

TOWN OF KENNEBUNKPORT
FINAL SUBDIVISION APPLICATION

THE GLEN AT GOOSE ROCKS

PREPARED FOR

K.J. TRUDO PROPERTIES, LLC
20 APPLE BLOSSOM LANE
KENNEBUNKPORT, MAINE 04046

PREPARED BY

ATLANTIC RESOURCE CONSULTANTS
541 US ROUTE ONE, SUITE 21
FREEPORT, MAINE 04032
207.869.9050

JANUARY 2024



January 5th, 2024

Town of Kennebunkport
Planning Board
6 Elm Street
Kennebunkport, Maine 04046

Final Subdivision Application – The Glen at Goose Rocks – K.J. Trudo Properties, LLC

Dear Board Members,

On behalf of Jonathan Trudo, dba K.J. Trudo Properties, LLC, Atlantic Resource Consultants, LLC (ARC) is pleased to present the attached Final Subdivision Plan and Application Packet for the above-referenced project.

We are presenting a 9-lot residential subdivision project with one waiver request. In accordance with the Town of Kennebunkport Subdivision Regulations Section 12.2.B.2.h, a dead road is limited to 1,000 feet with a cul-de-sac turnaround with specific details for the radius. In order to avoid natural resource impacts to greatest extent practicable, we are requesting a waiver of this section. Please see **Attachment C of application.**

The following modifications have been made to the subdivision application:

1. Response and updates to the Acorn Engineering, Inc. peer review comments. **See Attachment B of application**
2. Inclusion of HOA agreement clarifying the following: **See Section 7 of application**
 - a. restrictions on use of chemical compounds including pesticides, herbicides, and fertilizers,
 - b. restrictions on open space use / activities,
 - c. maintenance requirements, frequency, and necessary reporting for bioremediation cells and gravel wetland with a pro-forma contract and checklist which HOA can use in bidding process for obtaining such maintenance, and
3. Handover timing and procedure from Developer to HOA for conducting and reporting maintenance activities. **See Section 7 of application**
4. Approval of Storm water permit and Natural Resources Protection Act (NRPA) Permit from the Maine Department of Environmental Protection (MDEP) and a wetland impact permit from the U.S. Army Corps of Engineers (USACE) **See Section 15 of application**
5. Confirmation of review and approval by Fire Department of proposed sprinkler systems. **I emailed with Werner Gilliam about this on June 19th, 2023. Werner informed me that Kennebunkport Fire Deptment does not review individual systems. Sprinkler system are reviewed as construction permits by the State of Maine once the proposed homes are permitted by Code Enforcement.**

6. Completed hydrogeological report. **See Section 10 of application**

Atlantic Resource Consultants



Lucien Langlois
Environmental Project Manager

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ATTACHMENT A

Application Form

**APPLICATION FOR SUBDIVISION
KENNEBUNKPORT PLANNING BOARD**

Preliminary Plan Application ☐

Final Plan Application ☒

PROPOSED SUBDIVISION NAME: The Glen at Goose Rocks

APPLICANT INFORMATION

Property Owner: K.J. Trudo Properties, LLC
Address: 20 Apple Blossom Lane
Kennebunkport, ME 04046
Phone: 207-205-4422 Email: creativecoastconstruction@gmail.com

Applicant/
Authorized Agent
Name: Atlantic Resource Consultants, LLC
Address: 541 US ROUTE ONE, Suite 21
Freeport, ME 04032
Phone: 207-869-9050 Email: Jasonv@arc-maine.com
Lucien@arc-maine.com

**** Please be sure to include a Letter of Authority if you are the Agent****

If applicant is a corporation, check if licensed in Maine: Yes ☒ No ☐ and attach a copy of State's "Certificate of Good Standing".

Land surveyor, engineer, architect or others preparing plan: _____
Jason Vafiades, PE LEED AP
Address: Atlantic Resource Consultants, LLC
541 US Route One, Suite 21 Freeport, ME 04032
Phone: 207-869-9050 Email: Jasonv@arc-maine.com

Please provide proof of the applicant(s) legal interest in the property to be developed? Please provide one of the following:

- A copy of the recorded Deed. **(attached in Section 4)**
- Executed Purchase and Sales Agreement.

LAND INFORMATION

Location of Property: Goose Rocks Road
street address

Assessor's Tax Maps: Map: 15 Block: 1 Lot(s) 1B
Registry of Deeds: Book: 18632 Page: 387

Zoning District? Farm & Forest / Shoreland Zone

Resource Protection ☐ Shoreland Zone ☒

Is any portion of the property withing two hundred fifty (250) feet of the high water mark of a pond, river or saltwater body? Yes ☒ No ☐

Total acreage of parcel: 43.54
Acreage to be developed: 6.1

Has this land been part of a prior approved subdivision? Yes ☐ No ☒

Or part of other divisions within the past 5 years? Yes ☒ No ☐

64.8 acre parcel (15-1-1) split in 2021 to create 43.54 acre parcel (15-1-1B)

Identify existing uses of land (farmland, woodlot, etc.): Undeveloped and wooded

Does the parcel include any water bodies? Yes ☒ No ☐

Is any portion of the property within a special flood hazard area as identified by the Federal Emergency Management Agency (FEMA)? Yes ☒ No ☐

List the names and addresses of abutting property owners within 200' on a separate sheet and attach to this application.

GENERAL INFORMATION

Proposed name of development: The Glen at Goose Rocks

Number of lots or units: 9 residential lots + 1 open space lot

Anticipated date for construction: Late winter to spring 2024

Anticipated date of completion: TBD

Does this development require extension of public infrastructure: Yes ☐ No ☒

If yes, what?

- | | | |
|--------------------------------------|---|--------------------------------------|
| <input type="checkbox"/> Roads | <input type="checkbox"/> Fire Protect | <input type="checkbox"/> Sewer Lines |
| <input type="checkbox"/> Water Lines | <input type="checkbox"/> Storm Drainage | <input type="checkbox"/> Sidewalks |
| <input type="checkbox"/> Other | | |

Estimated cost for infrastructure improvements: \$_____

Identify method for water supply to the proposed development:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Individual Wells | <input type="checkbox"/> Central Well w/Distribution |
| <input type="checkbox"/> Public Water Supply | <input type="checkbox"/> Other (please state alternative) |

Identify method of sewage disposal to the proposed development:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Individual Septic Tanks | <input type="checkbox"/> Central On-site Disposal w/Distribution Lines |
| <input type="checkbox"/> Connection to Public Sewer | <input type="checkbox"/> Other (please state alternative) |

Identify method of fire protection for the proposed development:

- | |
|--|
| <input type="checkbox"/> Hydrants connected to the public water system |
| <input type="checkbox"/> Dry hydrants located on existing pond or water body |
| <input type="checkbox"/> Existing fire pond |
| <input checked="" type="checkbox"/> Individual Fire Suppression System |
| <input type="checkbox"/> Other (please state alternative) |

Does the applicant propose to dedicate to the public any streets, recreation or common lands?

If any:

Streets	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Estimated Length _____
Recreation Area	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Estimated Acreage _____
Common Land(s)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Estimated Acreage _____

Does the applicant intend to request waivers of any of the subdivision submission requirements? If yes, list them and state reasons for the request:

Dead-end streets or cul-de-sacs are limited to 1,000 feet. A waiver from this length standard will allow the road design to avoid and minimize natural resource impacts and road crossings. *See Attachment C*

To the best of my knowledge, all the above stated information submitted in this application is true and correct.

Signature Jason Vafiades

Date January 5, 2024

Printed name Jason Vafiades

For Office Use Only

Date Received: _____

Application Fee: _____

Lot/Dwelling Fee: _____

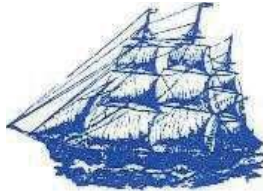
Legal Notice Posting Fee: _____

Postage Fee: _____

Paid by (payment type/name): _____

Escrow Funds: _____

Escrow Funds Lot/Dwelling: _____



FILING REQUIREMENTS AND CHECKLIST

Please initial or mark N/A to indicate you have completed the following requirements.

