

Date January 13, 2020
To Town of Cumberland Planning Board
From Carla Nixon, Town Planner
Subject **Major Site Review: Main Street Auto**

REQUEST/PROJECT DESCRIPTION:

The applicants are Mathew Almy and Mark Axelson. The applicants have a purchase and sale agreement dated 10/31/19 with CN Brown to acquire and convert a former convenience store and gas station to a retail used car dealership providing sales and service of used vehicles. The site is located at the intersection of Main Street and Winn Road as shown on Tax Assessor Map U9, Lot 8. The size of the parcel is 1.12 acres. The zoning is RR1. The existing building on the site is 1900 sf.; there will be a 4' x 14' addition for a garage bay and there will be internal modifications to convert the existing internal space into offices and a garage service area. The existing fuel pump canopy will be removed. The site changes include the closing of an existing entrance that is located 100' from the Winn Rd./Main Street intersection, leaving one 24' wide entranceway located 171 feet from that intersection. That entrance has received MDOT approval. There will also be an expansion of the paved area to provide additional parking.

Jim Fischer, P.E., of Northeast Civil Solutions prepared the site plan application.

PROJECT HISTORY: None

DESCRIPTION:

Right, Title or Interest:	Purchase and Sale Agreement.
Zoning:	Rural Residential 1. Property is a non-conforming use. The change from one non-conforming use (Retail Store) to another non-conforming use ((Auto Repair and Motor Vehicle Sales) has been approved by the Board of Adjustment and Appeals on 11/14/19 subject to Site Plan Review by the Planning Board.
Min. Lot Size:	4 acres
Parcel size:	1.12 acres (Legal non-conforming lot)
Frontage:	200' required; 290 +/- provided.
Setbacks:	Front: 50'; Rear: 75'; Side: 30' (combined 75')
Proposed Use:	Auto Repair Service Garage and Motor Vehicle Sales.
Hours of Operation:	M-F: 9-6; Sat 9-3
Access:	24' wide paved access/exit from Main Street. MDOT approved.

Parking:	11 spaces, 1 of which is for handicapped use.
Water:	Well
Sewer:	Septic
Electrical:	Existing service on-site.
Wetland Impact:	There is no wetland impact and therefore no MDEP approval is required.
FEMA Flood Map#:	230162 0015B; Zone C (area of minimal flooding)
Fire Protection:	Sprinklers will not be used. Hydrant within 30'. No alarm system.
Natural Features:	Mill Brook
Solid Waste Disposal:	Fenced dumpster proposed.
Days/Hours of Operation:	Monday – Friday from 9:00 a.m. to 6:00 p.m. Saturday: 9-5
Signs:	Free-standing granite post sign near corner of Rt. 9 and Winn Rd.

Outside Agency Approvals: MDOT Entrance Permit: On file.

DEPARTMENT HEAD REVIEWS:

- **William Longley, Code Enforcement Officer:** No comments
- **Charles Rumsey, Police Chief:** No comments.
- **Dan Small, Fire Chief:**

To: Carla Nixon, Town Planner

From: Dan Small, Fire Chief

Date: February 12, 2020

RE: Main Street Auto, 174 Main Street

After reviewing this site plan application I have the following comments:

- 1) The building shall be equipped with a hinged key box approved by the fire department.
- 2) The canopy over the fuel island shall meet the specification as identified in NFPA, including but not limited to, a dry chemical fire suppression system.

LANDS AND CONSERVATION COMMISSION REVIEW: 1/30/20 Email:

Good afternoon Carla

I have reviewed the Main Street Auto Site Plan on behalf of the Lands and Conservation Commission.

All appears to be in order from the CLCC perspective, so no comment is offered at this time.

Regards, Denny Gallaudet

WAIVER REQUESTS: 3 Waiver Requests:

1. **High Intensity Soil Survey;**
2. **Hydrogeologic Evaluation;**
3. **Traffic Study.**

All 3 requests were reviewed by the Town Engineer and recommended for approval.

PLANNER'S COMMENTS:

1. Lighting: See proposed condition of approval.
2. Landscaping and buffering: See proposed condition of approval.
3. Show location of existing and replacement septic systems on plan. See proposed condition of approval.

PEER REVIEW ENGINEER'S COMMENTS: Dan Diffin, P.E., Sevee and Maher Engineers.

NOTE: MOST OF THESE COMMENTS HAVE BEEN ADDRESSED SINCE THIS MEMO WAS PROVIDED TO APPLICANT. I WILL HAVE AN UPDATED MEMO FROM THE TOWN ENGINEER FOR YOU AT THE MEETING.

February 5, 2020

Ms. Carla Nixon, Town Planner
Town of Cumberland
290 Tuttle Road
Cumberland, Maine 04021

Subject: Peer Review of Maine Street Auto
Site Plan Review Application
174 Main Street, Cumberland, Maine

Dear Ms. Nixon:

As requested, Sevee & Maher Engineers, Inc. (SME) has conducted a peer review of the application for Site Plan Review for the proposed Maine Street Auto facility located at 174 Main Street near the intersection with

Winn Road. The application materials received by SME were prepared by Northeast Civil Solutions and consist of the following:

- Cover letter with application and supporting documentation dated January 23, 2020; and
- Project plan set dated January 24, 2020.

PROJECT DESCRIPTION

The Applicant proposes to redevelop the existing 1.12-acre site into a new automotive repair and used car sale lot. The existing 1,900 square foot building will be renovated for new office and garage space. A small building expansion will be added to provide adequate sizing for a new garage bay. Site improvements will include revisions to the existing pavement to accommodate the parking and internal vehicular circulation.

This project is being reviewed as a Site plan Review project under the Chapter 229 - Site Plan Review Ordinance, most recently amended and adopted on March 26, 2012. The comments below relate to the appropriate Ordinance Sections.

Chapter 229: Site Plan Review

SME has reviewed the applicable sections of Chapter 229 and has provided comments for those sections not found to be addressed by the Application. The remaining sections have been reviewed and found to comply with Chapter 229 requirements.

Section 229-10(B) – Traffic, Circulation and Parking.

1. SME recommends that the Applicant provide parking calculations for the development, and detail on the parking demands of the used car sales lot in accordance with Zoning Section 315-57.
2. SME recommends that the Applicant construct a gravel or paved parking area within the fenced enclosure off Winn Road. The area should be free of vegetation and topsoil to minimize the potential of erosion occurring with the lot and provide a clear surface for identifying any fuel or oil leaks from the stored vehicles.

Section 229-10(C) – Stormwater Management and Erosion Control.

3. Please provide a breakdown of existing and proposed impervious areas, including the gravel or paved parking area accessed off Winn Road. Currently, the area appears to be maintained as a vegetated area.
4. Please provide a stormwater management report analyzing the predevelopment and post development peak flows.

Section 229-10(D) – Water, Sewer, and Fire Protection.

5. SME recommends that the Applicant provide an evaluation of the existing and proposed water usage to demonstrate that the existing well has adequate capacity to serve the development.
6. Please provide additional detail on the fire sprinkler system within the building and if it is served by the on-site well. If it is, please provide details on the well's capacity to provide adequate water for the sprinkler system.

Section 229-10(E) – Water Protection.

7. Please provide more detail on the anticipated chemicals and petroleum projects and the locations they will be stored at the site. Will the type or amount require the need for a Spill Prevention Countermeasures and Control Plan?
8. Will the automotive repair areas or showroom areas be equipped with floor drains? Please provide more detail on how spills within these areas will be addressed.
9. Please confirm that the underground storage tanks have been or will be removed from the property prior to start of construction.

Section 229-10(L) – Capacity of the Applicant.

10. Please provide an estimate of construction costs to complete the proposed building and site improvements.
11. It does not appear that the letter of Financial Capacity included in the application materials is from a lending institution and therefore does not appear to demonstrate financial capacity.

Waiver Requests

SME has reviewed the waiver requests and offers the following for the Board's consideration.

Waiver Request 1 – Waiver from the High Intensity Soils Survey

SME recommends approval of this waiver request.

Waiver Request 2 – Waiver from Hydro Geologic Evaluation

SME recommends approval of this waiver request.

Waiver Request 3 – Traffic Study. SME recommends the applicant provide additional information on the vehicle storage area that is accessed off Winn Road. It is unclear what will be stored in the fenced area.

Chapter 229 – SITE PLAN REVIEW

SECTION 10: APPROVAL STANDARDS AND CRITERIA

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

A. Utilization of the Site

Utilization of the Site - The plan for the development, including buildings, lots, and support facilities, must reflect the natural capabilities of the site to support development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. The development must 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.

The site has recently supported a retail/gas station. The proposed new uses will not require expansion into any environmentally sensitive areas.

Based on the above findings of fact, the Board finds the standards of this section have been met.

B. Traffic, Circulation and Parking

10.2.1 Traffic Access and Parking

Vehicular access to and from the development must be safe and convenient.

10.2.1.1 Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.

10.2.1.2 Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.

10.2.1.3 The grade of any proposed drive or street must be not more than +3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.

10.2.1.4 The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service D, or better, following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.

10.2.1.5 Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote short cutting through the site.

10.2.1.6 Where it is necessary to safeguard against hazards to traffic and pedestrians and/ or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.

10.2.1.7 Access ways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.

10.2.1.8 The following criteria must be used to limit the number of driveways serving a proposed project:

a. No use which generates less than one hundred (1) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.

b. No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway.

The combined width of all access ways must not exceed sixty (60) feet.

10.2.2 Access way Location and Spacing

Access ways must meet the following standards:

10.2.2.1 Private entrance / exits must be located at least fifty (50) feet from the closest un-signalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the access way. This requirement may be reduced if the shape of the site does not allow conformance with this standard.

10.2.2.2 Private access ways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

10.2.3 Internal Vehicular Circulation

The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

10.2.3.1 Projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing.

10.2.3.2 Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).

10.2.3.3 The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.

10.2.3.4 All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

10.2.4 Parking Layout and Design

Off street parking must conform to the following standards:

10.2.4.1 Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.

10.2.4.2 All parking spaces, access drives, and impervious surfaces must be located at least fifteen (15) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within fifteen (15) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.

10.2.4.3 Parking stalls and aisle layout must conform to the following standards.

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
90°	9'-0"		18'-0"	24'-0" 2-way
60°	8'-6"	10'-6"	18'-0"	16'-0" 1-way
45°	8'-6"	12'-9"	17'-6"	12'-0" 1-way
30°	8'-6"	17'-0"	17'-0"	12'-0" 1 way

10.2.4.4 In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.

10.2.4.5 Parking areas must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

10.2.4.6 Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

The Town Engineer and Town Planner have reviewed and approved the parking and circulation plan. An entrance permit from MDOT is on file.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.2.5 Building and Parking Placement

10.2.5.1 The site design should avoid creating a building surrounded by a parking lot. Parking should be to the side and preferably in the back. In rural, uncongested areas buildings should be set well back from the road so as to conform to the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.

10.2.5.2 Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be

used to provide shade and break up the scale of the site. Parking areas should be separated from the building by a minimum of five (5) to ten (10) feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

10.2.6 Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/ exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect the amenities such as parks or open space on or adjacent to the site.

There is no existing pedestrian way on-site or connecting to the site. The new parking spaces will be located to the side of the building (with the exception of the one handicapped space). There will also be a small gravel parking area constructed with a gated entrance from Winn Road. The site constraints will not permit parking in the rear of the building.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.3 Stormwater Management and Erosion Control

10.3.1 Stormwater Management

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

10.3.1.1 To the extent possible, the plan must retain stormwater on the site using the natural features of the site.

10.3.1.2 Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.

10.3.1.3 The applicant must demonstrate that on - and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and

erosion of shoreland areas, or that he / she will be responsible for whatever improvements are needed to provide the required increase in capacity and / or mitigation.

10.3.1.4 All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.

10.3.1.5 The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.

10.3.1.6 The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.

10.3.1.7 The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

10.3.2 Erosion Control

10.3.2.1 All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and / or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.

10.3.2.2 Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991, and as amended from time to time.

The Town Engineer has reviewed and approved the stormwater management and erosion control plans.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.4 Water, Sewer, Utilities and Fire Protection

10.4.1 Water Supply Provisions

The development must be provided with a system of water supply that provides each use with an adequate supply of water. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source of distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

10.4.2 Sewage Disposal Provisions

The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code. If provisions are proposed for on-site waste disposal, all such systems must conform to the Subsurface Wastewater Disposal Rules.

10.4.3 Utilities

The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

10.4.4 Fire Protection

The site design must comply with the Fire Protection Ordinance. The Fire Chief shall issue the applicant a “Certificate of Compliance” once the applicant has met the design requirement of the Town’s Fire Protection Ordinance.

A hydrant is located within 30’ of the building. The fire protection plan has been reviewed and approved by the Fire Chief. Utilities are on site. There is an existing operating well on site that has served the needs of the previous tenant and should be sufficient for this use as well. The location of the existing and proposed septic system needs to be shown on the site plan; this is a proposed condition of approval.

Based on the above findings of fact, and with the proposed condition of approval, the Board finds the standards of this section have been met.

10.5 Water Protection

10.5.1 Groundwater Protection

The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to the public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

10.5.2 Water Quality

All aspects of the project must be designed so that:

10.5.2.1 No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

10.5.2.2 All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

The applicant has provided information on the quantity and type of materials that will be stored on site. The Town Engineer has reviewed this information and found it to be acceptable.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.5.3 Aquifer Protection

If the site is located within the Town Aquifer Protection Area, a positive finding by the Board that the proposed plan will not adversely affect the aquifer is required.

The site is not located within the Town Aquifer Protection Area.

10.6 Floodplain Management

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

The structures are not located in a flood hazard area, though a small portion of the site is in Zone B defined as:

Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood. An area inundated by 0.2% annual chance flooding.

Based on the above finding of fact, the Board finds the standards of this section have been met.

10.7 Historic and Archaeological Resources

If any portion of the site has been identified as containing historic or archaeological resources, the development must 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.

A letter of request for information from the Maine Historic Preservation Commission was submitted. The response has not yet been received. This can be a condition of approval. The application does state that the site is currently developed and there are no apparent historic or archaeological resources on site.

Based on the above finding of fact, and with the proposed condition of approval, the Board finds the standards of this section have been met.

10.8 Exterior Lighting

The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights - of way, and the unnecessary lighting of the night sky.

The applicant has provided cut sheets for the new exterior lights. A photometric plan was submitted and reviewed. The plan does show slight light trespass across the front property line. Removal of an existing pole light on the front corner would likely remove this effect. In addition, the light pole and fixture is older style, unshielded and is not standing vertically. Removal of this light fixture is a condition of approval.

Based on the above findings of fact, and with the proposed condition of approval, the Board finds the standards of this section have been met.

10.9 Buffering and Landscaping

10.9.1 Buffering of Adjacent Uses

The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and / or a combination of these or other techniques.

10.9.2 Landscaping

Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

The height of the 6 arborvitae to be planted on the property line is not shown on the plan. The size is listed as 1 gallon. The applicant has stated the height of the trees will be six feet. This should be added to the plan. This is a proposed condition of approval.

Based on the above findings of fact and the proposed condition of approval, the Board finds the standards of this section have been met.

10.0 Noise

The development must control noise levels such that it will not create a nuisance for neighboring properties.

All repair work will be done inside the building. The hours of operation are limited to daytime hours. The operation should not create a noise nuisance for neighboring properties.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.11 Storage of Materials

10.11.1 Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

10.11.2 All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.

10.11.3 Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

The Town Engineer and Town Planner have reviewed the plan for storage of materials and found it to be in compliance with the ordinances.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.12 Capacity of the Applicant

The applicant must demonstrate that he / she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

- **Technical Ability: The applicant has utilized Northeast Civil Solutions to prepare the plan and supporting information.**
- **Financial Capacity: Additional information is needed; proposed condition of approval.**

Based on the above findings of fact, and with the proposed condition of approval, the Board finds the standards of this section have been met.

LIMITATION OF APPROVAL:

Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

STANDARD CONDITION OF APPROVAL:

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted by the applicant. Any variation from the plans, proposals and supporting documents, except de minimus changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

PROPOSED CONDITIONS OF APPROVAL:

1. Applicant to provide evidence of financial capacity to Town Planner prior to the preconstruction conference.
2. The plan shall be revised to show two notes from the Fire Chief:
 - 1) The building shall be equipped with a hinged key box approved by the fire department.
 - 2) The canopy over the fuel island shall meet the specification as identified in NFPA, including but not limited to, a dry chemical fire suppression system.
3. The existing light pole on the front corner of the parcel shall be removed prior to issuance of a building permit.
4. The applicant shall revise the site plan to show the height of the six arborvitae to be planted will be 6 feet. This shall be done prior to the preconstruction conference.
5. A letter from the Maine Historic Preservation Commission shall be submitted to the Town Planner prior to the preconstruction conference.
6. The location of the existing and proposed septic system needs to be shown on the site plan; this is a proposed condition of approval.
7. A note shall be added to the plan stating the hours of operation as approved by the Board to be M-F from 9-6 and Saturday from 9-3.
8. A note shall be added to the plan stating that all exterior lighting will be off when the business is closed and that motion-detector lights will be used.



SURVEYING ENGINEERING LAND PLANNING

Northeast Civil Solutions

INCORPORATED

www.northeastcivilsolutions.com

January 23, 2020

Cumberland Town Office
290 Tuttle Road
Cumberland, ME 04021

**RE: Site Plan Review Application- Town Submission (174 Main Street)
Mark Axelsen - Maine Street Auto**

To Whom It May Concern;

On behalf of Mark Axelsen; we are pleased to submit the attached Site Plan Application, plans, and appurtenant documents for review by the Town staff. The project site currently sits on approximately 1.12 acres, identified on the Town of Cumberland's Tax Assessor Map U9-8, located in the RR1 Zone. The focus of the project is to take an existing gas station located on the corner of Main Street and Winn Road and turn the existing building into an automotive repair shop and used car sale lot.

Site layout

As indicated on the attached plans, the project will reuse the existing 1,900 s.f. building. The majority of the building modification will be done within to provide office space and internal garage services to repair vehicles. A small, 4' x 14', building expansion is proposed as part of this project and the canopy that previously covered the gas pumps will be removed.

Wall packs have been placed on the building to provide lighting during non-operational hours, while ensuring not to cause light pollution onto abutting properties. A new flag pole will be erected onsite and be lit from below. Pavement has been added in some locations and removed in others to accommodate an appropriate amount of parking along with proper internal vehicular circulation.

The proposed entrance will close one vehicle access area and leave one 24' vehicle access way, located 171' from Winn Road. The proposed entrance/exit way has been approved by MDOT and is attached for review.

The second access point, and existing driveway, along Winn Road will allow the owner to store vehicles within a fenced area on the site. This existing driveway is located 60 feet from the unsignalized intersection and will only be used by the owner of the property. There will be no internal circulation to this access point and it will not provide local traffic an opportunity to cut through the site. This access point will not pose a safety threat due to the anticipated 1-2 trips per day from this location.

Utilities

The current site utilizes an existing well, overhead electric, onsite gas tanks and septic. The existing septic system onsite is currently in working order and can handle the anticipated average daily flow. It was also designed to be driven over by vehicles. The system is getting to the end of its design life and a

new system has been designed for the property and can be installed if the existing system fails. The design for both the existing and new system has been attached to this submission for review.

The existing building has a sprinkler system available for use and a fire hydrant located on Winn Road, approximately 30' from the parcel.

Stormwater

The proposed project will update the site and have an overall decrease in impervious area on the lot itself. In addition, the project proposed will reduce impervious area in the Street ROW in front of the store to create a new entrance. Stormwater will utilize existing contours and no change in drainage patterns is anticipated. Due to this, peak stormwater flow rates in the post construction condition will be less than existing conditions.

Erosion and Sedimentation Control

The proposed disturbance onsite is limited in scope, however a robust erosion and sedimentation control plan is proposed. The language on the plan set mimics the requirements set forth by the Maine Department of Environmental Protection (DEP) and will ensure no abutting natural resources are affected by the development.

Buffering and Noise

Sources of noise for development will include heating/ventilation equipment, delivery trucks and regular maintenance operations to upkeep the business; including snow removal and lawn maintenance. A 6' stockade fence and arborvitaes have been added to the North side of the property to block the view and reduce noise from the residential abutting property. The buffer areas provided are expected to minimize noise impact and it is not anticipated to generate excessive noise levels beyond the limits of the site. Noise levels will be elevated during the short construction window due to heavy equipment but will not be permanent noises of operation after construction has ceased. No adverse impacts due to noise are anticipated.

The fee (\$1,250.00) was submitted and held from a previous submission of this application and should be on file at the Town. Also included in this submission is the approval from the Board of Adjustment and Appeals to allow this use on the property. If you have any questions or comments regarding this application, please feel free to contact me anytime. Thank you.

Sincerely,
Northeast Civil Solutions, Inc.

A handwritten signature in dark ink, appearing to read "Brandon Binette", with a stylized flourish at the end.

Brandon Binette
Project Engineer

CC: Jim Fisher, President, NCS
Travis Letellier, P.E., NCS

**SITE PLAN REVIEW
Town of Cumberland**

**Appendix C
Planning Board Site Plan Review Application**

Applicant's name Mark Axelsen and Matthew Almy

Applicant's address 25 Sunnyfield Lane, Cumberland, Maine 04021

Cell phone 207-838-7300 Home phone _____ Office phone _____

Email Address mainestreetauto@gmail.com

Project address 174 Main Street, Cumberland, Maine 04021

Project name Maine Street Auto

Describe project Convert vacant CN Brown station to auto shop and car sales center

Number of employees 3

Days and hours of operation Mon-Fri: 9:00am to 6:00pm, Saturday: 9:00am to 3:00pm

Project review and notice fee Review fee: \$350, Notice fee: \$100, Consult Escrow: \$800

Name of representative Northeast Civil Solutions, Inc.

Contact information: Cell: _____ Office: 207-883-1000

What is the applicant's interest in the property?

Own _____ Lease _____ Purchase and sale agreement ☒ (provide copy of document)

If you are not the owner, list owner's name, address and phone number _____

C.N. Brown Company, P.O. Box 200, South Paris, maine 04281

If you are not the owner, list owner's name, address and phone number _____

Boundary Survey

Submitted? Yes ☒ No _____

Are there any deed restrictions or easements? Yes ☒ No _____ If yes, provide information and show easement location on site plan.

Building Information

Are there existing buildings on the site? Yes ☒ No _____ Number: 1

Will they be removed? Yes _____ No ☒ (Note: A demolition permit is required 10 days prior to demolition.)

Will a new structure(s) be built on the site? Yes ☒ No _____

Describe: 4' x 14' (56 sf) addition to the existing building

Number of new buildings 0

Square footage 56 sf

Number of floor levels including basement 1

ParkingNumber of existing parking spaces 8Number of new parking spaces 11Number of handicapped spaces 1Will parking area be paved? ☒ Yes ☐ No**Entrance**Location: Main StreetWidth 24' Length Is it paved? ☒ Yes ☐ No ☐ If not, do you plan to pave it?

Where will snow storage for entrance and parking be located? Show on site plan.

Utilities**Water:** Public water ☐ Well ☒ (Show location on site plan.)**Sewer/septic:** Public sewer ☐ Private septic ☒ Show location on site plan and submit HHE-200 septic design or location of passing test pit locations if new system is proposed. Also show any wells on abutting properties within 200 feet of the site.**Electric:** On site? Yes ☒ No ☐

Show location of existing and proposed utilities on the site plan and indicate if they are above or below ground.

SignsNumber: 1Size: see attachedMaterial: see attached

Submit sign design and completed sign application.

Will the sign be lighted? No Submit information on type and wattage of lights.

Show location of sign(s) on the site plan.

Natural Features

Show location of any of the following on the site plan:

River ☐ Stream ☒ Wetland ☐ Pond ☐ Lake ☐ Stone walls ☐Are there any other historic or natural features? None**Lighting**Will there be any exterior lights? Yes ☒ No ☐ Show location on site plan (e.g., pole fixtures, wall packs on building) and provide fixture and lumen information.**Trees**

Show location of existing trees on the site plan and indicate if any are to be removed.

LandscapingIs there existing landscaping on the site? Yes ☐ No ☒ Show type and location on site plan.

Is new landscaping proposed? (Note: if property has frontage on Route 100, a twenty-five-foot landscape easement to the Town is required.)

Buffering

Show any existing or proposed buffering measures for adjacent properties, e.g., plantings, fences.

Erosion Control

Has an erosion and sedimentation control plan been submitted? Yes ☒ No ☐

Stormwater Management Plan

Provide stormwater information for both pre and post development of the site. Show location of any detention areas and/or culverts on the site plan.

Overall decrease in impervious area on the property, no stormwater detention is proposed

Fire Protection

Location of nearest hydrant 30' Sprinklers? Yes ☒ No ☐

Do you plan to have an alarm system? Yes ☐ No ☒ Please contact the Fire/EMS Department at 829-4573 to discuss any Town or state requirements.

Trash

Will trash be stored inside ☐ outside ☒. If outside, will a dumpster be used? Yes ☒ No ☐. Show location on site plan and show type of screening proposed (e.g., fencing, plantings).

