

M E M O R A N D U M

P L A N N I N G D E P A R T M E N T
T O W N O F C U M B E R L A N D , M A I N E

Date: April 16, 2020
To: Cumberland Planning Board
From: Carla Nixon, Planning Director
Subject: Jordan Farms Subdivision Amendment for Trail Maintenance

While technically this is a revision to an approved subdivision, there are no physical changes that require depiction on a new plan, re-recording, etc. and as such, the existing Findings of Fact still apply.

March 23, 2020

Carla Nixon, Town Planner
Cumberland Town Hall
290 Tuttle Road
Cumberland, ME 04021

RE: Trail maintenance project at 99 Chet's Way, Cumberland, Maine 04021

Dear Carla:

The purpose of this letter is to inform you and the Cumberland Planning Board of a trail maintenance project at 99 Chet's Way, part of the Jordan Farm Estates subdivision at 130 Tuttle Road. The project involves a minor alteration (approximately 1,500 square feet) of wetlands to improve the accessibility of an existing trail (see attached project plan).

Jordan Farm Estates, Plat Plan, Sheet No: 1, General Notes #12, "No disturbance of wetland, other than shown on the subdivision plan and plat plan is permitted without D.E.P. and Army Corps of Engineers approval". This project was reviewed by Maine D.E.P. and is exempt from all Maine D.E.P. permitting (see attached email from Maine D.E.P.). In addition, the project has been permitted by the U.S. Army Corps of Engineers #NAE-2020-00306 (see attached permit).

Please contact me if you have any questions or comments.

Thank you,

Joshua Tompkins
PLA, Professional Landscape Architect, Maine #4107

APPLICATION FOR MAJOR OR MINOR SUBDIVISIONS

Name: Property Owner: 99 Chet's Way, LLC. LLC Manager: Laura Beck

Mailing Address: 99 Chet's Way, Cumberland, Maine 04021

Email Address: laurabeck@rocketmail.com

Phone#: Office: _____ Cell: (310) 780-3825 Fax: _____

Interest in property: Owner

Interest in abutting properties, if any: NA

Name: 99 Chet's Way, LLC. LLC Manager: Laura Beck
Mailing Address: 99 Chet's Way, Cumberland, Maine 04021
Email Address: laurabeck@rocketmail.com
Phone#: Office: Cell: (310) 780-3825 Fax:

Name: Joshua Tompkins, Joshua Tompkins Landscape Architecture LLC
Mailing Address: 36 Marina Road, Yarmouth, ME 04096
Email Address: jt@joshua-tompkins.com
Phone#: Office: Cell: (207) 805-4374 Fax:

Name of Project: Trail maintenance

Address of site: 99 Chet's Way, Cumberland, Maine 04021 (Part of Jordan Farm Estates, 130 Tuttle Road, Cumberland)

