

Date December 12, 2017
To Town of Cumberland Planning Board
From Carla Nixon, Town Planner
Subject **Major Site Plan Review for Special Events at Mowfield Farm
111 Bruce Hill Road, Cumberland**

1. REQUEST/PROJECT DESCRIPTION:

The applicant is Joanne Fryer of 111 Bruce Hill Road. The applicant is requesting site plan approval for up to eight (8) Farm Based Special Events to be held at this property which is owned by Ms. Fryer and her husband, Gregory Fryer. The proposed events will include weddings, dinners, luncheons, and meetings. The 35.38 acre site is shown on Tax Assessor Map R 05, Lot 42 in the Rural Residential 1 zoning district. The one structure on the property is the applicant's private residence, and it will not be used for the events. Tents will be erected for each event in the fields near the house.

The use, classified as Farm Based Specialty Events, is a permitted use in the Rural Residential 1 zoning district.

The owner and applicant, Joanne Fryer, prepared the site plan application and will present the application at the Planning Board meeting.

2. PROJECT HISTORY: None

3. DESCRIPTION:

Proposed Use:	Farm Based Special Events.
Access:	A 16' to 18' wide gravel drive that extends approximately 1000' from Bruce Hill Road into the site.
Employees:	0 (the business will be owner-operated, but event planners will plan and staff each event.
Parking:	Unlimited parking in open fields. No parking along gravel driveway is permitted.
Water:	Private well.
Sewer:	Septic, but portable toilets will be used, then removed, following each event.
Electrical:	Above ground from Bruce Hill Road, but portable generators will be used for the events.

Wetland Impact:	There is a man-made pond on the site. No wetlands information was provided or required. The pond is located away from the proposed tent/event area.
Floodplain:	Map # 230162001513 - Designation: Zone C (area of minimal flooding)
Solid Waste Disposal:	Trash cans will be used for each event and removed that evening or the following day by the event planner.
Days/Hours of Operation:	Up to 8 events per calendar year. Each event is limited to 8 consecutive hours not including set-up and tear-down. No amplified music will be allowed before 10:00 a.m. or after 10:00 p.m.
Signs:	One sign, TBD, will be located near entrance drive from Bruce Hill Road. Sign permit is required.
Outside Agency Approvals:	No outside agency approvals are required.

4. WAIVER REQUESTS: None requested by applicant

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.

10.1 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.

There will be no construction of new structures or parking areas. There are no known environmentally sensitive areas on the parcel. The events will be limited to 8 per year.

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

10.2 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 (100) 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.

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 an existing 18' wide driveway into the site. There is adequate sight distance in each direction as shown in the file photos. There is a 16' - 18' wide gravel driveway that extends approximately 2,000' into the site where the events will be held. Parking will be in open fields. There is no need for pedestrian sidewalks as the site is an open field and there will not be traffic circulating during the events. There are no buildings proposed.

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.

There are no new impervious areas being created as part of this project. There is no construction associated with this application.

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.

Portable toilets will be used for each event. An on-site generator will provide necessary electrical power for tent lighting and sound amplification. The Fire Chief has reviewed and approved the proposed plan. Potable water will be brought in for each event.

Based on the above findings of fact, 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.

Temporary toilets will be brought in for each event. Storage of fuels or chemicals will not occur.

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.

There is no outdoor storage of petroleum products. Underground propane tanks are not part of this amendment.

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.

Based on the materials included in the application, the Board finds that the standards of this section have been met.

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 site is not located within a floodplain.

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.

There will be excavation or construction on the site. There are no apparent historical resources on the site.

Based on the above finding of fact, 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.

No lighting is proposed other than the temporary lighting that will be provided from an on-site portable generator.

Based on the above findings of fact, 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.

There will be only infrequent (up to 8 per year) events at the site. There are no new structures or parking areas proposed therefor no new buffering or landscaping is required. The fields are bounded by stands of trees on three sides and Bruce Hill Road on the fourth side and there are no homes within view of the area where the events will occur.

Based on the above findings of fact, 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.

Potential point source generators of noise are the arrival and departure of trucks that will bring the generator, tents, chairs and other supplies needed for each of the 8 events. Given the distance that exists between neighboring properties and the site, this noise should not be audible. There will be amplified sound and music at most, if not all of the events. The Ordinance limits the hours for amplified music from 10:00 a.m. to 10:00 p.m.