Technical Capacity

List and provide contact information for all consultants who worked on the project, for example: licensed land surveyor, licensed soils evaluator, professional engineer, attorney, etc.

see attached

Financial Capacity

Please indicate how project will be financed. If obtaining a bank loan, provide a letter from the bank see attached

-
- Zoning district: _____
 - Minimum lot size: _____
 - Classification of proposed use: _____
 - Parcel size: _____
 - Frontage: _____
 - Setbacks: Front _____ Side _____ Rear _____
 - Board of Appeals Required? _____
 - Tax Map _____ Lot _____ Deed book _____ Deed page _____
 - Floodplain map number _____ Designation _____
 - Vernal pool identified? _____
 - Is parcel in a subdivision? _____
 - Outside agency permits required:
MDEP Tier 1 _____ MDEP Tier 2 _____ Army Corps of Engineers _____
MDEP general construction (stormwater) permit (for disturbance of 1 acre or more)
 - MDOT entrance permit _____
 - MDOT traffic movement permit _____
 - Traffic study required _____
 - Hydrogeologic evaluation _____
 - Market study _____
 - Route 1 Design Guidelines? _____
 - Route 100, VMU or TCD Design Standards? _____

Applicant's signature _____

Submission date: _____

PLANNING BOARD SITE PLAN REVIEW **SUBMISSION CHECKLIST**

FOR ALL PROJECTS:

Submission Requirement	Provide Location in Application Packet (e.g., plan sheet number, binder section, narrative	If requesting a waiver, indicate below:
<i>Example: Erosion Control</i>	<i>Plan Sheet E-1</i>	
General Information:		
Completed Site Plan Application Form	Appplicaiton Packet	
Names and addresses of all consultants	Technical Capacity	
Narrative describing existing conditions and the proposed project	Cover Letter	
Evidence of right, title or interest (deed, option, etc.)	Appplicaiton Packet	
Names and Addresses of all property owners within 200 feet	Appplicaiton Packet	
Boundaries of all contiguous property under control of owner	Boundary & Partial Topo Survey Plan	
Tax map and lot numbers	Boundary & Partial Topo Survey Plan	
Area of the parcel	Boundary & Partial Topo Survey Plan	
FEMA Floodplain designation & map #	Appplicaiton Packet	
Zoning classification	Boundary & Partial Topo Survey Plan	
Evidence of technical and financial capability to carry out the project	Appplicaiton Packet	
Boundary survey	Boundary & Partial Topo Survey Plan	
List of waiver requests on separate sheet with reason for request.	Appplicaiton Packet	
Proposed solid waste disposal plan	Cover Letter	
Existing Conditions Plan showing:		
Name, registration number and seal of person who prepared plan	Plan Set	
North arrow, date, scale, legend	Plan Set	
Area of the parcel	Boundary & Partial Topo Survey Plan	
Setbacks and building envelope	Site Plan - sheet 3 of 5	
Utilities, including sewer & water, culverts & drains, on-site sewage	Site Plan - sheet 3 of 5	
Location of any septic systems	Site Plan - sheet 3 of 5	
Location, names, widths of existing public or private streets ROW's	Boundary & Partial Topo Survey Plan	

Location, dimension of ground floor elevation of all existing buildings	Boundary & Partial Topo Survey Plan	
Location, dimension of existing driveways, parking, loading, walkways	Boundary & Partial Topo Survey Plan	
Location of intersecting roads & driveways within 200 feet of the site	Boundary & Partial Topo Survey Plan	
Wetland areas	N/A - None in project area	
Natural and historic features such as water bodies, stands of trees, streams, graveyards, stonewalls, floodplains	Boundary & Partial Topo Survey Plan	
Direction of existing surface water drainage across the site & off site	Boundary & Partial Topo Survey Plan	
Location, front view, dimensions and lighting of existing signs	N/A	
Location and dimensions of existing easements & copies of documents	Boundary & Partial Topo Survey Plan	
Location of nearest fire hydrant or water supply for fire protection	Boundary & Partial Topo Survey Plan	
Proposed Development Site Plan showing:		
Name of development	Site Plan - sheet 3 of 5	
Date	Site Plan - sheet 3 of 5	
North arrow	Site Plan - sheet 3 of 5	
Scale	Site Plan - sheet 3 of 5	
Legend	Site Plan - sheet 3 of 5	
Landscape plan	Site Plan - sheet 3 of 5	
Stormwater management	N/A	
Wetland delineation	N/A	
Current & proposed stands of trees	Site Plan - sheet 3 of 5	
Erosion control plan	Plan Set - sheets 3&4 of 5	
Landscape plan	Site Plan - sheet 3 of 5	
Lighting/photometric plan	Appplicaiton Packet	
Location and dimensions of all proposed buildings	Site Plan - sheet 3 of 5	
Location and size of utilities, including sewer, water, culverts and drains	Site Plan - sheet 3 of 5	
Location and dimension of proposed on-site septic system; test pit locations and nitrate plumes	Appplicaiton Packet	
Location of wells on subject property and within 200' of the site	Appplicaiton Packet	
Location, names and widths of existing and proposed streets and ROW's	Boundary & Partial Topo Survey Plan	

Location and dimensions of all accessways and loading and unloading facilities	Site Plan - sheet 3 of 5	
Location and dimension of all existing and proposed pedestrian ways	Site Plan - sheet 3 of 5	
Location, dimension and # of spaces of proposed parking areas, including handicapped spaces	Site Plan - sheet 3 of 5	
Total floor area and ground coverage of each proposed building and structure	Site Plan - sheet 3 of 5	
Proposed sign location and sign lighting	Site Plan - sheet 3 of 5	
Proposed lighting location and details	Site Plan - sheet 3 of 5	
Covenants and deed restrictions proposed	N/A	
Snow storage location	Site Plan - sheet 3 of 5	
Solid waste storage location and fencing/buffering	Site Plan - sheet 3 of 5	
Location of all fire protection	Site Plan - sheet 3 of 5	
Location of all temporary & permanent monuments	N/A	
Street plans and profiles	N/A	

ADDITIONAL REQUIREMENTS FOR MAJOR SITE PLAN PROJECTS:

Submission Requirement	Provide Location in Application Packet (e.g., plan sheet number, binder section, narrative)	If requesting a waiver, indicate below:
High intensity soils survey		✓
Hydro geologic evaluation		✓
Traffic Study		✓
Market Study	N/A	
Location of proposed recreation areas (parks, playgrounds, other public areas)	N/A	
Location and type of outdoor furniture and features such as benches, fountains.	N/A	

Maine Street Auto – Site Plan Review Application
Waiver Requests

- Submission Requirement: **High Intensity Soils Survey**

Reason for waiver request: The proposed site plan shows the re-use of the existing building and parking area. An existing septic system leach field is currently in use on the site and will remain. A new septic design has been prepared for the site and shows suitable soils in the area of the new system. A high intensity soils survey is not needed for the new septic design or for determining bearing capacity of the existing soils.

- Submission Requirement: **Hydro Geologic Evaluation**

Reason for waiver request: The existing and proposed septic drain field are both designed for less than 2,000 gallons per day and a hydrogeologic evaluation is not necessary.

- Submission Requirement: **Traffic Study**

Reason for waiver request: The proposed use of an auto repair shop and sales center is a much less intensive use than the existing use, gas station. The site will generate much less traffic and eliminate a means of egress, creating a safer condition.



SURVEYING ENGINEERING LAND PLANNING

Northeast Civil Solutions

INCORPORATED

www.northeastcivilsolutions.com

42070

December 13, 2019

Whom It May Concern:

I, Mark Axelson, authorize Northeast Civil Solutions, Inc. to sign any and all applications, permit requests, and other paperwork in conjunction with obtaining final municipal and/or state approvals, as applicable, for my project located at 174 Main Street, Cumberland. This authorization is not a contract for any work to be performed; contracts or other correspondence are separate documents.


Signature

12/14/2019
Date

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE

THIS AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE (the "Agreement") is made between **C. N. BROWN COMPANY**, a Maine corporation with a mailing address of P.O. Box 200, South Paris, Maine 04281 ("Seller") and **MATTHEW ALMY**, of 25 Sunnyfield Lane, Cumberland, Maine 04021 and **MARK AXELSEN** of 1 Hemlock Drive, Cumberland, Maine 0402, or an entity formed by them to take title, (together "Buyer"). The date that this Agreement has been fully executed shall be termed the "Effective Date".

In consideration of the mutual covenants, agreements and promises of the parties, the adequacy of which is acknowledged, the parties agree as follows:

1. **Property.** Seller hereby agrees to sell and convey to Buyer, and Buyer agrees to purchase from Seller, subject to the terms and conditions described below, the and land buildings located at 174 Main Street, Cumberland, Maine, being the property conveyed to Seller by Ronald R. Moon by deed dated January 3, 1989 and recorded in the Cumberland County Registry of Deeds at Book 8615, Page 134, being the first parcel described in that deed (the "Property"). Also included are all fixtures and furnishings located on the Premises which are not removed by Seller prior to Closing.

2. **Purchase Price.** The purchase price for the Property is Two Hundred Seventy-Three Thousand Seven Hundred Dollars (\$273,700.00) ("Purchase Price"), which shall be paid at closing by bank check, wired funds or attorney settlement account check.

3. **Removal of Underground Tanks.** The obligations of Buyer hereunder are contingent upon seller removing, prior to closing, at its expense, the existing underground fuel tanks, associated piping and fuel pumps from the Property, backfilling the resulting excavation and returning the surface to grade provided that Seller shall not be required to repave the disturbed area. The existing canopy structure shall remain in place. The obligations of Buyer are further contingent upon their receiving a tank removal report from a licensed installer showing the Property to be free of contamination to the satisfaction of Buyer. Seller agrees, upon the execution of this agreement, to make prompt arrangements for the removal of the tanks.

4. **Contingency for Zoning Approval:** The obligations of Buyers hereunder are contingent on their obtaining, within sixty (60) days of the date of this Agreement, all necessary municipal zoning and/or land use approvals allowing Buyer to operate a used car sales and service dealership on the Property.

5. **Closing of Purchase.** Delivery of the deed to the Buyer and delivery of the Purchase Price to Seller (the "Closing") shall occur ten days after the satisfactory completion of both the tank removal under Section 3 and satisfaction of the zoning contingency under Section 4, or at such other date, on or before January 23, 2020 as shall be mutually agreed upon by the parties (the "Closing Date"). Closing shall be held at the office of Hastings Malia P.A. in Fryeburg, Maine or at such other place as the parties shall mutually agree.

6. **Title.** Buyer, at Buyer's expense, shall obtain a title search and report from the Buyer's title underwriter or from such other party as Buyer may select. At its option, Buyer may obtain a commitment for title insurance (the "Title Commitment") covering the Real Property evidencing the commitment to issue a standard owner's title insurance policy to Buyer (the "Title Policy"). The Title Commitment shall bind the title company to insure good, marketable fee simple interest in the Property subject only to: (i) liens of current state and local property taxes and assessments which are not delinquent or subject to penalty; (ii) zoning regulations, restrictive covenants, any additional easements and other encumbrances of record which do not materially detract from the marketability, value or use of the Property as proposed for use by the Buyer.

Buyer shall give written notice to Seller prior to closing of objections to the title which materially and adversely affect the Property. If Buyer notifies Seller of objection(s), Seller may either: (i) cure the objections within Thirty (30) days of such notification ("cure" shall include, but not be limited to, removing the defect or obtaining affirmative title insurance over the defect) or (ii) decline to cure the objections. If Seller decides not to cure or to partially cure objections, it shall notify Buyer within ten (10) business days of receiving Buyer's objection. Thereafter, Buyer may either waive the objections in writing and proceed to Closing without reduction in the purchase price or terminate this Agreement in writing within five (5) business days of receiving Seller's notice, and receive the Deposit back.

If title defects not shown on the Title Commitment, or which arose on or after the delivery of the Title Commitment are learned of by Buyer before Closing, Buyer shall notify Seller in writing of the defects. Seller may then either: (i) cure the objections within Thirty (30) days of such notification ("cure" shall include, but not be limited to, removing the defect or obtaining affirmative title insurance over the defect); or (ii) decline to cure the objections. If Seller decides to cure the objections, it shall notify Buyer within five (5) business days of receiving Buyer's objection and shall diligently proceed to cure the same. The Closing shall be extended for a reasonable time, up to thirty (30) days, to enable Seller to cure such objections. If Seller does not elect to cure the objections, it shall so notify Buyer within five (5) days of receiving Buyer's objection, and Buyer shall either waive such objections and proceed to Closing without reduction in the purchase price or terminate this Agreement and receive the Deposit back.

7. **Closing Procedure.** The parties shall exchange the following funds and documents on or prior to the Closing Date:

(a) **Seller's Deposits:**

(1) **Deed.** Quitclaim Deed with quitclaim covenant in a form duly acknowledged by Seller and suitable for recording, conveying the Real Property to Buyer.

(3) **REW Forms.** State REW forms reflecting the status of Seller as a resident of the State of Maine.

(4) **FIRPTA Affidavit.** Seller's affidavit stating, under penalty of perjury, Seller's U.S. taxpayer identification number and that Seller is not a foreign person within the meaning of Section 1445 of the Internal Revenue Code.

(5) **Closing Statement.**

(6) **UST Notice.** Underground storage tank notice required by 38 M.R.S.A §563(6).

(7) **Additional Documents.** Such other documents Buyer reasonably requires to close the sale under this Agreement, including without limitation customary title insurance affidavits.

(b) **Buyer's Deposits:**

(1) **Money.** Cash (or immediately available federal funds) for the Purchase Price plus or minus cash necessary to adjust for Buyer's share of closing costs, pro-rations, and/or credits for the items pro-rated and/or adjusted under this Agreement.

(2) **Additional Documents.** Such other documents Seller reasonably requires to close the sale under this Agreement.

8. **Prorations, Adjustments and Costs.**

(a) **Closing Prorations.** The following items are to be prorated or adjusted as of midnight preceding the day of Closing with no readjustment between Buyer and Seller after Closing, except if so noted:

(1) Real estate taxes and assessments attributable to the year of closing.
If current tax bills are not immediately available, such prorations shall be made on the basis of the taxes assessed for the preceding year;

(2) Heating fuel in the tank and any applicable sewer or water assessments.

(b) **Seller's Costs.** Seller shall pay for its share of transfer taxes assessed to it by law associated with the deed.

(c) **Buyer's Costs.** Buyer shall pay for its share of transfer taxes assessed to it by law associated with the deed and shall pay for the title search charges, Owners Title Commitment and Policy and the cost of any endorsements thereto, and all recording costs.

9. **Inspection.** Except for the limited representations made with respect to environmental matters set forth in Section 10 below, Seller makes no warranties or representations with respect to the physical condition of the Property or any of its buildings or systems, and the same shall be conveyed to Buyer in their "as is" physical condition. Buyer shall have access prior to Closing to inspect the Property, at the expense of Buyer, to specifically include tank testing and the right to conduct a Phase I and, if deemed necessary, a Phase II Environmental Assessment provided that all inspections and assessments shall be conducted only after prior coordination with Seller. Buyer shall keep the Property free of all liens in connection with its inspection of the

Property or shall remove any liens immediately upon being notified of them. Buyer agrees to indemnify, defend and hold Seller harmless from all damage, loss or claims arising from inspections or studies of the Property made by Buyer or its agents. Buyer shall be under no obligation to close hereunder unless it is satisfied with its inspection of the Property in all respects, in Buyer's sole discretion, provided that Buyer shall be deemed to have waived this condition unless it has provided Seller with written notice of its dissatisfaction with any inspection item within thirty (30) days of the Effective Date of this Agreement. If Buyer provides Seller with written notice of its dissatisfaction with any inspection item within said thirty (30) day period, then Buyer may, at the option of Buyer, and without the need for consent of Seller, Buyer may withdraw from this Agreement, have the deposit returned and be relieved from all further obligations hereunder.

10. **Environmental Representation.**

(a) *Seller's Representations.* Buyer agrees to purchase the property in its "as is" condition with respect to all environmental matters, and Seller makes no representation with respect to environmental matters except the following:

(i) To the best of Seller's knowledge the Property does not presently contain and is free from all chemical substances or pollutants known to be hazardous wastes, hazardous substances, hazardous constituents, toxic substances or related materials, whether solid, liquid or gaseous, including but not limited to asbestos, radioactive materials, oil, gasoline, diesel fuel and other hydrocarbons, and any other substances as defined as "hazardous wastes", "hazardous substances", "toxic substances", "pollutants", "contaminants", or other similar designations, or any other material, the removal, storage or presence of which is regulated or required and/or the maintenance of which is penalized by the Resources Conservation Recovery Act, 42, U.S.C. §6901, et seq., the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §9601, et seq., the Toxic Substances Control Act, 15 U.S.C. §2601, et seq., the Clean Water Act, 33 U.S.C. §1251, et seq., the Safe Drinking Water Act, 42 U.S.C. §300(f)-300(j) -10, the Clean Air Act, 42 U.S.C. §7401, et seq., or any other local, state or federal agency, authority, or governmental unit (collectively, "Hazardous Substances").

(ii) Seller has not received and is not aware of any notification from any federal, state, county or city agency or authority relating to Hazardous Substances on, in or near the Property.

11. **Warranties and Representations.**

(a) *By Seller.* Seller represents and warrants as of this date and as of each date through and including the Closing that:

(1) Seller holds good and marketable title to the Property.

(2) Seller is not a "foreign person" within the meaning of Section 1445 of the Internal Revenue Code.

(3) Seller is a Maine "resident" within the meaning of 36 M.R.S.A. § 5250-A and is a corporation duly formed and validly existing under the laws of the State of Maine. Seller is in good standing in the State of Maine and has all necessary authority to execute and deliver this Agreement and to consummate the transactions contemplated by this Agreement. This Agreement has been duly authorized by all necessary action on the part of Seller, has been executed by a duly authorized representative of Seller and is the binding obligation of Seller enforceable in accordance with its terms.

(4) This Agreement and the performance hereof by Seller will not contravene any law, judgment, order, injunction, decree or any contractual restriction or arrangement binding on Seller or by which any of Seller's assets or properties may be affected.

(5) No consent, approval, order or authorization of any court or other governmental entity is required to be obtained by Seller in connection with the execution and delivery of this Agreement or the performance hereof by Seller.

(6) There is no pending or, to the best of Seller's knowledge, threatened action or proceeding (including, but not limited to, any condemnation or eminent domain action or proceeding) before any court, governmental agency or arbitrator relating to or arising out of the ownership of the Property or any portion thereof, or which may adversely affect Seller's ability to perform this Agreement, or which may affect the Property or any portion thereof.

(7) Seller does not know of, and has not received written notice of, any default or breach by Seller under any of the covenants, conditions, restrictions, rights-of-way or easements, if any, affecting the Property or any portion thereof, and, to the best of Seller's knowledge, no such default or breach now exists, and no event has occurred and is continuing which, with notice or the passage of time, or both, would constitute a default there under.

(8) Seller has not received any notice of assessment for benefits or betterments which affects the Property and do not have knowledge that any such assessment is pending or threatened.

(9) No work has been performed or is in progress at, and no materials have been furnished to, the Property or any portion thereof which may give rise to mechanic's, materialman's or other liens against the Property or any portion thereof.

(b) By Buyer. Buyer represents and warrants as of this date and as of each date through and including the Closing that:

(1) This Agreement and the performance hereof by Buyer will not

contravene any law, judgment, order, injunction, decree or any contractual restrictions or arrangement binding on Buyer or by which any of Buyer's assets or properties may be affected.

(2) No consent, approval, order or authorization of any court or other governmental entity is required to be obtained by Buyer in connection with the execution and delivery of this Agreement or the performance hereof by Buyer.

(3) There is no pending or, to the best of Buyer's knowledge, threatened action or proceeding before any court, governmental agency or arbitrator which may adversely affect Buyer's ability to perform this Agreement.

(c) Survival. The warranties and representations of Seller and Buyer set forth in this Section 11 shall be deemed to be remade as of the Closing with the same force and effect as if first made on and as of such date and shall survive the Closing and the delivery of the Deed or any expiration or termination of this Agreement.

12. Risk of Loss, Damage or Destruction. The risk of loss or damage to the Property by fire or otherwise before Closing is assumed by Seller. In the event of any such loss or damage, Buyer shall have the option to terminate this Agreement and receive back the Deposit.

13. Possession. Upon Closing, Seller shall deliver to Buyer possession of the Property, free of all tenancies and encumbrances other than those expressly agreed to by Buyer in writing.

14. Default.

(a) If the Property is not conveyed to Buyer at Closing in accordance with the terms of this Agreement due to a default by Seller, Buyer may: (1) terminate this Agreement and receive the Deposit back, or (2) bring an action against the Seller for specific performance under this Agreement.

(b) If the Closing does not occur due to a default by Buyer, Seller may, as its sole remedy, terminate this Agreement and retain the Deposit as liquidated damages.

15. Brokers/Commissions. Seller and Buyer each represent that there are no brokers involved in this transaction. Seller and Buyer agree that Seller and Buyer will hold each other harmless from any and all loss, liability, damage, expenses or claims incurred by reason of any brokerage commission or finder's fee alleged to be payable because of any act, omission or statement of the indemnifying party.

16. Notices. All required notices shall be given in writing, mailed postage prepaid, by certified or registered mail, return receipt requested, by nationally recognized overnight air courier service, by personal delivery or by electronic facsimile to the addresses indicated below, or such other places as the parties may designate in writing to one another:

Buyer:

Matthew Almy
5 Sunnyfield Lane
Cumberland, ME 04021

and

Mark Axelsen
1 Hemlock Drive
Cumberland, ME 04021

Seller:

C. N. Brown Company
P.O. Box 200
South Paris, ME 04281
Attn: Jeffrey Jones

With Copy to:

David R. Hastings III
Hastings Malia, P.A.
P.O. Box 290
Fryeburg, ME 04037
(207) 935-2061

17. **Time.** Time is of the essence in this Agreement. In any case where a date for performance by either party shall fall on a Saturday, Sunday or holiday, the time for performance shall automatically extend to the next regular business day. Seller shall be under no obligation to extend any dates or deadlines in this Agreement.

18. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Maine.

19. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties with respect to this transaction. This Agreement may not be changed or modified except by instrument in writing signed by the parties.

20. **Bind and Inure.** The terms, covenants and conditions herein shall bind and inure to the benefit of the successors and assigns of the parties.

21. **Execution of Documents:** This Agreement may be signed on any number of identical counterparts, such as a FAXed or emailed copy, with the same binding effect as if the signatures were on one instrument. Original, FAXed or emailed signatures are binding.

22. **No Assignment.** Neither party may assign its rights in and to this Agreement without the prior written consent of the other party; except that Buyer may assign this Agreement to an entity formed by them in which they hold together the majority interest.

22. **No Assignment.** Neither party may assign its rights in and to this Agreement without the prior written consent of the other party; except that Buyer may assign this Agreement to an entity formed by them in which they hold together the majority interest.

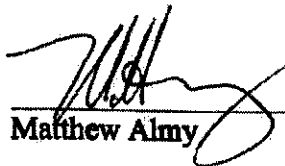
23. **Severability.** If any paragraph, clause or part of this Agreement is found unenforceable, the finding shall not affect the enforceability of the remainder of this Agreement.

24. **Headings.** Section/paragraph headings are solely for means of reference and are not intended to modify, explain or place any construction on any of the provisions of this Agreement.

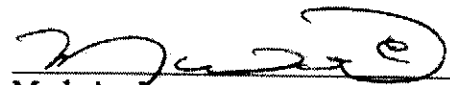
IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates immediately preceding their signatures.

Buyer:

Date Signed: 10/31/19


Matthew Almy

Date Signed: 10/31/19


Mark Axelsen

Seller:

Date Signed: 10-30-19

C.N. Brown Company


By: Jeffrey P. Jones
Title: COO

CLOSING EXTENSION AGREEMENT

C.N. Brown Company as Seller, and **Matthew Almy** and **Mark Axelsen**, as Buyer, being the parties to an Agreement for Purchase and Sale of Real Estate, having an effective date of October 31, 2019, and covering property located at 174 Main Street, Cumberland, Maine, hereby agree to amend the terms of said agreement by extending the Closing Date under paragraph 5 of said agreement to on or before March 12, 2020.

In addition Paragraph 4. of said agreement is amended to read as follows:

4. **Contingency for Zoning Approval:** The obligations of Buyers hereunder are contingent on their obtaining, on or before March 12, 2020, all necessary municipal zoning and/or land use approvals allowing Buyer to operate a used car sales and service dealership on the Property.

Witness the hands of the parties hereto on the date set forth below.

Date Signed: 2/12/20

Buyer:


Matthew Almy

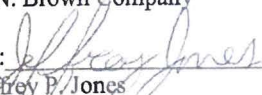
Date Signed: FEB, 12, 2020


Mark Axelsen

Seller:

Date Signed: 2-12-2020

C.N. Brown Company

By: 
Jeffrey P. Jones
Chief Operating Officer

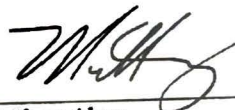
CLOSING EXTENSION AGREEMENT

C.N. Brown Company as Seller, and Matthew Almy and Mark Axelsen, as Buyer, being the parties to an Agreement for Purchase and Sale of Real Estate, having an effective date of October 31, 2019, and covering property located at 174 Main Street, Cumberland, Maine, hereby agree to amend the terms of said agreement by extending the Closing Date under paragraph 5 of said agreement to on or before March 12, 2020.

Witness the hands of the parties hereto on the date set forth below.