Application Package Checklist:

- ☒ Cover letter describing proposed project.
- ☒ One copy of full sized (to scale) and one copy of reduced site plans.
 - ☒ Site plans contain all the data required under Chapter 415-8.2 of the Code of the Town of Kennebunkport. If portions of 8.2 are not applicable, please submit in writing as to why. See Article 8.2 attached.
- ☒ Copy of the deed(s)/agreement(s).
- ☒ Certificate of Good Standings, if corporation.
- ☒ Letter of authority, if using agent.
- ☒ List full names and current mailing addresses of owners of properties within 200' of the subject property. See FAQ for step by step. FAQ is available on the Town website or printed at the Codes and Planning Office.
- ☒ Copy of the tax map, highlighting your property. See FAQ for step-by-step.
- ☒ Copy of official decisions (or note pending applications) of other Federal, State, or local agencies regarding the use of this property (Army Corps., D.E.P., etc.)

Filing Requirements:

- ☒ Two paper copies of the application package to the Administrative Assistant.
- ☒ Email electronic version of application package to: afortier@kennebunkportme.gov.
- ☒ Mail one paper copy of the application package to each Planning Board Member (address as provided in application materials).
- ☒ Pay all fees associated.

Please see attached Town of Kennebunkport's Subdivision regulations § 415-8.2 "Submissions" for an exhaustive list and description of application requirements.

ATTACHMENT B

Response to Acorn Engineering Review Comments

January 5th, 2024

Town of Kennebunkport
Planning Board Members
6 Elm Street
Kennebunkport, Maine 04046

RE: The Glen at Goose Rocks – Comment Responses to Acorn Engineering, Inc. Review Memo

Dear Board Members,

On behalf of our client, Jonathan Trudo, we offer the following responses to review comments received from Acorn Engineering, Inc. via email on January 26th, 2023. The original comments are shown in bold/italic text, with each response in green text directly following.

GENERAL COMMENTS

1) Please update the Legend on Sheet C-101 as follows:

- a. Show the hatching used to represent the proposed forested stormwater treatment buffers.**
- b. Show the hatching used to present Open Space**
- c. Show the linetype used to represent the stream centerline**
- d. Show the linetype used to represent the 75-foot stream setback buffer**
- e. Clarify why is intended by “buffer”, with a dashed linetype, in Legend**

RESPONSE: The Legend on sheet C-101 had been updated.

2) Sheet C-101 shows two unidentified features that use the same hatching (which is not included in the Legend), which may be proposed drainage or stormwater maintenance easements.

- a. One extends from the cul-de-sac near the driveway to Lot 7 to the property line between Lots 6 and 7.**
- b. The other extends from the cul-de-sac near the driveway to Lot 3 to the property line between Lots 2 and 3. Please identify both features, adding hatching to the legend as needed. If either is a proposed drainage or stormwater maintenance easement, state this clearly on the plans.**

Please identify both features, adding hatching to the legend as needed. If either is a proposed drainage or stormwater maintenance easement, state this clearly on the plans.

RESPONSE: Corrected, please see revised sheet C-101.

WATER QUALITY COMMENTS

- 3) *The applicant shows proposed development footprints (house, driveway, and parking) on each lot to demonstrate the buildability of the lot, and has included estimates in the Non-Linear Treatment Stormwater Management Treatment table. The proposed impervious and developed area that will receive coverage under a Maine DEP Stormwater Law permit is based on these assumptions. However, there does not appear to be a mechanism to limit actual impervious, landscaped, or developed area on each lot to the stated areas. The applicant will develop the lots, constructing the homes prior to sale. Local approval (and the Maine DEP Stormwater Law permit) should both state the impervious, landscaped, and developed that has been approved to be constructed.*

RESPONSE: We have shaded the maximum allowable disturbed area on each lot (and added that to the legend). All proposed land conversions can be found on the plan set as well as within the stormwater report.

- 4) *There is a disconnect between proposed impervious area and developed area between the HydroCAD and the calculations that have been presented.*
- a. *The HydroCAD summary indicates 64,000 square feet of new roof and driveways (impervious area) but the Non-Linear Treatment Stormwater Management Treatment table indicates only 79,500 square feet of impervious area for new roofs and driveways.*
 - b. *The HydroCAD shows an estimated 150,000 SF of new lawn areas (landscaped area), but the Non-Linear Treatment Stormwater Management Treatment table accounts for only 75,500 square feet of landscaped area (the difference between 155,000 SF of developed area and 79,500 SF of impervious area).*

Please revise to provide consistency about proposed impervious, landscaped, and developed areas in HydroCAD and calculations.

RESPONSE: We have updated the hydrocad model to match the official treatment tables.

- 5) *There appears to be a discrepancy between treatment of proposed impervious and developed areas on several lots with the actual buildable area on those lots. For example:*
- a. *The Non-Linear Treatment Stormwater Management Treatment table proposes approximately 6,500 SF of yard area on Lot 3. Development on this lot is highly constrained by the proposed forested stormwater treatment buffer, delineated wetlands, and minimum setback from Lot 2. The proposed yard area does not seem feasible.*
 - b. *The Non-Linear Treatment Stormwater Management Treatment table proposes approximately 6,000 SF of yard area on Lot 8, with another 6,000 SF of impervious area (12,000 SF total developed area). Development on this lot is highly constrained by the proposed forested stormwater treatment buffer and the minimum setback from Lot 9. Acorn estimates the buildable footprint is*

approximately 9,500 SF, far less than the 12,000 SF proposed. The proposed yard area does not seem feasible.

- c. The Non-Linear Treatment Stormwater Management Treatment table proposes just 7,500 SF of impervious area on Lot 5, with another 5,500 SF of yard area (13,000 SF total developed area). This lot has few constraints, and the more likely development footprint on this lot will include a longer driveway and more yard area than represented in this table.
- d. The Non-Linear Treatment Stormwater Management Treatment table proposes just 7,000 SF of impervious area on Lot 9, with another 5,000 SF of yard area (12,000 SF total developed area). This lot has few constraints, and the more likely development footprint on this lot will include a longer driveway and more yard area than represented in this table.

These assumptions should be reviewed and the table updated, as needed.

RESPONSE: Please see revised treatment tables which have been keyed to maximum development windows. We have added a development treatment plan for each lot as extra sheets to the plan set that simplifies the development approach and can be used as reference.

- 6) The applicant is proposing forested stormwater buffers for the treatment of Lots 1 through 9, per the Non-Linear Treatment Stormwater Management Treatment table included in the Stormwater.
 - a. No calculations were provided to demonstrate that flow path length of the proposed forested stormwater treatment buffers satisfies the requirements of Chapter 500 Appendix F for single-family home residential lots. These calculations should clearly state the slope, hydrologic soil type, and demonstrate appropriate grading (i.e., that runoff will flow consistently across the full flow path length). This latter may require the preparation of an additional plan sheet showing existing and proposed contours for each forested stormwater treatment buffer.
 - b. Stormwater treatment buffers cannot include wetlands. The proposed forested stormwater treatment buffers on Lots 2, 3, 4, and 9 (at a minimum) include portions of wetland. The boundaries for these proposed forested stormwater treatment buffers should be revised to avoid delineated wetlands.
 - c. Sheet C-101 shows proposed development footprints (house, driveway, and parking) to demonstrate the buildability of the lot. However, proposed development on Lots 3, 4, 6, 7, and 9 shows construction of the driveway and/or the house within the forested stormwater treatment buffer. Revise the proposed development footprints on these lots to avoid disturbance of the forested stormwater buffer.
 - d. Lots 3 and 8 include so little buildable area that only very limited yard areas are shown on plans. This increases the likelihood that the homeowner will disturb the immediately-adjacent forested stormwater treatment buffer. The applicant should demonstrate that proposed yard areas can be built without impact to the forested stormwater treatment buffer. (See also Comments #5a and #5b).

- e. No Draft Homeowner Association (HOA) deed restrictions, bylaws, or covenants were included in the application. The applicant should ensure that proposed HOA documents include the deed restrictions that will apply to Lots 1 through 9.
- f. The Stormwater Maintenance Plan included as Attachment D of the Stormwater Management report does not include post-construction inspection and maintenance requirements for the proposed forested stormwater treatment buffers. These forested stormwater treatment buffers are being used to achieve the required stormwater treatment of developed area, and should be included in inspection and maintenance documents like any other stormwater BMP.

RESPONSE: Please see revised materials, including HOA declaration and Stormwater Maintenance Plan. We have added a development treatment plan for each lot as extra sheets to the plan set that simplifies the development approach and can be used as reference.