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.

There will be no outdoor storage of petroleum products. All trash will be removed within 24 hours of the conclusion of the event.

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: *There was no need for technical assistance as there are no new roads, structures or parking areas being built.*

Financial Capacity: *There was no need for evidence of financial capacity as there are no public improvements required for the proposal.*

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

10.13 Design and Performance Standards

The project is NOT subject to any of the design and performance standards contained in the Ordinance for the Route 1, Route 100 or Main Street corridors.

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. The applicant shall obtain a sign permit from the Town of Cumberland.
2. The applicant shall comply with all state and local fire regulations.
3. All fees shall be paid prior to the Town Council's issuance of the Farm Based Event License.

APPENDIX "C"

PLANNING BOARD SITE PLAN REVIEW APPLICATION

Applicant's Name: Joanne T. Fryer

Applicant's Address: 111 Bruce Hill Road, Cumberland ME 04021

Cell Phone: (207) 233-5206 Home Phone (207) 829-8430 Office Phone _____

Project Address 111 Bruce Hill Road, Cumberland

Project Name Mowfield Farm

Describe Project Special Events to be held on property, including weddings, dinners, luncheons, meetings

Number of employees (None); Owner-operated; Event planners will plan and staff each event.

Days and Hours of operation Up to 8 events per year; Event shall not exceed 8 hours, except for set-up + tear-down, No amplified music past 10:00pm. or before 10:00 a.m.

Project Review and Notice Fee Applicant \$150 ; Review \$500 (Total \$650)

Name of Representative: Joanne T. Fryer

Contact Information: Cell: See above Office: _____

What is the applicant's interest in the property?

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

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 ☒ home no _____ Number: _____

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: A tent or tents may be erected for each event by the Event Planners. Tent(s) will be removed at conclusion of event or within a reasonable period following the event

Number of new buildings _____

Square footage _____

Number of floor levels including basement _____

Parking:

Number of existing parking spaces unlimited; events held spring/summer/fall,

Number of new parking spaces _____

Number of handicapped spaces _____

Entrance:

Location: Existing Driveway
Width 16'-18' Length Approx 1000 feet to event site
Is it paved? partial yes: _____ no: _____ if not, do you plan to pave it? No additional paving
Where will snow storage for entrance and parking be located? Show on site plan. N/A

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' of the site. Portable Toilets will be provided for each event.

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. But event will use generators

Signs:

Number: 1 Sign To Be Determined. Sign location + style + dimension
Size: _____ to be provided on sign permit application.
Material: _____

Submit sign design and completed sign application.

Will the sign be lighted? _____ 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: (man-made)
river _____ stream _____ wetland _____ pond ✓ lake _____ stone walls ✓ are there any
other historic or natural features? _____ ↳ around house + bordering property.

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. Lights are on house BUT lights will be brought in on tent. (Temporary - run off of generator).

Trees:

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

No trees removed - see aerial view.

Landscaping:

Is there existing landscaping on the site? yes ✓ no _____ Show type and location on site plan. Extensive gardens around house.

Is new landscaping proposed? (Note: if property has frontage on Route 100, a 25' landscape easement to the Town is required) No

Buffering:

Show any existing or proposed buffering measures for adjacent properties, e.g., plantings, fences. Large hedges; tree lines

Erosion Control:

Has an erosion and sedimentation control plan been submitted: yes _____ no ✓ not needed

Stormwater Management Plan

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

Fire Protection

Location of nearest hydrant _____ sprinklers? yes _____ no ✓

Do you plan to have an alarm system? yes _____ no ✓ Please contact the Fire Department at 829-4573 to discuss any town or state requirements (829-4573)

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) During Event in Cans; Removed at conclusion of event (or next business day) by event planner.