Buyer:

Date Signed: 2/12/20


Matthew Almy

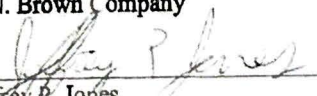
Date Signed: FEB 12, 2020


Mark Axelsen

Seller:

Date Signed: 2-12-2020

C.N. Brown Company

By: 
Jeffrey P. Jones
Chief Operating Officer

BK 8615 PG 0134

000378

STATUTORY WARRANTY DEED

I, RONALD R. MOON of Route #231, in the Town of North Yarmouth, County of Cumberland and State of Maine,

For Consideration Paid, GRANT with WARRANTY COVENANTS TO:

C. N. BROWN COMPANY, a corporation duly organized under the laws of the State of Maine, having a principal place of business at South Paris, in the County of Oxford and State of Maine,

Two (2) certain lots or parcels of land with the buildings and improvements thereon, situated on Main Street, also known as Route #9, in the Town of Cumberland, County of Cumberland and State of Maine, being more particularly described as follows:

PARCEL #1: A certain lot or parcel of land with the buildings thereon situated on the westerly side of Main Street (Route #9) and the northerly side of Winn Road in said Town of Cumberland, bounded and described as follows:

BEGINNING at an iron on the westerly sideline of Main Street at a point two hundred thirty and five tenths (230.5) feet southerly thereon from the northeasterly corner of land conveyed by Samuel S.J. Porter to Joseph D. Bean by deed dated July 27, 1940, recorded at Cumberland County Registry of Deeds in Book 1609, Page 487; thence South 65° 30' West two hundred twenty-five (225) feet, more or less, to the center of Mill Brook; thence southerly and southwesterly by Mill Brook to the northerly sideline of Winn Road as now located; thence easterly by Winn Road to its intersection with the westerly sideline of Main Street; thence northerly by the westerly sideline of Main Street to the point of beginning.

This conveyance is SUBJECT to a certain slope easement granted to the State of Maine by deed of Harry W. Schulster, et al dated October 1, 1974, recorded at Cumberland County Registry of Deeds in Book 3605, Page 184.

Being the same premises conveyed to grantor herein by warranty deed of Harry W. Schulster, et al dated December 31, 1982 and recorded at Cumberland County Registry of Deeds in Book 6101, Page 235.

PARCEL #2: A certain lot or parcel of land with the buildings thereon, situated in said Town of Cumberland on the northwesterly side of the County Road (called Main Street or Route #9), bounded and described as follows:

BEGINNING at a stone monument on the northwesterly side of said County Road marking the southeasterly corner of land conveyed by deed of J. Philburn Roberts to Armand M. Slusser dated April 2, 1964 and recorded at Cumberland County Registry of Deeds in Book 2812, Page 413; thence by said Slusser land formerly Margaret Wilson on a course of N 35° 45' W a distance of 162.45 feet to an iron and land now or formerly of Raymond Borge, formerly Elizabeth C. Greeley; thence by said Borge land on a course of N 53° 04' E a distance of 21.00 feet to an iron; thence continuing by said Borge land on a course of N 33° 28' W a distance of 216.04 feet to an iron and land now or formerly of Fred R. Sweetser; thence by said Sweetser land on a course of N 81° 44' E a

MAINE REAL ESTATE TRANSFER TAX PAID

BK 8615 PG 0135

distance of 159.42 feet to an iron and land now or formerly of Wilfred Thibeault formerly Walter E. Blanchard; thence by said Thibeault land on a course of S 32° 47' E a distance of 199.22 feet to a stone and land now or formerly of C. Lewis; thence by said Lewis land on a course of S 33° 09' E a distance of 98.00 feet to an iron on the northwesterly side of said County Road; thence by said northwesterly side of County Road on a course of S 51° 12' 30" W a distance of 156.50 feet to the point of beginning.

The above described courses are magnetic 1966.

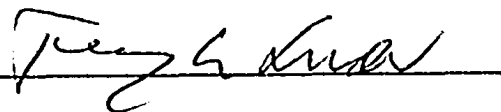
SUBJECT to the following:

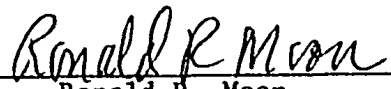
1. Any state of facts an accurate survey may disclose including changes in street lines;
2. Zoning regulations and ordinances and building restrictions and regulations and any violations thereof;
3. All assessments, costs and charges for any and all municipal improvements affecting or benefitting said premises;
4. Covenants, restrictions, easements and agreements of record, affecting or benefitting said premises, as the same may be of present force and effect.

Being the same premises conveyed to grantor herein by deed of TEXACO Inc. dated August 15, 1984, recorded at Cumberland County Registry of Deeds in Book 6554, Page 176.

This conveyance is made SUBJECT to the current real estate taxes to the Town of Cumberland, which the grantee herein by its acceptance of this deed hereby assumes and agrees to pay.

WITNESS my hand this 3rd day of January, 1989.




Ronald R. Moon

STATE OF MAINE

CUMBERLAND, ss.

11 / 3, 1989

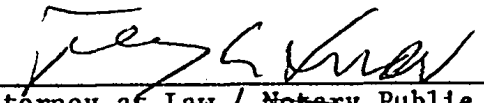
Then personally appeared the above-named RONALD R. MOON and acknowledged the foregoing instrument to be his free act and deed.

RECEIVED
RECORDED REGISTRY OF DEEDS

1989 JAN -4 PM 1:47

CUMBERLAND COUNTY
James J. Walsh

Before me,


Attorney at Law / Notary Public
James J. Walsh



Town of Cumberland

290 TUTTLE ROAD

CUMBERLAND, MAINE 04021

Phone: (207) 829-5559 FAX: (207) 829-2214

November 18, 2019

Matthew Almy
25 Sunnyfield Ln.
Cumberland, ME 04021

Mark Axelsen
1 Hemlock Dr.
Cumberland, ME 04021

Dear Mr. Almy and Mr. Axelsen:

RE: Interpretation Appeal: Matthew Almy of 25 Sunnyfield Lane, Cumberland, ME and Mark Axelsen of 1 Hemlock Drive, Cumberland, ME, or an entity formed by them to take title as purchasers of property at 174 Main Street, Cumberland, ME currently owned by C.N. Brown Company, a Maine corporation with a mailing address of P.O. Box 200, South Paris, Maine 04281, as shown on Tax Assessor Map U09, Lot 8, to allow a change in use from a non-conforming convenience store with gas sales to a non-conforming auto sales and repair shop in the Rural Residential District 1 Zone. This is an interpretation appeal under Section 315-74 C & E of the Town of Cumberland Zoning Ordinance.

At the November 14, 2019 Board of Adjustments and Appeals meeting, the Board voted to grant the Non-Conforming Change of Use Appeal of Matthew Almy and Mark Axelsen for a change in a non-conforming use from a convenience store with gas sales to an auto sales and repair shop for the property at 174 Main St., Tax Assessor's Map U09, Lot 8.

The Board made this decision based on the testimony presented and found that the change in nonconforming use will have no greater adverse effect.

Decisions of the Board are appealable to Superior Court pursuant to the provisions of 30-A M.R.S.A. § 2691(3)(G). You may contact the Code Enforcement Officer, William Longley, at 829-2207 if you have any questions concerning this matter.

Sincerely,

Christina Silberman

Clerk to the Board of Adjustments and Appeals

cc: William C. Longley, Jr., Code Enforcement Officer

Matthew Manahan, Chairman to the Board of Adjustments and Appeals

Date: 10/31/19 - 8:55 AM

FEE: \$100.00

BY: Cos

**TOWN OF CUMBERLAND
BOARD OF ADJUSTMENT AND APPEALS
NON-CONFORMING CHANGE OF USE APPEAL FORM**

Important: Do not complete this form unless you understand and comply with the instruction sheet. The Code Enforcement Officer will assist you if needed.

Please Type or Print:

I/We MARK AARSEN, MATTALMY owner(s) of property at 174 MAIN ST.
Designated as parcel(s) Tax Assessor Map # 49, Lot # 8, under provisions of Section 315-74.C. & E. of the Zoning Ordinance of the Town of Cumberland, Maine, hereby appeal the decision of the Cumberland Code Enforcement Officer. I / We wish to:

OPERATE & OWN AN AUTO SALES & REPAIR SHOP

I/ We understand that the Board of Adjustment and Appeals, "shall determine whether the proposed change in use will have no greater adverse effect upon other property in the same district and neighborhood and that the granting of such approval will not substantially depart from the intended purpose of this chapter."

[Signature]
Appellant (signature)

Appellant(s) phone number: (207) 318-8362

DECISION

Following a hearing and a vote of the Cumberland Board of Adjustment and Appeals on

November 14, 2019 you are hereby notified that your special exception has been

(GRANTED) subject to the following restrictions.) In accordance with the Site Plan Review per Sec. 229.2-B-1-C.
~~(DENIED due to a finding by the Board that :)~~

Signed

[Signature]
[Signature]
[Signature]
[Signature]



Maine Department of Transportation

Janet T. Mills
Governor

Driveway/Entrance Permit

Bruce A. Van Note
Commissioner

Permit Number: 27398 - Entrance ID: 1

LOCATION

OWNER

Name: **C.N. Brown**
Address: **P.O. Box 200**
South Paris, ME 04281
Telephone: **(207)890-0425**

Date Printed: **January 02, 2020**

Route: **0009X, Main Street**
Municipality: **Cumberland**
County: **Cumberland**
Tax Map: **U09 Lot Number: 8**
Culvert Size: **inches**
Culvert Type: **N/R**
Culvert Length: **feet**
Date of Permit: **January 02, 2020**
Approved Entrance Width: **24 feet**

In accordance with rules promulgated under 23 M.R.S.A., Chapter 13, Subchapter I, Section 704, the Maine Department of Transportation (MaineDOT) approves a permit and grants permission to perform the necessary grading to construct, in accordance with sketch or attached plan, **an Entrance to Retail Space** at a point **171 feet North** from **Winn Road**, subject to the Chapter 299 Highway Driveway and Entrance Rules, standard conditions and special conditions (if any) listed below.

Conditions of Approval:

This Permittee acknowledges and agrees to comply with the Standard Conditions and Approval attached hereto and to any Specific Conditions of Approval shown here.

(G = GPS Location; W = Waiver; S = Special Condition)

G - THE ENTRANCE SHALL BE LOCATED AT GPS COORDINATES: 43.781560N, -70.257110W.

S - In the town of Cumberland on the westerly side of Route 9 / Main Street, the centerline being approximately 171 feet northerly of the centerline of Winn Road and approximately 75 feet southerly of utility pole 540.

S - The existing southernmost entrance shall be permanently removed, either by removing the pavement within the right-of-way and/or adding curb that is compliant with MaineDOT Standard Specification 609. The Property Owner shall contact MaineDOT at (207) 657-3285 to review and have approved all modifications within the right-of-way.

S - This permit supersedes permit # 27398 issued on October 17, 2019.

Approved by: Anthony Fontaine Date: 1-02-2020

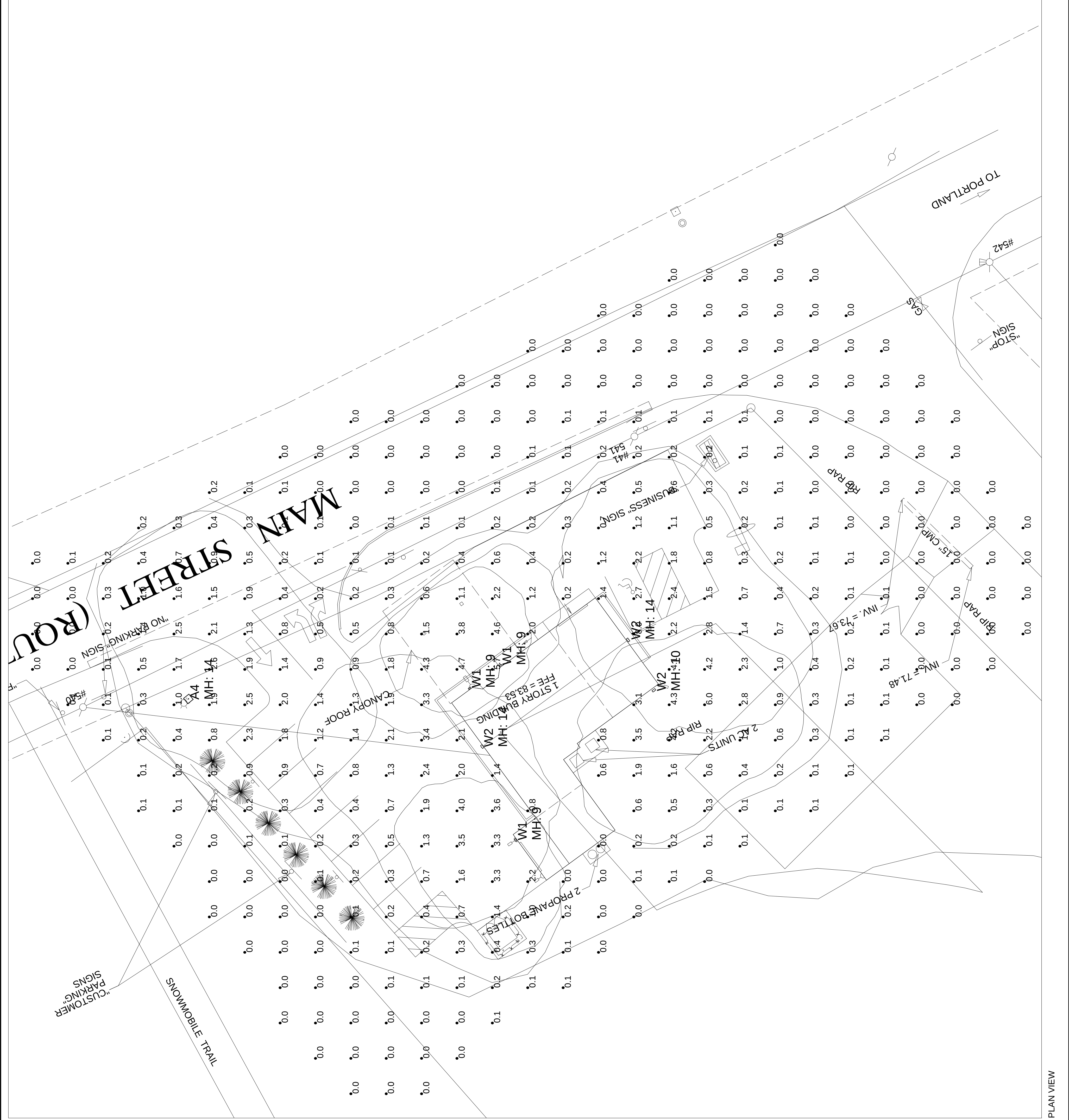
STANDARD CONDITIONS AND APPROVAL

1. Provide, erect and maintain all necessary barricades, lights, warning signs and other devices as directed by MaineDOT to properly safeguard traffic while the construction is in progress.
2. At no time cause the highway to be closed to traffic
3. Where the driveway is located within a curb, curb and gutter, and/or sidewalk section, completely remove the existing curb, curb and gutter, and/or sidewalk as may be required to create the driveway and restore drainage. All driveways abutting sidewalk sections shall meet the requirements set forth in the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12131 et seq.
4. Obtain, have delivered to the site, and install any culverts and/or drainage structures which may be necessary for drainage, the size, type and length as called for in the permit pursuant to 23 M.R.S.A. Sec. 705. All culverts and/or drainage structures shall be new.
5. Start construction of the proposed driveway within twenty-four (24) months of the date of permit issuance and substantially complete construction of the proposed driveway within twelve months of commencement of construction.
6. Comply with all applicable federal, state and municipal regulations and ordinances.
7. Do not alter, without the express written consent of the MaineDOT, any culverts or drainage swales within the MaineDOT right of way.
8. File a copy of the approved driveway permit with the affected municipality or LURC, as appropriate within 5 business days of receiving the MaineDOT approval.
9. Construct and maintain the driveway side slopes to be no steeper than the adjacent roadway side slopes, but in no case to be steeper than 3 horizontal to 1 vertical, unless the side slope is behind existing roadway guardrail, in which case it shall be no steeper than 2 horizontal to 1 vertical.
10. Notify the MaineDOT of a proposed change of use served by the driveway when increase in traffic flow is expected to occur. This does not exempt the need for obtaining a Traffic Movement Permit (TMP) if trip generation meets or exceeds 100 passenger car equivalents (PCE) during the peak hour of the day.
11. Construct or implement and maintain erosion and sedimentation measures sufficient to protect MaineDOT facilities.
12. Driveways shall be designed such that all maneuvering and parking of any vehicles will take place outside the highway right-of-way and where vehicles will exit the premises without backing onto the highway traveled way or shoulders. All driveways will have a turnaround area to accommodate vehicles using the premises.
13. Closing any portion of a highway or roadway including lanes, shoulders, sidewalks, bike lanes, or ATV access routes is not permitted without MaineDOT approval.

FURTHER CONDITION OF THE PERMIT

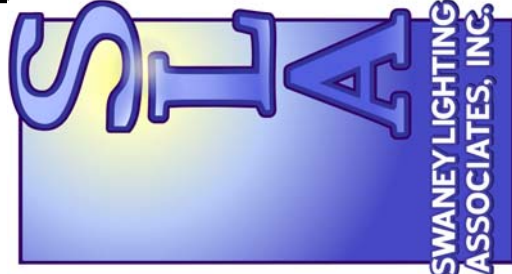
The owner shall assume, the defense of, and pay all damages, fines, and penalties for which he/she shall become liable, and shall indemnify and safe harmless said Department, its representatives, agents and employees from liability, actions against all suits, claims, damages for wrongful death, personal injuries or property damage suffered by any person or association which results from the willful or negligent action or inaction of the owner/applicant (agent) and in proceedings of every kind arising out of the construction and maintenance of said entrance(s), including snow removal.

Nothing herein shall, nor is intended to, waive any defense, immunity or limitation of liability which may be available to the MaineDOT, their officers, agents or employees under the Maine Tort Claims Act or any other privileges and/or immunities provided by law. It is a further condition that the owner will agree to keep the right of way inviolate for public highway purposes and no signs (other than traffic signs and signals), posters, billboards, roadside stands, culvert end walls or private installations shall be permitted within Right of Way limits.



PLAN VIEW

NOTICE: THIS DRAWING IS THE EXCLUSIVE PROPERTY OF SWANEY LIGHTING ASSOCIATES. ITS ACCEPTANCE CONSTITUTES AN AGREEMENT THAT THE DRAWING WILL BE TREATED AS CONFIDENTIAL. THIS DRAWING IS TO BE USED FOR NO PURPOSE OTHER THAN AS DETAILED INFORMATION CONCERNING THE OPERATION OF UNITS INDICATED. THIS DRAWING IS TO BE RETURNED UPON REQUEST AND IS NOT TO BE COMMUNICATED, DISCLOSED OR COPIED, EXCEPT AS EXPRESSLY AUTHORIZED BY SWANEY LIGHTING ASSOCIATES. NOTICE: THE INTENT OF THIS LIGHTING LAYOUT IS TO SUGGEST THE BEST UTILIZATION OF LIGHTING FIXTURES INCLUDED IN THIS DRAWING. IT IS PROVIDED USING FIXTURE PHOTOMETRICS PERFORMANCE SHOWN IN IES FILE IS NOT THE RESPONSIBILITY OF THE MANUFACTURER. IT'S USE FOR ANY OTHER PURPOSE IS NOT AUTHORIZED BY SWANEY LIGHTING ASSOCIATES.



GENERATED FOR:
NORTHEAST CIVIL SOLUTIONS
SCALE: NOT TO SCALE
Site 1-22-20 .AGI

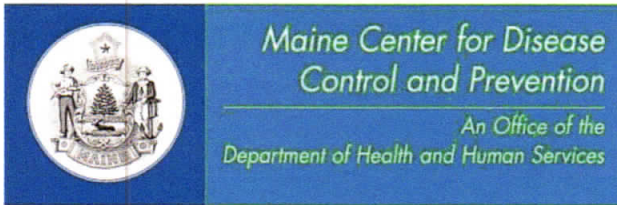
TITLE
174 MAIN STREET
CUMBERLAND, ME
SITE LIGHTING LAYOUT

Page 1 of 1
Date:1/22/2020
GENERATED BY SWANEY LIGHTING, SCARBOROUGH ME - 207-883-7100 - swaneylighting.com

Calculation Summary					
Label	Avg	Max	Min	Avg/Min	Max/Min
SITE	0.60	8.0	0.0	N.A.	N.A.

Luminaire Schedule (note fixture catalogue numbers are not complete)					
Type	Qty	Lum. Lumens LLF	Lum. Watts	Description	
A4	1	5873	49.8	RAR1-80L-50-3K7-4W	
W1	3	2588	28.6	LNC2-12L-3K-070-4	
W2	3	5460	59.9	LNC3-24L3K-075-4-U	

- NOTES:
- 1) EXACT MOUNTING DETAILS TO BE DETERMINED AT JOBSITE BY OTHERS.
 - 2) CALCULATIONS MAY OR MAY NOT SHOW THE EFFECT OF SHADOWING CAUSED BY BUILDINGS AND OBJECTS WITHIN THE CALCULATED SPACE OR IN THE SITE AREA.
 - 3) READINGS SHOWN ARE INITIAL. HORIZONTAL FOOTCANDLES ON A FLAT SITE WITHOUT REFLECTIONS OR OBSTRUCTIONS UNLESS OTHERWISE INDICATED.
 - 4) THIS CALCULATION IS BASED ON LIMITED INFORMATION SUPPLIED BY OTHERS TO SWANEY LIGHTING ASSOCIATES AND STANDARD ASSUMPTIONS OF THE SPACE AND/OR SITE.
 - 5) CONFORMANCE TO CODES AND OTHER LOCAL REQUIREMENTS AS DETERMINED BY THE AHJ ARE THE RESPONSIBILITY OF THE OWNER AND/OR THE OWNER'S REPRESENTATIVE.
 - 6) THIS LAYOUT DRAWING MUST BE COORDINATED WITH THE SITE LOCATION FOR EXISTING UTILITIES.
 - 7) DOCUMENTS PRINTED OR PLOTTED FROM ELECTRONIC FILES MAY APPEAR AT OTHER THAN THE DESIRED OR ASSUMED GRAPHIC SCALES.
- IT IS THE RESPONSIBILITY OF THE RECIPIENT TO VERIFY THAT THE PRINTED OR PLOTTED-TO-SCALE DRAWING IS PRINTED TO SCALE.



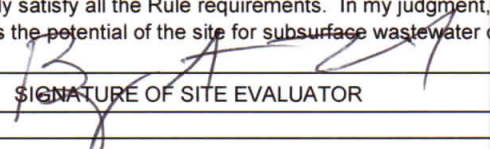
Department of Health and Human Services
Maine Center for Disease Control and Prevention
286 Water Street
11 State House Station
Augusta, Maine 04333-0011
Tel: (207) 287-5672
Fax: (207) 287-4172; TTY: 1-800-606-0215

SUBSURFACE WASTEWATER DISPOSAL SYSTEM VARIANCE REQUEST

This form must accompany an application (HHE-200 Form) for any subsurface wastewater disposal system which requires a variance to provisions of the Subsurface Wastewater Disposal Rules. The Local Plumbing Inspector must not issue a permit for the installation of a subsurface wastewater disposal system requiring a variance from the Department of Health and Human Services until approval has been received from the Department.

GENERAL INFORMATION	
Town of	Cumberland
Property Owner's Name: Mark Axelsen	Tel. No.: 838-7300
System's Location: 174 Main Street	
Property Owner's Address: 1 Hemlock Drive, Cumberland, Maine	Zip Code 04021
e-mail address: mainestreetauto@gmail.com	

The subsurface wastewater disposal system design for the subject property requires a ☒ replacement system variance ☐ first time system variance to the Subsurface Wastewater Disposal Rules. This variance requires ☒ local approval ☐ local and state approval.

SPECIFIC VARIANCE REQUESTED (To be filled in by Site Evaluator. Use additional sheets if needed.)	SECTION OF RULE
1. To allow a replacement system to be installed in fill inside shoreland zone (fill over 9-D)	8
2.	
3.	
SITE EVALUATOR	
When a property is found to be unsuitable for subsurface wastewater disposal by a licensed Site Evaluator, the Evaluator shall so inform the property owner. If the property owner, after exploring all other alternatives, wishes to request a variance to the Rules, and the Evaluator in his professional opinion feels the variance request is justified and the site limitations can be overcome, he shall document the soil and site conditions on the Application. The Evaluator shall list the specific variances necessary plus describe below the proposed system design and function. The Evaluator shall further describe how the specific site limitations are to be overcome, and provide any other support documentation as required prior to consideration by the Department. Attach a separate sheet if necessary.	
I, <u>Brady Frick</u> , S.E., certify that a variance to the Rules is necessary since a system cannot be installed which will completely satisfy all the Rule requirements. In my judgment, the proposed system design on the attached Application is the best alternative available; enhances the potential of the site for subsurface wastewater disposal; and that the system should function properly.	
	1/9/2020
SIGNATURE OF SITE EVALUATOR	DATE

PROPERTY OWNER	
I, _____, am the ☐ owner ☐ agent for the owner of the subject property. I understand that the installation on the Application is not in total compliance with the Rules. Should the proposed system malfunction, I release all concerned provided they have performed their duties in a reasonable and proper manner, and I will promptly notify the Local Plumbing Inspector and make any corrections required by the Rules. By signing the variance request form, I acknowledge permission for representatives of the Department to enter onto the property to perform such duties as may be necessary to evaluate the variance request.	
☐ SIGNATURE OF OWNER ☐ AGENT FOR THE OWNER	DATE

LOCAL PLUMBING INSPECTOR - Approval at local level

The local plumbing inspector shall review all variance requests prior to rendering a decision.

