a dead end is proposed, the Board shall require a traffic study for the specific subdivision, with no levels of service at the point of connection with the public road below LOS D from the subdivision road, and no LOS on the public road lower than C allowed. In addition, the traffic study shall evaluate traffic on the connecting public road, with an analysis of the existing and anticipated cumulative impacts.

N/A. Highland Green primary roads provides access to individual lots and are not dead end roads. They also connect to 3 separate public roads. Route 196, Tedford Road, and Canam Drive.

F. Dead ends shall be designed with a hammerhead turn around. Dead ends shall include 50 foot wide right-of-way extensions to adjoining parcels at the approximate half way point, and at the end of the dead end. These rights-of-way shall be written to provide rights to the adjoining properties, or to the Town, for the future construction of a connecting road, or an extension of the present subdivision road.

N/A. No new roads are proposed with this development.

G. The provisions of this section are not waivable under the standards of § 191-20.

This is confusing. If you read 191-20, it provides a way for the board to waiver certain requirements.

§ 191-10. Final plan.

[Amended 5-18-1994 STM, Art. 17; 5-21-1997 STM, Art. 25; 7-31-2000 STM, Art. 7; 5-16-2001

STM, Art. 25]

The developer shall submit the original and 18 complete sets (prints) of development plans for review 21 days prior to a scheduled Planning Board meeting. All must be of the same scale and size as the preliminary plan and contain the following information:

(14) Minor subdivision. All the information required in § 191-5B(1), (2), (3), (4), (5) and (11), plus items required for major subdivision below.

(15) Major subdivision. All of the information required for the preliminary plan in § 191-5B (1), (2), (3), (4), (5), (6), (7), (8), (11), (13) and (15), plus items below:

(k) Data to determine exact location. Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line and to establish these lines on the ground.

(l) Location of markers. Location of all permanent monuments properly identified as to whether existing or proposed.

- (m) *Restriction and conditions. Private restrictions, easements, conditions of sale and trusteeships and their periods of existence, to be lettered on the plan, or on separate instruments referred to on the plan, with copy attached.*
- (n) *Space for approval. Suitable space to record on the plan final approval by the Planning Board, with conditions, if any, and also the date of such approval, as follows:*
- (o) *Certification by registered land surveyor. A certification by a registered land surveyor that none of the land in the proposed subdivision is part of any other approved subdivision (unless the proposed plan is an amendment to a prior approved plan); that the lot lines and ownership depicted on the plan are correct and current as of the date of the plan; and that the surveyor's work has been conducted in accordance with applicable standards.*

Approved: Town of Topsham Planning Board
 _____ Chairman
 _____ Date

The plans include appropriate certifications by the surveyor and engineer as may be required. Each subdivision has a Planning Board approval block for signatures. The plans have been prepared for recording at the registry of deeds.

§ 191-11. Accompanying data with final plan.

*[Amended 5-21-1997 STM, Art. 26; 7-31-2000 STM, Art. 7]
 The subdivider shall submit the following data with the final plan:*

- A. Statement from Water District. If public water is to be used, a statement from the Superintendent of the Brunswick and Topsham Water District that sufficient capacity exists or will be available for the foreseeable needs of the subdivision. If public water is not available, a statement from a certified well driller or hydrogeologist assuring adequate water supplies for the foreseeable needs of the subdivision.*

Ability to serve letters were obtained and have been included.

- B. Statement from the Fire Chief. A statement from the Fire Chief of the Town of Topsham approving the number and location of hydrants proposed.*

We have placed hydrants roughly every 500' along the main access roads and near development clusters. Each individual house/cottage has a sprinkler system installed.

C. *Statement from the Sewer District. If public sewer is proposed, a statement from the sewer district as to the conditions on which the Sewer District will provide sewer service and approving the design of the sanitary sewers proposed within the subdivision, plus a statement that the district has sufficient capacity for the foreseeable needs of the subdivision.*

Ability to serve letters were obtained and have been provided to the Town.

D. *Approval for septic tanks and fields. Approval of the Topsham Plumbing Inspector if other than public sewage disposal is proposed, with evidence of soil suitability for such disposal.*

N/A. Not applicable to this project.

E. *Corrected plan. The subdivider shall provide a revised plan showing that all required changes have been made. The applicant shall provide one complete inked Mylar set of development plans, one inked Mylar of the final plat and one complete set of prints of the development plan. The plan will indicate the revision date(s) and the changes reflected by the revision(s).*

Amendment plans have been provided to the Town and recorded as required.

F. *State approval when required. The approval of the State of Maine Department of Environmental Protection shall be secured, in writing, before approval of the final plan if the proposed subdivision in any way falls within the jurisdiction of and is subject to review by the State of Maine Department of Environmental Protection. [Amended 5-15-2002 STM, Art. 17]*

Approvals from Maine DEP has been obtained for the project update in 2020. NRPA changes and impacts have been approved as well.

G. *Completion date. The estimated completion date for the subdivision.*

The subdivision project is approved and substantial road construction has been completed. We estimate we are half way through the 30 year project. Village Drive is a public road. Audubon Way and Mountain Road will be upgraded to Town standards and offered to the Town for acceptance after substantial construction is completed. The project will be completed as sales allow.

H. *Final approval from the Soil Conservation Service for soil erosion and sedimentation control plans and stormwater management plans as required.*

The project was reviewed by the AVSWCD in the past. Now reviews are completed by the Town's Engineering consultant. We will coordinate the review with them to earn an approval.

Article VII, General Performance Standards

§225-21. Applicability

§225-22. Air Emissions

The project is a residential retirement community with amenities to support the residents. No industrial or heavy commercial uses are proposed. Typical air emissions created will be limited to exhaust from vehicles such as cars, mechanical units supporting the building, construction equipment, and dust from the construction of the project.

Control of fugitive dust emissions was built into the construction plan by limiting the amount of open areas at any one time. The contractor has been responsible to maintain dust controls during dry periods with water or applications of calcium chloride. Once the sites have been seeded and becomes operational, the expansive green space should cause no adverse non-point air emissions.

§225-23 Erosion control

The submitted plans addressed temporary and permanent erosion and sedimentation control measures and details for the overall project construction.

§225-24 Explosive materials

Any blasting activity will be supervised by the site contractor. A blasting permit will be obtained separately. No explosive materials will be stored on site after construction is complete.

§225-25 Floodplain management

The assisted living project is not located within a mapped FEMA flood zone. The Topsham Zoning map does not indicate any aquifer areas on the property.

§225-26 Lighting

Catalog cut outs of the lighting at the assisted living facility has been submitted. See Mancini Electric plans in the plan set. Lighting along Audubon Way are cut off luminaries and are the same as installed along Village Drive, Mountain Road, and Evergreen Circle. Lighting expansion is on-going per phase. New fixtures will remain consistent with existing facilities at Highland Green.

§225-27 Off-street parking and loading

The proposed Assisted Living Facility will include 54 parking spaces to support the facility. The site will be accessed from Audubon Way. Parking for the assisted living facility is located in the front and side of the building for this project. Loading is located in the back of the proposed building.

§225-28 Traffic

A DOT traffic permit was approved by Maine DOT in 2000. A Traffic Study of the area was completed by Eaton Traffic Engineering at that time. A copy of this report is on file at the Town Office. In 2013, Diane Morabito, updated the study for development located south of the Village Drive entrance. At the time, Midcoast Medical Offices were approved and constructed off Governors Way and Community Drive. The permit was updated in 2013 as required every five years. The study was updated again in 2017 by Diane Morabito to include Phase 4 cottage units and Phase 5 apartment units. The study also included a 58 unit assisted living facility. All the remaining “residential” units were included in the 2017 study.

§225-29 Landscaping

See enclosed landscaping plans for the Assisted Living project by the landscape architect David Haynes. Also see attached summary letter from the landscape architect summarizing how the plans meets the development standards listed in 175-10.

The developer has worked very hard to develop an inviting development to attract retirees to the area. Landscaping is a high priority to the developer. During the design development of the existing Highlands project specific landscape plans were not completed. We would ask the Board to allow the developer flexibility to create an attractive and inviting project that the residents and the Town will be proud of. Landscaping of the residential buildings will blend in with the existing natural features of each specific area. We are maintaining a large buffer area surrounding the Heath and the Cathance River. Existing natural features will be preserved whenever possible. We have been granted a waiver 175-10 for this project in the past with the understanding that landscaping on site is a high priority and it exceeds the intent of the code. The staff indicates this is no longer applicable. We have submitted landscaping plans for the assisted living facility as required. A narrative from the landscape architect is included in 175-10 narratives.

§225-30 Refuse disposal

Highland Green currently receives rubbish pick-up and removal from Pine Tree Waste, Inc. The existing service will be expanded to include the new Highland Green facilities and residential units as development progresses. It is estimated that the assisted living facility, when fully developed will generate approximately 6 cubic yards weekly.

§225-31 Sanitary Provisions

The project will connect to the municipal sewer system. An ability to serve letter from the Topsham Sewer District has been provided.

§225-32 Setbacks and screening

The assisted living facility maintains a natural buffer along the stream back boundary. The closest abutter is the Topsham Public Works and DOT sand salt maintenance facility located on the other side of the same stream. Loading areas for the facility are located in this back area adjacent to the buffer. Cedar fencing will be install to screen dumpster, compactor, and mechanical units. The front area will be landscaped to break up building facades and to enhance the parking areas.

§225-33 Signs

The project sign is proposed at the main entrance. The sign will be submitted to the planning department for their review and approval under separate cover. Signs will be similar to the existing signs located on the Highlands Green campus.

§225-34 Stormwater management

A stormwater report has been completed for the assisted living project under separate cover. The development meets and exceeds the stormwater quantity and quality standards as required by the Town and Maine DEP. A draft stormwater agreement between the developer and Town is included for review for the “public storm drain” system maintenance and treatment along Audubon Way as required. The submitted plans and calculations meet the standards of 225-34 as required.

§225-35 Water Quality

The project will not result in undue water pollution for the project. Resource protection areas have been preserved from development. No significant aquifers are located on the property. The project will be service by public utilities for water supply, wastewater collection and treatment, and solid waste collection and disposal. The project development area is not located in a flood plain. Copies of all applicable FEMA maps have been submitted.

§225-36 Water Supplies

An ability to serve letter has been provided from the Brunswick / Topsham Water district indicating their willingness and ability to serve the development project now and in the future.

§225-37 Noise

The project falls within this category of development as those which produce "minor levels of sound impacts". During construction the project will cause minor noise impacts typically associated with site and building construction such as engine noise, back-up warning beepers, heavy equipment operations, etc.

Following construction, normal operation of the *Highland Green Assisted Living* project will be consistent with a typical community. Noise generation is expected to be produced by vehicles, door closing, small engines (snow blowers, mowers, etc.), people, etc. The back loading areas will produce minor noises such as building exhaust fans, vehicular noises, car doors closing, etc. There are no known protected locations near this development which would be affected by any noise produced.

§225-38

Soils

A Class C Medium-High soils survey was performed by Albert Frick Associates, Inc. in the winter and spring of 2000. The soils map is provided as Plan Sheets 6 and 7 in the DEP application.

Summit Engineering has been retained to complete a geotechnical investigation of the Assisted Living building. In order to better understand ledge depths onsite, test probes have been performed in the building areas for design purposes. Summit Geo-engineering services will provide geotechnical investigations necessary for construction of the proposed assisted living building.

§225-39

Storage

Materials used for building maintenance will be located inside the building. Lawn and Landscaping will be part of Highland Green lawn and site maintenance as may be required. Refuse disposal areas will be properly contained, screened and maintained as required in back of the building.

§225-40

Toxic and noxious discharges

Not applicable to the project.

§225-41

Vibration

Not applicable to the project.

To: Chris Belanger, Belanger Engineering
Re: Highland Green Assisted Living & Memory Care
Date: July 9, 2021

Dear Chris,

In reference to the Town of Topsham's Commercial Architectural Design Standards, Gawron Turgeon Architects has designed the Highland Green Assisted Living and Memory Care facility to be visually pleasing and welcoming to the residents and their families as well as support the overall architectural language of the town and community as a whole.

While this building is not directly adjacent to other buildings, it is designed to complement the existing buildings within the vicinity and surrounding neighborhoods through the architectural style, forms and character.

The massing and proportions of the building are in keeping with the more traditional structures in Topsham while also being residential in appearance. The nicely scaled front porch at the main entrance is welcoming and provides a focal point that guides people to the front entrance door. The rooflines and facades are broken up with dormers, low roofs and changes in materials to create a variety of architectural elements and giving the building a familiar character.

The doors and windows on the building are not only placed to maximize the amount of natural light on the inside of the building – which we know enhances the daily lives of our seniors through improved cognition, biorhythms and sleep patterns – but also provides visual relief on the exterior of the building, adding to the varied architectural character.

Clapboards, vertical siding, double-hung style windows, pitched roofs with asphalt roof shingles are materials and elements compatible with other residential buildings in the surrounding area.

The relationship of the building and parking lot provide easy access to the front door for elderly visitors and residents that can be physically challenged and unable to walk long distances as well as visually accessible to create easy wayfinding and minimize confusion.

This building and home that will provide much needed support and care for seniors with physical and memory impairment will fit in nicely in the Town of Topsham visually and programmatically.

Thank you,



Rebecca Dillon, AIA, LEED AP BD+C
Principal
Licensed Architect in Maine, Connecticut, Illinois, and Massachusetts

Landscape Design

Landscape design has been prepared by J. David Haynes, Maine Licensed Landscape Architect #5. David has been practicing landscape architecture in Maine for over fifty years. He is employed part-time by Ocean View Management Co., the parent company of Central Topsham Associates. Following is his narrative relative to the landscape design and improvements.

Introduction

Landscaping has always been an integral part of the development process at Highland Green. The residents of Highland Green value the preservation of surrounding natural wooded areas and the extensive landscape improvements in and around the residential community. When folks move from a well landscaped home to a retirement community they expect a level of landscaping that reflects or exceeds their former home surrounding. To that end we go overboard to meet our residents landscape design and maintenance expectations. We want them to feel “at home” in their new community.

The development of an Assisted Living/Memory Loss facility is a response to the inevitable process of aging. Such a facility permits residents to age comfortably in a setting that is familiar and meets their medical and emotional needs. As with our residential neighborhoods we strive to provide a high level of landscape improvements with development of such a facility.

The unique functional requirements of an Assisted Living/Memory Loss facility make it somewhat difficult to compare to the specific site development and landscape requirements of the town’s Land Use and Site Plan Ordinance. Safety and protection of our residents is of paramount importance. Such facilities require a single controlled access to monitor the entry and departure of residents and guests. Also, it is important that parking and pedestrian access be as close to the front entry as possible particularly when some residents may be physical challenged. This requirement drives the need for drop-offs, walkways and parking to be in front of the building which is contrary to the Town’s MUL zoning district.

To compare this development with the pertinent ordinances we offer the following tabulations. It is important to remember that the current proposed facility is just the first phase of a multi-phase development and that landscape tabulations are based on full build-out ordinance requirements.

Street Trees:

The facility has about 700 ft. of road frontage along Aububon Way. We propose to install 16 street trees at approximately 45 ft. on center – thirteen (13) along the south side of the road and three (3) on the north side adjacent to the proposed filter pond. The ordinance requirement of 30 ft. tree spacing seems more appropriate along an urban street where homes are close together and it is desirable to create a green canopy above the street. Our research indicates that typical tree spacing may range from 30 to 60 ft. depending upon the setting. In this case the site is surrounded by native trees and a spacing of 45 ft. seems to be most appropriate.

Parking Lot Canopy Trees:

The ordinance requires one (1) canopy tree for every fourteen (14) parking spaces. For Phase 1 we propose 54 parking spaces which equals four (4) canopy trees. We propose to install seven (7) canopy trees including parking islands, two (2) of which islands will be eliminated with future expansion.

Setback Plantings:

Because of the unique site design requirements of an Assisted Living/Memory Loss facility we have combined the ordinance requirements of front, side and rear plantings as a single overall requirement. We also propose plantings to naturalize storm water management areas – wet pond and filter pond. A comparative tabulation follows:

Section 125-10E(4)(a)

(tabulation excludes street trees, islands, Memory Loss garden, perennial and annual flowers)

	Per 100 ft.	700 ft. Frontage	Total Req'd	Phase 1	Future Phases
Canopy Trees	4	7	28	8	--
Understory Trees	3	7	21	20	--
Multi-Stem Clumps	3	7	21	12	--
Deciduous Shrubs	20	7	140	280	--
Evergreen Trees	3	7	21	13	--
Evergreen Shrubs	-	7	-	87	--

Natural Areas:

The immediate perimeter of the first phase development will remain as a native wooded area. Woods will not be altered or cut until future development phases are undertaken. In addition, two (2) areas within the first phase development bounds will be maintained as natural areas until the next building expansion occurs. These will be selectively cleared and maintained according to ordinance requirements Section 125-10 E (2). These areas are delineated and labeled on plan sheets as such.

Summary:

It is our intent to comply as completely as possible to the landscape requirements of the Town's Ordinances. Although we currently fall short in several landscape categories we are confident that these can be addressed as future phases are constructed. Note that in the area of deciduous and evergreen shrubs we already far exceed the overall requirements in this Phase I.

We understand that under ordinance Chapter 175-10 Additional Landscaping Standards, the Board has discretion to waive certain elements of the ordinance requirements. We respectfully request that the Board waive any landscape deficiencies of the proposed Phase I landscape improvements with our assurance that these will be addressed as future phases are constructed.

We believe the proposed Phase 1 landscape design will provide a beautiful vibrant surrounding for residents of the facility. We trust you will find our current landscape proposal meets the spirit of the ordinance and that our proposal is worthy of your approval. Should you have questions or comments, we would be pleased to respond.



MAINE

Department of the Secretary of State
Bureau of Corporations, Elections and Commissions

Corporate Name Search

Information Summary

[Subscriber activity report](#)

This record contains information from the CEC database and is accurate as of: Tue Jan 03 2017 15:43:01. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
CENTRAL TOPSHAM ASSOCIATES, LLC	20000813DC	LIMITED LIABILITY COMPANY (DOMESTIC)	GOOD STANDING

Filing Date	Expiration Date	Jurisdiction
02/18/2000	N/A	MAINE

Other Names	(A=Assumed ; F=Former)
HIGHLAND GREEN	A

Clerk/Registered Agent

RONALD A. EPSTEIN
PO BOX 4510
PORTLAND, ME 04112

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Topsham Sewer District
PO Box 370
Topsham, ME 04086

February 20, 2018

Mr. Christopher S. Belanger
Belanger Engineering
63 Second Avenue
Augusta, Maine 04330

**Re: Highland Green
Central Topsham Associates L.L.C.
Map R9 Lot 65, Map R4 Lots 17, 17a
Route 196, Topsham Maine**

Dear Chris,

The Topsham Sewer District has sufficient capacity and the ability to serve the above mentioned expansion of the total proposed and future residential flows of 63,300 G.P.D.

If I may be of further service please do not hesitate to call.

Sincerely,



Stuart Kay
Topsham Sewer District



BRUNSWICK & TOPSHAM
WATER DISTRICT

Craig W. Douglas, PE
General Manager

T.C. Schofield, PE
District Engineer

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

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

Joshua S. Cobb, PE
Director of Operations

June 23, 2021

Mr. Christopher Belanger, PE
Belanger Engineering
63 Second Ave
Augusta, ME 04330

Transmitted Via email: cbelanger@roadrunner.com

RE: Highland Green Phase 4 – Assisted Living Facility, Audobon Way

Dear Mr. Belanger:

This letter is to inform you that the District has the ability to serve the referenced project, and will provide service in accordance with Maine Public Utilities Commission and Brunswick & Topsham Water District Rules and Regulations.

It is our understanding that the assisted living facility may be expanded from 48 units to 120 units. The project will be served by a 12- inch public main extension from the existing 12-inch main on Village Drive.

The following documents can be found on our website (<http://btwater.org/apply-water-main-extension.aspx>) and are important to the main extension process:

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

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

Sincerely,

T.C. Schofield, PE
District Engineer



Mr. Christopher S Belanger, P.E.
Belanger Engineering

June 6, 2019

RE: Ability to Serve, Highland Green

Dear Christopher,

This letter is to confirm that Pine Tree Waste Inc, Casella Recycling located in Scarborough, and varies locations in Maine, has the capabilities to pick up, and dispose of annual volumes of Municipal Solid Waste (MSW) and Zero Sort Recycling. For Highland Green, located at 7 Evergreen Circle, Topsham Maine. The end site for the MSW material will be....

Juniper Ridge
2828 Bennoch Road
Alton Maine 04468
VIA
West Bath Maine Transfer Station
64 AJ Reno Rd
West Bath Maine 04530
MDEP Permit # S-020700-WD-N-A

Pine Tree Waste Inc can also transport volumes of non-hazardous Zero Sort Recycling.
The end site for this material will be:

Casella Recycling
2 Gendron drive
Lewiston Maine 04240
MDEP Permit# L-011383-05-A-N

This letter is not a quote for service. It is a statement of capabilities. The sole purpose of this letter is to communicate the willingness and capabilities that Pine Tree Waste Inc., and Casella Recycling has towards providing this service as requested. If you have any questions or concerns, please do not hesitate to give me a call.

Sincerely,

Ralph Precopio

Territory Mgr.



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

JANET T. MILLS
GOVERNOR

KIRK F. MOHNEY
DIRECTOR

May 20, 2019

Mr. Christopher S. Belanger, PE
Belanger Engineering
63 Second Ave
Augusta, ME 04330

Project: MHPC #0644-19 Highland Green; 7 Evergreen Circle
Residential Development Project
Town: Topsham, ME

Dear Mr. Belanger:

In response to your recent request, I have reviewed the information received May 16, 2019 to initiate consultation on the above referenced project in accordance with the requirements of the Maine Department of Environmental Protection.

Based on the information submitted, I have concluded that there will be no historic properties (archaeological or architectural) affected by the proposed undertaking, as defined by Section 106 of the National Historic Preservation Act.

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

Sincerely,

Kirk F. Mohney
State Historic Preservation Officer

December 23, 2019

Chris Belanger
Belanger Engineering
63 Second Avenue
Augusta, ME 04330

RE: Subdivision and site plan amendment application Phase 4A-4C Evergreen Circle
48 cottage units & Audubon Way 48 Unit Assisted Living Facility
- Tax Map R04, Lot(s) 17A

Application Information

Project Name: Highland Green

Applicant(s): Seacoast Management Company

Tax Map R04, **Lot(s)** 17A

Proposed Development: Evergreen Circle 48 Cottage units & Audubon Way 48 Unit Assisted Living Facility

Zoning: Mixed Use Limited (MUL),

Overlay zone, if any: Stream Protection Shoreland Zone

Below you will find the vote and the conditions placed upon the approvals from the Planning Board meeting of December 17, 2019. To be more clear about the access management expectations that were approved by the PB, I wanted to provide the following information:

1. The intention of access management sought by the Town, is to have the following:
 - a. Audubon Way from Village Drive to Tedford Road shall serve as immediate emergency access meeting the current 191-6 standards (as cited below, the owner shall inspect this roadway with the town peer review engineer to assess the immediate needs to accomplish this). Any identified improvements to this shall be in place prior to June 30, 2020.
 - b. Audubon Way from Village Drive to Tedford Road shall be brought up to a 22ft wide access standards (as proposed) upon final inspection of the Assisted living facility.
 - c. Evergreen Circle connection shall serve as immediate emergency access meeting the current 191-6 standards (as cited below, the owner shall inspect this roadway with the town peer review engineer to assess the immediate needs to accomplish this). Any identified improvements to this shall be in place prior to June 30, 2020.

- d. Evergreen Circle Connection shall be brought up to a 22ft wide access standard (as proposed) concurrent with the cottage unit work commencing or by the end of the year 2020 (whichever comes first).
- e. During pre-construction meetings for either approval, a construction schedule shall be detailed that identifies the ongoing maintenance of both access roads.
- f. Identified Monitoring reports of the construction and condition of access roads shall be reviewed and approved by Town Staff and Peer Review Engineer.

The Topsham Planning Board VOTED

That the Site Plan Review Application for an Assisted Living Facility on Tax Map R04, Lot 1yA-1 and 48 Residential Units on Tax Map R04, Lots 71A-4, 17A-10, 17A-18, 17A-19 and 19 is in compliance with the Standards in the Site Plan Review Ordinance, Chapter 175 and the Zoning Ordinance, Chapter 225 as set forth in the Findings of Fact on pages 2 through 7 in the memo to the Planning Board from Rod Melanson dated December 11, 2019 with the following Conditions of Approval:

1. This approval is not final until such time as final plans, showing all conditions and waivers, have been signed by the Planning Board.
2. This approval is based on the approved plans listed on pages 8 through 11 and reviewed by the Planning Department, and on all submissions and information provided by the applicant at final approval, whether referenced in any findings or conditions of approval.
3. No occupancy of new construction shall be requested until all infrastructures serving the new construction has been completed according to the approved plans.
4. No deviations from the approved plans are permitted without prior approval from the Planning Board or Planning Office.
5. All work shall be completed in accordance with Best Management Practices for Soil Erosion and Sediment Control.
6. Board should confirm Performance Guarantee per 191-13 prior to signing approved plans.
7. A pre-construction conference will be held with the Town Planner, CEO, Public Works Director, Town Peer Review Engineer, Applicant(s) or representative(s), Design Engineer, other required professionals, and all proposed contractors prior to any work commencing.

100 Main Street
Topsham, Maine 04086

Planning Office: (207) 725-1724
Codes Office: (207)725-1723

8. Inspection fees shall be submitted to the Town prior to issuance of any building permits.
9. All outstanding application fees or peer review escrow account overages shall be submitted to the Town prior to signing of the approved plans.
10. The approval is conditioned on the applicant receiving all necessary federal, state and local approvals.
11. This approval is conditioned on the applicant receiving all necessary approvals from public/private utilities.
12. A four-space bike rack shall be provided at the Assisted Living Facility.
13. Evergreen Circle shall be connected and brought up to the proposed 22ft access standards concurrent with the commencement of Phase 4 development, or by the end of 2020.
14. Existing emergency roads - Evergreen to Evergreen, and Audubon and Tedford Road to Village Drive - shall be inspected by Town Planning Staff and Peer Reviewer as soon as reasonable, to assess immediate emergency needs prior to signing the plan.
15. These improvements identified under the inspection and any additional improvements identified during subsequent spring inspection shall be implemented to bring the road up to the 2006 Emergency Road Standards by June 30, 2020.

If you have any questions, please give me a call at 725-1725 ext. 2126 or email me at rmelanson@topshammaine.com

Sincerely,



Rod Melanson
Cc: file



DEPARTMENT ORDER

IN THE MATTER OF

CENTRAL TOPSHAM ASSOCIATES, LLC) SITE LOCATION OF DEVELOPMENT ACT
CENTRAL TOPSHAM ASSOCIATES II, LLC) LONG-TERM CONSTRUCTION PROJECT
Topsham, Sagadahoc County) NATURAL RESOURCES PROTECTION ACT
HIGHLAND GREEN) FRESHWATER WETLAND ALTERATION
PHASES 4 A-D and PHASE 5A) WATER QUALITY CERTIFICATION
L-20337-87-U-A (approval)) MAJOR AMENDMENT
L-20337-TG-V-N (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. §§ 481–489-E and §§ 480-A–480-JJ, Section 401 of the Federal Water Pollution Control Act (33 U. S. C. § 1341), and Chapters 310, 315, 373, 375, 380 and 500 of Department rules, the Department of Environmental Protection (Department) has considered the application of CENTRAL TOPSHAM ASSOCIATES, LLC and CENTRAL TOPSHAM ASSOCIATES II, LLC (applicants) with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History of Project: In Department Order #L-20337-87-A-N/L-20337-31-B-N, dated November 13, 2000, the Department approved a master plan for a multi-phased, mixed-use development, known as Highland Green, pursuant to Chapter 380 *Long-Term Construction Projects Under the Site Location of Development Act* (formerly known as *Planning Permit*) of Department rules. The development consists of a residential development, a 9-hole golf course, several parcels of land available for future commercial development, and several access roads. In the Order, the Department approved a compensation plan to off-set the future loss of 4.16-acres of impact to freshwater wetlands. The plan consists of 0.52 acres of wetland restoration, 0.45 acres of wetland enhancement, 0.17 acres of wetland creation, 1.51 acres of upland buffer creation, and the preservation of two parcels of land totaling 205.5 acres. The Department has approved several modifications of the development subsequent to original permit approval which include, among other things, additional land acquisition, multiple phases of residential housing units, access roads, an ecology center, and other associated structures and infrastructure.

To date, Phases 1, 2, and most of Phase 3 of the Highland Green development are complete and were constructed in compliance with Department Orders #L-20337-87-A-N/L-20337-31-B-N, #L-20337-87-H-M/L-20337-TG-I-M, dated July 17, 2003, and #L-20337-87-N-M/L-20337-TG-O-M, dated January 11, 2007. Phase 3D, which was approved in Department Order #L-20337-87-R-M/L-20337-L6-S-N/L-20337-TG-T-N, dated January 26, 2018, is currently under construction.

The development is located on an approximately 663-acre parcel of land on the north side of Route 196 (Brunswick-Topsham Bypass) in the Town of Topsham.

B. Summary: The applicants propose to construct additional phases, known as Phases 4 A-D, and also make several improvements to previously approved Phase 5A as part of its master plan for Highland Green. Details of the proposed phases are described as follows:

Phases 4 A-C (Quarry, Cottages, and Evergreen Circle Project). Phases 4 A-C consist of the acquisition of an additional 9.9-acre parcel (the Quarry parcel) and construction of 48 residential cottages on the newly acquired Quarry parcel. The applicants further propose to construct a 22-foot wide paved extension of Evergreen Circle which will provide access to the cottages and complete the Evergreen Circle loop road, which traverses through the northern portion of the development.

Phase 4D (Assisted Living Facility and Audubon Way Project). Phase 4D consists of a 48-unit assisted living/memory care building and a 58-space parking area that will be accessed via Audubon Way, an existing main road through the development. The applicants further propose to re-align a portion of Audubon Way to increase the setback from an off-site road.

Phase 5A (Apartments and Mountain Road Project). In Department Order #L-20337-87-R-M/L-20337-L6-S-N/L-20337-TG-T-N, dated January 26, 2018, the Department also approved, the construction of Phase 5A consisting of four, 12-unit apartment buildings (totaling 48 units), four associated 12-car parking garages, and an associated 22-foot wide by 800-liner foot new access road (Eyrie Drive). The applicants propose to modify several components of Phase 5A and associated Mountain Road which consists of, among others:

- The addition of a fourth floor to each previously approved apartment building to create four, 16-unit apartment buildings (totaling 64 units);
- The addition of two, eight-bay parking garages;
- Modification of the location of an access drive and pedestrian walkways;
- An extension of Mountain Road to create a direct connection to Canam Drive at the Highland Green property line;
- The creation of an intersection at Annex Drive; and
- Installation of a water supply well to support golf course irrigation
- Updates of all storm drain locations and other infrastructure.

Details of the proposed project can be seen on a set of plans the first of which is entitled “Cover Sheet, Phases 4A-C Cottage Construction Project,” prepared by Belanger Engineering and dated July 1, 2019, with a last revision date of January 10, 2020.

The applicants are also seeking approval under the Natural Resources Protection Act (NRPA) to permanently alter 9,552 square feet of forested freshwater wetlands. Taken together with previous wetland impacts, the cumulative amount of permanent wetland alteration at the development site is 4.6 acres. Details of wetland impacts are further described in Finding 16.

C. Current Use of Site: The site of the development contains an active adult living community, which consists of a mixed-use residential and commercial development, a 9-hole golf course, and several access roads including, but not limited to, Village Drive, Evergreen Circle, Sycamore Drive, and Mountain Road. The newly acquired Quarry parcel contains a former quarry and an associated access road. The remainder of the proposed project site is a mixture of woodlands, pedestrian trails, and golf course features.

2. FINANCIAL CAPACITY:

The total cost of the proposed phases is estimated to be \$3,000,000. The applicants stated that the cost of the proposed phases was previously anticipated as part of the overall development of Highland Green and that the overall cost estimate for the full buildout of Highland Green remains accurate. The applicants submitted a letter from Bar Harbor Savings Bank, dated December 12, 2018, in regard to Phases 4 A-C and a letter from Norway Savings Bank, dated July 1, 2019 in regard to Phase 4D and Phase 5A. These letters indicate that the applicants have an open line of credit with an availability of funds which exceeds the necessary amount of funds to design, construct, operate, and maintain the proposed project.

Given the applicants' cost estimates for the proposed project compared to the overall development at full buildout, and the applicants' letters of commitment, the Department finds the applicant's evidence of financial capacity to be credible. The Department further finds that the applicants have demonstrated adequate financial capacity to comply with Department standards.

3. TECHNICAL ABILITY:

The applicants provided resume information for key persons involved with the project and a list of projects successfully constructed by the applicants. The applicants also retained the services of Belanger Engineering, a professional engineering firm, to assist in the design and engineering of the project.

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

4. NOISE:

The applicants stated that the noise generated by the proposed project is anticipated to be minor in nature and consistent with applicable municipal ordinances and zoning. Noise generated by the proposed project is not anticipated to change, increase, or be different than the noise that is currently generated by the existing Highland Green development. The applicants stated that the proposed project has been designed to be in compliance the Department's Chapter 375, § 10 Noise Standards.

The Department finds that the applicants have made adequate provisions for the control of excessive environmental noise from the proposed project.

5. SCENIC CHARACTER:

The proposed project site is located on the north side of Route 196 (Brunswick-Topsham Bypass). The project site contains woodlands, portions of existing golf course, an existing quarry, pedestrian trails, and access roads. Land uses in the area surrounding the project site are a mixture of residential, commercial, and municipal uses.

The proposed project is not located in, on, or over a waterbody used by the general public. Freshwater wetlands are located and contained on the applicants' property. The nearest scenic resource that is visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities, is the Cathance River. The proposed project at its closest point is located approximately one mile from the Cathance River. As part of Department Order #L-20337-87-A-N/L-20337-31-B-N, the Department approved a compensation plan that includes the preservation of 230 acres along the Cathance River. Because this forested tract of land is located between the overall Highland Green development and the scenic resource, the proposed project will not be visible from the Cathance River and will not result in an unreasonable impact to visual quality.

The applicants stated that that proposed project will be minimally visible from nearby, off-property residences. Existing vegetation will screen much of the proposed project and all existing vegetation between public roads and nearby residences will remain the same.

The Department determined that based on the nature of the proposed project and its location, there are no existing recreational or navigational uses of the resource that would be unreasonably impacted.

Based on the project's location and design, the Department finds that the proposed project will not have an unreasonable adverse effect on the scenic character of the surrounding area. The Department further finds that the proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses.

6. WILDLIFE AND FISHERIES:

The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the proposed project. In its comments, dated June 3, 2019, MDIFW stated that it found no records of any Essential or Significant Wildlife Habitats, or other wildlife habitats of special concern associated with this site. No fisheries concerns were identified.

The Department finds that the applicants has made adequate provision for the protection of wildlife and fisheries. The Department further finds that the activity will not unreasonably harm any significant wildlife habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

7. HISTORIC SITES AND UNUSUAL NATURAL AREAS:

The Maine Historic Preservation Commission reviewed the proposed project and stated in comments, dated May 20, 2019, that the proposed project will have no effect upon any structure or site of historic, architectural, or archaeological significance as defined by the National Historic Preservation Act of 1966.

In comments, dated May 29, 2019, the Maine Natural Areas Program of the Department of Agriculture, Conservation and Forestry stated that its database does not contain any records documenting the existence of rare or unique botanical features on the project site.

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

8. BUFFER STRIPS:

As part of its stormwater management system, the applicants propose to utilize several forested stormwater buffers. The applicants stated that these buffer areas will be protected by means of a deed restriction. These stormwater buffers are described in further detail in Finding 10.

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

9. SOILS:

The applicants submitted an updated soil survey map and report based on the soils found at the proposed Quarry parcel. This map and report were prepared by a registered professional engineer and indicate that the subsurface conditions at the development site can support the proposed project. The staff of the Department reviewed the applicants' report and agreed with the results contained in the report.

The Department finds that, based on the applicants' map and report, the soils on the project site present no limitations to the proposed project that cannot be overcome through standard engineering practices.

10. STORMWATER MANAGEMENT:

The proposed development of Phases 4A-C includes approximately 22.98 acres of developed area, of which 7.73 acres is impervious area. The proposed development of Phase 4D includes approximately 6.54 acres of developed area, of which 3.64 acres is impervious area. The proposed improvements to Phase 5A results in an overall reduction of previously approved developed area and now includes approximately 4.64 acres of developed area, of which 1.87 acres is impervious area. Taken together with previous development including Phases 1, 2, and 3, the cumulative amount of developed area at Highland Green is 248.01 acres, of which 78.45 acres is impervious area.

The proposed project lies within the watershed of the Cathance River. The applicants submitted an updated stormwater management plan based on the Basic, General, and Flooding standards contained in Chapter 500 Stormwater Management rules (06-096 C.M.R. ch. 500, effective August 12, 2015) pursuant to 38 M.R.S. § 420-D. The proposed stormwater management system for Phases 4 A-C consists of a roof dripline filter associated with each cottage, ten forested stormwater buffers, and a stormwater wet pond. The proposed stormwater management system for Phase 4D consists of a dripline filter and nine forested stormwater buffers. The stormwater management system for the proposed improvements to Phase 5A remain the same as approved in Department Order #L-20337-87-R-M/L-20337-L6-S-N/L-20337-TG-T-N. This system consists of a roof dripline filter associated with each apartment building and utilization of an existing stormwater management pond.

A. Basic Standards:

(1) Erosion and Sedimentation Control: The applicants submitted an updated Erosion and Sedimentation Control Plan that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices (BMPs) outlined in the Maine Erosion and Sediment Control BMPs, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of, the Department's Bureau of Land Resources (BLR).

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

(2) Inspection and Maintenance: The applicants submitted an updated maintenance plan that addresses both short and long-term maintenance requirements. The maintenance plan is based on the standards contained in Appendix B of Chapter 500. This plan was reviewed by BLR. The applicants will be responsible for the maintenance of all common facilities including the stormwater management system.

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

Based on BLR's review of the erosion and sedimentation control plan and the maintenance plan, the Department finds that the proposed project meets the Basic Standards contained in Chapter 500, § 4(B).

B. General Standards:

The applicants' stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential temperature impacts. This mitigation is being achieved by using Best Management Practices (BMPs) that will control runoff from no less than 95% of the impervious area and no less than 80% of the developed area. The proposed modification of Audubon Way in Phase 4D meets the definition of "a linear portion of a project" in Chapter 500 and the applicants are proposing to control runoff volume from no less than 75% of the impervious area and no less than 50% of the developed area.

The 18 forested, limited disturbance stormwater buffers will be protected from alteration through the execution of a deed restriction. The applicants submitted a draft deed restriction that meets Department standards. Prior to the start of construction of each phase, the location of the forested buffers must be permanently marked on the ground. The applicants shall execute and record the deed restriction within 60 days of the date of this Order. The applicants shall submit a copy of the recorded deed restriction to the BLR within 60 days of its recording.

BLR reviewed and commented on the applicants' proposal to collect and treat stormwater runoff using the proposed stormwater management system.

The applicants revised its plans to address BLR's comments. BLR concluded that the proposed stormwater management system is designed in accordance with the General Standards contained in Chapter 500, § 4(C) and recommended that the design engineer or a qualified professional oversee the construction of the stormwater structures according to the details and notes specified on the approved plans. Within 30 days of completion of the stormwater structures, the applicants must submit a log of inspection reports detailing the items inspected, photographs taken, and the dates of each inspection to the Department's BLR for review.

Based on the stormwater system's design and BLR's review, the Department finds that the applicants have made adequate provision to ensure that the proposed project will meet the Chapter 500 General Standards contained in Chapter 500, § 4(C) provided that, the location of the stormwater buffers are permanently marked on the ground prior to construction of each phase, that the applicants execute a deed restriction of the stormwater buffers, and that construction of the stormwater structures is overseen and documented as described above.

C. Flooding Standard:

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

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

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

11. GROUNDWATER:

The project site is not located over a mapped sand and gravel aquifer. The applicants propose to install one water supply well to support irrigation of the development's existing golf course. Water supply is discussed in further detail in Finding 12.

The staff of the Department reviewed the proposed project and did not identify any issues concerning groundwater quality or quantity.

The Department finds that the proposed project will not unreasonably deplete ground water resources. Therefore, the Department further finds that the proposed project will not have an unreasonable adverse effect on ground water quality or quantity.

12. WATER SUPPLY:

When completed, the proposed phases are anticipated to use 63,500 gallons of water per day. Further, the proposed water supply well in Phase 5A is anticipated to use 4.5 million gallons of water per year for irrigation purposes.

Water will be supplied by the Brunswick-Topsham Water District. The applicants submitted a letter from the District, dated May 1, 2019, indicating that it will be capable of servicing this project and will continue to serve the overall development. In addition, the applicants propose to install one water supply well for irrigation purposes to supply an additional 4.5 million gallons of water per year to the Highland Green development. The wells will be constructed in conjunction with the components of Phase 5A.

The applicants submitted an assessment of water use and groundwater recharge rates on the development site. This assessment indicates that the water to irrigate the golf course will be withdrawn from the existing golf course's Hole 2 pond and the pond can maintain a sustainable rate of water recovery in the pond. The assessment was reviewed by the staff of the Department. Staff found no issues or concerns with the proposed well and recommended that the applicants submit a well installation report for Phase 5A's irrigation well to the Department's BLR for review prior to the start of its operation. The report must include the well depth, estimated yield, well logs (if available), and other relevant information for Phase 5A's irrigation well.

The Department finds that the applicants have made adequate provision for securing and maintaining a sufficient and healthful water supply provided that, prior to the start of operation of Phase 5A's irrigation well, the applicants submit a well installation report the well to the Department's BLR for review as described above.

13. WASTEWATER DISPOSAL:

When completed, the proposed phases are anticipated to discharge 63,500 gallons of wastewater per day to the Topsham Sewer District's wastewater treatment facility. No sewer line extension is necessary to serve the proposed project. The applicants submitted a letter from the Topsham Sewer District stating that it will accept these flows. The proposed project and its generated wastewater flows were reviewed by DWQM which commented that the Topsham Sewer District has the capacity to treat these flows and is operating in compliance with the water quality laws of the State of Maine.

Based on DWQM's comments, the Department finds that the applicants have made adequate provision for wastewater disposal at a facility that has the capacity to ensure satisfactory treatment.

14. SOLID WASTE:

When completed, the proposed project is anticipated to generate 18 cubic yards of household solid waste per year. All general solid wastes from the proposed project will be disposed of at Juniper Ridge in the Town of Alton via West Bath Maine Transfer in the

Town of West Bath, which are both currently in substantial compliance with the Maine Solid Waste Management Rules.

The proposed project will generate approximately 10,200 cubic yards of stumps and grubbings. All stumps and grubbings generated will be disposed of on site, either chipped or burned, with the remainder to be worked into the soil, in compliance with the Maine Solid Waste Management Rules.

The proposed project will generate approximately 2,000 cubic yards of construction debris and demolition debris. All construction and demolition debris generated will be disposed of at Juniper Ridge in the Town of Alton via West Bath Maine Transfer in the Town of West Bath, which are both currently in substantial compliance with the Maine Solid Waste Management Rules.

Based on the above information, the Department finds that the applicants have made adequate provision for solid waste disposal.

15. FLOODING:

The proposed project is not located within the 100-year flood plain of any river or stream.

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

16. WETLAND IMPACTS:

The applicants propose to directly alter 9,552 square feet of a forested freshwater wetland to construct the proposed project. Wetland impacts are associated with Phase 4D's proposed 48-unit assisted living building. Taken together with previous wetland impacts, the cumulative amount of permanent wetland alteration at the development site is 4.6 acres.

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

A. Avoidance. An applicant must submit an analysis of whether there is a practicable alternative to the project that would be less damaging to the environment and this analysis is considered by the Department in its assessment of the reasonableness of any impacts. The applicants submitted an alternative analysis for the proposed project completed by Belanger Engineering and dated July 23, 2019. The applicants stated that the purpose of the project is to accommodate the continuing development of Highland Green. Although wetland impacts were originally anticipated and approved in Department Order

#L-20337-87-A-N/L-20337-31-B-N, the applicants considered several alternative expansion designs and other potential on-site locations to construct the proposed phases. The applicants determined that all other alternative designs and locations would result in a greater amount of wetland impact or would not achieve the overall purpose of the proposed project. In light of these considerations, the applicants stated that there was no other practicable alternative to the project that would avoid impacts to freshwater wetlands.

B. Minimal Alteration. In support of an application and to address the analysis of the reasonableness of any impacts of a proposed project, an applicant must demonstrate that the amount of freshwater wetland to be altered will be kept to the minimum amount necessary for meeting the overall purpose of the project. Minimization strategies include maximizing the use of all available upland areas, using a steeper fill side slope ratio (2.5 H:1V) in wetland fill areas where practicable, reducing the width of Audubon Way, eliminating originally anticipated parking spaces, and clustering all structures as close to main roads as possible given municipal road setbacks and other site constraints due to the presence of an on-site stream. The applicants stated that as it is currently designed, the proposed project minimizes impacts to freshwater wetlands to the maximum extent practicable.

C. Compensation. In accordance with Chapter 310, § 5(C)(6)(a)(ii), compensation is required to achieve the goal of no net loss of wetland functions and values when cumulative alterations in a freshwater wetland not of special significance exceed 15,000 square feet. The cumulative amount of freshwater wetland alteration at the development site is 4.6 acres.

The applicants submitted a set of plans of the proposed project site that identify areas of wetlands, the first of which is titled "Proposed Wetland Impact A," prepared by Belanger Engineering and dated July 1, 2019 with a last revision date of October 31, 2019. The applicants also submitted a functions and values assessment of the freshwater wetlands prepared by ECO-ANALYSTS, INC., dated July 12, 2018. The assessment identified sediment/toxicant retention, production export, and groundwater recharge as the principal functions and values of the freshwater wetlands impacted by the proposed project.

As part of Department Order #L-20337-87-A-N/L-20337-31-B-N, the Department approved a compensation plan that consists of 0.52 acres of wetland restoration, 0.45 acres of wetland enhancement, 0.17 acres of wetland creation, 1.51 acres of upland buffer creation, and the preservation of this overall parcel of land totaling 205.5 acres. The applicants also preserved an additional 230-acre tract of land by means of a conservation easement. The applicants completed the objectives of the wetland restoration, enhancement, and creation efforts in January 2006 as described in Department Order #L-20337-TG-M-M, dated October 10, 2006. The functions and values of the preserved, created, enhance, and restored wetlands as a result of mitigation are equal to or greater than those of the impacted wetlands. Given this, and in combination with the cumulative amount of wetland impact at the development site, the applicants' previously approved compensation plan exceeds the Department's ratios for restoration, enhancement, creation, and preservation, in accordance with the requirements for compensation pursuant to Chapter 310, § (5)(C)(5).

After considering the size of the alteration and the nature of the project and weighing the functions and values of the impacted wetlands against the aquatic resource functions and values of the applicants' previously approved compensation plan, the Department finds that the applicants' mitigation plan as approved in Department Order #L-20337-87-A-N/L-20337-31-B-N sufficiently off-sets the cumulative loss of freshwater wetland functions and values.

The Department finds that the applicants have avoided and minimized freshwater wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project. The Department further finds that the activity will not unreasonably harm any freshwater wetland plant habitat.

17. OTHER CONSIDERATIONS:

The proposed project was reviewed pursuant to Chapter 380 *Long-Term Construction Projects Under the Site Location of Development Act* of the Department's rules. This chapter applies to Highland Green, which was issued a "planning permit" pursuant to the original Chapter 380 (effective July 25, 1997). The rule allows the approval of developments occupying large areas of land that will be constructed over a significant period of time. As such, certain reporting requirements are included in the rule and are necessary to ensure any future development is sited and constructed in conformance with Site Location of Development Act standards. The Department established terms and conditions of the planning permit in Department Order #L-20337-87-A-N/L-20337-31-B-N, to ensure that the development will proceed in accordance with the law and rules in effect at the time of review. The terms and conditions of the planning permit are described in Department Order #L-20337-87-A-N/L-20337-31-B-N and are incorporated herein.

The proposed project will not affect any other issues identified during previous Department reviews of the development. Based on its review of the application, the Department finds the proposed project to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Department Order #L-20337-87-A-N/L-20337-31-B-N, and subsequent Orders.

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

- A. The applicants have provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicants have made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.

- D. The proposed development meets the standards for stormwater management in 38 M.R.S. § 420-D and the standard for erosion and sedimentation control in 38 M.R.S. § 420-C provided that, the location of the stormwater buffers is permanently marked on the ground prior to the start of each phase, that the applicants execute a deed restriction of the stormwater buffers, and that construction of the stormwater structures is overseen and documented as described as described in Finding 10.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
- F. The applicants have made adequate provision of utilities, including water supplies, sewerage facilities and solid waste disposal required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities in the municipality or area served by those services provided that, prior to the start of operation of Phase 5A's irrigation well, the applicants submit a well installation report the well to the Department's BLR for review as described in Finding 12.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

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

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S. § 480-P.


THEREFORE, the Department APPROVES the application of CENTRAL TOPSHAM ASSOCIATES, LLC and CENTRAL TOPSHAM ASSOCIATES II, LLC to construct Phases 4 A-D and modify Phase 5A as part of its master plan for Highland Green as described in Finding 1, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicants shall take all necessary actions to ensure that their activities or those of their agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. Prior to the start of construction of each phase, the location of the forested stormwater buffers shall be permanently marked on the ground.
5. The applicants shall execute and record the appropriate stormwater buffer deed restrictions within 60 days of the date of this Order. The applicants shall submit a copy of the recorded deed restriction to the Department's Bureau of Land Resources within 60 days of its recording.
6. The applicants shall retain its design engineer or a qualified professional to oversee the construction of the stormwater management structures according to the details and notes specified on the approved plans. Within 30 days of completion of the stormwater management structures, the applicants shall submit a log of inspection reports detailing the items inspected, photographs taken, and the dates of each inspection to the Department's Bureau of Land Resources for review.
7. Prior to the start of operation of Phase 5A's irrigation well, the applicants shall submit a well installation report for this water supply well to the Department's Bureau of Land Resources for review. The report must include the well depth, estimated yield, well logs (if available), and other relevant information for Phase 5A's irrigation well.
8. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-20337-87-A-N/L-20337-31-B-N, and subsequent Orders, and are incorporated herein.

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

DONE AND DATED IN AUGUSTA, MAINE, THIS 10TH DAY OF APRIL, 2020.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
For: Gerald D. Reid, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

BC/L20337UA&VN/ATS#84823,84824

FILED
April 13, 2020
State of Maine
Board of Environmental Protection

Department of Environmental Protection
SITE LOCATION OF DEVELOPMENT (SITE)
STANDARD CONDITIONS

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

(2/81)/Revised December 27, 2011



Natural Resources Protection Act (NRPA) Standard Conditions

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

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

Revised September 2016

STORMWATER STANDARD CONDITIONS

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

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

- (1) Approval of variations from plans. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the permittee. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S. §420-D(8) and is subject to penalties under 38 M.R.S. §349.
- (2) Compliance with all terms and conditions of approval. The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- (3) Advertising. Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- (4) Transfer of project. Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.
- (5) Time frame for approvals. If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- (6) Certification. Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the permittee, and the permittee and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance with the approval and conditions. Completed certification forms must be forwarded to the department.

- (7) Maintenance. The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the Department. If maintenance responsibility is to be transferred from the permittee to another entity, a transfer request must be filed with the Department which includes the name and contact information for the person or entity responsible for this maintenance. The form must be signed by the responsible person or agent of the responsible entity.
- (8) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.
- (a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
 - (b) All aspects of the stormwater control system are operating as approved, have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the system, or portions of the system, as necessary.
 - (c) The stormwater maintenance plan for the site is being implemented as approved by the Department, and the maintenance log is being maintained.
 - (d) All proprietary systems have been maintained according to the manufacturer's recommendations. Where required by the Department, the permittee shall execute a 5-year maintenance contract with a qualified professional for the coming 5-year interval. The maintenance contract must include provisions for routine inspections, cleaning and general maintenance.
 - (e) The Department may waive some or all of these recertification requirements on a case-by-case basis for permittees subject to the Department's Multi-Sector General Permit ("MSGP") and/or Maine Pollutant Discharge Elimination System ("MEPDES") programs where it is demonstrated that these programs are providing stormwater control that is at least as effective as required pursuant to this Chapter.
- (9) Transfer of property subject to the license. If any portion of the property subject to the license containing areas of flow or areas that are flooded are transferred to a new property owner, restrictive covenants protecting these areas must be included in any deeds or leases, and recorded at the appropriate county registry of deeds. Also, in all transfers of such areas and areas containing parts of the stormwater management system, deed restrictions must be included making the property transfer subject to all applicable terms and conditions of the permit. These terms and conditions must be incorporated by specific and prominent reference to the permit in the deed. All transfers must include in the restrictions the requirement that any subsequent transfer must specifically include the same restrictions unless their removal or modification is approved by the Department. These restrictions must be written to be enforceable by the Department, and must reference the permit number.
- (10) Severability. The invalidity or unenforceability of any provision, or part thereof, of this permit shall not affect the remainder of the provision or any other provisions. This permit shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: November 2018

Contact: (207) 287-2452

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) an administrative process before the Board of Environmental Protection (Board); or (2) a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This information sheet, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S. §§ 341-D(4) & 346; the *Maine Administrative Procedure Act*, 5 M.R.S. § 11001; and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 C.M.R. ch. 2.

DEADLINE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed more than 30 calendar days after the date on which the Commissioner's decision was filed with the Board will be dismissed unless notice of the Commissioner's license decision was required to be given to the person filing an appeal (appellant) and the notice was not given as required.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017. An appeal may be submitted by fax or e-mail if it contains a scanned original signature. It is recommended that a faxed or e-mailed appeal be followed by the submittal of mailed original paper documents. The complete appeal, including any attachments, must be received at DEP's offices in Augusta on or before 5:00 PM on the due date; materials received after 5:00 pm are not considered received until the following day. The risk of material not being received in a timely manner is on the sender, regardless of the method used. The appellant must also send a copy of the appeal documents to the Commissioner of the DEP; the applicant (if the appellant is not the applicant in the license proceeding at issue); and if a hearing was held on the application, any intervenor in that hearing process. All of the information listed in the next section of this information sheet must be submitted at the time the appeal is filed.

INFORMATION APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time the appeal is submitted:

1. *Aggrieved Status.* The appeal must explain how the appellant has standing to maintain an appeal. This requires an explanation of how the appellant may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions, or conditions objected to or believed to be in error.* The appeal must identify the specific findings of fact, conclusions regarding compliance with the law, license conditions, or other aspects of the written license decision or of the license review process that the appellant objects to or believes to be in error.
3. *The basis of the objections or challenge.* For the objections identified in Item #2, the appeal must state why the appellant believes that the license decision is incorrect and should be modified or reversed. If possible, the appeal should cite specific evidence in the record or specific licensing requirements that the appellant believes were not properly considered or fully addressed.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those matters specifically raised in the written notice of appeal.
6. *Request for hearing.* If the appellant wishes the Board to hold a public hearing on the appeal, a request for public hearing must be filed as part of the notice of appeal, and must include an offer of proof in accordance with Chapter 2. The Board will hear the arguments in favor of and in opposition to a hearing on the appeal and the presentations on the merits of an appeal at a regularly scheduled meeting. If the Board decides to hold a public hearing on an appeal, that hearing will then be scheduled for a later date.
7. *New or additional evidence to be offered.* If an appellant wants to provide evidence not previously provided to DEP staff during the DEP's review of the application, the request and the proposed evidence must be submitted with the appeal. The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered in an appeal only under very limited circumstances. The proposed evidence must be relevant and material, and (a) the person seeking to add information to the record must show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process; or (b) the evidence itself must be newly discovered and therefore unable to have been presented earlier in the process. Specific requirements for supplemental evidence are found in Chapter 2 § 24.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, and is made easily accessible by the DEP. Upon request, the DEP will make application materials available during normal working hours, provide space to review the file, and provide an opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer general questions regarding the appeal process.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed, the license normally remains in effect pending the processing of the appeal. Unless a stay of the decision is requested and granted, a license holder may proceed with a project pending the outcome of an appeal, but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, and will provide the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, any materials submitted in response to the appeal, and relevant excerpts from the DEP's application review file will be sent to Board members with a recommended decision from DEP staff. The appellant, the license holder if different from the appellant, and any interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. The appellant and the license holder will have an opportunity to address the Board at the Board meeting. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, the license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court (see 38 M.R.S. § 346(1); 06-096 C.M.R. ch. 2; 5 M.R.S. § 11001; and M.R. Civ. P. 80C). A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452, or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.



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

CENTRAL TOPSHAM ASSOCIATES
CENTRAL TOPSHAM ASSOCIATES II, CHRIS WASILESKI
20 BLUEBERRY LANE
FALMOUTH, MAINE 04105

CORPS PERMIT # NAE-2019-02142
CORPS GP ID# 19-489
STATE ID# L-20337-87-U-A
L-20337-TG-V-A

DESCRIPTION OF WORK:

To place fill in an unnamed wetland off Audubon Way, Map R4 Lot R1 at Topsham, Maine in conjunction with the expansion of an existing single, multi family unit, and assisted living development at Highland Green as described on the attached ME DEP NRPA application entitled Central Topsham Associates LLC and as shown on plans on sheets dated July 1, 2019. Approximately 9.552SF (0.22acres) of freshwater wetlands will be permanently impacted in conjunction with the development and construction of Phase 4D of the project.

SPECIAL CONDITIONS: SEE ATTACHED SHEET

LAT/LONG COORDINATES: 44.940183°N N -69.952388°W W USGS QUAD: BRUNSWICK, 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 enclosed Federal Permit, the Maine General Permit (GP). 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 [], ISSUED [X], DENIED [] DATE 04/13/2020

APPLICATION TYPE: PBR:___, TIER 1:___, TIER 2:___, TIER 3: X, LUPC: __ DMR LEASE: ___ NA: ___

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: 08/28/2019 LEVEL OF REVIEW: CATEGORY 1:___ CATEGORY 2: X

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

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

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

If you have any questions on this matter, please contact my staff at 207-623-8367 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://per2.nwp.usace.army.mil/survey.html

NEAL.LEEANN. Digitally signed by NEAL.LEEANN.B.1239504007 Date: 2020.04.17 09:28:31 -04'00'

LEEANN B. NEAL
SENIOR PROJECT MANAGER
MAINE PROJECT OFFICE

MAHANEY.SHAWN.B Digitally signed by MAHANEY.SHAWN.B.1006439302 Date: 2020.04.17 09:49:55 -04'00'

FOR: FRANK J. DEL GIUDICE DATE
CHIEF, PERMITS & ENFORCEMENT BRANCH
REGULATORY DIVISION



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

**PLEASE NOTE THE FOLLOWING SPECIAL CONDITIONS FOR
DEPARTMENT OF THE ARMY
GENERAL PERMIT
NO. NAE-2019-02142**

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 geo-textile silt fences or other devices capable of filtering the fines involved, shall be installed and properly maintained to minimize adverse impacts on waters and wetlands during construction. These devices must be removed upon completion of work and stabilization of disturbed areas. The sediment collected by these devices must also be removed and placed upland, in a manner that will prevent its later erosion and transport to a waterway or wetland. In addition, if upland clearing, grubbing, or other construction activity results in, or may result in, soil erosion with transport and deposition into wetlands or waterways, devices such as geotextile silt fences, sediment trenches, etc., shall be installed and properly maintained to minimize such impacts during construction. Upland areas to be disturbed shall be re-seeded with appropriate vegetation within ninety (90) days of project completion. If these areas cannot be reseeded until the following spring, alternative methods of bank and sediment stabilization shall be utilized.
3. In order to mitigate for wetland impacts, the Permittee shall replace two (2) existing culverts 18" culverts with a 5' x 5' x 100' box culvert on Evergreen Circle in an unnamed stream at Brunswick, Maine as shown on the attached plan entitled "Highland Green, Figure 25" in one (1) sheet dated "04/14/2020". This work shall be completed by December 31, 2020. Within sixty (60) days after the completion of the culvert replacement, the permittee shall provide the Corps with documentation that the work has been completed to LeeAnn B. Neal, U.S. Army Corps of Engineers, Maine Project Office, 442 Civic Center Drive, Suite 350, Augusta, ME 04330. This documentation shall include photos of the new culvert and a narrative detailing when the work was completed, who did the work, and any problems that were encountered.
4. In-stream work is limited to July 15 through September 30 to avoid impacts to Atlantic salmon and other fisheries and local water quality. In-stream work shall be performed within dewatered coffer dams.
5. Riprap shall be clean and free of debris, caked on soil particles or rock and dust fragments that would result in the release of sediment into an adjacent water body.
6. All areas of exposed soil must be contained with functional erosion and sediment controls and must remain in place and maintained until such time that exposed soil is stabilized with vegetation.
7. The contractor will follow spill prevention control and countermeasures designed to avoid effects to the waterway from hazardous materials associated with construction activities. These measures will include:
 - Vehicle refueling shall occur more than 100 feet from any water course.
 - All vehicles carrying fuel shall have specific equipment and materials needed to contain or clean up any incidental spills at the project site. Equipment and materials would include spill kits appropriately sized for specific quantities of fuel, shovels, absorbent pads, straw bales, containment structures and liners, and/or booms.
 - During use, pumps, generators, etc. shall have appropriate spill containment or absorbent pads in place.
 - All equipment used for work below the OHW line shall be cleaned of external oil, grease, dirt, and mud. Any leaks or accumulations of grease would be corrected before working near or in rivers, streams or areas that drain directly to streams or wetlands.
8. No additional filling, clearing, or other disturbance of waters of the United States (wetlands or waterways) is authorized without written approval from the Corps.
9. The permittee must still obtain any other Federal, State, or local permits as required by law before beginning work.
10. This authorization requires you to 1) notify us before beginning work so we may inspect the project, and 2) submit a Compliance Certification Form. You must complete and return the enclosed Work Start Notification Form(s) to this office at least two weeks before the anticipated starting date. You must complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work and any required mitigation (but not mitigation monitoring, which requires separate submittals).



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

**GENERAL PERMIT
WORK-START NOTIFICATION FORM**

MAIL TO:

U.S. Army Corps of Engineers, New England District
Maine Project Office
442 Civic Center Drive, Suite 350
Augusta, Maine 04330

A Corps of Engineers Permit (**NAE-2019-02142**) was issued to Central Topsham Associates, LLC,
Chris Wasileski. The permit authorized the permittee to place fill in an unnamed wetland off Audubon Way,
Map R4 Lot R1, Topsham, Maine in conjunction with the expansion of an existing single, multi family unit, and
assisted living development at Highland Green. Approximately 9,552SF (0.22acres) of freshwater wetlands will
be permanently impacted in conjunction with the development and construction of the facility in Phase 4D
of the project. In addition, to replace two existing undersized and adjacent 18” culverts with a 5’ x 5’ x 100’
clamshell box culvert embedded below the ordinary high water line of an unnamed stream off of Evergreen
Circle.

The people (e.g., contractor) listed below will do the work, and they understand the permit's conditions and limitations.

PLEASE PRINT OR TYPE

Name of Person/Firm: _____

Business Address: _____

Telephone: (____) _____ (____) _____

Proposed Work Dates: Start: _____
Finish: _____

PERMITTEE'S SIGNATURE: _____ DATE: _____

PRINTED NAME: _____ TITLE: _____

FOR USE BY THE CORPS OF ENGINEERS

PM NEAL Submittals Required: _____

Inspection Recommendation: Random MEGP compliance



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

COMPLIANCE CERTIFICATION FORM

(Minimum Notice: Permittee must sign and return notification within one month of the completion of work.)

Permit Number: NAE-2019-02142

Project Manager: LeeAnn Neal

Name of Permittee: Central Topsham Associates

Permit Issuance Date: April 17, 2020

Please sign this certification and return it to our office upon completion of the activity and any mitigation required by the permit. You must submit this after the mitigation is complete, but not the mitigation monitoring, which requires separate submittals.