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. N/A

Financial Capacity

Please indicate how project will be financed. If obtaining a bank loan, provide a letter from the bank N/A

Zoning District: RR1

Minimum Lot Size: _____ Classification of proposed use: Farm-based Special event N/A

Parcel Size: 2.40 acres Frontage: _____ N/A

Setbacks: Front _____ Side _____ Rear _____ N/A

Is Board of Appeals Required? No

Tax Map R05 Lot 042 Deed Book 2869 Deed Page 112

Floodplain map number N/A Designation _____

Vernal Pool Identified? No

Is parcel in a subdivision? No

Outside Agency Permits Required: N/A
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 N/A

MDOT Traffic Movement Permit N/A

Traffic Study Required N/A

Hydrogeologic Evaluation N/A

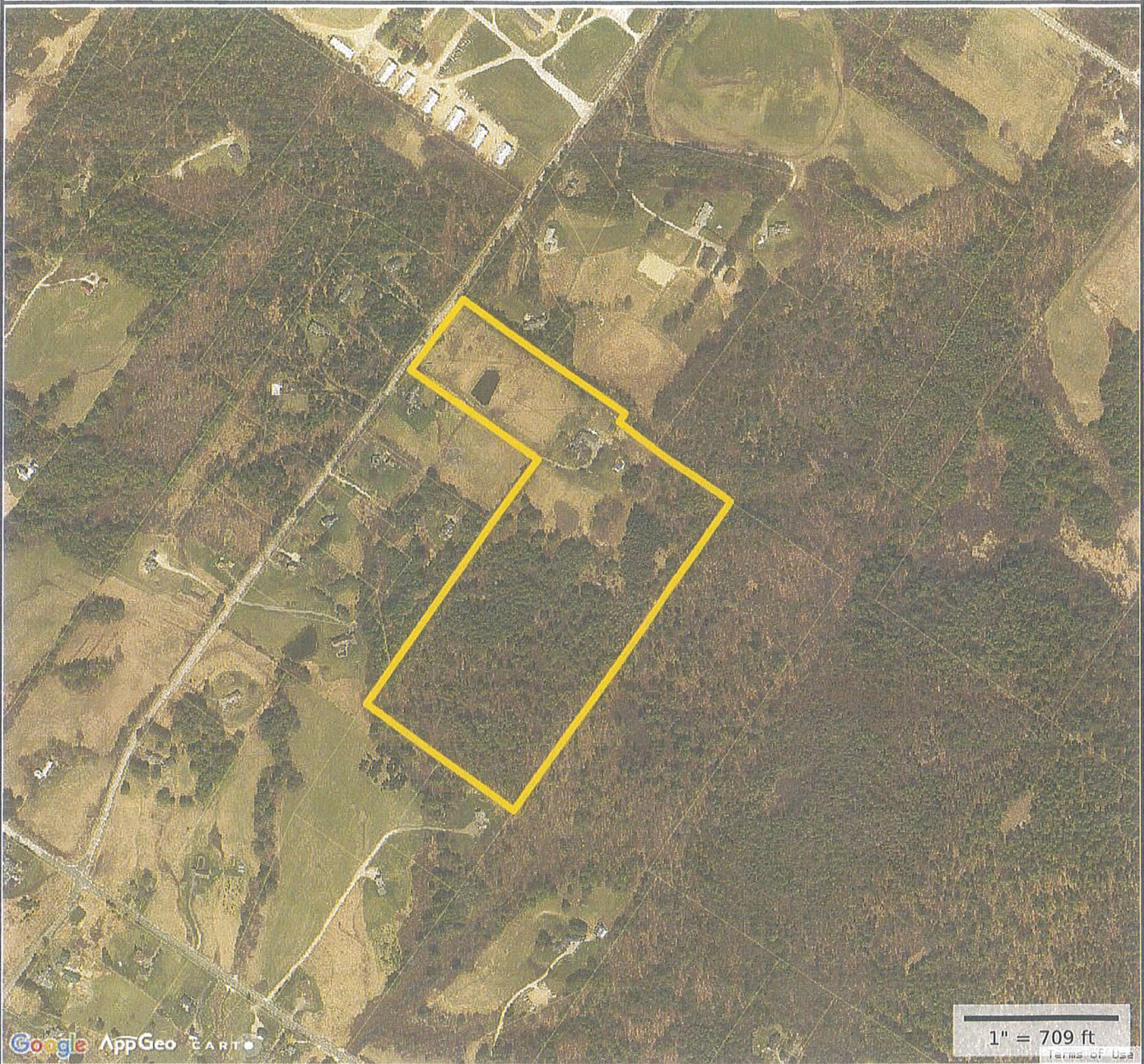
Market Study N/A

Route 1 Design Guidelines?