I, _____, the undersigned, have visited the above property and find that the variance request submitted by the applicant does not conform with certain provisions of the wastewater disposal rules. The variance request submitted by the applicant is the best alternative for a subsurface wastewater disposal system on this property. The proposed system (☐ does ☐ does not) conflict with any provisions controlling subsurface wastewater disposal in the shoreland zone. Therefore, I (☐ do ☐ do not) approve the requested variance. I (☐ will ☐ will not) issue a permit for the system's installation as proposed by the application.

LPI Signature_____
Date**LOCAL PLUMBING INSPECTOR - Referral to the Department**

The local plumbing inspector shall review all variance requests prior to forwarding to the Division of Environmental Health.

I, _____, the undersigned, have visited the above property and find that the variance request submitted by the applicant does not conform with certain provisions of the wastewater disposal rules. The variance request submitted by the applicant is the best alternative for a subsurface wastewater disposal system on this property. The proposed system (☐ does ☐ does not) conflict with any provisions controlling subsurface wastewater disposal in the shoreland zone. Therefore, I (☐ do ☐ do not) recommend the issuance of a permit for the system's installation as proposed by the application.

LPI Signature_____
Date**FOR USE BY THE DEPARTMENT ONLY**

The Department has reviewed the variance(s) and (☐ does ☐ does not) give its approval. Any additional requirements, recommendations, or reasons for the Variance denial, are given in the attached letter.

SIGNATURE OF THE DEPARTMENT_____
DATE

Notes: 1. Variances for soil conditions may be approved at the local level as long as the total point assessment is at least the minimum allowed. (See Section 7.B.4 of the Subsurface Wastewater Disposal Rules for Municipal Review.)

2. Variances for other than soil conditions or soil conditions beyond the limit of the LPI's authority are to be submitted to the Department for review. (See Section 7.B.3 for Department Review.) The LPI's signature is required on these variance requests prior to sending them to the Department.

**SOIL, SITE AND ENGINEERING FACTORS FOR FIRST TIME SYSTEM VARIANCE ASSESSMENT
WITH LIMITING SOIL DRAINAGE CONDITIONS (SEE TABLES 7C THROUGH 7M).**

CHARACTERISTIC		POINT ASSESSMENT
Soil Profile		
Depth to Groundwater/Restrictive Layer		
Terrain		
Size of Property		
Waterbody Setback		
Water Supply		
Type of Development		
Disposal Area Adjustment		
Vertical Separation Distance		
Additional Treatment		
TOTAL POINT ASSESSMENT:		

Minimum Points (Check One): ☐ Outside Shoreland Zone-50 ☐ Inside Shoreland Zone-65 ☐ Subdivision-65

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Dept. Health & Human Services
Div of Environmental Health, 11 SHS
(207) 287-2070 FAX (207) 287-4172

PROPERTY LOCATION		>>CAUTION: LPI APPROVAL REQUIRED<<	
City, Town, or Plantation	CUMBERLAND	Town/City	Permit #
Street or Road	174 MAIN STREET	Date Permit Issued	Fee \$ Double Fee Charged []
Subdivision, Lot #			L.P.I.#
OWNER/APPLICANT INFORMATION		Local Plumbing Inspector Signature	
Name (last, first, MI)	AXELSEN MARK	Fee \$	State Fee Fee \$ Locally Adopted Fee
Mailing Address of	1 HEMLOCK DRIVE	Copy: [] Owner [] Town [] State	
Owner	CUMBERLAND, MAINE 04024	The Subsurface Wastewater Disposal System shall not be installed until a Permit is issued by the Local Plumbing Inspector. The Permit shall authorize the owner or installer to install the disposal system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.	
Daytime Tel. #	838-7300 MAINSTREETAUTO@GMAIL.COM	Municipal Tax Map #	)-9 Lot # 8
OWNER OR APPLICANT STATEMENT		CAUTION: INSPECTION REQUIRED	
I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a permit.		I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application.	
Signature of Owner/Applicant		Local Plumbing Inspector Signature	
Date		(1st) Date Approved	
		(2nd) Date Approved	

PERMIT INFORMATION		
TYPE OF APPLICATION ☐ 1. First Time System ☒ 2. Replacement System Type Replaced: CONCRETE CHAMBERS Year Installed: 1992 ☐ 3. Expanded System ☐ a. <25% Expansion ☐ b. >25% Expansion ☐ 4. Experimental System ☐ 5. Seasonal Conversion	THIS APPLICATION REQUIRES ☐ 1.No Rule Variance ☐ 2.First Time System Variance ☐ a. Local Plumbing Inspector Approval ☐ b. State & Local Plumbing Inspector Approval ☒ 3.Replacement System Variance ☐ a. Local Plumbing Inspector Approval ☐ b. State & Local Plumbing Inspector Approval ☐ 4.Minimum Lot Size Variance ☐ 5.Seasonal Conversion Permit	DISPOSAL SYSTEM COMPONENTS ☐ 1. Complete Non-Engineered System ☐ 2. Primitive System(graywater & alt toilet) ☐ 3. Alternative Toilet, specify: ☐ 4. Non-Engineered Treatment Tank (only) ☐ 5. Holding Tank, _____ gallons ☒ 6. Non-Engineered Disposal Field (only) ☐ 7. Separated Laundry System ☐ 8. Complete Engineered System(2000gpd+) ☐ 9. Engineered Treatment Tank (only) ☐ 10. Engineered Disposal Field (only) ☐ 11. Pre-treatment, specify: ☐ 12. Miscellaneous components
SIZE OF PROPERTY 1.84 ☐ SQ. FT. ☒ ACRES	DISPOSAL SYSTEM TO SERVE ☐ 1. Single Family Dwelling Unit, No. of Bedrooms: _____ ☐ 2. Multiple Family Dwelling, No of Units: _____ ☒ 3. Other: AUTO SALES & REPAIR (specify) Current Use ☐ Seasonal ☒ Year Round ☐ Undeveloped	TYPE OF WATER SUPPLY ☐ 1. Drilled Well ☐ 2. Dug Well ☐ 3. Private ☒ 4. Public ☐ 5. Other:
SHORELAND ZONING ☐ Yes ☒ No		

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANK ☒ 1. Concrete ☐ a. Regular ☐ b. Low Profile ☐ 2. Plastic ☐ 3. Other: CAPACITY: 1000 GAL CHECK CONDITION OF TANK AND Baffles, REPAIR OR REPLACE AS NEEDED	DISPOSAL FIELD TYPE & SIZE ☐ 1. Stone Bed ☐ 2. Stone Trench ☒ 3. Proprietary Device ☒ a. Cluster array ☐ c.Linear ☐ b. Regular ☒ d. H-20 loaded ☐ 4. Other: SIZE: 1664 sq. ft. ☐ lin. ft. 26 H-20 RATED CONCRETE CHAMBER UNITS	GARBAGE DISPOSAL UNIT ☒ 1. No ☐ 2. Yes ☐ 3. Maybe If Yes or Maybe, specify one below: ☐ a.Multi-compartment tank ☐ b. _____ tanks in series ☐ c.Increase in tank capacity ☒ d.Filter on tank outlet (RECOMMENDED)	DESIGN FLOW 325 gallons per day BASED ON: ☐ 1. Table 4A (dwelling unit(s)) ☒ 2. Table 4C (other facilities) SHOW CALCULATIONS for other facilities AUTO SALES AND REPAIR(NO FUEL PUMPS) 3 EMPLOYEES AT 12 GALLONS PER DAY EACH = 36 GPD 2 TOILETS 1- FOR EMPLOYEES ONLY 1- FOR CUSTOMERS = 250 GPD COFFEE FOR EMPLOYEES AND CUSTOMERS = 39 GPD ☐ 3. Section 4G (meter readings) ATTACH WATER-METER DATA
SOIL DATA & DESIGN CLASS PROFILE CONDITION 12 / B (FILL OVER 9 D) at Observation Hole # TP 1 Depth _____" of Most Limiting Soil Factor	DISPOSAL FIELD SIZING ☐ 1. Medium - 2.6 sq.ft./gpd ☐ 2. Medium-Large - 3.3 sq.ft./gpd ☐ 3. Large - 4.1 sq.ft./gpd ☒ 4. Extra-Large - 5.0 sq.ft./gpd	EFFLUENT/EJECTOR PUMP ☒ 1. Not required ☐ 2. May be required ☐ 3. Required Specify only for engineered systems: SEE NOTE ON PAGE 3 DOSE: _____ gallons	LATITUDE AND LONGITUDE at center of disposal area Lat. N 43 d 46 m 52.18 s Lon. W 70 d 15 m 26.34 s if g.p.s., state margin of error

SITE EVALUATOR STATEMENT

I certify that on 12/5/19 (date) I completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the Subsurface Wastewater Disposal Rules (10-144A CMR/241).

Site Evaluator Signature

352
SE #

Date

BRADY A. FRICK

Site Evaluator Name Printed

(207) 839-5563
Telephone Number

BRADY@ALBERTFRICK.COM

E-mail Address

ALBERT FRICK ASSOCIATES - 380B MAIN STREET, GORHAM, MAINE 04038 - (207) 839-5563
Note: Changes to or deviations from the design should be confirmed with the Site Evaluator

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SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Health and Human Services
Division of Environmental Health
(207) 287-2070 FAX (207) 287-4172

Town, City, Plantation CUMBERLAND	Street, Road Subdivision 174 MAIN STREET	Owner's Name MARK AXELSEN
ALBERT FRICK ASSOCIATES ARE NOT SURVEYORS PROPERTY INFORMATION APPROXIMATED PER SURVEY PLAN BY NORTHEAST CIVIL SOLUTIONS DATED NOV. 13, 2019, TOWN TAX MAP AND AERIAL PHOTOGRAPH VERIFY PROPERTY LINES TO ASSURE ACCURATE LOCATION PRIOR TO SYSTEM INSTALLATION		Scale 1" = <u>100</u> Ft. or as shown

SITE PLAN

NOTE: PROVIDE TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES PER D.E.P. BEST MANAGEMENT PRACTICES

SITE LOCATION PLAN
(Attach Map from Maine Atlas Recommended)

SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)									
Observation Hole <u>TP 1</u> ☒ Test Pit ☐ Boring " Depth of Organic Horizon Above Mineral Soil					Observation Hole <u> </u> ☐ Test Pit ☐ Boring " Depth of Organic Horizon Above Mineral Soil				
0	Texture	Consistency	Color	Mottling	0	Texture	Consistency	Color	Mottling
	SAND		LIGHT						
	(FILL)	FRIABLE	BROWN	NONE					
10				EVIDENT	10				
20					20				
	EXISTING								
	CONCRETE								
30	CHAMBER				30				
40					40				
50					50				
Soil Classification <u>12</u> <u>B</u> Slope <u>0-3</u> % Limiting Factor <u> </u> Profile Condition					Soil Classification <u> </u> <u> </u> Slope <u> </u> % Limiting Factor <u> </u> Profile Condition				

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Health and Human Services
Division of Environmental Health
(207) 287-2070 FAX (207) 287-4172

Town, City, Plantation

Street, Road, Subdivision

Owner's Name

CUMBERLAND

174 MAIN STREET

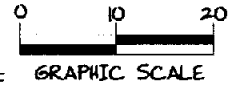
MARK AXELSEN

NOTE: THOROUGHLY SCARIFY UNDER ENTIRE DISPOSAL FIELD, SHOULDER AREA, & FILL EXTENSION AREA PRIOR TO FILL PLACEMENT, THEN BLEND FIRST 6" LIFT OF FILL INTO EXISTING SOIL SURFACE TO PROMOTE MIXING

SUBSURFACE WASTEWATER DISPOSAL PLAN

NOTE: PROVIDE FOR SURFACE WATER RUNOFF AROUND PROPOSED DISPOSAL AREA

SCALE 1" = 20 FT.



DISTRIBUTION

BOX (INSULATE

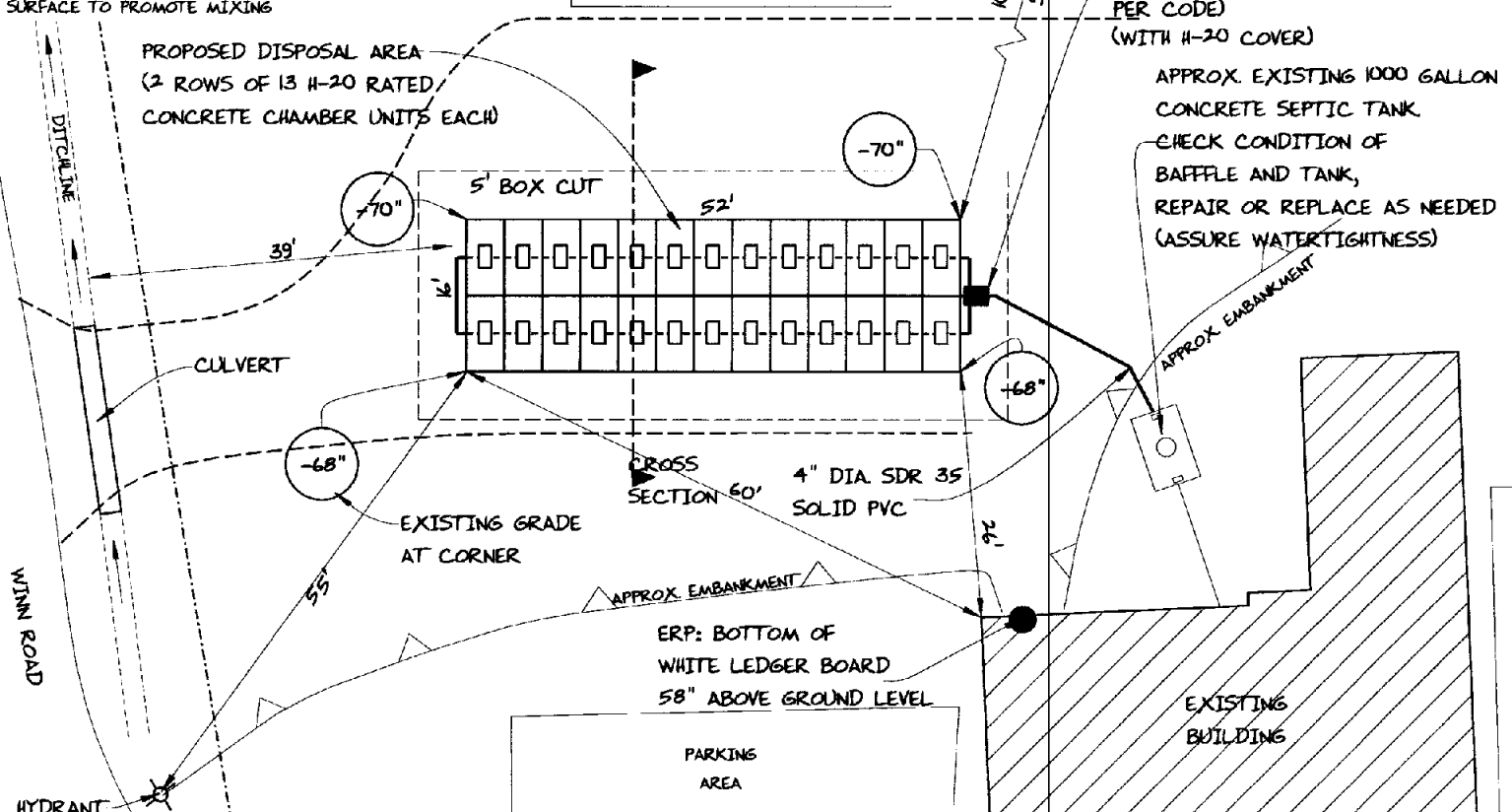
PER CODE)

(WITH #20 COVER)

APPROX. EXISTING 1000 GALLON CONCRETE SEPTIC TANK

CHECK CONDITION OF BAFFLE AND TANK, REPAIR OR REPLACE AS NEEDED (ASSURE WATERTIGHTNESS)

PROPOSED DISPOSAL AREA
(2 ROWS OF 13 #20 RATED CONCRETE CHAMBER UNITS EACH)



FILL REQUIREMENTS

Depth of Fill (Upslope) : 0"
Depth of Fill (Downslope) : 0"
DEPTHS AT CROSS-SECTION (shown below)

CONSTRUCTION ELEVATIONS

Finished Grade Elevation
Top of Distribution Pipe or Proprietary Device
Bottom of Disposal Area

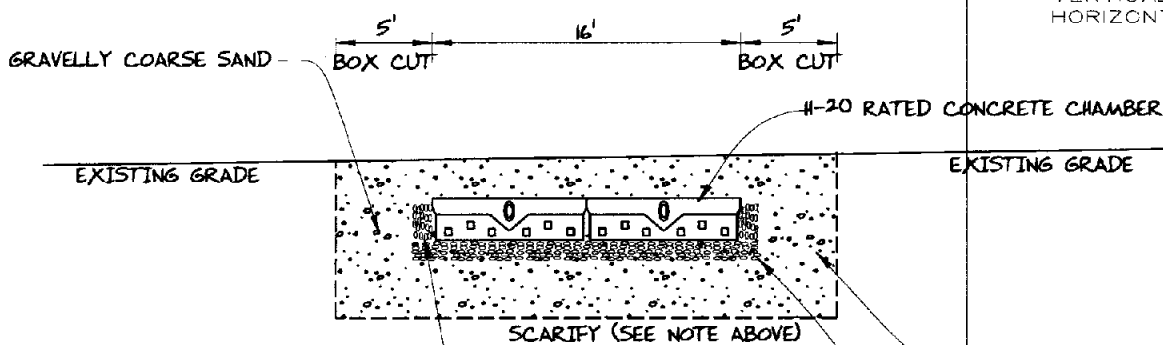
ELEVATION REFERENCE POINT

SEE
DETAIL
BELOW

Location & Description BOTTOM OF WHITE LEDGER BOARD, 58" ABOVE GRADE
Reference Elevation is: 0.0" or -----

SCALE:
VERTICAL: 1" = 5 FT
HORIZONTAL: 1" = 10 FT

DISPOSAL AREA CROSS SECTION



DEPTH BELOW ERP

-68" to -70"

CLEAN BACKFILL

-82"

CLEAN STONE

1 1/2" dia

CONCRETE CHAMBER DETAIL (no scale)

1 1/2 INCH CLEAN CRUSHED STONE PLACE 12" THICKNESS OF CRUSHED STONE AROUND ENTIRE PERIMETER AND 6" BENEATH CHAMBER UNITS

REMOVE ALL PORTIONS OF EXISTING DISPOSAL AREA ENCOUNTERED TO A MINIMUM DEPTH OF 2' UNDERNEATH AND 5' ALONGSIDE DISPOSAL AREA AND REPLACE WITH CLEAN GRAVELLY COARSE SAND FILL

Albert Frick Associates
380B MAIN STREET
GORHAM, MAINE 04038
(207) 839-5563

352

SE *

1/9/2020

Date

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Albert Frick Associates, Inc.
Soil Scientists & Site Evaluators
380-B Main Street Gorham, Maine 04038
(207) 839-5563

CUMBERLAND

174 MAIN STREET

MARK AXELSEN

TOWN

LOCATION

APPLICANT'S NAME

1) The Plumbing and Subsurface Wastewater Disposal Rules adopted by the State of Maine, Division of Health and Human Services pursuant to 22 M.R.S.A. § 42 (the "Rules") are incorporated herein by reference and made a part of this application and shall be consulted by the owner/applicant, the system installer and/or building contractor for further construction details and material specifications. The system Installer should contact Albert Frick Associates, Inc. 839-5563, if there are any questions concerning materials, procedures or designs. The system installer and/or building contractor installing the system shall be solely responsible for compliance with the Rules and with all state and municipal laws and ordinances pertaining to the permitting, inspection and construction of subsurface wastewater disposal systems.

2) This application is intended to represent facts pertinent to the Rules only. It shall be the responsibility of the owner/applicant, system Installer and/or building contractor to determine compliance with and to obtain permits under all applicable local, state and/or federal laws and regulations (including, without limitation, Natural Resources Protection Act, wetland regulations, zoning ordinances, subdivision regulations, Site Location of Development Act and Minimum Lot Size law) before installing this system or considering the property on which the system is to be installed a "buildable" lot. It is recommended that a wetland scientist be consulted regarding wetland regulations. Prior to the commencement of construction/installation, the local plumbing inspector or Code Enforcement Officer shall inform the owner/applicant and Albert Frick Associates, Inc of any local ordinances which are more restrictive than the Rules in order that the design may be amended. All designs are subject to review by local, state and/or federal authorities. Albert Frick Associates, Inc.'s liability shall be limited to revisions required by regulatory agencies pursuant to laws or regulations in effect at the time of preparation of this application.

3) All information shown on this application relating to property lines, well locations, subsurface structures and underground facilities (such as utility lines, drains, septic systems, water lines, etc.) are based upon information provided by the owner/applicant and has been relied upon by Albert Frick Associates, Inc. in preparing this application. The owner/applicant shall review this application prior to the start of construction and confirm this information. Well locations on abutting properties but not readily visible above grade should be confirmed by the owner/applicant prior to system installation to assure minimum setbacks.

4) Installation of a garbage (grinder) disposal is not recommended. If one is installed, an additional 1000 gallon septic tank or a septic tank filter shall be connected in series to the proposed septic tank. Risers and covers should be installed over the septic tank outlet per the "Rules" to allow for easy maintenance of filter.

5) The septic tank should be pumped within two years of installation and subsequently as recommended by the pump service, but in no event should the septic tank be pumped less often than every three years.

The system user shall avoid introducing kitchen grease or fats into this system. Chemicals such as septic tank cleaners and/or chlorine (such as from water treatment units) and controlled or hazardous substances shall not be disposed of in this system. Additives such as yeast or enzymes are discouraged, since they have not been proven to extend system life.

6) All septic tanks, pump stations and additional treatment tanks shall be installed to prevent ground water and surface water infiltration. Risers and covers should be properly installed to provide access while preventing surface water intrusion to within 6" of a finished ground surface.

Vehicular traffic over disposal system is prohibited unless specifically designed with H-20 rated components.

CUMBERLAND	174 MAIN STREET	MARK AXELSEN
TOWN	LOCATION	APPLICANT'S NAME
7) The actual waste water flow or number of bedrooms shall not exceed the design criteria indicated on this application without a re-evaluation of the system as proposed 8) The general minimum setbacks between a well (public or private) and septic system serving a single family residence is 100-300 feet, unless the local municipality has a more stringent requirement. A well installed by an abutter within the minimum setback distances prior to the issuance of a permit for the proposed disposal system may void this design. 9) When a gravity system is proposed: BEFORE CONSTRUCTION/INSTALLATION BEGINS, the system installer or building contractor shall review the elevations of all points given in this application and the elevation of the existing and/or proposed building drain and septic tank inverts for compatibility to minimum pitch requirements. In gravity systems, the invert of the septic tank(s) outlet(s) should be at least 4 inches above the invert of the distribution box outlet at the disposal area. 10) <u>When an effluent pump is required:</u> Pump stations should be sized per manufacturer's specifications to meet lift requirements and friction loss. Provisions shall be made to make certain that surface and ground water does not enter the septic tank or pump station, by sealing/grouting all seams and connections, and by placement of a riser and lid at or above grade. An alarm device warning of a pump failure shall be installed. Also, when pumping is required of a chamber system, install a 'T' connection in the distribution box and place 3 inches of stone or a splash plate in the first chamber. Insulate gravity pipes, pump lines and the distribution box as necessary to prevent freezing. 11) On all systems, remove the vegetation, organic duff and old fill material from under the disposal area and any fill extension. Additional fill beyond indicated on plan may be necessary to replace organic matter. On sites where the proposed system is to be installed in natural soil, scarify the bottom and sides of the excavated disposal area with a rake. Do not use wheeled equipment on the scarified soil surface. For systems installed in fill, scarify the native soil by roto-tilling or scarifying with teeth of backhoe to a depth of at least 8 inches over the entire disposal and fill extension area to prevent glazing and to promote fill bonding. Place fill in loose layers no deeper than 8 inches and compact before placing more fill (this ensures that voids and loose pockets are eliminated to minimize the chance of leakage or differential settling). Do not use wheeled equipment on the scarified soil area until after 12 inches of fill is in place. Keep equipment off proprietary devices. Divert the surface water away from the disposal area by ditching or shallow landscape swales. 12) Unless noted otherwise, fill shall be gravelly coarse sand, which contains no more than 5% fines (silt and clay). Crushed stone shall be clean and free of any rock dust from the crushing process. 13) Do not install systems on loamy, silty, or clayey soils during wet periods since soil smearing/glazing may seal off the soil interface. 14) Seed all filled and disturbed surfaces with perennial grass seed, with 4" min. soil or soil amendment mix suitable for growing, then mulch with hay or equivalent material to prevent erosion. Alternatively, bark or permanent landscape mulch may be used to cover system. Woody trees or shrubs are not permitted on the disposal area or fill extensions. 15) If an advanced wastewater treatment unit is part of the design, the system shall be operated and maintained per manufacturer's specifications.		



Albert Frick Associates, Inc.
 Soil Scientists & Site Evaluators
 180B Main Street Gorham, Maine 04038
 (207) 839-5563

REPLACEMENT SYSTEM VARIANCE REQUEST

THE LIMITATIONS OF THE REPLACEMENT SYSTEM VARIANCE REQUEST

This form shall be attached to an application for the proposed replacement system which does not comply with the Rules. The LPI shall review the Replacement System Variance Request and Application and may approve the Request if all of the following requirements can be met, and the variance(s) requested fall within the limits of LPI's authority.