CCRD Book/Page #: ? **Tax Map/Lot #:** R03/43E

Zoning District: Rural Residential (RR2) **Overlay District (If any):** NA

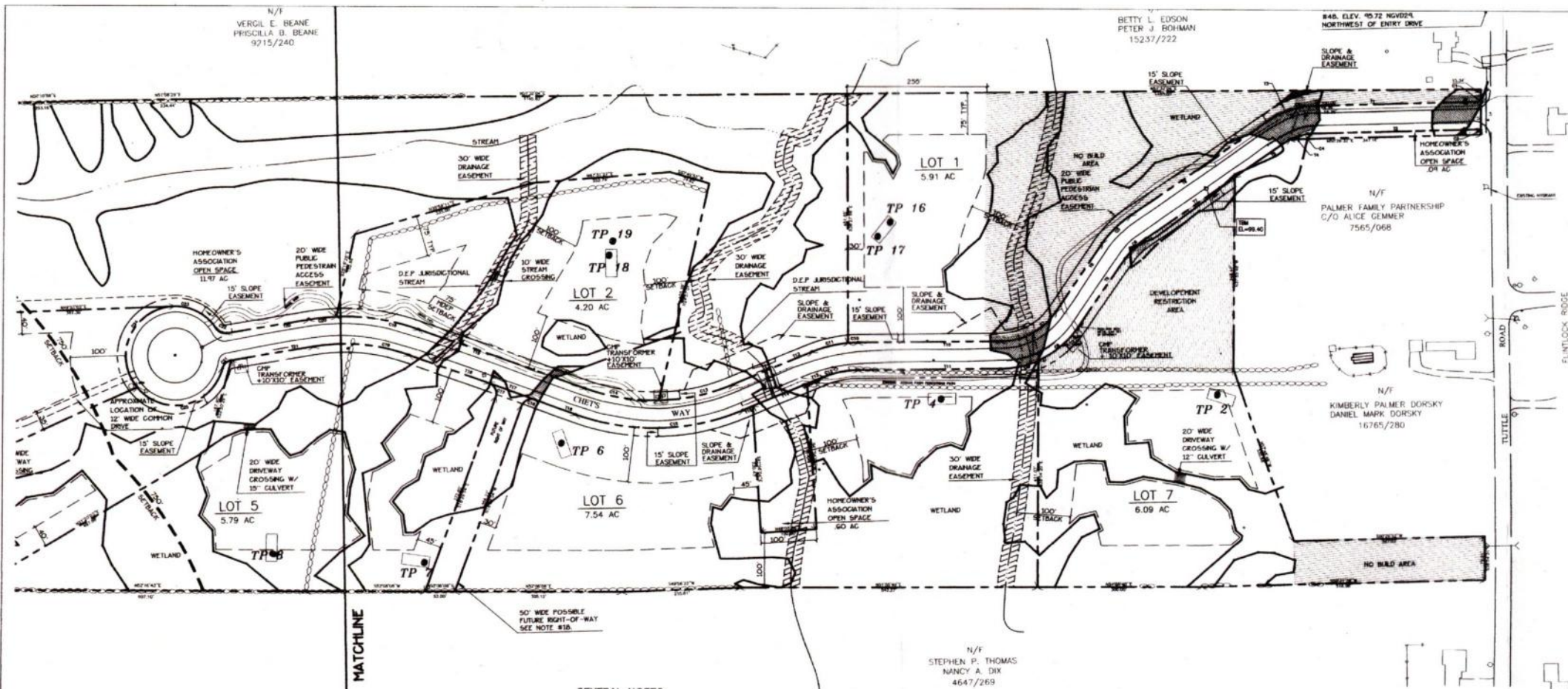
Site size (acres): 12.12 **# of Lots:** 1 **# Buildings:** _____ **# Dwellings:** _____

Minor Subdivision **Major Subdivision** **Conservation Subdivision**

1. Is Board of Adjustment and Appeals approval required? _____
2. Are any ordinance waivers requested? ____Yes____No (If yes, attach a list of waivers requested and reason for the request.)
3. Application fee per Town ordinance: \$ 100.00
4. This application form and all accompanying materials must be submitted to the Town Planner at least 21 days prior to the meeting at which it is to be considered by the Planning Board.

The undersigned, being the applicant, owner or legally authorized representative, states that all information contained in this application is true and correct to the best of his/her knowledge and hereby does submit the information for review by the Town and in accordance with applicable ordinances, statutes and regulations of the Town, state and federal governments.

<i>Joshua Tompkins</i>	3/23/2020
Signature of Applicant/Owner/Representative	Date



SIDELINE CURVE DATA

LOT #	CURVE #	RADIUS	LENGTH	CHORD
1	C1	6.92	10.94	9.84
1	C2	6.92	10.94	9.84
1	C3	225.00	23.55	23.54
1	C4	175.00	13.34	13.34
1	C5	175.00	21.47	21.07
7	C6	145.00	53.15	52.85
1	C7	125.00	119.99	119.44
7	C8	175.00	96.66	96.44
6	C9	175.00	71.33	70.63
1	C10	225.00	18.46	18.45
1	C11	225.00	67.94	67.68
6	C12	175.00	67.20	66.78
1	C13	375.00	134.84	134.08
2	C14	375.00	135.00	134.27
6	C15	425.00	311.54	304.61
6	C16	20.00	31.42	28.28
5	C17	20.00	31.42	28.28
2	C18	405.00	154.99	154.04
5	C19	355.00	174.68	177.77
6	C20	405.00	50.00	49.97
4	C21	20.00	22.99	21.74
1	C22	20.00	22.99	21.74
3	C23	90.00	41.87	87.93
3	C24	90.00	200.00	161.32
4	C25	90.00	147.75	160.30