Route 100, VMU, or TCD Design Standards? N/A

Applicant's Signature [Signature]

Submission Date: 11/21/17

**Property Information**

Property ID 0R05 0042A0000
Location 111 BRUCE HILL ROAD
Owner FRYER GREGORY S



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town of Cumberland, ME makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 1/1/2015
Properties updated monthly (see property record card)

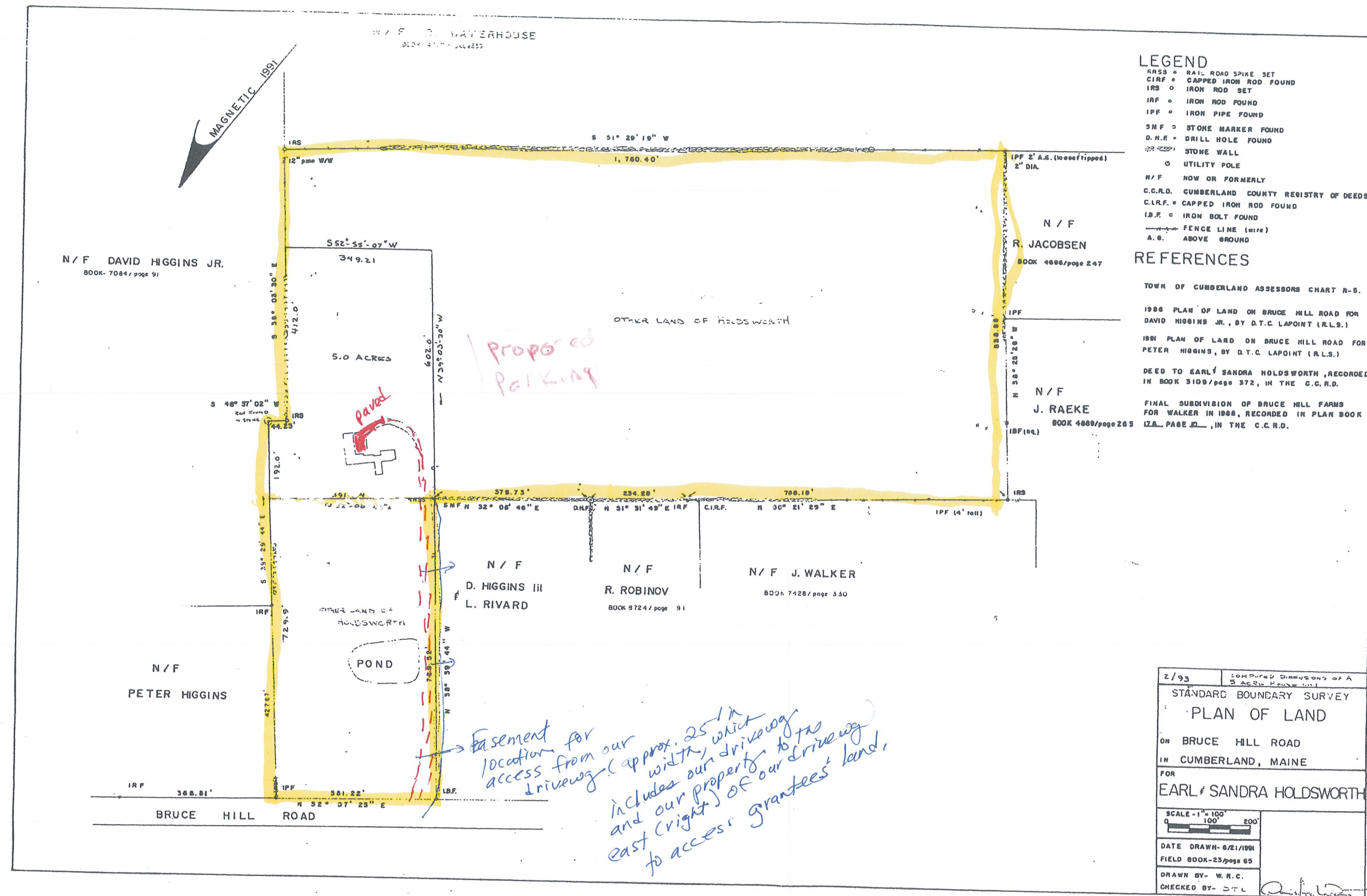
Google Maps



Imagery ©2017 Google, Map data ©2017 Google 200 ft

Measure distance

Total distance: 890.71 ft (271.49 m)