1. The proposed design meets the definition of a Replacement System from the rules.
2. A system cannot be designed and installed in total compliance with the Rules.
3. The design flow is less than 500 GPD.
4. There will be no change in use of the structure.
5. The replacement system is determined by the Site Evaluator and LPI to be the most practical method to treat and dispose of the wastewater.

GENERAL INFORMATION

Permit No. 1759 E Date Permit Issued 10-2-92
MONTH/DAY/YEAR

Property Owner's Name: C. N. BROWN CO. Tel. No. _____

System's Location: ROUTE 9 STREET
CUMBERLAND TOWN Maine 04021 ZIP

Property Owner's Address: 164 MAIN STREET EXT. STREET
(if different from above) SOUTH PARIS, ME. 04381 TOWN STATE ZIP

SPECIFIC INSTRUCTIONS TO THE:

LPI:

If any of the variances exceed your approval authority and/or do not meet all of the requirements listed under the Limitations Section above, then you are to send this Replacement System Variance Request, along with the Application, to the Department for review and approval consideration before issuing a Permit. (See reverse side for Comments Section and your signature.)

SITE EVALUATOR:

If after completing the Application, you find that a variance for the proposed replacement system is needed, then complete the Replacement Variance Request with your signature on reverse side of form.

PROPERTY OWNER:

It has been determined by the Site Evaluator that a variance to the Rules is required for the proposed replacement system. This variance request is due to physical limitations of the site and/or soil conditions. Both the Site Evaluator and the LPI have considered the site/soil restrictions and have concluded that a replacement system in total compliance with the Rules is not possible.

The OWNER shall sign this statement. Therefore, having read both this Replacement Variance Request and the attached Application, I understand that the proposed system is not in total compliance with the Rules and hereby release all those concerned with this Variance, provided they have performed their duties in a reasonable and proper manner.

Karen Moore
PROPERTY OWNER'S SIGNATURE

Oct 2, 1992
DATE

VARIANCE CATEGORY	VARIANCE REQUESTED	LIMIT OF LPI'S APPROVAL AUTHORITY		VARIANCE REQUESTED TO:	
SOILS					
Soil Profile	Ground Water Table		to 6"	6	inches
Soil Condition	Restrictive Layer		to 6"	6	inches
from HHE-200	Bedrock		to 10"		inches
SETBACK DISTANCES (IN FEET)	FROM:	TREATMENT TANK	DISPOSAL AREA	TREATMENT TANK	DISPOSAL AREA
Potable Water Supplies	1. Well: > 2000 gal/day	100'	300'		
	2. Well: < 2000 gal/day				
	a. Neighbor's	50'	60'		
	b. Property Owner's	25'	50'		
	3. Water Supply Line	See note 'a'			
Waterbodies	1. Perennial	50'	60'		80'
	2. Intermittent	15'	20'		
	3. Manmade drainage ditch	10'	15'		
Downhill Slope	Greater than 3:1 (33%)	5"	10"		
Buildings	1. With Basement	5'	10'		
	2. Without Basement	5'	10'		
Property Line		4'	5'		

OTHER

1. Fill extension Grade—to 3:1

2.

3.

Footnotes:

- This setback distance cannot be reduced by variance. See Table 6-2.
- Written Permission from the owner of a well is required when a replacement system will be located less than 100 feet but closer to that well than the system it is replacing.
- Sufficient distance shall be maintained to assure that the top of the fill does not extend to the 3:1 slope.

Richard Osement
SITE EVALUATOR'S SIGNATURE

12-24-91
DATE

LPI STATEMENT

I, Richard P. Peterson, LPI for the Town of Cumberland have conducted an on-site inspection for the proposed replacement system and have determined to the best of my knowledge, that it cannot be installed in total compliance with the Rules, applicable Municipal Wastewater Disposal Ordinances, or the Local Shoreland Zoning Ordinance. As a result of my review of the Replacement System Variance Request, the Application, and my on-site investigation, I (check and complete either a or b):

☒ a. ☒ approve, ☐ disapprove) the variance request based on my authority to grant this variance. Note: If the LPI does not give his approval, he shall list his reasons for denial in Comments Section below and return to the applicant.

—OR—

☐ b. find that one or more of the requested Variances exceeds my approval authority as LPI. I (☐ recommend ☐ do not recommend) the Department's approval of the variances. Note: If the LPI does not recommend the Department's approval, he shall state his reasons in Comments Section below as to why the proposed replacement system is not being recommended.

Comments:

Richard P. Peterson
LPI'S SIGNATURE

10-2-92
DATE

FOR USE BY THE DEPARTMENT ONLY

The Department has reviewed the variance(s) and (☐ does ☐ does not) give its approval. Any additional requirements, recommendations, or reasons for the Variance denial, are given in the attached letter.

SIGNATURE OF THE DEPARTMENT

DATE

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
Division of Health Engineering
(201)294-6424

PROPERTY ADDRESS	
Town Or Planation	CUMBERLAND
Street Subdivision Lot #	ROUTE 9
PROPERTY OWNERS NAME	
C.N. BROWN CO.	
Last	First
Applicant Name:	
Mailing Address of Owner/Applicant (if different)	

CUMBERLAND	PERMIT # 1759	STATE COPY
Date Permit 10-2-92	\$ 1600.00	FEE
Local Plumbing Inspector Signature		L.P.I. # 1130

Owner/Applicant Statement
I certify that the information submitted is correct to the best of my knowledge and understanding that any falsification is reason for the Local Plumbing Inspector to deny Permit

Richard Moore 10-2-92
Signature of Owner/Applicant Date

Caution: Inspection Required
I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules

Local Plumbing Inspector Signature _____ Date Approved _____

PERMIT INFORMATION		
THIS APPLICATION IS FOR: 1. ☐ NEW SYSTEM 2. ☒ REPLACEMENT SYSTEM 3. ☐ EXPANDED SYSTEM 4. ☐ EXPERIMENTAL SYSTEM SEASONAL CONVERSION to be completed by the LPI 5. ☐ SYSTEM COMPLIES WITH RULES 6. ☐ CONNECTED TO SANITARY SEWER 7. ☐ SYSTEM INSTALLED - P# _____ 8. ☐ SYSTEM DESIGN RECORDED AND ATTACHED IF REPLACEMENT SYSTEM: YEAR FAILING SYSTEM INSTALLED ? THE FAILING SYSTEM IS: 1. ☐ BED 3. ☐ TRENCH ? 2. ☐ CHAMBER 4. ☐ OTHER _____ SIZE OF PROPERTY APPROX 1 ACRE ZONING HIGHWAY COMMERCIAL	THIS APPLICATION REQUIRES: 1. ☐ NO RULE VARIANCE 2. ☐ NEW SYSTEM VARIANCE Attach New System Variance Form 3. ☒ REPLACEMENT SYSTEM VARIANCE Attach Replacement System Variance Form a. ☒ Requiring Local Plumbing Inspector Approval b. ☐ Requires State and Local Plumbing Inspector Approval 4. ☐ MINIMUM LOT SIZE VARIANCE DISPOSAL SYSTEM TO SERVE: 1. ☐ SINGLE FAMILY DWELLING 2. ☐ MODULAR OR MOBILE HOME 3. ☐ MULTIPLE FAMILY DWELLING 4. ☒ OTHER (1 PUMP ISLAND) GULF GARAGE SPECIFY _____	INSTALLATION IS: COMPLETE SYSTEM 1. ☒ NON-ENGINEERED SYSTEM 2. ☐ PRIMITIVE SYSTEM (includes Alternative Toilet) 3. ☐ ENGINEERED (+ 2000 gpd) INDIVIDUALLY INSTALLED COMPONENTS 4. ☐ TREATMENT TANK (ONLY) _____ GAL 5. ☐ HOLDING TANK _____ GAL 6. ☐ ALTERNATIVE TOILET (ONLY) 7. ☐ NON-ENGINEERED DISPOSAL AREA (ONLY) 8. ☐ ENGINEERED DISPOSAL AREA (ONLY) 9. ☐ SEPARATED LAUNDRY SYSTEM TYPE OF WATER SUPPLY WELL

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)			
TREATMENT TANK 1. ☒ SEPTIC: ☒ Regular ☐ Low Profile 2. ☐ AEROBIC SIZE: 1000 GALS	WATER CONSERVATION 1. ☒ NONE 2. ☐ LOW VOLUME TOILET 3. ☐ SEPARATED LAUNDRY SYSTEM 4. ☐ ALTERNATIVE TOILET SPECIFY: _____	PUMPING 1. ☒ NOT REQUIRED 2. ☐ MAY BE REQUIRED (DEPENDENT ON TREATMENT TANK LOCATION AND ELEVATION) 3. ☐ REQUIRED DOSE: _____ GALS	CRITERIA USED FOR DESIGN FLOW (BEDROOMS SEATING EMPLOYEES, WATER RECORDS, ETC.) 1 PUMP ISLAND DESIGN FLOW: 499 GAL (GALLONS/DAY)
SOIL CONDITIONS USED FOR DESIGN PURPOSES PROFILE 9 CONDITION D DEPTH TO LIMITING FACTOR 11	SIZE RATINGS USED FOR DESIGN PURPOSES 1. ☐ SMALL 2. ☐ MEDIUM 3. ☐ MEDIUM-LARGE 4. ☐ LARGE 5. ☒ EXTRA LARGE	DISPOSAL AREA TYPE/SIZE 1. ☐ BED _____ Sq. Ft. 2. ☒ CHAMBER 1248 Sq. Ft. ☒ REGULAR ☐ H-20 3. ☐ TRENCH _____ Linear Ft. 4. ☐ OTHER: _____	

SITE EVALUATOR STATEMENT
On 12-17-91 (date) I conducted a site evaluation for this project and certify that the data reported is accurate. The system purpose is in accordance with the Subsurface Wastewater Disposal Rules

Richard Moore 034 12-20-91
Site Evaluator Signature SE# Date

(Local Plumbing Inspector's Signature if permit is for Seasonal Conversion.)

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Time, Co. Partners

Street Road Subdivision

SITE PLAN

Department of Human Services
Division of Health Engineering

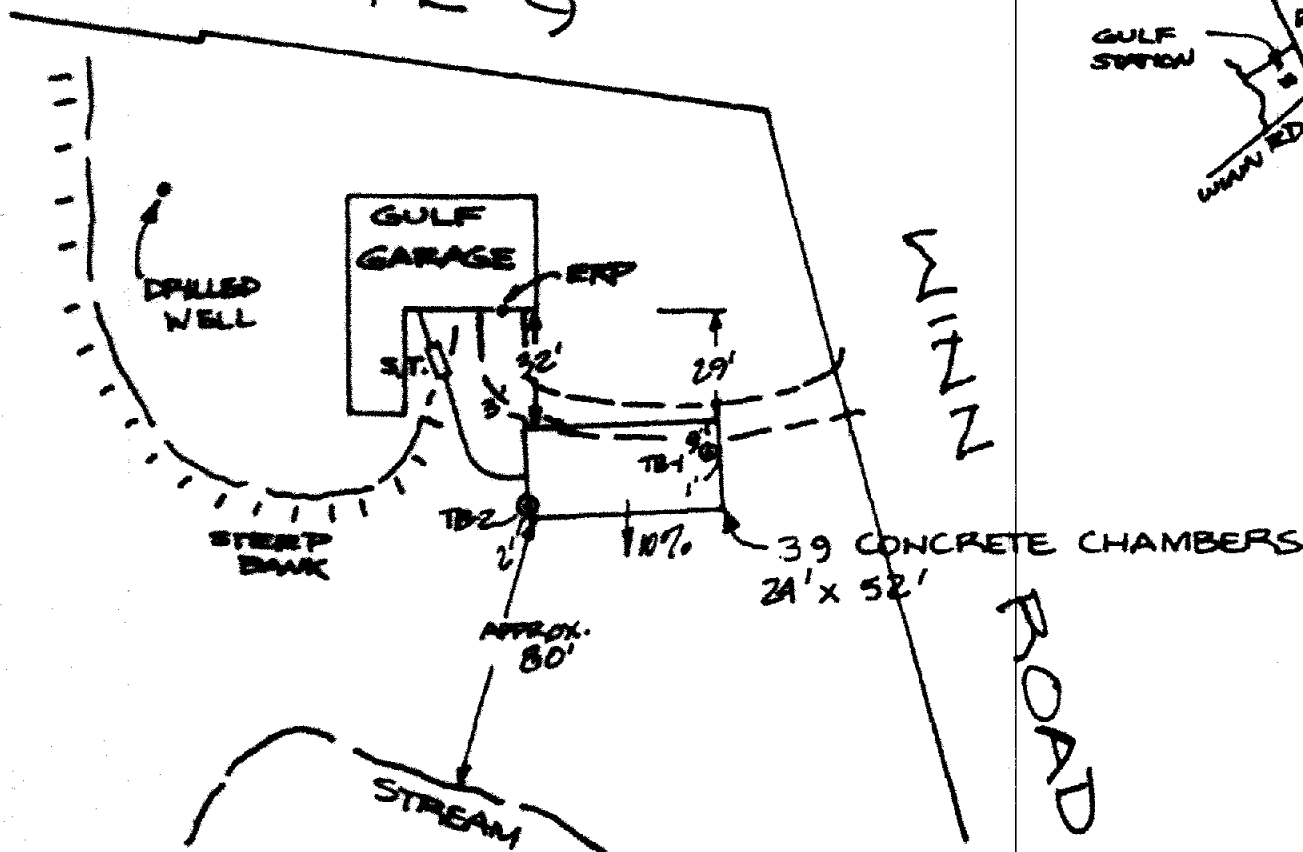
Owners Name:

C. N. BROWN CO.

**SITE LOCATION PLAN (Attach
Map from Maine Atlas for
New System Variance)**

Scale 1' = 50 Ft

ROUTE 9



(Location of Observation Holes Shown Above)

Observation Hole TB-2 ☐ Test Pit ☒ Boring

* Depth of Organic Horizon Above Mineral Soil

Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (mm)	Texture	Consistency	Color	Mottling
0				
10	SILT		DK.	
20	LOAM	FRABLE	BRN.	
30			GRAY	SPARKLING
40			BRN.	
50	SILTY	FRN.	GRAY	
60	CLAY			
70	LOAM			
80				
90				
100				
110				
120				
130				
140				
150				
160				
170				
180				
190				
200				

	Texture	Consistency	Color	Mottling
0	SILT LO.	FRAGILE	DR. BRN.	
5				
10	SILTY CLAY	FIRM	GRAY	COMMON
15	LOAM			
20				
25				
30				
35				
40				
45				
50				
55				
60				
65				
70				
75				
80				
85				
90				
95				
100				

10	Classification	Depth	Limiting Factor	☒ Ground water ☐ Surface Layer ☐ Subsoil
	D	%	11	

Soil	Classification	Slope	Limiting Factor	☒ All Ground Water ☒ Permeation Layer ☐ Erosion
1.0	D	2	6	

Richard Shwert
 Vice President

034

SE 10

12-20-91

11

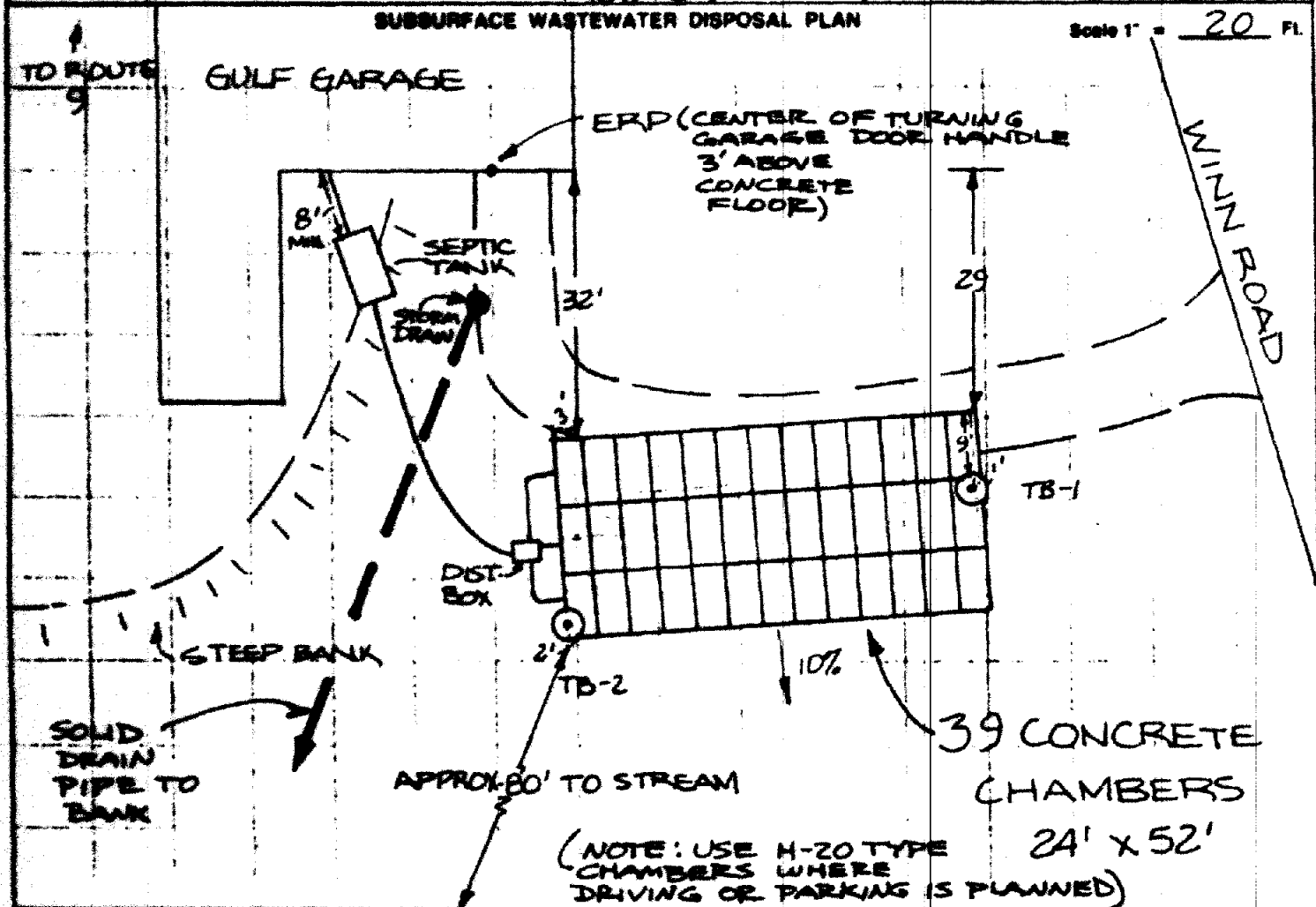
SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
Division of Health Engineering

Town/City/Parish: **CUMBERLAND** Street/Road/Subdivision: **ROUTE 9** Owners Name: **C. N. BROWN CO.**

SUBSURFACE WASTEWATER DISPOSAL PLAN

Scale 1" = **20** FL

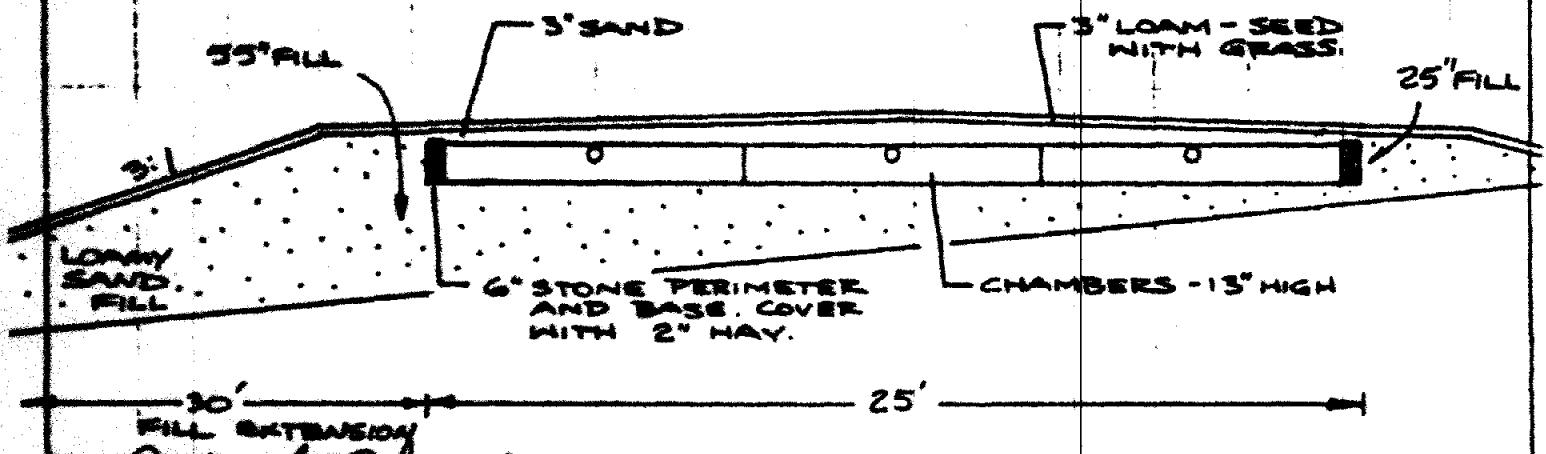


FILL REQUIREMENTS		CONSTRUCTION ELEVATIONS		ELEVATION REFERENCE POINT LOCATION & DESCRIPTION	
Depth of Fill (Up slope)	25'	Reference Elevation is	0	CENTER OF TURNING GARAGE DOOR HANDLE	
Depth of Fill (Down slope)	55'	Bottom of Disposal Area	-52"		
		Top of Distribution Lines or Chambers	-39"		

NOTE: SCARIFY GROUND SURFACE BELOW FILL. CHAMBER SYSTEM THICKNESS 19".

DISPOSAL AREA CROSS SECTION

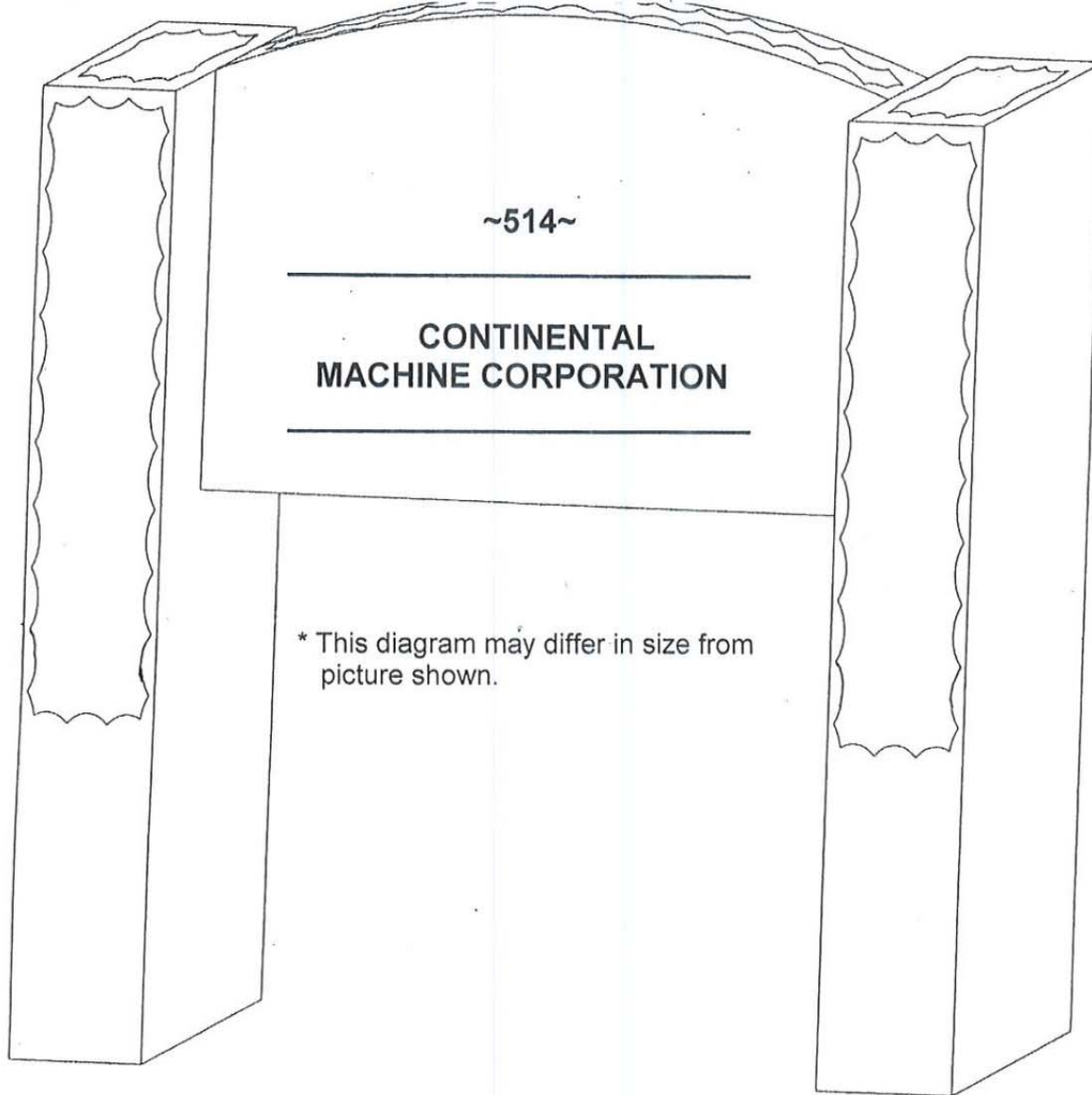
Scale:
Vertical: 1 inch = 5 FL
Horizontal: 1 inch = 5 FL



Richard Obriet
Subsurface System

034
SEP

12-20-91
Date



GRANITE SIGN (AS SHOWN):	\$2,389.00	(WOODBURY GRAY GRANITE)
ENGRAVING:	<u>\$ 650.00</u>	(ONE SIDE, AS SHOWN)
TOTAL:	\$3,039.00	

- Some edges of sign and legs are hand-chiseled to create lasting old-world beauty.
- We will custom produce to your specifications in a variety of granites.
- Your cost may vary, based on your own custom engraving needs.
- We offer several choices of lettering color to match your specific design.
- Proper concrete footings are required when installing this particular style of sign, to protect against frost damage.