SIDELINE TANGENT DATA

LOT #	TANGENT #	LENGTH	BEARING
1	T1	314.40	N50.2638°E
1	T2	308.04	N50.2638°E
1	T3	26.92	N32.2041°W
1	T4	20.42	S32.2041°W
1	T5	121.37	N17.3026°E
1	T6	323.91	N17.3026°E
7	T7	156.03	S17.3026°W
1	T8	150.00	S03.2904°E
7	T9	150.00	N03.2904°W
1	T10	260.00	N51.3026°E
6	T11	260.00	S51.3026°W
1	T12	155.00	S29.3026°W
6	T13	24.52	S29.3026°W
1	T14	105.00	S29.3026°W
6	T15	20.00	S29.3026°W
6	T16	80.00	S71.3026°E
1	T17	90.00	N71.3026°E
5	T18	152.00	S71.3026°W
2	T19	322.00	N71.3026°E
1	T20	150.00	N42.3026°E
5	T21	150.00	S42.3026°W

GENERAL NOTES

- TOTAL SITE AREA: 74.64 ACRES
- ZONING DISTRICT: RURAL RESIDENTIAL DISTRICT 2 (RR2)
- MAP: R-3, LOTS 43 AND 43A
- SPACE AND BULK REQUIREMENTS:
 - MINIMUM LOT AREA: 2.5 ACRES
 - MINIMUM STREET FRONTAGE: 200 FEET
 - MINIMUM FRONT YARD: 50 FEET
 - MINIMUM SIDE YARD: 30 FEET
 - MINIMUM REAR YARD: 75 FEET
- OWNER OF PROPERTY: SOUTHWOODS, LLC, 2 BALSAM DRIVE, CUMBERLAND, MAINE 04021
- BOUNDARY LINE AND TOPOGRAPHIC INFORMATION:
 - GROUND CONTROL BY LAND SERVICES INC., RAYMOND, MAINE
 - AERIAL PHOTOGRAPHY BY AERIAL SURVEY & PHOTO, INC., NORRIDGEWOOD, MAINE
 - PROPERTY LINE BY OWEN HASKELL, INC., PORTLAND, MAINE
 - CONTOUR INTERVAL: 2'
 - VERTICAL DATUM: N.G.V.D. 1929
 - HORIZONTAL DATUM: ASSUMED
 - DATE OF PHOTOGRAPHY: 11-13-01
 - DATE MAPPING COMPLETED: 12-09-01
 - THE LOCATION OF THE LINE ALONG CENTRAL MAINE POWER CO. IS BASED ON A BEST FIT OF POLES AS LOCATED.
 - THE SIDELINE OF TUTTLE ROAD IS ASSUMED HOLDING THE IRON PIPES FOUND (AND HELD).
- BEARINGS ARE GRID NORTH BASED ON CONTROL LOCATED FOR AERIAL MAPPING BY LAND SERVICES INC.
- BENCHMARK: GO PENNEY SPIKE SET TWO (2) FEET ABOVE GRADE IN UTILITY POLE # 48, NORTHWEST OF PROPOSED ENTRY DRIVE, ELEVATION 45.72 NGVD29
- WETLAND DELINEATION WAS PERFORMED ON DECEMBER 27, 2001 BY ALBERT FRICK ASSOCIATES, INC., GORHAM, MAINE
- THE TOTAL WETLAND DISTURBANCE IS 18,414.89 SQUARE FEET.
- WETLAND IMPACTS ASSOCIATED WITH THE TWO D.E.P. JURISDICTIONAL STREAM CROSSINGS WILL BE PERMITTED UNDER PERMIT BY RULE FOR STREAM CROSSINGS AND ARE NOT INCLUDED IN THE TOTAL IMPACT AREA TO BE PERMITTED UNDER NHPA WETLANDS ALTERATION.
- NO DISTURBANCE OF WETLAND, OTHER THAN SHOWN ON THE SUBDIVISION PLAN AND PLAT PLAN IS PERMITTED WITHOUT D.E.P. AND ARMY CORPS OF ENGINEERS APPROVAL.
- ALL LOT OWNERS SHALL BE REQUIRED TO PAVE DRIVEWAYS FROM THE EDGE OF PAVEMENT OF CHET'S WAY, TO A MINIMUM OF FOUR (4) FEET BEYOND THE RIGHT-OF-WAY LINE.
- ALL SLOPE AND DRAINAGE EASEMENTS AS SHOWN ON THESE PLANS (SHEETS 1 + 2) SHALL BE DEDICATED TO THE TOWN OF CUMBERLAND AT THE SAME TIME AS THE PROPOSED ROAD (CHET'S WAY) IS ACCEPTED BY THE TOWN OF CUMBERLAND.
- THE 20 FOOT WIDE PUBLIC PEDESTRIAN ACCESS EASEMENT AS SHOWN ON THESE PLANS (SHEETS 1 + 2) SHALL BE DEDICATED TO THE TOWN OF CUMBERLAND AT THE SAME TIME AS THE PROPOSED ROAD (CHET'S WAY) IS ACCEPTED BY THE TOWN OF CUMBERLAND.
- THE AREA IN WHICH HORSES MAY BE ALLOWED TO GRAZE ON LOTS 3 + 4 IS LIMITED TO THE ACTUAL BUILDING WINDOWS, AS SHOWN ON THIS PLAN.
- THE TOWN OF CUMBERLAND HAS NO MAINTENANCE OR LIABILITY RESPONSIBILITY FOR THE SIDEWALKS, PEDESTRIAN ACCESS EASEMENTS AND STONEWALL ENTRY FEATURE.
- THE FUTURE ROAD EXTENSION AREA IS CREATED FOR POTENTIAL FUTURE USE BY THE TOWN OF CUMBERLAND AS A CONNECTION BETWEEN THE PROPOSED STREET AND THE ADJOINING PROPERTIES OR STREETS. THIS AREA WILL NOT BE UTILIZED FOR CONSTRUCTION OR DRAINAGE PURPOSES AND NO FILL SHALL BE PLACED WITHOUT PRIOR TOWN APPROVAL. THE AREA IS NOT TO BE USED AS A SOLE SOURCE OF ACCESS/EGRESS TO THE ADJOINING PROPERTY. THE RECORDING OF THIS PLAT PLAN WILL BE DEEMED A DEDICATION TO THE TOWN OF CUMBERLAND.
- THIS PLAN SUPERCEDES APPROVED SUBDIVISION PLAN DATED JUNE 20, 2003, RECORDED IN THE C.C.R.D. PLAN BOOK 203 PAGES 370 AND 371, AND APPROVED AMENDED SUBDIVISION PLAN DATED JANUARY 8, 2010, RECORDED IN THE C.C.R.D. PLAN BOOK 210, PAGES 63 AND 64 ON JANUARY 18, 2010.