- 7) *This application did not include Homeowner Association (HOA) deed restrictions, bylaws, or covenants. The applicant should ensure that the proposed HOA documents clearly discuss the drainage and maintenance easements required for the proposed gravel wetland stormwater BMPs and related areas, which are located on Lots 1, 2, 3, 4, 5, 6, and 8, and clarify responsibility for these easements.*

RESPONSE: Please see revised HOA declaration.

Hydrologic Model and Water Quantity

- 8) *Labeling used in the HydroCAD model and shown on the drainage plans is inconsistent: please revise for consistency and ease of review.*

RESPONSE: Fixed, Please see revised plans.

- 9) *No soil summary was provided for pre-development or post-development conditions. Please include this in the revised submittal.*

RESPONSE: Fixed, Please see revised Stormwater Management Report.

- 10) *The following comments apply to all gravel wetland BMP designs:*

- a. *The designer should review the porosity (void %) for media (i.e., crushed stone, Underdrain Type C, compacted gravel) in HydroCAD to ensure that assumptions are consistent with Maine DEP recommended values for each type of media.*
- b. *The designer should review how the storage volume is calculated in HydroCAD. We have attached an Excel spreadsheet that shows the comparison between what was modeled in HydroCAD and how it should be modeled to accurately represent the design proposed, for GW-1. For example, the proposed storage volume for GW-1 is 5,490 cubic feet; however, Acorn calculates this is actually 3,947 cubic feet, which is still above the requirement of 2,273 cubic feet (which Acorn believes is correct). The gravel wetlands appear to have adequate treatment volumes with this revision;*

however, peak flows may be affected with a reduced storage volume (per this comment) and should be updated in the model.

- c. The outlet of each gravel wetland should be restricted to ensure a drain-down time of the treatment volume within 24 to 48 hours (per Maine DEP). The current design appears to drawdown the treatment volume (via a six-inch outlet within the outlet control structure) in less than six hours. The device used to provide this restriction (i.e., orifice, cap, or ball valve) should be added and modeled in HydroCAD.*
- d. The design for the gravel wetlands should be revised to provide one foot of freeboard above the peak elevation in the 100-year storm event at the emergency spillway, per Maine DEP.*
- e. An interior spillway should be provided between gravel wetland cells to allow water to flow from the first cell to the second cell in larger storm events. The current design will allow stormwater to bypass the second cell, which does not optimize treatment provided by the BMP.*
- f. The invert elevation of the outlet within the outlet control structure (OCS) should be set at the top of the transitional layer. Example, GW-1 has a proposed invert elevation of 19.67; however, the top of the transitional layer is elevation 19.33. Outlet elevations for all gravel wetland designs should be checked.*

RESPONSE: Please see revised hydrocad model. Due to an updated contour surface with updated survey information, we have converted all but one BMP to be a bio retention filter. One gravel wetland had to be preserved for lack of elevation to outlet.

- 11) The plan view for GW-5 on Sheet C-305 shows a direct connection between the inlet structure and the underdrain. This direct connection should be revised to mirror the approach for the other proposed gravel wetland BMPs (GW-1 through GW-4).**

RESPONSE: Fixed, please see revised plans.

- 12) The Linear Treatment Stormwater Management Treatment table lists subcatchments RA-1 through RA-7. These subcatchments are not shown on the Post-Development Drainage plan, so Acorn is unable to verify these areas or confirm which stormwater BMP provides treatment. Please show these subcatchments on the Post-Development Drainage Plan and/or provide a Stormwater Treatment Plan that can be used to verify the treatment represented in the Linear Treatment Stormwater Management Treatment table.**

RESPONSE: The MDEP permitting process does not include a flooding standard, so RA designations are "Road Area" for treatment calculations. Consider this portion of the application a separate part reviewed solely by MDEP. The hydrologic model is submitted for municipal review per the Ordinances. The stormwater treatment plan has been approved by the DEP.

Comments on Natural Resources

- 13) The Wetland Delineation & Soil Test Pit Location plan prepared by Longview Partners, LLC shows the locations of Pool #1 and Pool #2, as well as the location of two other**

“nonsignificant” vernal pools identified in a 2018 study. Clearly showing locations of these four vernal pools on plans is critical to ensuring that appropriate setbacks to stormwater BMPs are provided. The four vernal pools should be shown on site plans including the Boundary Survey, Existing Conditions Plan, the Conceptual Development Plan (Sheet C-101), the Plat Plan, profile sheets C-200 and C-201, and on plan views of proposed gravel wetland BMPs on Sheet C-303 through C-305.

RESPONSE: The two non-significant artificial pools have been included on the above-mentioned plan sheets where visible. There will be no impact to either artificial habitat. Each artificial habitat is located within deed restricted conservation land as part of the mitigation effort through consultation with the Army Corps.

14) The proposed wetland impact associated with Gravel Wetland #1 (GW-1), shown on Wetland Impacts Figure #2, is 802 square feet. It may be possible to reduce these impacts if the proposed BMP were rotated 90 degrees. (See also Comments #17 and 18, which address natural resource impacts from the construction of GW-1).

RESPONSE: Stormwater treatment BMPs including GW-1 have already been revised via DEP review comments. The former location of GW-1 now includes a Bio Filter (BF-1) which does not impact wetlands at all. The 802 SF impact has been eliminated.

15) Clearly show and label the stream centerline and 75-foot stream setback on Sheets C-200 and C-201 as well as on the Plan Views for GW-2 (Sheet C-303), GW-4 (Sheet C-304), and GW-5 (Sheet C-305).

RESPONSE: Fixed, please see revised plans.

16) It appears that development of several structures is proposed within the 75-foot stream setback, including:

- a. A large portion of the driveway on Lot 2.***
- b. Part of the house and driveway on Lot 4.***
- c. A portion of the driveway on Lot 6.***
- d. The entirety of GW-5.***
- e. A portion of GW-4.***

Exhibit 15 (Additional Permits) states that NRPA Permit-by-Rule (NRPA PBR) coverage has been requested for “adjacency within 75 feet” (i.e., under Section 2.C.1). Please demonstrate that the NRPA PBR Section 2 application reflected construction within 75-feet of the stream at all locations bulleted above.

RESPONSE: The revised subdivision layout has pulled work outside of the 75-foot stream setback where feasible. All proposed work within the stream setback has been approved by DEP through PBR.

17) It appears that grading for several stormwater BMPs is proposed within the minimum 25- foot setback from natural resources (i.e., NRPA PBR Section 2.C.2), including GW-1, GW-2, and GW-3. Please demonstrate that the NRPA PBR Section 2 application reflected grading within 25- feet at these locations.

RESPONSE: Please see revised plans. Besides stream crossings, all work is further than 25 feet from streams. Streams are the only natural resource on the project site with adjacent jurisdiction per the NRPA. Most freshwater wetlands do not contain setbacks pursuant to the NRPA. There is an off-site wetland that does contain a setback due to emergent marsh vegetation, but this setback is being maintained as undeveloped wooded area. Again, DEP has approved adjacent work under the NRPA through the PBR process.

18) The application requires coverage under NRPA PBR Section 7 (“placement of outfall pipes within a freshwater wetland”) for outlets associated with GW-1 and GW-2. Please amend the NRPA PBR application to request coverage for these activities.

RESPONSE: Again, DEP has approved adjacent work under the NRPA through the PBR process.

19) The application states that the applicant will develop the lots, constructing the homes prior to sale. Deeds for individual lots should clearly state that the purchaser of each lot is responsible for permitting any additional wetland impacts on the lot.

RESPONSE: The developer will make sure deed language includes language stating that lot development must be followed according to all approved plan and permits by local, state, and federal entities including impacts to wetlands, stream and stream setbacks.

20) The application states total wetland impacts (fill) of 10,202 SF, which are clearly shown on Wetland Impact Figures 1 through 4. However, it is unclear if there will also be wetland conversion impacts, where trees will be cut within forested wetlands, decreasing the value.

This should be clarified in the resubmittal.

RESPONSE: The total wetland impact has been reduced since this comment was made. All wetland impacts are permanent impacts involving fill. There are no conversion impacts to wetlands. Wetland impacts have been approved by DEP and the Army Corps.

If you need any additional information, please let us know.