SIGN: 5'-0" x 3'-6" x 4"

LEGS: (2) at 1'-0" x 1'-0" x 7'-0"

FINISH: Front & back of sign sandblast, top edge rock face, sandblast bottom, sawn ends. Legs are thermal two edges, rock face two edges and top, sawn bottom. Legs and sign are drilled for pinning together on site.

Letter of Approval

William & Jeanette Almy
23 Nash Lane
Poland, Maine 04274

Date: October 15, 2019
Matthew Almy & Mark Axelsen

Property Address:
174 Main Street
Cumberland, Maine 04021

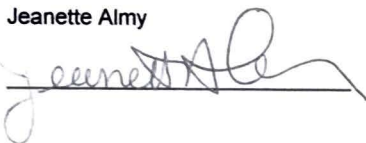
To Whom it May Concern,

Please be advised based on the information provided, we have determined the above mentioned individuals are credit approved for a mortgage on the property mentioned above.

This letter of approval is good until April 1, 2020 and for 174 Main Street in Cumberland Maine county of Cumberland only. This letter is contingent on an environmental clean bill of health.

Thank you,

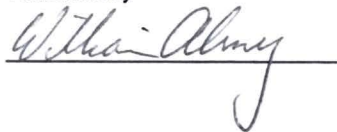
Jeanette Almy

A handwritten signature in dark ink, appearing to read 'Jeanette Almy', written over a horizontal line.

Date:

1/1/2020, 2020

William Almy

A handwritten signature in dark ink, appearing to read 'William Almy', written over a horizontal line.

Date:

1/1/2020, 2020



2/13/2020

Federal Credit Union

TO: Town of Cumberland Maine

RE: Mama's LLC EIN# 84-4656352

Atlantic Federal Credit Union Bank Account

As of 2/13/2020, Mama's LLC has an open and active Atlantic bank account. They have more than sufficient funds available to cover the estimated \$186,000 projected cost to renovate 174 Main St. for Maine Street Auto.

Thank You,

Ann T. Eisenhart

207-373-5121

aeisenhart@atlanticfcu.com

Technical Ability

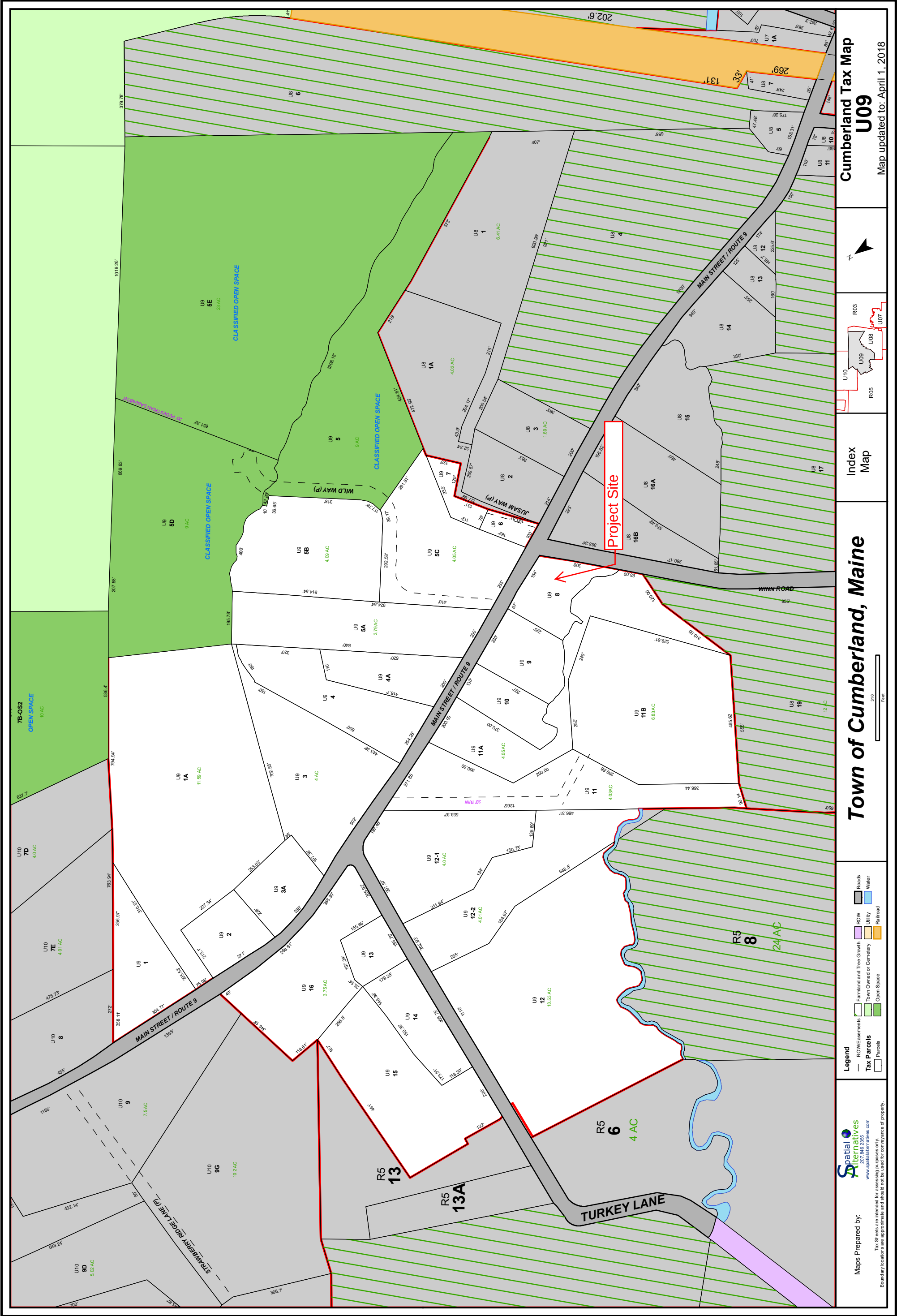
Northeast Civil Solutions, Inc. is the primary consultant involved with the civil/site design and site permitting of the project and has assembled the materials in this application. The following firms are acting as consultants to Mark Axelson or as subconsultants for the project:

Firm	Services	Contact
Northeast Civil Solutions, Inc.	Civil Engineering	Travis Letellier, P.E. Travis.letellier@northeastcivilsolutions.com
Northeast Civil Solutions, Inc.	Surveying	Dan Bolender, P.L.S. Dan.bolender@northeastcivilsolutions.com
Albert Frick Associates, Inc	Environmental Consultants	Mathew Logan, Project Manager Licensed Site Evaluator

Experience of Project Team

The team of consultants has expertise and experience in design of large array of projects that require site design. A list of relevant Northeast Civil Solutions experiences on projects that require a Site design can be provided upon request.

Resumes of Travis Letellier, P.E. and the select consultants retained for the project can be provided upon request.



Maps Prepared by:



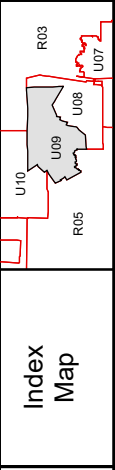
Spatial Alternatives

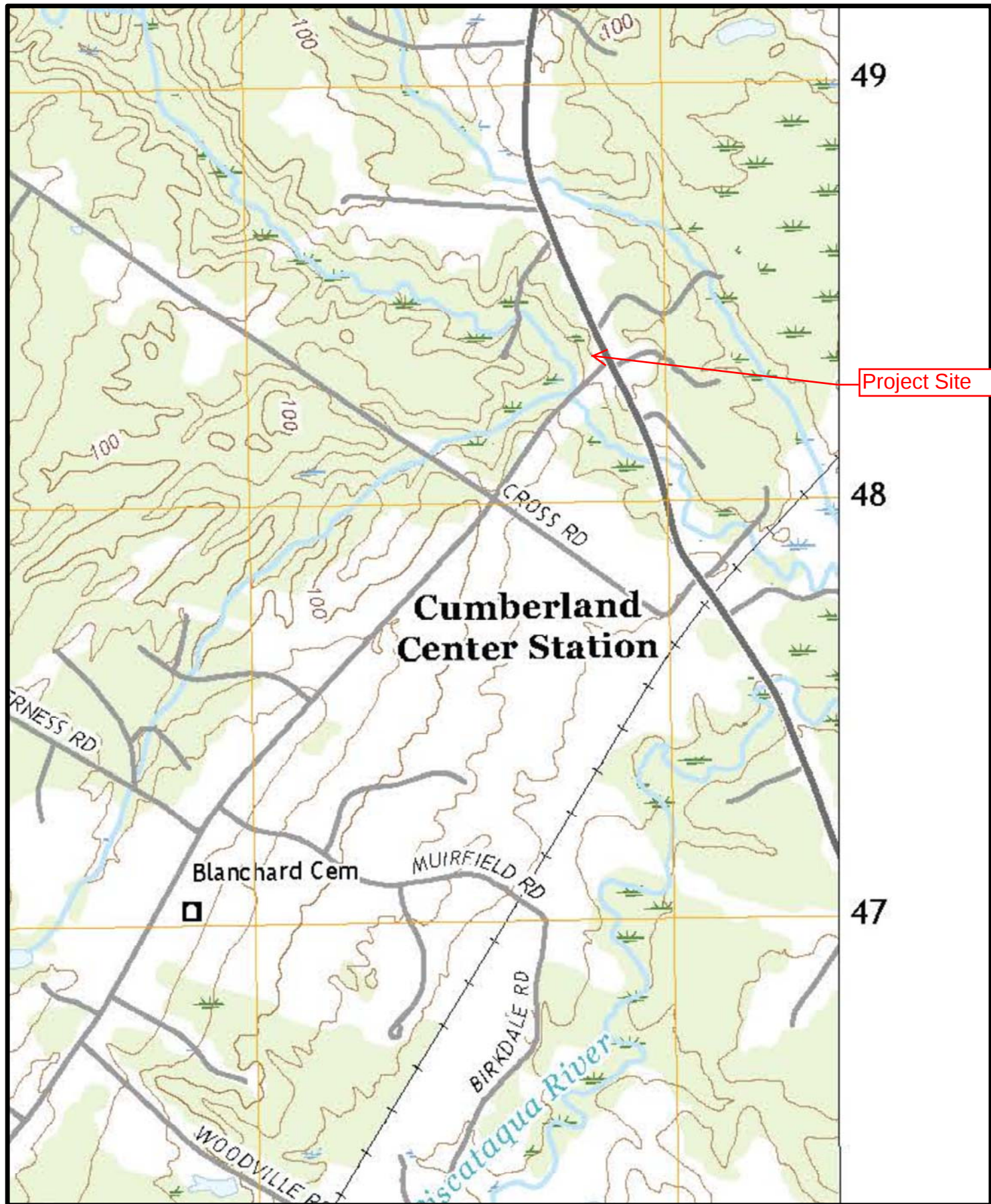
www.spatialalternatives.com

Tax Sheets are intended for assessing purposes only.

Boundary locations are approximate and should not be used for conveyance of property.

Town of Cumberland, Maine





HORIZONTAL SCALE 1" = 1000'

0 1000' 2000'

Project Name:
AERIAL MAP

Project Name and Location:
Mark Axelsen
174 Main Street, Cumberland, ME 04021

DATE: January 10, 2020



SURVEYING ENGINEERING LAND PLANNING
Northeast Civil Solutions
INCORPORATED
381 PAYNE ROAD, SCARBOROUGH, MAINE 04074

tel 207.883.1000 fax 207.883.1001 e-mail info@northeastcivilsolutions.com

SHEET: 1 OF 1



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Maine Ecological Services Field Office

P. O. Box A

East Orland, ME 04431

Phone: (207) 469-7300 Fax: (207) 902-1588

<http://www.fws.gov/mainefieldoffice/index.html>



In Reply Refer To:

January 10, 2020

Consultation Code: 05E1ME00-2020-SLI-0431

Event Code: 05E1ME00-2020-E-01501

Project Name: Maine Auto

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies the threatened, endangered, candidate, and proposed species and designated or proposed critical habitat that may occur within the boundary of your proposed project or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC Web site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the Endangered Species Consultation Handbook at: <http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

This species list also identifies candidate species under review for listing and those species that the Service considers species of concern. Candidate species have no protection under the Act but are included for consideration because they could be listed prior to completion of your project. Species of concern are those taxa whose conservation status is of concern to the Service (i.e., species previously known as Category 2 candidates), but for which further information is needed.

If a proposed project may affect only candidate species or species of concern, you are not required to prepare a Biological Assessment or biological evaluation or to consult with the Service. However, the Service recommends minimizing effects to these species to prevent future conflicts. Therefore, if early evaluation indicates that a project will affect a candidate species or species of concern, you may wish to request technical assistance from this office to identify appropriate minimization measures.

Please be aware that bald and golden eagles are not protected under the Endangered Species Act but are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.). Projects affecting these species may require development of an eagle conservation plan: http://www.fws.gov/windenergy/eagle_guidance.html Information on the location of bald eagle nests in Maine can be found on the Maine Field Office Web site: <http://www.fws.gov/mainefieldoffice/Project%20review4.html>

Additionally, wind energy projects should follow the wind energy guidelines: <http://www.fws.gov/windenergy/> for minimizing impacts to migratory birds and bats. Projects may require development of an avian and bat protection plan.

Migratory birds are also a Service trust resource. Under the Migratory Bird Treaty Act, construction activities in grassland, wetland, stream, woodland, and other habitats that would result in the take of migratory birds, eggs, young, or active nests should be avoided. Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g.,

cellular, digital television, radio, and emergency broadcast) can be found at:
<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm> and at:
<http://www.towerkill.com>; and at:
<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Maine Ecological Services Field Office

P. O. Box A

East Orland, ME 04431

(207) 469-7300

Project Summary

Consultation Code: 05E1ME00-2020-SLI-0431

Event Code: 05E1ME00-2020-E-01501

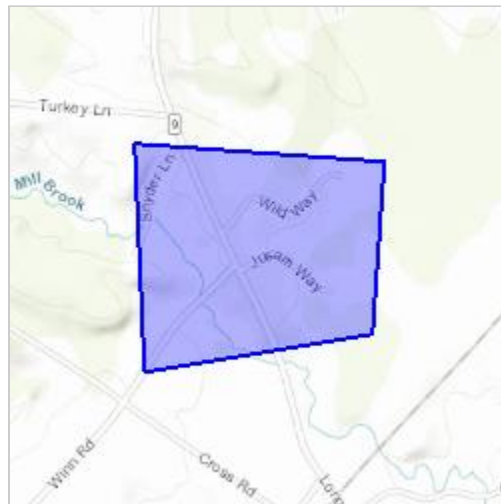
Project Name: Maine Auto

Project Type: ** OTHER **

Project Description: Construction of a car repair area.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/43.78134268750707N70.25613171208121W>



Counties: Cumberland, ME

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

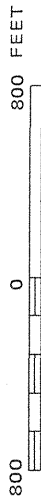
NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



APPROXIMATE SCALE



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

TOWN OF
CUMBERLAND, MAINE
CUMBERLAND COUNTY

PANEL 15 OF 25
(SEE MAP INDEX FOR PANELS NOT PRINTED)

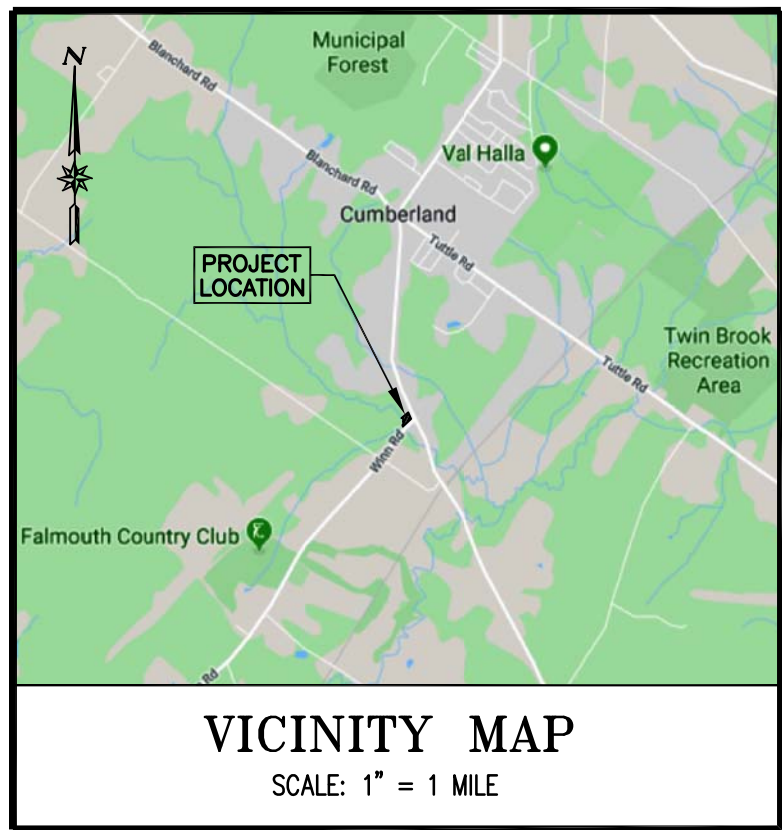
COMMUNITY-PANEL NUMBER
230162 0015 B

EFFECTIVE DATE:
MAY 19, 1981

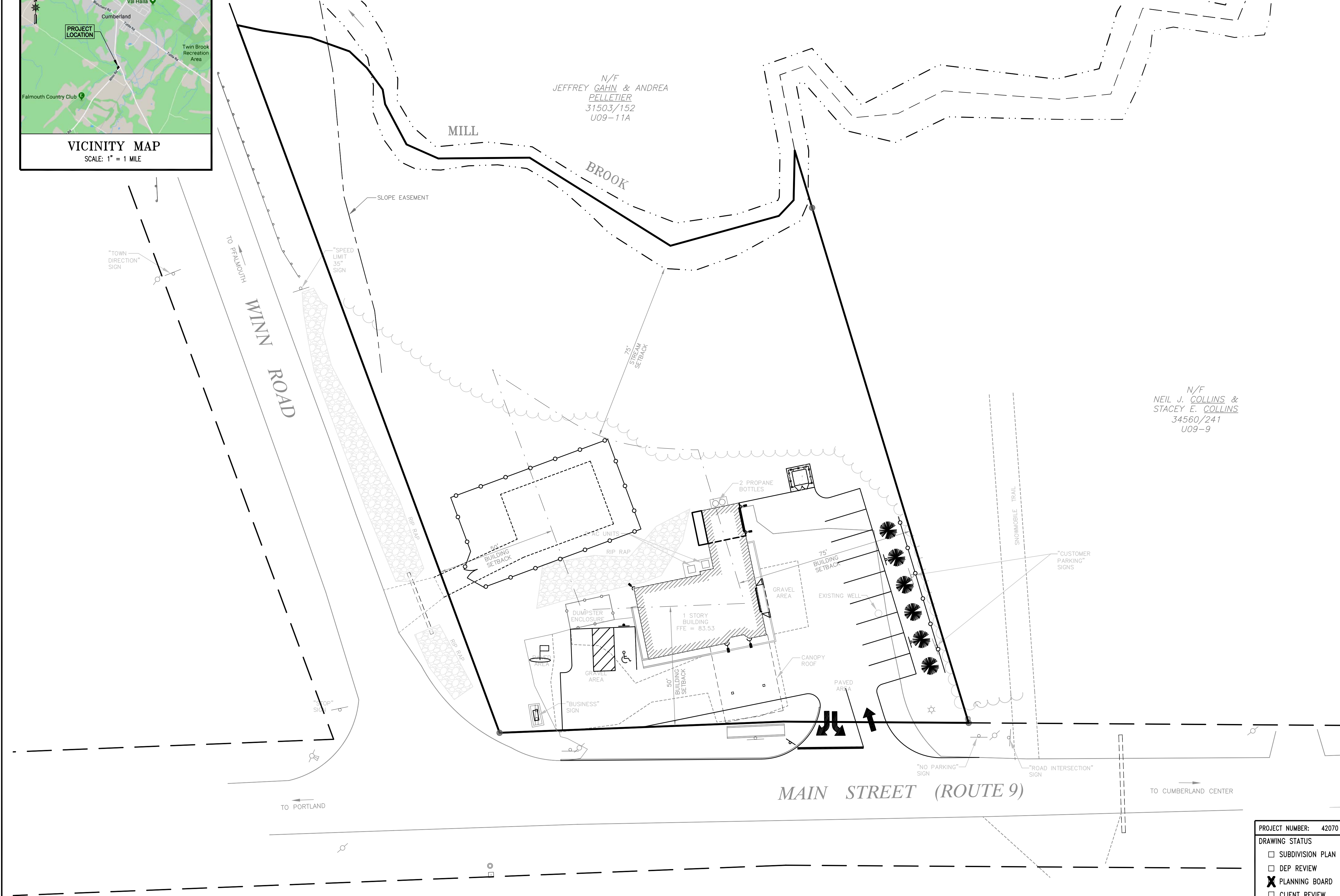


federal emergency management agency
federal insurance administration

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



MAIN STREET AUTO
174 MAIN STREET, CUMBERLAND, MAINE



INDEX

- COVER/INDEX/VICINITY MAP
- BOUNDARY & PARTIAL TOPOGRAPHIC SURVEY
- SITE PLAN
- EROSION & SEDIMENTATION CONTROL NOTES AND DETAILS
- CONSTRUCTION DETAILS

ABUTTERS

ASSESSOR'S MAP	PARCEL NUMBER	OWNER'S NAME
U09	9	NEIL J. COLLINS & STACEY COLLINS 176 FORESIDE ROAD, CUMBERLAND, ME 04110 BOOK 34560, PAGE 241
U09	11A	JEFFREY GAHN & ANDREA PELLETIER 10 RIVERPLACE DRIVE APT 10-105, SOUTH PORTLAND, ME 04106 BOOK 31503, PAGE 152

THIS PLAN IS FOR REVIEW
PURPOSES ONLY AND IS NOT
INTENDED FOR CONSTRUCTION
OR RECORDING

Revision	By	Date	Change
2	SMA	2/13/20	REVISED PER PEER REVIEW COMMENTS
1	SMA	1/24/20	SITE PLAN REVIEW