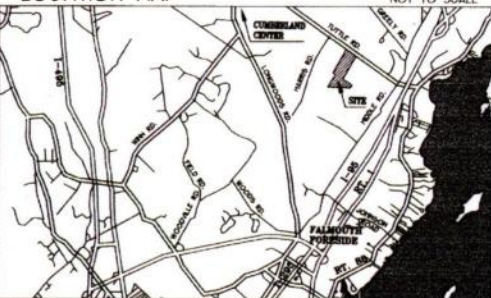
LEGEND

	EXISTING	PROPOSED
PROPERTY LINE		
HYDRANT		
UTILITY POLE		
LIMIT OF VEGETATION		
LIGHT FIXTURE		
CATCH BASIN		
SETBACK LINE		
WETLAND LIMIT		
STREAM		
WETLAND IMPACT		
DEVELOPMENT RESTRICTION		
NO BUILD AREA		
DRAINAGE EASEMENT		
TEST PIT		
SUITABLE SEPTIC		
STONE WALL		
GRANITE MONUMENTS		

NET RESIDENTIAL ACREAGE

	TOTAL SITE AREA	74.64 ACRES
ROADS (15% x 74.64)	11.20 ACRES	
STEEP (2%+ SLOPES)	3.70 ACRES	
STREAMS AND WETLANDS	20.20 ACRES	
TOTAL UNSUITABLE LAND	35.10 ACRES	35.10 ACRES
TOTAL SUITABLE LAND		39.54 ACRES
THUS, THE NUMBER OF ALLOWABLE LOTS IS 39.54 ACRES DIVIDED BY 2 ACRES PER LOT = 19 LOTS.		