 * E-MAIL TO: cenae-r@usace.army.mil; or *
 * * * * *
 * MAIL TO: Permits and Enforcement Branch C *
 * U.S. Army Corps of Engineers, New England District *
 * Regulatory Division *
 * 696 Virginia Road *
 * Concord, Massachusetts 01742-2751 *

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the above referenced permit, and any required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

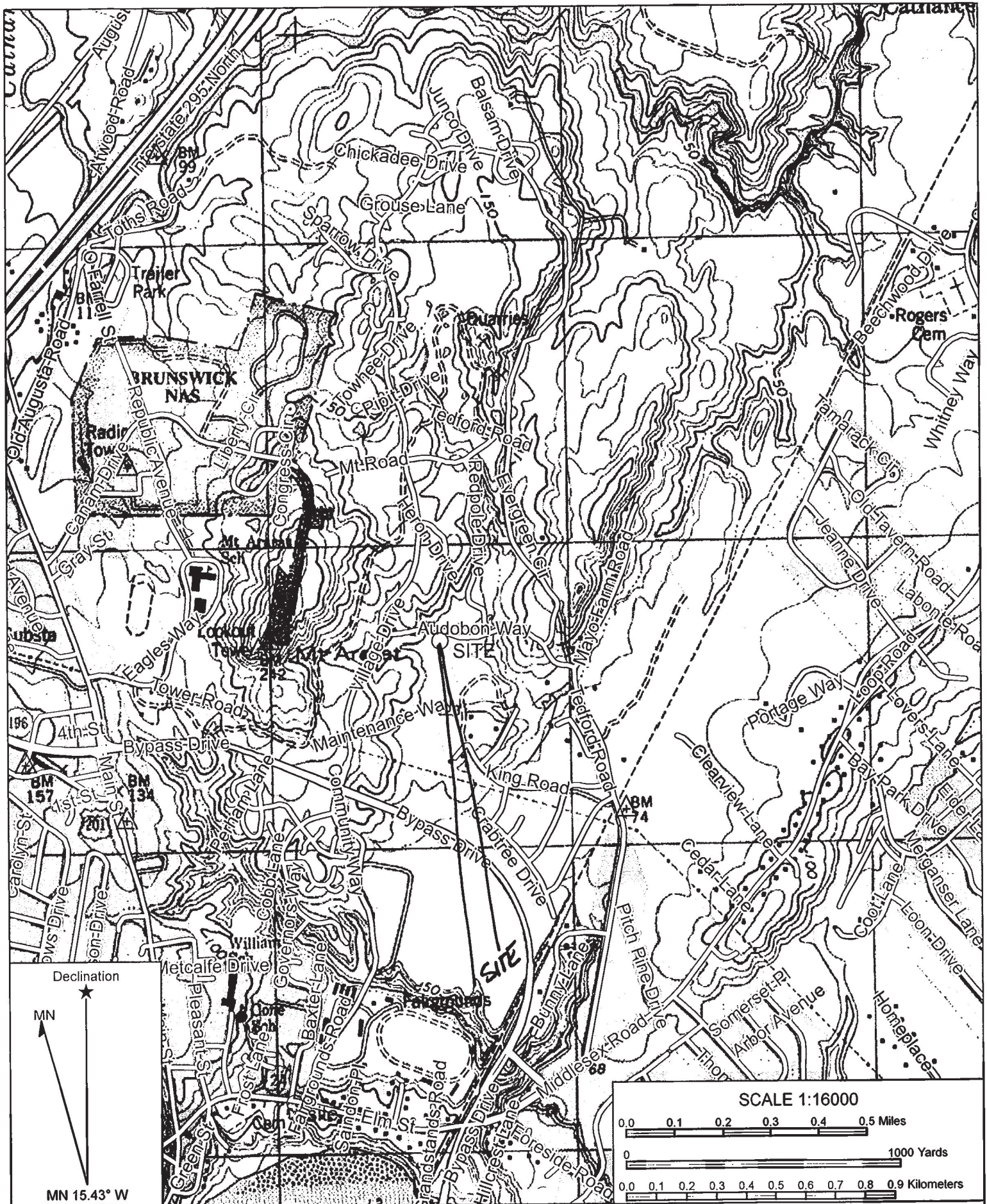
Date

Printed Name

Date of Work Completion

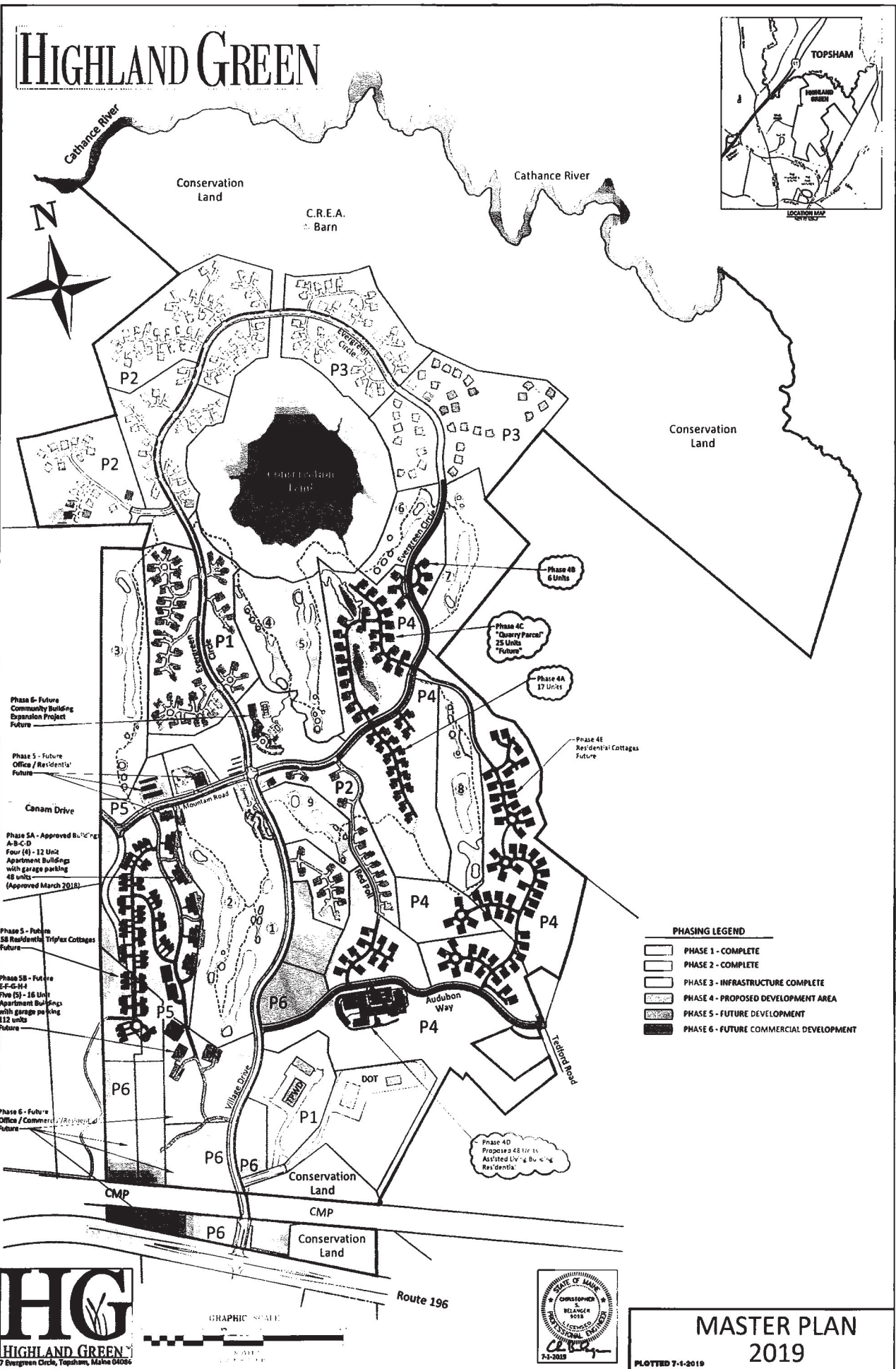
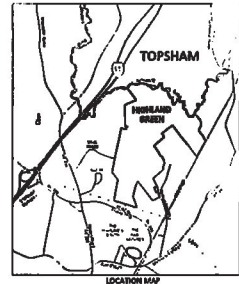
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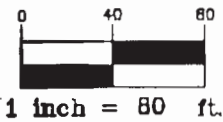
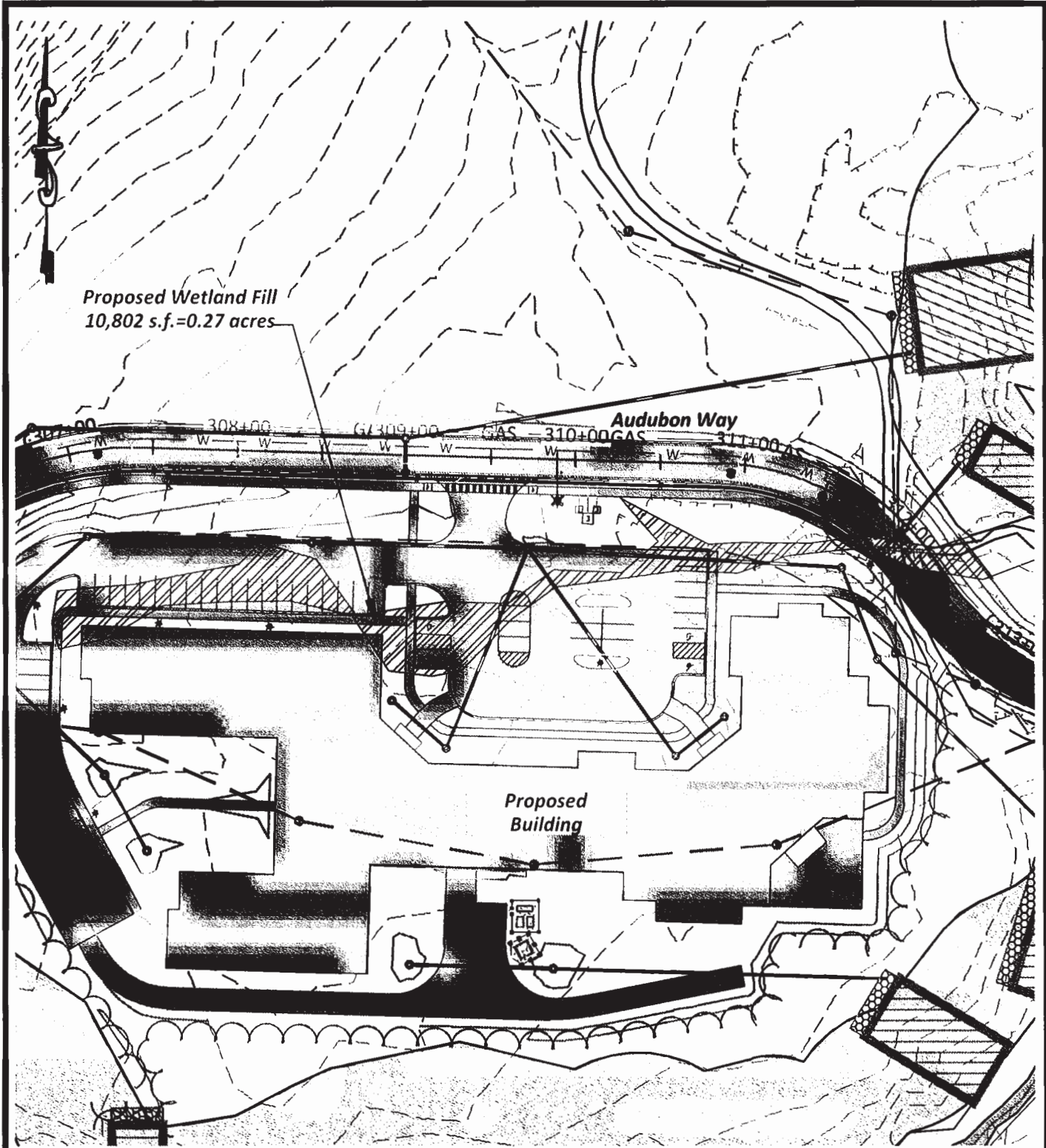


Name: BRUNSWICK **43.940183 N**
 Date: 08/12/19 **- 69.952388 W**
 Scale: 1 inch = 1,333 ft.

HIGHLAND GREEN



MASTER PLAN 2019
 PLOTTED 7-1-2019



10,802SF inclusive of impact of 1,250SF
previously authorized at Audubon Way; NET
impact 9,552SF.

Phase 4D

CUSTOMER PROJECT:
Highland Green

LOCATION:
7 Evergreen Circle

TOWN: **Topsham** COUNTY: **Sagadahoc** STATE: **Maine**



BELANGER
ENGINEERING
CONSULTING ENGINEERS

Ph 207-622-1462, Cell 207-242-5713
63 Second Avenue, Augusta, Maine 04330

PROJECT:
**Proposed Wetland
Impact A**

SCALE: **1"=80'**

DATE:
July 1, 2019

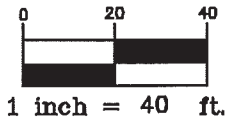
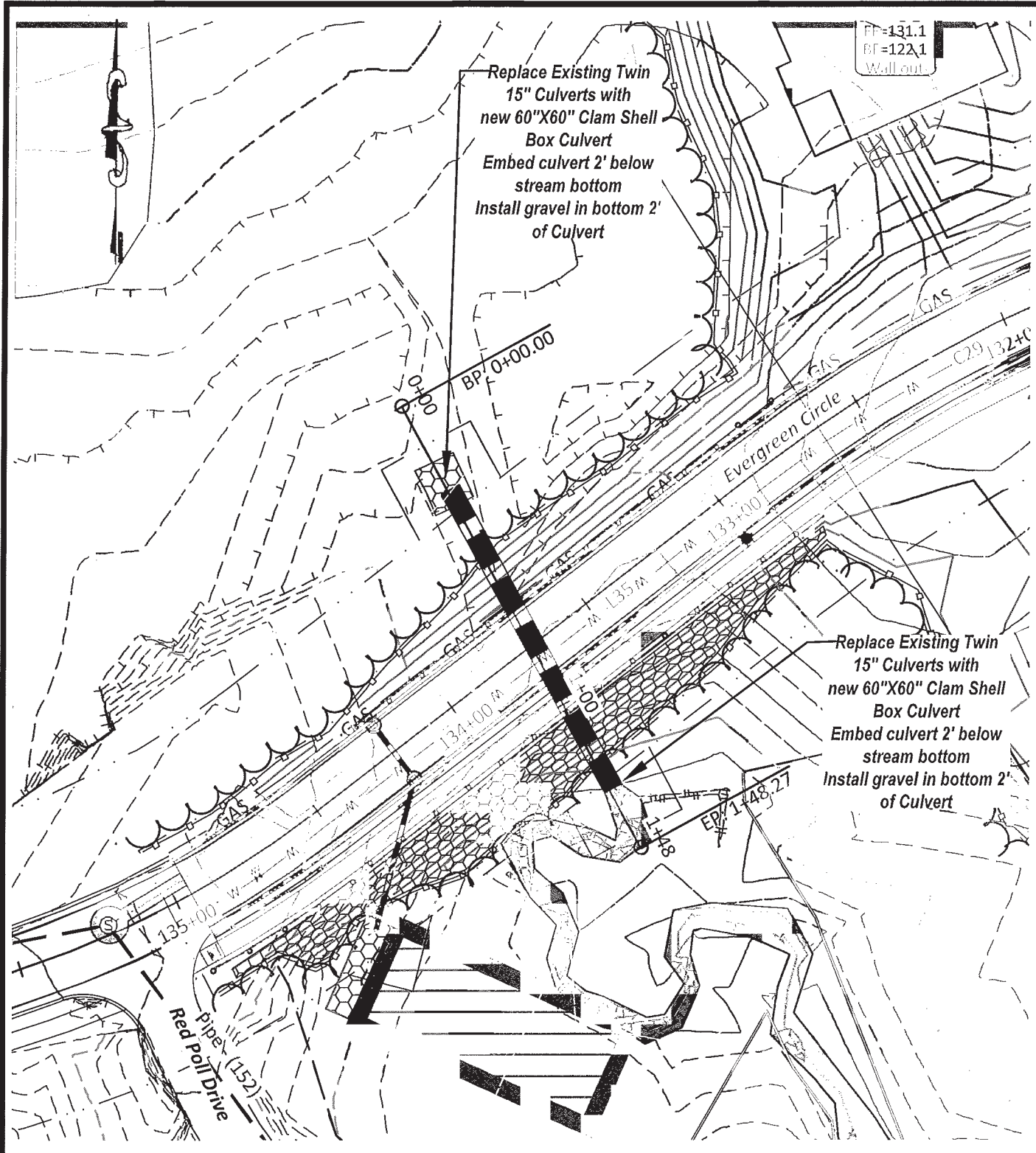
SHEET NO. 000

Figure:
17

FF=131.1
 BF=122.1
 Wall out.

Replace Existing Twin
 15" Culverts with
 new 60"X60" Clam Shell
 Box Culvert
 Embed culvert 2' below
 stream bottom
 Install gravel in bottom 2'
 of Culvert

Replace Existing Twin
 15" Culverts with
 new 60"X60" Clam Shell
 Box Culvert
 Embed culvert 2' below
 stream bottom
 Install gravel in bottom 2'
 of Culvert



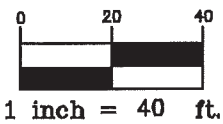
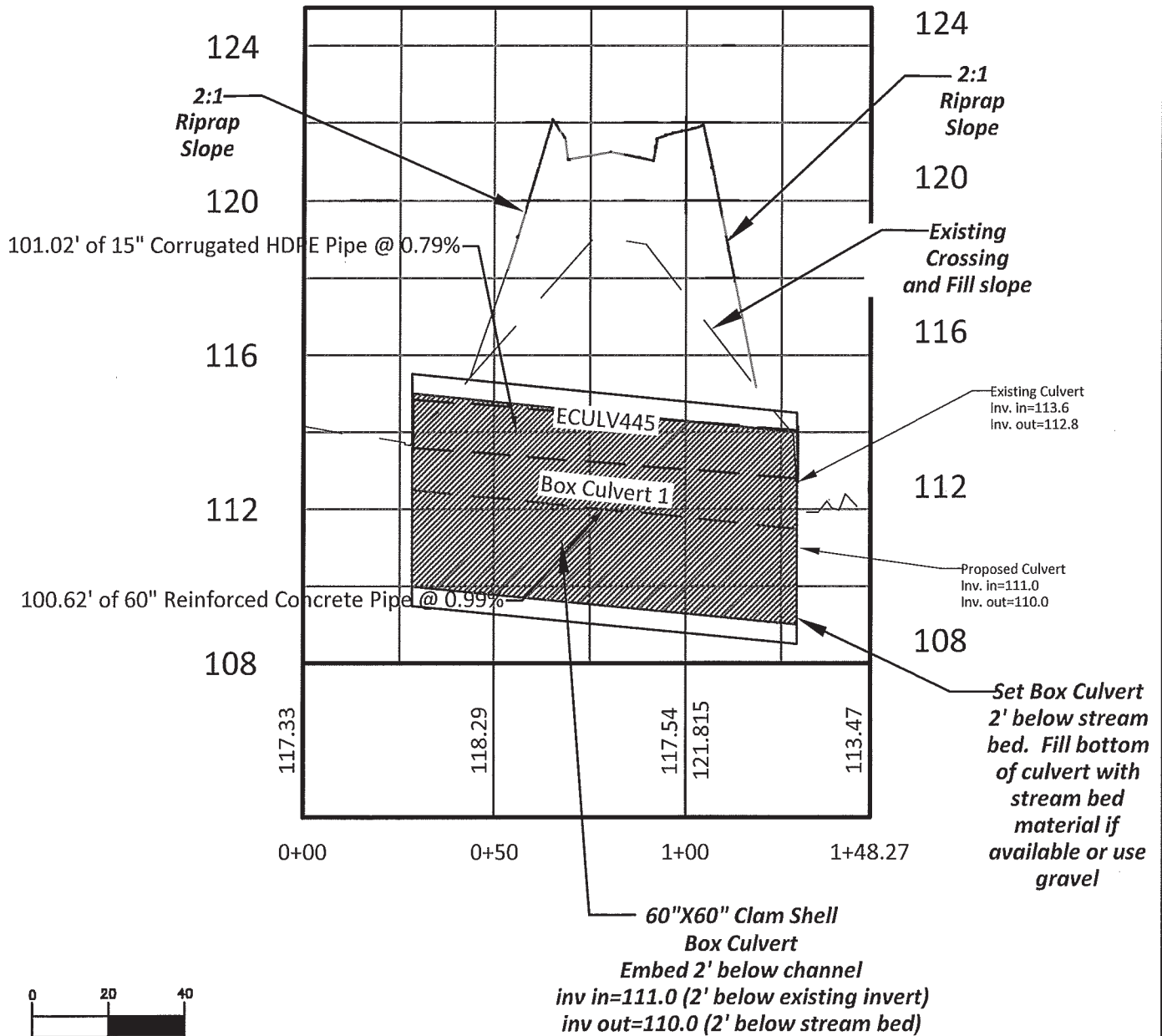
CLIENT/PROJECT:
Highland Green
 LOCATION:
7 Evergreen Circle
 TOWN: **Topsham** COUNTY: **Sagadahoc** STATE: **Maine**

BELANGER
ENGINEERING
 CONSULTING ENGINEERS
 Ph 207-622-1462, Cell 207-242-5713
 63 Second Avenue, Augusta, Maine 04330

SHEET TITLE: **60"X60" Box Culvert**
 SCALE: **1"=40'**
 Date: **April 14, 2020**

Figure:
25

Box Culvert 1 Profile PROFILE



CLIENT/PROJECT:
Highland Green

LOCATION:
7 Evergreen Circle

TOWN: **Topsham** COUNTY: **Sagadahoc** STATE: **Maine**

BELANGER ENGINEERING
CONSULTING ENGINEERS
Ph 207-622-1462, Cell 207-242-5713
63 Second Avenue, Augusta, Maine 04330

SHEET TITLE: **Box Culvert 1 Section**

SCALE: **1"=40'**

Date: **April 14, 2020**

Figure:
26

PROJ. NO. 0008

From: [Callahan, Beth](#)
To: [Chris Belanger](#)
Subject: RE: Highland Green L-20337-87-U-A & L-20337-TG-V-N
Date: Monday, June 28, 2021 3:57:34 PM

Hi Chris –

Thanks for checking in, it's good to hear from you. After reading the materials you've provided, there's no need to modify the permit for the four changes you've listed for the assisted living facility (Audubon Way) and cottages (Evergreen Circle). Instead, we'll just look towards modifying the permit for the future community building expansion and additional cottages when that time comes.

As you may have heard, we are so so so understaffed right now. At some point this summer, an RFP will be available to retain a 3rd party sw engineer for project reviews. Although I'm not completely familiar with how this process will work, it's a possible option to consider for future projects in lieu of an internal sw review by one of engineers.

I hope this is helpful information.

Have a good day,
Beth

BETH CALLAHAN

*Project Manager, Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-1586
www.maine.gov/dep*

From: Chris Belanger <cbelanger@roadrunner.com>
Sent: Tuesday, June 22, 2021 8:19 AM
To: Callahan, Beth <Beth.Callahan@maine.gov>
Subject: Highland Green L-20337-87-U-A & L-20337-TG-V-N

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Beth

Hope things are well.

We wanted to check in with you on a couple of items. DEP approved the assisted living project and the quarry cottages project on April 2020. We are looking for your advice on how to proceed with a modification if necessary. Ideally we want to begin the assisted living project in September / early October.

Assisted Living Facility and Audubon Way

1. The developer intends to convert the approved single story 48 unit building to a 2 story 48

unit building. Impervious areas will be less than approved for this phase (more may be approved later).

2. We also have dropped the grades approximately 3' to avoid site geotechnical pre-loading of the building footprint.
3. As a result of the changes, two stormwater buffer areas were converted to two ponds to provide stormwater treatment. The ponds are located outside of the buffers to the extent possible. The pond outlets in the buffer but will discharge to a stone berm level spreader. See C24 and C26. Please review.

Quarry Cottages and Evergreen Circle

1. We also dropped the road grade of Evergreen Circle. This required the pond outlet to be lowered and relocated. We have a new pond outlet for the approved pond. See C27A. Please review.

Do we need to modify the permit for the above changes??

If we need to update the permit, does it make sense to include future units in the submission now? Note 48 units were approved at the assisted living facility but may expand to 120 in the future (the reason to convert to 2 story). Also note the stormwater ponds are already sized for any potential future flows at the assisted living facility.

The developer may also want to include a future community building expansion as well as add some inflow type of units (6 cottages) near the community building. We were planning on doing this separately later this summer but can combine if it's easier for you.

What do you think? Hopefully I explained this right.

Let me know. If we need to update, we are ready to submit soon. We have already submitted to the Town.

Thanks Beth. If you prefer to chat, give me a call.

Chris B.



Christopher S. Belanger, P.E.

63 Second Avenue, Augusta, Maine 04330

Phone: 207-622-1462

Email: chris@belangerengineeringmaine.com

Web Site: belangerengineeringmaine.com



Tedford Road



Tedford Road Pond



Tedford Road Pond Inlet



Tedford Road Pond Outlet



Audubon 42" Culvert Outlet



Audubon 42" Culvert Inlet



Existing Culvert at End of Redpoll Drive Sewer Extension



Existing Wetland Proposed Fill Area

GE
Lighting Solutions

Evolve™ LED Post Top

Salem (EPST)



imagination at work

Product Features

The new Evolve™ LED Salem Post Top offers energy efficiency and quality of light in a classic, utility carriage look and style. The advanced LED optical system provides improved horizontal and vertical uniformity, reduced glare and improved lighting control. GE's unique optical ring technology effectively aims the light where you need it, while eliminating the unsightly shadow circles commonly seen under other LED post top fixtures.

The Salem post top can yield up to a 60-percent reduction in system energy compared with standard HID systems, depending on applications. This reliable system operates well in cold temperatures and offers more than 11 years of service life to reduce maintenance frequency and expense, based on a 50,000 hour life and 12 hours of operation per day. Containing no mercury or lead, this environmentally responsible product is RoHS compliant.

Applications

- Roadway, site, area, and general lighting utilizing advanced LED optical system providing high uniformity, excellent vertical illuminance, reduced offsite visibility, and reduced on-site glare.

Housing

- Die-cast aluminum housing.
- Traditional utilitarian "carriage" design incorporates the heat sink directly into the unit ensuring maximum heat transfer and long LED life.
- Meets 2G vibration standards per ANSI C136.32-2001. For 3G rating contact factory.

LED & Optical Assembly

- Structured LED array for optimized Roadway/walkway photometric and distribution.
- Evolve light engine consisting of nested concentric directional reflectors designed to optimize application efficiency and minimize glare.
- Utilizes high brightness LEDs, 65 CRI at 4100K typical.
- LM-79 tests and reports are performed in accordance with IESNA standards.

Lumen Maintenance

- System rating is 50,000 hours at L85. Contact factory for L rating (Lumen Depreciation) beyond 50,000 hours.

Ratings

- UL/cUL listed, suitable for wet locations.
- IP 65 rated optical enclosure per ANSI C136.25-2009.
- Temperature rated at -40° to 50°C.

Mounting

- Post top mounting 3-inch (76mm) OD held in place with three black squarehead set screws.

Finish

- Corrosion resistant polyester powder painted, minimum 2.0 mil. thickness.
- Standard colors: Black & Dark Bronze.
- RAL & custom colors available.

Electrical

- 120-277 volt and 347-480 volt available.
- System power factor is >90% and THD <20%.
- Class "A" sound rating.
- Integral surge protection non-dimming:
 - For 120-277VAC per IEEE/ANSI C62.41.-1991, 4kV/2kA Location Category B2 (120 Events)
 - For 347-480VAC per IEEE/ANSI C62.41.-1991, 6kV/3kA Location Category B3 (120 Events)
- Integral surge protection GE dimming:
 - For 120-480VAC per IEEE/ANSI C62.41.2-2002, 6kV/3kA Location Category B (120 Events)
- Optional high capability surge protection per IEEE/ANSI C62.41.2-2002.
 - Rating 1 - 10kV/5kA Location Category (120 events)
 - Rating 2 - 6kV/3kA Location Category C-Low (5000 events)
- EMI: Title 47 CFR Part 15 Class A
- Photo electric sensors (PE) available for all voltages.

Warranty

- 5-year limited system warranty standard.

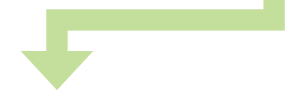
Ordering Number Logic

Salem Post Top (EPST)



E P S T - - - - - **41** - **N** - - - - - **P** - - - - -

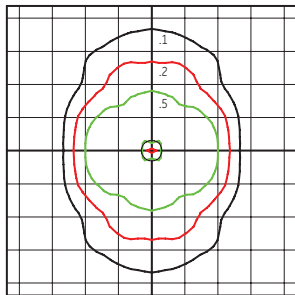
PROD. ID	VOLTAGE	OPTICAL CODE	LED COLOR TEMP	OPTICAL SIDE PANELS	PE FUNCTION	MOUNTING ARM	COLOR	OPTIONS
E = Evolve P = Post Top S = Salem T = Traditional	0 = 120 - 277 H = 347 - 480 1 = 120* 2 = 208* 3 = 240* 4 = 277* 5 = 480* D = 347*		41 = 4100K	N = None	1 = None 2 = PE Rec. 4 = PE Rec. with Shorting Cap 5 = PE Rec. with Control PE control not available for 347-480V. Must be a discrete voltage.	P = Pole Mounted	BLCK = Black DKBZ = Dark Bronze Contact factory for other colors.	D = Dimmable (0-10 Volt Input)* F = Fusing P = Prewire with 6" of 14/3 cable T = Extra Surge Protection* XXX = Special Options *Contact factory for availability.



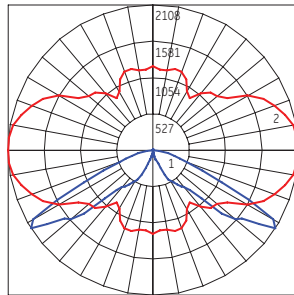
	OPTICAL CODE	TYPE	TYPICAL INITIAL LUMENS		TYPICAL SYSTEM WATTAGE		POLE SPACING	BUG RATINGS 4100K			IES FILE NUMBER
			4100K	120-277V	347-480V	2-4 LANES		B	U	G	
TYPE V	B5	Symmetric	4350	86	94	5:1	N/A	2	1	454604	
	D5	Symmetric	2250	49	55	5:1	N/A	2	1	454606	
TYPE III	B3	Asymmetric Wide	4350	86	94	5:1	1	2	1	454605	
	D3	Asymmetric Wide	2250	49	55	5:1	1	2	1	454607	

Photometrics

EPST Type V - Symmetric (B5)
4,350 Lumens, 4100K (GE454604.ies)

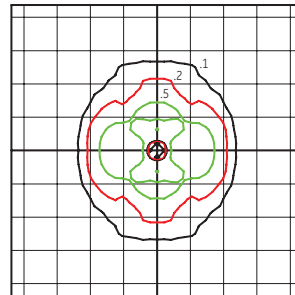


Grid Distance in Units of Mounting Height at 16' Initial Footcandle Values at Grade

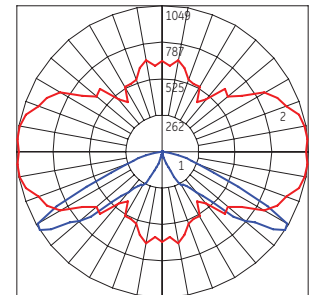


Polar Trace Vertical and Horizontal Plane through Horizontal Angle of Maximum Candlepower

EPST Type V - Symmetric (D5)
2,250 Lumens, 4100K (GE454606.ies)

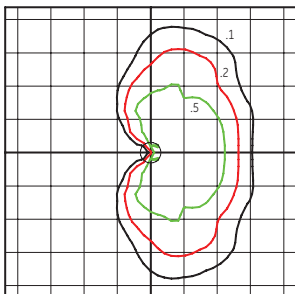


Grid Distance in Units of Mounting Height at 16' Initial Footcandle Values at Grade

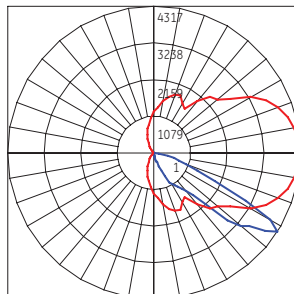


Polar Trace Vertical and Horizontal Plane through Horizontal Angle of Maximum Candlepower

EPST Type III - Asymmetric Wide (B3)
4,350 Lumens, 4100K (GE454605.ies)

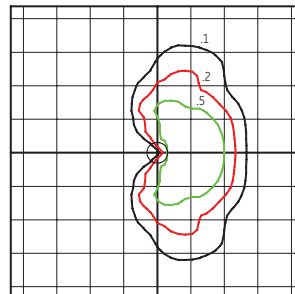


Grid Distance in Units of Mounting Height at 16' Initial Footcandle Values at Grade

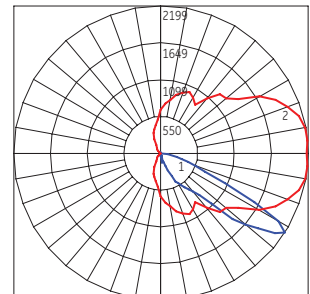


Polar Trace Vertical and Horizontal Plane through Horizontal Angle of Maximum Candlepower

EPST Type III - Asymmetric Wide (D3)
2,250 Lumens, 4100K (GE454607.ies)

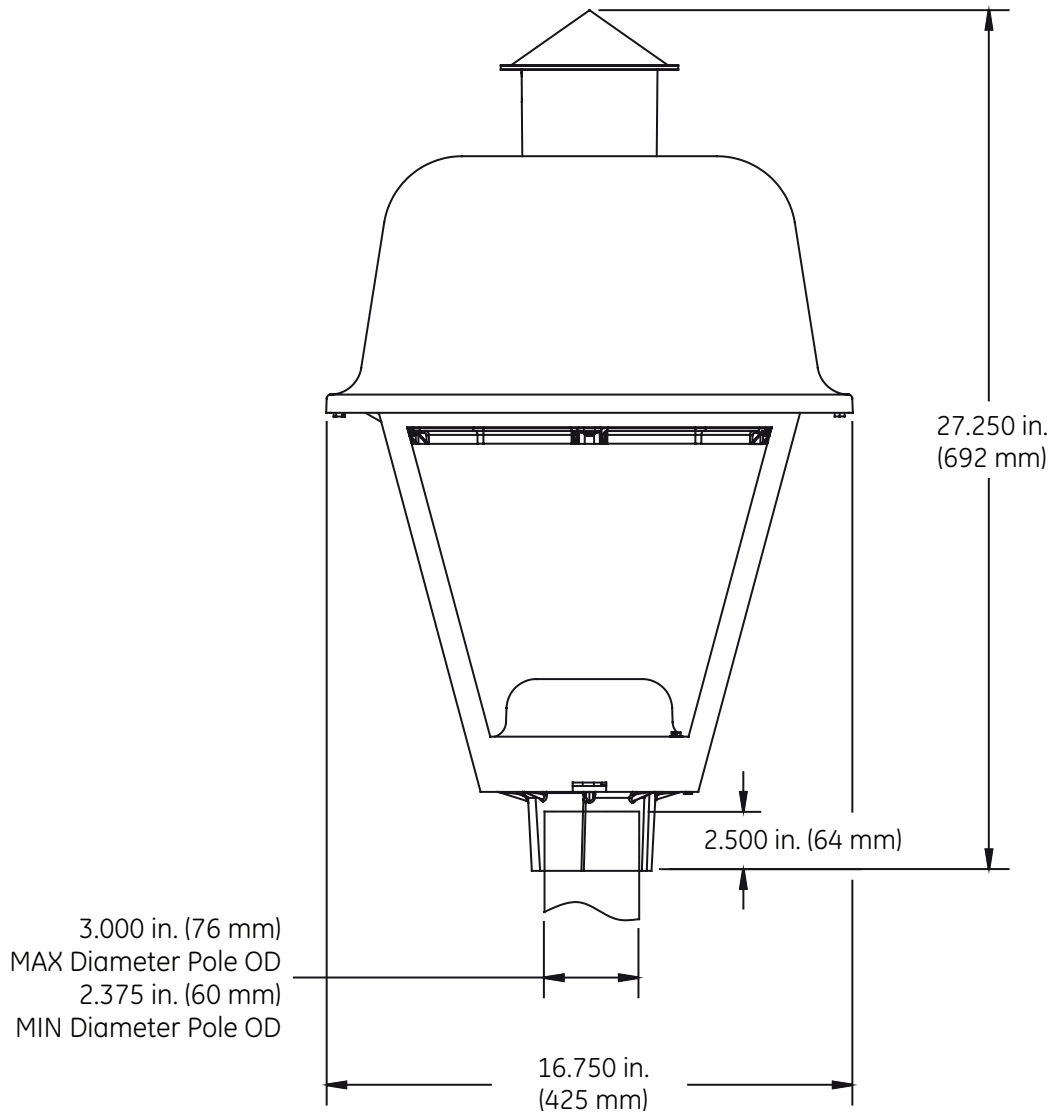


Grid Distance in Units of Mounting Height at 16' Initial Footcandle Values at Grade



Polar Trace Vertical and Horizontal Plane through Horizontal Angle of Maximum Candlepower

Product Dimensions



DATA

- Approximate Net Weight: 27 lbs (12 kgs)
- Suggested Mounting Height: 8-16 ft max (2.5-5 m)
- Effective Projected Area (EPA): 1.6 sq ft max (0.15 sq m)



GE Lighting Solutions • 1-888-MY-GE-LED • www.gelightingsolutions.com

1-888-69-43-533

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Chris Belanger

From: Ronald A. Epstein <REpstein@JBGH.com>
Sent: Friday, September 2, 2016 2:02 PM
To: Chris Belanger
Attachments: Deed HG.doc

Chris: John Wasileski mentioned that you would be calling but I am on my way out for the long weekend so I am emailing as to what he wants.

He would like a single page Highland Green plan that shows (1) lots owned by Central Topsham Associates, LLC and identified as such; (2) lots owned by Central Topsham Associates II, LLC and identified as such; and (3) lots deeded to Town/DOT and identified as such; and (4) lots sold to Topsham Associates LLC (Edgar) and labelled as such. See attached deed. It would be great if the plan could show the approximate acreage for each lot.

My records show that the lots still owned are:

1. Central Topsham Associates, LLC owns:

Lots R-2, R-4, R-22, R-23, G-3 and G-9, as shown on the Plan of Subdivision - Amendment VI -of Highland Green Subdivision, Topsham, Maine for Central Topsham Associates, LLC prepared by Paul H. Ruopp Jr., PLS, dated October 29, 2007 and recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Pages 83-86.

Lots R-12, R-13, R-16 and R-17 as shown on the Plan of Subdivision-Amendment IV Lots R12, R13, R16 R17 of Highland Green Subdivision by Paul H. Ruopp, Jr., PLS, dated March 3, 2006 and recorded in the Sagadahoc County Registry of Deeds, Plan Book 42, Page 33.

Lots, R-3, R-10, R-18, R-19, G-1-2, G-4-5, G-6, G-7, G-8, G-B1, G-B2 and E-1, as shown on the Plan of Subdivision - Amendment II of Highland Green, State Route 196, Tedford Road, Topsham, Maine for Central Topsham Associates, LLC prepared by Paul H. Ruopp Jr., PLS, dated February 3, 2003, and recorded in the Sagadahoc County Registry of Deeds, Plan Book 38, Pages 41-48.

Lots E-2 and E-3 as shown on the Plan of Subdivision - Amendment II of Highland Green, State Route 196, Tedford Road, Topsham, Maine for Central Topsham Associates, LLC prepared by Paul H. Ruopp Jr., PLS, dated February 3, 2003, and recorded in the Sagadahoc County Registry of Deeds, Plan Book 38, Pages 41-48, as amended by the Plan of Subdivision Amendment VII of Lot E-2 C.R.E.A. Lot prepared by Paul H. Ruopp, Jr. for Central Topsham Associates, dated November 20, 2007 and recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Page 87.

2. Central Topsham Associates II, LLC owns:

Lots C-1, C-2, C-5, R-6 and R-7, as shown on the Plan of Subdivision - Amendment II of Highland Green, State Route 196, Tedford Road, Topsham, Maine for Central Topsham Associates, LLC prepared by Paul H. Ruopp Jr., PLS, dated February 3, 2003, and recorded in the Sagadahoc County Registry of Deeds, Plan Book 38, Pages 41-48,

Lots C-3, C-4, C-6, and C-7 as shown on the Plan of Subdivision - Amendment VI -of Highland Green Subdivision, Topsham, Maine for Central Topsham Associates, LLC prepared by Paul H. Ruopp Jr., PLS, dated October 29, 2007, and recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Pages 83-86, and

Parcels A and C, as shown on the Plan of Amendment Lots R1 and T1 of Highland Green Subdivision prepared for Central Topsham Associates, LLC by Paul H. Ruopp Jr., PLS, dated April 11, 2005, and recorded in the Sagadahoc County Registry of Deeds, Plan Book 41, Page 84, and (d) Lot R-1 as shown on the Plan of Subdivision - Amendment II of Highland Green, State Route 196, Tedford Road, Topsham, Maine for Central Topsham Associates, LLC prepared by Paul H. Ruopp Jr., PLS,

dated February 3, 2003, and recorded in the Sagadahoc County Registry of Deeds, Plan Book 38, Pages 41-48, as amended by: (i) the Plan of Amendment Lots R1 and T1 of Highland Green Subdivision, Village Drive, Topsham, ME. for Central Topsham Associates, LLC by Paul H. Ruopp Jr., PLS, dated April 11, 2005, and recorded in the Sagadahoc County Registry of Deeds, Plan Book 41, Page 84; and (ii) the Plan of Subdivision Amendment III- Lot R-1/Stover of Highland Green Subdivision, Tedford Road, Audobon Way, Topsham, Maine for Central Topsham Associates, LLC prepared by Paul H. Ruopp Jr., PLS, dated December 1, 2005, and recorded in the Sagadahoc County Registry of Deeds, Plan Book 41, Page 93

Johnson, Innis, GSA, Fair and Town lots which have never been added to the subdivision plan

Ronald Epstein
Jensen Baird Gardner & Henry
10 Free Street
P.O. Box 4510
Portland, ME 04112
Telephone: 207-775-7271
Fax: 207-775-7935
e-mail: repstein@jbgh.com

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QUITCLAIM DEED WITH COVENANT
(Maine Statutory Short Form)

KNOW ALL PERSONS BY THESE PRESENTS, that Highland Green Associates, LLC, a Maine limited liability company (“Grantor”), having its principal place of business at 30 Governor’s Way, Suite 100, Topsham, Maine, for consideration paid, grants to Topsham Associates LLC, a Massachusetts limited liability company (“Grantee”), its successor and assigns, having an address P.O. Box 1430, 2385 Montauk Highway, Bridgehampton, NY 11932, with **QUITCLAIM COVENANT**, the land in the Town of Topsham, County of Sagadahoc, State of Maine, described as follows:

Certain lots or parcels of land situated in Topsham, Sagadahoc County, Maine described as follows: (a) Lots **R-5, R-8, R-11, R-11A, R-14, R-20 and R-21**, as shown on the Plan of Subdivision – Amendment VI –of Highland Green Subdivision, Topsham, Maine for Central Topsham Associates, LLC prepared by Paul H. Ruopp Jr., PLS, dated October 29, 2007, and recorded in the Sagadahoc County Registry of Deeds in Plan Book 44, Pages 83-86; and (b) **Lots R-9 and R-15**, as shown on the Plan of Subdivision – Amendment II of Highland Green, State Route 196, Tedford Road, Topsham, Maine for Central Topsham Associates, LLC prepared by Paul H. Ruopp Jr., PLS, dated February 3, 2003, and recorded in the Sagadahoc County Registry of Deeds, Plan Book 38, Pages 41-48, inclusive (such plans collectively, the "Highland Green Plan" and such lots, collectively, the “Property”).

Said Lots are more particularly bounded and described as follows:

Lots leased to Highland Green South Homeowners Corporation:

Lot R-5: A certain parcel of land situated in the Town of Topsham, County of Sagadahoc, State of Maine, situated on the easterly side of Village Drive and the southerly side of Evergreen Circle, the boundaries of which are more particularly located and described as follows: Beginning at the cusp of a curve in right of way line of Village Drive and the southerly right of way line of Evergreen Circle Highland Green Subdivision, shown on the Plan recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Page 84; thence by a bearing oriented to Grid North Maine State Plane Coordinate System West Zone, 1983 NAD, North 82°14’04” East 100.84 feet along the southerly right of way line of Evergreen Circle to the beginning of a curve concave southerly with a radius of 470.00 feet; thence easterly 235.11 feet along the arc of said curve, through a central angle of 28°39’40”, along the southerly right of way line of Evergreen Circle, to the beginning of a curve concave northerly with a radius of 330.00 feet; thence easterly and northeasterly 274.05 feet along the arc of said curve, through a central angle of 47°34’55”, along the southerly right of way line of Evergreen Circle, to the northwesterly corner of Lot R-4 Highland Green Subdivision, shown on the Plan recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Page 84; thence by a non-tangent line to said curve South 24°53’06” East 12.69 feet along the westerly line of said Lot R-4 to the beginning of a curve concave northeasterly with a radius of 175.00 feet; thence southeasterly 100.73 feet along the arc of said curve, through a central angle of 32°58’41”, along the westerly line

of said Lot R-4 to the beginning of a curve concave westerly with a radius of 150.00 feet; thence southeasterly, southerly and southwesterly 267.65 feet along the arc of said curve through a central angle of 102°14'10", along the westerly line of said Lot R-4; thence by a non-tangent line to said curve South 14°57'13" East 635.50 feet along the southwesterly line of said Lot R-4 to the northwesterly corner of Lot R-2, Highland Green Subdivision, shown on the Plan recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Pages 83 and 84; thence South 04°40'53" West 397.91 feet along the westerly line of said Lot R-2 to the northeasterly line of Lot C-6 Highland Green Subdivision, shown on the Plan recorded in the Sagadahoc County Registry of Deeds, Plan Book 44 Pages 83 and 84; thence North 43°31'13" West 226.95 feet along the northeasterly line of said Lot C-6 at a non-tangent curve concave westerly with a radius of 475.00 feet; thence northerly and northwesterly 301.77 feet along the arc of said curve, through a central angle of 36°24'03", in the easterly line of said Lot C-6 to the tangent point of said curve; thence North 22°50'44" West 74.06 feet along the northeasterly line of said Lot C-6 to the most southeasterly corner of Lot G-9, Highland Green Subdivision, shown on the Plan recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Page 84; thence continuing North 22°50'44" West 90.58 feet along the northeasterly line of said Lot G-9 to the beginning of a curve concave northeasterly with a radius of 225.00 feet; thence northwesterly and northerly 156.54 feet along the arc of said curve, through a central angle of 39°51'47", along the northeasterly line of said Lot G-9 to the beginning of a curve concave westerly with a radius of 475.00 feet; thence northerly 130.17 feet along the arc of said curve, through a central angle of 15°42'04", along the northeasterly line of said Lot G-9 to the beginning of a curve concave northeasterly with a radius of 225.00 feet; thence by a radial line to said curve North 88°41'01" West 13.41 feet along the northerly line of said Lot G-9; thence North 39°52'40" West 354.95 feet along the northeasterly line of said Lot G-9; thence North 68°18'13" West 195.54 feet along the northeasterly line of said Lot G-9; thence South 77°15'21" West 200.00 feet along the northeasterly line of said Lot G-9 to the easterly right of way line of Village Drive at a non-tangent curve concave easterly with a radius of 970.00 feet; thence northwesterly 84.28 feet along the arc of said curve, through a central angle of 4°58'43", along the easterly right of way of Village Drive to the tangent point of said curve; thence North 07°45'37" West 10.37 feet along the easterly right of way of Village Drive to the beginning of a curve concave southeasterly with a radius of 30.00 feet; thence northerly and northeasterly 47.12 feet along the arc of said curve, through a central angle of 90°00'00", in the easterly right of way line of Village Drive to the point of beginning; containing 7.04 acres, more or less.

Said described parcel of land is a portion of the parcel described in the conveyance to Central Topsham Associates, LLC, by deed recorded in the Sagadahoc County Registry of Deeds, Book 1860, Page 141.

The above description is based upon Surveys of Property of Central Topsham Associates, LLC by Paul H. Ruopp Jr., PLS, Monmouth, Maine, further reference being made to said surveys and Plan of Subdivision Amendment VI Highland Green Subdivision Topsham, Maine recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Pages 83 and 84, as part of this description. Reinforcing bars described as set are 5/8 inch diameter with plastic identification caps inscribed with the name and license number of the surveyor.

Lot R-21: A certain parcel of land situated in the Town of Topsham, County of Sagadahoc, State of Maine, situated on the easterly side of Village Drive, the boundaries of which are more

particularly located and described as follows: Beginning at the intersection of the easterly right of way line of Village Drive and the southerly line of Lot G-9 Highland Green Subdivision, shown on the Plan recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Page 84, at a 5/8 inch diameter reinforcing bar set; thence by a bearing oriented to Grid North Maine State Plane Coordinate System West Zone, 1983 NAD, North 86°09'23" East 166.64 feet along the southerly line of said Lot G-9; thence South 42°25'30" East 410.17 feet along the southwesterly line of said Lot G-9 to the most northwesterly corner of Lot C-6 Highland Green Subdivision, shown on the Plan recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Pages 83 and 84; thence South 09°41'09" West 314.75 feet along the westerly line of said Lot C-6, said line passing through a brass survey marker set in ledge; thence South 30°38'40" West 120.82 feet along the westerly line of said Lot C-6 to the northeasterly corner of Lot C-4 Highland Green Subdivision, shown on the Plan recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Pages 83 and 84; thence North 59°21'20" West 243.41 feet along the northerly line of said Lot C-4; thence North 06°49'28" East 154.03 feet along the easterly line of said Lot C-4; thence North 06°27'01" West 132.03 feet along the easterly line of said Lot C-4; thence North 83°31'04" West 114.94 feet along the northerly line of said Lot C-4 to the easterly right of way line of Village Drive at a non-tangent curve concave westerly with a radius of 1,430 feet; thence northerly and northwesterly 285.24 feet along Village Drive and the arc of said curve, through a central angle of 11°25'43", in the easterly right of way line of Village Drive to the point of beginning; containing 4.36 acres, more or less.

Said described parcel of land is a portion of the parcel described in the conveyance to Central Topsham Associates, LLC by deed recorded in the Sagadahoc County Registry of Deeds, Book 1860, Page 141.

The above description is based upon Surveys of Property of Central Topsham Associates, LLC by Paul H. Ruopp Jr., PLS, Monmouth, Maine, further reference being made to said surveys and Plan of Subdivision Amendment VI Highland Green Subdivision Topsham, Maine recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Pages 83-86, as part of this description. Reinforcing bars described as set are 5/8 inch diameter with plastic identification caps inscribed with the name and license number of the surveyor.

Lots leased to Highland Green North Phase I Homeowners Corporation:

Lot R-11A: A certain parcel of land situated in the Town of Topsham, County of Sagadahoc, State of Maine, situated on the southeasterly side of Evergreen Circle, the boundaries of which are more particularly located and described as follows: Beginning at the intersection of the southeasterly right of way line of Evergreen Circle and the northerly line of Lot R-9 shown on Plan of Subdivision Amendment VI Highland Green Subdivision plan recorded in the Sagadahoc County Registry of Deeds, Plan Book 44 Page 86; thence by a bearing oriented to Grid North Maine State Plane Coordinate System West Zone, 1983 datum, North 20°18'17" West 319.50 feet in the easterly right of way line of Evergreen Circle to the beginning of a curve concave southeasterly with a radius of 375.00 feet; thence northwesterly, northerly and northeasterly 464.39 feet in the arc of said curve, through a central angle of 70°57'11", in the southeasterly right of way line of Evergreen Circle to the tangent point of said curve; thence North 50°38'54" East 33.75 feet in the southeasterly right of way line of Evergreen Circle to the beginning of a curve concave northwesterly with a radius of 1,025.00 feet; thence northeasterly 326.41 feet along the arc of said curve, through a central angle of

18°14'46", in the southeasterly right of way line of Evergreen Circle to the northwesterly or westerly corner of Lot R-11 Plan of Subdivision Amendment III Highland Green Subdivision recorded in the Sagadahoc County Registry of Deeds, Plan Book 41, Page 82; thence South 57°35'51" East 264.10 feet along the southerly line of said Lot R-11 to the northwesterly line of Lot E-1 Plan of Subdivision Amendment III Highland Green Subdivision recorded in the Sagadahoc County Registry of Deeds, Plan Book 41, Page 82; thence by the following eleven courses along the northwesterly or westerly line of said Lot E-1: South 25°01'57" West 193.04 feet to a 5/8 inch diameter reinforcing bar set; North 90°00'00" West 49.02 feet; South 66°48'58" West 26.42 feet; North 81°02'01" West 54.81 feet; South 53°08'58" West 211.29 feet; South 14°02'44" West 133.48 feet; South 0°00'00" West 101.44 feet; South 21°48'56" East 88.54 feet; South 31°42'14" East 60.46 feet; South 42°00'27" West 12.18 feet; South 21°48'54" West 110.00 feet to the northeasterly corner of said Lot R-9; thence South 48°44'16" West 99.67 feet along the northerly line of said Lot R-9 to the point of beginning; containing 4.85 acres, more or less.

Said described parcel of land is a portion of the parcel described in the conveyance from David J. Toth, to Central Topsham Associates, LLC by deed recorded in the Sagadahoc County Registry of Deeds, Book 1835, Page 157, and a portion of the parcel of land described in the conveyance from Husson College to Central Topsham Associates, LLC by deed recorded in the Sagadahoc County Registry of Deeds, Book 1860, Page 141.

The above description is based upon Surveys of Property of Central Topsham Associates, LLC by Paul H. Ruopp Jr., PLS, Monmouth, Maine, further reference being made to said surveys and Plan of Subdivision Amendment VI Highland Green Subdivision Topsham, Maine recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Page 86, Plan of Subdivision Amendment II Highland Green Subdivision recorded in the Sagadahoc County Registry of Deeds, Plan Book 38, Page 46, and Plan of Subdivision Amendment III Highland Green Subdivision recorded in the Sagadahoc County Registry of Deeds, Plan Book 41 Page 82, as part of this description. Reinforcing bars described as set are 5/8 inch diameter with plastic identification caps inscribed with the name and license number of the surveyor.

Lot R-14: A certain parcel of land situated in the Town of Topsham, County of Sagadahoc, State of Maine, situated on the westerly side of Evergreen Circle, the boundaries of which are more particularly located and described as follows: Beginning at the intersection of the westerly line of Evergreen Circle and the northerly line of Sparrow Drive shown on the Plan of Subdivision Amendment VI Highland Green Subdivision plan recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Page 86; thence by a bearing oriented to Grid North Maine State Plane Coordinate System West Zone, 1983 datum, South 69°41'43" West 29.45 feet along the northerly right of way line of Sparrow Drive to the beginning of a curve concave northerly with a radius of 100.00 feet; thence westerly 52.83 feet by the arc of said curve, through a central angle of 30°16'19", in the northerly right of way line of Sparrow Drive to the tangent point of said curve; thence North 80°01'58" West 121.81 feet along the northerly right of way line of Sparrow Drive to the easterly line of Lot R-20, Highland Green Subdivision; thence North 08°15'46" West 735.80 feet along the easterly line of said lot R-20 to a 5/8 inch diameter reinforcing bar set at the northeasterly corner of said Lot R-20; thence continuing North 08°15'46" West 222.77 feet along the easterly line of land now or formerly of and retained by David J. Toth, (deed reference, Sagadahoc County Registry of Deeds, Book 594, Page 347) to a 5/8 inch diameter reinforcing bar set at the southwesterly corner of

Lot R-15, Highland Green Subdivision, shown on the Plan recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Page 86; thence South 63°38'44" East 181.89 feet along the southerly line of said Lot R-15 to a 5/8 inch diameter reinforcing bar set; thence North 67°59'23" East 484.32 feet along the southerly line of said Lot R-15; thence South 64°20'46" East 111.11 feet along the southerly line of said Lot R-15 to the northwesterly right of way line of Evergreen Circle; thence South 27°01'28" West 54.73 feet along the northwesterly right of way line of Evergreen Circle to the beginning of a curve concave northwesterly with a radius of 975.00 feet; thence 402.01 feet along the arc of said curve, through a central angle of 23°37'26" in the northwesterly right of way line of Evergreen Circle to the tangent point of said curve; thence South 50°38'54" West 33.75 feet along the northwesterly right of way line of Evergreen Circle to the beginning of a curve concave southeasterly with a radius of 425.00 feet; thence southwesterly, southerly and southeasterly 485.41 feet along the arc of said curve through a central angle of 65°26'25" in the northwesterly right of way line of Evergreen Circle to the tangent point of said curve; thence South 20°18'17" East 101.50 feet along the westerly right of way line of Evergreen Circle to the point of beginning; containing 7.16 acres, more or less.

Said described parcel of land is a portion of the parcel described in the conveyance from David J. Toth, to Central Topsham Associates, LLC by deed recorded in the Sagadahoc County Registry of Deeds, Book 1835, Page 157.

The above description is based upon Surveys of Property of Central Topsham Associates, LLC by Paul H. Ruopp Jr., PLS, Monmouth, Maine, further reference being made to said surveys and Plan of Subdivision Amendment VI Highland Green Subdivision Topsham, Maine recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Pages 85 and 86, as part of this description. Reinforcing bars described as set are 5/8 inch diameter with plastic identification caps inscribed with the name and license number of the surveyor.

Lot R-20: A certain parcel of land situated in the Town of Topsham, County of Sagadahoc, State of Maine, situated on the westerly side of Evergreen Circle, but not adjacent thereto, the boundaries of which are more particularly located and described as follows: Beginning in the northerly line of the parcel of land described in the conveyance to Cathance Trailer Park, Inc., by deed recorded in the Sagadahoc County Registry of Deeds, Book 1511, Page 278, North 81°32'32" West 173.84 feet from the northeasterly corner of the parcel of land described in the said conveyance to Cathance Trailer Park, Inc.; thence by a bearing oriented to Grid North Maine State Plane Coordinate System West Zone, 1983 datum, North 81°32'32" West 676.16 feet along the northerly line of the parcel of land described in the said conveyance to Cathance Trailer Park, Inc., to a 5/8 inch diameter reinforcing bar set; thence North 03°20'51" West 674.08 feet along land now or formerly of and retained by David J. Toth to a 5/8 inch diameter reinforcing bar set; thence South 89°41'50" East 126.85 feet along land now or formerly of and retained by David J. Toth; thence North 85°45'53" East 632.43 feet along land now or formerly of and retained by David J. Toth to a 5/8 inch diameter reinforcing bar set at the westerly line of Lot R-14, Highland Green Subdivision, shown on the Plan recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Page 86; thence South 08°15'46" East 735.80 feet along the westerly line of Lot R-14 to the northerly line of Sparrow Drive; thence North 80°01'58" West 33.61 feet along the northerly right of way line of Sparrow Drive to the beginning of a curve concave northeasterly with a radius of 175.00 feet; thence northwesterly 77.63 feet along the arc of said curve, through a central angle of 25°25'04", along the

northerly right of way line of Sparrow Drive; thence by a radial line to said curve South 35°22'40" West 50.00 feet across Sparrow Drive to the cusp of a curve concave westerly with a radius of 30.00 feet; thence southeasterly, southerly and southwesterly 46.42 feet along the arc of said curve along land retained by Central Topsham Associates, LLC to the tangent point of said curve; thence South 34°01'43" West 52.75 feet along land retained by Central Topsham Associates, LLC to the point of beginning; containing 13.39 acres, more or less.

Said described parcel of land is a portion of the parcel described in the conveyance from David J. Toth to Central Topsham Associates, LLC by deed recorded in the Sagadahoc County Registry of Deeds, Book 2706, Page 314.

Said parcel is conveyed subject to a restricted no clearing zone 50 feet in width and adjacent to the northerly line of the parcel described herein. Said no clearing zone being more particularly bounded and described as follows: Beginning at the northeasterly corner of the parcel described herein, thence South 08°15'46" East 50.12 feet along the westerly line of said Lot R-14; thence South 85°45'53" West 637.93 feet through the parcel described herein; thence North 89°41'50" West 125.65 feet through the parcel described herein to the westerly line of the parcel described herein; thence North 03°20'51" West 50.10 feet along the westerly line of the parcel described herein to the northwesterly corner of said described parcel; thence South 89°41'50" East 126.85 feet along land retained by David J. Toth; thence North 85°45'53" East 632.43 feet along land retained by David J. Toth to the point of beginning.

The above description is based upon a Boundary Survey of a portion of Property of David J. Toth by Paul H. Ruopp Jr., PLS, Monmouth, Maine, further reference being made to Plan of Subdivision – Amendment III B Lots R 20, R 11 and R 11 A, Highland Green Subdivision, dated February 28, 2006, recorded in the Sagadahoc County Registry of Deeds, Plan Book 42, Page 12 and the Plan of Subdivision Amendment VI Highland Green Subdivision Topsham, Maine recorded in the Sagadahoc County Registry of Deeds Plan Book 44 Page 86, as part of this description. Reinforcing bars described as set are 5/8 inch diameter with plastic identification caps inscribed with the name and license number of the surveyor.

Lots leased to Highland Green North Phase II Homeowners Corporation:

Lot R-11: A certain parcel of land situated in the Town of Topsham, County of Sagadahoc, State of Maine, situated on the southeasterly side of Evergreen Circle, the boundaries of which are more particularly located and described as follows: Beginning at the intersection of the southeasterly right of way line of Evergreen Circle and the northwesterly line of Lot E-1 shown on Plan of Subdivision Amendment III Highland Green Subdivision plan recorded in the Sagadahoc County Registry of Deeds, Plan Book 41, Page 82; thence by a bearing oriented to Grid North Maine State Plane Coordinate System West Zone, 1983 datum, South 13°06'12" West 298.56 feet along the northwesterly line of said Lot E-1 to a 5/8 inch diameter reinforcing bar set; thence by the following three courses along the northwesterly line of said Lot E-1: North 87°47'56" West 85.27 feet; South 61°37'43" West 203.57 feet; South 25°01'57" West 166.27 feet to the northeasterly corner of Lot R-11A shown on Plan of Subdivision Amendment VI Highland Green Subdivision plan recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Page 86; thence North 57°35'51" West 264.10 feet along the northerly line of said Lot R-11A to the southeasterly right of way line of Evergreen

Circle at a non-tangent curve concave northwesterly with a radius of 1,025.00 feet; thence northeasterly 96.21 feet along the arc of said curve, through a central angle of $5^{\circ}22'41''$, in the southeasterly right of way line of Evergreen Circle to the tangent point of said curve; thence North $27^{\circ}01'28''$ East 132.70 feet in the southeasterly right of way line of Evergreen Circle to the beginning of a curve concave southeasterly with a radius of 375.00 feet; thence northeasterly and easterly 440.92 feet along the arc of said curve, through a central angle of $67^{\circ}22'03''$ in the southeasterly right of way line of Evergreen Circle to the tangent point of said curve; thence South $85^{\circ}36'29''$ East 155.07 feet along the southeasterly right of way line of Evergreen Circle to the point of beginning; containing 4.24 acres, more or less.

Said described parcel of land is a portion of the parcel described in the conveyance from David J. Toth, to Central Topsham Associates, LLC by deed recorded in the Sagadahoc County Registry of Deeds, Book 1835, Page 157, and a portion of the parcel of land described in the conveyance from Husson College to Central Topsham Associates, LLC by deed recorded in the Sagadahoc County Registry of Deeds, Book 1860 Page 141.

The above description is based upon Surveys of Property of Central Topsham Associates, LLC by Paul H. Ruopp Jr., PLS, Monmouth, Maine, further reference being made to said surveys and Plan of Subdivision Amendment VI Highland Green Subdivision Topsham, Maine recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Page 86, Plan of Subdivision Amendment II Highland Green Subdivision recorded in the Sagadahoc County Registry of Deeds, Plan Book 38, Page 46, and Plan of Subdivision Amendment III Highland Green Subdivision recorded in the Sagadahoc County Registry of Deeds, Plan Book 41, Page 82, as part of this description. Reinforcing bars described as set are 5/8 inch diameter with plastic identification caps inscribed with the name and license number of the surveyor.

Lot R-15: A certain parcel of land situated in the Town of Topsham, County of Sagadahoc, State of Maine, situated on the northwesterly side of Evergreen Circle, the boundaries of which are more particularly located and described as follows: Beginning at the intersection of the westerly line of Evergreen Circle and the northerly line of Lot R-14 shown on the Plan of Subdivision Amendment VI Highland Green Subdivision plan recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Page 86; thence by a bearing oriented to Grid North Maine State Plane Coordinate System West Zone, 1983 datum, North $64^{\circ}20'46''$ West 111.11 feet along the southerly line of said Lot R-15; thence South $67^{\circ}59'23''$ West 484.32 feet along the southerly line of said Lot R-15 to a 5/8 inch diameter reinforcing bar set; thence North $63^{\circ}38'44''$ West 181.89 feet along the southerly line of said Lot R-15 to a 5/8 inch diameter reinforcing bar set at the easterly line of land now or formerly of and retained by David J. Toth (deed reference, Sagadahoc County Registry of Deeds, Book 594 Page 347); thence North $08^{\circ}15'46''$ West 333.47 feet along the easterly line of land now or formerly of and retained by David J. Toth (deed reference, Sagadahoc County Registry of Deeds, Book 594 Page 347) to a 5/8 inch diameter reinforcing bar set; thence North $61^{\circ}34'11''$ East 839.92 feet along the southerly easterly line of land now or formerly of or retained by David J. Toth (deed reference, Sagadahoc County Registry of Deeds, Book 594 Page 347) to a 5/8 inch diameter reinforcing bar; thence North $73^{\circ}59'41''$ East 325.76 feet along the southerly line of Lot E-2, Highland Green Subdivision shown on the Plan recorded in the Sagadahoc County Registry of Deeds, Plan Book 38, Page 46, to a 5/8 inch diameter reinforcing bar set; thence South $64^{\circ}00'58''$ East 428.35 feet along the southwesterly line of said Lot E-2; thence South $13^{\circ}06'12''$ West 299.54 feet along the westerly line

of said Lot E-2 to the northerly right of way line of Evergreen Circle; thence North 85°36'29" West 162.73 feet along the northerly right of way line of Evergreen Circle to the beginning of a curve concave southeasterly with a radius of 425.00 feet; thence westerly and southwesterly 499.71 feet along the arc of said curve through a central angle of 67°22'03" in the northerly right of way line of Evergreen Circle to the tangent point of said curve; thence South 27°01'28" West 77.97 feet along the northwesterly right of way line of Evergreen Circle to the point of beginning; containing 15.78 acres, more or less.