Regards,

Jason A Vafiades

Atlantic Resource Consultants, LLC
Jason Vafiades, PE, Principal

ATTACHMENT C

Waiver Request

January 5th, 2024

Town of Kennebunkport
Planning Board
6 Elm Street
Kennebunkport, Maine 04046

**RE: Final Subdivision Application – The Glen at Goose Rocks – K.J. Trudo Properties, LLC
Waiver Request Letter**

Dear Planning Board Members,

On behalf of our client, K.J. Trudo Properties, LLC, we are submitting the following waiver and associated narrative for the above referenced project.

SUBDIVISION REGULATIONS - § 415-12.2.B.2.h WAIVER REQUEST:

Article 12 Design Guidelines: Street Design and Construction Standards:

We request this waiver for subdivision review. Per Article 12 design guidelines for dead end streets, dead-end streets must be constructed to provide a cul-de-sac turn around. Also, the dead street or cul-de-sac cannot be longer than 1,000 feet.

Multiple layouts have been considered when planning the subdivision design for the Glen at Goose Rocks. A previous layout involved that loop road with two access points from Goose Rocks Road. This design was discounted due to road and driveway construction impacting four streams and five wetlands. Designing the subdivision using a slightly longer cul-de-sac than what is allowed, has given the applicant the ability to protect natural resource and reduce impacts to two wetland crossings and two stream crossings.

The road design for the Glen at Goose Rocks consists of a single access from Goose Rocks Road splitting into two road segments which both terminate in a cul-de-sac. Roadway 2 is approximately 757 feet long. A waiver from the length limitation would allow Roadway 1 to extend to approximately 1,360 feet long. A longer road segment provides for upland area to be utilized for stormwater treatment. Additionally, the extra length allows for construction of the entire cul-de-sac, and driveways and lot development for Lots 6 and 7 to completely avoid wetland impacts and be located greater than 75 feet from a stream. Other than the road length, all other required road design and construction standards will be met.

Regards,



Atlantic Resource Consultants, LLC
Lucien Langlois

SECTION I

DEVELOPMENT DESCRIPTION

Project Summary

The applicant proposes to construct a ten-lot residential subdivision to provide housing opportunities in the Town of Kennebunkport. In this case, the applicant is assumed to be the developer of the subdivision, developing the site and constructing homes on each lot prior to individual sale. The subject property is located off Goose Rocks Road in Kennebunkport approximately 0.5 miles east of the Log Cabin Road intersection. The project site is identified as Lot 1B on the Town of Kennebunkport's Tax Map 15-1. The subdivision will be named 'The Glen at Goose Rocks'.

Access to the site will be from Goose Rocks Road via a single road that splits into two segments each with a cul-de-sac. In total, the subdivision includes nine residential lots with each lot containing over 3 acres of upland area, plus one open space lot. The open space lot will be accessible via two walking trail easements, one located at each cul-de-sac. The project will be served by individual drinking water wells and on-site subsurface wastewater treatment. Utilities such as power, cable and telephone will be installed from Goose Rocks Road and ran underground within the subdivision road footprint. Fire suppression and protection will be provided by sprinkler systems in each home approved by Office of State Fire Marshall.

The site contains two stream segments and multiple freshwater wetland habitats. Access to each lot was carefully vetted to minimize the impacts to natural resources. The project proposes roadways which will marginally impact wetland areas and the streams. A total wetland alteration of 8,548 sq. ft. will be necessary to construct the subdivision project. Otherwise, proposed development has been situated outside of delineated resources and their respective setbacks.

A wetland mitigation plan was presented and approved by the U.S. Army Corps of Engineers to assist in offsetting impacts to natural resources. The applicant has committed through a deed recorded declaration of covenants for the preservation of 14.84 acres of undeveloped land on the project parcel, including 5.66 acres of wetland and 9.18 acres of upland. The applicant also proposes a Homeowners Association where the declaration of covenants will prohibit the administration of all pesticides, herbicides within the subdivision and lot owners will incorporate screens or other screening accessories to make windows visible to birds in the design and construction of each house or accessory building.

Due to the amount of proposed natural resource impacts and new impervious area, Natural Resources Protection Act (NRPA) and Stormwater Management Law applications have been obtained from the

Maine Department of Environmental Protection (MDEP). The proposed project also received authorization from the U.S. Army Corps of Engineers for the proposed impacts to streams and wetlands.

Existing Conditions

The subject property consists of 43.54 acres of slightly to moderately sloped topography. Predominant surface soil types in this area of the site are identified by the Natural Resource Conservation Service (NRCS) Web Soil Survey as Lyman loam, Lyman-Rock outcrop complex, and Biddeford mucky peat.

The project site generally drains in a southeasterly direction to an unnamed stream that ultimately crosses Goose Rocks Road. The stream is tributary to Round Swamp Brook which is tributary to Batson River and the Atlantic Ocean. The project area is located within the subwatershed of Batson River-Frontal Goosefare Bay.

The project site is currently undeveloped woodland. The property has a series of wood-cutting trails and has been selectively cleared within the last 10-years. Natural resource mapping and subsurface soil investigations on the site were undertaken in 2021, 2022 and 2023 by Longview Partners to support permitting for this project. A network of freshwater wetlands, streams, and non-significant vernal pools and artificial breeding habitats were identified in the project area and are depicted on the project drawings.

Construction Schedule

Construction of the project is anticipated to begin in the late winter to spring of 2024 once all local, state, and federal permitting has been completed. In-stream construction will be avoided between October 2nd and July 15th so that the work is conducted during low flow periods.

SECTION 2

AGENT AUTHORIZATION / CERTIFICATE OF GOOD STANDING

The proposed project will be undertaken by K.J. Trudo Properties, LLC. Permit applications have been prepared by Atlantic Resource Consultants, LLC (ARC). A copy of the signed Agent Authorization form for ARC to act on behalf of the applicant is provided in this section. A copy of the Certificate of Good Standing for K.J. Trudo Properties, LLC is also included in this section.

EXHIBIT 2.I

Copy of Agent Authorization



Atlantic Resource Consultants
Engineering Strategies and Solutions

541 US Route One, Suite 21
Freeport, Maine 04032
Tel: 207.869.9050

September 30, 2021

Jonathan Trudo
K.J. Trudo Properties, LLC
20 Apple Blossom Lane
Kennebunkport, Maine 04046

**RE: Sketch Plan Application for Subdivision
Goose Rocks Road, Kennebunkport, ME
Agent Authorization Letter**

To Whom It May Concern,

K.J. Trudo Properties, LLC has retained Atlantic Resource Consultants, LLC to undertake regulatory permitting for the referenced project. Atlantic Resource Consultants, LLC is hereby authorized to act as agent on our behalf for matters related to these permits.

Sincerely

Jonathan Trudo, dba
K.J. Trudo Properties, LLC

EXHIBIT 2.2

Certificate of Good Standing

State of Maine



Department of the Secretary of State

I, the Secretary of State of Maine, certify that according to the provisions of the Constitution and Laws of the State of Maine, the Department of the Secretary of State is the legal custodian of the Great Seal of the State of Maine which is hereunto affixed and of the reports of formation, amendment and cancellation of articles of organization of limited liability companies and annual reports filed by the same.

I further certify that K.J. TRUDO PROPERTIES, LLC is a duly formed limited liability company under the laws of the State of Maine and that the date of formation is January 16, 2007.

I further certify that said limited liability company has filed annual reports due to this Department, and that no action is now pending by or on behalf of the State of Maine to forfeit the articles of organization and that according to the records in the Department of the Secretary of State, said limited liability company is a legally existing limited liability company in good standing under the laws of the State of Maine at the present time.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta, Maine, this twenty-fourth day of May 2022.



A handwritten signature in cursive script that reads "Shenna Bellows".