LEGEND

- R.R.S. = RAILROAD SPIKE SET
- C.I.R.F. = CAPPED IRON ROD FOUND
- I.R.S. = IRON ROD SET
- I.R.F. = IRON ROD FOUND
- I.P.F. = IRON PIPE FOUND
- S.M.F. = STONE MARKER FOUND
- D.H.F. = DRILL HOLE FOUND
- STONE WALL
- UTILITY POLE
- N/F = NOW OR FORMERLY
- C.C.R.D. = CUMBERLAND COUNTY REGISTRY OF DEEDS
- C.I.R.F. = CAPPED IRON ROD FOUND
- I.B.F. = IRON BOLT FOUND
- FENCE LINE (wire)
- A.G. = ABOVE GROUND

REFERENCES

- TOWN OF CUMBERLAND ASSESSORS CHART R-5.
- 1986 PLAN OF LAND ON BRUCE HILL ROAD FOR DAVID HIGGINS JR., BY D.T.C. LAPOINT (R.L.S.)
- 1991 PLAN OF LAND ON BRUCE HILL ROAD FOR PETER HIGGINS, BY D.T.C. LAPOINT (R.L.S.)
- DEED TO EARLY SANDRA HOLDSWORTH, RECORDED IN BOOK 3108/page 372, IN THE C.C.R.D.
- FINAL SUBDIVISION OF BRUCE HILL FARMS FOR WALKER IN 1988, RECORDED IN PLAN BOOK 12A, PAGE 10, IN THE C.C.R.D.

2/93	COMPUTED DIMENSIONS OF A 5 ACRES PARCEL
STANDARD BOUNDARY SURVEY	
PLAN OF LAND	
ON BRUCE HILL ROAD	
IN CUMBERLAND, MAINE	
FOR	
EARLY SANDRA HOLDSWORTH	
SCALE - 1" = 100'	
DATE DRAWN - 6/21/1994	
FIELD BOOK - 23/page 65	
DRAWN BY - W.R.C.	
CHECKED BY - D.T.L.	

*no parking along driveway.

Red = driveway

Easement for location from our access driveway (approx. 25' in width, which includes our driveway and our property to the east (right) of our driveway to access grantee's land.

Right of Way Easement

KNOW ALL PERSONS BY THESE PRESENTS that **Kerri D. Holdsworth**, whose mailing address is 679 Rockport Court, Marco Island, Florida 34145, **Stacy L. Coggshall**, whose mailing address is 7032 La Cantera Drive, Fort Worth, Texas 76108, and **Scott T. Holdsworth**, whose mailing address is 1650 Begonia Court, Marco Island, Florida 34145 (collectively, *Grantors*), do hereby RELEASE to **David R. Higgins, III** and **Linda S. Rivard**, both with a mailing address of 107 Bruce Hill Road, Cumberland, Maine (*Grantees*), a right of way for the purposes of a driveway, for pedestrian and vehicular access, running from Bruce Hill Road over and across an existing driveway located on the westerly sideline of *Grantors'* property, which is more particularly shown as being over "parcel 2" on a plan entitled "Plan of Standard Boundary Survey 111 Bruce Hill Road, Cumberland, Maine," dated March 22, 2007, prepared by Titcomb Associates for Earl Holdsworth, and attached hereto and incorporated herein as **Exhibit A**.

This right of way is approximately twenty-five feet (25') in width and includes the right together with *Grantors*, to maintain, repair, and keep up the driveway located within the right of way. This right of way shall be appurtenant to, benefit, and provide access to land now owned by *Grantees*, as described in a deed to *Grantees* recorded in the Cumberland County Registry of Deeds in Book 7126, Page 202. This right of way shall burden the land of *Grantors* described in a deed to *Grantors* recorded in said Registry in Book 26394, Page 199. *Grantors*, and their heirs, successors, and assigns shall have concurrent rights in the use of the right of way granted herein. *Grantors* shall keep and maintain the driveway and Easement Area in good order and repair, such maintenance (and any costs associated therewith) being the sole responsibility of *Grantors*, provided, however, that *Grantees* shall have the right, but not the obligation, to enter the Easement Area and conduct such repairs and maintenance (at their own expense) as they shall reasonably deem necessary from time to time so that *Grantees* may use and enjoy the rights described herein.