LOCATION MAP



Prepared For:
Owner:
SOUTHWOODS, LLC
2 Balsam Drive
Cumberland, Maine 04021
Applicant:
JOHN BAGSHAW
82 Edgewood Drive
Cumberland, Maine 04021
Tel: (207) 838-5251

Prepared By:
MITCHELL & ASSOCIATES
Landscape Architects
The Staples School
70 Center Street
Portland, Maine 04101
Tel: (207) 774-4427

Jordan Farm
Estates

Cumberland, Maine

130 Tuttle Road

Approved:
Town of Cumberland Planning Board

Date:
Chairman,

Board Members,

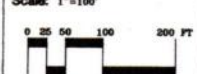
Date:
MAY 20, 2011

Revisions:

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Title:
AMENDED
PLAT PLAN

Scale: 1"=100'

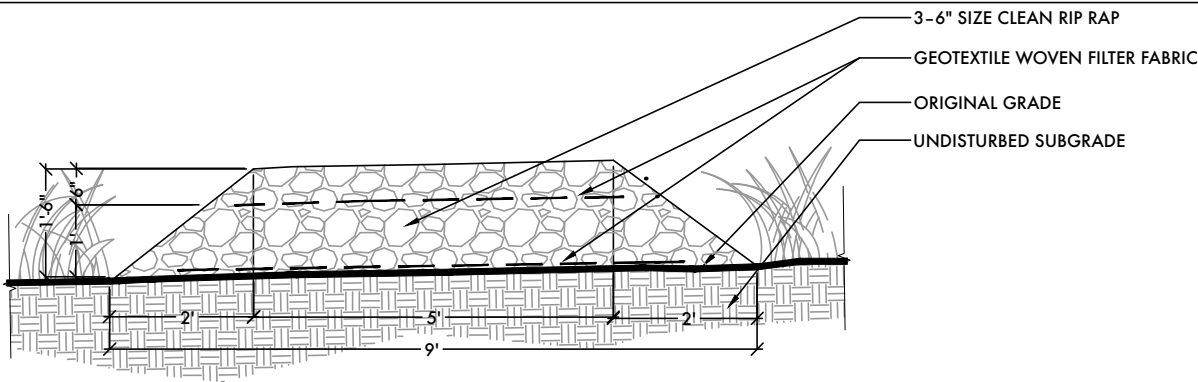


North:



Sheet No:

1

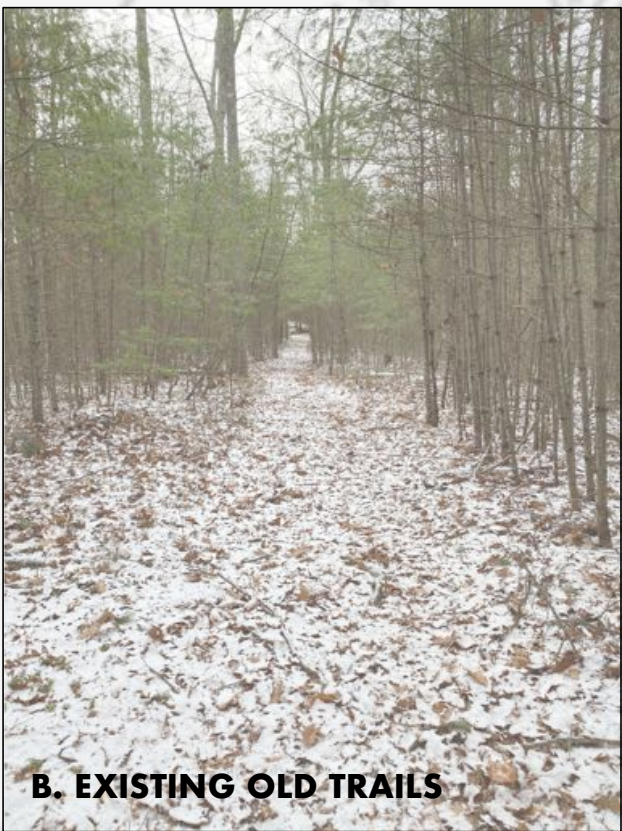


Notes:
Department of the Army, General Permit for the State of Maine, IV. General Conditions, 45. Stream Work and Crossings & Wetland Crossings
1. Wetland crossing shall be designed to:
a) Withstand and prevent the restriction of high flows
b) not obstruct the movement of, or not substantially disrupt the necessary life-cycle movement of, those species of aquatic life indigenous to the wetland, including those species that normally migrate through the area, beyond the actual duration of construction.
c) Crossing shall preserve hydraulic and ecological connectivity.