Shenna Bellows

Secretary of State

SECTION 3

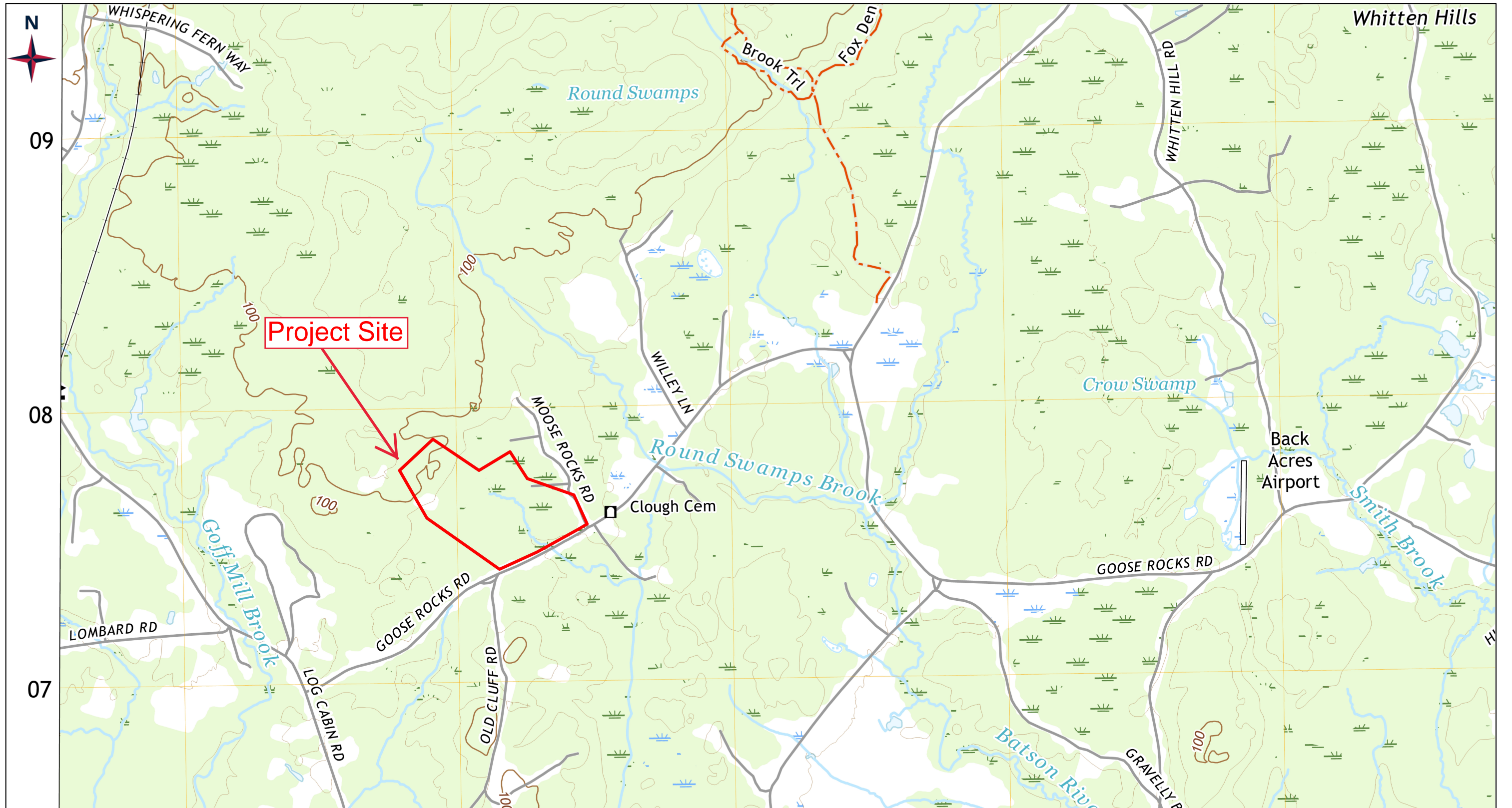
LOCATION MAP / TAX MAP / FLOOD MAP

The proposed project will be undertaken on an approximately 44.43-acre parcel that is identified as Lot 1B on Map 15-1 on the Town of Kennebunkport's tax maps. The subject property is located off Goose Rocks Road in Kennebunkport, approximately 0.5 miles east of the Log Cabin Road intersection. A copy of the location map, tax map, and effective FEMA flood map is included in this section.

Effective flood maps list a portion of the project site as a "B" zone. Preliminary maps created by FEMA show an update on the property to an "A" Zone. As requested by the Board and Code Enforcement and Planning Department, ARC design team developed a Base Flood Elevation for the unnumbered "A' zone. There will be no stormwater treatment structures, lot development activities, or homes/garages within the A Zone. Although the preliminary maps have not been adopted, the A zone provides a better understanding of flood management and risk assessment. A comparison of the effective B zone and preliminary A zone can be seen on the plan set accompanying this application.

EXHIBIT 3.1

Location Map




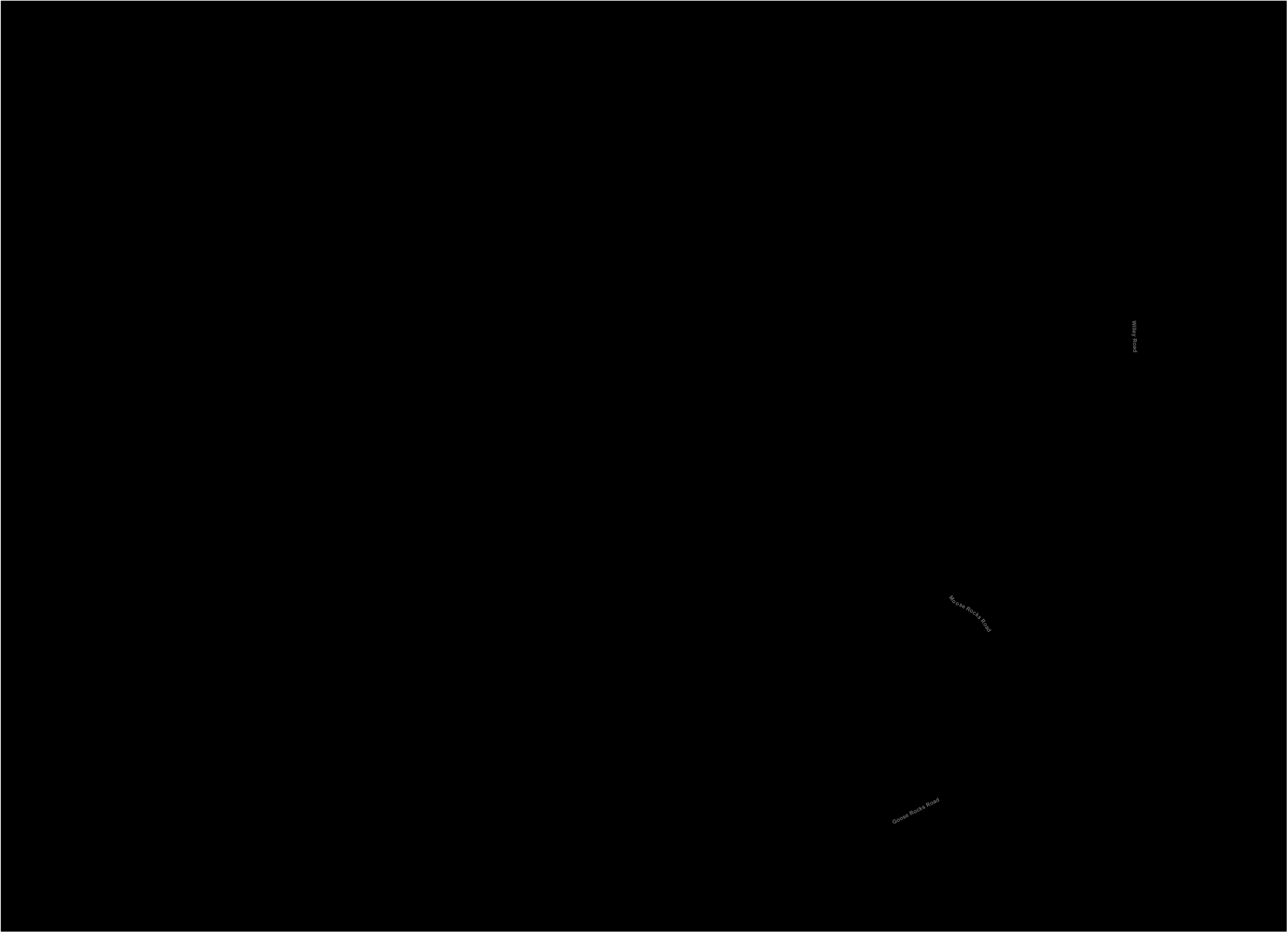
<p>0 ft 1000 ft 2000 ft 3000 ft 4000 ft 5000 ft</p>	<p>Created By: Lucien Langlois Date Created: 2/18/2022 Source: U.S.G.S. Projection: UTM 19N (NAD83) Project # 21-059</p>	<p>USGS Location Map K.J. Trudo Properties, LLC 20 Apple Blossom Lane Kennebunkport, ME 04046</p>	 <p>Atlantic Resource Consultants 541 US Route One Freeport, ME 04032 Tel: 207.869.9050</p>
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EXHIBIT 3.2