Said described parcel of land is a portion of the parcel described in the conveyance from David J. Toth, to Central Topsham Associates, LLC by deed recorded in the Sagadahoc County Registry of Deeds, Book 1835, Page 157 and a portion of the parcel of land described in the conveyance from Husson College to Central Topsham Associates, LLC by deed recorded in the Sagadahoc County Registry of Deeds, Book 1860, Page 141.

The above description is based upon Surveys of Property of Central Topsham Associates, LLC by Paul H. Ruopp Jr., PLS, Monmouth, Maine, further reference being made to said surveys and Plan of Subdivision Amendment VI Highland Green Subdivision Topsham, Maine recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Page 86, and the Plan of Subdivision Amendment II Highland Green Subdivision recorded in the Sagadahoc County Registry of Deeds, Plan Book 38, Page 46, as part of this description. Reinforcing bars described as set are 5/8 inch diameter with plastic identification caps inscribed with the name and license number of the surveyor.

Lots leased to Highland Green Phase I Homeowners Corporation:

Lot R-8: A certain parcel of land situated in the Town of Topsham, County of Sagadahoc, State of Maine, situated on the westerly side of Evergreen Circle the boundaries of which are more particularly located and described as follows: Beginning in the westerly right of way line of Evergreen Circle at the northerly line of Lot R-22, Highland Green Subdivision shown on the Plan of Subdivision Amendment VI Highland Green Subdivision recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Page 85; thence by a bearing oriented to Grid North Maine State Plane Coordinate System West Zone, 1983 NAD, South 51°58'52" West 148.03 feet along the northerly line of said Lot R-22; thence South 74°32'54" West 201.24 feet along the northerly line of said Lot R-22; thence North 77°34'01" West 354.63 feet along the northerly line of said Lot R-22 to the easterly line of Lot G-3, Highland Green Subdivision shown on the Plan of Subdivision Amendment VI Highland Green Subdivision recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Pages 85 and 86; thence North 10°49'41" East 620.41 feet along the easterly line of said Lot G-3; thence North 06°18'30" East 606.01 feet along the easterly line of said Lot G-3; thence North 07°09'55" East 152.88 feet along the easterly line of said Lot G-3 to a wood corner post at the southwesterly corner of Lot R-23, Plan of Subdivision Amendment VI Highland Green Subdivision recorded in the Sagadahoc County Registry of Deeds, Plan Book 44 Page 86; thence North 84°32'32" East 170.00 feet along the southerly line of said Lot R-23; thence South 65°17'09" East 236.72 feet along the southerly line of said Lot R-23, passing through a brass survey marker set in ledge, to the westerly right of way line of Evergreen Circle at a non-tangent curve concave northwesterly with a radius of 975.00 feet; thence southerly and southwesterly 375.69 feet along the arc of said curve, through a central angle of 22°04'39", in the westerly right of way line of Evergreen Circle to the tangent point of said curve; thence South 14°50'15" West 201.36 feet along the westerly

right of way line of Evergreen Circle to the beginning of a curve concave southwesterly with a radius of 625.00 feet; thence southwesterly southerly and southeasterly 479.11 feet along the arc of said curve, through a central angle of $43^{\circ}55'19''$, in westerly right of way line of Evergreen Circle to the tangent point of said curve; thence South $29^{\circ}05'03''$ East 74.44 feet along westerly right of way line of Evergreen Circle to the beginning of a curve concave southwesterly with a radius of 775.00 feet; thence southeasterly 127.54 feet along the arc of said curve, through a central angle of $09^{\circ}25'44''$, in westerly right of way line of Evergreen Circle to the point of beginning; containing 14.30 acres, more or less.

Said described parcel of land is a portion of the parcel described in the deeds to Central Topsham Associates, LLC, recorded in the Sagadahoc County Registry of Deeds, Book 1860, Page 141 and Book 1835 Page 161.

The above description is based upon Surveys of Property of Central Topsham Associates, LLC by Paul H. Ruopp Jr., PLS, Monmouth, Maine, further reference being made to said surveys and the Plan of Subdivision Amendment VI Highland Green Subdivision Topsham, Maine recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Pages 85 and 86, as part of this description. Reinforcing bars described as set are 5/8 inch diameter with plastic identification caps inscribed with the name and license number of the surveyor.

Lot R-9: A certain parcel of land situated in the Town of Topsham, County of Sagadahoc, State of Maine, situated on the westerly side of Evergreen Circle the boundaries of which are more particularly located and described as follows: Beginning in the easterly right of way line of Evergreen Circle at the northerly line of Lot G-B1, Highland Green Subdivision shown on the Plan of Subdivision Amendment VI Highland Green Subdivision recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Page 85 and on the Plan of Subdivision Amendment II, Highland Green Subdivision recorded in the Sagadahoc County Registry of Deeds, Plan Book 38, Page 45, at a 5/8 inch diameter reinforcing bar set at in the arc of a curve concave southwesterly with a radius of 825.00 feet; thence northwesterly 119.22 feet along the arc of said curve, through a central angle of $08^{\circ}16'48''$, in the easterly right of way line of Evergreen Circle to the tangent point of said curve; thence by a bearing oriented to Grid North Maine State Plane Coordinate System West Zone, 1983 NAD, North $29^{\circ}05'03''$ West 74.44 feet along the easterly right of way limits of Evergreen Circle to the beginning of a curve concave easterly with a radius of 575.00 feet; thence northwesterly, northerly and northeasterly 440.78 feet along the arc of said curve, through a central angle of $43^{\circ}55'19''$ in the easterly right of way line of Evergreen Circle to the tangent point of said curve; thence North $14^{\circ}50'15''$ East 201.36 feet along easterly right of way line of Evergreen Circle to the beginning of a curve concave westerly with a radius of 1025.00 feet; thence northeasterly northerly and northwesterly 628.68 feet along the arc of said curve, through a central angle of $35^{\circ}08'32''$, in the easterly right of way line of Evergreen Circle to the tangent point of said curve at a 5/8 inch diameter reinforcing bar set at the southwesterly corner of Lot R-11A Highland Green Subdivision, shown on the plan recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Pages 86; thence North $48^{\circ}44'16''$ East 96.67 feet along the southerly line of said Lot R-11A to the westerly line of Lot E-1, Highland Green Subdivision; thence by the following six courses along the westerly line of said Lot E-1; South $04^{\circ}05'18''$ East 100.23 feet; South $07^{\circ}20'18''$ East 78.84 feet; South $28^{\circ}36'41''$ East 127.32 feet; South $37^{\circ}35'17''$ East 64.05 feet; South $49^{\circ}13'06''$ East 142.97 feet; South $30^{\circ}28'59''$ East 61.55 feet to the northwesterly line of Lot G-4-5, Highland Green Subdivision; thence

South 56°00'37" West 72.90 feet along the northwesterly line of said Lot G-4-5; thence South 08°37'44" West 340.66 feet along the westerly line of said Lot G4-5; thence South 14°02'42" East 459.89 feet along the westerly line of said Lot G-4-5 to a 5/8 inch diameter reinforcing bar set at the northerly line of said Lot G-B1; thence South 51°58'52" West 268.79 feet along the northerly line of said Lot G-B1 to the point of beginning; containing 6.74 acres, more or less.

Said described parcel of land is a portion of the parcel described in the conveyance to Central Topsham Associates, LLC, by deed recorded in the Sagadahoc County Registry of Deeds, Book 1860, Page 141.

The above description is based upon Surveys of Property of Central Topsham Associates, LLC by Paul H. Ruopp Jr., PLS, Monmouth, Maine, further reference being made to said surveys and Plan of Subdivision Amendment VI Highland Green Subdivision Topsham, Maine recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Pages 85 and 86 and Plan recorded in the Sagadahoc County Registry of Deeds, Plan Book 36 Pages 14-22, as part of this description. Reinforcing bars described as set are 5/8 inch diameter with plastic identification caps inscribed with the name and license number of the surveyor.

Easements and Encumbrances and Reserved Rights:

The property herein conveyed is conveyed together with and subject to the terms, covenants, and easements set forth in the Declaration of Covenants and Easements of Highland Green Subdivision, dated April 15, 2009 and recorded in said Registry, Book 3072, Page 326, and Declarant expressly transfers its rights thereunder, and Grantee joins herein to indicate its acceptance of the Declarant's rights thereunder.

The property herein conveyed is conveyed together with and subject to the terms, covenants, and easements set forth in the deed from Central Topsham Associates, LLC to Highland Green Associates LLC, dated April 15, 2009 and recorded in said Registry, Book 3072, Page 333.

Grantor, its successors and assigns, reserve the right to change the location of the streets and utilities shown on the Highland Green Plan as long as access and utility service to the property and the existing improvements on the property are not adversely affected, and Grantor, its successors and assigns, further reserve the right to dedicate Village Drive, Mountain Road, Audubon Way and that portion of Annex Drive running from the end of Canam Drive to the intersection of Mountain Road to the Town of Topsham as public streets and the right to grant rights and easements to others to use all roads and utilities shown on the Highland Green Plan, and the right to dedicate the sewer lines to the Brunswick Topsham Sewer District and the right to dedicate the water lines to the Topsham Water District.

Grantor reserves, for the benefit of Grantor and its successors-in-title (as owner or owners of all Highland Green Lots not conveyed herein that are located northerly of Route 196) (the "Coastal Connector"), a right of way and easement for access by pedestrians and vehicles, in common with Grantee, its successors and assign, over all streets, roads and drives as shown on the above referenced Highland Green Plans and other surveys and plans of Highland Green.

First Offer: Grantee, its successors and assigns shall not sell, transfer, assign, exchange, lease or otherwise dispose all or any part of its interest in the Property, either voluntarily or involuntarily without first delivering a written offer to sell or lease such interest to Grantor which offer shall contain all of the terms of the proposed sale, lease or disposition. Grantor may accept such offer by sending written notice of acceptance to Grantee, its successors and assigns within 21 days after the Grantor's receipt of the offer. If the offer is accepted, the Grantor shall be obligated to purchase or lease the Property and close in accordance with the terms of the offer provided, however, in no event shall there be any obligation to close at a time less than 60 days after such acceptance. If such offer is not accepted within such 21 day period, the Grantee, its successors and assigns, at any time within 365 days after the expiration of the 21 day period, may sell, lease or dispose of the Property on the terms and conditions set forth in the offer to Grantor, but Grantee, its successors and assigns may not sell or lease the Property on any terms more favorable to the buyer or lessee than those offered to Grantor without first offering the Property to Grantor on such more favorable terms in accordance with the terms set forth above but with a notice period reduced to 5 days. If not sold or leased in accordance with the provisions hereof, the Property shall again become subject to the provisions of this Agreement. This Right of First Offer shall expire 25 years from the date of this deed, unless it is exercised or waived earlier by Grantor, or extended by agreement of the parties. The above "First Offer" provision shall not apply to any bona fide mortgage placed upon the Property by Grantee, its successors or assigns, nor to any deed in lieu of foreclosure granted by Grantee, or its successors or assigns thereafter to a mortgage holder, nor to any foreclosure by power of sale or otherwise by a mortgage holder and any such deed in lieu of foreclosure or foreclosure shall terminate Grantor's right of First Offer which shall no longer encumber the Property.

Development Rights: Grantor reserves, for the benefit of Grantor, its successors and assigns and for the benefit of its affiliate, Highland Green Management Company, in connection with the sale of the 10 "Unsold Shares" and additional Unsold Shares that may be acquired in the future in the tenants of the property herein conveyed and the construction of cooperative dwellings to be associated with such shares, the rights to enter the Property at reasonable times after the date hereof to the extent necessary to construct such dwellings and related improvements and to construct and use Improvements and Additional Improvements as defined in the Leases and other improvements that will serve the Tenants of such property and others, including, without limitation, maintenance buildings, gazebos and similar structures, walking trails, bus shelters, and utility lines and facilities (collectively the "Improvements"). Grantee agrees that Grantor shall have the right to apply for in Grantor's and/or Grantee's name, and obtain additional land use permits, including Town of Topsham Planning Board approvals, Maine Department of Environmental Protection permits and other approvals, Town of Topsham building permits and occupancy permits and other land use permits, so that Grantor or Highland Green Management Company may construct additional single family dwelling units on the property described in the Leases and the Improvements. Grantee agrees that upon request by Grantor, Grantee shall join in such permit applications. Grantee agrees that Grantor and 26 Elm Street (Topsham) Limited Partnership, in connection with the sale of such Unsold Shares and the construction of cooperative dwellings to be associated with such shares and the Improvements, shall have the right to enter the Property prior to and after Closing to construct such dwellings and the Improvements. Notwithstanding the terms of the Leases and the assignment thereof by Grantor to Grantee, Grantor and Highland Green Management Company shall have the right to construct and complete construction of such dwelling units and the Improvements, and Grantor and Highland Green Management Company shall have the rights, set forth in Sections 2 and 4 of the

Leases, in connection therewith, and Grantee, in its capacity as landlord under the Leases after the date hereof, agrees to permit Grantor and Highland Green Management Company to exercise such rights. Grantor shall pay all costs of the construction of the dwelling units relating to such Unsold Shares and the Improvements. Grantee shall have no obligations whatsoever with respect to such Unsold Shares and the Improvements.

All proceeds from the sale of the Unsold Shares and the Improvements shall belong, inure and be paid to Grantor and all additional ground rent under the Ground Leases that may result from such additional construction shall belong to Grantee.

The rights reserved by Grantor and Highland Green Management Company are subject to the conditions that: (a) Grantor and Highland Green Management Company shall construct all improvements in a good and workmanlike manner; (b) the maximum number of dwelling units shall not exceed the lesser of (i) the number of Unsold Shares, and (ii) the number of units permitted by applicable zoning and Planning Board subdivision approvals then in effect; (c) all such construction work shall comply with all applicable laws and codes, and Grantor and Highland Green Management Company shall be responsible for obtaining all necessary land use permits and approvals; (d) Grantor and Highland Green Management Company shall indemnify Grantee and hold it harmless from all cost, expense, loss or damages, arising in connection with the construction of the additional dwelling and improvements relating to such Unsold Shares and the Improvements by Grantor and Highland Green Management Company; and (e) land disturbed and not occupied by buildings or parking areas shall be appropriately restored and landscaped in a manner substantially compatible with the areas surrounding the then existing improvements or natural landscape. Grantor and Highland Green Management Company further shall have such rights and easements as are reasonably appropriate to use and connect utilities to such dwellings and related improvements and to have access over existing roads and driveways, and shall have the right to relocate all roads, drives, paths, utilities and common facilities to the extent permitted by applicable land use permits and approvals. Grantor and Highland Green Management Company shall be obligated to residents of such cooperative units under any and all applicable warranties related to construction for the applicable period of such warranty or under laws governing construction in the State of Maine. Highland Green Management Company shall be a third party beneficiary of the agreements of Grantee set forth in this deed. No claim or liability may be made for any default or breach of or failure to perform any covenant, representation, warranty or agreement contained in herein unless set forth in written notice from Grantee to Grantor not later than six months after completion by Grantor of the work and improvements described herein.

Other Permitted Encumbrances: The above described property is also subject to the following:

1. Title to and rights of the public and others entitled thereto in and to those portions of the insured premises lying within the bounds of the Coastal Connector, Tedford Road, Village Drive, Mountain Road, Annex Drive, Audubon Way, Redpoll Drive, Evergreen Circle and the other roads shown on the subdivision plans hereinafter referenced.

2. Utility easements granted to Central Maine Power Company, and recorded in the Sagadahoc County Registry of Deeds, Book 2011, Page 131, Book 2457, Page 25, Book 2792, Page 284 and Book 2792, Page 292.

3. Terms and conditions of State of Maine Department of Environmental Protection Site Location Order, dated November 13, 2000 and recorded in the Sagadahoc County Registry of Deeds, Book 1814, Page 340, as affected by a Condition Compliance recorded in Book 1855, Page 237, and Modification Orders recorded in Book 1879, Page 59, Book 1971, Page 348 Book 2243, Page 227, Book 2249, Page 275, Book 2685, Page 1, Book 2749, Page 254, Book 2792, Page 320, Book 2825, Page 274, Book 2829, Page 235, and Book 2829, Page 244.

4. Notes, conditions, terms and such state of facts as shown on the Plan of Subdivision – Amendment II of Highland Green, State Route 196, Tedford Road, Topsham, Maine for Central Topsham Associates, LLC prepared by Paul H. Ruopp Jr., PLS, dated February 3, 2003, and recorded in the Sagadahoc County Registry of Deeds, Plan Book 38, Pages 41-48, and on the Plan of Subdivision – Amendment VI – of Highland Green Subdivision, Topsham, Maine for Central Topsham Associates, LLC prepared by Paul H. Ruopp Jr., PLS, dated October 29, 2007, and recorded in the Sagadahoc County Registry of Deeds, Plan Book 44, Pages 83-86.

5. Restrictions relating to 50 foot buffer zone set forth in the deed from David J. Toth to Central Topsham Associates, LLC, recorded in the Sagadahoc County Registry of Deed, Book 2706, Page 314.

6. Water Main Easement from Central Topsham Associates, LLC to Brunswick and Topsham Water District, dated September 12, 2001 and recorded in the Sagadahoc County Registry of Deeds, Book 1915, Page 66.

7. Sewer Easements from Central Topsham Associates, LLC to Topsham Sewer District, dated September 27, 2001 and recorded in the Sagadahoc County Registry of Deeds, Book 1917, Page 350, and dated May 31, 2002 and recorded in the Sagadahoc County Registry of Deeds, Book 2012, Page 172.

8. Lots R-8 and R-9 are subject to the rights and easements granted to Highland Green Phase I Homeowners Corporation under the Ground Lease, dated as of October 1, 2001, as amended, a Memorandum of which is recorded in Sagadahoc County Registry of Deeds, Book 1941, Page 125, as amended in Book 2169, Page 177 and in Book 2913, Page 64 and Book 2945, Page 221 and an unrecorded Amendment dated as of February 1, 2008. Lots R-11A, R-14 and R-20 are subject to the rights and easements granted to Highland Green North Phase I Homeowners Corporation under the Ground Lease, dated as of March 1, 2003, a Memorandum of which is recorded in Sagadahoc County Registry of Deeds, Book 2161, Page 128, as amended by Amendments recorded in Book 2706, Page 316 and Book 2945, Page 230 and an unrecorded Amendment dated as of February 1, 2008. Lots R-11 and R-15 are subject to the rights and easements granted to Highland Green Phase II Homeowners Corporation under the Ground Lease, dated as of March 1, 2003, a Memorandum of which is recorded in Sagadahoc County Registry of Deeds, Book 2161, Page 137, as amended by Amendments recorded in Book 2706, Page 324 and Book 2945, Page 239 and an unrecorded Amendment dated as of February 1, 2008. Lots R-5 and R-21 are subject to the rights and easements granted to Highland Green South Homeowners Corporation under the Ground Lease, dated as of March 1, 2003, a Memorandum of which is recorded in Sagadahoc County Registry of Deeds, Book 2161, Page 119, as amended by an

Amendment recorded in Book 2685, Page 174, and by Amendment recorded in Book 2913, Page 72 and Book 2945, Page 213 and an unrecorded Amendment dated as of February 1, 2008. Said Ground Leases were assigned by Central Topsham Associates, LLC to Highland Green Associates, LLC by Assignments and Assumptions of Leases, dated April 15, 2009 and recorded in said Registry, Book 3072, Pages 346, 348 and 350 and Book 3073, Page 1.

9. Rights and easements reserved by Central Topsham Associates, LLC in its deed to Highland Green Associates LLC, dated April 15, 2009 to be recorded in said Registry, Book 3072, Page 333.

10. Terms, easements and covenants set forth in the Declaration of Covenants and Easements of Central Topsham Associates, LLC, dated April 15, 2009 and recorded in said Registry, Book 3072, Page 326.

IN WITNESS WHEREOF, it, the said Highland Green Associates, LLC, has caused this instrument to be signed and sealed in its limited liability company name by its Manager, JBW Management, Inc., by its President, John B. Wasileski, thereunto duly authorized, effective as of the 21st day of August, 2014.

WITNESS:

Highland Green Associates, LLC
By: JBW Management, Inc., its Manager

_____ By: _____
John B. Wasileski, its President

STATE OF MAINE
CUMBERLAND, ss.

August ____, 2014

Then personally appeared the above named John B. Wasileski, President of JBW Management, Inc., Manager of said Highland Green Associates, LLC, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Limited Liability Company, before me,

Attorney at Law/Notary Public
Printed Name: _____

Joinder by Grantee

The undersigned Grantee, Topsham Associates LLC joins herein to indicate its acceptance of the Declarant's rights under the Declaration of Covenants and Easements of Highland Green Subdivision, dated April 15, 2009 and recorded in said Registry, Book 3072, Page 326.

Witness: TOPSHAM ASSOCIATES LLC,
a Massachusetts limited liability

By Edgar Bohlen
Its Duly Authorized Manager

STATE OF MAINE
CUMBERLAND, SS.

August ____, 2014

Personally appeared before me the above named Edgar Bohlen, in his capacity as duly authorized Manager of Topsham Associates LLC, and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of Topsham Associates LLC.

Before me,

Notary Public/Maine Attorney at Law
Printed Name:
My commission expires:

Property Lookup

Search: All

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Results								
Address	Owner	Acct#	Map	Block	Lot	Unit	Unit Cut	PID
CHICKADEE DR (Parcel.aspx?pid=102)	TOPSHAM ASSOCIATES LLC	102	R04	017	A	15		102
5 VILLAGE DR (Parcel.aspx?pid=144)	CENTRAL TOPSHAM ASSOCIATES II LLC	144	R04	018	A			144
THRUSH DR (Parcel.aspx?pid=306)	TOPSHAM ASSOCIATES LLC	306	R04	017	A	14		306
PIPIT DR (Parcel.aspx?pid=406)	TOPSHAM ASSOCIATES LLC	406	R04	017	A	09		406
333 EVERGREEN CIR (Parcel.aspx?pid=512)	CENTRAL TOPSHAM ASSOCIATES LLC	513	R04	017	A	G4		512
85 VILLAGE DR (Parcel.aspx?pid=566)	CENTRAL TOPSHAM ASSOCIATES II LLC	567	R04	017	D			566
56 EVERGREEN CIR (Parcel.aspx?pid=568)	CENTRAL TOPSHAM ASSOCIATES LLC	569	R04	017	A	02		568
300 EVERGREEN CIR (Parcel.aspx?pid=569)	CENTRAL TOPSHAM ASSOCIATES LLC	570	R04	017	A	03		569
48 VILLAGE DR (Parcel.aspx?pid=833)	CENTRAL TOPSHAM ASSOCIATES II LLC	835	R04	017				833
HERON DR (Parcel.aspx?pid=1029)	TOPSHAM ASSOCIATES LLC	1031	R04	017	E			1029
279 EVERGREEN CIR (Parcel.aspx?pid=1034)	CENTRAL TOPSHAM ASSOCIATES LLC	1036	R04	017	A	19		1034
113 VILLAGE DR (Parcel.aspx?pid=1176)	CENTRAL TOPSHAM ASSOCIATES LLC	1181	R04	017	A	G9		1176
39 MOUNTAIN RD (Parcel.aspx?pid=1304)	CENTRAL TOPSHAM ASSOCIATES LLC	1309	R04	017	A	G3		1304
7 EVERGREEN CIR (Parcel.aspx?pid=1473)	CENTRAL TOPSHAM ASSOCIATES LLC	1478	R04	017	A	B1		1473
GOVERNORS WAY (Parcel.aspx?pid=1478)	TOPSHAM ASSOCIATES LLC	1483	U07	004	D			1478
FLICKER DR (Parcel.aspx?pid=1857)	TOPSHAM ASSOCIATES LLC	1865	R04	017	A	08		1857
6 VILLAGE DR (Parcel.aspx?pid=1879)	CENTRAL TOPSHAM ASSOCIATES II LLC	1887	R04	018				1879
0 AUGUSTA RD #REAR (Parcel.aspx?pid=2096)	CENTRAL TOPSHAM ASSOCIATES II LLC	2107	R04	027				2096
268 EVERGREEN CIR (Parcel.aspx?pid=2488)	CENTRAL TOPSHAM ASSOCIATES LLC	2503	R04	017	A	18		2488
12 ANNEX DR (Parcel.aspx?pid=2636)	CENTRAL TOPSHAM ASSOCIATES II LLC	2651	R04	017	A	07		2636
1 2 3								

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Property Lookup

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Results								
Address	Owner	Acct#	Map	Block	Lot	Unit	Unit Cut	PID
304 EVERGREEN CIR (Parcel.aspx?pid=2637)	CENTRAL TOPSHAM ASSOCIATES LLC	2652	R04	017	A	G8		2637
0 EVERGREEN CIR #REAR (Parcel.aspx?pid=2657)	CENTRAL TOPSHAM ASSOCIATES LLC	2674	R09	065				2657
28 MOUNTAIN RD (Parcel.aspx?pid=2839)	CENTRAL TOPSHAM ASSOCIATES II LLC	2857	R04	017	A	06		2839
15 MOUNTAIN RD (Parcel.aspx?pid=2886)	CENTRAL TOPSHAM ASSOCIATES LLC	2904	R04	017	A	B2		2886
21 AUDUBON WAY (Parcel.aspx?pid=2977)	CENTRAL TOPSHAM ASSOCIATES II LLC	2995	R04	017	A	01		2977
0 AUGUSTA RD #REAR (Parcel.aspx?pid=3088)	CENTRAL TOPSHAM ASSOCIATES II LLC	3107	R04	028				3088
24 VILLAGE DR (Parcel.aspx?pid=3235)	CENTRAL TOPSHAM ASSOCIATES II LLC	3254	R04	017	C			3235
KINGFISHER DR (Parcel.aspx?pid=3291)	TOPSHAM ASSOCIATES LLC	3311	R04	017	A	05		3291
240 EVERGREEN CIR (Parcel.aspx?pid=3493)	CENTRAL TOPSHAM ASSOCIATES LLC	3514	R04	017	A	G7		3493
320 EVERGREEN CIR (Parcel.aspx?pid=3549)	CENTRAL TOPSHAM ASSOCIATES LLC	3570	R04	017	A	04		3549
319 EVERGREEN CIR (Parcel.aspx?pid=3550)	CENTRAL TOPSHAM ASSOCIATES LLC	3571	R04	017	A	10		3550
HUBBARD LN (Parcel.aspx?pid=3603)	TOPSHAM ASSOCIATES LLC	3625	R04	026				3603
FINCH DR (Parcel.aspx?pid=3610)	TOPSHAM ASSOCIATES LLC	3632	R04	017	A	11		3610
259 EVERGREEN CIR (Parcel.aspx?pid=3653)	CENTRAL TOPSHAM ASSOCIATES LLC	3678	R04	017	A	G6		3653
114 VILLAGE DR (Parcel.aspx?pid=3772)	CENTRAL TOPSHAM ASSOCIATES LLC	3798	R04	017	A	G1		3772
FAIRFIELD LN (Parcel.aspx?pid=3905)	TOPSHAM ASSOCIATES LLC	3933	R04	047	B			3905
GOVERNORS WAY (Parcel.aspx?pid=3906)	TOPSHAM ASSOCIATES LLC	3934	R04	047	C			3906
VILLAGE DR #REAR (Parcel.aspx?pid=3951)	CENTRAL TOPSHAM ASSOCIATES II LLC	3979	R04	016				3951
SPARROW DR (Parcel.aspx?pid=3982)	TOPSHAM ASSOCIATES LLC	4012	R09	064	A			3982
99 VILLAGE DR (Parcel.aspx?pid=4010)	CENTRAL TOPSHAM ASSOCIATES II LLC	4043	R04	017	E	1		4010
1 2 3								

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Results								
Address	Owner	Acct#	Map	Block	Lot	Unit	Unit Cut	PID
EVERGREEN CIR (Parcel.aspx?pid=100574)	TOPSHAM ASSOCIATES LLC	4097	R04	017	A	11A		100574
COBURN LN (Parcel.aspx?pid=100698)	TOPSHAM ASSOCIATES LLC	511	R04	047	A	0		100698
MAINTENANCE WAY (Parcel.aspx?pid=100701)	CENTRAL TOPSHAM ASSOCIATES II LLC	4095	R04	017	B	2		100701
VILLAGE DR (Parcel.aspx?pid=100702)	CENTRAL TOPSHAM ASSOCIATES II LLC	4096	R04	017	B	3		100702
AUDUBON WAY (Parcel.aspx?pid=100890)	CENTRAL TOPSHAM ASSOCIATES II LLC	4534	R04	017	A	C6		100890
AUDUBON WAY (Parcel.aspx?pid=100891)	CENTRAL TOPSHAM ASSOCIATES II LLC	4535	R04	017	A	C7		100891
SPARROW DR (Parcel.aspx?pid=100893)	CENTRAL TOPSHAM ASSOCIATES LLC	4537	R04	017	A	23		100893
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Results								
Address	Owner	Acct#	Map	Block	Lot	Unit	Unit Cut	PID
268 EVERGREEN CIR (Parcel.aspx?pid=2488)	CENTRAL TOPSHAM ASSOCIATES LLC	2503	R04	017	A	18		2488
240 EVERGREEN CIR (Parcel.aspx?pid=3493)	CENTRAL TOPSHAM ASSOCIATES LLC	3514	R04	017	A	G7		3493
320 EVERGREEN CIR (Parcel.aspx?pid=3549)	CENTRAL TOPSHAM ASSOCIATES LLC	3570	R04	017	A	04		3549
319 EVERGREEN CIR (Parcel.aspx?pid=3550)	CENTRAL TOPSHAM ASSOCIATES LLC	3571	R04	017	A	10		3550
259 EVERGREEN CIR (Parcel.aspx?pid=3653)	CENTRAL TOPSHAM ASSOCIATES LLC	3678	R04	017	A	G6		3653
114 VILLAGE DR (Parcel.aspx?pid=3772)	CENTRAL TOPSHAM ASSOCIATES LLC	3798	R04	017	A	G1		3772
279 EVERGREEN CIR (Parcel.aspx?pid=1034)	CENTRAL TOPSHAM ASSOCIATES LLC	1036	R04	017	A	19		1034
113 VILLAGE DR (Parcel.aspx?pid=1176)	CENTRAL TOPSHAM ASSOCIATES LLC	1181	R04	017	A	G9		1176
39 MOUNTAIN RD (Parcel.aspx?pid=1304)	CENTRAL TOPSHAM ASSOCIATES LLC	1309	R04	017	A	G3		1304
7 EVERGREEN CIR (Parcel.aspx?pid=1473)	CENTRAL TOPSHAM ASSOCIATES LLC	1478	R04	017	A	B1		1473
56 EVERGREEN CIR (Parcel.aspx?pid=568)	CENTRAL TOPSHAM ASSOCIATES LLC	569	R04	017	A	02		568
300 EVERGREEN CIR (Parcel.aspx?pid=569)	CENTRAL TOPSHAM ASSOCIATES LLC	570	R04	017	A	03		569
333 EVERGREEN CIR (Parcel.aspx?pid=512)	CENTRAL TOPSHAM ASSOCIATES LLC	513	R04	017	A	G4		512
<div style="display: flex; justify-content: center; gap: 10px;"> 1 2 </div>								

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Property Lookup

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Results								
Address	Owner	Acct#	Map	Block	Lot	Unit	Unit Cut	PID
5 VILLAGE DR (Parcel.aspx?pid=144)	CENTRAL TOPSHAM ASSOCIATES II LLC	144	R04	018	A			144
85 VILLAGE DR (Parcel.aspx?pid=566)	CENTRAL TOPSHAM ASSOCIATES II LLC	567	R04	017	D			566
48 VILLAGE DR (Parcel.aspx?pid=833)	CENTRAL TOPSHAM ASSOCIATES II LLC	835	R04	017				833
21 AUDUBON WAY (Parcel.aspx?pid=2977)	CENTRAL TOPSHAM ASSOCIATES II LLC	2995	R04	017	A	01		2977
0 AUGUSTA RD #REAR (Parcel.aspx?pid=3088)	CENTRAL TOPSHAM ASSOCIATES II LLC	3107	R04	028				3088
24 VILLAGE DR (Parcel.aspx?pid=3235)	CENTRAL TOPSHAM ASSOCIATES II LLC	3254	R04	017	C			3235
6 VILLAGE DR (Parcel.aspx?pid=1879)	CENTRAL TOPSHAM ASSOCIATES II LLC	1887	R04	018				1879
0 AUGUSTA RD #REAR (Parcel.aspx?pid=2096)	CENTRAL TOPSHAM ASSOCIATES II LLC	2107	R04	027				2096
12 ANNEX DR (Parcel.aspx?pid=2636)	CENTRAL TOPSHAM ASSOCIATES II LLC	2651	R04	017	A	07		2636
VILLAGE DR #REAR (Parcel.aspx?pid=3951)	CENTRAL TOPSHAM ASSOCIATES II LLC	3979	R04	016				3951
99 VILLAGE DR (Parcel.aspx?pid=4010)	CENTRAL TOPSHAM ASSOCIATES II LLC	4043	R04	017	E	1		4010
MAINTENANCE WAY (Parcel.aspx?pid=100701)	CENTRAL TOPSHAM ASSOCIATES II LLC	4095	R04	017	B	2		100701
VILLAGE DR (Parcel.aspx?pid=100702)	CENTRAL TOPSHAM ASSOCIATES II LLC	4096	R04	017	B	3		100702
AUDUBON WAY (Parcel.aspx?pid=100890)	CENTRAL TOPSHAM ASSOCIATES II LLC	4534	R04	017	A	C6		100890
AUDUBON WAY (Parcel.aspx?pid=100891)	CENTRAL TOPSHAM ASSOCIATES II LLC	4535	R04	017	A	C7		100891
28 MOUNTAIN RD (Parcel.aspx?pid=2839)	CENTRAL TOPSHAM ASSOCIATES II LLC	2857	R04	017	A	06		2839
15 MOUNTAIN RD (Parcel.aspx?pid=2886)	CENTRAL TOPSHAM ASSOCIATES LLC	2904	R04	017	A	B2		2886
SPARROW DR (Parcel.aspx?pid=100893)	CENTRAL TOPSHAM ASSOCIATES LLC	4537	R04	017	A	23		100893
304 EVERGREEN CIR (Parcel.aspx?pid=2637)	CENTRAL TOPSHAM ASSOCIATES LLC	2652	R04	017	A	G8		2637
0 EVERGREEN CIR #REAR (Parcel.aspx?pid=2657)	CENTRAL TOPSHAM ASSOCIATES LLC	2674	R09	065				2657

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May 18, 2001

Michael Mullen
Department of Environmental Protection
Bureau of Land and Water Quality
#17 State House Station
Augusta, ME 04333-0017

Dear Mike:

Following up on your call, enclosed is a First Amendment to Declaration relating to the Highland Green project in Topsham. The amendment required DEP consent prior to creation of any boat landing, resident camp sites or view areas. I am also enclosing copies of the original Declaration and the Conservation Easement as signed and recorded.

Since the Declaration provides that DEP consent is required prior to any amendment, please sign and return to me for recording.

Sincerely,



Ronald A. Epstein

RAE/dmv
Enclosures
cc: Rick Licht (w/o enc.)
David Eaton (w/o enc.)

FIRST AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS is made this ____ day of May 2001, by CENTRAL TOPSHAM ASSOCIATES, LLC, a Maine limited liability company, with a mailing address of 26 Elm Street, Topsham, Maine (herein referred to as the "Declarant") pursuant to State of Maine Department of Environmental Protection Natural Resource Protection Act Order Numbers L-20337-87-A-N; and L-20337-31-B-N, dated November 13, 2000 (hereinafter referred to as the "MDEP Order") and recorded in the Sagadahoc County Registry of Deeds in Book 1814, Page 340, relating to preservation and stormwater management of a portion of the land situated easterly of the Brunswick Naval Air Station Annex and westerly of Tedford Road and northerly of the Route 196 Coastal Connector and southerly of the Cathance River in Topsham, Maine, and pursuant to the United States Department of the Army, Army Corps of Engineers Permit No. 200001760, issued to Declarant on January 17, 2001 (hereinafter the "Army Corps Order").

Whereas, pursuant to the MDEP Order, the Declarant made and entered a Declaration of Covenants and Restrictions, dated May 10, 2001 and recorded in the Sagadahoc County Registry of Deeds, Book 1860, Page 174 and now desires, with the consent of the Maine Department of Environmental Protection, to amend such Declaration;

Now, therefor, Declarant hereby amends the first sentence of the second paragraph of section 1 of the Declaration to read as follows:

Unless the owner of the Covenant Area or its successors or assigns obtains the prior written approval of the MDEP (or any successor thereof), the Covenant Area shall remain undeveloped in perpetuity and be subject to the following restrictions except as otherwise provided or permitted in the Conservation Easement from Declarant to the Town of Topsham or the Brunswick Topsham Land Trust dated May 10, 2001 and recorded in the Sagadahoc County Registry of Deeds, Book 1860 Page 152 except that notwithstanding the provisions of said Conservation Easement, Declarant shall not take any of the following actions within the area subject to the Conservation Easement without the prior written approval of the Maine Department of Environmental Protection: (1) creation of rustic camp sites; (2) creation of a boat launch; and (3) any clearing to create views.

CENTRAL TOPSHAM ASSOCIATES LLC
By: Sea Coast Management Company
Its Manager

By: _____
John B. Wasileski, Its President

The Maine Department of Environmental Protection hereby consents to the foregoing amendment.

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____

Its

Print Name: _____

Director, Bureau of Land & Water Quality

STATE OF MAINE
Sagadahoc, ss.

May _____, 2001

Personally appeared before me the above named John B. Wasileski, President of Sea Coast Management Company, Manager of CENTRAL TOPSHAM ASSOCIATES LLC and acknowledged the foregoing instrument to be (his/her) free act and deed his said capacity and the free act and deed of said CENTRAL TOPSHAM ASSOCIATES LLC.

Notary Public

Print Name: _____

My Commission: _____

DECLARATION OF COVENANTS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS AND RESTRICTIONS is made this ^{10th} day of May 2001, by CENTRAL TOPSHAM ASSOCIATES, LLC, a Maine limited liability company, with a mailing address of 26 Elm Street, Topsham, Maine (herein referred to as the "Declarant") pursuant to State of Maine Department of Environmental Protection Natural Resource Protection Act Order Numbers L-20337-87-A-N; and L-20337-31-B-N, dated November 13, 2000 (hereinafter referred to as the "MDEP Order") and recorded in the Sagadahoc County Registry of Deeds in Book 1814, Page 340, relating to preservation and stormwater management of a portion of the land situated easterly of the Brunswick Naval Air Station Annex and westerly of Tedford Road and northerly of the Route 196 Coastal Connector and southerly of the Cathance River in Topsham, Maine, and pursuant to the United States Department of the Army, Army Corps of Engineers Permit No. 200001760, issued to Declarant on January 17, 2001 (hereinafter the "Army Corps Order").

RECITALS

WHEREAS the Declarant holds title to certain real property situated in Topsham, Maine, described herein by virtue of deeds of from (a) Husson College and University of Maine Foundation of even or near date; (b) David Toth recorded in the Sagadahoc County Registry of Deeds, Book 1835, Page 157; (c) Arthur Edgcomb recorded in the Sagadahoc County Registry of Deeds, Book 1835, Page 152; (d) Leon Howland recorded in the Sagadahoc County Registry of Deeds, Book 1835, Page 161; and (e) Annette Mayo, as Trustee of the Annette Mayo Trust recorded in the Sagadahoc County Registry of Deeds, Book 1835, Page 155; and (f) 10-16-63 Corp. to Central Topsham Associates, LLC, dated June 2, 2000 and recorded in the Sagadahoc County Registry of Deeds, Book 1778, Page 128; and

WHEREAS the Declarant desires to place certain deed covenants for the benefit of the Maine Department of Environmental Protection (hereinafter the "MDEP"), under the terms and conditions herein, over a portion of said real property (hereinafter referred to as the "Covenant Area") described as follows:

Certain lots or parcels of land located in the Town of Topsham, County of Sagadahoc and State of Maine, being Lots E-1 and E-2, as shown on the Plan of Subdivision of Highland Green prepared for Central Topsham Associates, LLC prepared by Paul H. Ruopp Jr., PLS, dated December 12, 2000, and recorded in the Sagadahoc County Registry of Deeds, Plan Book 36, Pages 14 et. seq., as amended by the Plan of Subdivision - Amendment I of Highland Green State Route 196 and Tedford Road, Topsham, Maine prepared for Central Topsham Associates, LLC by Paul H. Ruopp Jr., PLS, dated March 23, 2001, and recorded in the Sagadahoc County Registry of Deeds, Plan Book 36, Pages 39-40 containing 230 acres, more or less. The above-described premises are, however, subject to existing easements of record as shown on the above-referenced plan.

WHEREAS, pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A. Section 480-A *et seq.* and Chapter 310 of regulations promulgated by the Maine Department of Environmental Protection (the "Wetland Protection Rules"), the Declarant has agreed, in satisfaction of paragraph 19 of the Order and paragraphs 12 and 13 of the Conditions of Approval, to impose certain covenants and restrictions for the benefit of the MDEP on the Covenant Area as

more particularly set forth herein and has agreed that such covenants and agreements may be enforced by the MDEP or any successor in interest; and

WHEREAS the Declarant also desires to place certain deed covenants for the benefit of the MDEP, under the terms and conditions herein, over another portion of said real property (hereinafter referred to as the "Vegetative Buffer Areas") described as follows:

The areas labeled "vegetative buffer" as shown on Plans filed by Declarant with the MDEP pursuant to the MDEP Order, as the boundaries of which may be modified from time to time with the prior written approval of the MDEP or its successor.

WHEREAS, the Declarant has submitted a stormwater management plan to the MDEP and the Declarant has agreed, in satisfaction of paragraph 20 and paragraph 8 of the Conditions of Approval, to impose certain covenants and restrictions on the Vegetative Buffer Areas for the benefit of the MDEP as more particularly described and set forth herein and has agreed that such covenants and agreements may be enforced by the MDEP or any successor in interest; and

WHEREAS, the United States Department of the Army, Army Corps of Engineers (hereinafter the "Army Corps"), on January 17, 2001 issued the Army Corps Order to the Declarant, being Permit No. 200001760 pursuant to Section 404 of the Clean Water Act, permitting the filling of certain freshwater wetlands on the terms and conditions set forth in that permit, which permit requires that mitigation be performed in accordance with the final mitigation plan entitled "The Highlands North, Topsham, Maine, Wetlands Mitigation Plan," dated October 2000 as filed with the Army Corps (said "Mitigation" or "Wetland Preservation Areas" shown on said Plan filed with the Army Corps of Engineers, as the same may be amended from time to time with the prior written approval of the Army Corps being hereinafter called the "Mitigation Areas").

NOW, THEREFORE, the Declarant hereby declares that:

1. Restrictions on Covenant Area. The Declarant hereby declares for the benefit of the MDEP that the Covenant Area is and shall forever be held, transferred, sold, conveyed, occupied and maintained subject to the covenants, conditions and restrictions set forth in this paragraph 1 (sometimes referred to in this paragraph as the "Conservation Covenants and Restrictions"). The Conservation Covenants and Restrictions shall run with the Covenant Area and shall be binding on all parties having any right, title and interest in and to the Covenant Area, or any portion thereof, and their heirs, personal representatives, successors, and assigns. Any present or future owner or occupant of the Covenant Area, or any portion thereof, by the acceptance of a deed of conveyance of all or part of the Covenant Area or an instrument conveying any interest therein, whether or not the deed or instrument shall so express, shall be deemed to have accepted the Covenant Area subject to the Conservation Covenants and Restrictions and shall agree to be bound by, to comply with, and to be subject to each and every one of the Conservation Covenants and Restrictions hereinafter set forth.

Unless the owner of the Covenant Area or its successors or assigns obtains the prior written approval of the MDEP (or any successor thereof), the Covenant Area shall remain undeveloped in perpetuity and be subject to the following restrictions.

a. no soil, loam, peat, sand, gravel, concrete, rock or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris, junk waste, pollutants or other fill material will be placed, stored or dumped on the Covenant Area and the surface waters contained hereon, nor shall the topography of the area be altered or manipulated in any way.

b. no trees, grasses, shrubs, vines, or other vegetation shall be cut, destroyed, or sprayed with biocides.

c. no ditches shall be dug and no draining of the Covenant Area shall take place, and no pumping or any other removal of water shall occur on the Covenant Area, nor shall the manipulation or alteration of natural water courses or hydrology occur;

d. no building, sign, fence, utility pole, or other temporary or permanent structure will be constructed or placed on the Covenant Area;

e. no trucks, cars, dirt bikes, ATVs, bulldozers, backhoes, or other motorized vehicles or mechanical equipment shall be permitted on the Covenant Area;

f. no wildlife shall be taken, killed, harmed or removed from the Covenant Area. Enforcement of this restriction is the sole responsibility of the Declarant.

Any activity on or use of the Covenant Area inconsistent with the purpose of these Conservation Covenants and Restrictions is prohibited. Prior to undertaking any changes in the use of the Covenant Area, the Declarant, its successors and assigns, shall consult with the MDEP regarding the proposed changes to determine the effect of such changes on the conservation values of the Covenant Area. The MDEP shall have the right to approve such changes in use if such uses do not impair or impede the conservation values of the Covenant Area or the purpose of the Conservation Covenants and Restrictions.

2. Restrictions on Vegetative Buffer Areas. The Declarant hereby declares for the benefit of the MDEP that the Vegetative Buffer Areas are and shall forever be held, transferred, sold, conveyed, occupied and maintained subject to the covenants, conditions and restrictions set forth in this paragraph 2 (sometimes referred to in this paragraph as the "Stormwater Covenants and Restrictions"). The Stormwater Covenants and Restrictions shall run with the Vegetative Buffer Areas and shall be binding on all parties having any right, title and interest in and to the Vegetative Buffer Areas, or any portion thereof, and their heirs, personal representatives, successors, and assigns. Any present or future owner or occupant of the Vegetative Buffer Areas, or any portion thereof, by the acceptance of a deed of conveyance of all or part of the Vegetative Buffer Areas or an instrument conveying any interest therein, whether or not the deed or instrument shall so express, shall be deemed to have accepted the Vegetative Buffer Areas subject to the Stormwater Covenants and Restrictions and shall agree to be bound by, to comply with, and to be subject to each and every one of the Stormwater Covenants and Restrictions hereinafter set forth.

Unless the owner of the Vegetative Buffer Areas or its successors or assigns obtains the prior written approval of the MDEP (or any successor thereof), the Vegetative Buffer Areas shall

remain undeveloped in perpetuity and be subject to the following restrictions: No buildings or other structures will be constructed in the Vegetative Buffer Areas and no trees may be cut or removed from the vegetative buffer except that Grantor, its successors and assigns, reserve the right to cut, prune and clear vegetation and forest cover (1) to remove safety hazards to the uses permitted hereunder or to prevent the spread of fire, and, with the prior written approval of MDEP, to prevent the spread of disease, including exotic intrusion; (2) to accommodate low-impact outdoor recreation, nature observation and study and to create walking trails therefrom; and (3) to remove dead or diseased trees, vegetation and forest cover. The boundaries of the vegetative buffer may be modified from time to time by Central Topsham Associates, LLC, its successors and assigns with the prior written approval of the Maine Department of Environmental Protection (hereinafter the "MDEP") or any successor in interest.

Any activity on or use of the Vegetative Buffer Areas inconsistent with the purpose of these Stormwater Covenants and Restrictions is prohibited. Prior to undertaking any changes in the use of the Vegetative Buffer Areas, the Declarant, its successors and assigns, shall consult with the MDEP regarding the proposed changes to determine the effect of such changes on the stormwater management values of the Vegetative Buffer Areas. The MDEP shall have the right to approve such changes in use if such uses do not impair or impede the stormwater management values of the Vegetative Buffer Areas or the purpose of the Stormwater Covenants and Restrictions.

3. Restrictions on Mitigation Areas. Declarant hereby declares for the benefit of the Army Corps that any activity on or use of the Mitigation Areas inconsistent with the purpose of this paragraph 3 of this Declaration of Covenants and Restrictions is prohibited. Prior to undertaking any changes in the use of the Mitigation Areas, the Declarant, its successors and assigns, shall consult with the Army Corps regarding the proposed changes to determine the effect of such changes on the conservation values of the Mitigation Areas. The Army Corps shall have the right to approve such changes to the extent that it deems appropriate in accordance with such permit and applicable law.

Unless the owner of the Mitigation Areas obtains the prior written approval of the Army Corps of Engineers (or its successor), the Mitigation Areas shall remain undeveloped in perpetuity and shall be subject to the following restrictions: Remediation and monitoring efforts by Declarant are authorized in the Mitigation Areas in accordance with the terms of the Army Corps Order, provided that no filling, clearing or other disturbance of the Mitigation Areas is authorized without the prior written approval of the Army Corps. All wetlands mitigation of the Mitigation Areas shall be performed in accordance with the terms of the Army Corps Order.

4. Enforcement. (a) The MDEP may enforce any of the Conservation Covenants and Restrictions and the Stormwater Covenants and Restrictions set forth in paragraph numbers 1 and 2 above. Any future alterations of the Covenant Area must receive the prior approval in writing from the MDEP.

(b) The United States Department of the Army Corps of Engineers may enforce the Mitigation Covenants set forth in paragraph 3 hereof. Any future alterations of the Mitigation Area except as permitted by the Army Corps Order must receive the prior approval in writing from the Army Corps.

5. Binding Effect. The restrictions set forth herein shall be binding on any present or future owner of the Covenant Area and the Vegetative Buffer Areas and the Mitigation Areas, as applicable. If the Covenant Area or Vegetative Buffer Areas or Mitigation Areas, as applicable, are at any time owned by more than one owner, each owner shall be bound by the foregoing restrictions but only to the extent that any of the Covenant Area or Vegetative Buffer Areas or Mitigation Areas, as applicable, are included within such owner's property.

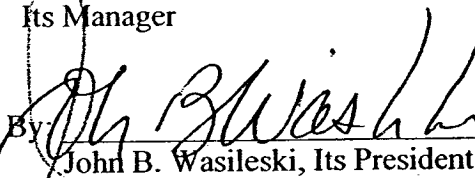
6. Amendment. Any provision contained in this Declaration may be amended or revoked only by the recording of a written instrument or instruments specifying the amendment or the revocation signed by the owner or owners of the Covenant Area or Vegetative Buffer Areas or Mitigation Areas, as applicable, and by the MDEP (or any successor thereto) if relating to the Covenant Area or Mitigation Buffer Areas and by the Army Corps if relating to the Mitigation Areas.

7. Effective Provisions of Declaration. Each provision of this Declaration and any agreement, promise, covenant and undertaking to comply with each provision of this Declaration, shall be deemed a covenant running with the land as a burden and upon the tide to the Covenant Area and the Vegetative Buffer Areas and the Mitigation Areas, as applicable.

8. Severability. Invalidity or unenforceability of any provision of this Declaration in whole or in part shall not affect the validity of enforceability of any other provision or any valid and enforceable part of a provision of this Declaration.

9. Governing Law. This Declaration shall be governed by and interpreted in accordance with the laws of the State of Maine.


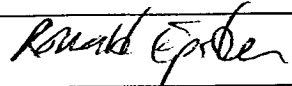
CENTRAL TOPSHAM ASSOCIATES LLC
By: Sea Coast Management Company
Its Manager

By: 
John B. Wasileski, Its President

STATE OF MAINE
Sagadahoc, ss.

May 10, 2001

Personally appeared before me the above named John B. Wasileski, President of Sea Coast Management Company, Manager of CENTRAL TOPSHAM ASSOCIATES LLC and acknowledged the foregoing instrument to be (his/her) free act and deed his said capacity and the free act and deed of said CENTRAL TOPSHAM ASSOCIATES LLC.


Notary Public 
Print Name: _____
My Commission: _____

CONSERVATION EASEMENT

Central Topsham Associates, LLC, a limited liability company organized and existing under the laws of the State of Maine and having a principal place of business at 26 Elm Street in the Town of Topsham, County of Sagadahoc and State of Maine (hereinafter referred to as the "Grantor" which word is intended to include, unless the context clearly indicates otherwise, the above-named Grantor, its successors and assigns and any successors in interest to the Protected Property, and their executors, administrators, personal representatives, heirs, successors and assigns)

GRANTS as a gift to the Brunswick Topsham Land Trust, a non-profit corporation organized and existing under the laws of the State of Maine with a mailing address of 108 Maine Street, Brunswick, Maine (hereinafter referred to as the "Holder" which word shall, unless the context clearly indicates otherwise, include the Holder's successors and/or assigns) and for the benefit to the extent provided herein of the Town of Topsham, a municipality existing under the laws of the State of Maine (the "Town"),

with WARRANTY COVENANTS, in perpetuity, the following described Conservation Easement on the real estate in the Town of Topsham, County of Sagadahoc, and State of Maine, and described in Exhibit A and depicted in Exhibit B, both attached hereto and made a part hereof, hereinafter referred to as the "Protected Property", in accordance with the following terms, covenants, restrictions and affirmative rights:

PURPOSE:

The dominant purpose of this Conservation Easement is to provide a significant public benefit by (a) protecting and preserving in perpetuity the natural, open space, scenic, aesthetic and ecological features and values of the Protected Property, in particular the riparian areas of the Cathance River and the Heath Resource Area; and (b) assuring that the Protected Property will be retained forever in its natural undeveloped condition, except as otherwise provided herein; (c) fostering responsible conservation practices while preserving the opportunity for passive outdoor recreation by and education of the general public to the extent provided herein; and (d) preventing any use of the Protected Property that will significantly impair or interfere with the conservation values of the Protected Property.

The following recitals more particularly describe the conservation values of the Protected Property and the significance of this grant.

WHEREAS, Grantor is the sole owner in fee of the Protected Property, a parcel of approximately 230 acres, comprised of two parts, a large parcel of approximately 185.2 acres with approximately 7,900 feet of shorefrontage on the Cathance River (the Cathance River Area), and a smaller parcel to its south of approximately 45.09 acres enclosing a large heath surrounded by an upland buffer (the Heath Resource Area,) and a 100-foot wide corridor connecting it to the shoreland parcel, all of which remains in an undeveloped and substantially natural condition with significant scenic beauty, and habitat value, in particular its riparian area including shoreland wetlands and the upland heath sheltering fragile environments; and

WHEREAS, land in the Town of Topsham is subject to increasing development pressures, in particular lands like the Protected Property, being large shorefront properties on coastal rivers with convenient access to Route 295, the I-95 bypass that surrounds Portland, Maine's largest city, which tends to displace critical wildlife habitats, important ecological systems, wetland habitats, public views of scenic vistas and recreational activities; and

WHEREAS, the Protected Property contains high value wildlife habitat of national significance along the Cathance River, particularly for migratory waterfowl, as identified by U.S. Fish and Wildlife Service in their 1994 publication, "Fish and Wildlife Resources in the Merrymeeting Bay and Lower Kennebec River Focus Area"; and

WHEREAS, the Protected Property contains a 12 +/- acre tall sedge fen within the Heath Resource Area, a peatland that is relatively uncommon in Sagadahoc County and is considered a wetland of special significance by the Maine Department of Environmental Protection; and

WHEREAS, the Protected Property contains another wetland of special significance within the 100-foot wide corridor that connects the Heath Resource Area to the Cathance River Area of the Protected Property, a one-acre beaver pond that provides high value habitat for vernal pool species, particularly wood frogs and spotted salamanders, as well as breeding habitat for other amphibians and reptiles, and habitat for wading birds, song birds and waterfowl; and

WHEREAS, in order to provide a connected wide expanse of undeveloped wildlife habitat and to protect the water quality of the Cathance River, the Wetland Mitigation Plan for the Highlands Green development recommended preservation of all three of the aforementioned environments: 1) a 1000-foot wide buffer strip along the Cathance River, 2) the tall sedge fen along with a surrounding 250-foot wide upland buffer, and 3) the beaver pond along with the narrow corridor that would link these two areas thereby maintaining critical wildlife movements and ecological functions; and

WHEREAS, this Conservation Easement accomplishes the aforementioned objectives by protecting in perpetuity the high value wildlife habitat along the Cathance River, associated wetlands, streams feeding Cathance River, by providing an adequate development buffer to preserve the water quality and the quality of the associated riparian lands that are part of and critical to this habitat; and

WHEREAS, the Protected Property is highly scenic when viewed from public vantage points on and across the Cathance River, and offers increasingly rare open space important for low impact outdoor recreation by the general public; and

WHEREAS, the State of Maine has recognized the importance of preserving scenic open space, wildlife habitat and important natural areas in its Constitution at Article IX, Section 8 ;

WHEREAS, Grantor and the Holder desire to retain and protect the natural, scenic, and open space and passive recreation values of the Protected Property and thereby assure the Protected Property's availability for scientific, educational, aesthetic, scenic, passive recreational and open space uses and purposes, for scenic enjoyment of the general public by access as limited herein; for the protection of the natural resources, including wetland and wildlife habitat,

located on or about the Protected Property; and for the maintenance and enhancement of air and water quality on or about the Protected Property; and

WHEREAS, any substantial change, except as permitted herein, in the natural, scenic, and open condition of the Protected Property would have an adverse effect on the scenic character of the Protected Property, on the purity of air, water, and the environment in and around the Protected Property, on the unique ecological features of the Protected Property and its habitat value for indigenous flora and fauna, and on access to the Protected Property by the general public for passive recreation as limited herein; and

WHEREAS, the Grantor, the Town and the Holder, with the able assistance of the citizen's group known as Topsham's Future, who brought the parties together to accomplish this preservation of the scenic, aesthetic, and special character of the region and the Protected Property, have the common purpose of conserving the natural, ecological, scenic, and wildlife habitat values of and access to the Protected Property by the general public as limited herein and solely for the limited purposes expressly described herein, by the establishment of a Conservation Easement on the Protected Property;

NOW THEREFORE, the Grantor, for the benefit of the Town and the Holder, their successors and assigns, has established a Conservation Easement on, over and across the Protected Property on the following terms, covenants, restrictions and affirmative rights, granted to the Holder and the Town, which shall run with and bind the Protected Property, in perpetuity, as follows:

1. **LAND USE AND PUBLIC RECREATION.**

A. **Land Use.** The Protected Property may be used for only conservation and the purposes of this Conservation Easement, and to the extent specified herein, for low impact outdoor recreation, nature observation and study by Grantor, its invitees, and the general public. Accordingly, Grantor agrees that no residential, commercial, industrial, quarrying or mining activity and no development, building, construction, maintenance or erection of buildings, structures, roads, above or below ground utilities or commercial harvesting of trees will occur on the Protected Property, except as specifically reserved and permitted herein. Nothing in this Conservation Easement should be construed to prohibit any wetland mitigation activities required of Grantor under required under Army Corps of Engineers Permit # 200001760 dated January 22, 2001, for the Highlands Development Project, included in Baseline Data, which specifically requires Grantor to remove a culvert, and to remove a path and install plantings within a freshwater wetland on the Protected Property in mitigation site M-5, so called in said permit. Nothing in the Conservation Easement should be construed to prohibit or limit any easements or rights-of-way of record, as of the date of this grant, held by others as disclosed in Exhibit A, but Grantor may not expand the scope of such rights or grant additional rights of way or easements over the Protected Property inconsistent with the terms hereof.

B. **Motorized Vehicles.** Grantor agrees to post the Protected Property, per the mutual agreement of Grantor and Holder as to size, number, general location and maintenance of signs, to inform the public that motorized vehicles of any kind, including recreational vehicles, all-terrain vehicles, motorcycles, dirt bikes and snowmobiles, are prohibited from access to or use of

the Protected Property, except that access and use by motorized vehicles may be permitted on the roadway that will bisect the corridor between the Heath Resource Area and the Cathance River Area as described in Paragraph 4.D. and depicted generally in Exhibit B, on the golf cart path and the elderly and handicapped access trails described in Paragraph 4. B., and on the parking area permitted under Paragraph 4.C. Grantor and Holder shall have the right to employ other reasonable actions and installations consistent with the terms of this grant to discourage or block access and use by motorized vehicles, including the right of enforcement against violators for trespass. Notwithstanding the foregoing restrictions on motorized vehicles, Grantor and Holder may jointly agree, in their sole and exclusive discretion, to permit snowmobiles or other recreational vehicles on designated trails subject to a determination that such use will not result in damage to the surface or to fragile resources or result in erosion or run off into wetlands. This prohibition against motorized vehicular use on the Protected Property by the general public shall not be construed to prevent authorized agents of Grantor and Holder from using small soft treaded motorized vehicles on roads and paths as necessary for maintenance purposes and emergency use.

Grantor and Holder acknowledge that restrictions, rules and regulations established to comply with this and other requirements of this Conservation Easement or to implement the purposes of this Conservation Easement may be violated from time to time by members of the public without the knowledge or consent of Grantor or Holder. Grantor and Holder acknowledge that they will not be able to undertake daily or continuous monitoring to detect or prevent each such violation. Grantor and Holder further agree that in response to occasional violations encountered, Grantor shall take reasonable steps to discourage further violations and to repair material damage to the Protected Property, but that such violations by a member of the public shall not be deemed a violation of this Conservation Easement by the Grantor, nor create a cause of action against Grantor or Holder.

C. Public Outdoor Recreation. Grantor agrees to refrain from prohibiting, preventing, discouraging, or exacting a fee, for access to and use by the general public of the Protected Property including any walking trails developed by Grantor or Holder, for traditional daytime, quiet, non-motorized and low impact outdoor recreation, including walking, hiking, bicycling on designated paths, cross-country skiing, skating, nature observation and study, and recreational fishing, and any other similar activities determined appropriate by Grantor and Holder, subject to all applicable laws and regulations concerning such activities and the limitations hereof.

In furtherance of the foregoing, Grantor agrees to permit reasonable pedestrian public access to the Protected Property, via any walking trails that may now or hereafter exist on abutting properties not owned by the Grantor, whether informally established or as part of a contiguous Cathance River Trail System, and to permit vehicular public access by conventional passenger car to the limited parking at designated trail heads as permitted in Paragraph 4.C. via roads to be constructed on Grantor's other land located between the Protected Property and the Brunswick Topsham Bypass (which access may be gated or otherwise controlled, requiring members of the public to register and obtain a card or code or similar means of access through such gate and which roads shall be in such locations as designated by Grantor, its successors and assigns, from time to time); or in such other locations and numbers as may be agreed in writing by Grantor and the Holder. Grantor has the right to permit elderly or disabled persons to use

wheelchairs or other appropriate conveyance on any trails designated for handicapped access permitted in Paragraph 4.B.

Use of the Protected Property by the public shall be subject to such reasonable rules and regulations as Grantor may impose from time to time in order to serve, preserve or enhance traditional public uses of the Protected Property, and the passive use, conservation and environmental purposes of this Conservation Easement. Grantor has the right to control, limit or prohibit, by posting and other means, any of the following uses: use after sunset and before sunrise, use of alcoholic beverages, handling of refuse and litter, camping, loud activities, use of fires, use of motor vehicles, access by domesticated animals or pets, snowmobiles, bicycles, hunting, trapping, and any use that may interfere with or be harmful to other members of the public using the Protected Property, the conservation values of the Protected Property or the quiet use and enjoyment of neighboring property. Grantor agrees to give Holder prior written notice of any rules and regulations and Holder may impose and post additional rules, or more restrictive or effective rules and regulations, or require Grantor to modify its rules and regulations for public use, to the extent reasonably necessary to carry out the purposes of this Conservation Easement and protect the conservation values of the Protected Property.

Grantor and Holder acknowledge that restrictions, rules and regulations established to comply with this and other requirements of this Conservation Easement or to implement the purposes of this Conservation Easement may be violated from time to time by members of the public without the knowledge or consent of Grantor or Holder. Grantor and Holder acknowledge that they will not be able to undertake daily or continuous monitoring to detect or prevent each such violation. Grantor and Holder further agree that in response to occasional violations encountered, Grantor shall take reasonable steps to discourage further violations, and such violations by a member of the public shall not be deemed a violation by the Grantor of this Conservation Easement, nor create a cause of action under this Conservation Easement against Grantor or Holder. Grantor, however, shall repair material damage caused by Grantor or its contractors or agents to the Protected Property.

Notwithstanding the intention of this Conservation Easement to provide opportunities for public access, the Grantor and the Holder have the right to act jointly, pursuant to a written agreement, to control, by posting or other lawful means, the number of persons who may use the Protected Property or any part thereof, and to restrict public access to any area or the entirety of the Protected Property, but only to the extent and for the duration necessary to assure safety, or to assure protection of the purposes of this grant. Nothing hereunder shall be deemed to dedicate, create or sanction any general public rights of use or access or any rights of the public by prescription or otherwise except to the extent expressly set forth herein, nor any standing to bring an enforcement action hereunder. Only Holder, and not the general public, has the right to enforce this public access provision.

2. SUBDIVISION and BOUNDARY MAINTENANCE

The Protected Property shall remain as an undivided entity under one ownership, and may not be divided, subdivided, partitioned, or otherwise divided into separate lots. The development rights that would have obtained in the Protected Property without this Conservation Easement are hereby extinguished. It is acknowledged that the Protected Property has been

surveyed as part of the surrounding and abutting property that will be divided and developed into housing, golf course facilities, and other commercial uses. Grantor agrees, in such reasonable manner and locations as are requested by Holder, to mark and maintain the boundaries of the Protected Property in a manner to permit Holder to identify any boundary by an onsite visual inspection without additional surveying or instruments. Grantor also agrees to provide additional boundary markers clearly visible to operators on abutting land owned by Grantor, conducting any active construction, site development, road building, clearing, or other activities that might have a tendency to migrate onto the Protected Property.