PROJECT NUMBER: 42070 ACAD FILE: 42070-COVER.DWG SCALE: 1" = 20' DATE: JANUARY 24, 2020

DRAWING STATUS

☐ SUBDIVISION PLAN

☐ DEP REVIEW

☒ PLANNING BOARD

☐ CLIENT REVIEW

☐ CONSTRUCTION

2-13-20

Drawing Name:
COVER/INDEX/VICINITY MAP

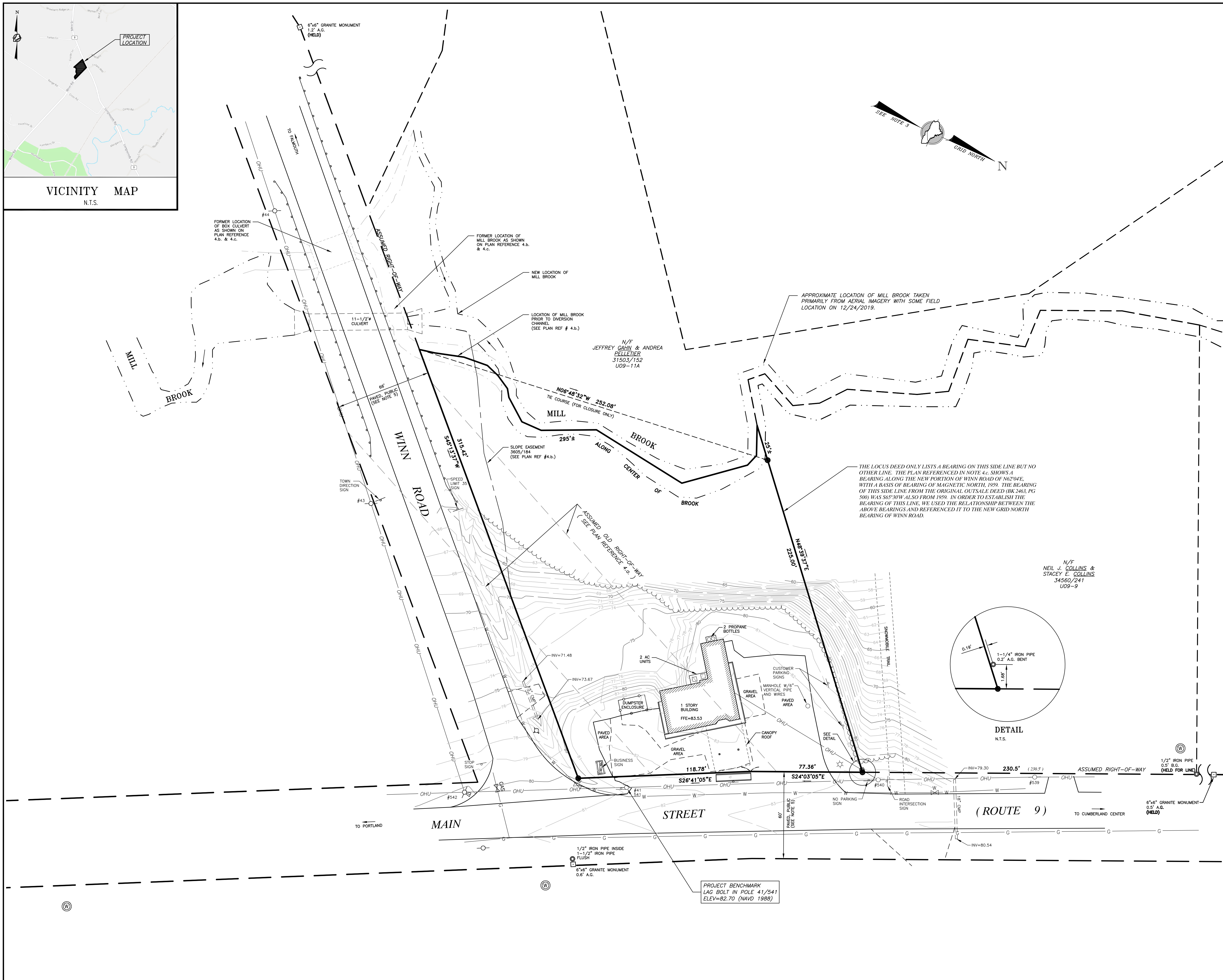
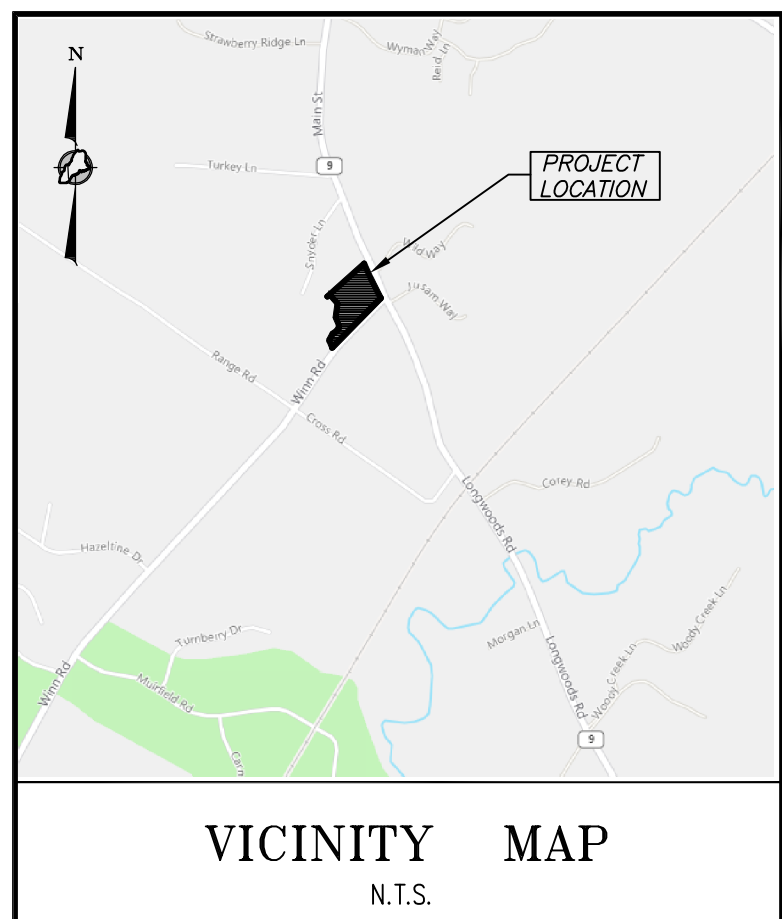
Project Name:
MAIN STREET AUTO
174 MAIN STREET, CUMBERLAND, MAINE

Owner/Applicant:
MARK AXELSEN

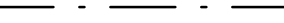
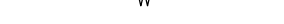
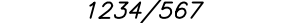
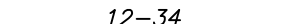
SHEET 1 OF 5

Northeast Civil Solutions
INCORPORATED
381 PAYNE ROAD, SCARBOROUGH, MAINE 04074
tel 207.883.1000 fax 207.883.1001 e-mail / website info@northeastcivilsolutions.com www.northeastcivilsolutions.com

E:\LAND PROJECT\42000\42070-AXELSEN-CUMBERLAND\PLANSET\42070-COVER.DWG



LEGEND

●	#5 REBAR WITH PLASTIC CAP (PROPOSED)
○	FOUND IRON (SIZE & TYPE AS NOTED)
□	FOUND MONUMENT (SIZE & TYPE AS NOTED)
	UTILITY POLE (NUMBER AS NOTED)
	GUY WIRE ANCHOR
	FIRE HYDRANT
	WATER VALVE
	GAS VALVE
	TREE LINE (APPROXIMATE)
	BOUNDARY LINE
	EDGE OF GRAVEL
	EDGE OF PAVEMENT
	RIGHT-OF-WAY LINE
	ABUTTER LINE
	BUILDING SETBACK
	OVERHEAD UTILITY
	GAS LINE
	WATER LINE
	NOW OR FORMERLY OWNED BY
	DEED BOOK AND PAGE
	TAX MAP—LOT
	PARENTHESIS'S DENOTE RECORD DATA
	TIE COURSE

NOTES

1. RECORD OWNER OF THE CUMBERLAND PARCEL SURVEYED IS C.N. BROWN COMPANY AS DESCRIBED IN A DEED FROM RONALD R. MOON, DATED JANUARY 3, 1989 AND RECORDED IN BOOK 8615, PAGE 134 IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
TOTAL LOT AREA IS: 48.630± S.F. OR 1.12 Ac.
2. THE PARCEL SURVEYED IS IDENTIFIED ON THE TOWN OF CUMBERLAND TAX ASSESSOR'S MAP UP, PARCEL 8.
3. THE BEARINGS SHOWN ON THIS PLAN ARE BASED ON MAINE COORDINATE SYSTEM OF 1983, WEST ZONE, GRID NORTH.
4. PLAN REFERENCES:
 - a. "PLAN SHOWING THE CUMBERLAND CENTER ROAD AS RELOCATED BY THE COMMISSIONERS OF THE COUNTY OF CUMBERLAND, DATED OCTOBER, 1906, RECORDED IN COUNTY COMMISSIONERS' PLAN BOOK 4, PAGE 23.
 - b. "RIGHT-OF-WAY MAP, STATE AID HIGHWAY NO. 5, RIDEOUT BRIDGE OVER MILL BETHA BRIDGE ROAD IS 5342" BY STATE OF MAINE DEPARTMENT OF TRANSPORTATION, DATED AUGUST, 1973, D.O.T. FILE NO. S-3-345.
 - c. "RIGHT-OF-WAY MAP, STATE AID HIGHWAY NO. 5", BY MAINE STATE HIGHWAY COMMISSION, DATED MARCH, 1960, S.H.C. FILE NO. S-3-233.
 - d. "SUBDIVISION PLAN, ROUTE 9, CUMBERLAND, MAINE, MADE FOR LARRY ADLERSTEIN, BY COTOMB ASSOCIATES, DATED JULY 21, 1992, RECORDED IN PLAN BOOK 194, PAGE 157."
5. THE WIDTH OF MAIN STREET (ROUTE 9) IS 60' BASED ON COUNTY RECORDS. THE WIDTH OF MAIN ROAD IS 40' BASED ON COUNTY RECORDS. THE RIGHT OF WAY LIMITS ARE BASED ON PLAN REFERENCES 4.a., 4.c. AND MONUMENTATION FOUND.
6. AS OF THE ORIGINAL DATE OF THIS PLAN, THE PARCEL SURVEYED IS LOCATED IN THE R1R1 DISTRICT. PORTIONS OF BULK & SPACE REQUIREMENTS ARE AS FOLLOWS:
MINIMUM LOT AREA = 4 Ac.
MINIMUM FRONTAGE = 200'
SETBACKS:
FRONT = 50'
SIDE = 30' (COMBINED AT LEAST 75')
REAR = 75'
- OTHER MUNICIPAL AND STATE OVERLAY ZONES MAY EXIST AND APPLY. BEFORE PREPARING ON ANY PROJECT, WE RECOMMEND VERIFYING CURRENT ZONE AND ALL APPLICABLE SETBACKS AND RESTRICTIONS WITH THE APPROPRIATE AGENCIES.
7. ELEVATIONS AND CONTOURS ARE BASED ON NAVD 1988 DATUM OBTAINED BY GPS-RTK. SEE PLAN FOR TBM DESCRIPTION.
8. THE UTILITIES SHOWN ON THIS PLAN WERE FROM FIELD OBSERVATION ONLY. THERE MAY BE OTHER UTILITIES EXISTING THAT ARE NOT SHOWN. CONTACT DIG-SAFE (888)DIG-SAFE PRIOR TO ANY EXCAVATION WORK.

Revision:	By:	Date:	Change:
PROJECT: 42070		DRAWING NAME: 42070.dwg	
ISSUED: DECEMBER 31, 2019		SCALE: 1"=30' FB # 413	DRAWN BY: JAP
FIELD BY: JAP / DRB		FIELD DATE: 12/24/2019	CHECKED BY: DNM / DRB

BOUNDARY & PARTIAL TOPOGRAPHIC SURVEY
174 MAIN STREET, CUMBERLAND, MAINE

Owner:
C.N. BROWN COMPANY
P.O. BOX 200, SOUTH PARIS, MAINE 04281

Prepared For:

MARK AXELSEN

SURVEYING • ENGINEERING • LAND PLANNING

Northeast Civil Solutions

INCORPORATED

381 PAYNE ROAD, SCARBOROUGH, MAINE 04074

tel 207.883.1000 fax 207.883.1001 e-mail / website
info@northeastcivilsolutions.com
www.northeastcivilsolutions.com

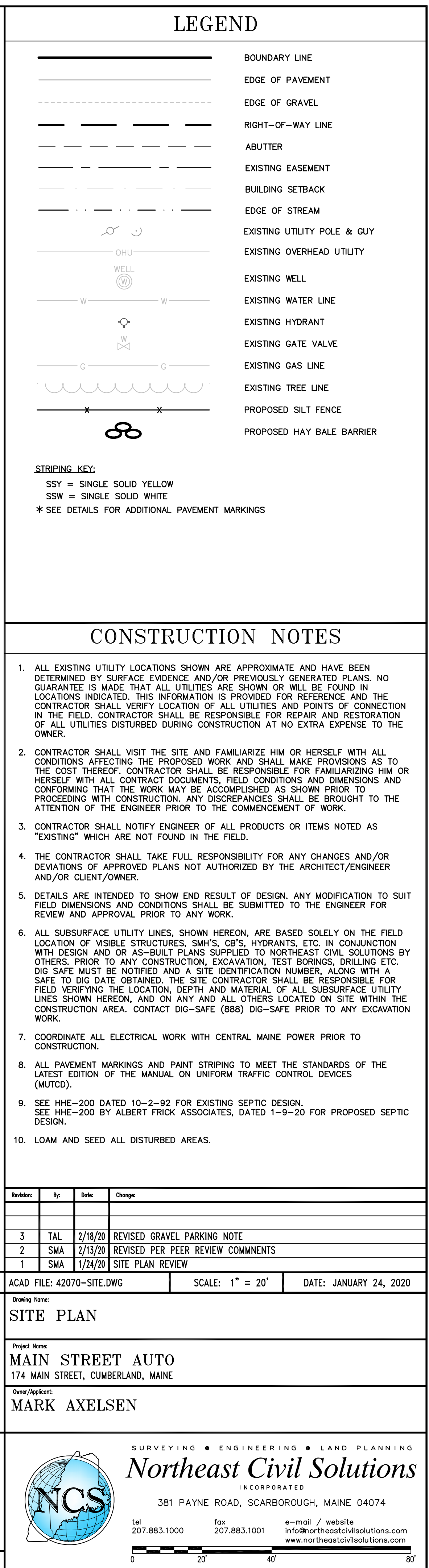
0 30' 60' 120'

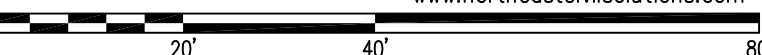
STAMP AND SIGNATURE

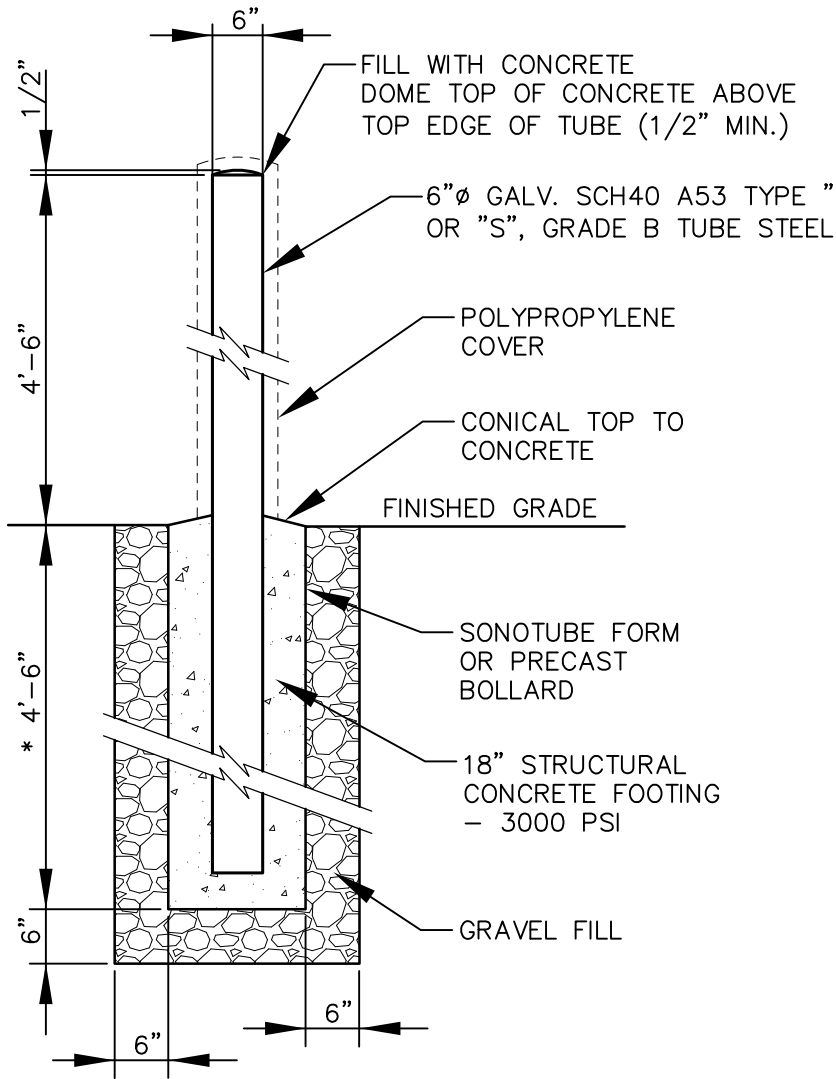

DANNY R. BOLEINDER
MAINE PROFESSIONAL LAND SURVEYOR No. 2244

12/01/2019
DATE





PROJECT NUMBER: 42070	ACAD FILE: 42070-SITE.DWG	SCALE: 1" = 20'	DATE: JANUARY 24, 2020
	Drawing Name: SITE PLAN		
	Project Name: MAIN STREET AUTO 174 MAIN STREET, CUMBERLAND, MAINE		
	Owner/Applicant: MARK AXELSEN		
		SURVEYING • ENGINEERING • LAND PLANNING <i>Northeast Civil Solutions</i> INCORPORATED 381 PAYNE ROAD, SCARBOROUGH, MAINE 04074 tel 207.883.1000 fax 207.883.1001 e-mail / website info@northeastcivilsolutions.com www.northeastcivilsolutions.com	
			
SHEET 3 OF 5			

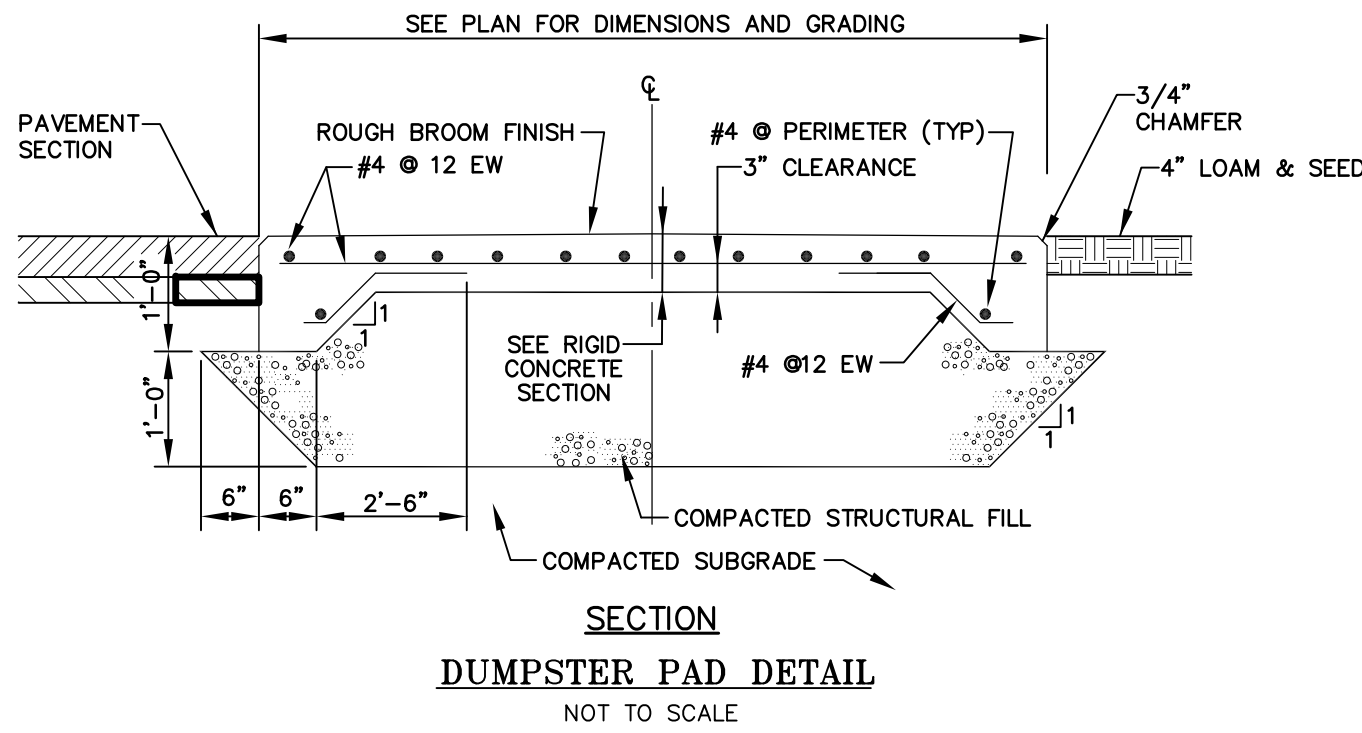


NOTES:

1. PLACE BOLLARDS AS SHOWN IN PLAN VIEW AND/OR ACCESSIBLE PARKING LAYOUT DETAIL.
2. BOLLARDS PLACED IN/AT DUMPSTER ENCLOSURE:
 - A. INSIDE: 6' TO CENTERLINE FROM FENCE SIDES (2 BOLLARDS); 1.0' TO CENTERLINE FROM BACK OF FENCE
 - B. OUTSIDE: AS SHOWN AT DETAIL (1 PER CORNER AT FRONT)

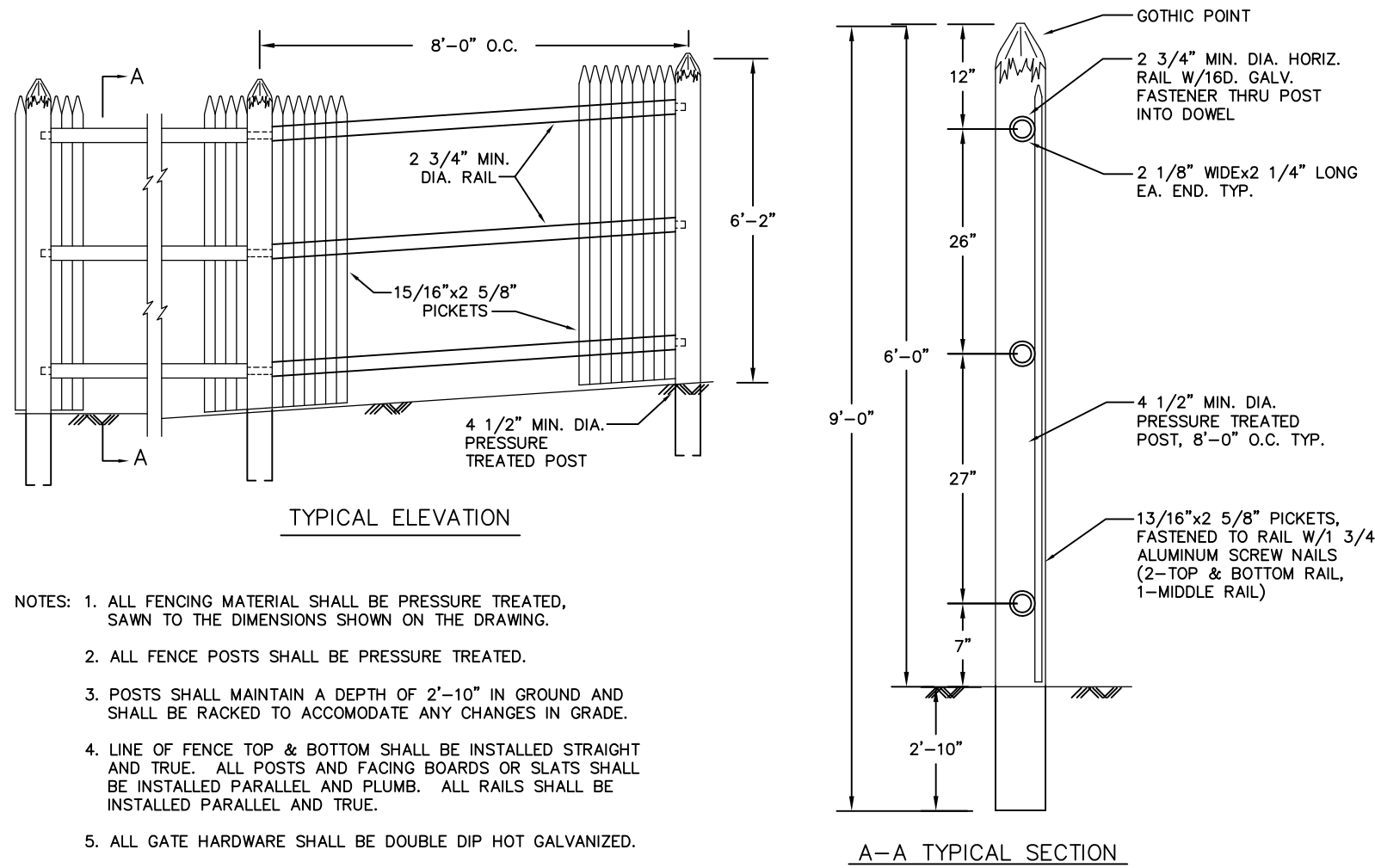
BOLLARD DETAIL

N.T.S.