Tax Map





Assessor's Maps


Legend


 Property Boundary


 Local Road


 Off ROW Road

 River, Stream, Brook


 Waterbody

 Swamp

 Map Number



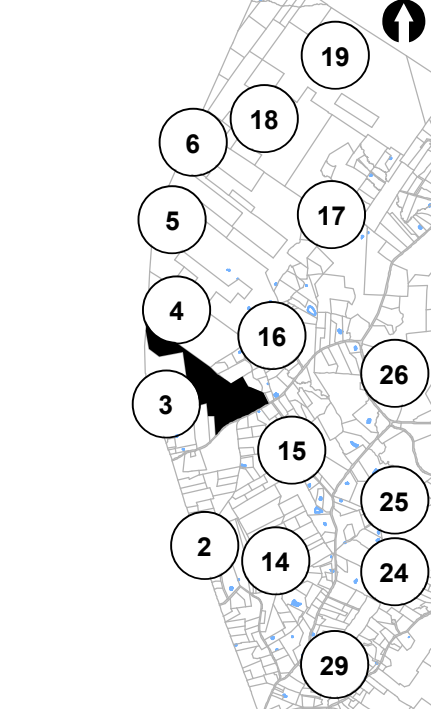
Map	8
Block	81
Lot	2



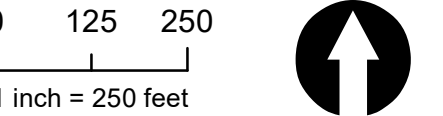
Town-Wide Locator Map



Local Locator Map



Scale and Orientation



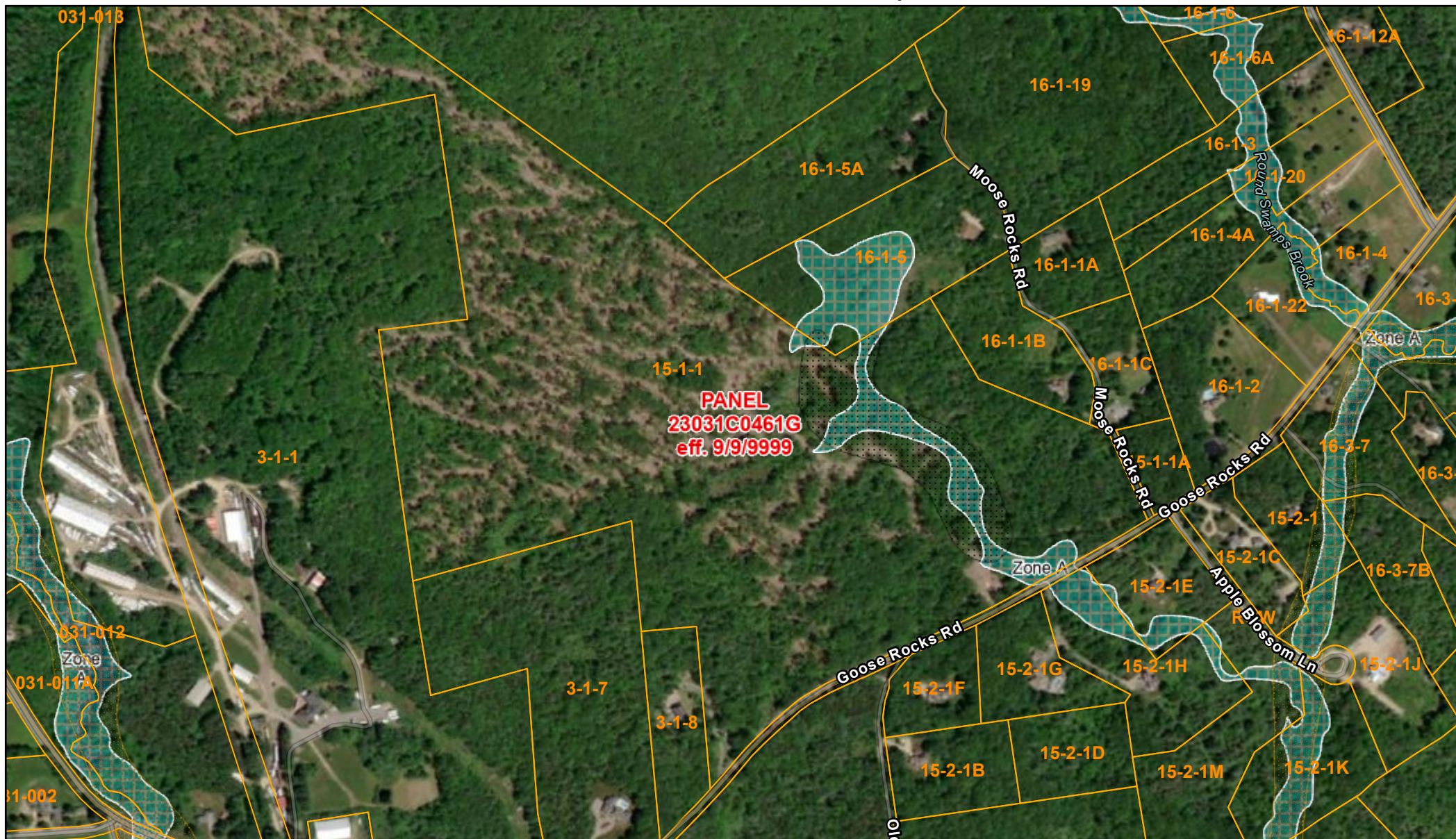
Notes

Disclaimer:
The Town of Kennebunkport shall not be held liable for discrepancies in land conveyance based on the content of these maps. These maps are for assessing purposes only.
Copyright Town of Kennebunkport. Maps revised to April 1, 2023.

EXHIBIT 3.I

Flood Map

Maine Flood Hazard Map



3/10/2023, 12:08:32 PM

Maine Parcels Organized Towns X500

Flood_Zones_Q3

A

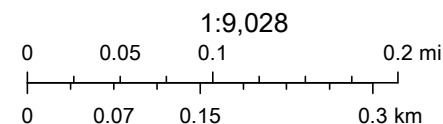
Flood Hazard Zones

1% Annual Chance Flood Hazard

Flood Hazard Boundaries

SFHA / Flood Zone Boundary

FIRM Panels



Esri Community Maps Contributors, City of Biddeford, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Maine Floodplain Program, FEMA, Maxar

SECTION 4

TITLE, RIGHT, OR INTEREST

The proposed project will be undertaken on a parcel of land that is owned by the applicant, K.J. Trudo Properties, LLC. A copy of the property deed is included in this section.

EXHIBIT 4.I

Deed

DLN: 1002140140094

WARRANTY DEED

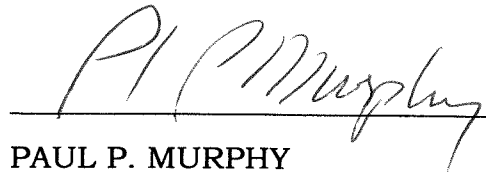
I, PAUL P. MURPHY, of Lewiston, County of Androscoggin, State of Maine, for consideration paid grant to K.J. Trudo Properties, LLC, with WARRANTY CONVENANTS, a certain lot or parcel of land situated on the northerly side of the Goose Rocks Road in Kennebunkport, County of York, State of Maine, bounded as described as Exhibit "A" attached hereto.

Being a portion of the premises conveyed to this Grantor by deed of D. Jerome Murphy, M.D. dated November 30, 1960 and recorded in York County Registry of Deeds on October 5, 1961 at Book 1455, Page 235.

WITNESS my hand and seal this 16 day of April, 2021.



WITNESS

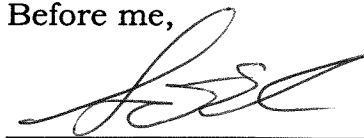

PAUL P. MURPHY

STATE OF MAINE
COUNTY OF YORK, ss.