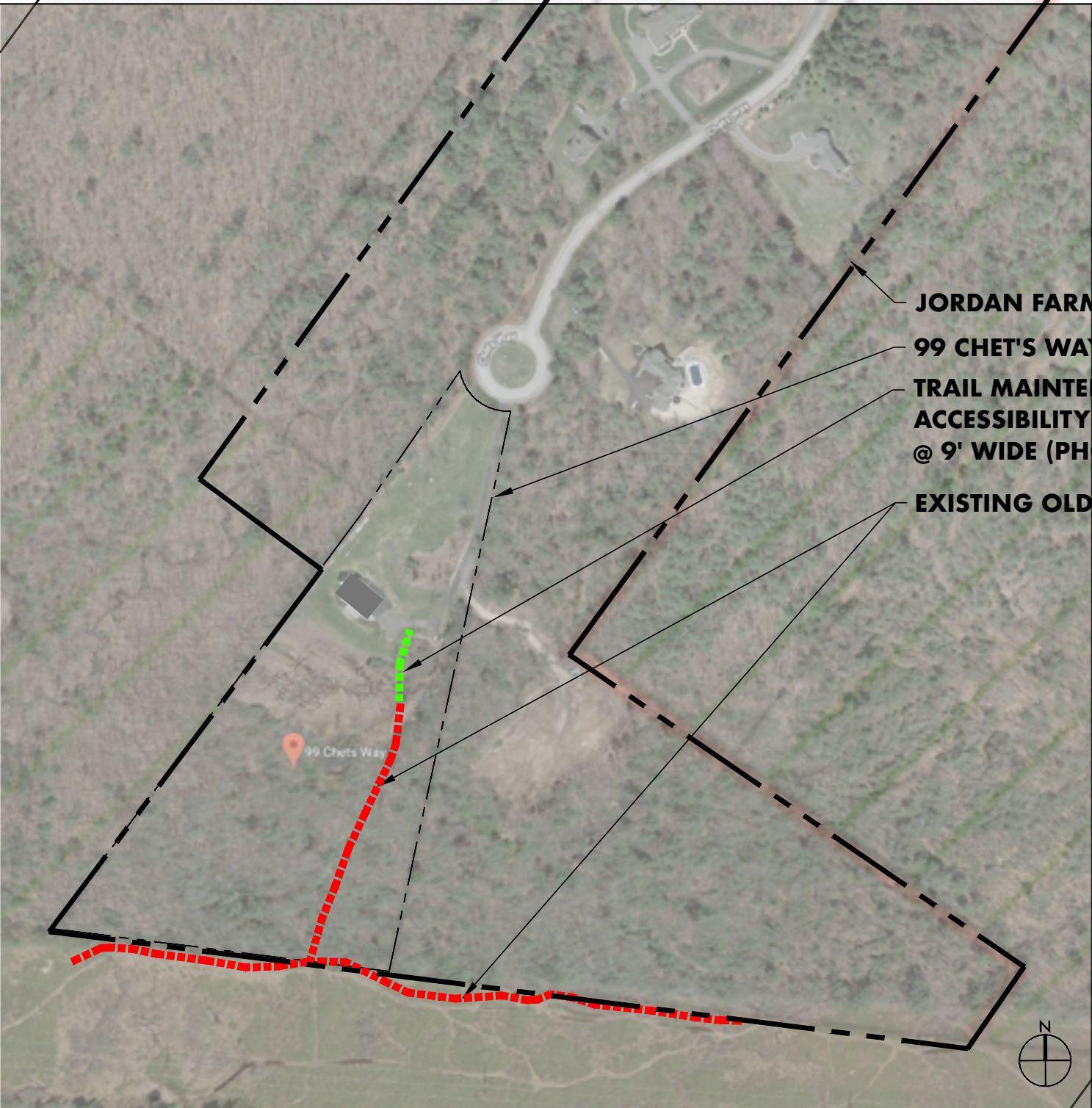
TRAIL MAINTENANCE DETAIL



A. TRAIL MAINTENANCE



B. EXISTING OLD TRAILS



JORDAN FARM ESTATES
99 CHET'S WAY PROPERTY BOUNDARY
TRAIL MAINTENANCE FOR IMPROVED ACCESSIBILITY +/- 170 LINEAR FEET @ 9' WIDE (PHOTO A.)
EXISTING OLD TRAILS (PHOTO B.)



PROJECT PLAN

BECK RESIDENCE
99 CHET'S WAY, CUMBERLAND, ME

Scale: 1"=300' (original drawing size)
Original Drawing Size: 17" X 11"

Original Issue Date: 11/26/19
Revisions and Dates: 1. 1/21/20, 2. 3/23/2020
Issued for: Planning Board Approval

JOSHUA TOMPKINS LANDSCAPE ARCHITECTURE LLC
36 MARINA ROAD
YARMOUTH, MAINE 04096 U S A
207 805 4374
JT@JOSHUA-TOMPKINS.COM
WWW.JOSHUA-TOMPKINS.COM

Langlois, Lucien
99 Chet's Way Summary
To: Joshua Tompkins

Yesterday at 1:53 PM



 Siri found new contact info in this email: Lucien Langlois lucien.langlois@maine.gov

[add to Contacts...](#) 

Hello Josh,

Thank you for discussing the proposed trail project involving freshwater wetland alterations at 99 Chet’s Way in Cumberland. I determined that the minor wetland alteration permit exemption could be utilized for the project. The wetland complex does not contain significant wildlife habitat. The wetland which will be impacted by the trail project is not a wetland of special significance because it does not contain significant wildlife habitat as well as other characteristics.

If the project involves less than 4,300 square feet of wetland alteration then it’s exempt from DEP permitting. The state (DEP) has a permit exemption for small wetland projects. A 170’ long by 6’ wide area of riprap in the wetland is only 1,020 square feet so well under the allowed 4,300 square feet. In summary, no DEP permit is required for the project as long as it involves less than 4,300 square feet of wetland. Any previous wetland alterations done on the property since 1995 may be considered into the 4,300 square foot threshold. I suggested contacting the Army Corps of Engineers due to the project involving the placement of riprap and associated materials in wetlands.