3. STRUCTURES.

As of the date of this grant there are no structures on the Protected Property except for modest trail improvements and a culvert. No additional structures may be located on the Protected Property without the prior written consent of Holder, except that Grantor reserves for itself, its successors and assigns, as owner of the Protected Property, the right to install and maintain minor or rustic structures to evidence the opportunity for low impact outdoor recreation, nature observation and study, including ecological education, including but not limited to small unlighted signs to indicate the ownership of the Protected Property and the rules and regulations governing public and private use, rustic benches, and rustic trail improvements such as hand rails, culverts, walkways and steps; and not more than one primitive canoe or kayak access ramp or plank not to exceed twelve feet in length and four feet in width, to be located on the easterly side of the Cathance River; provided that all such structures must be sited and limited in scale appropriately and constructed of a material that blends with the natural surroundings and complements the natural and scenic features of the landscape in order to preserve the substantially unaltered natural character of the Protected Property when viewed from the Cathance River.

4. SURFACE ALTERATIONS.

As of the date of this grant, there are no man-made alterations to the surface of the Protected Property except for footpaths, woods roads and a bridge over the Cathance River, as described and shown in the Baseline Data. No further filling, dumping, excavation or alterations to the surface of the earth are permitted on the Protected Property, without the prior written consent of Holder, except that Grantor reserves for itself, its successors and assigns, as owner of the Protected Property, the following rights:

A. Grantor has the right to alter the surface to the extent necessary or appropriate to maintain existing surface alterations listed above, to permit the installation of structures as permitted in Paragraph 3 hereof, and to manage vegetation as permitted in Paragraph 5; provided that the disturbed surrounding area must be restored as soon as possible to a condition consistent with the conservation values to be protected by this Conservation Easement, and further provided that surface alterations shall be designed, located and executed to the extent reasonably practicable in a manner to protect wetlands, riparian features and other fragile resources from damage, soil erosion and runoff into surface waters.

B. Grantor has the right to establish, maintain and relocate additional unpaved footpaths as well as trails designated for elderly and handicapped access, provided that all such activities shall be designed, located and executed to the extent reasonably practicable in a manner to protect wetlands, riparian features and other fragile resources from damage, soil erosion and runoff into surface waters. Grantor also has the right to construct, maintain and use a golf-cart path by the shortest reasonable route between Lot G -1-9 and Lot G-2, as shown on the Plan referenced in Exhibit B and between Lot R-9 and Lot G-1-9 as shown on said plan referenced in Exhibit B (and as far as possible on the existing gravel road thereon), said golf cart path being shown by gray curved lines on said Plan, southeasterly of the Heath Resource Area, (which Lots adjoin but are not part of the Protected Property), as documented in Baseline Data, based on the site plan for Developer's project as approved by the Maine Department of Environmental Protection, as the same may be amended from time to time. The golf cart path and any trails designated for elderly or handicapped access shall be constructed so that the natural grade of the Protected Property is maintained to blend in a reasonably harmonious manner to the environment, except as necessary or appropriate to minimize erosion and accommodate use by motorized vehicles such as amigos, wheel chairs and golf carts and golf course maintenance vehicles. If Grantor's proposal for construction of said golf cart path deviates from the courses depicted on said plan, Holder's prior written approval of said proposal shall be required.

C. Grantor has the right, without further approval from Holder, to establish and maintain two small graveled or greased parking areas designed to accommodate two conventional passenger cars, for public recreational users of the Protected Property. The pre-approved parking areas shall be located at the upland trailhead of the trails or cart path established pursuant to Paragraph 4.B. Any other size or number of parking areas requires Holder's prior written approval, which shall be based on balancing the need for additional public parking and the conservation values to be protected by this grant. The surface alterations permitted under this subparagraph shall be designed, located and executed to the extent reasonably practicable in a manner to protect wetlands, riparian features and other fragile resources from damage, soil erosion and runoff into surface waters.

D. The right to construct, maintain and use a paved or unpaved road, utilities and related landscaping (and to grant to others the right to use the same) crossing the 100-foot wide corridor that connects the Heath Resource Area to the Cathance River Area of the Protected Property as generally shown on the site plan for Developer's project as approved by the Maine Department of Environmental Protection, as the same may be amended from time to time and Grantor agrees that such road will be constructed and contoured so as to be reasonably conducive to wildlife crossings and to blend in a reasonably harmonious manner to the environment.

E. Grantor has the right to establish and maintain drainage across the Protected Property from Grantor's adjoining and nearby properties to the extent consistent with the Maine Department of Environmental Protection permits and licenses relating to that property.

5. VEGETATION MANAGEMENT

As of the date of this grant, the Protected Property is substantially forested with large areas of natural wetland, marsh grass, heath, and scrub shrubs along the shoreline, as

documented in Baseline Data. No standing timber or other vegetation may be cut or removed from the Protected Property, without the prior written consent of Holder, except that Grantor reserves for itself, its successors and assigns, as owner of the Protected Property, the following rights, the exercise of which must be limited to preserve the substantially unaltered character of the Protected Property when viewed from the Cathance River:

A. Grantor has the right to alter vegetation to the extent necessary or appropriate to permit the installation of structures and the establishment of surface alterations permitted in Paragraphs 3 and 4.

B. Grantor has the right to remove dead or diseased trees, vegetation and forest cover, and to clear and restore forest cover and vegetation that is materially damaged by the forces of nature and to implement appropriate measures with respect to such dead, diseased and damaged forest cover and vegetation pursuant to a vegetation management plan acceptable to the Maine Department of Inland Fisheries and Wildlife, or other conservation authority approved by Holder.

C. Grantor has the right to prune and clear vegetation and forest cover (1) to remove safety hazards to the uses permitted hereunder and prevent the spread of active fire; (2) to establish and maintain small and dispersed rustic campsites for non-commercial use; to improve wildlife habitat; to prevent or reduce the threat of fire, plant disease or exotic intrusion; and (3) to establish views through the trees from footpaths and campsites; provided that all such activities shall be designed, limited, located and conducted in a manner to preserve important vegetative buffers around riparian areas and other fragile resources, and to minimize the likelihood of erosion and blowdown.

6. WASTE DISPOSAL.

In order to assure the preservation of the high quality scenic, natural and ecological character of the Protected Property, the following specific restrictions, subject to any more restrictive local, state, and federal laws and regulations, are imposed on the Protected Property:

A. It is forbidden to discharge, dispose of or store rubbish, black or grey water waste, garbage, debris, unserviceable vehicles, abandoned equipment, parts thereof, or other unsightly or offensive waste material on the Protected Property, except that blowdowns and other vegetative debris may be left to remain on the Protected Property, and other waste generated by permitted uses on the Protected Property may be stored temporarily in appropriate containment for removal at reasonable intervals. Users of the Protected Property will be encouraged to carry out their trash.

B. The direct use of chemical herbicides, pesticides, fungicides, fertilizers and other agents that may have an adverse effect on wildlife, waters, and other important conservation interests to be protected by this Conservation Easement are prohibited on the Protected Property, unless their use is recommended in writing by a professional forester or other recognized forest conservation professional for permitted vegetation management purposes, and approved in advance and in writing by Holder, or its designee.

7. HOLDER'S AFFIRMATIVE RIGHTS.

In order to accomplish the purpose of this Conservation Easement, the following affirmative rights (but not the obligation) are conveyed to the Holder: and to Grantor as well, with respect to the actions of future owners and users of the Protected Property:

A. Holder has the right to access the Protected Property over roads to be constructed on Grantor's other land located between the Protected Property and the Brunswick Topsham Bypass, and to use small, soft-treaded motorized vehicles on the Protected Property at reasonable times and in a reasonable manner, as necessary for inspection and enforcement purposes and to exercise the other rights herein conveyed to Holder, but not for recreational or other purposes. Such entry and inspection shall not unreasonably interfere with the uses of the Protected Property permitted hereunder or the reasonable quiet enjoyment of other lands of Grantor. Grantor also reserves the right to exercise this right on its own behalf with respect to the actions of future owners and users of the Protected Property.

B. Holder has the right to enforce this Conservation Easement by proceedings at law and in equity, including the right to require the restoration of the Protected Property to a condition in compliance herewith, after providing Grantor with prior notice and reasonable opportunity to cure any breach, except where emergency circumstances require more immediate enforcement action. Holder may not bring an enforcement action against Grantor for injury to or change in the Protected Property resulting from natural causes or environmental catastrophe beyond their control or "acts of God" so called, such as, but not limited to, fire, flood, storm, industrial accident, and earth movement, or for the acts of vandals or trespassers, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Protected Property resulting from such causes. If a Court (or other decision-maker chosen by consent of the parties) determines that this Conservation Easement has been breached, Grantor will reimburse Holder for any reasonable costs of enforcement, including court costs and reasonable attorney's fees.

C. Holder has the right to prevent any activity on or use of the Protected Property that is inconsistent with the purpose of this Conservation Easement and to require the restoration of such areas or features of the Protected Property that may be damaged by any inconsistent activity or use; and the right to require that Grantor's reserved rights be exercised in a manner that avoid unnecessary harm to the conservation values to be protected by this Conservation Easement. Grantor also reserves the right to exercise this right on its own behalf with respect to the actions of future owners and users of the Protected Property.

D. Holder has the right to identify, to preserve and to protect in perpetuity the natural, open space, ecological and aesthetic features and values and the water quality of the Protected Property. Grantor also reserves the right to exercise this right on its own behalf with respect to the actions of future owners and users of the Protected Property.

E. Holder has the right to establish and relocate appropriate pedestrian trails on the Protected Property for use by the general public, consistent with the terms affecting such trails in Paragraph 4, and to install small unlighted signs to guide public use and mark the boundaries of the Protected Property, after reasonable prior notice to Grantor.

F. Holder has the right to clear and restore forest cover and vegetation that is materially damaged or disturbed by the forces of nature and to implement appropriate measures with respect to such dead, diseased and damaged forest cover and other vegetation, after prior written notice to Grantor, and pursuant to a vegetation management plan acceptable to the Maine Department of Inland Fisheries and Wildlife.

8. **CONDITIONAL ENFORCEMENT RIGHTS OF THIRD PARTY.**

The Grantor hereby grants to the Town all inspection and enforcement rights that are granted to Holder under this Conservation Easement; provided that the parties hereto agree and intend that the Holder shall be primarily responsible for the enforcement of this Easement, and the Town will assume such responsibility only if the Holder shall fail to enforce this Conservation Easement. If the Town determines that the Holder has failed to enforce this Conservation Easement, the Town may give written notice of such failure to the Holder and the Grantor, and if such failure is not corrected within 30 days or such greater time as is reasonably required under the circumstances to cure such failure, the Town may exercise, in its own name and for its own account, the rights of access, entry and inspection and enforcement granted the Holder under this Easement at Paragraph 7.A and B. The Town shall have reasonable access to any and all records of the Holder relevant to the Protected Property. The parties agree that the Town shall take enforcement action against the Grantor only in those cases where the Holder is unable or unwilling to take enforcement action. It should be further noted that this language does not grant the Town any enforcement rights against the Holder, nor the right to divest the Holder of its status or rights hereunder. The Town's enforcement rights, as the Holder's, are as against the Grantor. If the Town shall fail to accept its rights hereunder at a Town Meeting, this Conservation Easement shall nevertheless remain in full force and effect as between the Grantor and the Holder and this Conservation Easement may be executed and recorded by the other parties prior to any execution or acceptance by the Town.

9. **NOTICES.**

Any notices to Holder or requests for Holder consent, required or contemplated hereunder, must include, at a minimum, sufficient information to enable Holder to determine whether proposed plans are consistent with the terms of this Conservation Easement and the conservation purposes hereof.

Any notice to Holder required hereunder must be made by certified mail, return receipt requested, addressed to: Executive Director, Brunswick-Topsham Land Trust, 108 Main Street, Brunswick, Maine 04011; or to such other authorized person hereafter designated in writing by Holder.

Any notice to Grantor contemplated hereunder shall be made by telephone, first-class mail, postage prepaid, or other reasonable means to the Grantor at Central Topsham Associates, LLC, c/o/ Sea Coast Management Company, Attention John B. Wasileski, President, 26 Elm Street, Topsham, Maine 04086, or to such other person or address designated by Grantor in writing. Grantor agrees to give Holder at least thirty (30) days prior written notice of any

transfer of title to the Protected Property, or of any change in responsibility for management of the Protected Property, and to provide the appropriate names and addresses for notices.

10. COSTS AND TAXES, INDEMNIFICATION, IMMUNITY.

A. Grantor is responsible to pay and discharge when due all property taxes and assessments lawfully imposed on the Protected Property and to avoid the imposition of any liens that may impact Holder's rights hereunder.

B. Grantor acknowledges that Holder has no possessory rights in the Protected Property, nor any responsibility or right to control, maintain, or keep up the Protected Property. Grantor is responsible for all costs and responsibility of ownership, control, operation, maintenance, and upkeep of the Protected Property with the exception of any trails or footpaths constructed by the Holder, and will, to the fullest extent permitted by law, defend, release, relieve, hold harmless and indemnify Holder and the Town, and their respective officers, directors, agents, and employees from any claims for damages which arise therefrom, except to the extent arising from the negligent act or misconduct of Holder or the Town or their respective assignees, employees or agents in furtherance of its rights and obligations hereunder, or as may rise out of its workers' compensation obligations.

C. Notwithstanding any public use of the Protected Property and any insurance coverage thereof, neither Grantor, the Holder nor the Town assume any liability to the general public for accidents, injuries, acts or omissions. This Conservation Easement and any actual or implied permission to enter should not be construed as an invitation or license to the public. This Conservation Easement does not create in the Grantor, the Holder or the Town, any duty, not otherwise existing, to keep the Protected Property safe for entry or for use by members of the general public for recreational purposes or to give warning of any hazardous condition, use, structure or activity on such premises to persons entering for recreational purposes, or to extend any assurance that the premises are safe for any such purposes, or to make any person entering upon the Protected Property an invitee or licensee to whom a duty of care is owed, or to assume responsibility for or incur liability for any injury to person or property caused by any act of any person or any other cause. Grantor, the Holder and the Town claim all of the rights and immunities against liability for injury to the public to the fullest extent of the law under Title 14 M.R.S.A. Section 159-A, et seq. as amended and any successor provision thereto and under any similar or other law, and under any other applicable provision of law and equity. Neither Grantor, the Holder nor the Town assume any liability to the general public for accidents, injuries, acts or omissions. It is expressly intended that all activities of the Holder, the Town and the general public entering upon the Protected Property be subject with respect to Grantor and Holder, and their respective successors and assigns to the limited liability provisions of Title 14, Maine Revised Statutes, as amended, Section 159-A, or its successor provisions, and in the case of the Town, and its successors and assigns, the Maine Tort Claims Act, Title 14, Maine Revised Statutes, as amended, Sections 8101 et. seq. or any successor provisions.

11. **CONSERVATION EASEMENT REQUIREMENTS UNDER MAINE LAW AND U.S. TREASURY REGULATIONS.**

A. This Conservation Easement is created pursuant to The Uniform Conservation Easement Act at Title 33, Maine Revised Statutes, Sections 476 through 479-B, inclusive, as amended, and shall be construed in accordance with the laws of the State of Maine.

B. This Conservation Easement is established exclusively for conservation purposes pursuant to the Internal Revenue Code, as amended (hereinafter referred to as the "Code") at Title 26, U.S.C.A., Section 170(h)(1)-(6) and Sections 2031(c), 2055 and 2522, and under Treasury Regulations at Title 26 C.R. §1.170A-14 et seq., as amended; and

C. The Holder is qualified to hold conservation easements pursuant to Title 33, Maine Revised Statutes Annotated, Section 476(2)(B), as amended, and is a Qualified Organization under Section 170(h) 3, to wit: a publicly funded, non-profit Code § 501(C)(3) organization operated primarily to accept lands, easements, and property for the purpose of preserving and protecting natural, scenic, educational, recreational and open space values of real property, having a commitment to protect the conservation purposes of the donation, and the resources to enforce the restrictions hereof. In particular, Holder's purposes include (1) promotion for the benefit of the general public of the preservation of natural resources in the Town of Topsham, including land and wetland resources, the plant and animal life thereon, and special scenic and natural sites, including the Cathance River and the heath on the Protected Property; (2) maintenance of open space areas where the interaction of natural forces and conditions may be studied and to provide preserves for natural growth; and (3) promotion of conservation; and

D. This Conservation Easement is assignable, but only to an entity that satisfies the requirements of Section 170(h)(3) of the Internal Revenue Code, (or successor provisions thereof) and the requirements of Section 476(2) of Title 33 of the Maine Revised Statutes Annotated, as amended (or successor provisions thereof), and that as a condition of transfer, agrees to uphold the conservation purposes of this grant. In the event of any proposed assignment, the Holder shall first offer to assign its rights to the Town. By acceptance of this Conservation Easement, the Holder, its successors and assigns, covenant and agree, as real covenants running with the land in perpetuity, not as conditions to this Conservation Easement or as restraints on alienability, (i) that they will hold this Conservation Easement in perpetuity for the purposes for which Holder, its successors and assigns, were organized, (ii) that they will not transfer said Conservation Easement, except to an entity able to enforce the rights granted in this Conservation Easement, which entity shall also have purposes similar to that of Holder, and which encompass the purposes set forth in this Conservation Easement, (iii) that any such transferee shall satisfy the requirements of Section 170(h)(3) of the Code and shall either be: (a) a charitable organization described in Section 501(c)(3) of the Code and which is publicly supported within the meaning of Section 170(b)(1)(A)(vi) of the Code or Paragraph (2) 9f Section 509(a) of the Code; (b) a governmental entity described in Section 170(b)(1)(A)(v) of the Code; or (c) a public charity that satisfies the terms of Section 501(c)(3) of the Code and that is controlled by such a government entity or publicly supported organization within the meaning of Paragraph (3) of Section 509(a) of the Code; and such transfer shall not be in exchange for money, other property or services, except for the reimbursement of the costs of such a transfer, and (iv) that they are familiar with the generally existing conditions on the Protected Property,

will document the conditions on and monitor the Protected Property at periodic intervals reasonably often hereafter and will make good faith efforts to enforce the provisions hereof. Wherever the term "Holder" appears in this Conservation Easement, including the foregoing Covenants, it shall also refer, as appropriate, to any transferee, assignee or successor in interest of the Holder to this Conservation Easement.

E. Grantor agrees to notify Holder prior to undertaking any activity or exercising any reserved right that may have a material adverse effect on the conservation purposes of this grant.

F. Grantor represents that as of the date of this grant there are no liens or mortgages outstanding against the Protected Property. Grantor has the right to use the Protected Property as collateral to secure the repayment of debt and to secure other obligations, provided that the right of the Holder to enforce the terms, restrictions and covenants created under this easement shall not be extinguished by foreclosure of any mortgage or any publicly or privately placed lien, regardless of date. The terms and conditions of this Conservation Easement, and Holder's right to enforce them shall be superior to any mortgage or lien, except with respect to Holder's right to monetary damages based upon a violation that occurs subsequent to recording of such mortgage or lien and Holder agrees to execute limited subordination to this effect to confirm such subordination.

G. In order to establish the present condition of the Protected Property and its natural and scenic resources so as to be able to monitor properly future uses of the Property and assure compliance with the terms hereof, Holder and Grantor have prepared an inventory of the Property's relevant features and conditions (the "Baseline Data"), and have certified the same as an accurate representation of the conditions of the Protected Property as of the date of this grant.

H. This Conservation Easement constitutes a property right or easement of the Holder. Notwithstanding that this Conservation Easement is an obligation, and not a financial asset, should it be extinguished, which may be accomplished only by court order, Holder is entitled to a share of the proceeds of any sale, exchange or involuntary conversion of the unrestricted property, according to Holder's proportional interest in the Protected Property as determined by Treasury Regulations 1.170-A-14 (g)(6)(ii). Holder's proportional interest is determined as of the date of this grant and will not include value attributable to improvements to the Protected Property made by Grantor after the date of this grant. Holder will use such proceeds for its conservation purposes.

12. GENERAL PROVISIONS.

A. Grantor agrees to have this Conservation Easement recorded in the Sagadahoc County Registry of Deeds. The covenants agreed to and the terms, conditions, restrictions and purposes imposed with this Conservation Easement shall not only be binding upon the Grantor but also its successors and assigns and all other successors to its interests and shall continue as a servitude running in perpetuity with the Protected Property. The Grantor, its successors and assigns agree that the terms, conditions, restrictions, and purposes of this grant will be inserted or incorporated by reference in any subsequent conveyance of any interest in said Protected Property.

B. The failure or delay of the Holder, for any reason whatsoever, to enforce this Conservation Easement shall not constitute a waiver of its rights and Grantor hereby waives any defense of laches, prescription or estoppel.

C. A person's obligation hereunder as Grantor or successor will cease, with respect to the Protected Property, if and when such person or entity cease to have any present, partial, contingent, collateral or future interest in the Protected Property. Holder will execute certificates, certifying the compliance of the Protected Property with the terms of this grant, at Grantor's cost, after an inspection made upon reasonable prior notice.

D. If uncertainty should arise in the interpretation of this Conservation Easement, judgment should be made in favor of conserving the Protected Property in its natural and scenic state. If any provision of this Conservation Easement or the application of any provision to a particular person or circumstance is found to be invalid, the remainder of this Conservation Easement and the application of such provision to any other person or in any other circumstances, shall remain valid.

E. Any discretionary consent by Holder, permitted by this Conservation Easement for uses that are conditional or not expressly reserved by Grantor, and any legally permissible amendment hereto, may be granted only if the Holder has determined in its sole and exclusive discretion, that the proposed use furthers or is not inconsistent with the purposes of this Conservation Easement, substantially conforms to the intent of this grant, meets any applicable conditions expressly stated herein, and does not materially increase the adverse impact of expressly permitted actions under this Conservation Easement, provided that Holder has no right or power to consent to any use that would result in a substantial alteration to the natural resources on the Protected Property, or that would limit the term or terminate this Conservation Easement, or that would impair the qualification of this Conservation Easement or the status of the Holder under any applicable laws, including Title 33 M.R.S.A. Section 476 et seq., or Section 170(h) of the Internal Revenue Code. It is acknowledged by the parties that additional lands may be added to the Protected Property by a recorded amendment.

TO HAVE AND TO HOLD the said Conservation Easement unto the said Holder, the Town and their respective successors and assigns forever.

IN WITNESS WHEREOF, the said Central Topsham Associates, LLC, as Grantor, has caused this instrument to be signed and sealed in its corporate name by its Manager, Sea Coast Management Company, by John B. Wasileski, its President, thereunto duly authorized this 10th day of May 2001.

CENTRAL TOPSHAM ASSOCIATES, LLC

By: Sea Coast Management Company, Its Manager

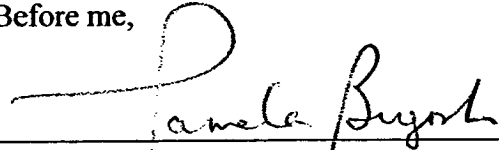
By: 
John B. Wasileski, Its President

STATE OF MAINE
SAGADAHOC, ss.

May 10, 2001

Personally appeared the above-named John B. Wasileski, President Sea Coast Management Company, Manager of said Central Topsham Associates, LLC and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said limited liability company.

Before me,



Notary Public/Attorney-at-Law

PAMELA BUGOSH

Print or type name

My commission expires:

ACCEPTANCE BY HOLDER

Brunswick Topsham Land Trust does hereby accept the foregoing Conservation Easement.

Brunswick Topsham Land Trust

Thomas C. Haible
By: THOMAS C. HAIBLE
Its PRESIDENT

STATE OF MAINE
SAGADAHOC, ss.

May 10, 2001

Personally appeared the above-named Thomas C. Haible, President of the Brunswick Topsham Land Trust, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said Corporation.

Before me,
Pamela Bugosh
Notary Public/Attorney-at-Law

PAMELA BUGOSH

Exhibit A (Conservation Easement)
Legal description of Protected Property

Certain parcels of land situated in the Town of Topsham, County of Sagadahoc, State of Maine, situated southerly of the Cathance River, being Lots E-1, and E-2, as shown on the Plan of Subdivision of Highland Green prepared for Central Topsham Associates, LLC by Paul H. Ruopp Jr., PLS, dated December 12, 2000, and recorded in the Sagadahoc County Registry of Deeds, Plan Book 36, Pages 14 et seq., said lots also being shown on the Plan of Lots to be Subject to Conservation Easement to be Conveyed to Brunswick Topsham Land Trust of Highland Green by Paul H. Ruopp, dated February 26, 2001, together with an area connecting such lots as hereinafter described under the caption Parcel III below, the boundaries of which are more particularly located and described as follows:

PARCEL I (Lot E-2):

Beginning in the northwesterly right of way line of the Maine Coast Railroad, formerly Maine Central Railroad, at the intersection with the northeasterly line of the parcel of land described in the conveyance to the Annette H. Mayo Real Estate Trust, of August 21, 1996, deed recorded Book 1617 Page 208 Sagadahoc County Registry of Deeds;

Thence on a bearing oriented to Grid North Maine State Plane Coordinate System West Zone, 1983 NAD, 97 epoch, North 40°24'13" West 1,915.36 feet along the northeasterly line of the parcel of land described in the conveyance to the Annette H. Mayo Real Estate Trust, of August 21, 1996 to an existing iron rod in ledge;

Thence North 38°25'04" West 722.58 feet along the northeasterly line of the parcel of land described in the conveyance to the Annette H. Mayo Real Estate Trust, of August 21, 1996 to an existing granite stone monument at the southeasterly line of Lot R-17 on Plan of Subdivision Highland Green;

Thence North 50°13'47" East 300.50 feet along the southeasterly line of said Lot R-17 to 5/8 inch diameter-reinforcing bar set at the northeasterly corner of said lot R-17;

Thence North 39°45'07" West 212.31 feet along the northeasterly line of said Lot R-17 to 5/8 inch diameter reinforcing bar set;

Thence North 71°56'30" West 535.00 feet along the northeasterly line of said Lot R-17 to 5/8 inch diameter reinforcing bar set;

Thence North 55°07'28" West 355.42 feet along the northeasterly line of said Lot R-17 to 5/8 inch diameter reinforcing bar set at the southeasterly corner of Lot R-16 on said Plan of Subdivision Highland Green;

Thence continuing North 55°07'28" West 144.58 feet along the northeasterly line of said Lot R-16 to 5/8 inch diameter reinforcing bar set;

Thence North 25°42'19" West 500.00 feet along the easterly line of said Lot R-16 to 5/8 inch diameter reinforcing bar set;

Thence North 10°14'34" West 175.00 feet along the easterly line of said Lot R-16 to 5/8 inch diameter reinforcing bar set at the northeasterly corner of said Lot R-16;

Thence South $81^{\circ}30'30''$ west 160.00 feet along the northerly line of said Lot R-16 to 5/8 inch diameter reinforcing bar set;

Thence North $83^{\circ}51'26''$ west 407.00 feet along the northerly line of said Lot R-16 to 5/8 inch diameter reinforcing bar set;

Thence North $64^{\circ}00'58''$ west 79.06 feet along the northerly line of said Lot R-16 to 5/8 inch diameter reinforcing bar set at the northwesterly corner of said Lot R-16;

Thence South $13^{\circ}06'12''$ west 261.95 feet along the westerly line of said Lot R-16 to 5/8 inch diameter reinforcing bar set at the northerly right of way line of Evergreen Circle, a private road;

Thence northwesterly 31.47 feet, by a non-tangent curve concave southerly with a radius of 825.00 feet, along the northerly right of way line of said Evergreen Circle, through a central angle of $2^{\circ}11'08''$, to the tangent point of said curve;

Thence North $85^{\circ}36'29''$ West 69.61 feet along the northerly right of way line of Evergreen Circle to 5/8 inch diameter reinforcing bar set at the easterly corner of Lot R-15 on said Plan of subdivision;

Thence North $13^{\circ}06'12''$ East 299.54 feet along the easterly line of said Lot R-15 to 5/8 inch diameter reinforcing bar set at the northeasterly corner of said Lot R-15;

Thence North $64^{\circ}00'58''$ West 428.35 feet along the along the northerly line of said Lot R-15 to 5/8 inch diameter reinforcing bar set;

Thence South $73^{\circ}59'41''$ west 325.76 feet along the northerly line of said Lot R-15 to 5/8 inch diameter reinforcing bar set at the northeasterly line of the parcel of land described in the conveyance to David J. Toth, deed recorded Book 594 Page 347 Sagadahoc County Registry of Deeds;

Thence North $39^{\circ}22'51''$ West 1,000 feet along the northeasterly line of the parcel of land described in the said conveyance to David J. Toth to the Cathance River;

Thence easterly and southeasterly 8,117 feet along the Cathance River to the confluence with an unnamed tributary to the Cathance River, said point of confluence being South $72^{\circ}26'29''$ east, 4,890.3 feet from the intersection of the northeasterly line of the parcel of land described in the conveyance to David J. Toth, at the southerly bank of the Cathance River;

Thence southeasterly, southerly and southeasterly 2,537.5 feet along said unnamed tributary to the northwesterly right of way line of the Maine Coast Railroad, being South $22^{\circ}21'16''$ East 1964.65 feet (on a tie line) from the point of confluence of the unnamed tributary at the Cathance River;

Thence South $27^{\circ}27'47''$ West 1,276 feet along the northwesterly right of way line of the Maine Coast Railroad to the point of beginning. Containing 185.2 acres.

PARCEL II (Lot E-1):

Beginning at 5/8 inch diameter reinforcing bar set at the northwesterly corner of Lot R-12 Plan of Subdivision Highland Green, in the southerly right of way line of said Evergreen Circle, a private road, South $13^{\circ}06'12''$ West 50.35 feet from the corner of said Lot R-16 at the northerly right of way line of Evergreen Circle, (terminus of course of the 13th course of PARCEL I herein):

Thence by the following 8 courses and distances along the westerly and southwesterly lines of Lot R-12 on said Plan of Subdivision Highland Green:

South 13°14'09" West 308.91 feet to a 5/8 inch diameter reinforcing bar set;
South 74°07'02" East 156.58 feet;
South 45°47'35" East 188.42 feet;
South 35°33'23" East 98.04 feet;
South 31°26'11" East 138.80 feet;
South 86°11'19" East 37.36 feet;
South 35°00'38" East 212.29 feet;
South 0°00'00" West 19.03 feet to 5/8 inch diameter reinforcing bar set at the northwesterly corner of Lot R-13 on said Plan of Subdivision Highland Green;

Thence by the following 3 courses and distances along the westerly lines of Lot R-13 on said Plan of Subdivision Highland Green:

South 37°55'47" East 55.81 feet;
South 18°21'59" East 230.34 feet;
South 01°14'00" East 313.33 feet to 5/8 inch diameter reinforcing bar set at the northwesterly corner of Lot G-2 on said Plan of Subdivision Highland Green;

Thence by the following 5 courses and distances along the northwesterly lines of Lot G-2 on said Plan of Subdivision Highland Green:

South 28°05'21" West 187.70 feet;
South 30°11'35" West 127.58 feet;
South 33°58'12" West 142.61 feet;
South 49°22'44" West 85.94 feet;
South 53°59'30" West 113.03 feet to 5/8 inch diameter reinforcing bar set at a corner of Lot R-19 on said Plan of Subdivision Highland Green;

Thence by the following 2 courses and distances along the northwesterly lines of Lot R-19 on said Plan of Subdivision Highland Green:

South 53°59'30" West 37.05 feet;
North 74°29'10" West 156.52 feet to the northeasterly line of the parcel of land described in the conveyance to Richard B. Carrier, deed recorded Book 1257 Page 83 Sagadahoc County Registry of Deeds;

Thence North 41°04'21" West 159.80 feet to the northwesterly corner of the parcel of land described in the said conveyance to Richard B. Carrier, at or near an existing 1 inch diameter iron pipe;

Thence South 01°22'27" West 96.00 feet along the westerly line on the parcel of land described in the said conveyance to Richard B. Carrier to the northeasterly corner of Lot G-1-9 on said Plan of Subdivision Highland Green;

Thence by the following 6 courses and distances along the northerly lines of Lot G-1-9 on said Plan of Subdivision Highland Green:

South 58°35'18" West 64.63 feet;
South 82°24'38" West 159.09 feet;
North 58°15'31" West 117.18 feet;
North 87°08'23" West 72.58 feet;
North 74°03'55" West 113.38 feet;

North 46°59'42" West 119.51 feet to 5/8 inch diameter reinforcing bar set at the easterly corner of Lot R-9 on said Plan of Subdivision Highland Green;

Thence by the following 6 courses and distances along the northeasterly lines of Lot R-9 on said Plan of Subdivision Highland Green:

North 30°28'59" West 61.55 feet;

North 49°13'06" West 142.97 feet;

North 37°35'17" West 64.05 feet;

North 28°36'41" West 127.32 feet;

North 07°20'18" West 78.84 feet;

North 04°05'18" West 100.23 feet to 5/8 inch diameter reinforcing bar set at a corner of Lot R-11 on said Plan of Subdivision Highland Green;

Thence by the following 15 courses and distances along the easterly and southeasterly lines of Lot R-11 on said Plan of Subdivision Highland Green:

North 21°48'54" East 110.00 feet;

North 42°00'27" East 12.18 feet;

North 31°42'14" West 60.46 feet;

North 21°48'56" West 88.54 feet;

North 0°00'00" East 101.44 feet;

North 14°02'44" East 133.48 feet;

North 53°08'58" East 211.29 feet;

South 81°02'01" East 54.81 feet;

North 66°48'58" East 26.42 feet;

South 90°00'00" East 49.02 feet;

North 25°01'57" east 359.31 feet;

North 60°57'45" East 107.28 feet;

North 62°22'14" East 96.31 feet;

South 87°47'56" East 85.27 feet to a 5/8 inch diameter reinforcing bar set;

North 13°06'12" East 298.56 feet to 5/8 inch diameter reinforcing bar set at the northeasterly corner of Lot R-11 in the southerly right of way line of Evergreen Circle;

Thence South 85°36'29" East 77.28 feet in the southerly right of way line of Evergreen Circle to the beginning of a curve concave southerly with a radius of 775.00 feet;

Thence southeasterly 23.84 feet along the arc of said curve, in the southerly right of way line of Evergreen Circle, through a central angle of 1°45'45", to the Point of Beginning. Containing 45.1 acres.

Parcel III: Beginning at 5/8 inch diameter reinforcing bar set at the northwesterly corner of Lot R-12 Plan of Subdivision Highland Green, in the southerly right of way line of said Evergreen Circle, a private road; thence North 13°06'12" East 50.35 feet to the northerly side of Evergreen Circle at the southwesterly corner of Lot R-16 as shown on the Plan of Highland Green; thence northwesterly 31.47 feet, by a non-tangent curve concave southerly with a radius of 825.00 feet, along the northerly right of way line of said Evergreen Circle, through a central angle of 2°11'08", to the tangent point of said curve; thence N85°36'29"W along the northerly side of Evergreen Circle a distance of 69.61 feet to a southeasterly corner of Lot R-15 as shown on the Plan of Highland Green; thence S13°06'12"W a distance of 50.58 feet to the southerly side of Evergreen Circle at the northeasterly corner of Lot R-11 as shown on said Plan of Highland Green; thence South 85°36'29" East 77.28 feet in the southerly right of way line of Evergreen Circle to the beginning of a curve concave southerly with a radius of 775.00 feet; thence southeasterly 23.84 feet along the arc of said curve, in the southerly right of way line of Evergreen Circle, through a central angle of 1°45'45", to the point of beginning of this Parcel III.

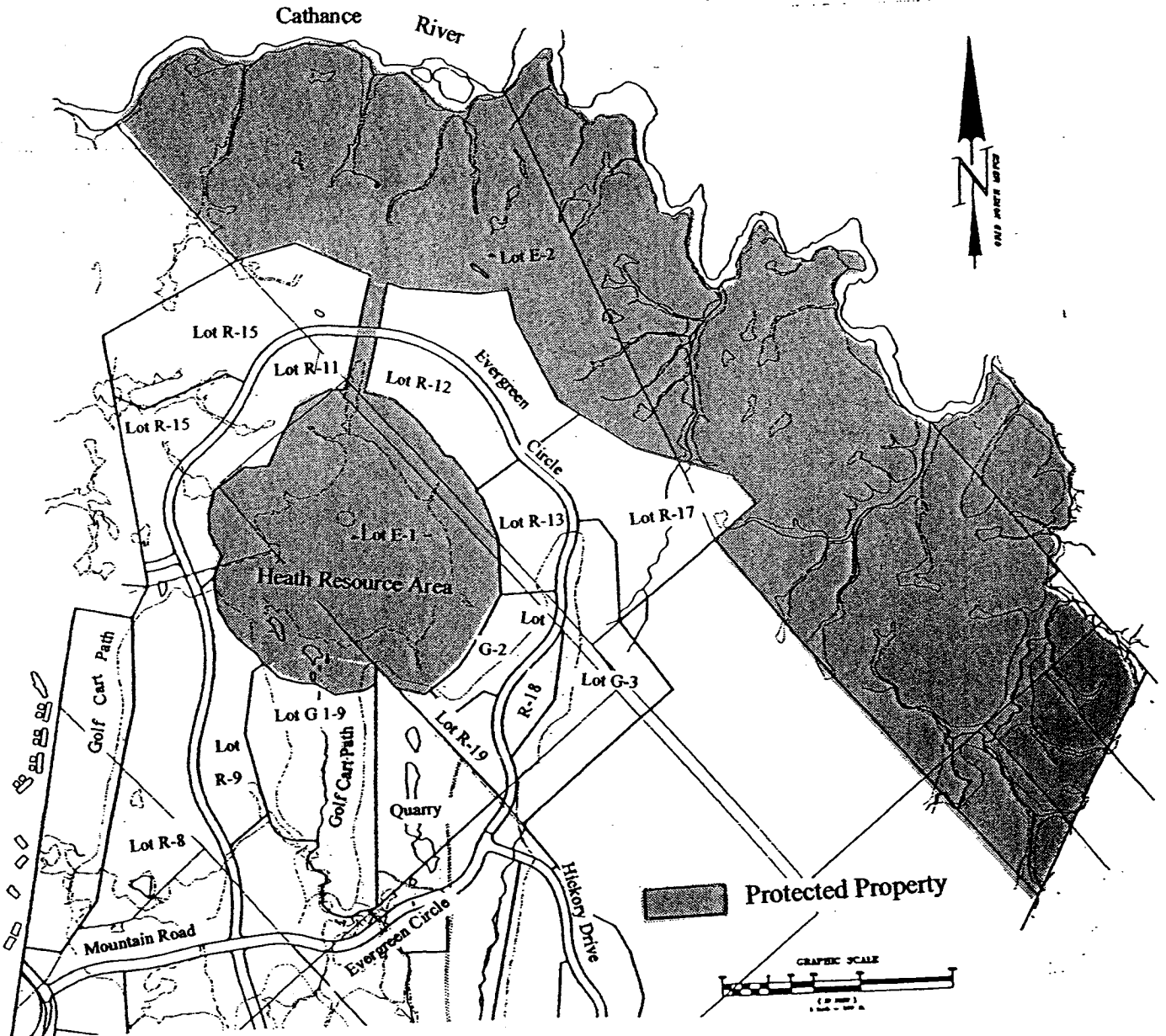
Said described parcels of land are a portion of the parcel of land described in the conveyance to Central Topsham Associates, LLC from the University of Maine Foundation and Husson College, by deed recorded herewith in the Sagadahoc County Registry of Deeds.

Reinforcing bars described as set are 5/8 inch diameter with plastic identification caps inscribed with the name and license number of the surveyor.

The above description is based upon a Standard Boundary Survey of Properties of Husson College, et al, Edgecomb, et al, Tedford Road, Topsham, Maine for Central Topsham Associates, LLC., by Paul H. Ruopp Jr., PLS, Monmouth, Maine, and is more particularly shown as Lot E-1 and Lot E-2 on Plan of Subdivision Highland Green, recorded Plan Book 36 Pages 14 et seq. Sagadahoc County Registry of Deeds, further reference being made to said survey and Plan part of this description.

**Exhibit B (Conservation Easement)
Plan of Protected Property**

For a more detailed depiction of the Protected Property, see the Plan of Lots to be Subject to Conservation Easement to be Conveyed to BTLT of: Highland Green by Paul H. Ruopp, dated February 26, 2001, said lots also being shown as Lot E-1 and Lot E-2 and a portion of Evergreen Circle being 100 feet wide connecting such lots on Plan of Subdivision Highland Green, recorded in Plan Book 36 Pages 14 et seq. Sagadahoc County Registry of Deeds, and Baseline Documentation on file with Grantor and Holder, which Plan and Baseline Data are incorporated herein by reference.



Taken from a reduced copy of the Plan of Lots to be Subject to a Conservation Easement to be Conveyed to Brunswick Topsham Land Trust, of Highland Green, Paul Ruopp.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

MARTHA KIRKPATRICK
COMMISSIONER

May 24, 2001

Ronald. A. Epstein
Jensen Baird Gardner & Henry
P. O. Box 45410
Portland, ME 04112

Re: Amendment to Declaration of Covenants and Restrictions,
Highland Green project (#L-20337-31-B-N) – Topsham

Dear Mr. Epstein:

Enclosed please find the original of the First Amendment to Declaration of Covenants and Restrictions which has been approved and signed by the Commissioner's designee, David VanWie, Director of the Land and Water Quality Bureau.

Please send me a copy of the recorded amendment for inclusion in our file.

If you have other issues, concerns, or questions about activities within the protected areas, please feel free to contact either myself at 287-4728 or the project manager, Judy Gates, at 287-7691.

Sincerely,

Michael K. Mullen
Division of Land Resource Regulation
Bureau of Land & Water Quality

cc. Judy Gates, DEP

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2004
(207) 764-0477 FAX: (207) 764-1507

Jensen Baird Gardner & Henry

WALTER E. WEBBER
KENNETH M. COLE III
NICHOLAS S. NADZO
FRANK H. FRYE
DAVID J. JONES
MICHAEL A. NELSON
RICHARD H. SPENCER, JR.
RONALD A. EPSTEIN
WILLIAM H. DALE
JOSEPH H. GROFF III
F. BRUCE SLEEPER

DEBORAH M. MANN
LESLIE E. LOWRY III
PATRICIA MCDONOUGH DUNN
MICHAEL J. QUINLAN
R. LEE IVY
NATALIE L. BURNS
SALLY J. DAGGETT
BRENDAN P. RIELLY
JEFFREY B. HERBERT
SUZANNE R. SCOTT

ATTORNEYS AT LAW
TEN FREE STREET
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RAYMOND E. JENSEN
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MERTON G. HENRY
JAMES E. KAPLAN
OF COUNSEL

KENNETH BAIRD
(1914-1987)

YORK COUNTY
OFFICE

11 MAIN STREET, SUITE 4
KENNEBUNK, MAINE 04043
(207) 985-4676
TELECOPIER (207) 985-4932

June 1, 2001

Michael Mullen
Department of Environmental Protection
Bureau of Land and Water Quality
#17 State House Station
Augusta, ME 04333-0017

Dear Mike:

Enclosed please find a copy of the executed First Amendment to Declaration of Covenants and Restrictions in connection with Central Topsham Associates, LLC.

Sincerely,



Ronald A. Epstein

RAE/dmv
Enclosures

FIRST AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS

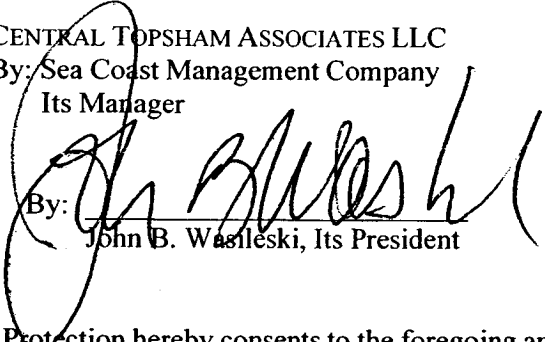
THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS is made this 30th day of May 2001, by CENTRAL TOPSHAM ASSOCIATES, LLC, a Maine limited liability company, with a mailing address of 26 Elm Street, Topsham, Maine (herein referred to as the "Declarant") pursuant to State of Maine Department of Environmental Protection Natural Resource Protection Act Order Numbers L-20337-87-A-N; and L-20337-31-B-N, dated November 13, 2000 (hereinafter referred to as the "MDEP Order") and recorded in the Sagadahoc County Registry of Deeds in Book 1814, Page 340, relating to preservation and stormwater management of a portion of the land situated easterly of the Brunswick Naval Air Station Annex and westerly of Tedford Road and northerly of the Route 196 Coastal Connector and southerly of the Cathance River in Topsham, Maine, and pursuant to the United States Department of the Army, Army Corps of Engineers Permit No. 200001760, issued to Declarant on January 17, 2001 (hereinafter the "Army Corps Order").

Whereas, pursuant to the MDEP Order, the Declarant made and entered a Declaration of Covenants and Restrictions, dated May 10, 2001 and recorded in the Sagadahoc County Registry of Deeds, Book 1860, Page 174 and now desires, with the consent of the Maine Department of Environmental Protection, to amend such Declaration;

Now, therefore, Declarant hereby amends the first sentence of the second paragraph of section 1 of the Declaration to read as follows:

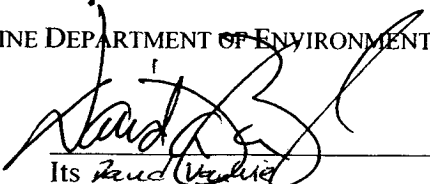
Unless the owner of the Covenant Area or its successors or assigns obtains the prior written approval of the MDEP (or any successor thereof), the Covenant Area shall remain undeveloped in perpetuity and be subject to the following restrictions except as otherwise provided or permitted in the Conservation Easement from Declarant to the Town of Topsham or the Brunswick Topsham Land Trust dated May 10, 2001 and recorded in the Sagadahoc County Registry of Deeds, Book 1860 Page 152 except that notwithstanding the provisions of said Conservation Easement, Declarant shall not take any of the following actions within the area subject to the Conservation Easement without the prior written approval of the Maine Department of Environmental Protection: (1) creation of rustic camp sites; (2) creation of a boat launch; and (3) any clearing to create views.

CENTRAL TOPSHAM ASSOCIATES LLC
By: Sea Coast Management Company
Its Manager

By: 
John B. Wasileski, Its President

The Maine Department of Environmental Protection hereby consents to the foregoing amendment.

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: 
Its ~~President~~ Director
Print Name: Director, Bureau of Land & Water Quality

STATE OF MAINE
Sagadahoc, ss.

May 30, 2001

Personally appeared before me the above named John B. Wasileski, President of Sea Coast Management Company, Manager of CENTRAL TOPSHAM ASSOCIATES LLC and acknowledged the foregoing instrument to be (his/her) free act and deed his said capacity and the free act and deed of said CENTRAL TOPSHAM ASSOCIATES LLC.



Notary Public Ronald Epstein
Print Name: _____
My Commission: Attorney

Highland Green Property Maintenance:

PART 1: RESPONSIBILITY FOR MAINTENANCE

Highland Green will be responsible for maintenance of the stormwater system.

PART 2: INSPECTIONS – During Construction and Post Construction

- Detention Facilities: Wet Ponds, Filter Ponds, etc.
 - Embankment inspection and maintenance
 - Spillway maintenance
 - Outlet Structure sump cleaning and maintenance
 - Sediment removal and disposal

- Detention Facilities: Detention Pond
 - Debris removal from stone storage area (leaves, branches, trash, etc.)
 - Sediment removal and disposal

- Ditches, Swales, or other open stormwater channels
 - Embankment inspection and maintenance
 - Channel inspection
 - Sediment removal and disposal

- Culverts, catch basins, stormwater control structures
 - Embankment inspection and maintenance
 - Inlet and Outlet inspection
 - Debris removal and disposal

- Roof Dripline Filter BMP Maintenance
 - Sediment removal and disposal
 - Filter and Underdrain replacement
 - Debris removal and disposal
 - Stone Dripline Replacement
 - Foundation Sealant
 - Foundation Backfill

The owners representative will inspect the detention ponds, roof driplines, swales, channels, stormwater structures to determine if the soil blockage or impaired capacity to pass flow exists. Inspections will be performed on a monthly basis from March to November, and quarterly during the remainder of the year. A record of inspections and maintenance or corrective measures shall be kept by the owner / maintenance personnel (see part 4).

PART 3: MAINTENANCE AND CLEANING

The owner representative will regularly inspect for sediment accumulation, obstructions, debris, and other potential causes for operational difficulty in the conveyance and detention system as described in Part 2. Immediate action shall be taken to remedy detrimental obstructions. This may include replacing the filter pond and roof driplines filter beds as necessary to allow infiltration and treatment to occur.

Cleaning out of catch basins, culvert cleaning, and other means necessary to ensure the stormwater system is maintained. Some additional measures (but not limited to) are shown below:

- Wet Pond maintenance
 - Gravel Drain Inspection
 - Gravel Drain replacement
 - Outlet Structure sump cleaning and maintenance
 - Sediment removal and disposal
 - Mowing
 - Harvesting and Weeding

The owner will regularly inspect the wet ponds after every major storm event in the first few months to ensure proper function. There after the pond should be inspected bi-annually to ensure that it is draining within 24 hours. Sediment shall be removed from the pond when sediment reduces the pond volume by 25%. The removed sediment shall be hauled off site and disposed of. Mowing of the pond area shall be limited to 2 times per year to maintain grass heights to less than 12". Weeding and pruning of growth within the pond and pond back slopes will be completed as necessary. The pond outlet shall be inspected for erosion and make repairs as needed annually.

- Under drained filter Maintenance:
 - Soil Filter Inspection
 - Soil Filter replacement
 - Outlet Structure sump cleaning and maintenance
 - Sediment removal and disposal
 - Mowing
 - Harvesting and Weeding

The owner will regularly inspect the soil filter after every major storm event in the first few months to ensure proper function. There after the filter should be inspected bi-annually to ensure that it is draining within 24 hours. The top several inches of the filter shall be replaced with fresh material when water ponds on the surface of the bed for more than 72 hours. Sediment shall be removed from the filter bed annually. The bed shall be hand raked and re-seeded as necessary. The removed sediment shall be hauled off site and disposed of in a stabilized area. Mowing of the filter area shall be limited to 2 times per year to maintain grass heights to less than 12". Weeding and pruning of growth within the filter zone will be completed as necessary.

- Detention Facilities:

A mandatory scheduled maintenance will be performed every four weeks for a period of one hundred and twenty (120) days and will begin after satisfactory completion and acceptance of landscape construction. Ongoing maintenance will be required as necessary.

- Parking/Display Areas:

All sand, salt, etc. accumulated when sweeping the parking and display areas, shall be trucked off-site for disposal. The parking lot shall be swept annually in the spring.

- Catch Basins, Culverts, Pipe inlets/outlets, Pond outlets, and swales:

Catch basins shall be cleaned of sediment and debris as required when flow is blocked or impaired. The roads shall be swept annually in the spring to minimize sediment build up in basins. Check culvert and pipe outlets for erosion and make repairs as required. Re-seed or armor with riprap as conditions require.

PART 4: RECORD KEEPING

The owner will maintain inspection records, with recordings of condition of basins, and pipes and annotation of substantial precipitation events or mitigating circumstances in the intervening time for trending to develop the anticipated preventive maintenance schedule.

PART 5: MAINTENANCE CONTRACT

Should proprietary devices be utilized, a maintenance contract will be established with the manufacturer for regular maintenance and cleaning of the device.

PART 6: RE-CERTIFICATION

The owner shall submit a certification to Maine DEP within three months of the expiration of each five year interval from the date of issuance of the permit. The owner shall submit the maintenance log which identifies inspections completed, erosion problems found, when corrective action was taken, and who completed the work. The certification will include a statement indicating that the stormwater system is working and is being maintained in working condition in accordance with the permit requirements.

Maine DEP Chapter 500 Appendix C. Housekeeping – Updated 2021

These performance standards apply to all projects.

1. Spill prevention. Controls must be used to prevent pollutants from construction and waste materials stored on site to enter stormwater, which includes storage practices to minimize exposure of the materials to stormwater. The site contractor or operator must develop, and implement as necessary, appropriate spill prevention, containment, and response planning measures.

NOTE: Any spill or release of toxic or hazardous substances must be reported to the Department. For oil spills, call 1-800-482-0777 which is available 24 hours a day. For spills of toxic or hazardous material, call 1-800-452-4664 which is available 24 hours a day. For more information, visit the Department's website at <http://www.maine.gov/dep/spills/emergspillresp/>

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.

See Appendix D for license by rule standards for infiltration of stormwater.

NOTE: Lack of appropriate pollutant removal best management practices (BMPs) may result in violations of the groundwater quality standard established by 38 M.R.S.A. §465-C(1).

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.

NOTE: Dewatering a stream without a permit from the Department may violate state water quality standards and the Natural Resources Protection Act.

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.

NOTE: To prevent these materials from becoming a source of pollutants, construction and post-construction activities related to a project may be required to comply with applicable provision of rules related to solid, universal, and hazardous waste, including, but not limited to, the Maine solid waste and hazardous waste management rules; Maine hazardous waste management rules; Maine oil conveyance and storage rules; and Maine pesticide requirements.

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.
NOTE: Dewatering controls are discussed in the “Maine Erosion and Sediment Control BMPs, Maine Department of Environmental Protection.”

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. The Department's approval under this Chapter does not authorize a discharge that is mixed with a source of non_stormwater, other than those discharges in compliance with Appendix C (6). Specifically, the Department's approval does not authorize discharges 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.

(8) Additional requirements. Additional requirements may be applied on a site-specific basis.

Highland Green
Post Construction Inspection form for Forrested Buffers

Buffer Name:

General Information

Site Name: Cumberland Crossing - Phase 2

Date:

Owner: Oceanview at Cumberland LLC

Inspected By:

Retained 3PI: Ross Cudlitz

Last Rain Date:

Amount:

Reason for Inspection

Rain	Monthly	Quarterly
Event		

Basin Existing Condition and Basin Description

Photos

Inspection Details	Yes / No	Comments:
Is buffer free from trash, debris, or waste?		
Has any vegetation been removed within the buffer?		
Is there any evidence of mowing within the buffer?		
Any temporary structure within the buffer?		
Any evidence of motorized vehicles operating within the buffer?		
Level spreader functioning properly or filled with sediment?		
Buffer signs visible and readable?		

Additional Comments:

Highland Green
Post Construction Inspection form for Meadow Buffers

Buffer Name:

General Information

Site Name: Highland Green

Date:

Owner: Central Topsham Associates II LLC

Inspected By:

Retained 3PI:

Last Rain Date:

Amount:

Reason for Inspection

Rain	Monthly	Quarterly	Bi-Annual
Event			

Basin Existing Condition and Basin Description

Photos

Inspection Details	Yes / No	Comments:
Is buffer free from trash, debris, or waste?		
Has any vegetation been removed within the buffer?		
Is there any evidence of mowing within the buffer?		
Any temporary structure within the buffer?		
Any evidence of motorized vehicles operating within the buffer?		
Level spreader functioning properly or filled with sediment?		
Buffer signs visible and readable?		

Additional Comments:

Highland Green
Post Construction Inspection form for Grassed Underdrained Filter Pond

Pond Name / Number or Description:

General Information

Site Name: Highland Green

Date:

Owner: Central Topsham Associates II LLC

Inspected By:

Retained 3PI:

Last Rain Date:

Amount:

Reason for Inspection

Rain	Monthly	Quarterly	Bi-Annual
Event			

Basin Existing Condition and Basin Description

Photos

Inspection Details	Yes / No	Comments:
<p>Is the pond free from trash, debris, or waste?</p> <p>Is the pond banks stable with vegetation established?</p> <p>Any erosion found on the pond banks?</p> <p>Have repairs been made? List Date and By whom.</p> <p>** Has the pond been mowed?</p> <p>Does the pond drain within 24-48 hours?</p> <p>*** Is sediment built up within the pond bottom?</p> <p>Is the filter working and functioning as intended?</p> <p>* Does the filter require replacement?</p> <p>Filter media replacement note date and who completed work</p> <p>Are the outlet structure inlets free from debris and working?</p> <p>Has the outlet structure been cleaned and maintained? When?</p> <p>Is the emergency spillway stable, working, and free of debris?</p> <p>Is the pond outlet stable and functioning?</p> <p>Level spreader functioning properly or filled with sediment?</p> <p>Is erosion occurring downslope of the pond outlet?</p> <p>Is the pond functioning as intended?</p>		See Comments **

Additional Comments:

* The top several inches of the filter can be replaced with fresh material if water is ponding for more than 72 hours, or the basin can be rototilled, seeded and mulched. Once the filter is mature, adding new material (a 1 inch to 2 inch cover of mature compost) can compensate for subsidence

** If mowing is desired, only hand-held string trimmers or push-mowers are allowed on the filter (no tractor) and the grass bed should be mowed no more than 2 times per growing season to maintain grass heights of no less than 6 inches.

*** Sediment and plant debris should be removed from the pre-treatment structure at least annually

Fertilization of the underdrained filter should be avoided unless absolutely necessary to establish vegetation

Harvesting, Weeding, and pruning of excessive growth should be done occasionally.

Weeding to control unwanted or invasive plants may also be necessary.

Highland Green
Post Construction Inspection form for Wet Pond

Pond Name / Number or Description:

General Information

Site Name: Highland Green

Date:

Owner: Central Topsham Associates LLC

Inspected By:

Retained 3PI:

Last Rain Date:

Amount:

Reason for Inspection

Rain	Monthly	Quarterly	Bi-Annual
Event			

Basin Existing Condition and Basin Description

Photos

Inspection Details

Yes / No

Comments:

- Is the pond free from trash, debris, or waste?
- Is the pond banks stable with vegetation established?
- Any erosion found on the pond banks?
- Have repairs been made? List Date and By whom.
- Is sediment built up within the pond bottom > 25% of volume?
- Date of Pond Dredging? and Who completed work?
- Does the Gravel Drain function properly?
- Gravel Drain replacement note date and who completed work
- Are the outlet structure inlets free from debris and working?
- Has the outlet structure been cleaned and maintained? When?
- Is the emergency spillway stable, working, and free of debris?
- Is the pond outlet stable and functioning?
- Level spreader functioning properly or filled with sediment?
- Is erosion occurring downslope of the pond outlet?
- Is the pond functioning as intended?

Additional Comments:

Inlets and Outlets: The inlet and outlet of the pond should be checked periodically to ensure that flow structures are not blocked by debris. All ditches or pipes connecting ponds in series should be checked for debris that may obstruct flow.

Gravel Trench: The gravel trench should be clear of clogging materials (e.g. decaying leaves) so that discharge through the trench is not impeded. The top several inches of the gravel in the outlet trench should be replaced with fresh material when water ponds above the permanent pool for more than 72 hours. The sediment removed from the wet pond should be disposed of properly per DEP regulations.

Embankments: Wet ponds should be inspected annually for erosion, side slopes destabilization, embankment settlement or other signs of structural failure. Corrective actions should be taken immediately upon identification of a problem.

Highland Green
Post Construction Inspection form for Roof Dripline BMP

Cottage Number / Address

General Information

Site Name: Highland Green

Date:

Owner: Central Topsham Associates II LLC

Inspected By:

Retained 3PI:

Last Rain Date:

Amount:

Reason for Inspection

Rain	Monthly	Quarterly	Bi-Annual
Event			

Basin Condition

Photos

Inspection Details	Yes / No	Comments:
Is the dripline free from trash, debris, or waste?		
Is the dripline draining within 24 hours?		
Does the filter require replacment?		
Is the pond functioning as intended?		

Additional Comments:

STORMWATER MANAGEMENT SYSTEM MAINTENANCE AGREEMENT

IN CONSIDERATION OF the site plan approval granted by the Planning Board of the Town of Topsham for a plan entitled Plan of Subdivision Amendment - Amendment X Revision 1 of Highland Green Subdivision Lots C3, C4, C7, R1, R3, R4, R10, R18, R19, & G8, Evergreen Circle, Audubon Way Topsham, Maine prepared for Central Topsham Associates LLC and Central Topsham Associates II, LLC by Paul H. Ruopp Jr., PLS, dated June 15, 2021 and recorded in the Sagadahoc County Registry of Deeds, Book ___, Pages ___; the Audubon Way and Assisted Living Site Plans prepared by Belanger Engineering with latest revision date being June 1, 2021, said Plan being on file at the Town of Topsham Planning and Development Office (collectively, such two plans are hereinafter the “Plan”); and the stormwater management plan filed with the Town of Topsham Planning and Development Office, a copy of which is attached hereto as **Exhibit 2**, and pursuant to a Planning Board condition of approval, Central Topsham Associates, LLC, a Maine limited liability company, with a place of business at 20 Blueberry Lane, Falmouth, Maine, being the owner of the subject premises shown on the Plan (the “Property”), does hereby agree, for itself, its successors and assigns (the “Owner”), as follows:

1. That the Owner, its successors and assigns, will, at their own cost and expense and at all times in perpetuity, maintain in good repair and in proper working order the stormwater management system as shown on said Plan, including, without limitation, the Wet Pond, Filter Pond, and Stormwater Buffers and the outlet or outlets therefrom, for the benefit of the said **Audubon Way Roadway Construction Project**, all persons in lawful possession of said premises and abutters thereto. This relates to the public road stormwater improvements draining to private ponds and buffers for storage and treatment.

2. That the **Town of Topsham** (“Town”) and all persons in lawful possession and said abutters, or any of them, may enforce this Agreement by an action at law or in equity in any court of competent jurisdiction; further, that after giving the Owner written notice and a reasonable time to perform, the said Town may, but is not required to, by its authorized agents or representatives, enter upon said premises or any portion thereof for the purpose of performing the aforementioned maintenance of said stormwater management system in the event of any failure or neglect thereof, the cost and expense (including, without limitation, reasonable attorney’s fees) thereof to be reimbursed in full to the said Town by the Owner upon demand. The determination of the Town of an event of failure or neglect shall be made by the Town in its sole and exclusive discretion and shall be final and binding on the Owner unless appealed in writing to the Director of the Town of Topsham Planning Department (or his successor) within forty eight (48) hours

of receipt of notice from the Town; provided, however, that the determination of the Town of an event of failure or neglect shall be final and not subject to appeal when the Town determines that emergency conditions require immediate action.

3. That the cost and expense of any work performed by the Town as set forth in Section 1 above and billed by the Town (“Costs and Expenses”) shall be a charge on the Property and shall be a continuing lien upon the Property. If the Costs and Expenses shall not be paid within 30 days after the date which due, then said Costs and Expenses shall be delinquent and shall, together with interest at the rate of one and one half (1½) percent per month or any portion thereof, costs of collection and reasonable attorneys’ fees, become a continuing lien on the Property owned by the delinquent Owner, which lien shall bind the Property (with any building and improvements thereon), as well as the delinquent Owner, his/her/its heirs, devisees, successors, personal representatives and assigns. Such lien may be enforced by the Town in any manner provided by law. The lien for unpaid Costs and Expenses established hereby shall be prior to all liens and encumbrances on the Property other than (i) any mortgage recorded prior to the date on which the Costs and Expenses which are sought to be enforced become delinquent, and (ii) liens for real estate taxes and other governmental/municipal assessments or charges against the Property, or any other lien which according to law takes priority over existing liens pursuant to any statute; provided, however, that any such lien shall not be subject to the provisions of 14 M.R.S.A. § 4561 or 18-A M.R.S.A. § 2-201 *et seq.*, as the same may be amended or modified from time to time. All such Costs and Expenses, in addition to being a lien, shall also constitute the personal liability of the Owner of the Property so charged at the time of the work. In the collection of any Costs and Expenses, the defaulting Owner shall also pay all of the Town’s costs of collection, including reasonable attorneys’ fees.

4. That Owner, its successors and assigns, will, at their own cost and at all times in perpetuity, be responsible for the maintenance of all stormwater management structures, the establishment of any contract services required to implement the stormwater management plan referenced above, and the keeping of records and maintenance log book. At a minimum, the appropriate and relevant maintenance, inspection and record keeping activities for each of the stormwater management structures, measures and devices will be performed on the prescribed schedule contained in the stormwater management plan referenced above.

5. That this Agreement shall not confer upon the said Town or any other person the right to utilize said stormwater management system for public use or for the development of any other property, and the Owner shall bear no financial responsibility by virtue of this Agreement for enlarging the capacity of said stormwater management system for any reason whatsoever. This Agreement shall not affect or restrict the Owner’s right to enlarge the capacity of the stormwater management system, subject to the prior review and approval of the Planning Board of the Town of Topsham.

6. Nothing herein shall be construed to allow any change or deviation from the requirements of the subdivision and/or site plan most recently, formally approved by the Planning Board of the Town of Topsham.

7. That this Agreement shall bind the undersigned Owner only so long as it retains any interest in said premises, and shall run with the land and be binding upon Owner's successors and assigns as their interests may from time to time appear.

8. The Owner agrees to record a copy of this Agreement in the Sagadahoc County Registry of Deeds within thirty (30) days of final execution of this Agreement. The Owner further agrees to provide a copy of this Agreement to any Condominium Association or management company, and to any successor or assign and to forward to the Town an Addendum signed by any successor or assign in which the successor or assign states that the successor or assign has read the Agreement, agrees to all its terms and conditions and the successor or assign will obtain and forward to the Town a similar Addendum from any other successor or assign.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, Central Topsham Associates, LLC has caused this instrument to be signed and sealed by JBW Management, Inc., its Manager, by John B. Wasileski, its President, thereunto duly authorized, on February, 2021.

WITNESS:

(OWNER)

Central Topsham Associates, LLC

By: JBW Management, Inc., its Manager

By: _____

Name: John B. Wasileski

Its: President

STATE OF MAINE

Sagadahoc, ss.

June __, 2021

Then personally appeared the above-named John B. Wasileski, President of JBW Management, Inc., Manager of Central Topsham Associates, LLC, and acknowledged the foregoing Agreement to be the free act and deed in said capacity and the free act and deed of said limited liability company.