April 16, 2021

Then personally appeared the above-named PAUL P. MURPHY and acknowledged the foregoing instrument to be his free act and deed.

Before me,



Notary Public/Attorney at Law

Scott M. Edmunds
ATTORNEY AT LAW

Maine R.E. Transfer Tax Paid

EXHIBIT "A"

A certain lot or parcel of land situated on the northerly side of Goose Rocks Road in the town of Kennebunkport, County of York, State of Maine bounded and described as follows:

Beginning at an iron pin with cap (PLS 2070) found on the northerly sideline of Goose Rocks Road at the southwest corner of land now or formerly of Timothy H. Good & Wendy Webster as recorded in the York County Registry of Deeds in Book 10234, Page 63. Said pin also being at the southeast corner of a 33 foot wide right of way (Moose Rocks Road) as recorded in the said Registry in Book 151, Page 216. Thence by the following courses and distance:

- 1) S 74°-33'-00" W along the northerly sideline of Goose Rocks Road a distance of 33.30 feet to a drill hole.
- 2) S 74°-33'-00" W along the northerly sideline of Goose Rocks Road a distance of 71.30 feet to a point.
- 3) S 77°-32'-00" W along the northerly sideline of Goose Rocks Road a distance of 390.00 feet to a point.
- 4) S 78°-16'-00" W along the northerly sideline of Goose Rocks Road a distance of 371.70 feet to a point.
- 5) S 82°-47'-00" W along the northerly sideline of Goose Rocks Road a distance of 313.40 feet to a point at land to be retained by Paul Philip Murphy.
- 6) N 38°-06'-00" W along land to be retained a distance of 1072.80 feet to a point.
- 7) N 13°-29'-00" W along land to be retained a distance of 672.10 feet to a point.
- 8) N 62°-07'-00" E along land to be retained a distance of 557.60 feet to a point on the southwesterly sideline of land now or formerly of David W. & Lisa C. Thompson as recorded in the said Registry in Book 6715, Page 64.
- 9) S 34°-00'-00" E along land of said Thompson a distance of 133.10 feet to an iron pin with cap (RLS 747) found at land now or formerly of David & Patricia Shorthill as recorded in the said Registry of deeds in Book 7649, Page 214.
- 10) S 34°-00'-00" E along land of said Shorthill and a stone wall a distance of 45.19 feet to a point.
- 11) S 41°-51'-00" E along land of said Shorthill and a stone wall a distance of 84.80 feet to a point.
- 12) S 38°-10'-00" E along land of said Shorthill and a stone wall a distance of 156.6 feet to a point.
- 13) S 37°-50'-00" E along land of said Shorthill and a stone wall a distance of 86.78 feet to a point.

14) S 39°-53'-00" E along land of said Shorthill a distance of 179.60 feet to an iron pin with cap (RLS 747) found.

15) N 75°-25'-00" W along land of said Shorthill a distance of 446.90 feet to an iron pin with cap (RLS 747) found at land now or formerly of Eileen Lang as recorded in the said Registry in Book 10087, Page 173.

16) S 14°-33'-00" E along land of said Lang a distance of 388.00 feet to a drill hole found.

17) S 51°-28'-00" E along land of said Lang a distance of 489.30 feet to an iron pin with cap (RLS 747) found at land now or formerly of Barry M. & Stacy Miller as recorded in the said Registry in Book 17131, Page 1.

18) S 51°-28'-00" E along land of said Miller a distance of 83.20 feet to an iron pin with cap (PLS 2070) found on the westerly sideline of said 33 foot right of way.

19) S 85°-37'-00" E along land of said Miller and across said right of way a distance of 33.70 feet to an iron pin with cap (PLS 2070) found at land of said Good & Webster said pin also being on the easterly sideline of said 33 foot right of way.

20) S 07°-39'-00" E along land of said Good & Webster a distance of 372.80 feet to the point of beginning.

SECTION 5

TECHNICAL & FINANCIAL CAPACITY DOCUMENTATION

The applicant has retained Atlantic Resource Consultants, LLC (ARC) to undertake regulatory permitting for the proposed project. ARC provides a full range of site planning and civil engineering services that cover all phases from project inception through site selection, due diligence, master planning, site civil design, permitting, and construction administration. ARC staff has a wealth of experience including work on major infrastructure improvements, resort and leisure facilities, residential, commercial, and institutional land development projects.

ARC has partnered with Longview Partners, LLC to evaluate on-site natural resources and soil conditions to support site development. Longview Partners has decades of experience working as Professional Soil Scientists, Wetland Scientists and Site Evaluators. A hydrogeologic assessment was prepared by Certified Geologist and Licensed Site Evaluator Mark Cenci, to satisfy the requirements of effects on ground water quality and quantity. Mark Cenci is a Maine certified Geologist and Licensed Site Evaluator with over 25 years of experience with new/replacement septic designs, groundwater issues, water well concerns, as well as lakefront/shoreland zoning.

The applicant has the financial capacity to construct and effectively manage the subdivision. Creative Coast Construction, a family business with over 30 years of contracting experience and a leading custom home builder in the area, will be developing the subdivision. The applicant and Creative Coast Construction share common ownership.

An engineer's opinion of probable cost was created by ARC. The total cost to construct the roadway, infrastructure, and stormwater treatment areas, was estimated to be approximately \$273,500. The cost breakdown has been included in this section. The applicant has provided evidence of financial capacity in the form of a letter from Kennebunk Savings Bank which has also been included in this section.

EXHIBIT 5.I

Cost Estimate

Engineer's Opinion of Probably Cost (OPC) Glen at Goose Rocks
Approximately 2100 LF of New Subdivision Roadway, Town of Kennebunkport
February 19th, 2023

Item	Quantity	Unit	Cost/Unit	Total	
Site Costs					
Clearing, stumping, grubbing	4	AC	\$ 2,500.00	\$ 10,000.00	
Erosion/Sediment Control Installation	1	EA	\$ 2,500.00	\$ 2,500.00	
Ledge Removal	0	CY	\$ 85.00	\$ -	
Excavate and Grade Subgrade	2250	CY	\$ 6.00	\$ 13,500.00	
Subbase Gravel	2750	CY	\$ 22.50	\$ 61,875.00	
Base Gravel	600	CY	\$ 24.50	\$ 14,700.00	
Base Paving	365	TON	\$ 105.00	\$ 38,325.00	
15 HDPE Culvert	80	LF	\$ 45.00	\$ 3,600.00	
48 HDPE Culvert	150	LF	\$ 80.00	\$ 12,000.00	
60 HDPE with Wingwalls	60	LF	\$ 325.00	\$ 19,500.00	
Loam & Seed (6" min.)	80	MSF	\$ 275.00	\$ 22,000.00	
Stormwater Treatment Ponds	4	EA	\$ 12,000.00	\$ 48,000.00	
Surface Paving	180	TON	\$ 125.00	\$ 22,500.00	
Clean Up	1	EA	\$ 5,000.00	\$ 5,000.00	
Total New Roadway Project Costs				\$ 273,500.00	

EXHIBIT 5.2

Financial Capacity



March 9, 2023

Town of Kennebunkport

RE: Financial Capacity Letter

To whom it may concern,

Jonathan Trudo, and his related entities of Creative Coast Construction Inc and KJ Trudo Properties LLC, is a current customer of Kennebunk Savings Bank and is in good standing with all loans and deposit accounts at this time.

The Bank has been advised of certain project costs provided by Mr. Trudo related to the proposed subdivision The Glen at Goose Rocks.

Please be advised that, as of the date of this letter, Creative Coast Construction has adequate funds available to cover the estimated cost to complete.

Kennebunk Savings Bank is not guaranteeing this projects completion or availability of funds at a future date. This letter is solely intended to serve as evidence of adequate funds available to Creative Coast Construction, Inc. as of this date.

Please contact me with any questions.

Sincerely,

Rebecca J. Jacobs
VP, Commercial Banking Market Manager

SECTION 6

ABUTTER NOTIFICATION

All abutters within 200 feet of the project site were identified using the information from Town of Kennebunkport's tax assessor's maps and assessing database, and the survey obtained for this project by JPS Surveying and Engineering., the project surveyors. The list of names and mailing addresses of the owners of abutting property and an associated map, are provided in this section.