Grantees and *Grantors*, and its or their successors and assigns, agree to indemnify and hold harmless the other, its or their successors and assigns, from and against any and all damages, liabilities, losses, expenses, claims and suits (including the cost of defending the same or enforcing this indemnity or Easement, including reasonable attorneys' fees) that each may cause to be incurred or suffered by the other in consequence of either bodily injury to any person (including death) or damage to any property arising out of, or in connection with, the use of the Easement granted to *Grantees* or reserved by *Grantors* as the case may be, its or their successors and assigns, and/or the exercise by *Grantees* or *Grantors*, its successors and assigns, of the rights granted by this Easement or the breach or violation of the terms hereof.

The provisions of this instrument shall be binding upon and inure to the benefit of the respective heirs, successors, and assigns of *Grantors*, and *Grantees*.

In further consideration of the rights and agreements herein and the grant and acceptance thereof by Grantor and Grantee, respectively, the parties hereto grant and affirm to the other such rights as are necessary to fix the boundary between their respective parcels in the location(s) shown on the attached **Exhibit A**.

IN WITNESS WHEREOF, Kerri D. Holdsworth, Stacy L. Coggsall, and Scott T. Holdsworth have caused this instrument to be executed as of this 13th day of Sept, 2010.

SIGNED, SEALED, AND DELIVERED IN THE PRESENCE OF:

Witness
Witness
Witness

Earl T. Holdsworth, POA
Kerri D. Holdsworth

Earl T. Holdsworth, POA
Scott T. Holdsworth

Earl T. Holdsworth, POA
Stacy L. Coggsall

STATE OF Maine
County of Cumberland, SS. 9/13, 2010

Then personally appeared the above-named Earl T. Holdsworth and acknowledged the foregoing instrument to be his free act and deed.

Before me, Debra E.N. Tuttle
Notary Public
Printed Name: DEBRA E.N. TUTTLE
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES MARCH 24, 2013

STATE OF Maine
County of Cumberland, SS. 9/13, 2010

Then personally appeared the above-named Earl T. Holdsworth and acknowledged the foregoing instrument to be his free act and deed.

Before me, Debra E.N. Tuttle
Notary Public
Printed Name: DEBRA E.N. TUTTLE

DEBRA E.N. TUTTLE
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES MARCH 24, 2013

STATE OF Maine
County of Cumberland, SS. 9/13, 2010

Then personally appeared the above-named Earl T. Holdsworth, and acknowledged the foregoing instrument to be his/her free act and deed.

Before me, Debra E N Tuttle
Notary Public
Printed Name: DEBRA E N. TUTTLE

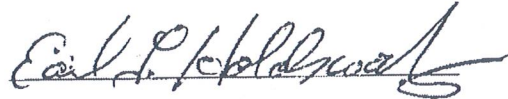
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES MARCH 24, 2013

SEAL

MORTGAGEE'S CONSENT

The undersigned mortgagee, holder of a certain unrecorded Mortgage dated February 27, 2008 and on file with the parties hereto hereby consents to the imposition and grant of the foregoing easement rights and further agrees that the same shall not be terminated or otherwise affected by any foreclosure on any parcel of land covered by the said instrument.

Dated: Sept. 13, 2010, 2010



Earl T. Holdsworth



Sandra S. Holdsworth

STATE OF Maine
COUNTY OF Cumberland

On this 13th day of September, 2010 before me, the undersigned notary public, personally appeared Earl T. Holdsworth and Sandra S. Holdsworth and acknowledged the foregoing instrument as their free act and deed.

WITNESS MY HAND and notarial seal subscribed and affixed in said County and State the 13th day of September, 2010.



NOTARY PUBLIC

Name:

My Commission Expires:

DEBRA E.N. TUTTLE
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES MARCH 24, 2013

SEAL

Exhibit A

"Plan of Standard Boundary Survey 111 Bruce Hill Road, Cumberland, Maine," dated March 22, 2007, prepared by Titcomb Associates for Earl Holdsworth and to be recorded subsequent to this Right of Way Easement, a reduced copy of which is attached hereto.



















318.3