Before me,

Notary Public/Attorney-at-Law

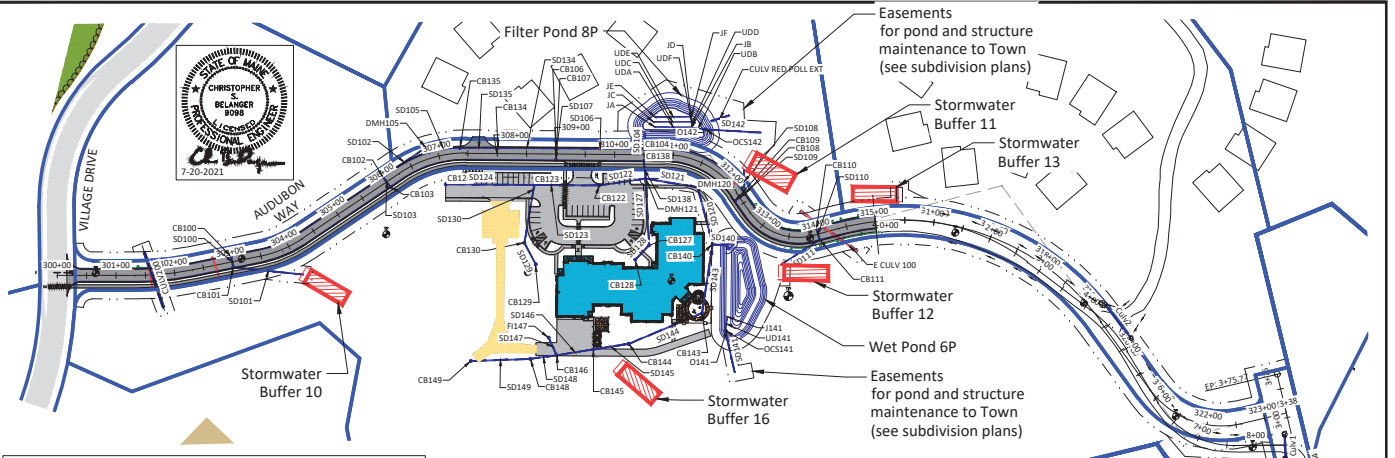
Print Name:

EXHIBIT 2
Audubon Way Storm Drain Structure Plan

[Attached behind]

Audubon Way Structure Table		
Structure Name	Structure Details	Structure Details
CB100	RIM = 101.776 SUMP = 95.300 SD100 INV IN = 97.300	Sta=302+99.67 OFF=9.384 L N=403652.620 E=3008813.5974
CB101	RIM = 101.773 SUMP = 95.000 SD100 INV IN = 97.112 SD101 INV OUT = 97.000	Sta=302+99.90 OFF=9.374 R N=403652.620 E=3008817.1419
CB102	RIM = 83.372 SUMP = 86.500 SD103 INV IN = 88.693 SD102 INV OUT = 88.500	Sta=305+99.65 OFF=10.459 L N=403768.9339 E=3009075.5134
CB103	RIM = 93.340 SUMP = 86.800 SD103 INV IN = 88.800	Sta=306+00.39 OFF=10.830 R N=403768.9339 E=3009087.6245
CB104	RIM = 81.525 SUMP = 76.800 SD106 INV IN = 76.800 SD104 INV OUT = 76.800	Sta=310+50.00 OFF=10.000 L N=403284.0966 E=3009521.3019
CB106	RIM = 83.469 SUMP = 76.700 SD107 INV IN = 78.800 SD134 INV IN = 78.800 SD106 INV OUT = 78.700	Sta=309+00.00 OFF=10.000 L N=403284.0966 E=3009373.3636
CB107	RIM = 83.469 SUMP = 76.500 SD107 INV IN = 78.500	Sta=309+00.00 OFF=10.000 R N=403808.9666 E=3009373.3636
CB108	RIM = 79.820 SUMP = 73.715 SD109 INV IN = 75.810 SD108 INV OUT = 75.715	Sta=312+28.32 OFF=10.000 L N=403744.1975 E=3009699.8464
CB109	RIM = 79.820 SUMP = 73.509 SD109 INV IN = 75.509 SD108 INV OUT = 75.509	Sta=312+28.50 OFF=10.000 R N=403733.0667 E=3009699.8464
CB110	RIM = 82.002 SUMP = 75.500 SD110 INV IN = 77.500	Sta=314+00.00 OFF=10.000 L N=403883.4665 E=3009881.2661
CB111	RIM = 82.002 SUMP = 75.200 SD110 INV IN = 77.304 SD111 INV OUT = 77.200	Sta=314+00.00 OFF=10.000 R N=403883.4665 E=3009881.2661
CB112	RIM = 86.928 SUMP = 80.321 SD113 INV IN = 82.400 SD112 INV OUT = 82.321	Sta=316+07.92 OFF=9.915 L N=403697.6613 E=3010022.2318
CB113	RIM = 86.924 SUMP = 80.602 SD113 INV IN = 82.602	Sta=316+07.87 OFF=10.313 R N=403677.7888 E=3010018.7286
CB114	RIM = 81.471 SUMP = 74.366 SD115 INV IN = 76.000 SD117 INV IN = 76.000 SD114 INV OUT = 76.366	Sta=321+26.47 OFF=8.485 L N=403371.8151 E=3010430.0023
CB115	RIM = 81.509 SUMP = 74.700 SD115 INV IN = 76.700	Sta=321+25.64 OFF=9.928 R N=403357.9228 E=3010397.8085
CB116	RIM = 71.546 SUMP = 63.500 CULV16 INV IN = 66.000 SD116 INV IN = 65.900	Sta=323+05.84 OFF=9.991 L N=403355.2489 E=3010573.1858
CB117	RIM = 68.950 SUMP = 58.252 SD116 INV IN = 64.282 SD117 INV OUT = 61.252	Sta=323+26.19 OFF=9.778 R N=403333.5987 E=3010660.8260
CB118	RIM = 67.847 SUMP = 60.861 SD118 INV IN = 61.000 SD117 INV IN = 61.000 SD118 INV IN = 61.000 SD118 INV OUT = 60.861	Sta=324+10.65 OFF=9.624 L N=403255.2738 E=3010917.5714
CB118A	RIM = 65.236 SUMP = 61.258 SD118A INV IN = 61.258	Sta=324+12.54 OFF=9.624 R N=403251.9105 E=3010925.9715
CB118B	RIM = 66.923 SUMP = 61.183 SD118B INV IN = 61.183	Sta=324+15.43 OFF=9.122 R N=403268.3252 E=3010955.4199
CB119	RIM = 68.917 SUMP = 60.197 SD119 INV IN = 60.300 SD119 INV IN = 60.197	Sta=324+26.19 OFF=9.928 R N=403153.9907 E=3010636.6291
CB134	RIM = 86.549 SUMP = 81.900 SD135 INV IN = 82.000 SD134 INV IN = 81.900	Sta=311+36.00 OFF=9.648 L N=403855.8023 E=3009625.6847
CB135	RIM = 88.738 SUMP = 84.100 SD105 INV IN = 84.200 SD135 INV IN = 84.100	RIM = 82.868 SUMP = 75.713 SPA3 INV IN = 75.713 SPA2 INV IN = 76.000 SPA INV IN = 75.713

Audubon Way Structure Table		
Structure Name	Structure Details	Structure Details
CB136	RIM = 91.740 SUMP = 87.900 SD136 INV IN = 87.900	Sta=319+25.94 OFF=10.614 L N=403531.9921 E=3010293.7465
CB137	RIM = 89.987 SUMP = 84.900 SD136 INV IN = 85.000 SD137 INV IN = 84.900	Sta=319+47.19 OFF=10.444 L N=403481.3037 E=3010218.7624
CB138	RIM = 81.523 SUMP = 77.453 SD138 INV IN = 85.900	Sta=310+49.93 OFF=9.129 R N=403804.5719 E=3009520.6566
DMH105	RIM = 92.782 SUMP = 82.500 SD102 INV IN = 86.000 SD105 INV IN = 85.900	Sta=310+49.93 OFF=9.129 R N=403804.5719 E=3009520.6566
ESMH99	RIM = 65.760 SUMP = 62.500 SP100 INV IN = 62.500	Sta=??? OFF=??? N=402954.2814 E=3010689.2823
ESMH100	RIM = 68.421 SUMP = 63.200 SP101 INV IN = 63.200	Sta=38.607 OFF=1.782 R N=403285.0683 E=3010689.2823
ESMH101	RIM = 77.196 SUMP = 67.359 SP102 INV IN = 67.459	Sta=321+48.69 OFF=4.883 R N=403296.5379 E=3010430.0023
ESMH102	RIM = 81.951 SUMP = 72.600 SP103 INV IN = 72.700 SP102 INV IN = 72.600	Sta=135+10.49 OFF=2379.282 L N=403340.5809 E=3010402.8323
ESMH103	RIM = 90.407 SUMP = 73.600 SP104 INV IN = 73.613 SP103 INV IN = 73.600	Sta=135+24.43 OFF=2153.013 L N=403330.0919 E=3010402.8323
ESMH104	RIM = 89.875 SUMP = 73.800 SP105 INV IN = 74.000 SP104 INV IN = 73.800	Sta=317+22.91 OFF=6.461 R N=403647.2884 E=3010426.9850
ESMH105	RIM = 84.960 SUMP = 74.200 SP106 INV IN = 74.200 SP105 INV IN = 74.200	Sta=315+11.89 OFF=2.006 L N=403695.9529 E=3009924.7622
ESMH106	RIM = 80.989 SUMP = 74.400 Pipe = (171) INV IN = 74.400 SP106 INV IN = 74.400 SP106 INV IN = 74.400	Sta=313+52.86 OFF=9.310 R N=403660.6579 E=3009766.9550
ESMH112	RIM = 101.146 SUMP = 93.400 SP115 INV IN = 93.500 Pipe = (166) INV IN = 93.400	Sta=300+55.39 OFF=4.824 R N=403653.8702 E=3008871.1025
ESMH113	RIM = 102.976 SUMP = 94.349 SP114 INV IN = 94.449 SP115 INV IN = 94.349	Sta=137+25.12 OFF=9.298 L N=403626.9981 E=3008723.4410
ESMH114	RIM = 104.675 SUMP = 100.851 SP114 INV IN = 100.851	Sta=300+38.59 OFF=4.824 R N=403626.9981 E=3008555.6947
JA	RIM = 73.634 SUMP = 77.7 UDA INV IN = 73.608	Sta=310+47.58 OFF=9.661 L N=403861.8403 E=3009539.8403
JB	RIM = 73.266 SUMP = 77.7 UDA INV IN = 72.700 UDB INV IN = 72.700 UDD INV IN = 72.700	Sta=311+19.37 OFF=9.536 L N=403860.1329 E=3009603.3057
JC	RIM = 73.670 SUMP = 77.7 UDC INV IN = 73.104	Sta=310+45.10 OFF=9.197 L N=403760.4396 E=3009531.7100
JD	RIM = 73.316 SUMP = 77.7 UDC INV IN = 72.750 UDF INV IN = 72.750 UDD INV IN = 72.746	Sta=311+17.56 OFF=6.864 L N=403869.4046 E=3009603.3057
JE	RIM = 73.667 SUMP = 77.7 UDE INV IN = 73.101	Sta=310+47.92 OFF=9.641 L N=403878.7965 E=3009540.7714
JE	RIM = 73.360 SUMP = 77.7 UDE INV IN = 72.790 UDF INV IN = 72.790 UDE INV IN = 72.793	Sta=311+16.03 OFF=7.043 R N=403878.7965 E=3009602.8998
OCS142	RIM = 79.004 SUMP = 72.500 UDB INV IN = 72.000 O142 INV IN = 76.500 SD142 INV OUT = 72.500	Sta=311+36.00 OFF=9.648 L N=403855.8023 E=3009625.6847
SMH A	RIM = 82.868 SUMP = 75.713 SPA3 INV IN = 75.713 SPA2 INV IN = 76.000 SPA INV IN = 75.713	Sta=300+50.07 OFF=4.570 R N=403811.9705 E=3009420.9682



Audubon Way Storm Drain and Sewer Pipe Table					
NAME	SIZE	LENGTH	SLOPE	INVERT	MATERIAL
CULV116	15"	14.93	26.79%	INV IN=70.000	INV OUT=66.000 N12 ADS
CULV200	36"	99.42	2.51%	INV IN=88.500	INV OUT=88.500 N-12 ADS
E CULV100	42"	118.87	0.08%	INV IN=68.700	INV OUT=68.600 EXISTING 42" N-12 ADS
E CULV98	36"	49.98	0.60%	INV IN=57.900	INV OUT=57.600 N-12 ADS
E CULV99	24"	52.88	1.51%	INV IN=58.500	INV OUT=57.700 N-12 ADS
O142	6"	3.68	0.00%	INV IN=76.500	INV OUT=76.500 N-12 ADS
SD100	15"	18.76	1.00%	INV IN=97.300	INV OUT=97.112 N-12 ADS
SD101	15"	120.18	0.83%	INV IN=97.000	INV OUT=96.000 N-12 ADS
SD102	15"	88.41	2.83%	INV IN=88.500	INV OUT=86.000 Perforated N-12 ADS
SD103	15"	21.30	0.50%	INV IN=88.800	INV OUT=88.693 N-12 ADS
SD104	15"	26.95	1.11%	INV IN=76.800	INV OUT=76.500 N-12 ADS
SD105	15"	58.26	2.92%	INV IN=85.900	INV OUT=84.200 Perforated N-12 ADS
SD106	15"	150.00	1.20%	INV IN=78.700	INV OUT=76.900
SD107	15"	20.00	-1.50%	INV IN=78.500	INV OUT=78.800 N-12 ADS
SD108	15"	42.47	0.51%	INV IN=75.715	INV OUT=75.500 N-12 ADS
SD109	15"	20.00	0.50%	INV IN=75.909	INV OUT=75.810 N-12 ADS
SD110	15"	20.00	0.98%	INV IN=77.500	INV OUT=77.304 N-12 ADS
SD111	15"	78.46	0.29%	INV IN=77.200	INV OUT=76.900 N-12 ADS
SD112	15"	73.13	0.44%	INV IN=82.321	INV OUT=82.000 N-12 ADS
SD113	15"	20.23	1.00%	INV IN=82.602	INV OUT=82.400 N-12 ADS
SD114	15"	66.12	0.55%	INV IN=76.366	INV OUT=76.000 N-12 ADS
SD115	15"	18.43	0.54%	INV IN=76.700	INV OUT=76.801 Perforated N-12 ADS
SD116	15"	42.02	3.85%	INV IN=65.900	INV OUT=64.282 N12 ADS
SD117	15"	70.35	0.50%	INV IN=61.352	INV OUT=61.000 N-12 ADS
SD118	15"	103.66	0.54%	INV IN=60.861	INV OUT=60.300 N-12 ADS
SD118A	15"	24.83	1.04%	INV IN=61.258	INV OUT=61.000 15" N-12 ADS
SD118B	15"	40.04	0.46%	INV IN=61.183	INV OUT=61.000 N-12 ADS
SD119	15"	27.09	0.73%	INV IN=60.197	INV OUT=60.000 N-12 ADS
SD134	15"	99.16	3.13%	INV IN=81.900	INV OUT=78.900 N-12 ADS
SD135	15"	64.68	3.25%	INV IN=84.100	INV OUT=82.000 Perforated N-12 ADS
SD136	15"	61.61	4.71%	INV IN=87.900	INV OUT=85.000 PERFORATED N-12 ADS
SD137	15"	136.34	6.09%	INV IN=84.900	INV OUT=76.600 PERFORATED N-12 ADS
SD138	15"	30.69	0.50%	INV IN=77.453	INV OUT=77.300 N-12 ADS
SD142	18"	95.77	0.52%	INV IN=72.500	INV OUT=72.001 N-12 ADS
SP ALL	6"	54.47	2.94%	INV IN=78.500	INV OUT=76.500 SDR 35
SP100	15"	337.40	0.21%	INV IN=63.200	INV OUT=62.500 SDR 35
SP101	15"	183.58	2.21%	INV IN=67.359	INV OUT=63.300 SDR 35
SP102	15"	57.37	3.96%	INV IN=72.600	INV OUT=67.459 F SDR 35
SP103	15"	230.17	0.39%	INV IN=73.600	INV OUT=72.700 SDR 35
SP104	15"	186.97	0.10%	INV IN=73.800	INV OUT=73.613 SDR 35

Audubon Way Storm Drain and Sewer Pipe Table					
NAME	SIZE	LENGTH	SLOPE	INVERT	MATERIAL
SP105	15"	207.86	0.10%	INV IN=74.200	INV OUT=74.000 SDR 35
SP106	15"	161.57	0.12%	INV IN=74.400	INV OUT=74.200 SDR 35
SP112	15"	69.86	0.50%	INV IN=93.400	INV OUT=93.051 SDR 35
SP114	15"	167.79	3.82%	INV IN=100.851	INV OUT=94.449 SDR 35
SP115	15"	149.74	0.57%	INV IN=94.349	INV OUT=93.500 SDR 35
SP401	15"	713.17	3.47%	INV IN=92.900	INV OUT=85.500 SDR35
SP402	15"	77.95	5.13%	INV IN=85.400	INV OUT=81.400 SDR 35
SP403	15"	232.73	0.15%	INV IN=76.062	INV OUT=75.713 SDR 35
SP404	15"	55.85	0.15%	INV IN=75.354	INV OUT=75.270 SDR 35
SP405	15"	75.67	0.15%	INV IN=75.173	INV OUT=75.060 SDR 35
SP406	15"	110.67	0.15%	INV IN=74.962	INV OUT=74.800 SDR 35
SP407	15"	40.84	0.78%	INV IN=74.719	INV OUT=74.400 Re-Use Existing Pipe or re-install SDR 35
SPA	15"	141.89	0.15%	INV IN=75.713	INV OUT=75.500 SDR 35
UDA	6"	63.39	0.58%	INV IN=73.068	INV OUT=72.700 PERFORATED SDR35/SCH40
UDB	6"	22.79	0.44%	INV IN=72.700	INV OUT=72.600 N-12 ADS
UDC	6"	65.37	0.54%	INV IN=73.104	INV OUT=72.750 PERFORATED SDR35/SCH40
UDD	6"	9.27	0.50%	INV IN=72.746	INV OUT=72.700 PERFORATED SDR35/SCH40
UDE	6"	62.13	0.50%	INV IN=73.101	INV OUT=72.790 PERFORATED SDR35/SCH40
UDF	6"	8.66	0.50%	INV IN=72.793	INV OUT=72.750 PERFORATED SDR35/SCH40

Audubon Way Structure Table		
Structure Name	Structure Details	Structure Details
SMH401	RIM = 99.470 SUMP = 92.900 SP112 INV IN = 93.051 SP401 INV IN = 92.900	Sta=304+23.71 OFF=6.238 R N=403676.8654 E=3009636.3524
SMH402	RIM = 92.281 SUMP = 85.400 SP401 INV IN = 85.500 SP402 INV IN = 85.400	Sta=306+37.02 OFF=4.214 R N=403793.3424 E=3009114.8925
SMH403	RIM = 89.603 SUMP = 76.062 SP402 INV IN = 81.400 SP403 INV IN = 76.062	Sta=307+16.85 OFF=5.292 R N=403819.4223 E=3009188.3542
SMH404	RIM = 81.204 SUMP = 75.354 SPA INV IN = 75.500 SP404 INV IN = 75.354	Sta=310+92.20 OFF=5.292 R N=403808.0640 E=3009562.8009
SMH405	RIM = 80.593 SUMP = 75.173 SP404 INV IN = 75.270 SP405 INV IN = 75.173	Sta=311+50.22 OFF=4.237 R N=403794.3764 E=3009616.8446
SMH406	RIM = 80.994 SUMP = 74.962 SP405 INV IN = 75.060 SP406 INV IN = 74.962	Sta=312+31.43 OFF=2.302 R N=4037

Highland Green
Project Narrative -- November 2016

Project Narrative

- 1) Community Vision. The original planning and vision for Highland Green began in the late 1990's. In many ways, it was an extension of the development of the Highlands Retirement Community and the cottage neighborhoods on that campus. Highland Green would be a senior community with homes, services and amenities designed to attract and support a community of older adult residents.

However, there were three important factors that ensured Highland Green was different from a traditional retirement community. First, a new type of senior community – known as an active adult community – was growing in popularity around the country. This new type of community was designed with baby boomers in mind. An institutional and health care approach to retirement was giving way to a model based on a healthy lifestyle emphasizing fitness, wellness and social activities.

Second, the concept of smart growth was gaining popularity across the country as cities and towns struggled to address the impact of car-based, sprawling development patterns. The construction of the new coastal connector and the location of Highland Green in the center of Topsham ensured that the principles of smart growth would play a major role in the design of the new community.

Third, the physical qualities of the property offered both unique opportunities and serious challenges. The challenges included a recently clear-cut property dominated by ledge, wetlands and quarries. These qualities – combined with the sheer size of the development -- make the property extremely difficult, expensive and time consuming to develop. However, these same qualities of rugged, natural beauty give Highland Green a very unique quality.

- 2) Community Design. The design and approval for Highland Green began in 2000 and involved a number of meetings with a wide variety of stakeholder groups. The preliminary design that emerged from this process is the master plan shown as _____. In general, we developed the concept of a “public” side of the community and a “private” side of the community.

The front portion of the community would be the public side – essentially everything on the southern side of the intersection of Village Drive and Evergreen Circle. It would have public roads, a public golf course, commercial development and higher density housing. It would be directly connected to the larger Topsham community and as a result will have more activity and larger roads. The private side of the community would be just that – a private residential area of single-family detached homes. The development would transition from the lower density cottage neighborhoods to no density – the Cathance River Preserve and the heath would become permanent conservation areas – protecting the most environmentally sensitive areas of the property. These single-family cottage neighborhoods would be accessed via

Evergreen Circle – the private roadway that circles the heath and the largest quarries on the property.

- 3) Zoning. One of the immediate challenges in developing and approving a master plan for Highland Green was the zoning of the property. Much of the property is located in the Mixed Use Limited Zone (MUL) – basically the front half of the community or much of the “public side” of the development. The rear portions of the property are located in the Rural Residential Zone (R3) and include most of the conservation land and phases 2 & 3 of the cottage neighborhoods. The Resource Protection Zone (RPZ) protected the land in close proximity (250’) to the Cathance and the Heath. Finally, the Planned Residential Development (PRD) ordinance was utilized in evaluating and designing the master plan for Highland Green.

This mixture of zones and ordinances was not ideal in developing and creating the master plan for Highland Green. These ordinances were developed for standard development projects and patterns – not for a 660+ acre planned development that included single and multi-family homes, a golf course, public works facilities, conservation land, commercial lots, public roads and private drives. However, a cooperative and collaborative approach was utilized by the Town of Topsham Planning Department and the Planning Board to design, approve and build the community as it exists today.

- 4) Conservation. Another important factor in the design of Highland Green is the significant commitment to land conservation. At the very beginning of the design and approval process, John Wasileski met with a group known as Topsham’s Future that were particularly concerned about the development’s impact on the Cathance River. Rather than fight to preserve an 18-hole golf course and development close to the Cathance River, John Wasileski, John Rensenbrink of Topsham’s Future and the Brunswick Topsham Land Trust agreed to a compromise that included the creation of the Cathance River Preserve -- _____ acres of conservation land located at Highland Green. This collaboration also led to the creation of the Cathance River Education Alliance (creamaine.org) – an environmental education center located in a historic barn at the entrance to the conservation land. According to our residents, the conservation area and the overall commitment to nature is a key factor in the success of Highland Green.
- 5) Public Roads and Connectivity. Consistent with the public / private design of the community and the smart growth goal of connectivity, it was determined early in the design process that there would be three public road connections at Highland Green at the front half of the community. This included the main entrance roadway – Village Drive – which was constructed at the outset of the project in 2001 and was turned over to the town in _____. The two other scheduled public road connections are (1) Audubon Way (the current construction road / emergency access road) running from Village Drive to Tedford Road and (2) Mountain Road (the current maintenance facility / emergency access road) running from Village Drive toward the former Navy Annex property located on Can Am Drive.

From early on in the development of Highland Green, we have been working on improving these future access points until the time that they are built to full public standards. As indicated, both Audubon Way and Mountain Road currently provide full emergency access into Highland Green. When you include Village Drive and the tower road, there are 4 external access points into the community. These are augmented by three internal access points – one between Audubon Way and Redpoll Drive, one between Audubon Way and Evergreen Circle and one between Evergreen Circle and the large quarry. We have reviewed these points with the Fire Chief and as long as we maintain these as full emergency access points year-round – the chief feels there is adequate emergency access at Highland Green.

Because the cost of infrastructure at Highland Green is so significant, a goal throughout the development process is to build infrastructure as we sell and build the nearby homes. These homes provide much of the income required to pay for the infrastructure. It costs over \$100,000 per home to build the roads, water, sewer and utilities that serve the new home. As we are reaching the end of Phase 3 of Highland Green, we have important decisions to make on the next phase of construction and the infrastructure it is required. Currently, there is a large section of Evergreen Circle between Phase 3 and Phase 4 with very few homes. We are studying this area and speaking with the owner of the quarry property to determine our options to support the cost of this length of roadway.

With respect to Audubon Way and Mountain Road, we would like to build these roadways to full public standards when we are developing the adjacent parcels along these roadways. For Audubon Way, we would build the roadway during the construction of Phase 4. For Mountain Road, we would build the roadway during the construction of the neighborhoods above golf holes 1 & 2. In addition to financing, there are other factors to be considered in the timing of these roads. First, the town has generally not been interested in accepting a roadway that is likely to continue to receive significant construction traffic. They would prefer to see it turned over toward the end of construction. Second – and specific to Mountain Drive – the portion of Can Am Drive leading to Mountain Road is private and Highland Green does not control the roadway or the current gate between the roadways.

- 6) Cottage Neighborhoods. The homes and neighborhoods at Highland Green are an example of “clustered” or higher density housing. They help create a close-knit community where neighbors know each other. Additionally, the clustering helps reduce the costs associated with purchasing land and extending infrastructure to service units. Finally, the density of the neighborhoods leaves additional land available for community uses like conservation land and a golf course. The homes and neighborhoods at Highland Green follow a similar cottage style and are built in scale with their surroundings. The cottage styles and design guidelines at Highland Green help create attractive, harmonious neighborhoods of homes.

Please see the development timeline and chart for details on the construction of cottage neighborhoods. We are approaching the end of Phase 3 of construction of the Highland Green Cottage homes. Phase 1 occurred from approximately 2001 to 2005, Phase 2 from approximately 2003 to 2007 and Phase 3 from 2007 until today.

- 7) Apartment Neighborhoods. From the inception of the community, we have planned to develop a “multiplex” or apartment type of home at the toward the front of the community. This area is designed to accommodate a higher density of homes and they would also be designed to fit the architectural style of the community. Additionally, these homes would follow the ownership (cooperative) and residency requirements (age restricted) of the current community.

We have considered a number of different styles of apartment housing over the last 15 years and believe we have located a product that we feel would work at Highland Green. It is a 3-story building with four corner apartments on each floor and covered parking underneath the building (either underground or at grade depending on the topography). This housing is shown on the updated master plan for Highland Green. It is currently the undeveloped land above golf holes 2 and 3. The buildings will be sited to take advantage of the topography and views over the golf holes but include a healthy buffer similar to most other areas at Highland Green where the golf holes abut homes.

- 8) Amenities. The amenities are another key component of a planned community. At Highland Green, they include the golf course, the golf course clubhouse and pub, sidewalks and walking trails and the conservation land. But the key amenity is the community building with its social spaces, fitness center, outdoor pool, tennis court, croquet lawn and bocce ball court. With the number of homes approaching 200 and the planned introduction of the apartment neighborhood, we are also planning to expand the community building and fitness center to almost double their current size. This expansion will take place on the current community building site and include site and parking improvements to ensure this amenity meets the communities needs for the next several years.
- 9) Commercial Areas. The goal of commercial development is – first and foremost – to enhance our core businesses – the residential community. Throughout our history, we have been very cautious with commercial development. The Highlands Retirement Community is a good example. We have proceeded slowly and cautiously with the commercial lots available along the Coastal Connector at the Highlands. To date, we have worked with the Red Cross to build their mid-coast headquarters and MidCoast Hospital to create a medical office building that includes a family medical practice.

These are good examples of the type of commercial development we feel is compatible with Highland Green. There is more land and more commercial lots available at Highland Green so the possibilities are greater – but the underlying goal of enhancing the community does not change. Ideas include a small, quality hotel or inn like a Courtyard by Marriot and a variety of professional office buildings. The idea of creating a small village center with a coffee shop and general store has also been discussed with the corner parking lot next to the golf course clubhouse receiving most of the attention.

For the first time, we are showing conceptual commercial sites on the master plan for Highland Green (shown as Phase 6). Unless otherwise notes, these are concepts only.

10) Assisted Living. One type of commercial development currently in planning for Highland Green is the launch of an assisted living product designed to support our resident population as their needs evolve. Unlike a traditional retirement community with lodge buildings as a dominant feature located in the center of the community, these assisted living communities will be modest in size and located in the commercial areas of the community. We are currently planning two assisted living communities – a 24-apartment standard assisted living facility and a 24-apartment memory support assisted living. These two communities will be augmented by a home care program that will allow Highland Green residents to remain in their home and access support services.

11) Pedestrian and Bike Connections. Similar to road connectivity, pedestrian and bicycle connectivity is an important part of the design and development of Highland Green. Within Highland Green, the main pedestrian walkway will be the sidewalks along Village Drive, Mountain Road, Audubon Way and the entire loop of Evergreen Circle. These are partially constructed at this time and will continue with each new phase of Highland Green. Additionally, a full network of trails has been constructed in the conservation area and the golf cart path provides an important off-season trail system.

Efforts are also underway to connect these interior paths and trails to the larger Topsham community. For several years, when the weather is accommodating Highland Green has worked in collaboration with the Topsham Nordic Ski Team to groom trails connecting the two campuses. More recently, the town of Topsham and Brunswick Topsham Land Trust partnered to connect the Cathance River Preserve to Head of Tide park.

With the extension of the Merrymeeting Bay Bike Path from the Highland to Topsham Town Hall, there is a major opportunity to continue the development and connection of bike paths in and around Highland Green and the Topsham schools.

12) Chronological Timeline of Development and Approvals – See attached timeline

Project and Approval Summary Timeline for Highland Green

A. 2000-2001 Highland Green Subdivision, Master Plan, & Phase 1 construction final approvals.

- A Pre-application Conference with held with the Planning Board on August 8, 2000.
 - A Site walk was completed by Planning Board on September 12, 2000.
 - The project received preliminary Subdivision preliminary approval on October 3, 2000.
 - The project received Subdivision final approval by Topsham Planning Board on December 12, 2000.
 - The Final Subdivision Plans were signed by the Board on February 13, 2001.
 - Highland Green Subdivision Amendment 1 of the Subdivision was approved on April 10, 2001.
1. Highland Green Subdivision approval Lot Summary (2001)
 - Lots C-1 – C-3 3 Commercial Lots
 - Lot T1 1 Lot dedicated to Town
 - Lot C-4 High Density Residential Lot
 - Lot E1 & E2 Lots preserved in Conservation
 - Lots R1 – R19 Residential Lots
 - Lots G series Golf Course Lots
 2. Village Drive Approval
 - Water Extension - Route 196 to clubhouse and maintenance building
 - Road Construction - New public road from Route 196 to clubhouse area
 - Utilities - Extension of electric, telephone and communications cables from Route 201 to site along the existing CMP transmission line. Extend to clubhouse and maintenance building.
 3. High Ridge Road Approval (now called Mountain Road (West Extension))
 4. Tedford Road Sewer Approval
 - Sewer Extension – 5000’ from Middlesex along Tedford Road
 - Sewer Extension - Tedford Road to Clubhouse
 - Sewer Extension - Clubhouse south along public road to lots C-1 and C-2
 - Tedford Road - Improvements with Town of Topsham. Rough gravel lower access into the southeastern end of the site and install sewer.
 5. Golf Course Approval
 - Golf Course - 9 holes of golf including irrigation and cart paths

6. Highland Green Project Density Calculation and Approval

- Density was approved on April 10, 2001 with Amendment 1
- 955 dwelling units allowed

The density calculation is in accordance with Section §225-43 (Cluster Developments) and §225-60.2 (Planned Residential Developments) as per the 2001 Zoning Ordinance. The net residential acreage was determined by taking the total development parcel area and subtracting the proposed commercial lots, 60% of the golf course, all roads (public and private), 80% of the wetlands, and 50% of the steep slope areas.

7. Highland Green DOT Traffic Permit and intersection approval

- A Traffic Movement Permit was granted for the project on October 10, 2000.
- The Route 196 DOT Intersection Plans were approved in July 2000+/-.
- Maine DOT approved the intersection signal activation in a letter from DOT dated November 6, 2001.

8. Highland Green DEP approval – Planning Permit and Master Plan Approvals

- DEP Master Plan – DEP # L-20337-87-A-N approved November 13, 2000
- Cross Country Sewer – DEP #L-20337-C-M & L-20337-31-E-M approved May 31, 2001.

B. 2001 - Phase 1A Final Plans Approval for Construction

- Final Approval by Planning Board on August 28, 2001.
- Maine DEP approved the increase in parcel size to approximately 616 acres on May 31, 2001.
- DEP L-20337-87-C-M & L-20337-31-E-M dated May 31, 2001
- 51 residential units
- Located on lots R-8 & R-9

C. 2002 - Phase 1B Approval

- Final approval was received by the Planning Board on May 7, 2002.
- Conditional Use Permit for operation of a Golf Pro Shop at Golf Club House (R4 Lot 17A-G1) by Planning Board on May 7, 2002 meeting.
- See final Town letter dated May 8, 2002.
- See minutes of May 7, 2002 Planning Board meeting.
- Approval included the Golf Club House located on lot G-1-2.
- The Approval included the Maintenance / Storage Facility is located on lot G-B2
- The Community Building located on lot G-B1.
- The projects are located in the Mixed Use Limited Zone.

- The project is part of a Planned Residential Development and adheres to the setback requirements listed in 225-60.2 of the Topsham Zoning Ordinance.
- Internal perimeter setbacks of 20' are required or the height of the building. Check Codes.
- Each use is being developed to support the golf course and Highland Green residents.

2003 Community Center Building Construction

The Community Center is located on lot G-B1 which is the northeast corner of the intersection of Village Drive and Evergreen Circle. The project will be constructed in phases. Phase one will include a 5012 s.f. building (2506 s.f. footprint on two floors) and 34 parking spaces. We anticipate construction of the Community Center in the spring of 2003. Phase 2 will include two 5000 s.f. building additions (2 - 2500 s.f. footprint on two floors). An additional 54 spaces will be included to support this phase. These phases will be constructed as demand requires after phase 3.

2003-2004 Golf Clubhouse Construction

The Golf Club House is located on Lot G-1-2 and is accessed from Village Drive which has been approved and is constructed. Water, sewer, power, cable, and phone is serviced from Village Drive. The club house is 2500 s.f. (1250 s.f. footprint on two floors) and will be supported by access and 53 parking spaces to support the facility. This Golf Club House is a public facility and supports the 9 hole Golf Course. Construction of the golf course was completed in 2003-2004. The Golf Club house was built in 2003-2004.

2003-2004 Maintenance Building and Storage Facility

The Maintenance / Storage facility is located on Lot G-B2.

The maintenance facility will be 1250 s.f. (single story) and also includes a 1576 s.f. pole barn for golf cart storage. In addition, a small 224 s.f. pump house will be developed for golf course irrigation. These structures will be constructed in the Spring and Summer of 2003. The Maintenance Facility will support the maintenance operations of the golf course and the Highland Green development.

Three storage buildings (2 – 3600 s.f. and 1 – 1800 s.f.) will be developed to support Highlands residents. These buildings will be constructed in phases as demand requires. The Storage facility will be for private use by the residents of the community as an accessory use to the residential units, and not offered for rent or lease to the public.

The Maintenance Facility will be accessed by Mountain Road. The Mountain Road plan and profile design is approved as part of this phase. The road is being developed as a “public road” in anticipation of a connection to Canam Drive should the Town choose to do so in the future. At this time is under private ownership and is not a public road.

D. 2002-2003 - Phase 2A-2B, Final Plan Approval for Construction

- Phase 2A and 2B Final Subdivision and Site Plan Approval was granted by the Planning Board on February 6, 2003.
- See Plan of Subdivision – Amendment II by Paul Ruopp dated February 3, 2003.
- Maine DEP approved Phase 2A construction plans on July 28, 2003.
- Maine DEP approved gravity sewer extension along Audubon Way dated January 31, 2002. See L-20337-87-F-M & L-20337-TG-G-M.
- 69 residential units were approved in Phase 2A.
- 12 residential units were approved in Phase 2B.
- 81 total units in Phase 2A and 2B.
- Audubon Way was approved in Phase 2.
- Located on lots R-5, R-14, R-15, R-11, R-11A & R-9

E. 2005 – DOT / Town Subdivision Plan Amendment – Lots R1 and T1

- Final Approval Subdivision and Site Plan approval granted by the Planning Board on August 16, 2005.
- See plan of subdivision Amendment Lots R1 and T1, dated April 11, 2005.
- Town PWD Parcel was revised (R4 Lot 17B).
- The Topsham PWD Access was re-directed to DOT Maintenance Way.
- The existing PWD entrance was closed.
- DOT Parcel was created and approved (R4 Lot 17B-1)
- Parcels A and C created.
- Parcel A is (R4 Lot 17B-3)
- Parcel C set in conservation (R4 Lot 17B-2).
- Lot C8 (R4 Lot 18A) was transferred from Town to Central Topsham Associates II LLC.

F. 2006 - Phase 2E Final Plans Approval for Construction

- Final Subdivision and Site Plan approval granted by the Planning Board on April 28, 2005.
- Maine DEP approved the Toth parcel expansion in January 27, 2006. Maine DEP License Numbers L-20337-87-J-A & L-20337-TG-K-A
- Project Expansion on Toth Property 13.39 acres+/- . Total parcel expanded to 633 acres.
- 18 residential units approved on Lot R-20.
- 1 additional unit approved on Lot R-5. Intersection of Village Drive and Evergreen Circle.
- Lot R-5 has a total of 13 units after approval of Phase 2E.
- Ten (10) units approved on Heron Drive – Lot R-21.
- Phase 2E total units approved is 29 units.
- Phase 2 total units approved is 110 units (All Phase 2 units)
- Located on lots R-5, R-20, R-21.

G. 2006 – Highland Green Preliminary Master Plan Approval

- Master Plan Preliminary Approval granted by the Planning Board on January 17, 2006.
- See approval letter from the Town of Topsham Dated January 23, 2006.
- See Sitalines letter Dated December 19, 2005, regarding Highland Green Master Plan Remaining Phases.
- See LUC letter regarding Highland Green Master Plan Environmental Permitting Statement dated December 20, 2005.
- See PB minutes dated January 17 2006.
- See Letter from Matt Teare dated January 12, 2006 regarding the Highland Green Master Plan Approval. The letter summarizes waiver requests listed below.
- Waiver Requests Section 175-7B and 191-13 Performance Guarantees.
- Waiver Requests Section 175-9 Additional Lighting Standards
- Waiver Requests Section 175-10 Additional Landscape Standards
- Waiver Requests Section 175-11 Commercial Architectural design standards
- Waiver Requests Section 191-6 Dead End Roads.
- Waiver Requests Section 191-14 Street Design and Pedstrian Ways
- Waiver Requests Section 191-14 Minimum Construction Standards for Streets, Sidewalks, and Utilities.

H. 2006 – Highland Green Phase 3 Construction Plan Approval and Subdivision Amendment IV.

- Final Subdivision and Site Plan approval granted by the Planning Board on April 4, 2006. See Town letter dated April 5, 2006.
- See plan of subdivision Amendment IV, dated March 3, 2006.
- An ACOE permit was approved for Phase 3 wetland impacts – Dated September 18, 2006.
- Maine DEP approved the Phase 3 parcel expansion in January 18, 2007. Maine DEP License Numbers L-20337-87-N-M & L-20337-TG-O-M.
- Maine DEP approval included 57 cottage units and the Ecology Center on Parcel E2.
- Final Subdivision Amendment for the Crea Lot by Planning Board at its May 1, 2007 meeting. See Town approval letter dated May 4, 2007.

I. 2007 – Highland Green Phase 3 Second Access Amendment

- See Plan of Subdivision Amendment IV Lots R12, R13, R16, and R17 by Paul Ruopp dated March 3, 2006.
- See Town of Topsham Approval letter for Highland Green Phase III dated April 5, 2006 which shows condition 11.
- We proposed to amend condition 11 shown on Amendment IV which reads “before work on Phase III begins, a second means of access, either Mountain Road or Audubon Way shall be built to base pavement”.
- The approval allowed construction of the second access road to be completed after Phase 3 construction.
- See memo from Rod Melanson dated July 9, 2007.
- The Planning Board approved a subdivision amendment in order to amend the condition for second access at the Highland Green development on July 17, 2007 meeting.
- See Final letter Dated July 20, 2007 from the Town of Topsham.
- See July 17, 2007 Planning Board minutes.

J. 2007 – Highland Green Subdivision Amendment V Lots 17A-2 and 17A-5

- Final Subdivision approval granted by the Planning Board on August 7, 2007.
- See “Plan of Subdivision Amend V – Lots R2 and R5, drawn by Paul Ruopp and dated August 1, 2007.
- See Town Approval letter dated August 8, 2007.
- Minor revisions to lot lines were completed in this amendment.
- No units were approved at the time.

K. 2007 – Highland Green Subdivision Amendment VI

- Subdivision approval granted by the Planning Board on December 7, 2007.
- See “Plan of Subdivision Amend VI, drawn by Paul Ruopp and dated October 29, 2007.
- Lot R14 was amended.
- Lot R11 was amended.
- Lot R23 was created from R8 and R20.
- Also see plans recorded in Plan Book 36 pages 14-22.

L. 2007 – Highland Green Subdivision Amendment VII – C.R.E.A.

- Final Subdivision approval granted by the Planning Board on December 7, 2007.
- See “Plan of Subdivision Amend VII – Lots E2 / C.R.E.A. Lot, drawn by Paul Ruopp and dated November 20, 2007.

M. 2017 – Highland Green Subdivision Amendment VIII - Lots R17 and G7.

- Final Subdivision approval granted by the Planning Board on February 28, 2017.
- See “Plan of Subdivision Amend VIII – Lots R17 and G7, drawn by Paul Ruopp and dated January 10, 2017. See Book 2017P Pages 33-34
- 8 residential cottages units are proposed to be added to Lot R17 (units 219-226).
- 1.77 acres was taken from lot G-7 and added to Lot R-17.
- Existing Phase 3 units approved = 57 Cottage Units
- Total Phase 3 cottage units = 57 + 8 = 65 Cottage Units.

N. 2018 – Highland Green Nest Apartments Subdivision Amendment IX.

- Final Subdivision approval granted by the Planning Board on March 12, 2108.
- See “Plan of Subdivision Amendment IX dated Jan 18 2108. See S.C.R.D. Book 2018P Pages 26, 27, 28.
- 48 residential apartment units approved in 4 buildings. Eyrie Drive Construction.
- Mountain Road and Canam Extension – “Public Road” approval.
- Highland Maintenance Facility Expansion.
- Highland Green Club House update.
- Highland Green Self Storage Subdivision Approval.

O. 2019 – Highland Green 48 Quarry Cottages & 48 Unit Assisted Living facility - Subdivision Amendment X

- Final Subdivision approval granted by the Planning Board on December 17, 2019.
- See “Plan of Subdivision Amendment X dated October 21, 2019. See S.C.R.D. Book 2020P Pages 5,6,7,8,9.
- 48 residential apartment units approved in one two story building.
- Audubon Way Extension – “Public Road” approval.

Other Relevant Highland Green Information

P. Zoning

The project is located in the Mixed Use Limited Zone (MUL) which includes the areas south of the heath and quarries (321 acres+/-). The areas north of the heath is located in the Rural Residential Zone (R3) and includes Phase 2 and 3 areas mostly (257.2 acres+/-). The resource protection zone (RPZ) is the area within 250’ of the Heath and Cathance River and is about 84 acres+/- . In total, Highland Green is 663 acres in size.

The project is part of a Planned Residential Development (PRD) and Planned Commercial Development (PCD) identifies the areas used in the “Density” calculations. Areas outside the PRD is subject to the MUL Zone standards. The commercial areas to the south are considered “Commercial” and not residential (at this time).

The following criteria is applicable to the PRD and PCD section of the Ordinance:

- Minimum Lot size of 25 acres
Highland Green = 663 acres+/-.
- Net Residential Area of 10,000 s.f. per dwelling unit
Density calculations have been approved as part of the subdivision on April 10, 2001. 955 Dwelling Units are approved.
- Minimum lot width is 75 feet
o.k.
- Maximum lot coverage is 25%
o.k., at full buildout the project is at 4%+/-.
- Maximum building height. No building shall exceed 45' in PRD, PCD=55'
o.k. in PRD, PCD allows additional height for the multi-unit phase to allow 12 unit expansions on 3 floors + the roof structure. Also parking will be provided underground at basement level.
- Minimum building separation of 10'
15 – 30' Typical
- Minimum 50' building setback from perimeter of development parcel
o.k.
- Setback from an internal property line shall be 20 or the height of the building
o.k.
- More than one building is allowed per lot without meeting the theoretical minimum lot size of each building
o.k.
- Minimum building setback of 50 feet to the centerline of a paved travel way or 25 feet to a right of way
o.k.
- Minimum Open space. 1/3 of the gross area of the planned residential development shall be retained as common open space.
Highland Green = Conservation and Golf = 328 acres = 49%
- Planned Residential Developments must consist of at least 50 units of housing
51 units (phase 1A) – constructed.
69 units (phase 2A) – constructed.
12 units (phase 2B) – constructed.
29 units (Phase 2E) – constructed.
65 units (Phase 3) – under construction.
226 Cottage units approved and constructed through phase 3.
- Planned Commercial Developments
48 cottage units – (Phase 4 a-b-c) – Approved
62 Cottage units – (Phase 4 future)
336 Cottage Units proposed through (Phase 4).
48 Assisted Living Units on Audubon – Approved / Proposed
72 Assisted Living Units - Future
60 multi-units, 16 units per building, 4 buildings (Phase 5A). Approved

*112 Future Multi-unit Apartments
58 High Density Units, one or two buildings. (Phase 6). Future
Total Residential Units Proposed = 686 units < 955 dwelling units
approved. Therefore o.k. ✓*

Q. Access:

Village Drive is the parcel's primary access to Highland Green located on the Coastal Connector (Route 196) directly across from Community Drive and the existing Highlands Retirement Community campus. This access location is a signalized intersection and is a "public way". DOT has reviewed the traffic impact analysis and has approved the full project. Copies of permits have been provided.

As discussed at previous meetings, an approved second access (Audubon Way) for the project connects to Tedford Road on the Eastern side of the property. Audubon Way was designed and approved during Phase 2 and follows the existing sewer line extension from Tedford Road. The road currently provides gravel access to Tedford Road and provides construction access for the project. We expect to use this road for construction up through Phases 3 and 4. Once phase 4 construction is nearly completed, we will complete Audubon Way to Town Specifications and offer it for public acceptance at the end of phase 4.

No gates will be installed on this road alignment as previously agreed once it is a public road. However, during construction and project development, gates are installed to restrict access to undeveloped areas by car at night as requested by Law Enforcement. Emergency services has indicated this is acceptable. If required, the fire department can cut the locks and gain access. These gates will be removed after development of each phase is complete at the discretion of the developer. Audubon Way will provide the public, as well emergency vehicles, unrestricted access to the project and will connect to Village Drive and Tedford Road.

A third public access is Mountain Road which connects to Village Drive and Evergreen Circle and has been designed to include the potential connection to Canam Drive. Mountain Road is designed to Public Road Standards. Construction plans were submitted and approved in Phase 1 and will be built to public standards and offered to the Town for acceptance in the future. In 2018 Mountain Road was updated and re-approved. Mountain Road is partially constructed and provides gravel access to the Golf Maintenance facilities and connects to the existing Tower Road and Canam Drive gate on the Western Side of the property. The Tower Road also connects to Eagle Way which is Mt. Ararat's High School Access Road. Canam Drive is privately owned and gated (by others). Mountain Road will be the major access to the multi-unit development (phase 5) above Golf Holes #1 and 2 and does provide emergency connections to the Tower Road and will be a public connection to Canam Drive in the future. We intend to use this road for construction access during the multi-unit construction phase. We will complete Mountain Road, to Town Specification near the end of the construction phase once the road is no longer being used for construction. Once complete, the road will be offered to

the Town of public acceptance. A 15” Gravity Sewer line is provided up to Canam Drive and was built in Phase 1.

Evergreen Circle connects to Mountain Road, Village Drive, Red Poll Drive, and future Phase 4 roads (old Hickory Drive). Evergreen Circle is the major access to the cottage development roads. Evergreen Circle has been designed and built to public standards so it may be turned over as a “public” road in the future. However, the developer has indicated that Evergreen Circle is intended to stay private and has no plans to turn it over at this time. The developer may re-visit this option and offer it to the Town for “public acceptance” in the future.

The proposed and future access locations provide interconnectedness between areas in Town as outlined in the comprehensive plan and suggested in the Topsham Zoning Ordinance.

R. Utilities:

Water Service: The project is serviced by public water provided by the Brunswick/Topsham Water District. Water service extends from an existing 12” water line located in the Coastal Connector (Route 196). When Mountain Road and Audubon is constructed, public water mains will provided up to Canam and Tedford Road.

Sewer Service: The project is serviced by public sewer provided by the Topsham Sewer District. A 15” gravity sewer line was installed from the existing line located in Middlesex and extended approximately 5000’ along Tedford Road to reach the development parcel. Further the developer has agreed to install a 15” public gravity line from Tedford Road to Canam Drive for future extensions possibilities. A 15” line extends along Audubon Way from Tedford Road to Village Drive. A 15” line has been installed along Village Drive up to Mountain Road. A 15” line has been approved on Mountain Road (Phase 1b approval) and will be extended to Canam Drive.

Power, Telephone, and Cable service extends from the existing transmission line bisecting the property. A telephone building area is located at the intersection of the CMP transmission line and Maintenance Way for use by the Telephone Company. The Telephone building has been constructed.

Propane and/or Natural gas lines are designed to service the Golf Course facilities, commercial and residential development pods, and the Town parcels. Natural gas is available. Maine Natural Gas provides gas service for the Highland Green Project.

S. Waiver Requests Granted:

- Waiver Requests Section 175-7B and 191-13 Performance Guarantees.
- Waiver Requests Section 175-9 Additional Lighting Standards
- Waiver Requests Section 175-10 Additional Landscape Standards
- Waiver Requests Section 175-11 Commercial Architectural design standards
- Waiver Requests Section 191-6 Dead End Roads.
- Waiver Requests Section 191-14 Street Design and Pedestrian Ways
- Waiver Requests Section 191-14 Minimum Construction Standards for Streets, Sidewalks, and Utilities.
- Waivers were granted by the Topsham Planning Board on January 17, 2006.
- Refer to meeting minutes dated January 17, 2006 for detail.
- See Plan of Subdivision Amend IV Lots R12, R13, R16, and R17 by Paul Ruopp dated March 3, 2006.
- See Town of Topsham letter dated January 23, 2006 related to the preliminary master plan approval.

T. Highland Green Preliminary Master Plan Approval

- At its January 17, 2006 meeting, the Topsham Planning Board reviewed the submission of a preliminary master plan for Highland Green. The Board approved the preliminary plans with the following conditions.
 1. No work shall be done in any phase without final approval having been granted by the Planning Board.
 2. This Master Plan preliminary approval may be amended as future phases are brought to final review.
- Refer to the Town of Topsham Approval letter dated January 23, 2006.
- Refer to Sitelines letter regarding Highland Green Master Plan Remaining Phases dated December 19, 2005.
- Refer to LUC letter regarding Highland Green Master Plan Environmental Permitting Statement dated December 20, 2005.

**TRAFFIC IMPACT STUDY
HIGHLAND GREEN
Topsham, Maine**

November 28, 2017

Prepared for:

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Introduction

The purpose of this report is to summarize the traffic impacts associated with the currently proposed development at Highland Green in Topsham, Maine. Highland Green was originally granted a Traffic Movement Permit (TMP) from the Maine Department of Transportation (MaineDOT) in October of 2000. This permit was issued for:

210 Retirement Cottages
180,000 S.F. of Office Space
9-Hole Golf Course
A Recreational Facility
100-Room Hotel
200 Units of Assisted Care Housing
72 Apartment Units

The TMP for the above development was issued for 501 weekday AM peak hour trips and 601 weekday PM peak hour trips. A copy of the TMP is included in the appendix of this report for informational purposes. Access to Highland Green is currently provided by the signalized intersection of Route 196 (Bypass Drive), providing access to development on the northerly side via Village Drive. The overall site is shown on the map in Figure 1.

In terms of existing development, it is understood that the following has been built and occupied in Highland Green to date:

226 Senior Retirement Cottages
9-Hole Golf Course with Associated Club House & Restaurant
Cathance River Education Alliance (CREA) Ecology Center
MaineDOT Maintenance Facility
Town of Topsham Public Works Facility

The currently proposed new residential development includes 120 senior apartments, 126 senior cottage units and 56-units of assisted living facility. In addition, the proposed development includes a new roadway connection. Mountain Road, which is currently a gravel roadway, is proposed to be paved, providing connection to Canam Drive. Construction is expected to begin as soon as permits are issued with completion and occupancy over a five-year period. As such, 2022 was used as the study year for traffic analysis purposes.

Existing Trip Generation

The number of trips currently generated by Highland Green was estimated using the most recent Institute of Transportation Engineers (ITE) “Trip Generation, 9th Edition” report. The 7th edition is currently being used by MaineDOT for traffic permitting purposes, but because rates are higher in the 9th edition for senior living facilities, the 9th Edition was utilized to be conservative. For the senior retirement cottages, land use codes (LUC) 251 – Senior Adult Housing – Detached and 252 – Senior Adult Housing – Attached were used on the basis of 226 dwelling units. To be conservative, the higher of the two rates was used for each time period. The golf course and associated club house was estimated using LUC 430 – Golf Course on the basis of 9 holes. The CREA Ecology Center was estimated using LUC 495 – Recreational Community Center on the basis of 2,000 S.F. The MaineDOT and Town of Topsham facilities were estimated with an actual count, as ITE does not have rates for maintenance facilities of this type. The results for the existing development are summarized in the table:

<u>Time Period</u>	Existing Trip Generation (One-Way Trip-Ends)				
	<u>Senior Cottages</u>	<u>Golf Course</u>	<u>Ecology Center</u>	<u>Measured Facilities</u>	<u>Total</u>
Weekday	832	322	68	---	1,222
AM Peak Hour – Adjacent St.	50	19	4	---	73
Entering	18	15	3	---	36
Exiting	32	4	1	---	37
AM Peak Hour – Generator	88	26	6	---	120
Entering	40	14	3	---	57
Exiting	48	12	3	---	63
PM Peak Hour – Adjacent St.	61	27	6	13	107
Entering	37	14	3	9	63
Exiting	24	13	3	4	44
PM Peak Hour – Generator	79	32	7	24	142
Entering	43	14	3	7	67
Exiting	36	18	4	14	72

As can be seen above, the existing development in Highland Green is generating 120 AM peak hour trips and 142 PM peak hour trips based upon a combination of ITE and field measured data for the Town and MaineDOT facilities. It is also important to note that the land use code used for the CREA Ecology Center is not a perfect representation for the facility. Given the results of a maximum 7 PM peak hour trips, this is deemed adequate given that the center provides approximately 8 parking spaces. The number of trips measured entering and exiting Highland Green during the PM peak hours was compared to the ITE estimates as follows:

Existing Trip Generation Comparison		
<u>Time Period</u>	<u>ITE Projected Trips</u>	<u>Actual Measured Trips</u>
PM Peak Hour – Adjacent St.	107	119
Entering	63	64
Exiting	44	55
PM Peak Hour – Generator	142	126
Entering	67	65
Exiting	72	61

As can be seen above, the ITE projections were slightly under the actual trips for the PM peak hour of the adjacent street system, which occurred from 3:30 to 4:30 PM. During the peak hour of the generator (3:00 to 4:00 PM) the ITE estimates were high, 142 projected versus 126 actual. To be conservative, the peak hour of the generator trips will be applied to the peak hour of the adjacent street since, based on the turning movement count, the time periods occur in close proximity. Given that the generator estimates are 13 % higher than the measured trips this will be a conservative approach to the traffic analysis.

Projected Trip Generation

The number of trips which will be generated by the currently proposed development was also estimated using the Institute of Transportation Engineers (ITE) “Trip Generation, 9th Edition” report. For the senior apartments and cottages, land use codes (LUC) 251 – Senior Adult Housing – Detached and 252 – Senior Adult Housing – Attached were used on the basis of 246 total dwelling units. Again, to be conservative, the higher of the two rates was used for each time period. The assisted living facility trips were estimated using LUC 254 – Assisted Living on the basis of 56 occupied beds. The results are summarized below:

Projected Trip Generation (One-Way Trip-Ends)			
<u>Time Period</u>	<u>Senior Residential</u>	<u>Assisted Living</u>	<u>Total Trips</u>
Weekday	906	154	1,060
AM Peak Hour – Adjacent St.	54	10	64
Entering	19	7	26
Exiting	35	3	38
AM Peak Hour – Generator	96	13	109
Entering	44	9	53
Exiting	52	4	56

<u>Time Period</u>	<u>Senior Residential</u>	<u>Assisted Living</u>	<u>Total Trips</u>
PM Peak Hour – Adjacent St.	67	16	83
Entering	41	8	49
Exiting	26	8	34
PM Peak Hour – Generator	86	21	107
Entering	47	8	55
Exiting	39	13	52

As can be seen in the preceding table, the new Highland Green assisted living, apartments and cottage units are expected to generate 109 new one-way trips during their AM peak hour and 107 trips during the PM peak hour. Given the results of the trip generation, previous AM and PM counts, and based upon the adjacent street volumes which are generally significantly higher in the PM peak hour, the PM peak hour was selected as the analysis period.

Traffic Volumes

A turning movement/classification count was conducted by Maine Traffic Resources at the signalized intersection of Route 196, Community Way and Village Drive during the PM peak hour period. The count was conducted on June 14, 2017 and the peak hour for the intersection occurred from 3:30 to 4:30 PM. The count record is included in the appendix. No factoring of the count was necessary to obtain 30th highest hour volumes, volumes typically used for design and traffic analysis purposes since the count was conducted in mid-June, which is considered representative of peak summer volumes, based upon MaineDOT factors. These existing peak summer volumes are shown in Figure 2. The resulting trip assignments for the new residential development, shown in Figure 3, were based on the traffic patterns of the Highland Green, recorded during the turning movement count. All of the trips are assumed to be primary or new.

Existing average annual daily traffic (AADT) data for the vicinity of the site accesses was obtained from "Traffic Volume Counts, 2016, 2014, 2009 and 2006 Annual Reports", published by MaineDOT. This data is summarized below:

<u>Location</u>	Average Annual Daily Traffic			
	<u>2005</u>	<u>2010</u>	<u>2012</u>	<u>2013</u>
Route 196, E/O Route 201	19,040	17,800	17,930	17,890
Route 196, SE/O Community Way	---	---	16,970	---
Village Drive, NE/O Route 196	---	---	1,230	---
Community Way, SW/O Route 196	---	---	600	---

Based upon the above historical data, Route 196 in the vicinity of Highland Green has decreased during the long-term period from 2005 to 2013. During the most recent short-term period, from 2010 to 2013, less than ½ % annual growth was demonstrated. Therefore, a ½ % annual growth rate was used to project the existing 2017 volumes to 2022 conditions.

Other development projects, which have been approved but not yet constructed or are pending approval, need to be considered in the traffic analysis. There are 20 senior housing cottage units in Highland Green that were previously approved, which are nearing construction. Those trips were estimated using the same methodologies for senior housing as detailed previously, totaling 7 PM peak hour trips, 4 entering and 3 exiting. The Town of Topsham Planner was also contacted to see if there were any other development projects that would impact traffic volumes on Route 196. The only other project identified was the new Mt. Ararat High School. The Traffic Impact Study was obtained from Gorrill Palmer, which demonstrated a decrease in student population, and therefore no increase in trips. The 2022 no-build volumes are shown in Figure 4. The projected 2017 build volumes, with the currently proposed residential development of Highland Green fully occupied, are shown in Figure 5 for the PM peak hour analysis period.

Traffic Analysis

Traffic operations are evaluated in terms of level of service (LOS). Level of service is a qualitative measure that describes operations by letter designation. The levels range from A - very little delay to F - extreme delays. Level of service "D" is generally considered acceptable in urban locations while LOS "E" is generally considered the capacity of a facility and the minimum tolerable level. The level of service for signalized intersections is based upon the average control or signal delay per vehicle. These criteria are defined in the following table excerpted from the 2010 "Highway Capacity Manual":

Signalized Intersection Level of Service

<u>LOS</u>	<u>Delay Range</u>
A	<= 10.0 seconds
B	> 10.0 and <= 20.0
C	> 20.0 and <= 35.0
D	> 35.0 and <= 55.0
E	> 55.0 and <= 80.0
F	> 80.0

Signalized Intersection Analysis

The level of service was calculated using both Synchro 9 and SimTraffic 9 for the signalized intersection of Route 196, Community Way and Village Drive for existing 2017 conditions and projected 2022 volumes, with and without the proposed additional Highland Green development. The results for the PM peak hour are included in the appendix and are summarized in the following tables with the level of service followed by the delay, in seconds:

**Route 196, Community Way and Village Drive
Synchro PM Peak Hour Levels of Service**

<u>Approach/Movement</u>	2017	2022	2022
	<u>Existing</u>	<u>No-Build</u>	<u>Build</u>
Eastbound Route 196 Lefts	E (75.3)	E (76.6)	E (67.7)
Eastbound Route 196 Throughs	A (4.5)	A (4.7)	A (5.7)
Eastbound Route 196 Rights	A (2.5)	A (2.5)	A (3.1)
Eastbound Route 196 Overall	A (8.0)	A (8.4)	B (11.3)
Westbound Route 196 Lefts	E (75.4)	E (75.4)	E (75.4)
Westbound Route 196 Throughs	B (17.0)	B (19.2)	C (30.9)
Westbound Route 196 Rights	A (3.1)	A (3.1)	A (4.7)
Westbound Route 196 Overall	B (17.2)	B (19.3)	C (30.4)
Northbound Community Lefts/Throughs	E (59.5)	E (59.4)	E (56.2)
Northbound Community Rights	A (0.0)	A (0.0)	A (0.0)
Northbound Community Overall	E (59.5)	E (59.4)	E (56.2)
Southbound Village Dr Lefts/Throughs	E (59.8)	E (59.8)	E (59.1)
Southbound Village Dr. Rights	A (0.0)	A (0.0)	A (0.0)
Southbound Village Dr. Overall	E (59.8)	E (59.8)	E (59.1)
Overall Intersection	B (14.9)	B (16.3)	C (24.2)

As seen above, the signalized intersection of Route 196, Village Drive and Community Way is currently operating at LOS “B” overall during the PM peak hour based upon Synchro. Both lefts from Route 196 and lefts/throughs from Village Drive and Community Way are operating at LOS “E” under peak summer conditions. This is desirable to allow the much higher Route 196 volumes to operate at good levels of service. Under build conditions in 2022, the intersection will operate at LOS “C” overall, demonstrating no capacity concerns, with the minor side street left turn movements still at LOS “E”.

**Route 196, Community Way and Village Drive
SimTraffic PM Peak Hour Levels of Service**

<u>Approach/Movement</u>	2017	2022	2022
	<u>Existing</u>	<u>No-Build</u>	<u>Build</u>
Eastbound Route 196 Lefts	D (46.4)	D (48.2)	D (53.2)
Eastbound Route 196 Throughs	A (6.4)	A (6.4)	A (7.2)
Eastbound Route 196 Rights	A (0.8)	A (0.8)	A (0.9)
Eastbound Route 196 Overall	A (8.1)	A (8.3)	B (11.0)
Westbound Route 196 Lefts	D (40.9)	E (56.5)	E (56.4)
Westbound Route 196 Throughs	B (13.1)	B (13.9)	C (22.9)
Westbound Route 196 Rights	A (2.1)	A (2.3)	A (2.3)
Westbound Route 196 Overall	B (13.2)	B (14.0)	C (22.5)

<u>Approach/Movement</u>	2017 <u>Existing</u>	2022 <u>No-Build</u>	2022 <u>Build</u>
Northbound Community Lefts/Throughs	D (48.0)	D (51.5)	E (63.5)
Northbound Community Rights	A (0.1)	A (0.3)	A (0.2)
Northbound Community Overall	C (34.3)	C (34.9)	D (44.9)
Southbound Village Dr. Lefts/Throughs	D (51.7)	D (52.0)	E (57.0)
Southbound Village Dr. Rights	A (0.6)	A (0.6)	A (0.7)
Southbound Village Dr. Overall	B (19.3)	B (18.7)	B (20.0)
Overall Intersection	B (18.1)	B (19.2)	B (18.3)

As shown above, SimTraffic generally demonstrates similar results as Synchro with the intersection operating at LOS “B” overall during the PM peak hour period. Left-turn movements are operating at a better LOS “D” and LOS “E” according to SimTraffic. Under 2022 build conditions, the intersection is also projected to remain operating at LOS “B” overall. As would be expected, left-turns out of Village Drive fall to an “E” due to the greater exiting volume under full build conditions. Again, no timing changes would be recommended to maintain the higher LOS on the mainline.