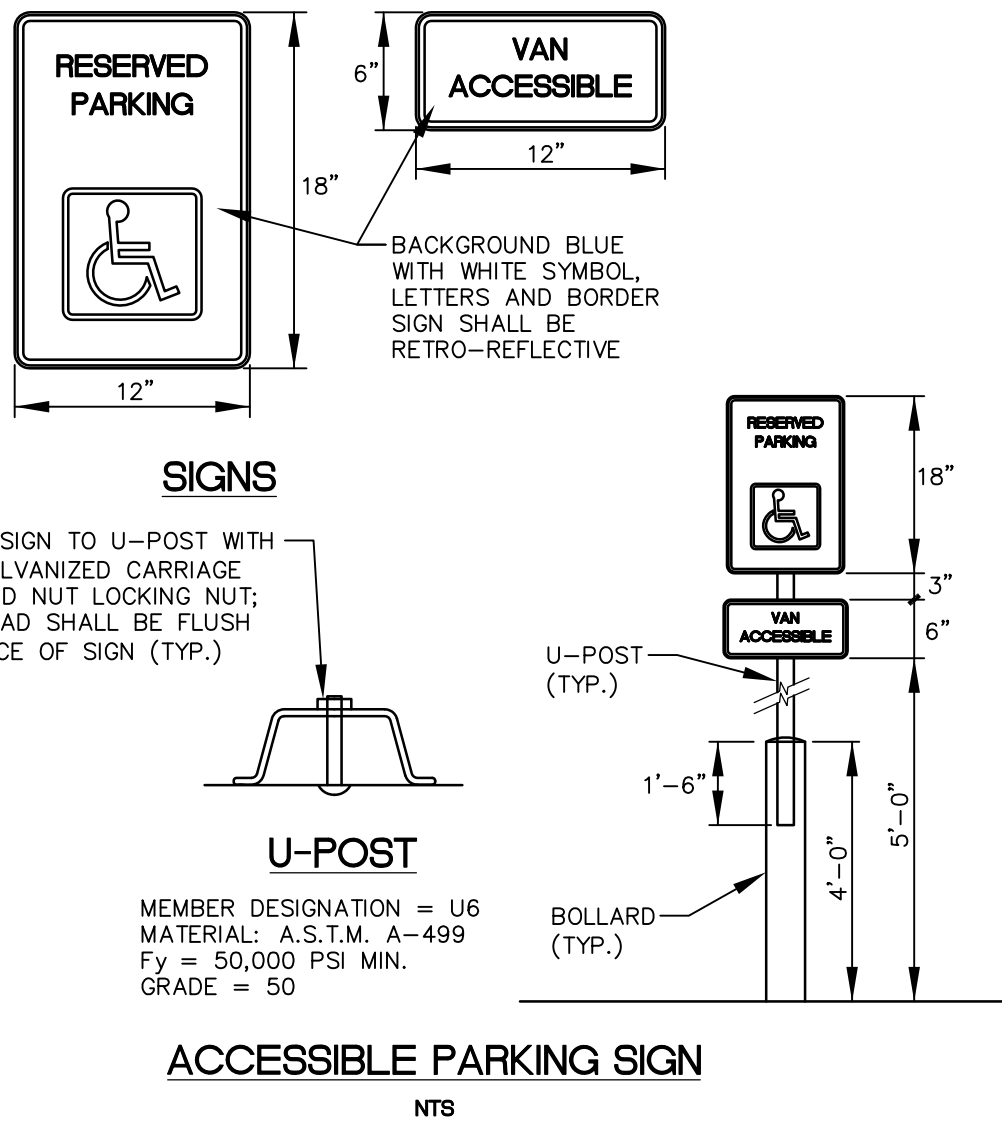
DUMPSTER PAD DETAIL

NOT TO SCALE



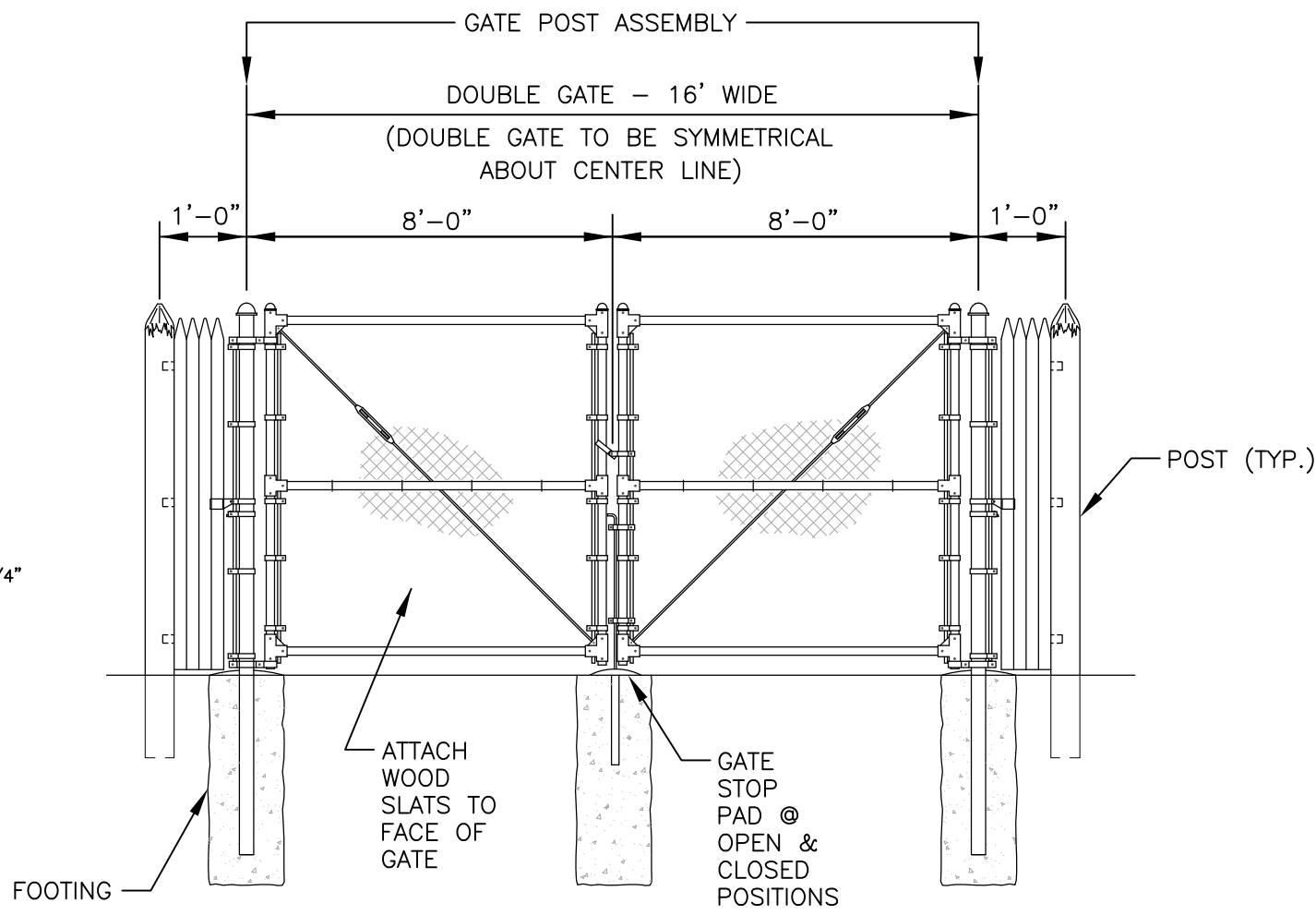
STOCKADE FENCE DETAIL

N.T.S.



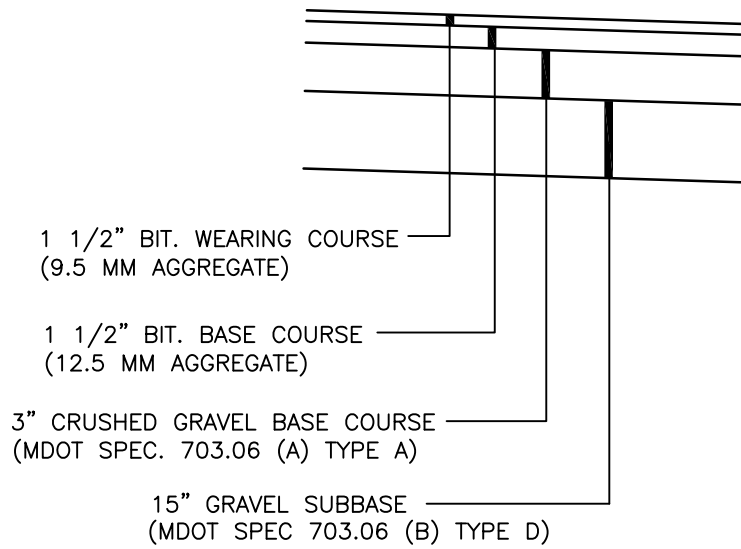
ACCESSIBLE PARKING SIGN

NTS



GATE

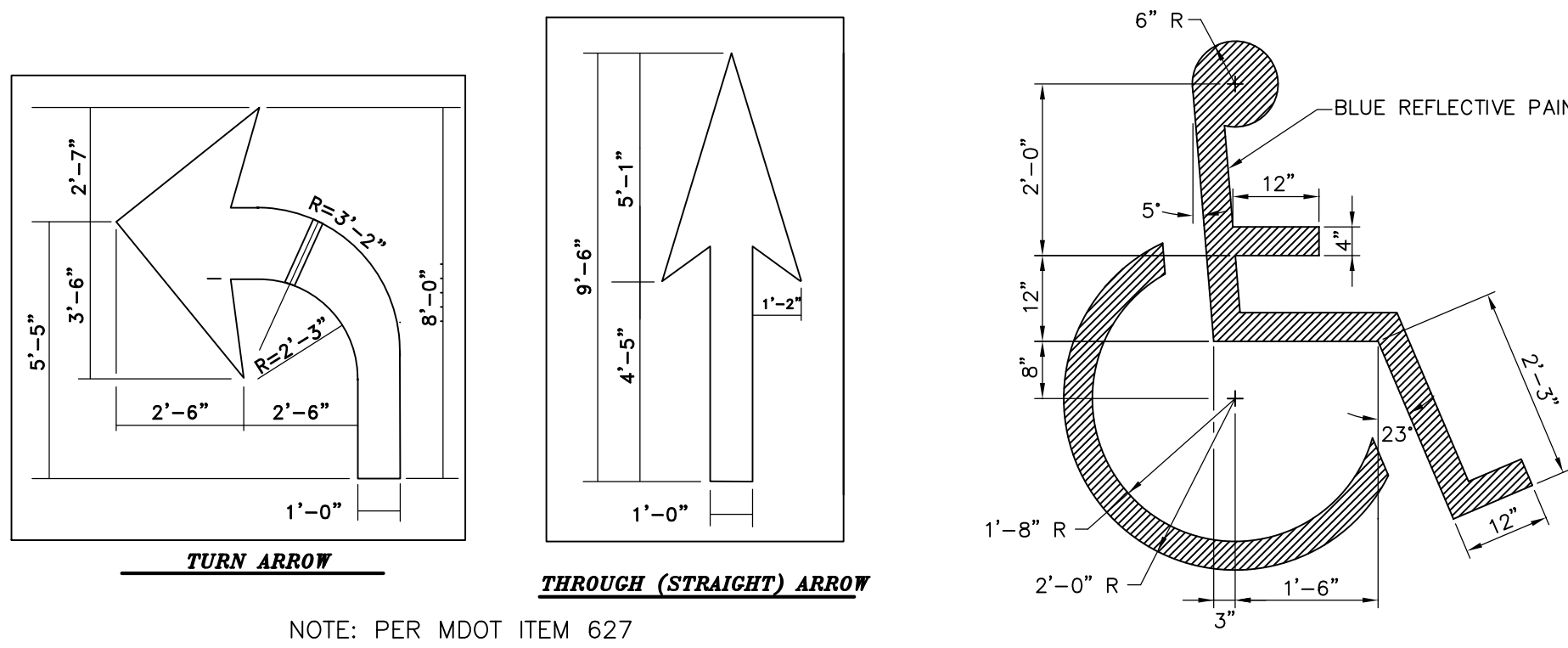
N.T.S.



NOTE: PER MDOT ITEM 403

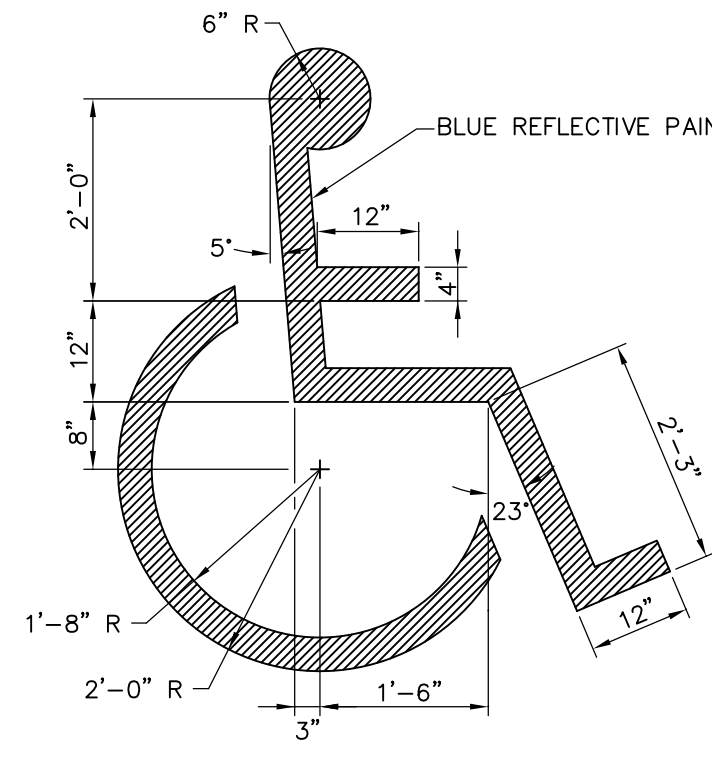
TYP. PAVEMENT SECTION (FULL DEPTH CONSTRUCTION)

NOT TO SCALE



STRIPING ARROWS

N.T.S.



HANDICAPPED PAINTING

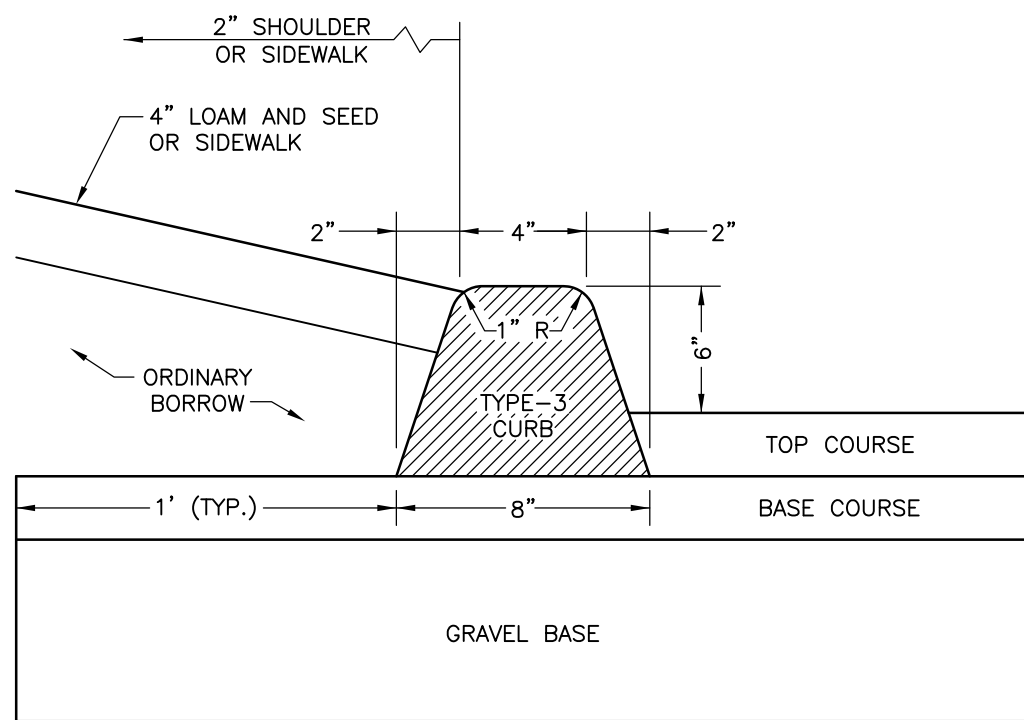
N.T.S.

PAVEMENT MARKING NOTES :

1. ALL PAVEMENT MARKING WORDS AND SYMBOLS SHALL BE RETROREFLECTIVE WHITE AND SHALL CONFORM TO THE LATEST EDITION OF THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES **MUTCD** AND MDOT ITEM 627.
2. WORDS AND SYMBOLS SHALL BE CENTERED LATERALLY WITHIN THE LANE. THE LONGITUDINAL DIMENSION SHALL BE PARALLEL TO THE LANE.
3. MULTI-WORD MESSAGES SHALL READ "UP"; THAT IS, THE FIRST WORD SHALL BE NEAREST THE APPROACHING DRIVER.
4. THE WORD "ONLY" SHALL NOT BE USED WITH THROUGH OR COMBINATION ARROWS, AND SHALL NOT BE USED ADJACENT TO A BROKEN LANE LINE. A TURN ARROW SHALL PRECEED THE WORD "ONLY".
5. COMBINATION ARROWS MAY BE COMPRISED OF 2 SINGLE ARROWS (e.g. TURN AND THROUGH ARROWS). HOWEVER, THE SHAFTS OF THE ARROWS SHALL COINCIDE.
6. PREFORMED TAPE WORDS AND SYMBOLS SHALL BE PRE-CUT, EITHER BY THE MANUFACTURER OR THE CONTRACTOR.
7. WRONG-WAY ARROWS SHALL NOT BE SUBSTITUTED FOR THROUGH ARROWS.
8. LONGITUDINAL SPACING BETWEEN SUCCESSIVE WORDS AND/OR SYMBOLS SHOULD BE AT LEAST 4 TIMES THE HEIGHT OF THE LARGEST CHARACTER.

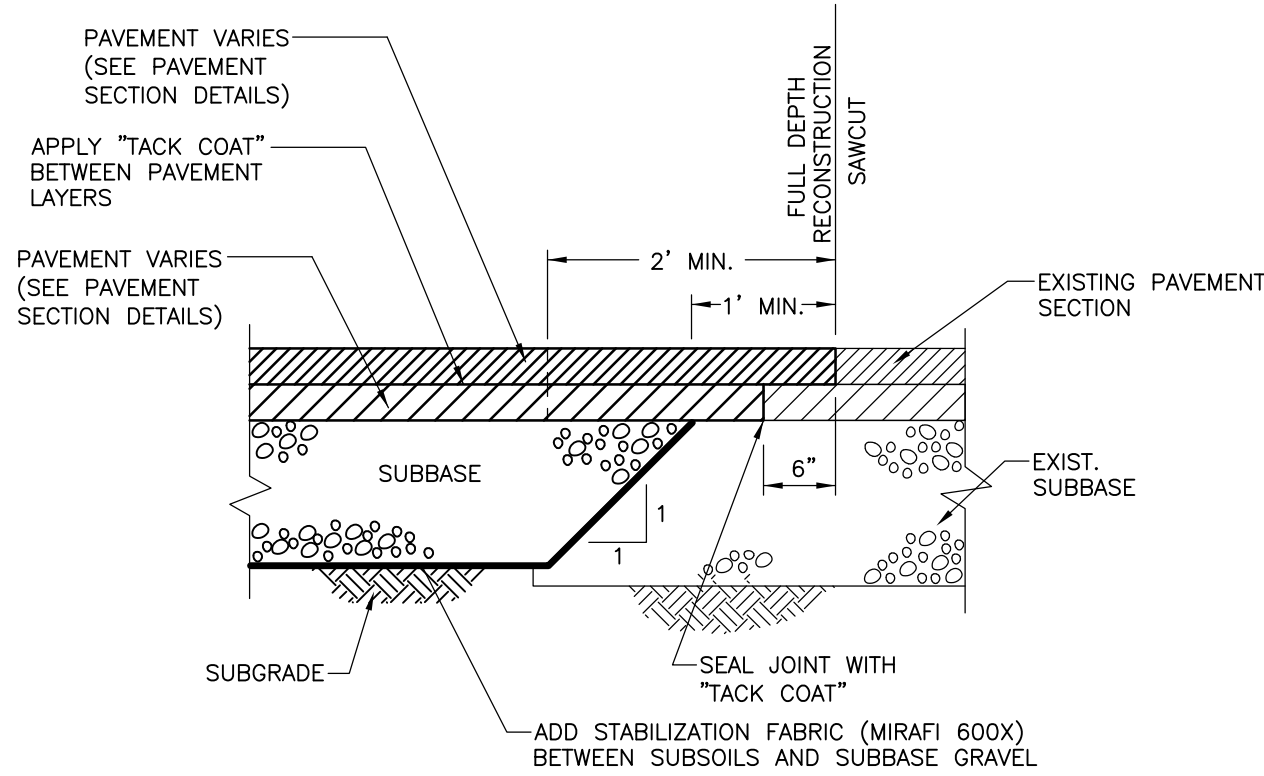
TRAFFIC SIGNS						
IDENTIFICATION NUMBER	SIGN HEIGHT	SIGN WIDTH	POST PER SIGN	TEXT	NUMBER OF SIGNS REQ'D.	SIGN AREA SQ. FT.
						NOM. AREA TOTAL AREA
R1-1	30"	30"	1	STOP	1	6.25 6.25
R7-8	18"	12"	1	RESERVED PARKING	1	1.5 1.5
R7-8b	6"	12"	1	VAN ACCESSIBLE	1	0.5 0.5

THIS PLAN IS FOR REVIEW PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION OR RECORDING



BITUMINOUS CURB DETAIL

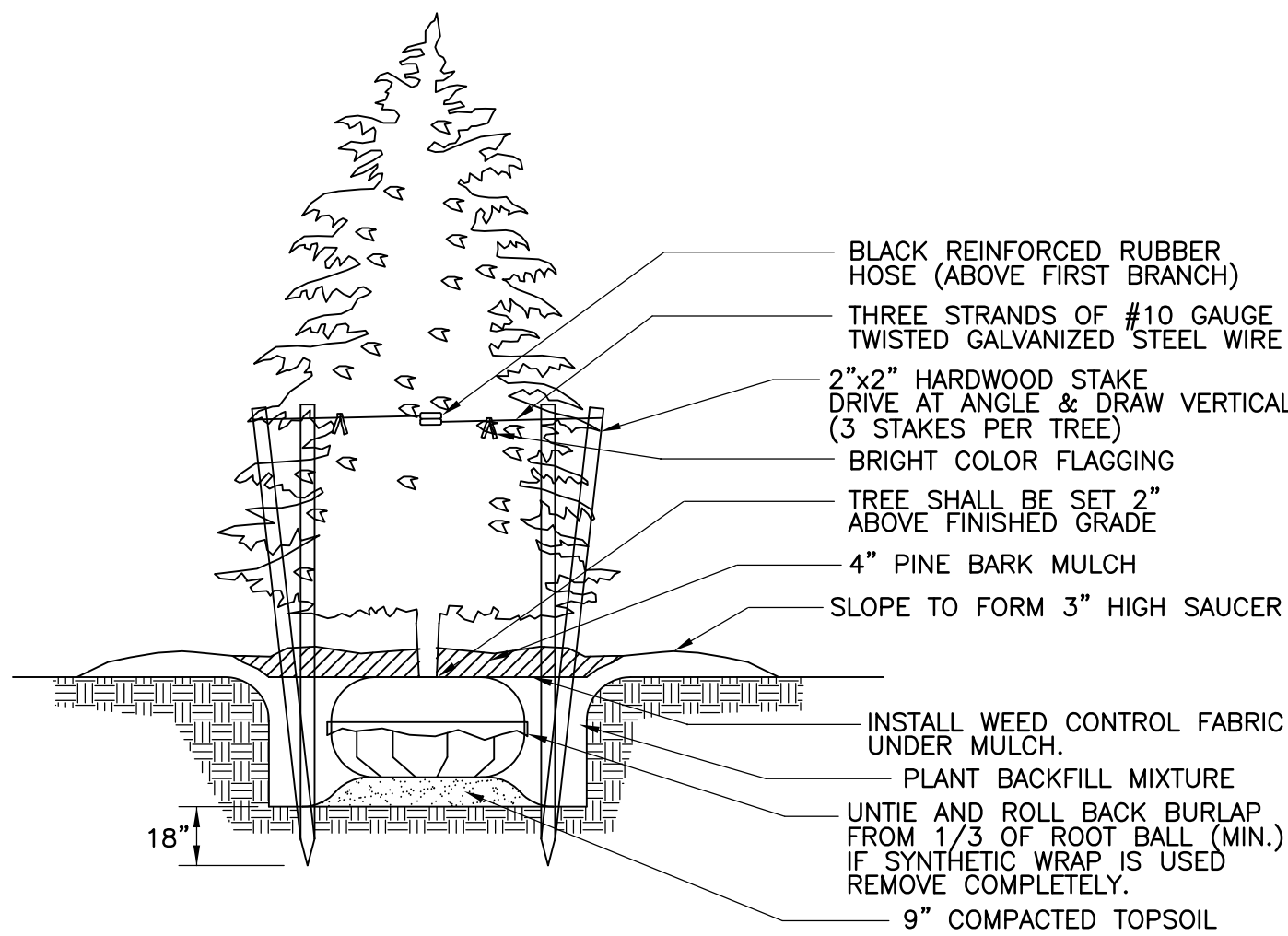
N.T.S.



NOTE: PER MDOT ITEM 403

SAWCUT & PAVEMENT MATCH DETAIL

N.T.S.



TYPICAL ARBORVITAE PLANTING

NOT TO SCALE

PLANT SCHEDULE				
BOTANICAL NAME	COMMON NAME	SIZE	COUNT	TREE
THUJA ARBORVITAE	'AMERICAN PILLAR'	1 GALLON	6	TREE
* OR APPROVED EQUAL				

Revised:	By:	Date:	Change:
2	SMA	2/13/20	REVISED PER PEER REVIEW COMMENTS
1	SMA	1/24/20	SITE PLAN REVIEW

PROJECT NUMBER: 42070	ACAD FILE: 42070-DETAILS.DWG	SCALE: 1" = 30'	DATE: JANUARY 24, 2020
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Drawing Name:

CONSTRUCTION DETAILS

Project Name:

MAIN STREET AUTO

174 MAIN STREET, CUMBERLAND, MAINE

Owner/Applicant:

MARK AXELSEN

13900

2-10-20

SHEET 5 OF 5

SURVEYING • ENGINEERING • LAND PLANNING

Northeast Civil Solutions

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