The 4,300 square foot allowance is per parcel in this scenario. Also, for reference the permit exemption is further explained at #17 here:<http://www.mainelegislature.org/legis/statutes/38/title38sec480-q.html>

Regards,

Lucien Langlois
Environmental Specialist III, Land Bureau
Maine Department of Environmental Protection
312 Canco Road, Portland, ME 04103
(207) 215-4550
www.maine.gov/dep/land/index.html



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

LAURA BECK
99 CHET'S WAY, LLC
99 CHET'S WAY
CUMBERLAND, MAINE 04021

CORPS PERMIT # NAE-2020-00306
CORPS GP ID# non-screen
STATE ID# exempt

DESCRIPTION OF WORK:

Place permanent fill in approximately 1,500 s.f. of freshwater wetland off 99 Chet's Way at Cumberland, Maine in order to reclaim an approximately 170 ft. long x 9 ft. wide segment of trail. This work is shown on the attached plans entitled "Location Map" in one sheet undated, and "AREA DIAGRAM (2020)" and "PATHWAY SECTION DETAIL" in two sheets dated "1/21/20".

LAT/LONG COORDINATES: 43.769974° N -70.226540° W USGS QUAD: YARMOUTH, ME

I. CORPS DETERMINATION:

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

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

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

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

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

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

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

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

III. FEDERAL ACTIONS:

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


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

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

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA N/A, USF&WS N/A, NMFS N/A

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


COLIN M. GREENAN
PROJECT MANAGER
MAINE PROJECT OFFICE


For FRANK J. DEL GIUDICE
CHIEF, PERMITS & ENFORCEMENT BRANCH
REGULATORY DIVISION
DATE 1/30/2020