It is the opinion of Maine Traffic Resources that neither software program is a perfect model and actual operations are likely of that between what is reported by both SimTraffic and Synchro. However, in this case the two results are quite similar giving greater confidence in the results. Given that the currently proposed expansion of Highland Green is demonstrating no significant impact on intersection operations, there are no recommendations for improvement.

Cut-Through Traffic Potential

With the proposed future public connection from Mountain Road to Canam Drive, and the planned paving of Mountain Road, there is a potential for cut-through traffic. It is understood that this is a question that was asked by Town Staff. The possibility for cut-through traffic was examined based on Google Maps travel times and distances for the following routes:

<u>Travel Direction</u>	<u>Distance</u>	<u>Average Time</u>
Canam Dr to/from Village Dr via Route 201 & 196	0.9 miles	2 minutes
Canam Dr to/from Village Dr via Cut-Through Route	1.7 miles	6 minutes
Republic Ave (Mr. Ararat Middle) to/from Route 196	1.3 miles	3 minutes
Republic Ave to/from Cut-Through Route	1.3 miles	5 minutes
Evergreen Circle to/from Canam Drive via Route 201 & 196	1.6 miles	3 minutes
Evergreen Circle to/from Canam Drive via Cut-Through	1.0 mile	4 minutes

Maine Traffic Resources also drove portions of the routes to verify the above reported times and got similar results. The first cut-through route example is if travelers headed westbound on Route 196, destined for Route 201 north and vice versa, would cut-through Highland Green and Canam Drive. Given that Google provides a 4 minute difference between the known route and the cut-through route, it is highly unlikely this scenario will occur. Many studies have shown that people will drive the shortest time and most direct route and would be unlikely to veer off the higher speed Route 201 and Route 196 to cut-through this neighborhood given that the trip will take longer and given that three turns would be required versus one.

In addition, cut-through routes are generally straight and fairly apparent to users on the main roads. The Mountain Road and Canam Drive connection would not appear to a driver traveling along Route 196 or Route 201. Cut-through routes are generally direct and not circuitous as Village Drive, Mountain Road and Canam Drive would be.

However, Highland Green residents and school traffic would potentially have knowledge of the connection. The second and third sets of runs in the previous table represent these possibilities. Again though, travelers from Mt. Ararat Middle School are provided with a longer route in terms of time by using the cut-through route. Highland Green residents would also be provided with a longer travel time. It is possible, during the peak school dismissal period, or the peak of Highland Green, that a few trips would consider the cut-through option. If this were the case, peak hour trips from Canam Drive would not be added to the peak of Highland Green and vice versa, thus not having significant impact in terms of capacity.

The PM peak hour for Canam Drive occurred from 1:40 to 2:40 PM based on the Traffic Impact Study for the new school by Gorrill Palmer. The peak hour of Highland Green occurred from 3:00 to 4:00 PM. The peak hour for the intersection of Village Drive and Route 196 occurs from 3:30 to 4:30 PM. Therefore, the addition of some cut-through traffic to either intersection would not have significant impact during either peak hour. Additionally, based on the study by Gorrill Palmer, Canam Drive is currently operating at a good LOS "A" during the PM dismissal period and at LOS "B" during the AM drop-off period. Therefore, some additional cut-through trips would not be expected to worsen the level of service to an undesirable level during any period and operations would not be poor enough to encourage existing school trips to seek alternate routes.

It is also important to note that Canam Drive already provides current methods to deter the cut-through traffic. The intersection of Canam Drive and Republic Avenue is an all-way stop. Additionally, it is posted at 25 miles per hour until just past the middle school before the tennis courts, while the later residential portion is posted at just 15 miles per hour. There is also a 15 mile per hour speed zone posting for the school, when students are present.

Given the reasons detailed above, it is the professional opinion of Maine Traffic Resources that extensive cut-through traffic is not anticipated. However, the existing roadway system has adequate capacity to accept the few cut-through trips that may occur.

Highland Green intends to provide traffic calming along Mountain Road to further discourage cut-through traffic. Mountain Road is being designed as a 22 foot wide roadway based upon a projected daily traffic volume under 1,000 vehicles. Additionally, a 90-degree turn will be required off/on Canam Drive Extension, which will require slowing. Additionally, a speed table will be installed at the golf cart crossing, mid-way between Canam Drive Extension and Village Drive to slow traffic in the vicinity of Eyrie Drive to discourage cut-through traffic.

It is understood that the Village Drive, the main Highland Green entrance road from Route 196, which is 32 feet in width, will be restriped to narrow the travel lanes to 11 feet and provide a marked 5 foot wide bike lane. The narrower lanes should reduce existing speeds on this roadway. Once this restriping occurs, Highland Green requests that the Town of Topsham ask MaineDOT to perform a speed zone study and post an appropriate speed limit on Village Drive as well as Mountain Road after it is constructed.

Safety Analysis

Accident Review

The Maine Department of Transportation uses two criteria to determine high crash locations (HCLs). The first is the critical rate factor (CRF), which is a measure of the accident rate. A CRF greater than one indicates a location which has a higher than expected accident rate. The expected rate is calculated as a statewide average of similar facilities.

The second criterion, which must also be met, is based upon the number of accidents that occur at a particular location. Eight or more accidents must also occur over the three-year study period for the location to be considered a high crash location. Accident data was obtained from MaineDOT for Route 196 (Bypass Drive) within the vicinity of Highland Green for the most recent three-year period, 2014 to 2016. This data is summarized by location in the following table:

<u>Route 196 Location Description</u>	<u># of Acc.</u>	<u>CRF</u>
Intersection of Bypass Road	9	0.31
Between Bypass Road and 0.64 miles northwest	16	0.42
Between Community Way and Village Drive and 0.13 miles east	5	0.80
Intersection of Community Way and Village Drive	12	0.47
Between Community Way and Village Drive and 0.13 miles west	3	0.46
Between 0.13 miles west of Village Drive and 0.12 miles east of Main Street	2	0.10
Between Main Street and 0.12 miles east of Main Street	3	0.49
Intersection of Main Street	32	0.83

As seen in the preceding table, there are no high crash locations, or locations approaching the high crash criteria, within the vicinity of Highland Green on Route 196. As a result, no additional accident review or evaluation is necessary.

Driveway Sight Distance

One of the most important safety factors to consider for a project is sight distance from the access drives. This sight distance is measured ten feet back from the edge of travel way at a driver's eye height of 3.5 feet to an object height of 4.25 feet. Any proposed access drive to Mountain Road, such as Eyrie Drive, or drives serving residential units should provide adequate sight distances to meet the town standard for 25 mph speed limits, 175 feet minimum with 250 feet preferred, as well as any other new access intersection. Additionally, no landscaping or signage should be located in the sight triangle of any access intersection which could obscure or limit sight distance in the future.

SUMMARY

To summarize, the currently proposed Highland Green residential expansion, which consists of 120 senior apartments, 126 senior cottages and 56-units of assisted living, is expected to generate 109 new one-way trips during the AM peak hour and 107 trips during the PM peak hour period. The number of trips currently being generated by Highland Green was also estimated using the most recent "Trip Generation, 9th Edition" report. According to ITE, Highland Green is currently generating 120 AM and 142 PM peak hour trips. PM peak hour counts found actual trips to be similar to the ITE results, verifying that ITE is appropriate for Highland Green. The overall Highland Green development was permitted by the Maine Department of Transportation (MaineDOT) in 2000 for 501 AM peak hour trips and 601 PM peak hour trips. Since total trip generation, based on ITE, with existing and projected development does not approach the permitted trip levels, a Traffic Movement Permit Modification should not be required from MaineDOT.

In terms of capacity, both Synchro 9 and SimTraffic were utilized to evaluate the signalized intersection of Route 196, Village Drive and Community Way during the PM peak hour period. Both models demonstrated that the intersection will operate at LOS "C" overall during the PM peak hour under peak summer 2022 build conditions. Synchro shows that left-turn movements both from Route 196 and the side streets will operate at LOS "E" under build conditions, which is desirable to maintain better levels of service for the much higher Route 196 volumes. SimTraffic demonstrates some left-turns at LOS "E" and others at LOS "D". It is the opinion of Maine Traffic Resources that neither model is a perfect representation and that actual field conditions will fall somewhere between the two outputs.

Given the proposed public connection from Mountain Road to Canam Drive, cut-through traffic potential was examined. Based on travel time information from Google Maps, field travel time runs, and general information about the average driver, MTR does not expect significant cut-through traffic to occur through this connection. Minimal cut-through traffic may occur by residents of Highland Green destined to/from Route 201 north or people at Mt. Ararat Middle School, given their probable knowledge of the connection. Given that the peak hours of these two facilities do not occur simultaneously, there would be no capacity concerns at either the intersection of Route 201 and Canam Drive or the intersection of Route 196 and Village Drive.

In general, it is assumed most traffic would be discouraged by the cut-through route given the existing all-way stop at Republic Avenue as well as the posted speed limit of 15 miles per hour in sections. Further, Mountain Road will be 22 feet in width with a 90-degree turn required to/from Canam Drive Extensions. A speed table is proposed to be located at the golf cart crossing, mid-way between Canam and Village Drives, to calm speeds and further discourage cut-through traffic. Additionally, Village Drive will be restriped to provide narrower 11 foot travel lanes and 5 foot wide bike lanes to reduce speeds.

In terms of safety, no high crash locations were identified in the vicinity of Highland Green. It is important that the new access drives and intersections be designed to obtain sight distance to meet the town standard of 175 feet minimum, with 250 feet preferred, for the 25 mile per hour area speed limit.

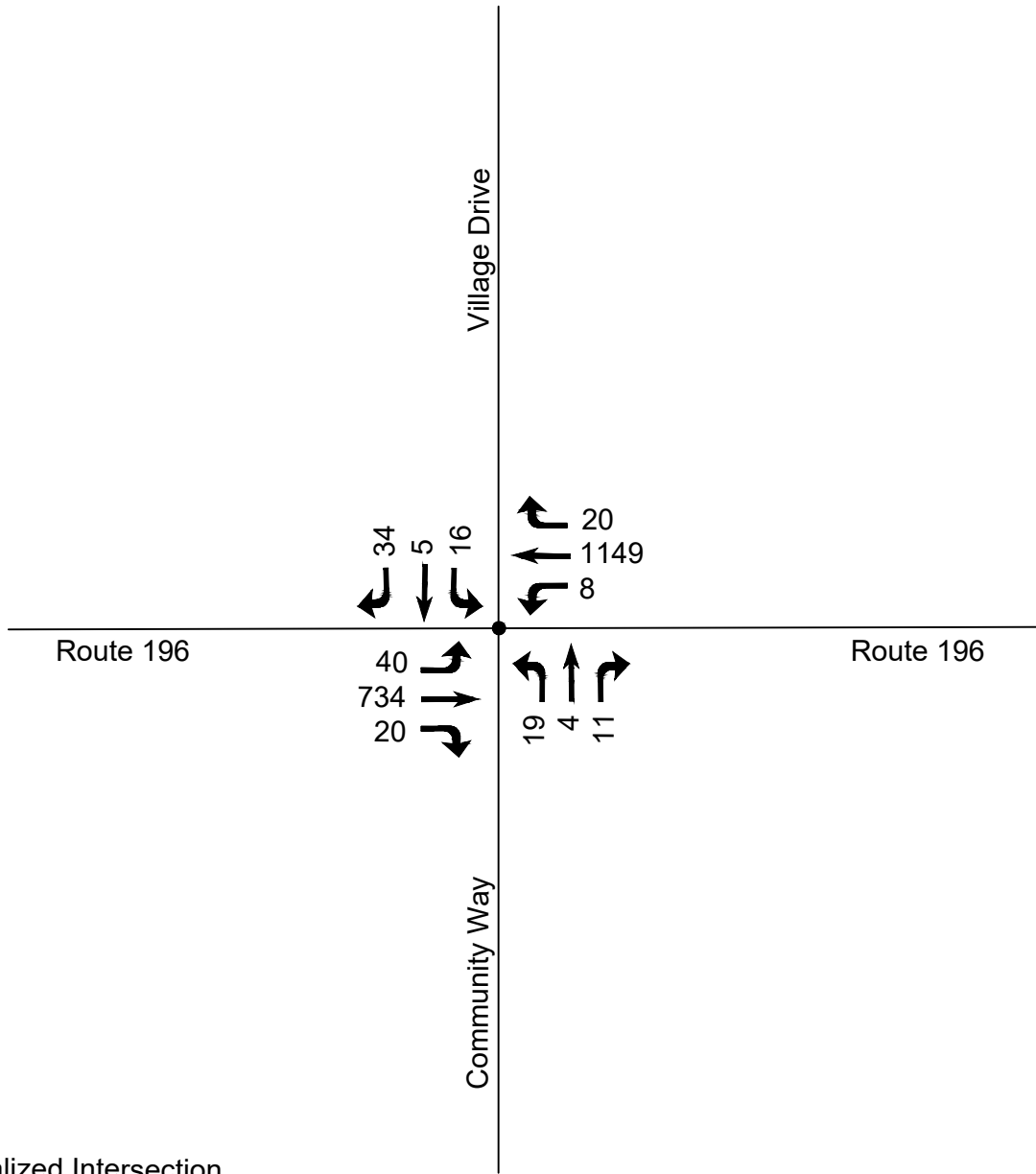


Figure 1
Site Location Map
Highland Green
Topsham, Maine


 Maine
 Traffic
 Resources
 25 Vine Street
 Gardiner, ME
 04345
 tel: (207) 582-5252
 fax: (207) 582-1677



Not To Scale



● Signalized Intersection

Figure 2

2017 Existing PM Peak Hour Volumes

Highland Green

Topsham, Maine

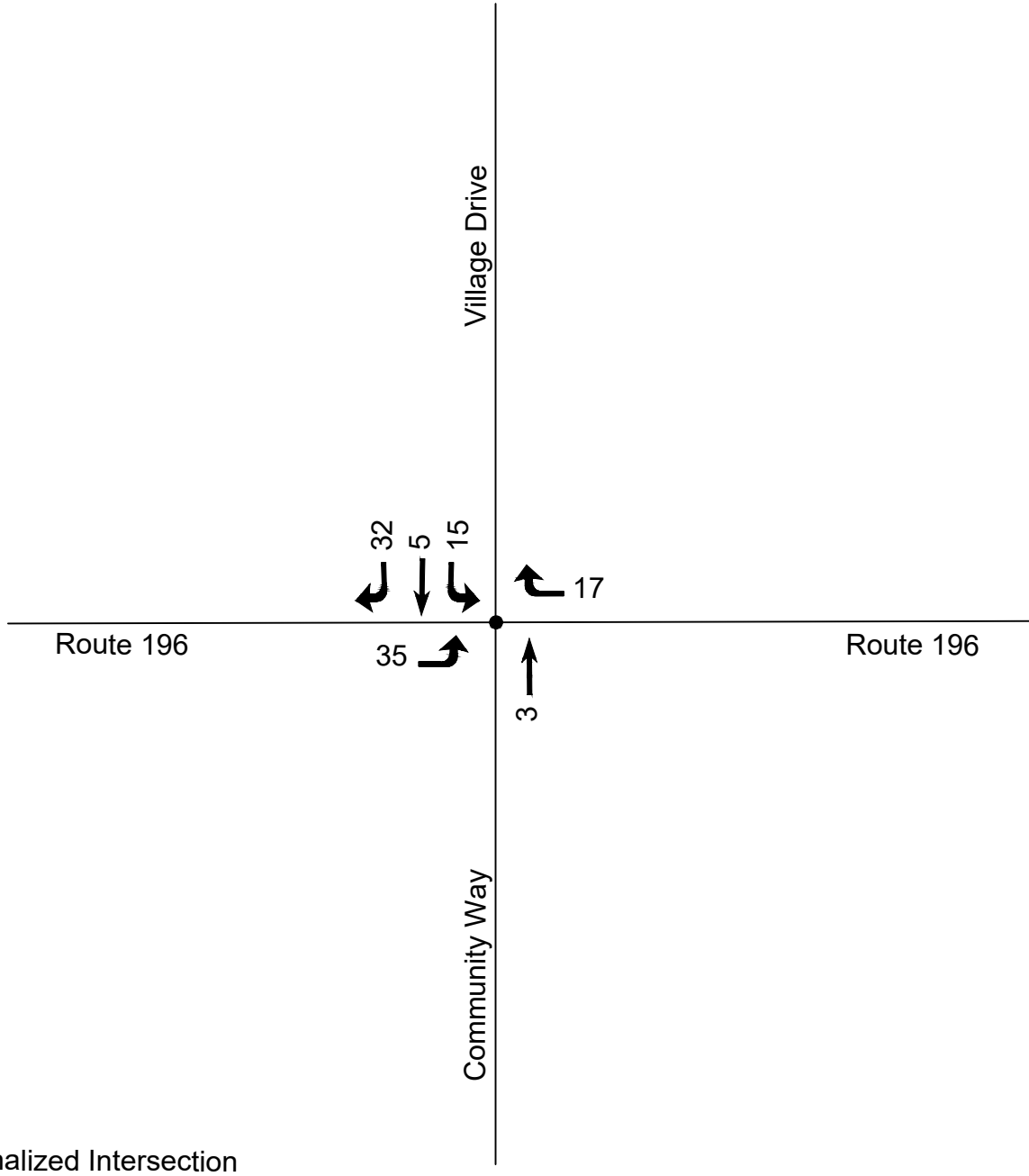
Maine
Traffic
Resources

25 Vine Street
Gardiner, ME
04345
tel: (207) 582-5252
fax: (207) 582-1677



Not To Scale

XX = 107 PM Trips
55 Entering
52 Exiting



● Signalized Intersection

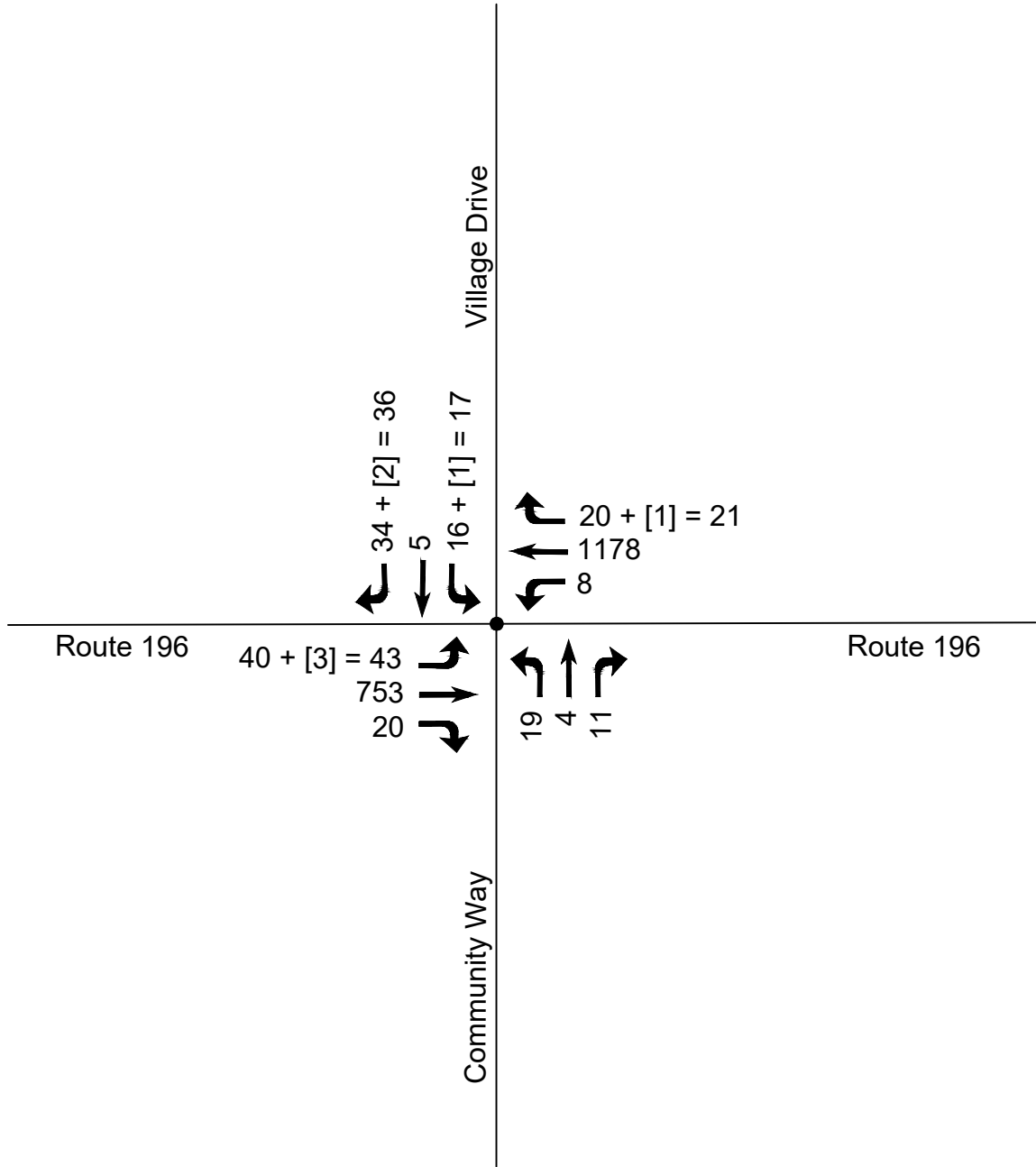
Figure 3

PM Peak Hour Trips Assignments
Highland Green
Topsham, Maine

Maine Traffic Resources	25 Vine Street
	Gardiner, ME
	04345
	tel: (207) 582-5252
	fax: (207) 582-1677



[XX] = Approved & Unbuilt Cottages
 7 Trips
 4 Entering
 3 Exiting



● Signalized Intersection

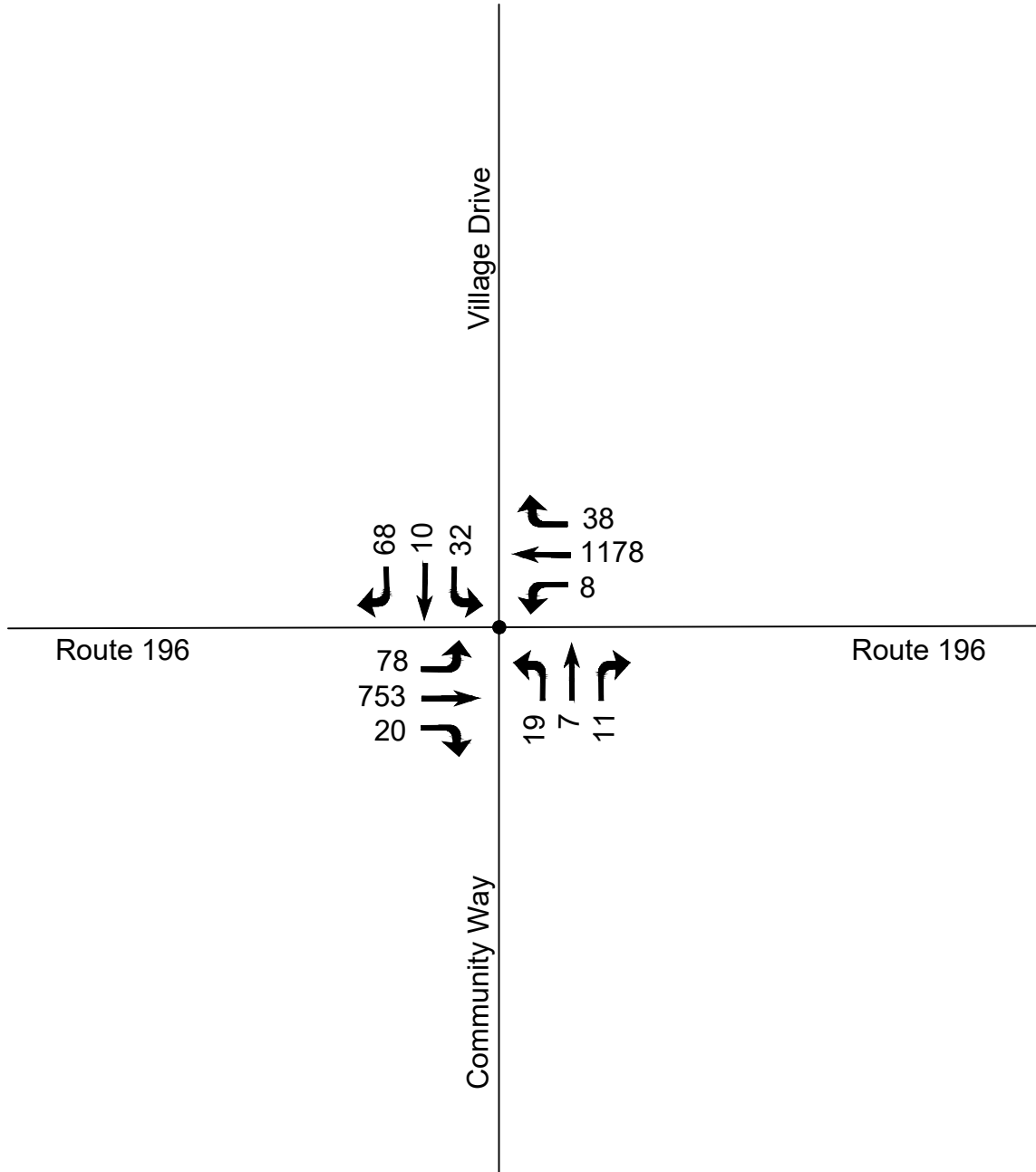
Figure 4
2022 No-Build Peak Hour Volumes
Highland Green
Topsham, Maine

Maine
 Traffic
 Resources

25 Vine Street
 Gardiner, ME
 04345
 tel: (207) 582-5252
 fax: (207) 582-1677



Not To Scale



● Signalized Intersection

Figure 5

2022 Build Peak Hour Volumes

Highland Green

Topsham, Maine

**Maine
Traffic
Resources**

25 Vine Street
Gardiner, ME
04345
tel: (207) 582-5252
fax: (207) 582-1677

APPENDIX

Highland Green Traffic Movement Permit

Turning Movement Count

Capacity Analysis

Accident Data



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0016

ANGUS S. KING, JR.
GOVERNOR

JOHN G. MELROSE
COMMISSIONER

Developer: Central Topsam Associates L.L.C.
Location: Coastal Connector/Route 196, Topsham
Project: Highland Estates North
Identification Number: Div. 05-00004-A-N

Central Topsam Associates L.L.C. is seeking a Traffic Movement Permit for the development of 210 retirement cottages, 180,000 square feet of Commercial office space, a 9 hole golf course, a recreational facility, a 100 room hotel, 200 units of assisted care housing and 72 apartment units. The proposed development would be located on an approximately 450 acre parcel located on the north side of Route 196. It is anticipated that the development would generate 501 weekday AM peak hour trips, and 601 weekday PM peak hour trips. The facts are otherwise as represented in Div. 05-00004-A-N.

Based on findings of fact, the Department approves the Traffic Movement Permit application of the Central Topsam Associates L.L.C., subject to the following conditions:

Traffic Impacts and Mitigation Required of the Developer

Traffic Signal at Coastal Connector/Route 196 and Entrance to Highlands North/South

The permittee must install a fully actuated traffic signal at this intersection. Signal heads shall be mounted on mast arms. Traffic signal shall be designed by the permittee and plans submitted to MDOT for approval. MDOT will require the timing of this signal to give priority to the high volume coastal connector approaches. Permittee shall include overhead lane use signing on mast arms lane use pavement markings. Signal heads shall have backplates to reduce sunlight interference. The Permittee shall have legal and binding maintenance agreement with the Town of Topsham.

Traffic signal Modification at Rte 201 and 196

The permittee shall make modifications to this existing signal to provide dual left turn lanes for the Rte 201 northbound approach. The permittee shall contact MDOT's Traffic Engineering section for signal equipment specifications prior to making this modification.

Retiming of Interconnected signal system

The permittee shall retime the interconnected traffic signal system on the Coastal Connector/Route 196, from Route 201 to the Topsham Fair Mall entrance in accordance with the consultants best Corsim run.



MAINE DEPARTMENT OF TRANSPORTATION

THE MAINE DEPARTMENT OF TRANSPORTATION IS AN AFFIRMATIVE ACTION - EQUAL OPPORTUNITY EMPLOYER

Widening of the Coastal Connector/ Turning Lanes

The permittee shall widen the Coastal Connector in the vicinity of Highlands entrances to provide for the following:

- 200 foot left turn lane eastbound
- 200 foot left turn lane westbound
- 200 foot right turn deceleration lane eastbound
- 200 foot right turn deceleration lane westbound
- 800 foot acceleration lane eastbound
- 800 foot acceleration lane westbound
- Appropriate transitions into and out of these lanes
- 6 foot paved shoulder throughout widened section

Traffic Island in Highlands North Entrance

The island in this entrance shall be extended to within 6 feet of edge of paved shoulder.

Because the proposed project abuts the State's Highway System and requires improvement to that system, the permittee must obtain approval of the design plans and coordinate work through M.D.O.T.'s Director of the Bureau of Project Development, who can be reached at (207)-237-2055 in Augusta.

By: Bruce Ibarquen
Bruce Ibarquen
State Traffic Engineer

Date: 10-10-08

Maine Traffic Resources
25 Vine Street
Gardiner, ME 04345
mainetrafficresources.com

Title: Rt 196, Village Dr, Community Way
 Town: Topsham, Maine
 Counter: NLS
 Weather: Sunny

File Name : TopshamRt196VillageDrPM
 Site Code : 00000000
 Start Date : 6/14/2017
 Page No : 1

Groups Printed- Passenger Vehicles - Light Trucks - Heavy Trucks























Start Time	Village Drive From North					Route 196 (Bypass Dr) From East					Community Way From South					Route 196 (Bypass Dr) From West					Int. Total	Highland Green Trips
	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total		
02:45 PM	9	0	2	1	12	2	193	5	0	200	2	1	4	1	8	11	169	9	0	189	409	24
Total	9	0	2	1	12	2	193	5	0	200	2	1	4	1	8	11	169	9	0	189	409	
03:00 PM	16	0	5	0	21	2	239	3	0	244	3	1	5	0	9	5	173	8	0	186	460	32
03:15 PM	7	0	3	0	10	1	261	4	0	266	5	0	8	0	13	9	190	10	0	209	498	21
03:30 PM	13	1	6	0	20	7	253	2	0	262	2	0	5	0	7	6	192	11	0	209	498	38
03:45 PM	8	3	3	0	14	6	296	1	0	303	6	1	4	0	11	6	165	14	0	185	513	35
Total	44	4	17	0	65	16	1049	10	0	1075	16	2	22	0	40	26	720	43	0	789	1969	
04:00 PM	4	1	2	0	7	4	280	3	0	287	2	0	4	0	6	4	181	9	0	194	494	20
04:15 PM	9	0	5	0	14	3	320	2	0	325	1	3	6	0	10	4	196	6	0	206	555	26
04:30 PM	18	1	5	0	24	5	237	2	0	244	7	0	9	0	16	3	193	14	0	210	494	43
04:45 PM	3	1	2	0	6	3	246	3	0	252	5	0	3	0	8	1	223	5	0	229	495	14
Total	34	3	14	0	51	15	1083	10	0	1108	15	3	22	0	40	12	793	34	0	839	2038	
05:00 PM	10	0	3	0	13	6	229	1	0	236	0	0	5	0	5	8	186	4	0	198	452	23
05:15 PM	5	1	0	1	7	5	233	2	0	240	2	0	3	0	5	1	176	4	0	181	433	16
05:30 PM	6	0	4	0	10	3	176	0	0	179	1	0	6	0	7	3	191	4	0	198	394	17
Grand Total	108	8	40	2	158	47	2963	28	0	3038	36	6	62	1	105	61	2235	98	0	2394	5695	
Apprch %	68.4	5.1	25.3	1.3		1.5	97.5	0.9	0.0		34.3	5.7	59.0	1.0		2.5	93.4	4.1	0.0			
Total %	1.9	0.1	0.7	0.0	2.8	0.8	52.0	0.5	0.0	53.3	0.6	0.1	1.1	0.0	1.8	1.1	39.2	1.7	0.0	42.0		

Start Time	Village Drive From North					Route 196 (Bypass Dr) From East					Community Way From South					Route 196 (Bypass Dr) From West					Int. Total
	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	
Peak Hour From 02:45 PM to 05:30 PM - Peak 1 of 1																					
Intersecti on	03:30 PM					04:15 PM					03:45 PM					03:30 PM					
Volume	34	5	16	0	55	20	1149	8	0	1177	11	4	19	0	34	20	734	40	0	794	2060
Percent	61.8	9.1	29.1	0.0		1.7	97.6	0.7	0.0		32.4	11.8	55.9	0.0		2.5	92.4	5.0	0.0		
04:15 Volume	9	0	5	0	14	3	320	2	0	325	1	3	6	0	10	4	196	6	0	206	555
Peak Factor																					0.928
High Int. Volume	13	1	6	0	20	3	320	2	0	325	6	1	4	0	11	6	192	11	0	209	
Peak Factor	0.68					0.90					0.77					0.95					0

Route 196: Group I - 0.88/0.88 = 1.00
 No Factor Necessary

Lanes, Volumes, Timings
3: Community Way/Village Drive & Route 196

6/21/2017

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	40	734	20	8	1149	20	19	4	11	16	5	34
Future Volume (vph)	40	734	20	8	1149	20	19	4	11	16	5	34
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	200		200	200		200	0		100	0		200
Storage Lanes	1		1	1		1	0		1	0		1
Taper Length (ft)	100			175			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950				0.960			0.963	
Satd. Flow (prot)	1787	1881	1599	1787	1881	1599	0	1771	1568	0	1710	1509
Flt Permitted	0.950			0.950				0.742			0.757	
Satd. Flow (perm)	1787	1881	1599	1787	1881	1599	0	1369	1568	0	1344	1509
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			82			82			100			100
Link Speed (mph)		55			55			30			30	
Link Distance (ft)		407			423			322			323	
Travel Time (s)		5.0			5.2			7.3			7.3	
Peak Hour Factor	0.95	0.95	0.95	0.90	0.90	0.90	0.80	0.80	0.80	0.70	0.70	0.70
Heavy Vehicles (%)	1%	1%	1%	1%	1%	1%	3%	3%	3%	7%	7%	7%
Adj. Flow (vph)	42	773	21	9	1277	22	24	5	14	23	7	49
Shared Lane Traffic (%)												
Lane Group Flow (vph)	42	773	21	9	1277	22	0	29	14	0	30	49
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		20	15		20	15		9	15		9
Number of Detectors	1	1	1	1	2	1	1	2	1	1	1	1
Detector Template	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Leading Detector (ft)	20	20	20	20	100	20	20	100	20	20	20	20
Trailing Detector (ft)	0	0	0	0	0	0	0	0	0	0	0	0
Detector 1 Position(ft)	0	0	0	0	0	0	0	0	0	0	0	0
Detector 1 Size(ft)	20	20	20	20	6	20	20	6	20	20	20	20
Detector 1 Type	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Detector 1 Queue (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Detector 1 Delay (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Detector 2 Position(ft)					94			94				
Detector 2 Size(ft)					6			6				
Detector 2 Type					Cl+Ex			Cl+Ex				
Detector 2 Channel												
Detector 2 Extend (s)					0.0			0.0				
Turn Type	Prot	NA	Perm	Prot	NA	Perm	Perm	NA	Perm	Perm	NA	Perm
Protected Phases	1	6		5	2			4			8	

Lanes, Volumes, Timings
 3: Community Way/Village Drive & Route 196

6/21/2017



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Permitted Phases			6			2	4		4	8		8
Detector Phase	1	6	6	5	2	2	4	4	4	8	8	8
Switch Phase												
Minimum Initial (s)	5.0	10.0	10.0	5.0	10.0	10.0	5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	11.0	18.0	18.0	11.0	18.0	18.0	11.0	11.0	11.0	11.0	11.0	11.0
Total Split (s)	21.0	78.0	78.0	21.0	78.0	78.0	21.0	21.0	21.0	21.0	21.0	21.0
Total Split (%)	17.5%	65.0%	65.0%	17.5%	65.0%	65.0%	17.5%	17.5%	17.5%	17.5%	17.5%	17.5%
Maximum Green (s)	15.0	70.0	70.0	15.0	70.0	70.0	15.0	15.0	15.0	15.0	15.0	15.0
Yellow Time (s)	3.5	5.0	5.0	3.5	5.0	5.0	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	2.5	3.0	3.0	2.5	3.0	3.0	2.5	2.5	2.5	2.5	2.5	2.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0
Total Lost Time (s)	6.0	8.0	8.0	6.0	8.0	8.0		6.0	6.0		6.0	6.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag	Lag						
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes						
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	Min	Min	None	C-Min	C-Min	None	None	None	None	None	None
Act Effct Green (s)	8.3	99.1	99.1	6.2	89.8	89.8		8.1	8.1		8.1	8.1
Actuated g/C Ratio	0.07	0.83	0.83	0.05	0.75	0.75		0.07	0.07		0.07	0.07
v/c Ratio	0.34	0.50	0.02	0.10	0.91	0.02		0.32	0.07		0.33	0.25
Control Delay	60.0	6.5	0.0	56.1	27.7	0.1		61.2	0.7		62.2	3.1
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0
Total Delay	60.0	6.5	0.0	56.1	27.7	0.1		61.2	0.7		62.2	3.1
LOS	E	A	A	E	C	A		E	A		E	A
Approach Delay		9.0			27.4			41.5			25.5	
Approach LOS		A			C			D			C	

Intersection Summary























Area Type: Other
 Cycle Length: 120
 Actuated Cycle Length: 120
 Offset: 0 (0%), Referenced to phase 2:WBT, Start of Green
 Natural Cycle: 90
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 0.91
 Intersection Signal Delay: 20.8
 Intersection LOS: C
 Intersection Capacity Utilization 85.5%
 ICU Level of Service E
 Analysis Period (min) 15

Splits and Phases: 3: Community Way/Village Drive & Route 196

























HCM 2010 Signalized Intersection Summary
 3: Community Way/Village Drive & Route 196

6/21/2017

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	40	734	20	8	1149	20	19	4	11	16	5	34
Future Volume (veh/h)	40	734	20	8	1149	20	19	4	11	16	5	34
Number	1	6	16	5	2	12	7	4	14	3	8	18
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1881	1881	1881	1881	1881	1881	1900	1845	1845	1900	1776	1776
Adj Flow Rate, veh/h	42	773	21	9	1277	22	24	5	0	23	7	0
Adj No. of Lanes	1	1	1	1	1	1	0	1	1	0	1	1
Peak Hour Factor	0.95	0.95	0.95	0.90	0.90	0.90	0.80	0.80	0.80	0.70	0.70	0.70
Percent Heavy Veh, %	1	1	1	1	1	1	3	3	3	7	7	7
Cap, veh/h	56	1498	1273	19	1459	1240	91	8	41	85	10	40
Arrive On Green	0.03	0.80	0.80	0.01	0.78	0.78	0.03	0.03	0.00	0.03	0.03	0.00
Sat Flow, veh/h	1792	1881	1599	1792	1881	1599	1378	287	1568	1226	373	1509
Grp Volume(v), veh/h	42	773	21	9	1277	22	29	0	0	30	0	0
Grp Sat Flow(s),veh/h/ln	1792	1881	1599	1792	1881	1599	1665	0	1568	1599	0	1509
Q Serve(g_s), s	2.8	17.1	0.3	0.6	56.9	0.4	0.0	0.0	0.0	0.2	0.0	0.0
Cycle Q Clear(g_c), s	2.8	17.1	0.3	0.6	56.9	0.4	1.9	0.0	0.0	2.1	0.0	0.0
Prop In Lane	1.00		1.00	1.00		1.00	0.83		1.00	0.77		1.00
Lane Grp Cap(c), veh/h	56	1498	1273	19	1459	1240	99	0	41	95	0	40
V/C Ratio(X)	0.75	0.52	0.02	0.47	0.88	0.02	0.29	0.00	0.00	0.32	0.00	0.00
Avail Cap(c_a), veh/h	224	1498	1273	224	1459	1240	242	0	196	235	0	189
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	0.00	1.00	0.00	0.00
Uniform Delay (d), s/veh	57.6	4.2	2.5	59.0	9.4	3.1	57.8	0.0	0.0	57.9	0.0	0.0
Incr Delay (d2), s/veh	17.7	0.3	0.0	16.4	7.6	0.0	1.6	0.0	0.0	1.9	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.7	8.7	0.1	0.4	31.8	0.2	1.0	0.0	0.0	1.0	0.0	0.0
LnGrp Delay(d),s/veh	75.3	4.5	2.5	75.4	17.0	3.1	59.5	0.0	0.0	59.8	0.0	0.0
LnGrp LOS	E	A	A	E	B	A	E			E		
Approach Vol, veh/h		836			1308			29				30
Approach Delay, s/veh		8.0			17.2			59.5				59.8
Approach LOS		A			B			E				E
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	9.8	101.1		9.2	7.3	103.5		9.2				
Change Period (Y+Rc), s	6.0	8.0		6.0	6.0	8.0		6.0				
Max Green Setting (Gmax), s	15.0	70.0		15.0	15.0	70.0		15.0				
Max Q Clear Time (g_c+I1), s	4.8	58.9		3.9	2.6	19.1		4.1				
Green Ext Time (p_c), s	0.0	8.4		0.1	0.0	22.1		0.1				
Intersection Summary												
HCM 2010 Ctrl Delay			14.9									
HCM 2010 LOS			B									

Lanes, Volumes, Timings
3: Community Way/Village Drive & Route 196

6/21/2017

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	43	753	20	8	1178	21	19	4	11	17	5	36
Future Volume (vph)	43	753	20	8	1178	21	19	4	11	17	5	36
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	200		200	200		200	0		100	0		200
Storage Lanes	1		1	1		1	0		1	0		1
Taper Length (ft)	100			175			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950				0.960			0.963	
Satd. Flow (prot)	1787	1881	1599	1787	1881	1599	0	1771	1568	0	1710	1509
Flt Permitted	0.950			0.950				0.741			0.755	
Satd. Flow (perm)	1787	1881	1599	1787	1881	1599	0	1367	1568	0	1341	1509
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			82			82			100			100
Link Speed (mph)		55			55			30				30
Link Distance (ft)		407			423			322				323
Travel Time (s)		5.0			5.2			7.3				7.3
Peak Hour Factor	0.95	0.95	0.95	0.90	0.90	0.90	0.80	0.80	0.80	0.70	0.70	0.70
Heavy Vehicles (%)	1%	1%	1%	1%	1%	1%	3%	3%	3%	7%	7%	7%
Adj. Flow (vph)	45	793	21	9	1309	23	24	5	14	24	7	51
Shared Lane Traffic (%)												
Lane Group Flow (vph)	45	793	21	9	1309	23	0	29	14	0	31	51
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			0				0
Link Offset(ft)		0			0			0				0
Crosswalk Width(ft)		16			16			16				16
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		20	15		20	15		9	15		9
Number of Detectors	1	1	1	1	2	1	1	2	1	1	1	1
Detector Template	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Leading Detector (ft)	20	20	20	20	100	20	20	100	20	20	20	20
Trailing Detector (ft)	0	0	0	0	0	0	0	0	0	0	0	0
Detector 1 Position(ft)	0	0	0	0	0	0	0	0	0	0	0	0
Detector 1 Size(ft)	20	20	20	20	6	20	20	6	20	20	20	20
Detector 1 Type	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Detector 1 Queue (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Detector 1 Delay (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Detector 2 Position(ft)					94			94				
Detector 2 Size(ft)					6			6				
Detector 2 Type					Cl+Ex			Cl+Ex				
Detector 2 Channel												
Detector 2 Extend (s)					0.0			0.0				
Turn Type	Prot	NA	Perm	Prot	NA	Perm	Perm	NA	Perm	Perm	NA	Perm
Protected Phases	1	6		5	2			4			8	

Lanes, Volumes, Timings
3: Community Way/Village Drive & Route 196

6/21/2017



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Permitted Phases			6			2	4		4	8		8
Detector Phase	1	6	6	5	2	2	4	4	4	8	8	8
Switch Phase												
Minimum Initial (s)	5.0	10.0	10.0	5.0	10.0	10.0	5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	11.0	18.0	18.0	11.0	18.0	18.0	11.0	11.0	11.0	11.0	11.0	11.0
Total Split (s)	21.0	78.0	78.0	21.0	78.0	78.0	21.0	21.0	21.0	21.0	21.0	21.0
Total Split (%)	17.5%	65.0%	65.0%	17.5%	65.0%	65.0%	17.5%	17.5%	17.5%	17.5%	17.5%	17.5%
Maximum Green (s)	15.0	70.0	70.0	15.0	70.0	70.0	15.0	15.0	15.0	15.0	15.0	15.0
Yellow Time (s)	3.5	5.0	5.0	3.5	5.0	5.0	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	2.5	3.0	3.0	2.5	3.0	3.0	2.5	2.5	2.5	2.5	2.5	2.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0
Total Lost Time (s)	6.0	8.0	8.0	6.0	8.0	8.0		6.0	6.0		6.0	6.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag	Lag						
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes						
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	Min	Min	None	C-Min	C-Min	None	None	None	None	None	None
Act Effct Green (s)	8.5	99.0	99.0	6.2	89.5	89.5		8.2	8.2		8.2	8.2
Actuated g/C Ratio	0.07	0.82	0.82	0.05	0.75	0.75		0.07	0.07		0.07	0.07
v/c Ratio	0.36	0.51	0.02	0.10	0.93	0.02		0.31	0.07		0.34	0.26
Control Delay	60.3	6.7	0.0	56.1	31.1	0.0		60.9	0.6		62.3	3.4
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0
Total Delay	60.3	6.7	0.0	56.1	31.1	0.0		60.9	0.6		62.3	3.4
LOS	E	A	A	E	C	A		E	A		E	A
Approach Delay		9.3			30.7			41.3			25.7	
Approach LOS		A			C			D			C	

Intersection Summary























Area Type: Other
 Cycle Length: 120
 Actuated Cycle Length: 120
 Offset: 0 (0%), Referenced to phase 2:WBT, Start of Green
 Natural Cycle: 90
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 0.93
 Intersection Signal Delay: 22.8
 Intersection LOS: C
 Intersection Capacity Utilization 87.0%
 ICU Level of Service E
 Analysis Period (min) 15

Splits and Phases: 3: Community Way/Village Drive & Route 196



HCM 2010 Signalized Intersection Summary
 3: Community Way/Village Drive & Route 196

6/21/2017

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	43	753	20	8	1178	21	19	4	11	17	5	36
Future Volume (veh/h)	43	753	20	8	1178	21	19	4	11	17	5	36
Number	1	6	16	5	2	12	7	4	14	3	8	18
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1881	1881	1881	1881	1881	1881	1900	1845	1845	1900	1776	1776
Adj Flow Rate, veh/h	45	793	21	9	1309	23	24	5	0	24	7	0
Adj No. of Lanes	1	1	1	1	1	1	0	1	1	0	1	1
Peak Hour Factor	0.95	0.95	0.95	0.90	0.90	0.90	0.80	0.80	0.80	0.70	0.70	0.70
Percent Heavy Veh, %	1	1	1	1	1	1	3	3	3	7	7	7
Cap, veh/h	58	1497	1272	19	1456	1238	92	8	42	86	10	41
Arrive On Green	0.03	0.80	0.80	0.01	0.77	0.77	0.03	0.03	0.00	0.03	0.03	0.00
Sat Flow, veh/h	1792	1881	1599	1792	1881	1599	1382	288	1568	1234	360	1509
Grp Volume(v), veh/h	45	793	21	9	1309	23	29	0	0	31	0	0
Grp Sat Flow(s),veh/h/ln	1792	1881	1599	1792	1881	1599	1670	0	1568	1594	0	1509
Q Serve(g_s), s	3.0	17.9	0.3	0.6	62.1	0.4	0.0	0.0	0.0	0.3	0.0	0.0
Cycle Q Clear(g_c), s	3.0	17.9	0.3	0.6	62.1	0.4	1.9	0.0	0.0	2.2	0.0	0.0
Prop In Lane	1.00		1.00	1.00		1.00	0.83		1.00	0.77		1.00
Lane Grp Cap(c), veh/h	58	1497	1272	19	1456	1238	100	0	42	96	0	41
V/C Ratio(X)	0.77	0.53	0.02	0.47	0.90	0.02	0.29	0.00	0.00	0.32	0.00	0.00
Avail Cap(c_a), veh/h	224	1497	1272	224	1456	1238	242	0	196	235	0	189
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	0.00	1.00	0.00	0.00
Uniform Delay (d), s/veh	57.6	4.3	2.5	59.0	10.1	3.1	57.8	0.0	0.0	57.9	0.0	0.0
Incr Delay (d2), s/veh	19.0	0.4	0.0	16.4	9.2	0.0	1.6	0.0	0.0	1.9	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.8	9.2	0.1	0.4	35.3	0.2	1.0	0.0	0.0	1.1	0.0	0.0
LnGrp Delay(d),s/veh	76.6	4.7	2.5	75.4	19.2	3.1	59.4	0.0	0.0	59.8	0.0	0.0
LnGrp LOS	E	A	A	E	B	A	E			E		
Approach Vol, veh/h		859			1341			29				31
Approach Delay, s/veh		8.4			19.3			59.4				59.8
Approach LOS		A			B			E				E
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	9.9	100.9		9.2	7.3	103.5		9.2				
Change Period (Y+Rc), s	6.0	8.0		6.0	6.0	8.0		6.0				
Max Green Setting (Gmax), s	15.0	70.0		15.0	15.0	70.0		15.0				
Max Q Clear Time (g_c+I1), s	5.0	64.1		3.9	2.6	19.9		4.2				
Green Ext Time (p_c), s	0.0	5.0		0.1	0.0	23.5		0.1				
Intersection Summary												
HCM 2010 Ctrl Delay			16.3									
HCM 2010 LOS			B									

Lanes, Volumes, Timings
3: Community Way/Village Drive & Route 196

11/17/2017



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	78	753	20	8	1178	38	19	7	11	32	10	68
Future Volume (vph)	78	753	20	8	1178	38	19	7	11	32	10	68
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	200		200	200		200	0		100	0		200
Storage Lanes	1		1	1		1	0		1	0		1
Taper Length (ft)	100			175			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950				0.965			0.963	
Satd. Flow (prot)	1787	1881	1599	1787	1881	1599	0	1780	1568	0	1710	1509
Flt Permitted	0.950			0.950				0.747			0.754	
Satd. Flow (perm)	1787	1881	1599	1787	1881	1599	0	1378	1568	0	1339	1509
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			82			82			100			100
Link Speed (mph)		55			55			30				30
Link Distance (ft)		407			423			322				323
Travel Time (s)		5.0			5.2			7.3				7.3
Peak Hour Factor	0.95	0.95	0.95	0.90	0.90	0.90	0.80	0.80	0.80	0.70	0.70	0.70
Heavy Vehicles (%)	1%	1%	1%	1%	1%	1%	3%	3%	3%	7%	7%	7%
Adj. Flow (vph)	82	793	21	9	1309	42	24	9	14	46	14	97
Shared Lane Traffic (%)												
Lane Group Flow (vph)	82	793	21	9	1309	42	0	33	14	0	60	97
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			0				0
Link Offset(ft)		0			0			0				0
Crosswalk Width(ft)		16			16			16				16
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		20	15		20	15		9	15		9
Number of Detectors	1	1	1	1	2	1	1	2	1	1	1	1
Detector Template	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Leading Detector (ft)	20	20	20	20	100	20	20	100	20	20	20	20
Trailing Detector (ft)	0	0	0	0	0	0	0	0	0	0	0	0
Detector 1 Position(ft)	0	0	0	0	0	0	0	0	0	0	0	0
Detector 1 Size(ft)	20	20	20	20	6	20	20	6	20	20	20	20
Detector 1 Type	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Detector 1 Queue (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Detector 1 Delay (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Detector 2 Position(ft)					94			94				
Detector 2 Size(ft)					6			6				
Detector 2 Type					Cl+Ex			Cl+Ex				
Detector 2 Channel												
Detector 2 Extend (s)					0.0			0.0				
Turn Type	Prot	NA	Perm	Prot	NA	Perm	Perm	NA	Perm	Perm	NA	Perm
Protected Phases	1	6		5	2			4			8	

Lanes, Volumes, Timings
3: Community Way/Village Drive & Route 196

11/17/2017



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Permitted Phases			6			2	4		4	8		8
Detector Phase	1	6	6	5	2	2	4	4	4	8	8	8
Switch Phase												
Minimum Initial (s)	5.0	10.0	10.0	5.0	10.0	10.0	5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	11.0	18.0	18.0	11.0	18.0	18.0	11.0	11.0	11.0	11.0	11.0	11.0
Total Split (s)	21.0	78.0	78.0	21.0	78.0	78.0	21.0	21.0	21.0	21.0	21.0	21.0
Total Split (%)	17.5%	65.0%	65.0%	17.5%	65.0%	65.0%	17.5%	17.5%	17.5%	17.5%	17.5%	17.5%
Maximum Green (s)	15.0	70.0	70.0	15.0	70.0	70.0	15.0	15.0	15.0	15.0	15.0	15.0
Yellow Time (s)	3.5	5.0	5.0	3.5	5.0	5.0	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	2.5	3.0	3.0	2.5	3.0	3.0	2.5	2.5	2.5	2.5	2.5	2.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0
Total Lost Time (s)	6.0	8.0	8.0	6.0	8.0	8.0		6.0	6.0		6.0	6.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag	Lag						
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes						
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	Min	Min	None	C-Min	C-Min	None	None	None	None	None	None
Act Effct Green (s)	10.8	92.7	92.7	6.2	81.1	81.1		10.1	10.1		10.6	10.6
Actuated g/C Ratio	0.09	0.77	0.77	0.05	0.68	0.68		0.08	0.08		0.09	0.09
v/c Ratio	0.51	0.55	0.02	0.10	1.03	0.04		0.28	0.06		0.51	0.43
Control Delay	62.5	8.5	0.0	56.1	55.6	0.4		56.0	0.5		66.1	15.1
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0
Total Delay	62.5	8.5	0.0	56.1	55.6	0.4		56.0	0.5		66.1	15.1
LOS	E	A	A	E	E	A		E	A		E	B
Approach Delay		13.3			53.9			39.5			34.6	
Approach LOS		B			D			D			C	

Intersection Summary

Area Type: Other
 Cycle Length: 120
 Actuated Cycle Length: 120
 Offset: 0 (0%), Referenced to phase 2:WBT, Start of Green
 Natural Cycle: 90
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 1.03
 Intersection Signal Delay: 37.6
 Intersection LOS: D
 Intersection Capacity Utilization 87.0%
 ICU Level of Service E
 Analysis Period (min) 15

Splits and Phases: 3: Community Way/Village Drive & Route 196



HCM 2010 Signalized Intersection Summary
 3: Community Way/Village Drive & Route 196

11/17/2017

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	78	753	20	8	1178	38	19	7	11	32	10	68
Future Volume (veh/h)	78	753	20	8	1178	38	19	7	11	32	10	68
Number	1	6	16	5	2	12	7	4	14	3	8	18
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1881	1881	1881	1881	1881	1881	1900	1845	1845	1900	1776	1776
Adj Flow Rate, veh/h	82	793	21	9	1309	42	24	9	0	46	14	0
Adj No. of Lanes	1	1	1	1	1	1	0	1	1	0	1	1
Peak Hour Factor	0.95	0.95	0.95	0.90	0.90	0.90	0.80	0.80	0.80	0.70	0.70	0.70
Percent Heavy Veh, %	1	1	1	1	1	1	3	3	3	7	7	7
Cap, veh/h	105	1456	1238	19	1366	1162	104	31	76	110	17	73
Arrive On Green	0.06	0.77	0.77	0.01	0.73	0.73	0.05	0.05	0.00	0.05	0.05	0.00
Sat Flow, veh/h	1792	1881	1599	1792	1881	1599	1086	639	1568	1169	356	1509
Grp Volume(v), veh/h	82	793	21	9	1309	42	33	0	0	60	0	0
Grp Sat Flow(s),veh/h/ln	1792	1881	1599	1792	1881	1599	1725	0	1568	1524	0	1509
Q Serve(g_s), s	5.4	19.8	0.4	0.6	75.1	0.9	0.0	0.0	0.0	2.5	0.0	0.0
Cycle Q Clear(g_c), s	5.4	19.8	0.4	0.6	75.1	0.9	2.1	0.0	0.0	4.6	0.0	0.0
Prop In Lane	1.00		1.00	1.00		1.00	0.73		1.00	0.77		1.00
Lane Grp Cap(c), veh/h	105	1456	1238	19	1366	1162	136	0	76	127	0	73
V/C Ratio(X)	0.78	0.54	0.02	0.47	0.96	0.04	0.24	0.00	0.00	0.47	0.00	0.00
Avail Cap(c_a), veh/h	224	1456	1238	224	1366	1162	249	0	196	235	0	189
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	0.00	1.00	0.00	0.00
Uniform Delay (d), s/veh	55.7	5.3	3.1	59.0	14.8	4.6	55.3	0.0	0.0	56.4	0.0	0.0
Incr Delay (d2), s/veh	12.0	0.4	0.0	16.4	16.2	0.1	0.9	0.0	0.0	2.7	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	3.0	10.3	0.2	0.4	44.3	0.4	1.1	0.0	0.0	2.1	0.0	0.0
LnGrp Delay(d),s/veh	67.7	5.7	3.1	75.4	30.9	4.7	56.2	0.0	0.0	59.1	0.0	0.0
LnGrp LOS	E	A	A	E	C	A	E			E		
Approach Vol, veh/h		896			1360			33			60	
Approach Delay, s/veh		11.3			30.4			56.2			59.1	
Approach LOS		B			C			E			E	
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	13.0	95.2		11.8	7.3	100.9		11.8				
Change Period (Y+Rc), s	6.0	8.0		6.0	6.0	8.0		6.0				
Max Green Setting (Gmax), s	15.0	70.0		15.0	15.0	70.0		15.0				
Max Q Clear Time (g_c+I1), s	7.4	77.1		4.1	2.6	21.8		6.6				
Green Ext Time (p_c), s	0.1	0.0		0.2	0.0	23.2		0.1				
Intersection Summary												
HCM 2010 Ctrl Delay			24.2									
HCM 2010 LOS			C									

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	3:27	3:27	3:27	3:27	3:27	3:27
End Time	4:30	4:30	4:30	4:30	4:30	4:30
Total Time (min)	63	63	63	63	63	63
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	2098	2045	2075	2050	1999	2053
Vehs Exited	2089	2041	2078	2040	1994	2049
Starting Vehs	18	17	16	16	33	18
Ending Vehs	27	21	13	26	38	25
Travel Distance (mi)	611	592	599	590	580	594
Travel Time (hr)	28.1	27.0	27.7	25.8	25.2	26.7
Total Delay (hr)	12.0	11.3	11.9	10.3	10.0	11.1
Total Stops	535	557	535	539	469	525
Fuel Used (gal)	21.3	20.8	21.2	20.3	19.9	20.7

Interval #0 Information Seeding

Start Time	3:27
End Time	3:30
Total Time (min)	3
No data recorded this interval.	

Interval #1 Information Recording

Start Time	3:30					
End Time	4:30					
Total Time (min)	60					
Run Number	1	2	3	4	5	Avg
Vehs Entered	2098	2045	2075	2050	1999	2053
Vehs Exited	2089	2041	2078	2040	1994	2049
Starting Vehs	18	17	16	16	33	18
Ending Vehs	27	21	13	26	38	25
Travel Distance (mi)	611	592	599	590	580	594
Travel Time (hr)	28.1	27.0	27.7	25.8	25.2	26.7
Total Delay (hr)	12.0	11.3	11.9	10.3	10.0	11.1
Total Stops	535	557	535	539	469	525
Fuel Used (gal)	21.3	20.8	21.2	20.3	19.9	20.7

3: Community Way/Village Drive & Route 196 Performance by lane

Lane	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB	All
Movements Served	L	T	R	L	T	R	LT	R	LT	R	
Denied Delay (hr)											0.1
Denied Del/Veh (s)											0.1
Total Delay (hr)	0.5	1.3	0.0	0.1	4.2	0.0	0.3	0.0	0.3	0.0	6.7
Total Del/Veh (s)	46.4	6.4	0.8	40.9	13.1	2.1	48.0	0.1	51.7	0.6	11.7

Total Network Performance

Denied Delay (hr)			0.7
Denied Del/Veh (s)			1.2
Total Delay (hr)			10.4
Total Del/Veh (s)			18.1

3: Community Way/Village Drive & Route 196 Performance by approach

Approach	EB	WB	NB	SB	All
Denied Delay (hr)	0.0	0.0	0.0	0.0	0.1
Denied Del/Veh (s)	0.0	0.0	1.3	2.7	0.1
Total Delay (hr)	1.8	4.3	0.3	0.3	6.7
Total Del/Veh (s)	8.1	13.2	34.3	19.3	11.7

Total Network Performance

Denied Delay (hr)	0.7
Denied Del/Veh (s)	1.2
Total Delay (hr)	10.4
Total Del/Veh (s)	18.1

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	3:27	3:27	3:27	3:27	3:27	3:27
End Time	4:30	4:30	4:30	4:30	4:30	4:30
Total Time (min)	63	63	63	63	63	63
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	2169	2109	2113	2088	2031	2102
Vehs Exited	2160	2099	2101	2090	2040	2098
Starting Vehs	19	17	16	29	34	23
Ending Vehs	28	27	28	27	25	26
Travel Distance (mi)	631	610	609	602	592	609
Travel Time (hr)	31.0	28.2	27.7	26.8	26.7	28.1
Total Delay (hr)	14.5	12.1	11.6	11.0	11.1	12.1
Total Stops	644	580	522	531	512	557
Fuel Used (gal)	23.0	21.6	21.4	20.7	20.7	21.5

Interval #0 Information Seeding

Start Time	3:27
End Time	3:30
Total Time (min)	3
No data recorded this interval.	

Interval #1 Information Recording

Start Time	3:30					
End Time	4:30					
Total Time (min)	60					
Run Number	1	2	3	4	5	Avg
Vehs Entered	2169	2109	2113	2088	2031	2102
Vehs Exited	2160	2099	2101	2090	2040	2098
Starting Vehs	19	17	16	29	34	23
Ending Vehs	28	27	28	27	25	26
Travel Distance (mi)	631	610	609	602	592	609
Travel Time (hr)	31.0	28.2	27.7	26.8	26.7	28.1
Total Delay (hr)	14.5	12.1	11.6	11.0	11.1	12.1
Total Stops	644	580	522	531	512	557
Fuel Used (gal)	23.0	21.6	21.4	20.7	20.7	21.5

3: Community Way/Village Drive & Route 196 Performance by lane

Lane	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB	All
Movements Served	L	T	R	L	T	R	LT	R	LT	R	
Denied Delay (hr)											0.1
Denied Del/Veh (s)											0.1
Total Delay (hr)	0.5	1.3	0.0	0.1	4.5	0.0	0.3	0.0	0.3	0.0	7.2
Total Del/Veh (s)	48.2	6.4	0.8	56.5	13.9	2.3	51.5	0.2	52.0	0.6	12.3

Total Network Performance

Denied Delay (hr)			0.8								
Denied Del/Veh (s)			1.3								
Total Delay (hr)			11.3								
Total Del/Veh (s)			19.2								

3: Community Way/Village Drive & Route 196 Performance by approach

Approach	EB	WB	NB	SB	All
Denied Delay (hr)	0.0	0.0	0.0	0.0	0.1
Denied Del/Veh (s)	0.0	0.0	1.5	2.7	0.1
Total Delay (hr)	1.9	4.7	0.3	0.3	7.2
Total Del/Veh (s)	8.3	14.0	34.9	18.7	12.3

Total Network Performance

Denied Delay (hr)	0.8
Denied Del/Veh (s)	1.3
Total Delay (hr)	11.3
Total Del/Veh (s)	19.2

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	3:27	3:27	3:27	3:27	3:27	3:27
End Time	4:30	4:30	4:30	4:30	4:30	4:30
Total Time (min)	63	63	63	63	63	63
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	2190	2250	2235	2208	2166	2210
Vehs Exited	2215	2231	2235	2214	2158	2211
Starting Vehs	42	16	42	41	37	37
Ending Vehs	17	35	42	35	45	33
Travel Distance (mi)	626	638	637	626	618	629
Travel Time (hr)	34.2	36.7	43.5	37.8	34.4	37.3
Total Delay (hr)	17.5	19.7	26.6	21.2	18.0	20.6
Total Stops	833	961	1299	1033	898	1004
Fuel Used (gal)	24.4	25.4	27.8	25.7	24.0	25.5

Interval #0 Information Seeding

Start Time	3:27
End Time	3:30
Total Time (min)	3
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	3:30
End Time	4:30
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	2190	2250	2235	2208	2166	2210
Vehs Exited	2215	2231	2235	2214	2158	2211
Starting Vehs	42	16	42	41	37	37
Ending Vehs	17	35	42	35	45	33
Travel Distance (mi)	626	638	637	626	618	629
Travel Time (hr)	34.2	36.7	43.5	37.8	34.4	37.3
Total Delay (hr)	17.5	19.7	26.6	21.2	18.0	20.6
Total Stops	833	961	1299	1033	898	1004
Fuel Used (gal)	24.4	25.4	27.8	25.7	24.0	25.5

3: Community Way/Village Drive & Route 196 Performance by lane

Lane	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB	All
Movements Served	L	T	R	L	T	R	LT	R	LT	R	
Denied Delay (hr)											0.1
Denied Del/Veh (s)											0.2
Total Delay (hr)	1.1	1.5	0.0	0.2	7.5	0.0	0.4	0.0	0.6	0.0	11.3
Total Del/Veh (s)	53.2	7.2	0.9	56.4	22.9	2.3	63.5	0.2	57.0	0.7	18.3

Total Network Performance

Denied Delay (hr)			1.2								
Denied Del/Veh (s)			1.9								
Total Delay (hr)			19.4								
Total Del/Veh (s)			31.2								

3: Community Way/Village Drive & Route 196 Performance by approach

Approach	EB	WB	NB	SB	All
Denied Delay (hr)	0.0	0.0	0.0	0.1	0.1
Denied Del/Veh (s)	0.0	0.0	1.4	2.7	0.2
Total Delay (hr)	2.6	7.7	0.4	0.6	11.3
Total Del/Veh (s)	11.0	22.5	44.9	20.0	18.3

Total Network Performance

Denied Delay (hr)	1.2
Denied Del/Veh (s)	1.9
Total Delay (hr)	19.4
Total Del/Veh (s)	31.2

Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

Crash Summary I
 Section Detail
 Crash Summary II
 1320 Public
 1320 Private
 1320 Summary

REPORT DESCRIPTION

Rte 196 from Rte 24 to Rte 201 in Topsham

REPORT PARAMETERS

Year 2014, Start Month 1 through Year 2016 End Month: 12

Route: 0196X	Start Node: 44511 End Node: 44020	Start Offset: 0 End Offset: 0	<input type="checkbox"/> Exclude First Node <input type="checkbox"/> Exclude Last Node
Route: 23U0002	Start Node: 44580 End Node: 44021	Start Offset: 0 End Offset: 0	<input checked="" type="checkbox"/> Exclude First Node <input type="checkbox"/> Exclude Last Node
Route: 0196S	Start Node: 44602 End Node: 44579	Start Offset: 0 End Offset: 0	<input type="checkbox"/> Exclude First Node <input checked="" type="checkbox"/> Exclude Last Node
Route: 0196S	Start Node: 71666 End Node: 60685	Start Offset: 0 End Offset: 0	<input checked="" type="checkbox"/> Exclude First Node <input checked="" type="checkbox"/> Exclude Last Node
Route: 0196S	Start Node: 60685 End Node: 71665	Start Offset: 0 End Offset: 0	<input checked="" type="checkbox"/> Exclude First Node <input checked="" type="checkbox"/> Exclude Last Node

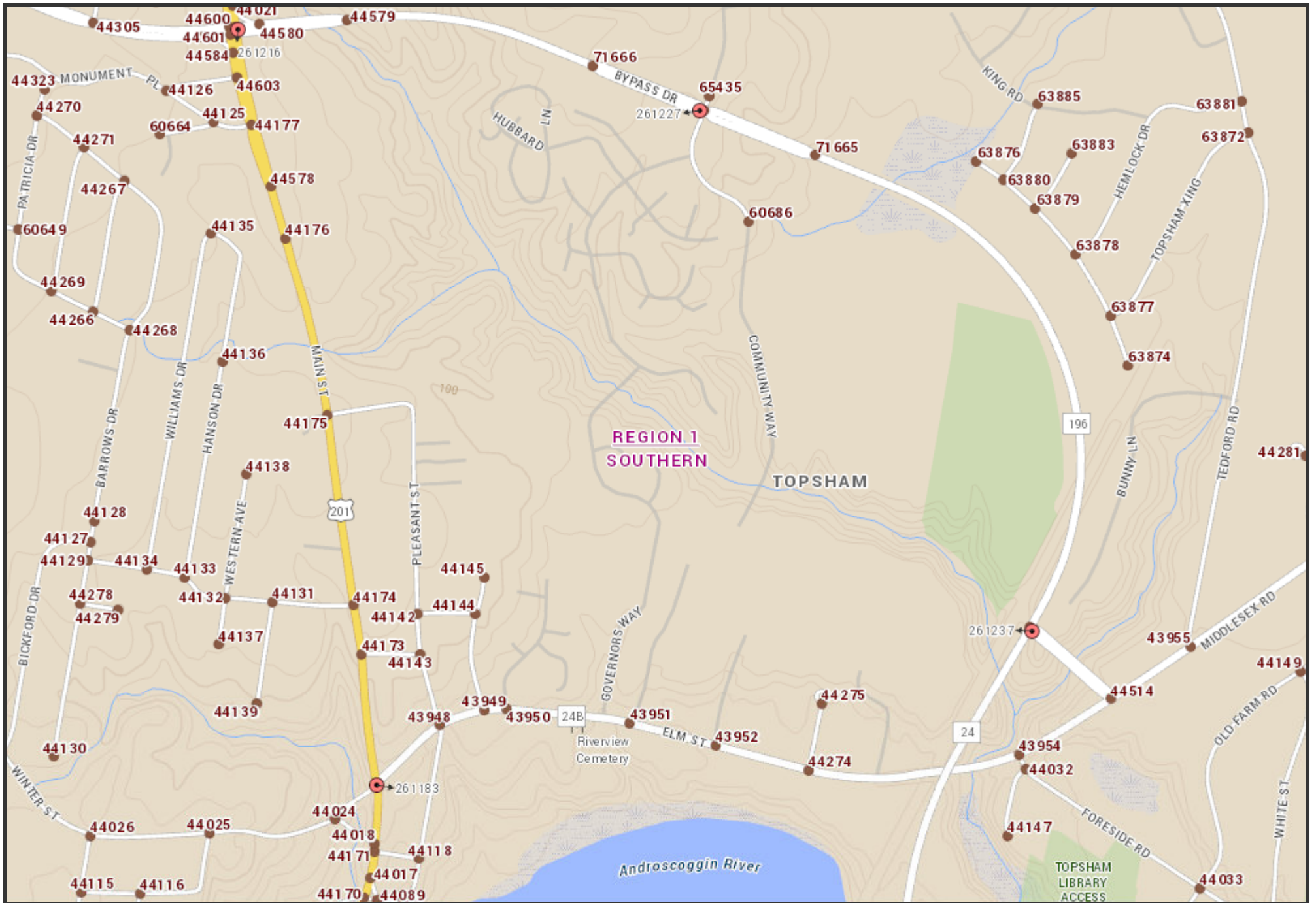
Crash Summary I

Nodes															
Node	Route - MP	Node Description	U/R	Total Crashes	K	A	B	C	PD	Injury	Annual M Ent-Veh	Crash Rate	Critical Rate	CRF	
44511	0196X - 0.53	Int of BYPASS DR BYPASS RD	9	9	0	0	0	2	7	22.2	8.853	0.34	1.11	0.31	
												Statewide Crash Rate: 0.71			
71665	0196X - 1.17	Non Int BYPASS DR	2	0	0	0	0	0	0	0.0	6.868	0.00	0.31	0.00	
												Statewide Crash Rate: 0.13			
60685	0196X - 1.30	Int of BYPASS DR COMMUNITY WY VILLAGE DR	9	12	0	0	1	2	9	25.0	7.432	0.54	1.15	0.47	
												Statewide Crash Rate: 0.71			
71666	0196X - 1.43	Non Int BYPASS DR	2	0	0	0	0	0	0	0.0	3.628	0.00	0.37	0.00	
												Statewide Crash Rate: 0.13			
44579	0196X - 1.70	Non Int BYPASS DR	2	0	0	0	0	0	0	0.0	7.238	0.00	0.31	0.00	
												Statewide Crash Rate: 0.13			
A44580	0196X - 1.79	Int of BYPASS DR CUT U0002	2	0	0	0	0	0	0	0.0	0.000	0.00	0.00	0.00	
												Statewide Crash Rate: 0.13			
P44020	0196X - 1.82	Int of BYPASS DR, MAIN ST	9	32	0	0	0	5	27	15.6	12.097	0.88	1.06	0.83	
												Statewide Crash Rate: 0.71			
A44021	23U0002 - 0.04	Int of CUT U0002 MAIN ST	2	0	0	0	0	0	0	0.0	0.000	0.00	0.00	0.00	
												Statewide Crash Rate: 0.13			
A44602	0196S - 1.77	Int of BYPASS DR MAIN ST	2	0	0	0	0	0	0	0.0	0.000	0.00	0.00	0.00	
												Statewide Crash Rate: 0.13			
Study Years:	3.00		NODE TOTALS:		53	0	0	1	9	43	18.9	46.116	0.38	0.64	0.60

Crash Summary I

Sections

Start Node	End Node	Element	Offset Begin - End	Route - MP	Section U/R Length	Total Crashes	K	Injury Crashes				Percent Injury	Annual HMVM	Crash Rate	Critical Rate	CRF	
								A	B	C	PD						
71665	44511	4310382	0 - 0.64	0196X - 0.53 <i>ST RTE 196</i>	0.64	2	16	0	1	1	1	13	18.8	0.04395	121.34	287.86	0.42
<i>Non Int BYPASS DR</i>																	
60685	71665	4310390	0 - 0.13	0196X - 1.17 <i>ST RTE 196</i>	0.13	2	5	0	0	0	0	5	0.0	0.00446	373.35	465.05	0.80
<i>Int of BYPASS DR COMMUNITY WY VILLAGE DR</i>																	
60685	71666	4310385	0 - 0.13	0196X - 1.30 <i>ST RTE 196</i>	0.13	2	3	0	0	0	1	2	33.3	0.00472	212.02	458.66	0.46
<i>Int of BYPASS DR COMMUNITY WY VILLAGE DR</i>																	
71666	44579	4310384	0 - 0.27	0196X - 1.43 <i>ST RTE 196</i>	0.27	2	2	0	0	0	1	1	50.0	0.01959	34.03	332.22	0.10
<i>Non Int BYPASS DR</i>																	
44579	44580	3111977	0 - 0.09	0196X - 1.70 <i>ST RTE 196</i>	0.09	2	0	0	0	0	0	0	0.0	0.00328	0.00	503.04	0.00
<i>Non Int BYPASS DR</i>																	
44020	44580	3111870	0 - 0.03	0196X - 1.79 <i>ST RTE 196</i>	0.03	2	0	0	0	0	0	0	0.0	0.00082	0.00	711.08	0.00
<i>Int of BYPASS DR, MAIN ST</i>																	
44021	44580	3111871	0 - 0.04	23U0002 - 0 <i>RD INV 23 U0002</i>	0.04	2	0	0	0	0	0	0	0.0	0.00036	0.00	818.80	0.00
<i>Int of CUT U0002 MAIN ST</i>																	
44579	44602	3111978	0 - 0.12	0196S - 1.77 <i>ST RTE 196S</i>	0.12	2	3	0	0	0	0	3	0.0	0.00433	230.85	468.60	0.49
<i>Non Int BYPASS DR</i>																	
71666	60685	4310391	0 - 0.13	0196S - 1.89 <i>ST RTE 196S</i>	0.13	2	0	0	0	0	0	0	0.0	0.00472	0.00	458.66	0.00
<i>Non Int BYPASS DR</i>																	
60685	71665	4310392	0 - 0.13	0196S - 2.02 <i>ST RTE 196S</i>	0.13	2	0	0	0	0	0	0	0.0	0.00446	0.00	465.05	0.00
<i>Int of BYPASS DR COMMUNITY WY VILLAGE DR</i>																	
Study Years: 3.00					Section Totals:	1.71	29	0	1	1	3	24	17.2	0.09070	106.58	259.86	0.41
					Grand Totals:	1.71	82	0	1	2	12	67	18.3	0.09070	301.35	371.16	0.81



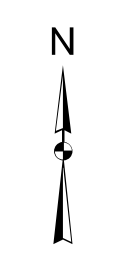
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0.25 Miles
 1 inch = 0.18 miles

Date: 6/1/2017
 Time: 2:07:53 PM



PROPERTY MAPS TOWN OF TOPSHAM, MAINE



James H. Thomas
gisSolutions of Maine
Cumberland, Maine
jh@maine.rr.com

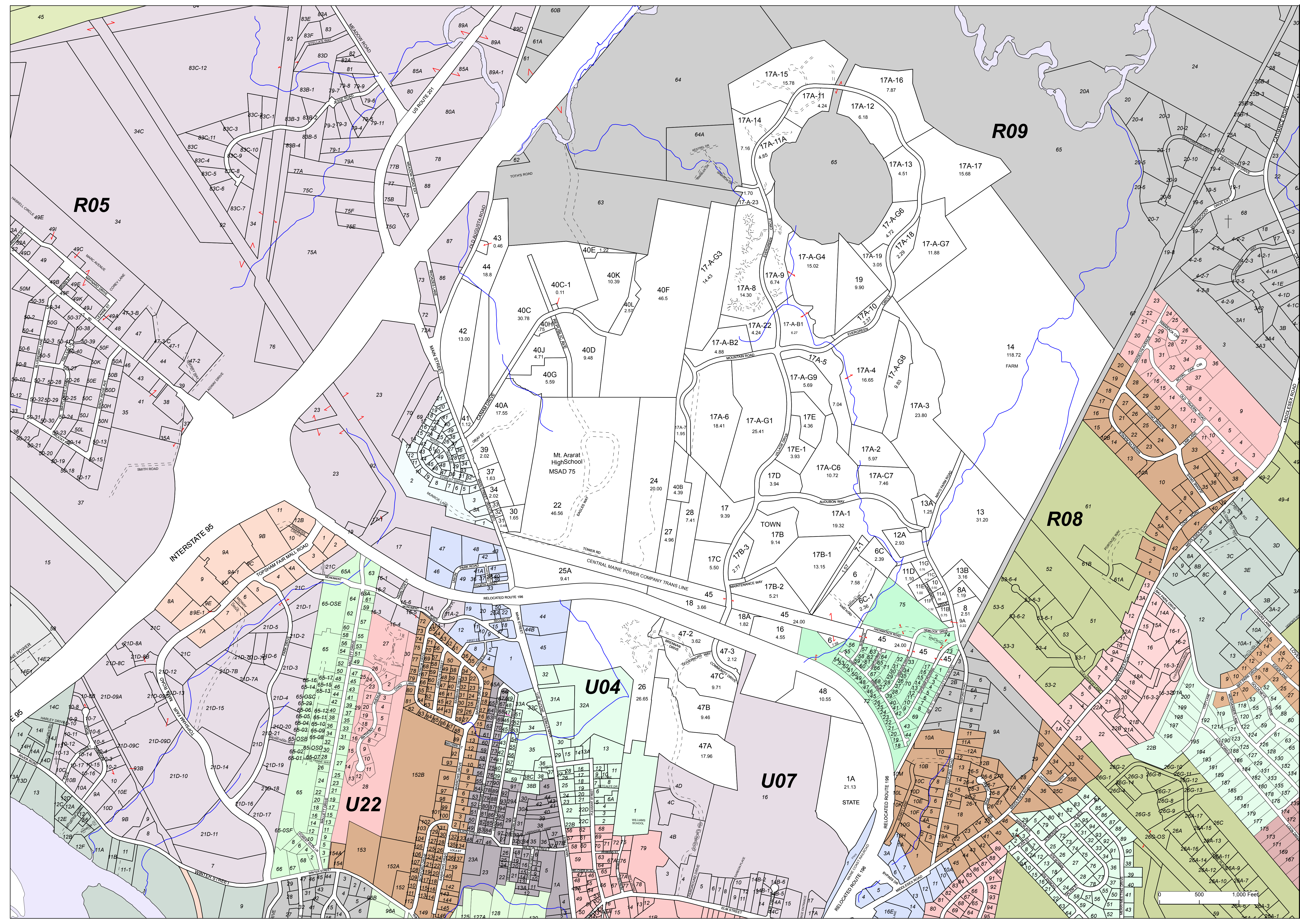
These maps are intended to be used for the purpose of Property Tax Assessments and should not be used for conveyances.
Revised to April 1st

Scale: = 500

- Essence
- Hooks
- ROW
- Streams
- Town Boundary
- Stnore
- Water body
- Subject Map
- Boundary Map
- Boundary Map
- Boundary Map
- Boundary Map

2017

MAP: R04



Reference: FEMA, Flood Insurance Rate Map, Town of Topsham, Maine, Sagadahoc County, Community Panels 230122 008B & 23012216B of 20
 Note: Flood zone exists at Cathance River site preservation area only.



LAND USE CONSULTANTS, INC.
 Planners • Engineers • Landscape Architects
 966 Riverside Street Portland, Maine 04103
 Tel. 207.878.3313 Fax. 207.878.020 landuse@gwi.net

• **PREPARED FOR:**
Flood Map

• **TITLE:**
The Highlands North
 Topsham, Maine

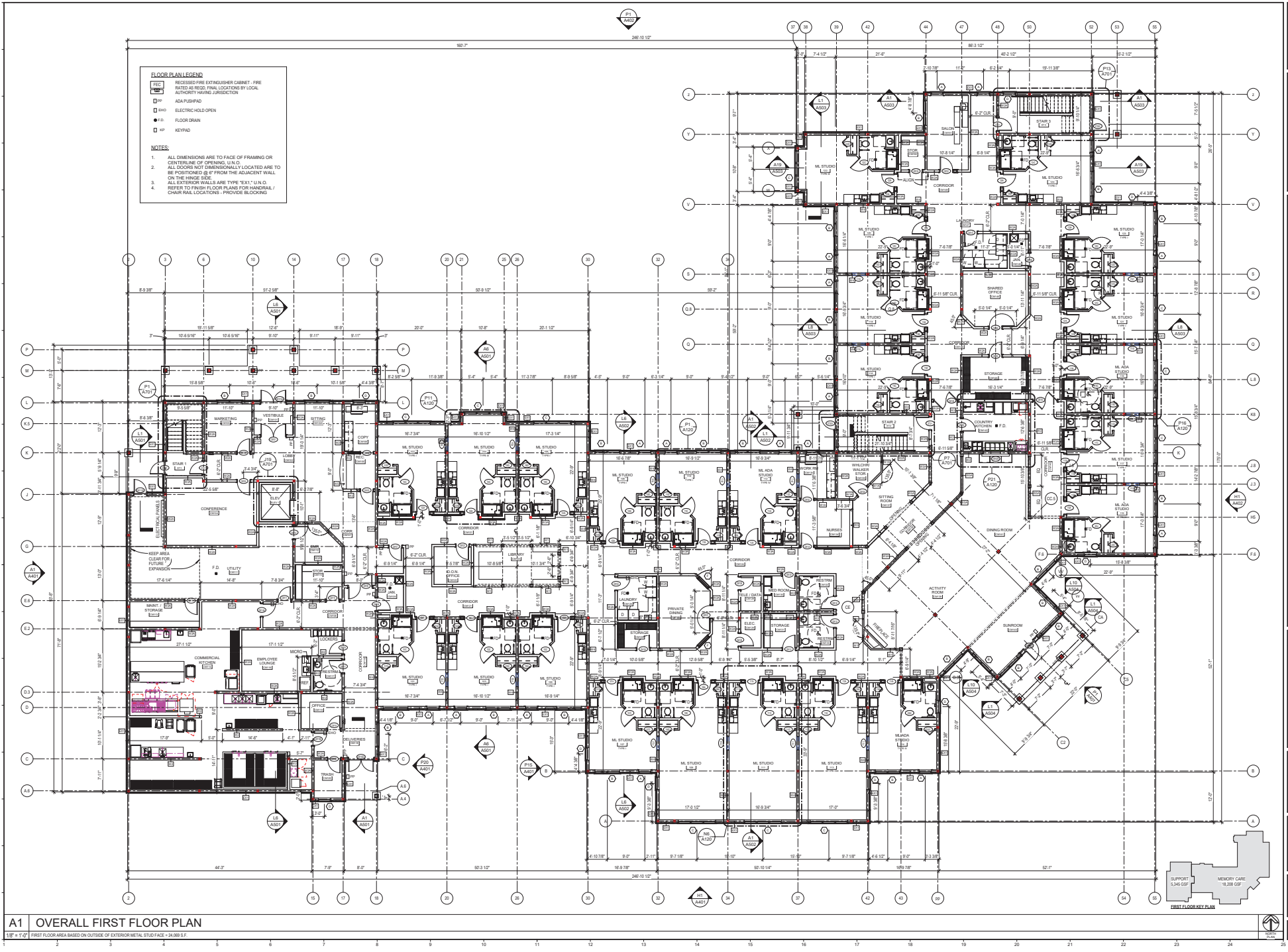
• **JOB NO:** 2617.1

SCALE: 1"=1000'

DATE: May 2000

FIGURE
23.1

- FLOOR PLAN LEGEND**
- REC RECESSED FIRE EXTINGUISHER CABINET - FIRE CONTROLING OR OPENING U.N.O.
 - ADJ ADJUSPAD
 - EMO ELECTRIC HOLD OPEN
 - F.D. FLOOR DRAIN
 - KP KEYPAD
- NOTES:**
1. ALL DIMENSIONS ARE TO FACE OF FRAMING OR CENTERLINE OF OPENING U.N.O.
 2. ALL DOORS NOT DIMENSIONALLY LOCATED ARE TO BE POSITIONED 6" FROM THE ADJACENT WALL ON THE HINGE SIDE.
 3. ALL EXTERIOR WALLS ARE TYPE 'EX1' U.N.O. REFER TO FINISH FLOOR PLANS FOR HANDRAIL / CHAIRLIFT LOCATIONS - PROVIDE BIDDING.



30 BACK FORD ROAD
SCARBOROUGH, MAINE 04874
907.884.8497
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HIGHLAND GREEN ASSISTED LIVING & MEMORY CARE
AUBURON WAY
TOPSHAM, MAINE

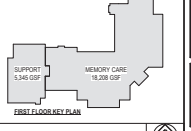
REVISIONS	
1	DATE: 07/28/2021
2	PROJECT # 0905201
3	DRAWN BY: DML
4	CHECKED BY: RLD
	DRAWING SCALE: As Indicated

SHEET TITLE
OVERALL FIRST FLOOR PLAN
NOT FOR CONSTRUCTION

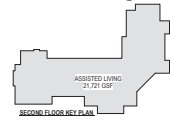
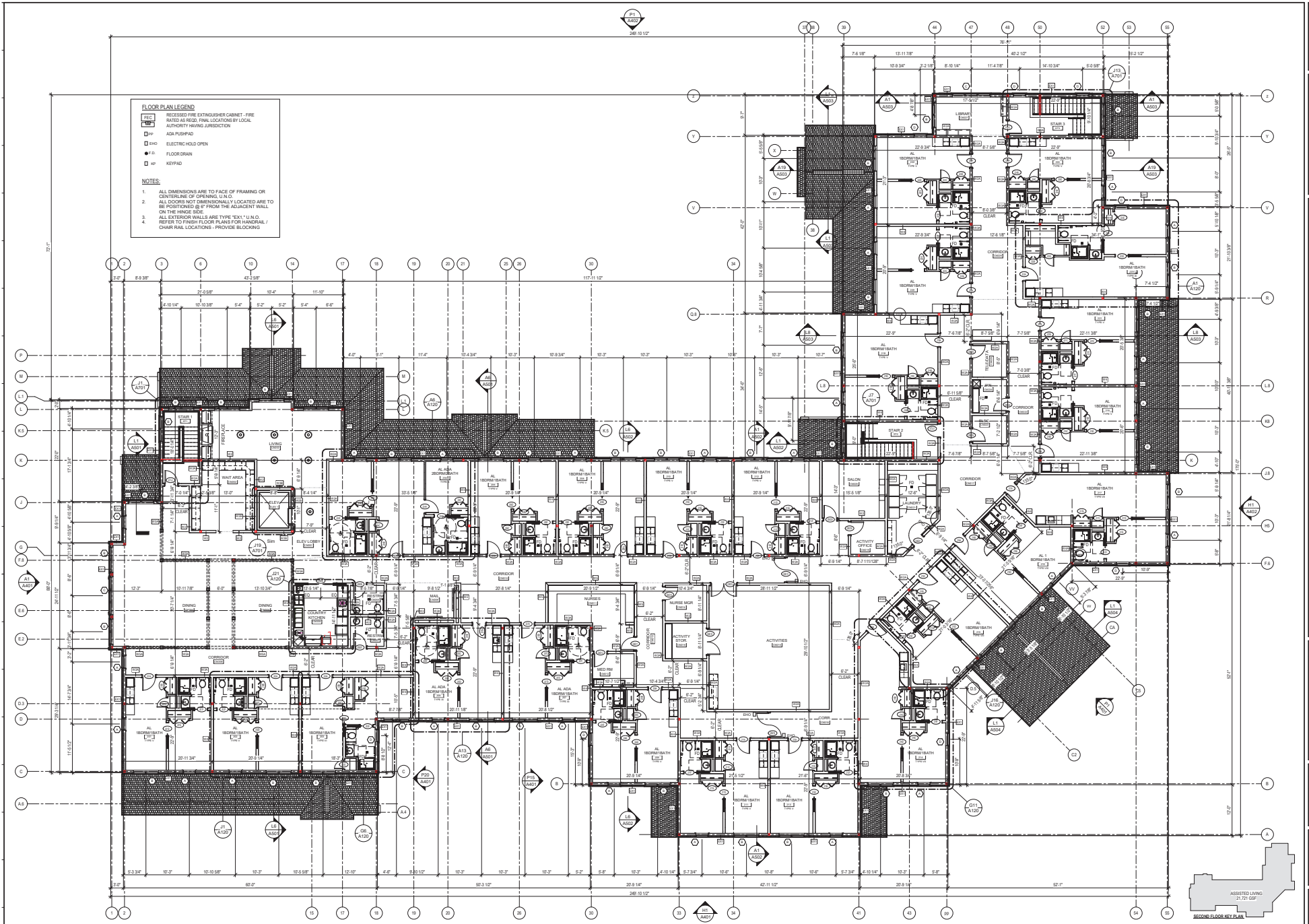
A101

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A1 OVERALL FIRST FLOOR PLAN
18' x 14' FIRST FLOOR AREA BASED ON OUTSIDE OF EXTERIOR METAL STUD FACE = 24,089 S.F.



- FLOOR PLAN LEGEND**
- RECESSED FIRE EXTINGUISHER CABINET - FIRE RATED AS REQUIRED. PINN LOCATION BY LOCAL AUTHORITY HAVING JURISDICTION.
 - ADA PUSHPAD
 - ELECTRIC HOLD OPEN
 - FLOOR DRAIN
 - KEYPAD
- NOTES:**
- ALL DIMENSIONS ARE TO FACE OF FRAMING OR CENTERLINE OF OPENING UNLESS NOTED OTHERWISE.
 - ALL DOORS NOT DIMENSIONALLY LOCATED ARE TO BE POSITIONED 18" FROM THE ADJACENT WALL ON THE HINGE SIDE.
 - ALL EXTERIOR WALLS ARE TYPE "XK1" UNLESS NOTED OTHERWISE. REFER TO FINISH FLOOR PLANS FOR HANDRAIL/CHAIR RAIL LOCATIONS - PROVIDE BLOODING.



A1 OVERALL SECOND FLOOR PLAN
 18' x 7.2' SECOND FLOOR AREA BASED ON OUTSIDE OF EXTERIOR METAL STUD FACE = 21,862 S.F.

30 BLACK FERRY ROAD
 SCARBOROUGH, MAINE 04874
 603.884.8187
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HIGHLAND GREEN ASSISTED LIVING & MEMORY CARE
 AUBURN WAY
 TOPSHAM, MAINE

REVISIONS	
1	DATE: 07/28/2021
2	PROJECT #: 0905201
3	DATE: 07/28/2021 75% PERIOD SET
4	DRAWN BY: DML
5	CHECKED BY: RLD
6	DRAWING SCALE: As Indicated

SHEET TITLE
 OVERALL SECOND FLOOR PLAN
 NOT FOR CONSTRUCTION

A102

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REVISIONS

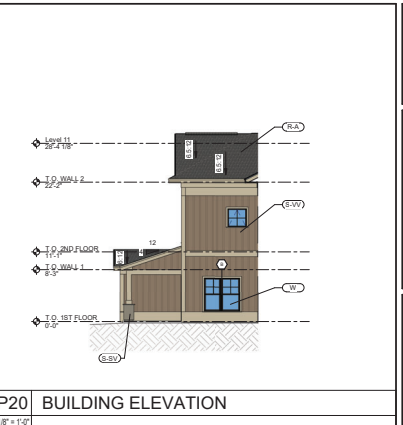
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2	75% PRICING SET	07/28/2021

DATE:	07/28/2021
PROJECT #:	095320
DRAWN BY:	DML
CHECKED BY:	RLD
DRAWING SCALE:	As Indicated

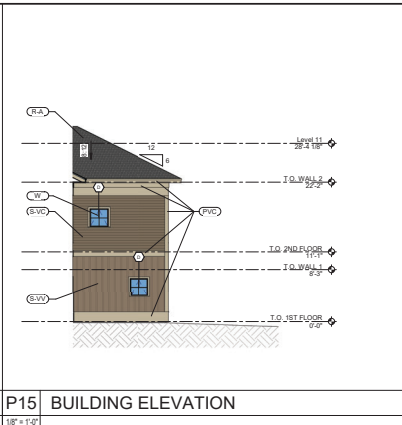
SHEET TITLE
BUILDING ELEVATIONS
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P20 BUILDING ELEVATION



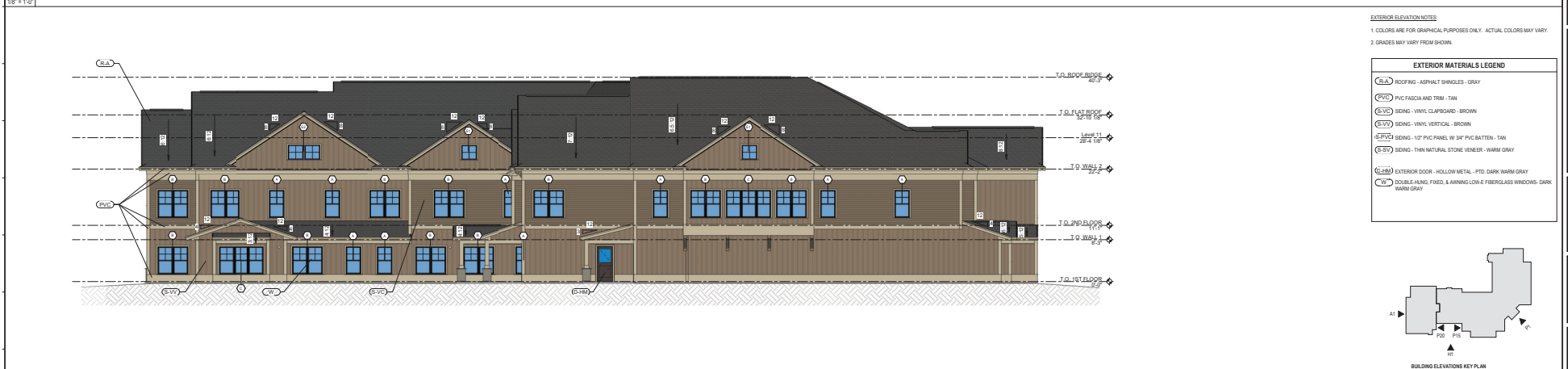
P15 BUILDING ELEVATION



P1 BUILDING ELEVATION



H1 BUILDING ELEVATION

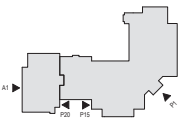


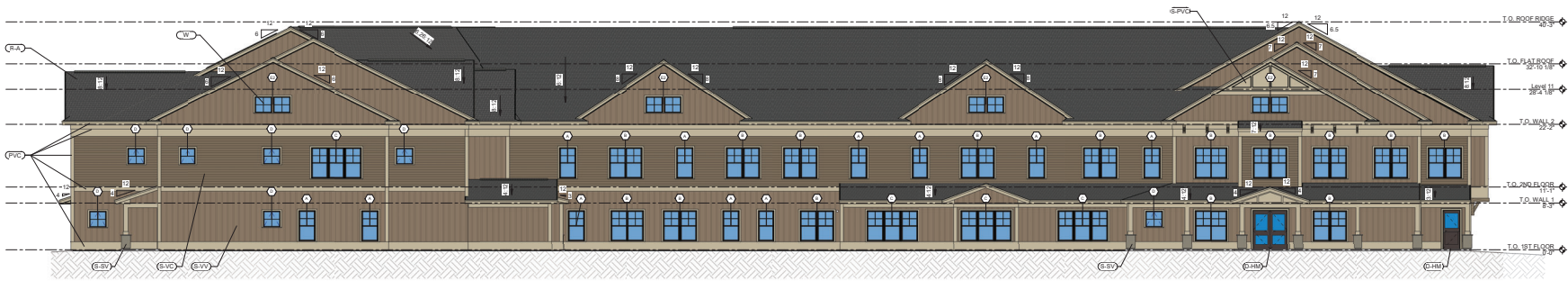
A1 BUILDING ELEVATION

EXTERIOR ELEVATION NOTES
1. COLORS ARE FOR GRAPHICAL PURPOSES ONLY. ACTUAL COLORS MAY VARY.
2. GRADES MAY VARY FROM SHOWN.

EXTERIOR MATERIALS LEGEND

- R.A. ROOFING - ASPHALT SHINGLES - GRAY
- P.V.C. PVC FACIA AND TRIM - TAN
- E.V.C. BEING - VINYL LAPBOARD - BROWN
- E.V.V. BEING - VINYL VERTICAL - BROWN
- E.S.P.C. BEING - 1"2" PVC PANEL W/ 3/4" PVC BATTEN - TAN
- E.S.V. BEING - TAN NATURAL STONE VENEER - WARM GRAY
- E.S.Y. BEING - THIN NATURAL STONE VENEER - WARM GRAY
- E.S.M. EXTERIOR DOOR - HOLLOW METAL - PFD DARK BROWN GRAY
- W. DOUBLE-HUNG, FIXED, & BARRING LOW-E FIBERGLASS WINDOWS - DARK WARM GRAY





P1 BUILDING ELEVATION

1/8" = 1'-0"

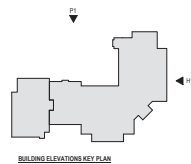


H1 BUILDING ELEVATION

1/8" = 1'-0"

EXTERIOR ELEVATION NOTES
 1. COLORS ARE FOR GRAPHICAL PURPOSES ONLY. ACTUAL COLORS MAY VARY.
 2. GRADES MAY VARY FROM SHOWN.

EXTERIOR MATERIALS LEGEND	
(R.A.)	ROOFING - ASPHALT SHINGLES - GRAY
(P.V.C.)	PVC FASCIA AND TRIM - TAN
(E.V.V.)	SIDING - VINYL CLAPBOARD - BROWN
(E.V.V.)	SIDING - VINYL VERTICAL - BROWN
(E.S.V.)	SIDING - 12" PVC PANEL W/ 3/4" PVC BATTEN - TAN
(E.S.V.)	SIDING - THIN NATURAL STONE VENEER - WARM GRAY
(E.H.D.)	EXTERIOR DOOR - HOLLOW METAL - FTD. DARK WARM GRAY
(W)	DOUBLE-HUNG, FIXED, & AWNING LOW-E FIBERGLASS WINDOWS - DARK WARM GRAY



39 BLACK FOUNTAIN ROAD
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HIGHLAND GREEN ASSISTED LIVING & MEMORY CARE
 AUDUBON WAY
 TOPSHAM, MAINE

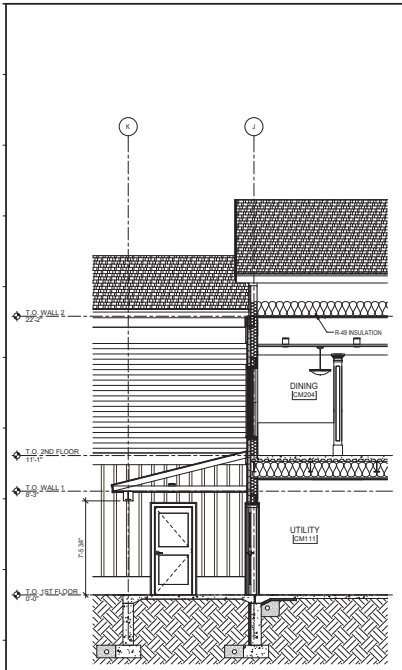
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2	DESCRIPTION: 95% PERFORM SET
3	
4	

DATE:	07-28-2021
PROJECT #:	095320
DRAWN BY:	DHL
CHECKED BY:	RLD
DRAWING SCALE:	As Indicated

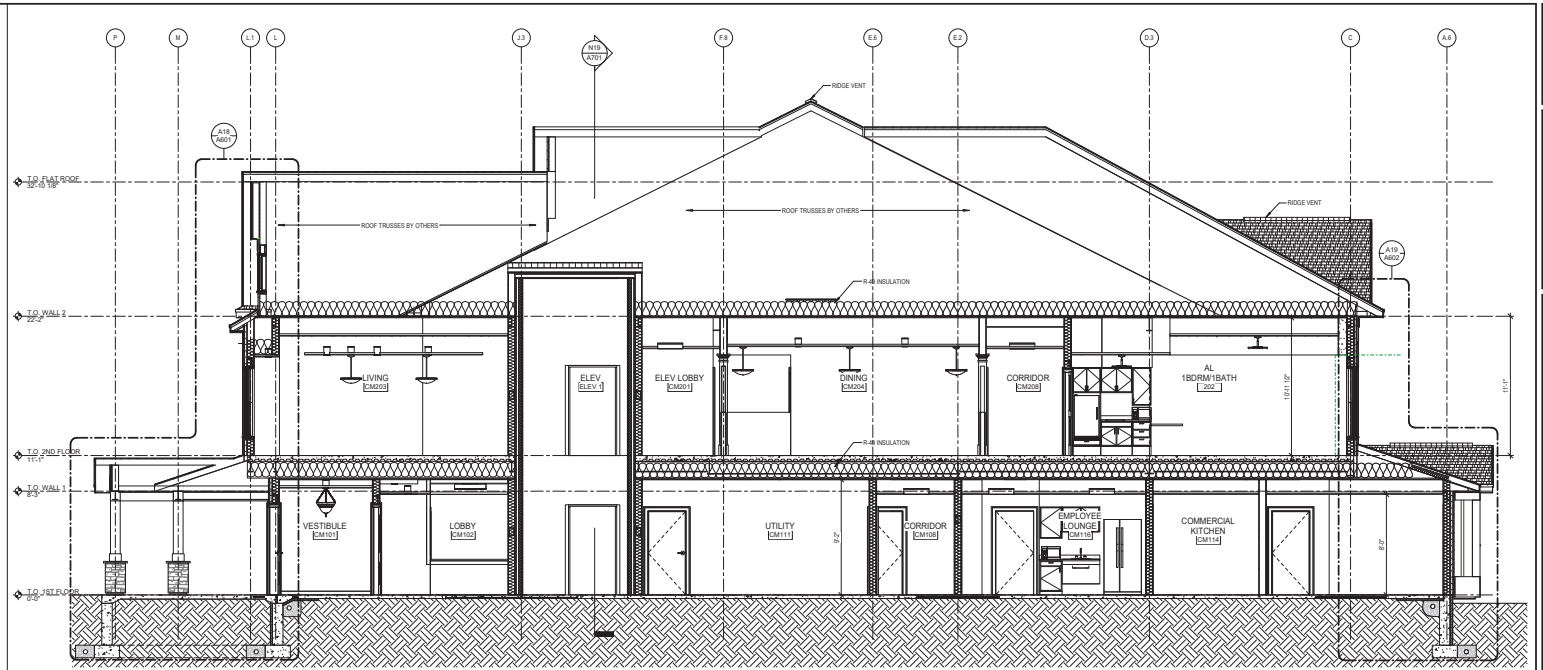
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 BUILDING ELEVATIONS
 NOT FOR CONSTRUCTION

A402

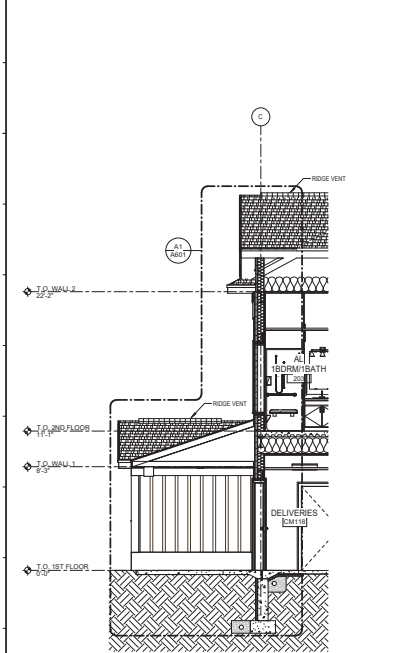
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L1 BUILDING SECTION
1/4" = 1'-0"



L6 BUILDING SECTION
1/4" = 1'-0"



A1 BUILDING SECTION
1/4" = 1'-0"



A6 BUILDING SECTION
1/4" = 1'-0"

39 BLACK POND ROAD
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HIGHLAND GREEN ASSISTED LIVING & MEMORY CARE
AUDUBON WAY
TOPSHAM, MAINE

REVISIONS	
1	DATE: 07-29-2021
2	PROJECT #: 0953201
3	DRAWN BY: CHL
4	CHECKED BY: RLD
	DATE: 07-29-2021
	PROJECT #: 0953201
	DRAWN BY: CHL
	CHECKED BY: RLD
	DATE: 07-29-2021
	PROJECT #: 0953201
	DRAWN BY: CHL
	CHECKED BY: RLD
	DATE: 07-29-2021
	PROJECT #: 0953201
	DRAWN BY: CHL
	CHECKED BY: RLD

SHEET TITLE
BUILDING SECTIONS
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A501

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REVISIONS

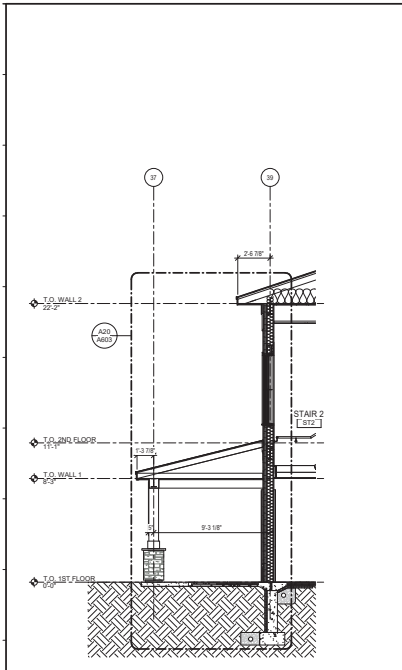
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2	07/28/2021	10% PERMITS SET

DATE: 07/22/2021
PROJECT #: 0953201
DRAWN BY: CHL
CHECKED BY: RLD
DRAWING SCALE: 1/4" = 1'-0"

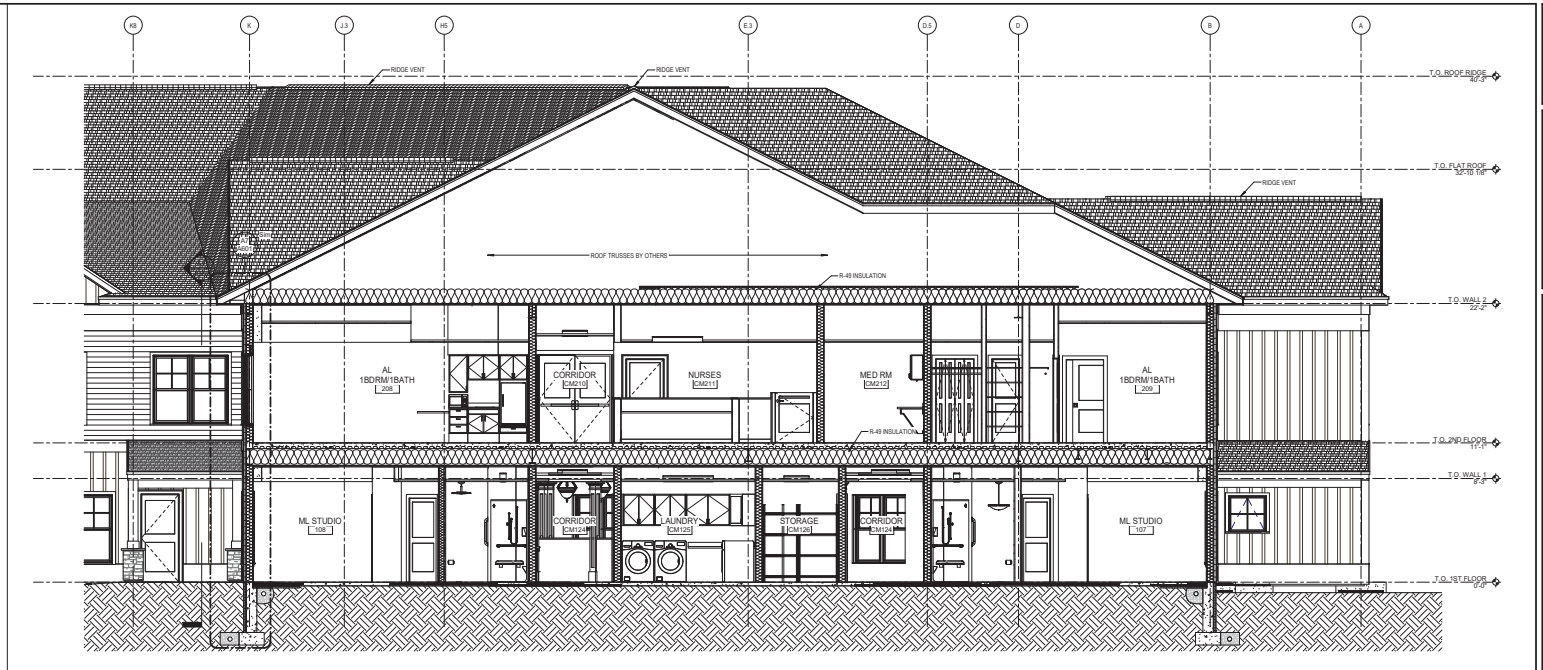
SHEET TITLE
BUILDING SECTIONS
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A502

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100 BACK FORTY ROAD
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TOPSHAM, MAINE
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L1 BUILDING SECTION
1/4" = 1'-0"



L6 BUILDING SECTION
1/4" = 1'-0"



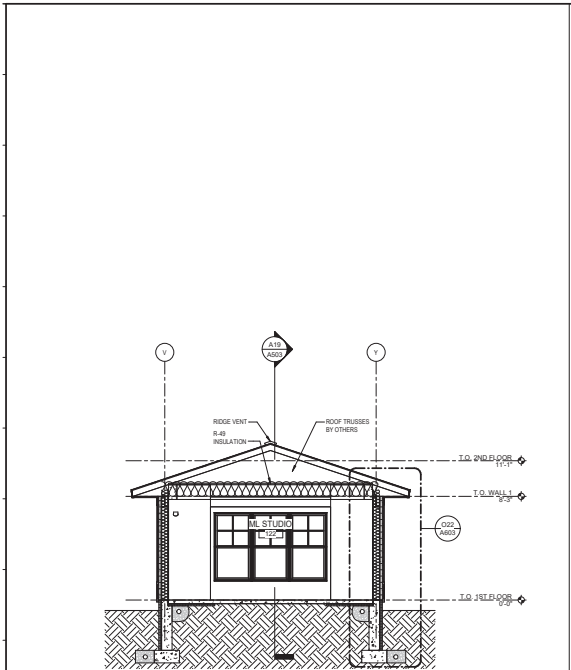
A1 BUILDING SECTION
1/4" = 1'-0"

REVISIONS	
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2	PROJECT # 0995201
3	DRAWN BY: CHL
4	CHECKED BY: RLD
	DRAWING SCALE: 1/4" = 1'-0"

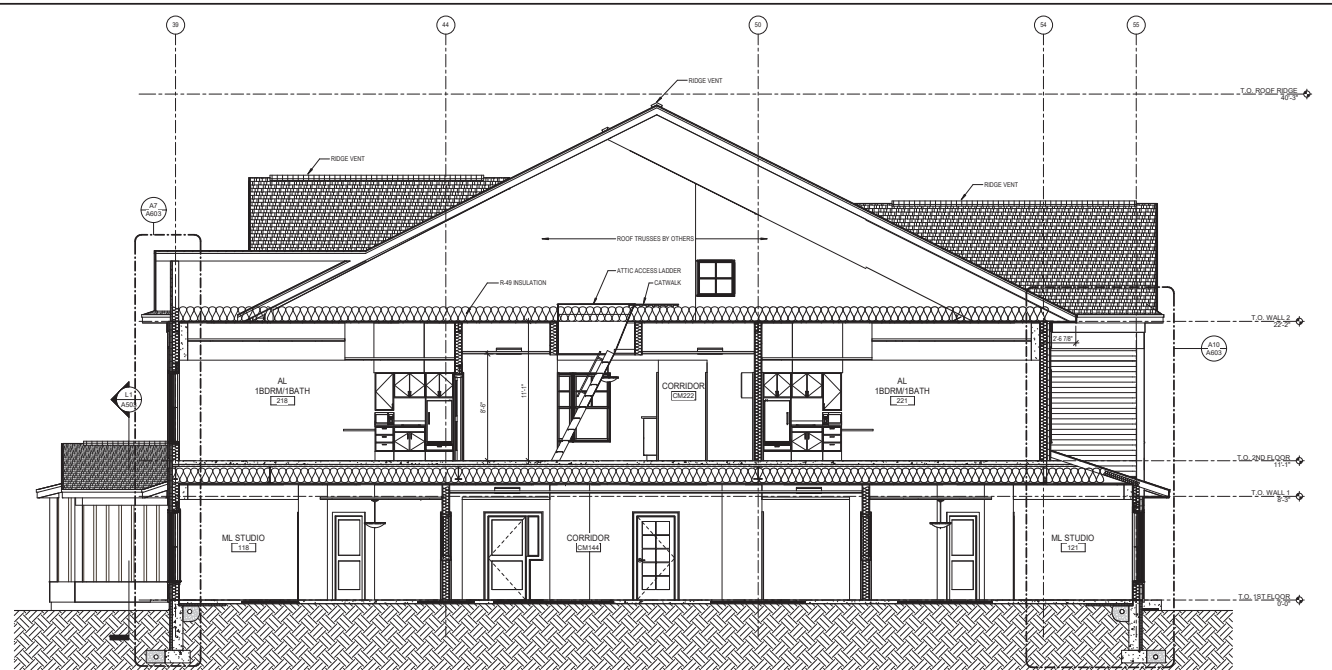
SHEET TITLE
BUILDING SECTIONS
NOT FOR CONSTRUCTION

A503

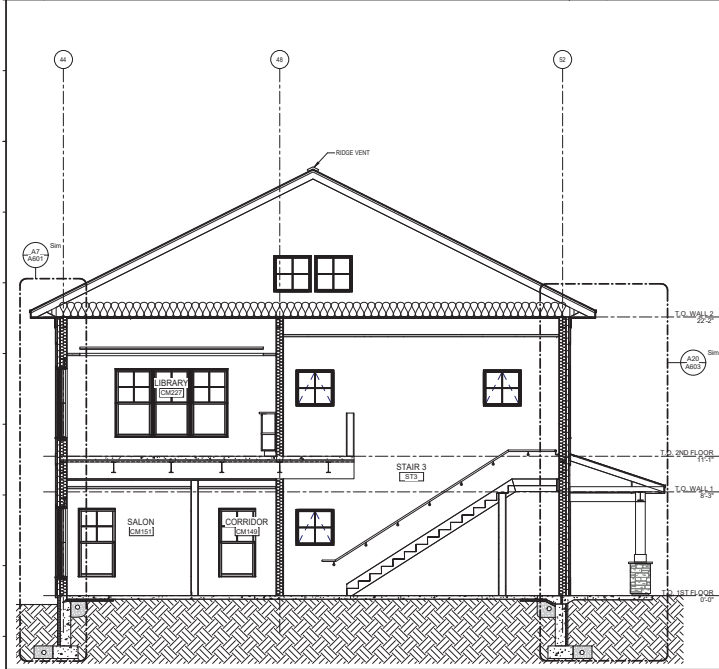
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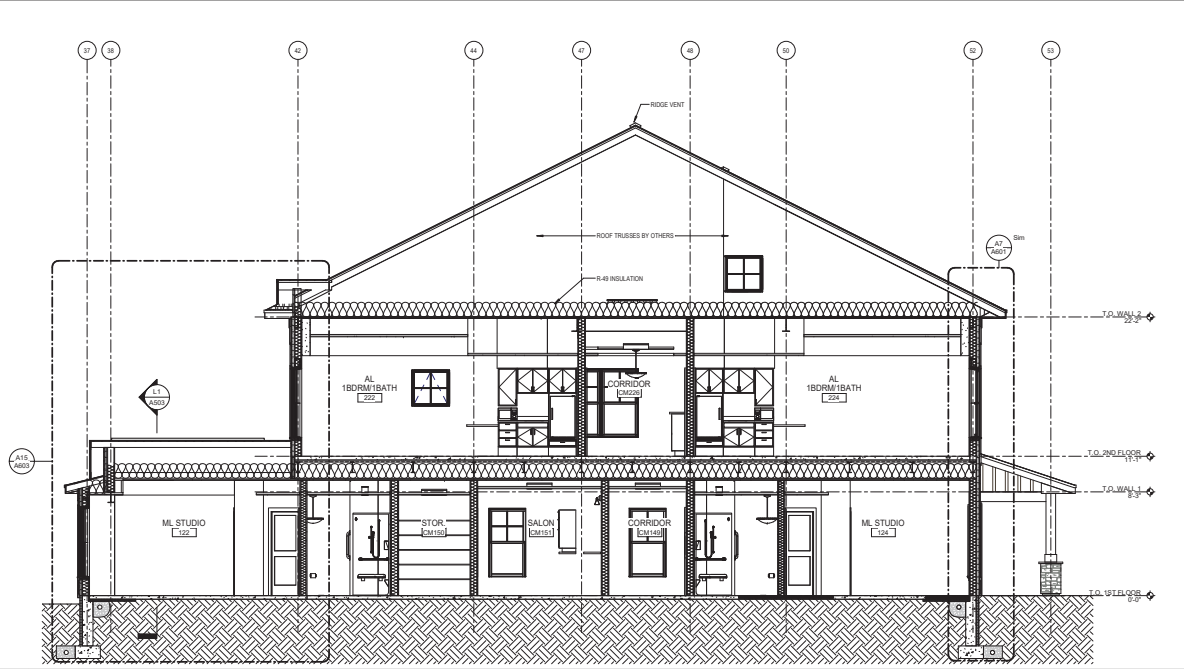
L1 BUILDING SECTION
1/8" = 1'-0"



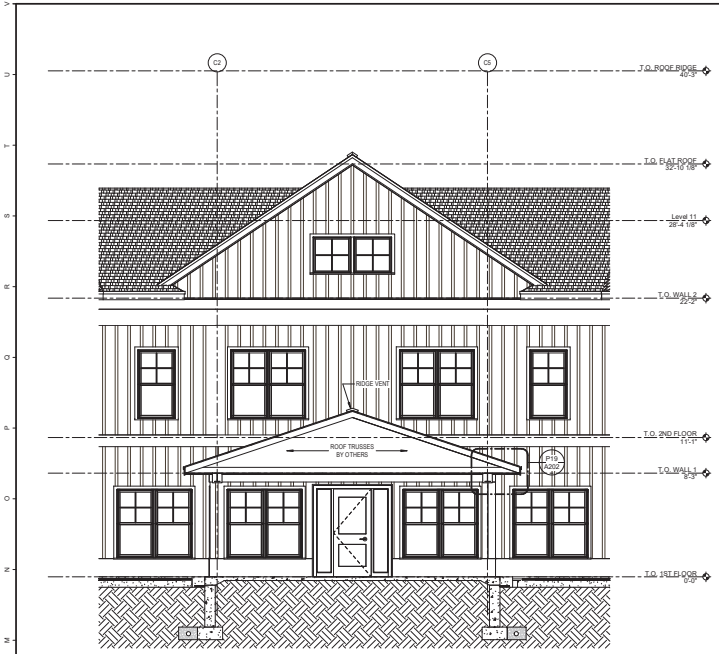
L8 BUILDING SECTION
1/8" = 1'-0"



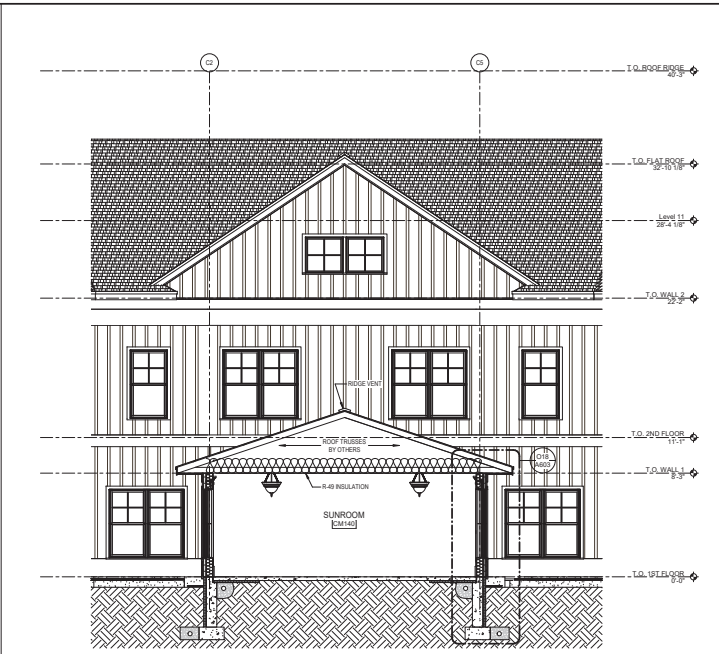
A1 BUILDING SECTION
1/8" = 1'-0"



A19 BUILDING SECTION
1/8" = 1'-0"



L1 BUILDING SECTION
1/4" = 1'-0"



L10 BUILDING SECTION
1/4" = 1'-0"

39 BACK YONE ROAD
SCARBOROUGH, MAINE 04874
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HIGHLAND GREEN ASSISTED LIVING & MEMORY CARE
AUDUBON WAY
TOPSHAM, MAINE

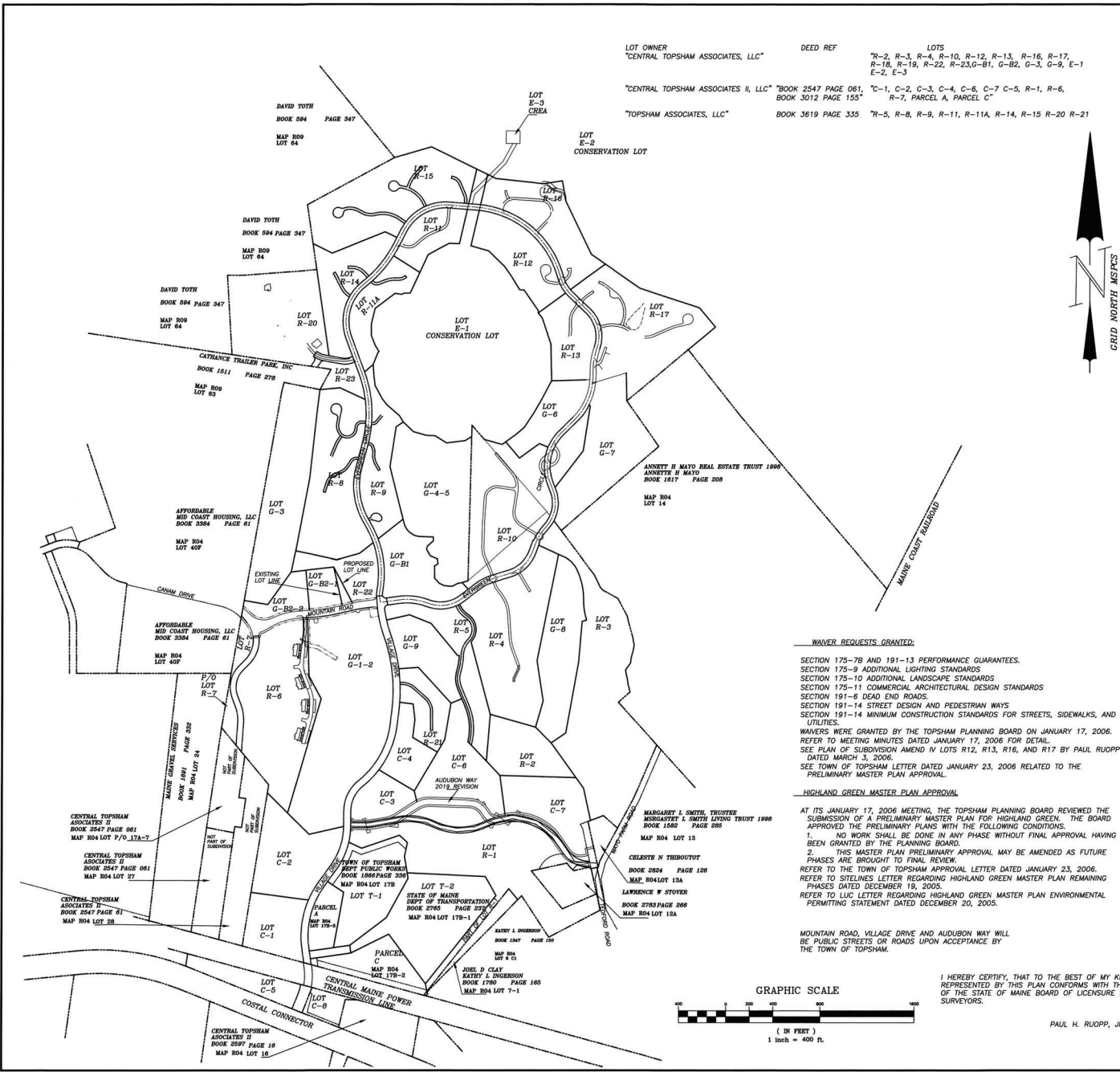
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DRAWN BY:	DHL
CHECKED BY:	RLD
DRAWING SCALE:	1/4" = 1'-0"

SHEET TITLE
BUILDING SECTIONS
NOT FOR CONSTRUCTION

A504

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LOT OWNER DEED REF LOTS
 "CENTRAL TOPSHAM ASSOCIATES, LLC" R-2, R-3, R-4, R-10, R-12, R-13, R-16, R-17, R-18, R-19, R-22, R-23 G-B1, G-B2, G-3, G-9, E-1 E-2, E-3
 "CENTRAL TOPSHAM ASSOCIATES II, LLC" "BOOK 2547 PAGE 061, BOOK 3012 PAGE 155" "C-1, C-2, C-3, C-4, C-6, C-7 C-5, R-1, R-6, R-7, PARCEL A, PARCEL C"
 "TOPSHAM ASSOCIATES, LLC" BOOK 3619 PAGE 335 "R-5, R-8, R-9, R-11, R-11A, R-14, R-15 R-20 R-21

LEGEND:

SURVEY CONTROL (TRAVERSE) STATION	△	SANITARY SEWER LINE	— ss —
IRON PIPE OR ROD EXISTING	□	STORM DRAIN LINE	— sd —
STONE OR CONCRETE MONUMENT EXISTING	○	WATER LINE	— w —
DRILL HOLE EXISTING	●	AERIAL ELECTRIC & TELEPHONE LINE	— ae/te —
5/8" DIA REINFORCING BAR SET	⊙	BELOW GRADE ELECTRIC, TELEPHONE LINE	— bgl/te —
WITH SURVEYORS ID CAP	⊙	WOOD FENCE LINE	— wf —
MONUMENT SET (OTHER THAN REBAR)	⊙	WOOD FENCE LINE	— wf —
BENCH MARK OR TEMPORARY BENCH MARK	⊙	CHAIN LINK FENCE	— cl —
CATCH BASIN	⊙	STONEWALL	— st —
DRAIN MANHOLE	⊙	PROPERTY LINE	— pl —
SANITARY SEWER MANHOLE	⊙	EASEMENT LINE	— el —
WATER GATE VALVE	⊙	PARCEL LINE PER DEED	— pd —
HYDRANT	⊙	ZONING YARD SET BACK LINE	— zy —
WATER SHUT OFF	⊙	LOT/DIVISION LINE	— ld —
WELL	⊙	EXISTING CONTOUR LINE	— ec —
UTILITY POLE	⊙	WETLANDS LIMIT	— wl —
UTILITY GUY POLE	⊙	VEGETATION/TREELINE LIMIT	— vt —
CONTROLLER CABINET	⊙	LINE TABLE REFERENCE L1	— l1 —
POLE LIGHT	⊙	CURVE TABLE REFERENCE C1	— c1 —
GAS/OIL FILL POINT COVER	⊙		
SOIL TEST PIT LOCATION	⊙		
SOIL BORING LOCATION	⊙		
TRAFFIC DIRECTION	↑		
FLOW DIRECTION	→		



HIGHLAND GREEN SUBDIVISION WAS INITIALLY APPROVED IN 2000. THE ORIGINAL PLAN SET INCLUDED AN INDEX SHEET AND 8 PLAN SHEETS, RECORDED AT PLAN BOOK 36 PAGES 14-22. THE FOLLOWING IS A LIST OF AMENDMENTS TO THE HIGHLAND GREEN SUBDIVISION.

PLAN BOOK PAGE	AMENDMENT	INDEX SHEET
36	39	
36	40	I
36	48	E-1, E-2*
36	85	R-8, R-9*
37	58	"SEWER EASEMENT, AUDUBON WAY"
38	41	INDEX SHEET
38	42	"T-1, R-1, C-1, C-2, C-3"
38	43	"T-1, R-1"
38	44	"C-3, C-4, R-5, R-6, R-7, G-1-2, G-9"
38	45	"C-3, G-B1, R-B2, R-8, R-9, R-10, R-19"
38	46	"R-11, R-12, R-13, R-14, R-15, R-16, R-17"
38	47	"C-3, C-4, G-8, G-9, R-2, R-3, R-4, R-5"
38	48	"G-9, G-6, G-7, R-19"
41	81	"C-4, R-21"
41	82	"R-11, R-11A, R-20"
41	84	"R-1, T-1"
41	92	III A "R-11, R-11A, R-20"
41	93	III "R-1, STOVER PROPERTY"
41	94	III A "C-4, R-21"
42	12	III B "R-11, R-11A, R-20"
42	33	IV "R-12, R-13, R-16, R-17"
44	44	V "R-2, R-5, C-5, C-7"
44	83	VI "C-6, C-7, R-2, R-5"
44	84	VI "R-4, R-5"
44	85	VI "G-B2, R-22"
44	86	VI "R-11, R-14, R-20, R-23"
44	87	VI "LOT E-3"
2017	0034	VIII "LOT-R17, G-7"
2017	0033	VIII "LOT INDEX PLAN UPDATE"
2018	0026	IX "LOTS R-6, G-1, 2, R-22, G-B2"
2018	0027	IX "LOTS G-1-2, R-6, R-22, G-B2, G-3"
2018	0028	IX "MOUNTAIN ROAD"

WAVES REQUESTS GRANTED:

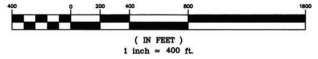
SECTION 175-7B AND 191-13 PERFORMANCE GUARANTEES.
 SECTION 175-9 ADDITIONAL LIGHTING STANDARDS
 SECTION 175-10 ADDITIONAL LANDSCAPE STANDARDS
 SECTION 175-11 COMMERCIAL ARCHITECTURAL DESIGN STANDARDS
 SECTION 191-8 DEAD END ROADS.
 SECTION 191-14 STREET DESIGN AND PEDESTRIAN WAYS
 SECTION 191-14 MINIMUM CONSTRUCTION STANDARDS FOR STREETS, SIDEWALKS, AND UTILITIES.
 WAVES WERE GRANTED BY THE TOPSHAM PLANNING BOARD ON JANUARY 17, 2006. REFER TO MEETING MINUTES DATED JANUARY 17, 2006 FOR DETAIL.
 SEE PLAN OF SUBDIVISION AMEND IV LOTS R12, R13, R16, AND R17 BY PAUL RUOPP DATED MARCH 3, 2006.
 SEE TOWN OF TOPSHAM LETTER DATED JANUARY 23, 2006 RELATED TO THE PRELIMINARY MASTER PLAN APPROVAL.

HIGHLAND GREEN MASTER PLAN APPROVAL

AT ITS JANUARY 17, 2006 MEETING, THE TOPSHAM PLANNING BOARD REVIEWED THE SUBMISSION OF A PRELIMINARY MASTER PLAN FOR HIGHLAND GREEN. THE BOARD APPROVED THE PRELIMINARY PLANS WITH THE FOLLOWING CONDITIONS:
 1. NO WORK SHALL BE DONE IN ANY PHASE WITHOUT FINAL APPROVAL HAVING BEEN GRANTED BY THE PLANNING BOARD.
 2. THIS MASTER PLAN PRELIMINARY APPROVAL MAY BE AMENDED AS FUTURE PHASES ARE BROUGHT TO FINAL REVIEW.
 REFER TO THE TOWN OF TOPSHAM APPROVAL LETTER DATED JANUARY 23, 2006. REFER TO SITES/LINES LETTER REGARDING HIGHLAND GREEN MASTER PLAN REMAINING PHASES DATED DECEMBER 19, 2005.
 REFER TO LUC LETTER REGARDING HIGHLAND GREEN MASTER PLAN ENVIRONMENTAL PERMITTING STATEMENT DATED DECEMBER 20, 2005.

MOUNTAIN ROAD, VILLAGE DRIVE AND AUDUBON WAY WILL BE PUBLIC STREETS OR ROADS UPON ACCEPTANCE BY THE TOWN OF TOPSHAM.

GRAPHIC SCALE



I HEREBY CERTIFY, THAT TO THE BEST OF MY KNOWLEDGE, THE SURVEY REPRESENTED BY THIS PLAN CONFORMS WITH THE STANDARDS OF PRACTICE OF THE STATE OF MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS.

PAUL H. RUOPP, JR. P.L.S. NO 1165

APPROVED TOWN OF TOPSHAM PLANNING BOARD:

Tom Thayer
Roady L. Bixson

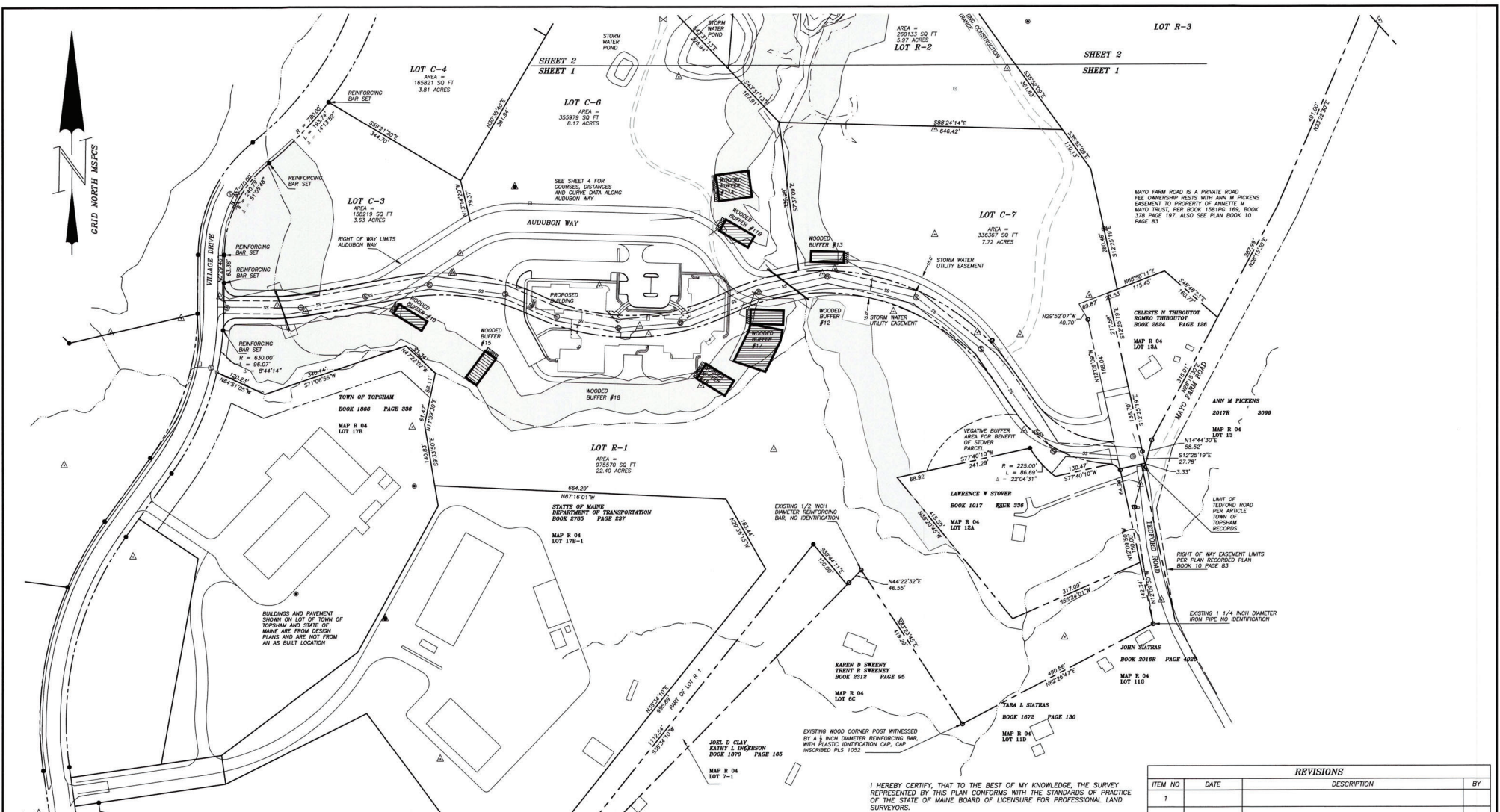
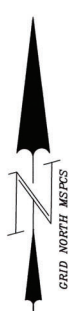
COUNTY OF SAGadahoc REGISTRY OF DEEDS:
 RECEIVED:
 AT _____ HRS _____ MIN _____ M, AND
 FILED IN PLAN BOOK _____ PAGE _____
 ATTESTED: _____ REGISTER

PLAN OF SUBDIVISION OF:
HIGHLAND GREEN SUBDIVISION
 VILLAGE DRIVE / EVERGREEN CIRCLE
 TOPSHAM, MAINE
 FOR
CENTRAL TOPSHAM ASSOCIATES, LLC
 TOPSHAM, MAINE

NOT VALID WITHOUT
 EMBOSSED SEAL OF SURVEYOR
Paul H. Ruopp Jr.
 1-17-2020

PAUL H. RUOPP JR., PLS
 LAND SURVEYING & MAPPING
 25 MAPLE STREET P O BOX 330
 MONMOUTH, MAINE 04259
 TEL & FAX: 207-933-3393

FIELD Wk: PHR
 DRAWN BY: PHR
 CHECKED BY: PHR
 DATE: 21OCT2019
 FIELD SK: _____
 PROJ: 12090051
 SHEET: 1 OF 1
 File No.: 12090016



CENTRAL TOPSHAM ASSOCIATES II
BOOK 3612 PAGE 155
MAP R 04
LOT 17B-2

LOT R-1
AREA = 975370 SQ FT
22.40 ACRES
STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
BOOK 2765 PAGE 237
MAP R 04
LOT 17B-1

APPROVED TOWN OF TOPSHAM PLANNING BOARD:

Don Norman
Ronald L. Bisson

I HEREBY CERTIFY, THAT TO THE BEST OF MY KNOWLEDGE, THE SURVEY REPRESENTED BY THIS PLAN CONFORMS WITH THE STANDARDS OF PRACTICE OF THE STATE OF MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS.

PAUL H. RUOPP, JR. P.L.S. NO 1165

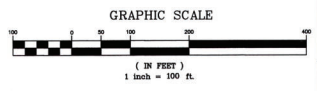
COUNTY OF SAGadahoc REGISTRY OF DEEDS:

RECEIVED _____

AT _____ HRS _____ MIN _____ M, AND

FILED IN PLAN BOOK _____ PAGE _____

ATTESTED: _____ REGISTER



REVISIONS			
ITEM NO	DATE	DESCRIPTION	BY
1			

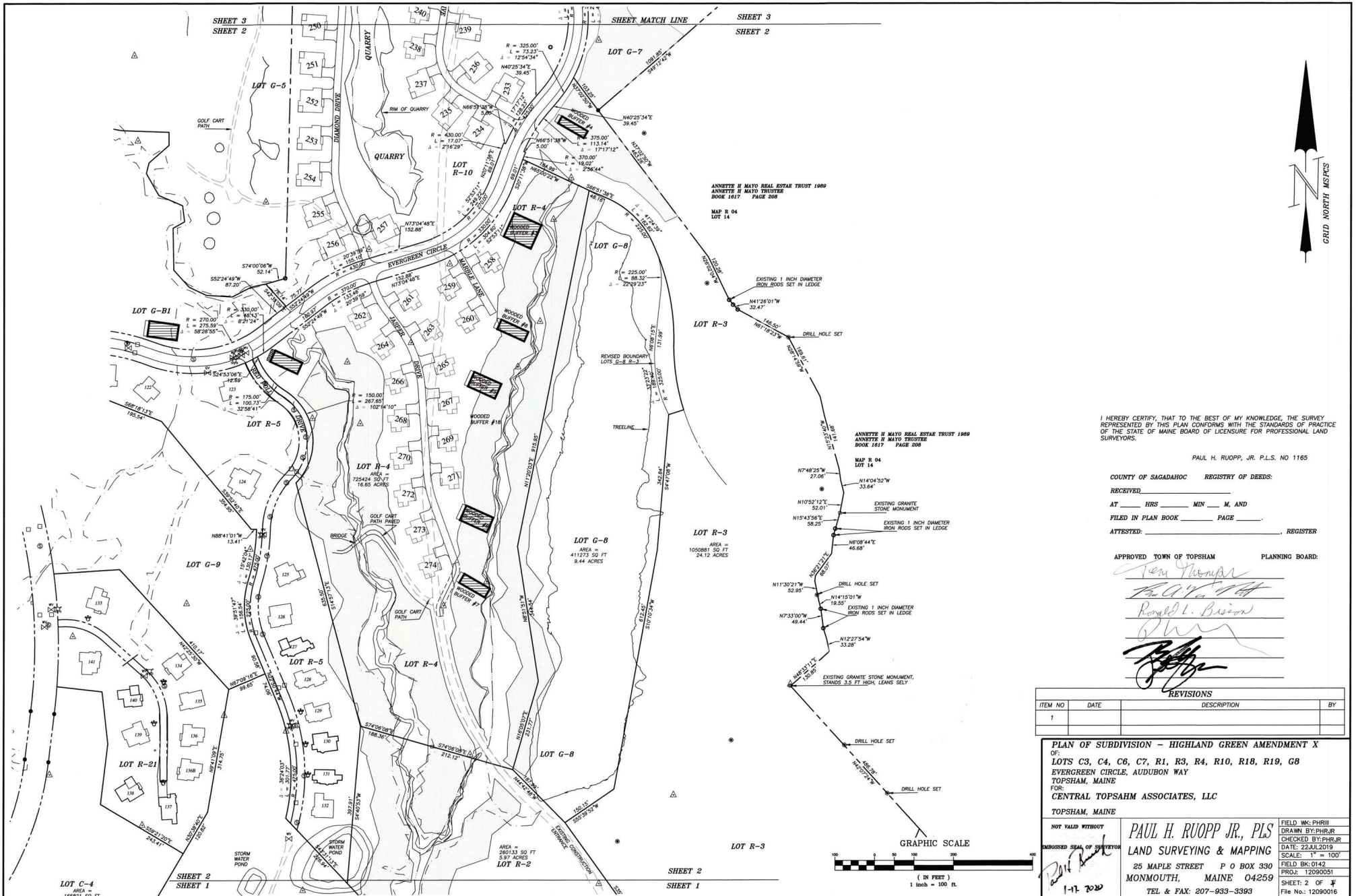
PLAN OF SUBDIVISION - HIGHLAND GREEN AMENDMENT X
OF:
LOTS C3, C4, C6, C7, R1, R3, R4, R10, R18, R19, G8
EVERGREEN CIRCLE, AUDUBON WAY
TOPSHAM, MAINE
FOR
CENTRAL TOPSHAM ASSOCIATES, LLC
TOPSHAM, MAINE

NOT VALID WITHOUT
EMBOSSED SEAL OF SURVEYOR

Paul H. Ruopp Jr.

PAUL H. RUOPP JR., PLS
LAND SURVEYING & MAPPING
25 MAPLE STREET P O BOX 330
MONMOUTH, MAINE 04259
TEL & FAX: 207-933-3393

FIELD WK: PHR/II
DRAWN BY: PHR/JR
CHECKED BY: PHR/JR
DATE: 22 JUL 2019
SCALE: 1" = 100'
FIELD SK: 0142
PROJ: 12090051
SHEET: 1 OF 3
File No.: 12090016



I HEREBY CERTIFY, THAT TO THE BEST OF MY KNOWLEDGE, THE SURVEY REPRESENTED BY THIS PLAN CONFORMS WITH THE STANDARDS OF PRACTICE OF THE STATE OF MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS.

PAUL H. RUOPP, JR. P.L.S. NO 1165

COUNTY OF SAGadahoc REGISTRY OF DEEDS:
 RECEIVED _____
 AT _____ HRS MIN M, AND
 FILED IN PLAN BOOK _____ PAGE _____
 ATTESTED: _____ REGISTER

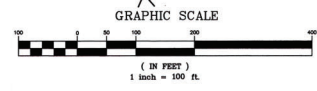
APPROVED TOWN OF TOPSHAM PLANNING BOARD:
Paul H. Ruopp, Jr.
Ronald L. Bisson
[Signature]

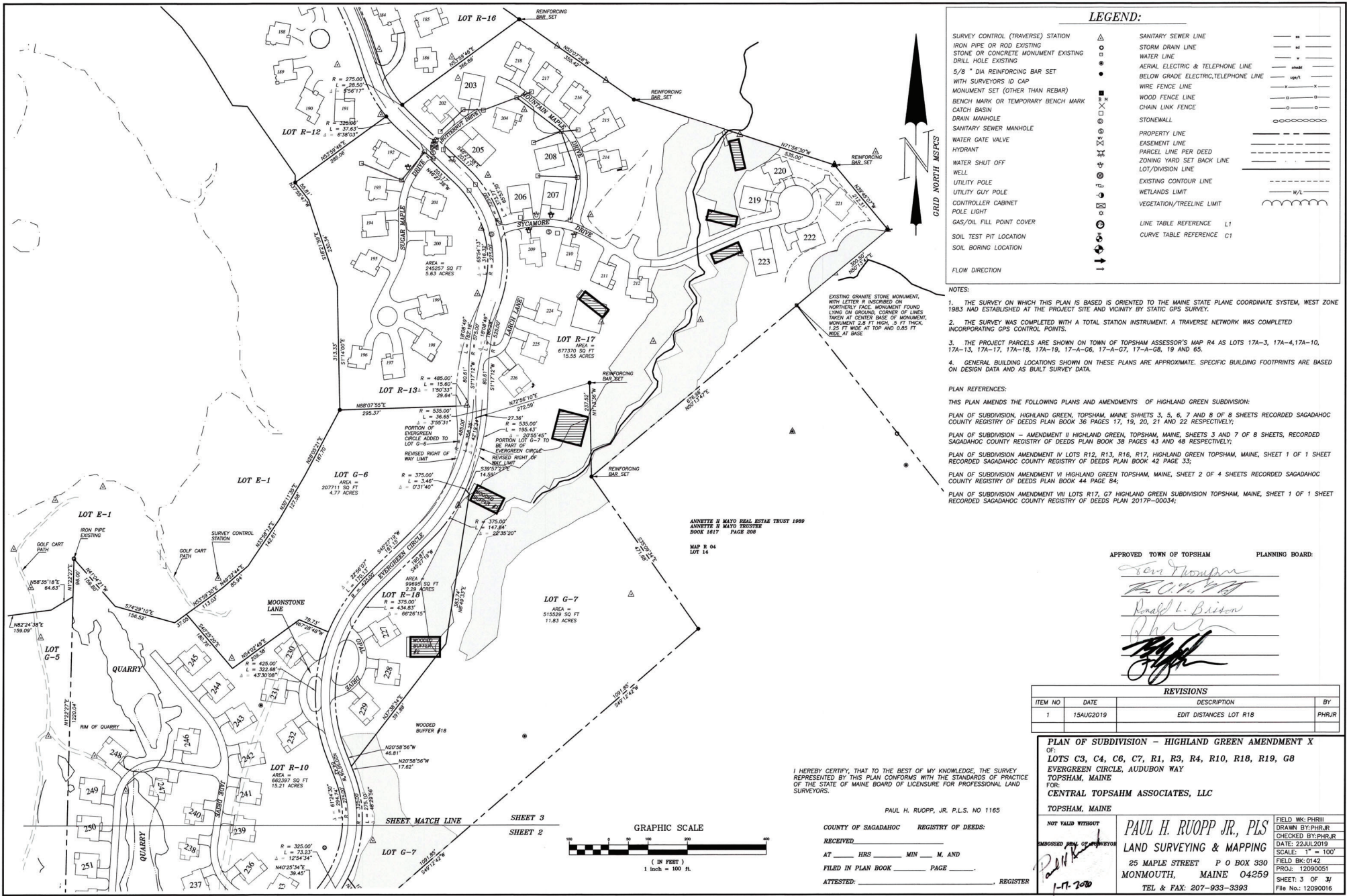
REVISIONS			
ITEM NO	DATE	DESCRIPTION	BY
1			

PLAN OF SUBDIVISION - HIGHLAND GREEN AMENDMENT X OF LOTS C3, C4, C6, C7, R1, R3, R4, R10, R18, R19, G8 EVERGREEN CIRCLE, AUDUBON WAY TOPSHAM, MAINE FOR: CENTRAL TOPSAHM ASSOCIATES, LLC TOPSHAM, MAINE

NOT VALID WITHOUT EMBOSSED SEAL OF SURVEYOR
PAUL H. RUOPP JR., PLS
 LAND SURVEYING & MAPPING
 25 MAPLE STREET P O BOX 330
 MONMOUTH, MAINE 04259
 TEL & FAX: 207-933-3393

FIELD WK: PHR:R
 DRAIN BY: PHR:R
 CHECKED BY: PHR:R
 DATE: 22 JUL 2019
 SCALE: 1" = 100'
 FIELD BK: 0142
 PROJ: 12090051
 SHEET: 2 OF 7
 File No: 12090016





LEGEND:

△	SURVEY CONTROL (TRAVERSE) STATION	— — — — —	SANITARY SEWER LINE
○	IRON PIPE OR ROD EXISTING	— — — — —	STORM DRAIN LINE
□	STONE OR CONCRETE MONUMENT EXISTING	— — — — —	WATER LINE
●	DRILL HOLE EXISTING	— — — — —	AERIAL ELECTRIC & TELEPHONE LINE
○	5/8" DIA REINFORCING BAR SET	— — — — —	BELOW GRADE ELECTRIC/TELEPHONE LINE
○	WITH SURVEYORS ID CAP	— — — — —	WIRE FENCE LINE
○	MONUMENT SET (OTHER THAN REBAR)	— — — — —	WOOD FENCE LINE
⊕	BENCH MARK OR TEMPORARY BENCH MARK	— — — — —	CHAIN LINK FENCE
⊕	CATCH BASIN	— — — — —	STONEWALL
⊕	DRAIN MANHOLE	— — — — —	PROPERTY LINE
⊕	SANITARY SEWER MANHOLE	— — — — —	EASEMENT LINE
⊕	WATER GATE VALVE	— — — — —	PARCEL LINE PER DEED
⊕	HYDRANT	— — — — —	ZONING YARD SET BACK LINE
⊕	WATER SHUT OFF	— — — — —	LOT/DIVISION LINE
⊕	UTILITY POLE	— — — — —	EXISTING CONTOUR LINE
⊕	UTILITY GUY POLE	— — — — —	WETLANDS/LIMIT
⊕	CONTROLLER CABINET	— — — — —	VEGETATION/TREELINE LIMIT
⊕	POLE LIGHT	— — — — —	LINE TABLE REFERENCE L1
⊕	GAS/OIL FILL POINT COVER	— — — — —	CURVE TABLE REFERENCE C1
⊕	SOIL TEST PIT LOCATION	— — — — —	
⊕	SOIL BORING LOCATION	— — — — —	
→	FLOW DIRECTION		

NOTES:

- THE SURVEY ON WHICH THIS PLAN IS BASED IS ORIENTED TO THE MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1983 HAD ESTABLISHED AT THE PROJECT SITE AND VICINITY BY STATIC SURVEY.
- THE SURVEY WAS COMPLETED WITH A TOTAL STATION INSTRUMENT. A TRAVERSE NETWORK WAS COMPLETED INCORPORATING GPS CONTROL POINTS.
- THE PROJECT PARCELS ARE SHOWN ON TOWN OF TOPSHAM ASSESSOR'S MAP R4 AS LOTS 17A-3, 17A-4, 17A-10, 17A-13, 17A-17, 17A-18, 17A-19, 17-A-G6, 17-A-G7, 17-A-G8, 19 AND 65.
- GENERAL BUILDING LOCATIONS SHOWN ON THESE PLANS ARE APPROXIMATE. SPECIFIC BUILDING FOOTPRINTS ARE BASED ON DESIGN DATA AND AS BUILT SURVEY DATA.

PLAN REFERENCES:

THIS PLAN AMENDS THE FOLLOWING PLANS AND AMENDMENTS OF HIGHLAND GREEN SUBDIVISION:

- PLAN OF SUBDIVISION, HIGHLAND GREEN, TOPSHAM, MAINE SHEETS 3, 5, 6, 7 AND 8 OF 8 SHEETS RECORDED SAGadahoc COUNTY REGISTRY OF DEEDS PLAN BOOK 38 PAGES 17, 19, 20, 21 AND 22 RESPECTIVELY;
- PLAN OF SUBDIVISION - AMENDMENT # HIGHLAND GREEN, TOPSHAM, MAINE, SHEETS 3 AND 7 OF 8 SHEETS, RECORDED SAGadahoc COUNTY REGISTRY OF DEEDS PLAN BOOK 38 PAGES 43 AND 48 RESPECTIVELY;
- PLAN OF SUBDIVISION AMENDMENT IV LOTS R12, R13, R16, R17, HIGHLAND GREEN TOPSHAM, MAINE, SHEET 1 OF 1 SHEET RECORDED SAGadahoc COUNTY REGISTRY OF DEEDS PLAN BOOK 42 PAGE 33;
- PLAN OF SUBDIVISION AMENDMENT VI HIGHLAND GREEN TOPSHAM, MAINE, SHEET 2 OF 4 SHEETS RECORDED SAGadahoc COUNTY REGISTRY OF DEEDS PLAN BOOK 44 PAGE 84;
- PLAN OF SUBDIVISION AMENDMENT VIII LOTS R17, G7 HIGHLAND GREEN SUBDIVISION TOPSHAM, MAINE, SHEET 1 OF 1 SHEET RECORDED SAGadahoc COUNTY REGISTRY OF DEEDS PLAN 2017P-00034;

ANNETTE H MAYO REAL ESTATE TRUST 1989
ANNETTE H MAYO TRUSTEE
BOOK 1817 PAGE 208

MAP # 04
LOT 14

APPROVED TOWN OF TOPSHAM PLANNING BOARD:

[Signatures]

REVISIONS

ITEM NO	DATE	DESCRIPTION	BY
1	15AUG2019	EDIT DISTANCES LOT R18	PHLRJ

PLAN OF SUBDIVISION - HIGHLAND GREEN AMENDMENT X

OF:
 LOTS C3, C4, C6, C7, R1, R3, R4, R10, R18, R19, G8
 EVERGREEN CIRCLE, AUDDUBON WAY
 TOPSHAM, MAINE

FOR:
 CENTRAL TOPSAHM ASSOCIATES, LLC
 TOPSHAM, MAINE

NOT VALID WITHOUT
 EMBOSSED SEAL OF PROFESSIONAL SURVEYOR

PAUL H. RUOPP JR., PLS
LAND SURVEYING & MAPPING
 25 MAPLE STREET P O BOX 330
 MONMOUTH, MAINE 04259
 TEL & FAX: 207-933-3393

FIELD WK:PHRJR
 DRAWN BY:PHRJR
 CHECKED BY:PHRJR
 DATE: 22JUL2019
 SCALE: 1" = 100'
 FIELD BK:0142
 PROJ: 12090051
 SHEET: 3 OF 3
 File No: 12090016

1-17-20

I HEREBY CERTIFY, THAT TO THE BEST OF MY KNOWLEDGE, THE SURVEY REPRESENTED BY THIS PLAN CONFORMS WITH THE STANDARDS OF PRACTICE OF THE STATE OF MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS.

PAUL H. RUOPP, JR. P.L.S. NO 1165

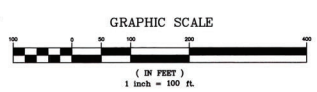
COUNTY OF SAGadahoc REGISTRY OF DEEDS:

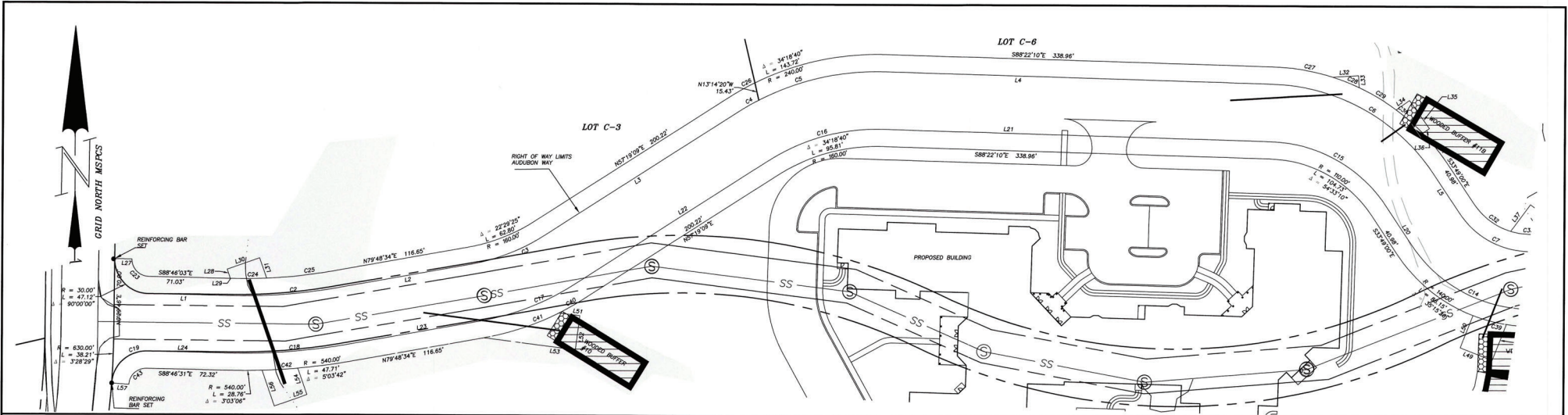
RECEIVED:

AT _____ HRS _____ MIN _____ M. AND

FILED IN PLAN BOOK _____ PAGE _____

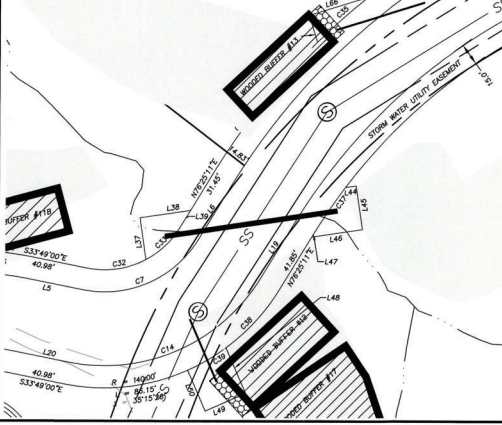
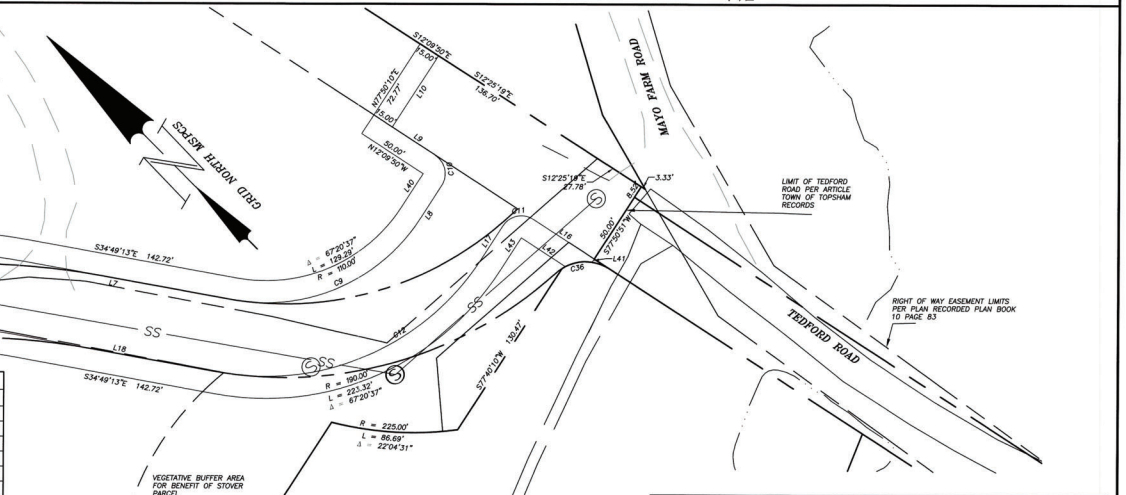
ATTESTED: _____ REGISTER





LINE TABLE			LINE TABLE		
LINE #	DIRECTION	DISTANCE	LINE #	DIRECTION	DISTANCE
L1	S88°46'02"E	71.85	L29	S88°46'03"E	1.03
L2	N79°48'34"E	116.65	L30	S70°38'16"W	30.00
L3	N57°19'09"E	200.22	L31	N19°21'44"W	16.73
L4	S88°22'10"E	338.96	L32	S88°33'11"W	22.34
L5	S33°49'07"E	40.98	L33	N3°26'49"W	10.28
L6	N78°25'11"E	45.44	L34	S54°24'12"W	14.17
L7	S34°49'13"E	142.72	L35	N35°35'46"W	30.00
L8	N77°50'10"E	27.06	L36	N54°24'12"E	7.03
L9	N12°09'50"W	35.00	L37	S36°28'32"W	28.72
L10	N77°50'10"E	57.77	L38	N53°31'28"W	34.85
L11	N12°09'50"W	49.47	L39	N78°25'11"E	13.99
L12	N77°50'10"E	27.06	L40	N77°50'10"E	27.06
L13	S34°49'13"E	142.72	L41	S77°50'51"W	2.63
L14	N78°25'11"E	45.44	L42	S12°09'50"E	35.78
L15	S33°49'07"E	40.98	L43	N77°50'10"E	27.06
L16	S88°22'10"E	338.96	L44	N53°31'28"W	7.32
L17	79°19'08"E	200.22	L45	N36°28'32"E	30.00
L18	48°34'E	72.52	L46	S53°31'28"E	34.80
L19	48°34'E	72.52	L47	N78°25'11"E	3.58
L20	48°34'E	72.52			

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	94.70	475.00	1125°24'
C2	68.69	175.00	2229°25'
C3	134.74	225.00	3418°40'
C4	134.74	225.00	3418°40'
C5	166.62	175.00	5433°10'
C6	91.32	75.00	6945°48'
C7	534.04	445.00	6845°38'
C8	146.82	125.00	6720°37'
C9	23.56	15.00	9000°00'
C10	23.56	15.00	9000°00'
C11	205.89	175.00	6720°37'
C12	474.03	385.00	6845°38'
C13	152.20	125.00	6945°48'
C14	119.02	125.00	5433°10'
C15	104.80	175.00	3418°40'
C16	88.32	225.00	2229°25'
C17	104.67	525.00	1125°24'
C18	45.30	30.00	8631°31'
C19	23.65	15.16	8923°55'
C20	30.66	460.00	349°08'



CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C21	61.05	460.00	736°16'
C22	143.72	240.00	3418°40'
C23	52.80	180.00	1955°18'
C24	24.61	180.00	725°20'
C25	37.74	180.00	1122°42'
C26	30.87	180.00	918°38'
C27	34.88	180.00	1031°08'
C28	41.17	60.00	3918°56'
C29	31.88	60.00	3028°52'
C30	112.04	480.00	1357°19'
C31	46.22	480.00	545°28'
C32	18.77	30.00	3950°38'
C33	37.12	380.00	535°30'
C34	54.05	140.00	270°15'
C35	30.26	140.00	1273°08'
C36	24.82	240.00	955°27'
C37	68.08	240.00	1629°27'
C38	31.20	540.00	318°36'
C39	22.65	15.00	8631°31'

APPROVED TOWN OF TOPSHAM PLANNING BOARD: *Roger L. Binson*

COUNTY OF SAGadahoc REGISTRY OF DEEDS: RECEIVED AT _____ HRS _____ MIN _____ M. AND FILED IN PLAN BOOK _____ PAGE _____ ATTESTED: _____ REGISTER

GRAPHIC SCALE (IN FEET) 1 inch = 40 ft

REVISIONS			
ITEM NO	DATE	DESCRIPTION	BY

PLAN OF SUBDIVISION - HIGHLAND GREEN AMENDMENT X OF AUDUBON WAY AND EASEMENTS EVERGREEN CIRCLE, AUDUBON WAY TOPSHAM, MAINE FOR: CENTRAL TOPSAHM ASSOCIATES, LLC TOPSHAM, MAINE

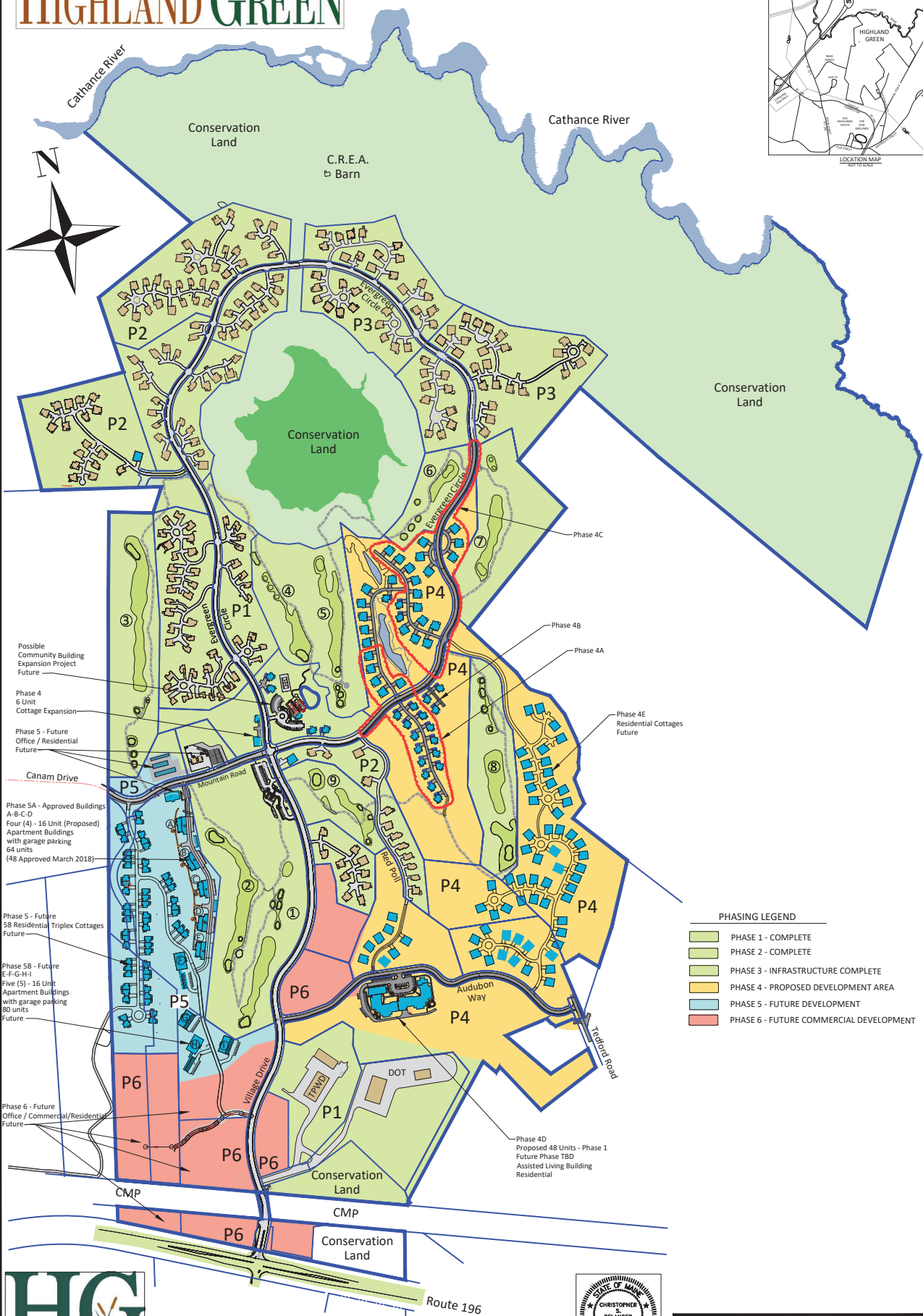
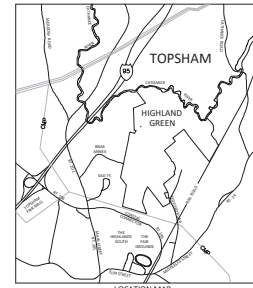
NOT VALID WITHOUT EMBOSSED SEAL OF SURVEYOR

PAUL H. RUOPP JR., PLS LAND SURVEYING & MAPPING 25 MAPLE STREET P O BOX 330 MONMOUTH, MAINE 04259 TEL & FAX: 207-933-3383

FIELD WK: PHR111 DRAWN BY: PHRJR CHECKED BY: PHRJR DATE: 21002019 SCALE: 1" = 40' FIELD BK: 0142 PROJ: 12090051 SHEET: 4 OF 4 File No: 12090016

1-17-2020

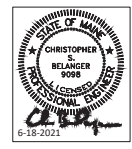
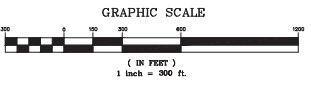
HIGHLAND GREEN



- Possible Community Building Expansion Project Future
- Phase 4 6 Unit Cottage Expansion
- Phase 5 - Future Office / Residential Future
- Phase 5A - Approved Buildings A-B-C-D Four (4) - 16 Unit (Proposed) Apartment Buildings with garage parking 64 units (48 Approved March 2018)
- Phase 5 - Future 58 Residential Triplex Cottages Future
- Phase 5B - Future E-F-G-H-I Five (5) - 16 Unit Apartment Buildings with garage parking 80 units Future
- Phase 6 - Future Office / Commercial/Residential Future

PHASING LEGEND

Green	PHASE 1 - COMPLETE
Light Green	PHASE 2 - COMPLETE
Yellow-Green	PHASE 3 - INFRASTRUCTURE COMPLETE
Yellow	PHASE 4 - PROPOSED DEVELOPMENT AREA
Light Blue	PHASE 5 - FUTURE DEVELOPMENT
Red	PHASE 6 - FUTURE COMMERCIAL DEVELOPMENT



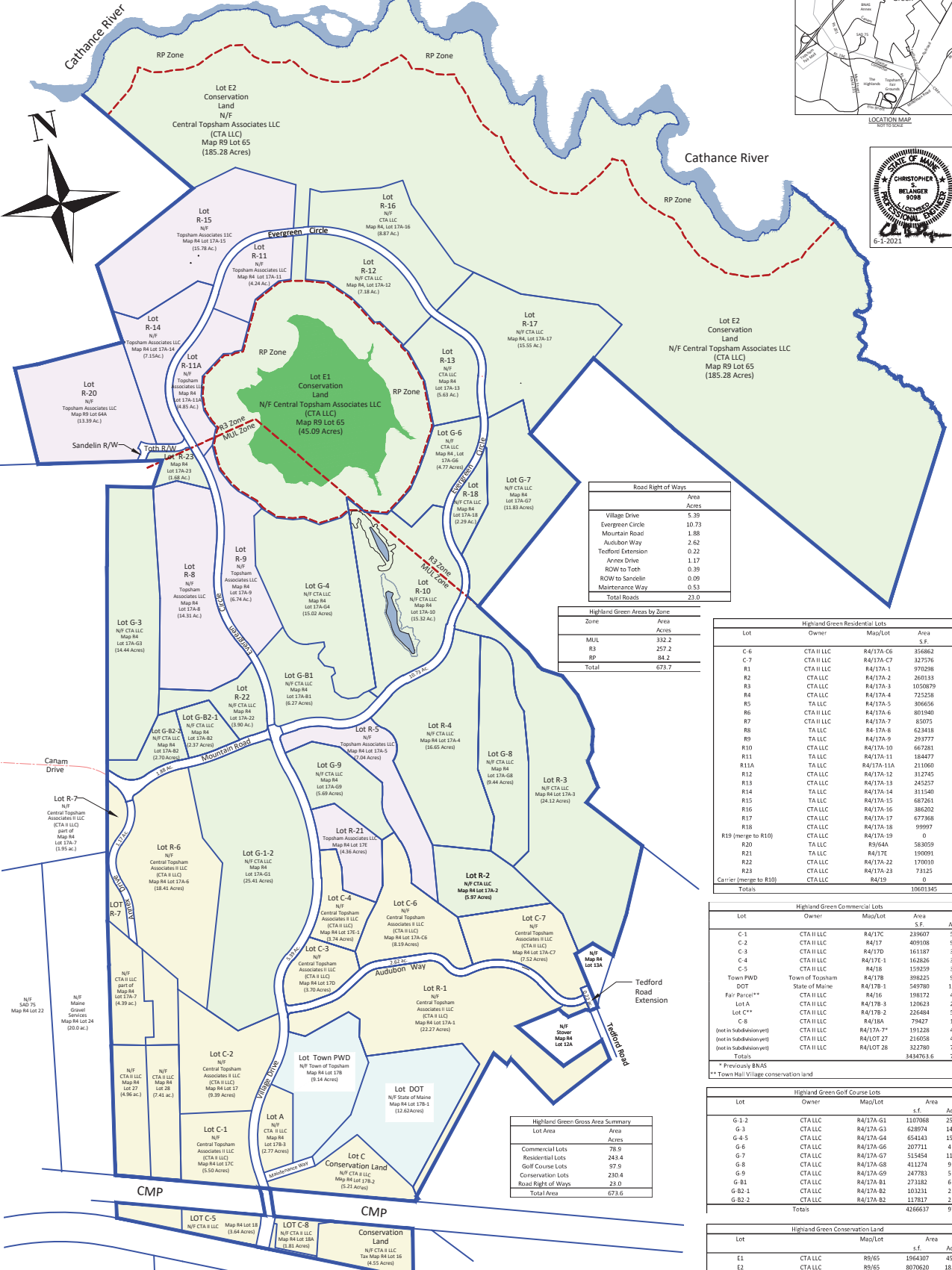
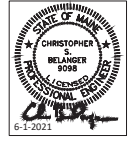
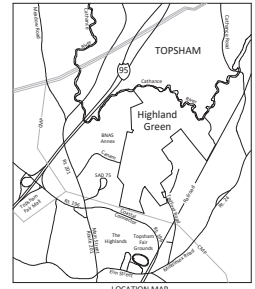
**MASTER PLAN
 2021**

PLOTTED 6-18-2021

HIGHLAND GREEN

LOT PLAN LEGEND

-  Highland Green - Gross Area Project Boundary
-  Town Zone Line
-  Internal Lot Line



Road Right of Ways	Area Acres
Village Drive	5.39
Evergreen Circle	10.73
Mountain Road	1.88
Audubon Way	2.62
Tedford Extension	0.22
Annex Drive	1.17
R/W to Toth	0.39
R/W to Smeedlin	0.09
Maintenance Way	0.53
Total Roads	23.0

Highland Green Areas by Zone	Area Acres
RMUL	332.2
R3	227.2
RP	84.2
Total	673.7

Highland Green Residential Lots					
Lot	Owner	Map/Lot	Area s.f.	Area Acres	
C-6	CTA II LLC	R4/17A-C6	33,662	9.29	
C-7	CTA II LLC	R4/17A-C7	32,756	7.52	
R1	CTA II LLC	R4/17A-1	97,028	22.27	
R2	CTA II LLC	R4/17A-2	26,033	5.97	
R3	CTA II LLC	R4/17A-3	105,079	24.12	
R4	CTA II LLC	R4/17A-4	72,528	16.65	
R5	TA LLC	R4/17A-5	30,666	7.04	
R6	CTA II LLC	R4/17A-6	80,190	18.41	
R7	CTA II LLC	R4/17A-7	85,071	19.51	
R8	TA LLC	R4-17A-8	62,348	14.31	
R9	TA LLC	R4/17A-9	29,377	6.74	
R10	CTA II LLC	R4/17A-10	46,720	15.52	
R11	TA LLC	R4/17A-11	18,447	4.24	
R11A	TA LLC	R4/17A-11A	21,060	4.85	
R12	TA LLC	R4/17A-12	31,245	7.18	
R13	CTA II LLC	R4/17A-13	24,527	5.63	
R14	TA LLC	R4/17A-14	31,150	7.15	
R15	TA LLC	R4/17A-15	68,721	15.78	
R16	CTA II LLC	R4/17A-16	36,202	8.27	
R17	CTA II LLC	R4/17A-17	67,768	15.55	
R18	CTA II LLC	R4/17A-18	9,997	2.30	
R19	CTA II LLC	R4/17A-19	0	0.00	
R20	TA LLC	R3/G4A	58,059	13.30	
R21	TA LLC	R4/17E	19,001	4.36	
R22	CTA II LLC	R4/17A-22	17,000	3.90	
R23	CTA II LLC	R4/17A-23	7,315	1.68	
Carrier (merge to R10)	CTA II LLC	R4/19	0	0.00	
Totals			1,060,345	243.4	





Highland Green Commercial Lots					
Lot	Owner	Map/Lot	Area s.f.	Area Acres	
C-1	CTA II LLC	R4/17C	23,607	5.50	
C-2	CTA II LLC	R4/17	40,108	9.39	
C-3	CTA II LLC	R4/17D	161,187	3.70	
C-4	CTA II LLC	R4/17E	16,226	3.74	
C-5	CTA II LLC	R4/18	15,929	3.66	
Town PWD	Town of Topsham	R4/17B	398,225	9.14	
DOT	State of Maine	R4/17B-1	549,760	12.62	
Par Parcel**	CTA II LLC	R4/16	198,172	4.55	
Lot A	CTA II LLC	R4/17B-3	120,623	2.77	
Lot C**	CTA II LLC	R4/17B-2	226,484	5.20	
C-6	CTA II LLC	R4/15A	79,427	1.82	
(not in Subdivision yet)	CTA II LLC	R4/17A-7*	191,228	4.39	
(not in Subdivision yet)	CTA II LLC	R4/17D-2	216,058	4.96	
(not in Subdivision yet)	CTA II LLC	R4/17D-28	32,780	7.41	
Totals			844,963.6	78.9	

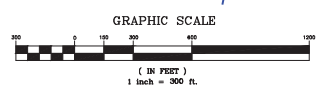
Highland Green Golf Course Lots					
Lot	Owner	Map/Lot	s.f.	Area Acres	
G-1-2	CTA LLC	R4/17A-G1	11,070	25.41	
G-3	CTA LLC	R4/17A-G3	620,704	14.44	
G-4-5	CTA LLC	R4/17A-G4	654,143	15.02	
G-6	CTA LLC	R4/17A-G6	20,771	4.77	
G-7	CTA LLC	R4/17A-G7	515,454	11.83	
G-8	CTA LLC	R4/17A-G8	412,174	9.44	
G-9	CTA LLC	R4/17A-G9	247,783	5.69	
G-B1	CTA LLC	R4/17A-B1	273,182	6.27	
G-B2-1	CTA LLC	R4/17A-B2	10,231	2.37	
G-B2-2	CTA LLC	R4/17A-B2	11,212	2.70	
Totals			4,266,637	97.9	

Highland Green Conservation Land					
Lot	Owner	Map/Lot	s.f.	Area Acres	
E1	CTA LLC	R8/65	196,437	45.09	
E2	CTA LLC	R8/65	807,020	185.28	
Total			1,003,497	230.4	

Highland Green Gross Area Summary	
Lot Area	Area Acres
Commercial Lots	78.9
Residential Lots	243.4
Golf Course Lots	97.9
Conservation Lands	230.4
Road Right of Ways	23.0
Total Area	673.6

Ownership LEGEND

-  Central Topsham Associates LLC (CTA LLC)
-  Central Topsham Associates II LLC (CTA II LLC)
-  Topsham Associates LLC (TA LLC)
-  Town PWD and DOT Maintenance



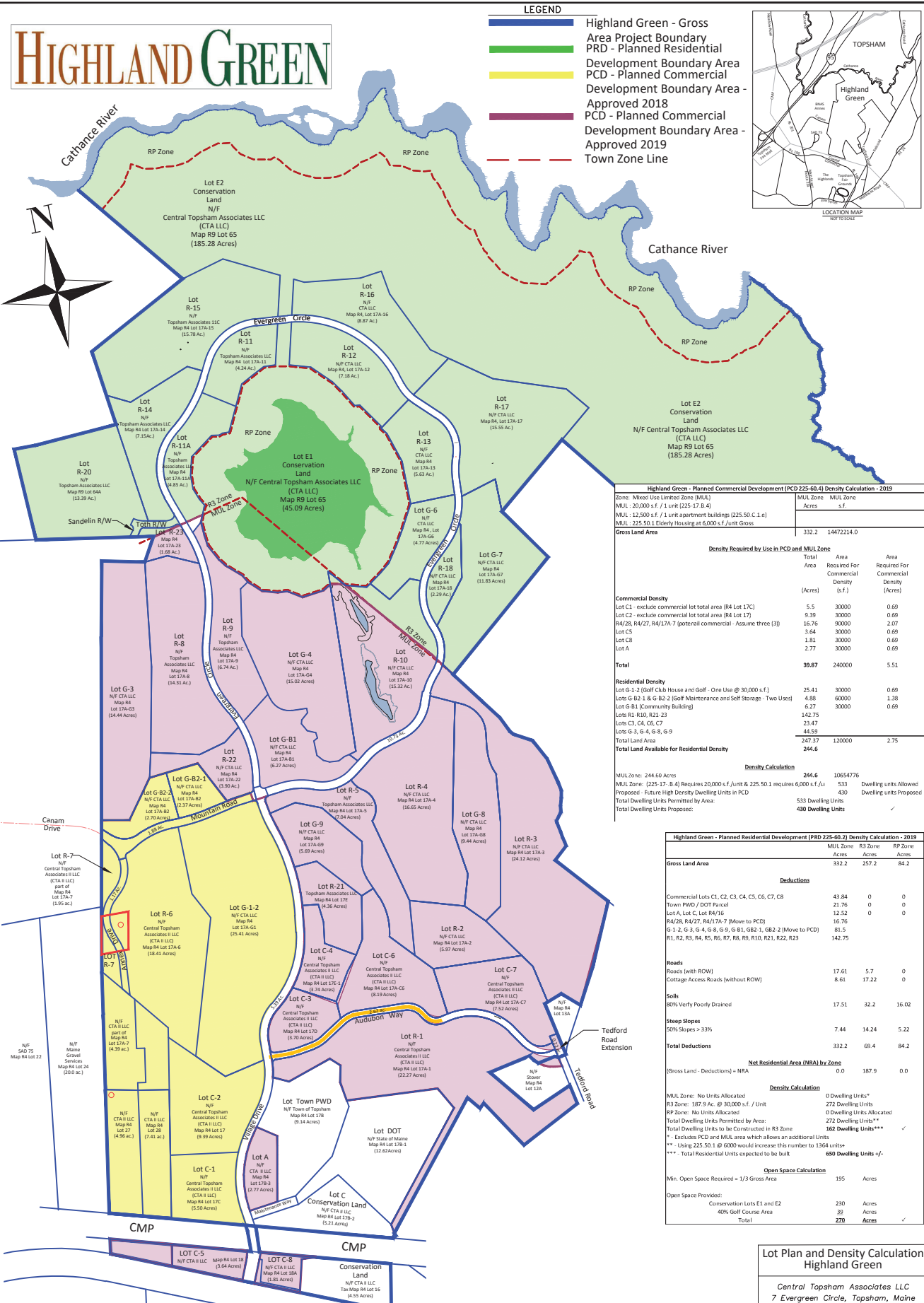
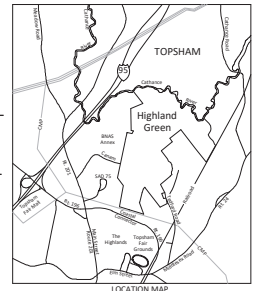
Lot Areas by Ownership Entity 2021

PLOTTED 6-1-2021



HIGHLAND GREEN

- LEGEND**
- Highland Green - Gross
 - Area Project Boundary
 - PRD - Planned Residential
 - Development Boundary Area
 - PCD - Planned Commercial
 - Development Boundary Area -
 - Approved 2018
 - PCD - Planned Commercial
 - Development Boundary Area -
 - Approved 2019
 - Town Zone Line



Highland Green - Planned Commercial Development (PCD 225-60.4) Density Calculation - 2019

MUL Zone	MUL Zone	MUL Zone
Acres	Acres	s.f.
MUL Zone: Mixed Use Limited Zone (MUL)		
MUL: 20,000 s.f. / 1 unit (225-17 B.4)		
MUL: 12,500 s.f. / 1 unit apartment buildings (225-50 C.1.e)		
MUL: 225.50 s.f. / 1 unit housing at 6,000 s.f./unit Gross		
Gross Land Area	332.2	14472214.0
Density Required by Use in PCD and MUL Zone		
Total Area (Acres)	Area Required For Commercial Density (s.f.)	Area Required For Commercial Density (Acres)
Commercial Density		
Lot C1 - exclude commercial lot total area (R4 Lot 17C)	5.5	30000
Lot C2 - exclude commercial lot total area (R4 Lot 17)	9.39	30000
R4/28, R4/27, R4/17A (potential commercial - Assume three (3))	16.76	90000
Lot C5	3.64	30000
Lot C8	1.81	30000
Lot A	2.77	30000
Total	39.87	240000
Residential Density		
Lot G-1.2 (Golf Club House and Golf - One Use @ 30,000 s.f.)	25.41	30000
Lot G-B2-1 & G-B2-2 (Golf Maintenance and Self Storage - Two Uses)	4.88	60000
Lot G-B1 (Community Building)	6.27	30000
Lots G-1, R10, R21-23	142.75	
Lots C3, CA, C6, C7	23.47	
Lots G-3, G-4, G-8, G-9	44.59	
Total Land Area	247.37	120000
Total Land Available for Residential Density	346.6	
Density Calculation		
MUL Zone: 244.60 Acres	366.6	10654776
MUL Zone: (225-17 B.4) Requires 20,000 s.f./unit & 225.50 s.f./unit requires 6,000 s.f./unit	533	430
Proposed - Future High Density Dwelling Units in PCD	430	Dwelling units Proposed
Total Dwelling Units Permitted by Area:	533 Dwelling Units	
Total Dwelling Units Proposed:	430 Dwelling Units	✓

Highland Green - Planned Residential Development (PRD 225-60.2) Density Calculation - 2019

Gross Land Area	MUL Zone Acres	R3 Zone Acres	RP Zone Acres
332.2	257.2	84.2	
Deductions			
Commercial Lots C1, C2, C3, CA, C5, C6, C7, C8	43.84	0	0
Town PWD / DOT Parcel	21.76	0	0
Lot A, Lot C, Lot R4/16	12.52	0	0
R4/28, R4/27, R4/17A-7 (Move to PCD)	16.76		
G-1-2, G-3, G-4, G-8, G-9, G-B1, G-B2-1, G-B2-2 (Move to PCD)	51.5		
R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R22, R23	142.75		
Roads			
Roads (with ROW)	17.61	5.7	0
Cottage Access Roads (without ROW)	8.61	17.22	0
Soils			
80% Verily Poorly Drained	17.51	82.2	16.02
Slope Steep			
50% Slopes > 33%	7.44	14.24	5.22
Total Deductions	332.2	69.4	84.2
Net Residential Area (NRA) by Zone			
(Gross Land - Deductions) = NRA	0.0	187.9	0.0
Density Calculation			
MUL Zone: No Units Allocated			0 Dwelling Units*
R3 Zone: 187.9 Ac. @ 30,000 s.f. / Unit			272 Dwelling Units
RP Zone: No Units Allocated			0 Dwelling Units Allocated
Total Dwelling Units Permitted by Area:			272 Dwelling Units**
Total Dwelling Units to be Constructed in R3 Zone			162 Dwelling Units***
** Excludes PCD and MUL area which allows an additional Units			✓
*** Using 225.50 s.f. @ 6,000 w/unit increase this number to 1364 units			
*** - Total Residential Units expected to be built			
Open Space Calculation			
Min. Open Space Required = 1/3 Gross Area	155	Acres	
Open Space Provided:			
Conservation Lots E1 and E2	230	Acres	
40% Golf Course Area	39	Acres	
Total	270	Acres	✓

Lot Plan and Density Calculation Highland Green

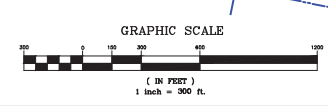
Central Topsham Associates LLC
7 Evergreen Circle, Topsham, Maine

BELANGER ENGINEERING
CONSULTING ENGINEERS

Email: cbelanger@roadrunner.com 63 Second Avenue
PH: 207-622-1462, Cell: 207-242-5713 Augusta, Maine 04330

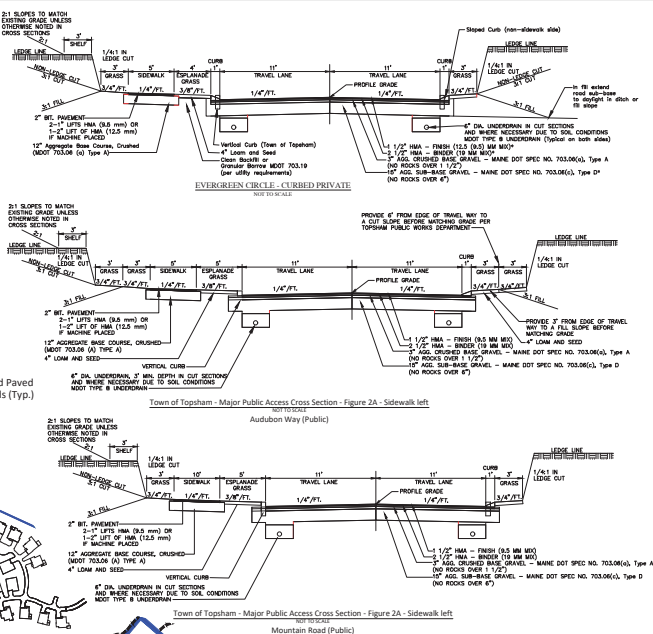
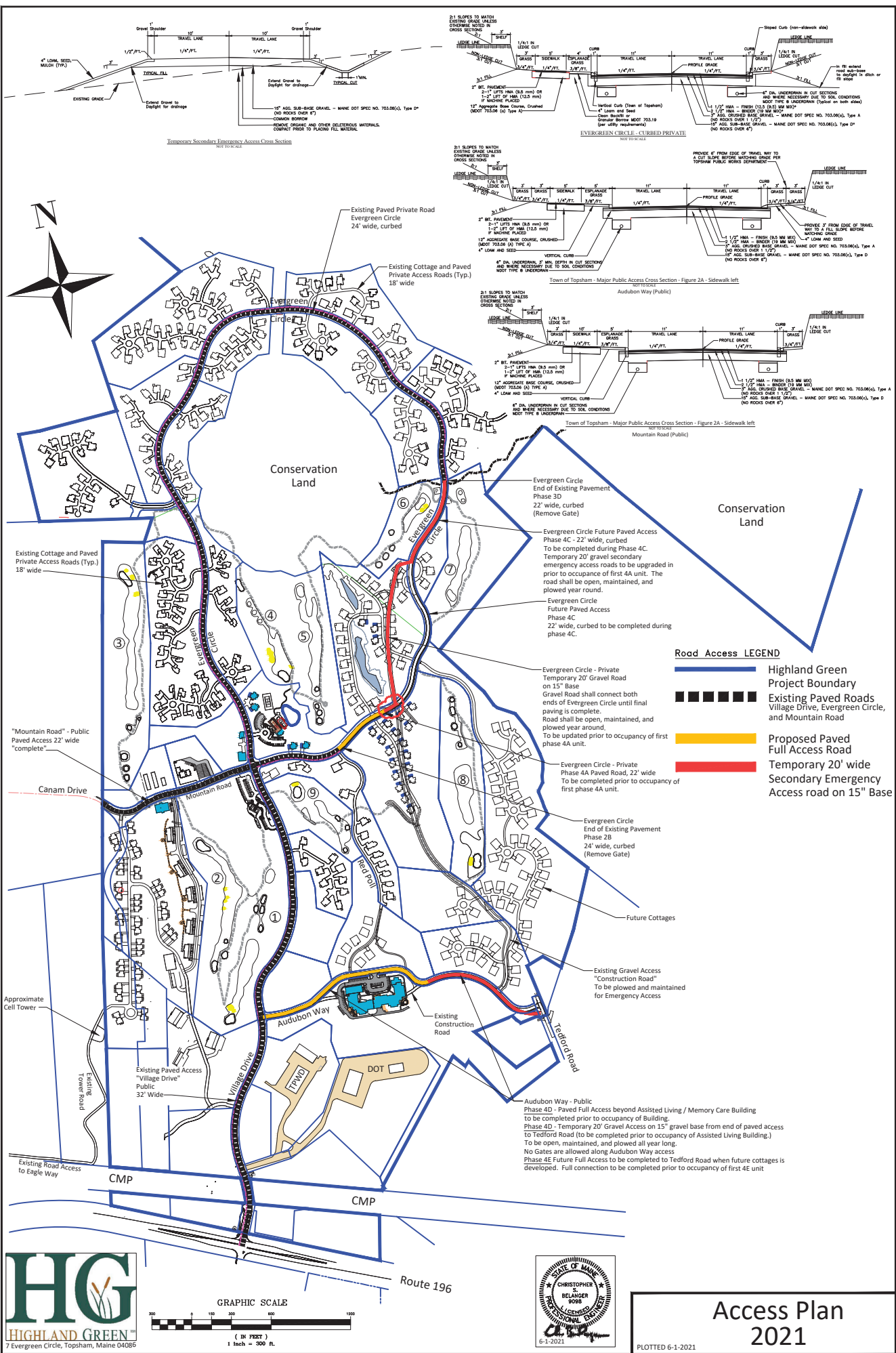
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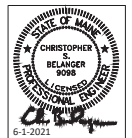
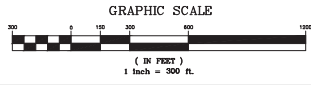
- Zoning LEGEND**
- PCD - Planned Commercial Development Approved 2018
 - PCD - Planned Commercial Development Approved 2019
 - PRD - Planned Residential Development





Road Access LEGEND

- Highland Green Project Boundary
- Existing Paved Village Drive, Evergreen Circle, and Mountain Road
- Proposed Paved Full Access Road
- Temporary 20' wide Secondary Emergency Access Road on 15" Base



**Access Plan
2021**

PLOTTED 6-1-2021