EXHIBIT 6.I

Map of Abutters



Abutters within 200'

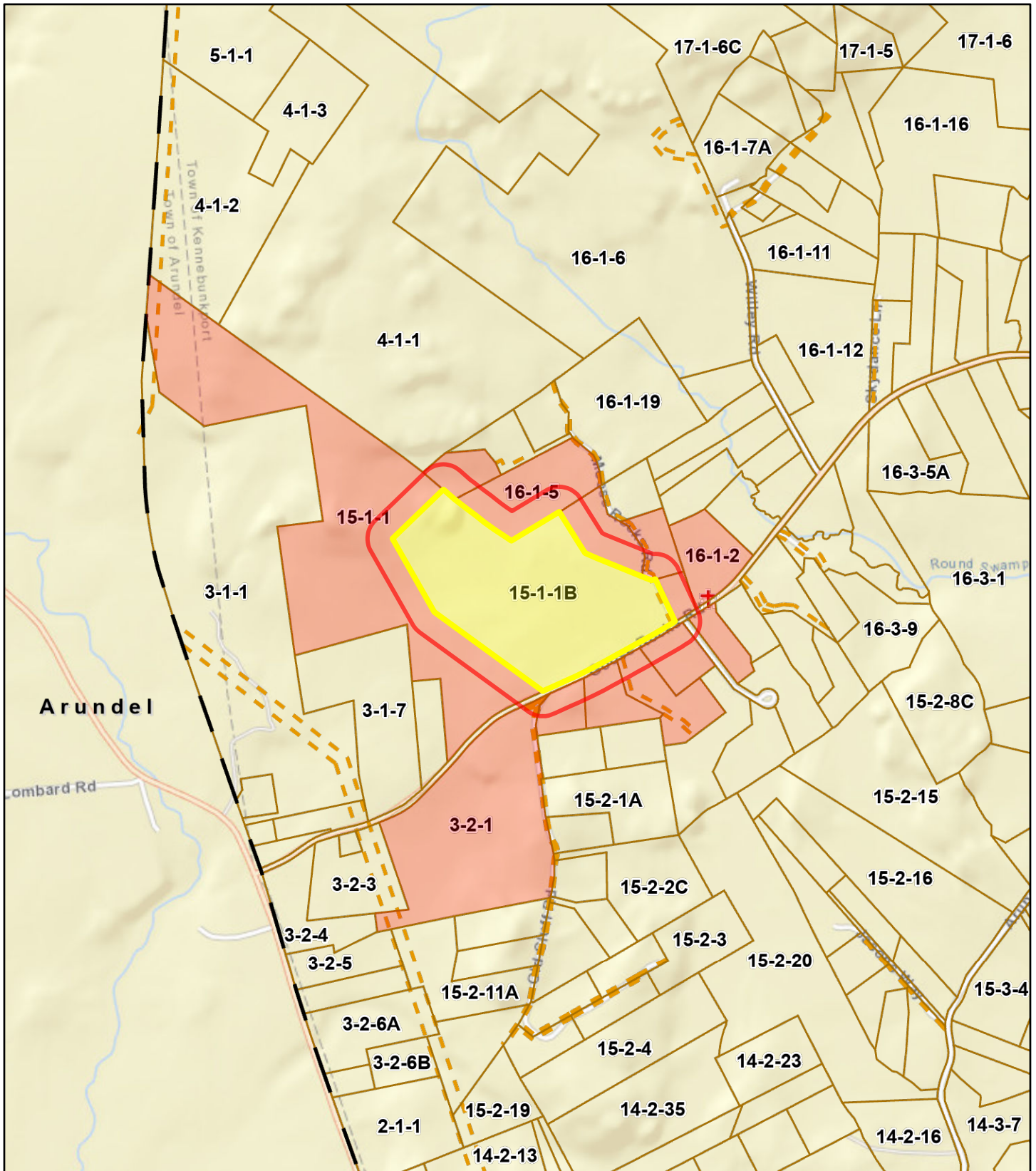
Kennebunkport, ME

1 inch = 1094 Feet



www.cai-tech.com

January 5, 2024



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

EXHIBIT 6.2

List of Abutters



200 foot Abutters List Report

Kennebunkport, ME

January 05, 2024

Subject Property:

Parcel Number: 15-1-1B
CAMA Number: 15-1-1B
Vision ID: 107478
Property Address: GOOSE ROCKS ROAD

Mailing Address: K.J. TRUDO PROPERTIES, LLC
20 APPLE BLOSSOM LANE
KENNEBUNKPORT, ME 04046

Abutters:

Parcel Number: 15-1-1
CAMA Number: 15-1-1
Vision ID: 1043
Property Address: GOOSE ROCKS ROAD

Mailing Address: MURPHY, PAUL P
20 DAVIS STREET
LEWISTON, ME 04240

Parcel Number: 15-1-1A
CAMA Number: 15-1-1A
Vision ID: 101402
Property Address: GOOSE ROCKS ROAD

Mailing Address: GOOD, TIMOTHY H & WENDY
PO BOX 1794
KENNEBUNKPORT, ME 04046

Parcel Number: 15-2-1C
CAMA Number: 15-2-1C
Vision ID: 1047
Property Address: 83 GOOSE ROCKS ROAD

Mailing Address: KLIMCSAK, THOMAS M & DEIRDRE A
83 GOOSE ROCKS ROAD
KENNEBUNKPORT, ME 04046

Parcel Number: 15-2-1E
CAMA Number: 15-2-1E
Vision ID: 1049
Property Address: 75 GOOSE ROCKS ROAD

Mailing Address: RAISANEN, LUCAS & HEATHER
75 GOOSE ROCKS ROAD
KENNEBUNKPORT, ME 04046

Parcel Number: 15-2-1F
CAMA Number: 15-2-1F
Vision ID: 1050
Property Address: 2 OLD CLUFF ROAD

Mailing Address: PIMLEY, SCOTT M & LANNING, LORRI L
2 OLD CLUFF ROAD
KENNEBUNKPORT, ME 04046

Parcel Number: 15-2-1G
CAMA Number: 15-2-1G
Vision ID: 100322
Property Address: 43 GOOSE ROCKS ROAD

Mailing Address: POLLARD, LAUREL & ROBERT C
PO BOX 283
KENNEBUNK, ME 04043

Parcel Number: 15-2-1H
CAMA Number: 15-2-1H
Vision ID: 101782
Property Address: 45 GOOSE ROCKS ROAD

Mailing Address: WALSH, GEORGE F, JR & CAROLYN
4 MARDIN LANE
STONEHAM, MA 02180

Parcel Number: 16-1-1B
CAMA Number: 16-1-1B
Vision ID: 3556
Property Address: 12 MOOSE ROCKS ROAD

Mailing Address: LANG, EILEEN
12 MOOSE ROCKS ROAD
KENNEBUNKPORT, ME 04046



www.cai-tech.com



200 foot Abutters List Report

Kennebunkport, ME

January 05, 2024

Parcel Number: 16-1-1C
CAMA Number: 16-1-1C
Vision ID: 1080
Property Address: 7 MOOSE ROCKS ROAD

Mailing Address: MILLER, BARRY M & STACY
7 MOOSE ROCKS ROAD
KENNEBUNKPORT, ME 04046

Parcel Number: 16-1-2
CAMA Number: 16-1-2
Vision ID: 1082
Property Address: 88 GOOSE ROCKS ROAD

Mailing Address: TIMOTHY GOOD TRUST
PO BOX 1794
KENNEBUNKPORT, ME 04046

Parcel Number: 16-1-5
CAMA Number: 16-1-5
Vision ID: 1085
Property Address: 30 MOOSE ROCKS ROAD

Mailing Address: WITTET, KYLE L & BRISSON, LYNN C
30 MOOSE ROCKS ROAD
KENNEBUNKPORT, ME 04046

Parcel Number: 16-1-5A2
CAMA Number: 16-1-5A2
Vision ID: 107650
Property Address: MOOSE ROCKS ROAD

Mailing Address: THOMPSON, DAVID M & LISA C
40 MOOSE ROCKS ROAD
KENNEBUNKPORT, ME 04046

Parcel Number: 3-2-1
CAMA Number: 3-2-1
Vision ID: 27
Property Address: GOOSE ROCKS ROAD

Mailing Address: KENNEBUNKPORT, TOWN OF
PO BOX 566
KENNEBUNKPORT, ME 04046



www.cai-tech.com

1/5/2024

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

Page 2 of 2

SECTION 7

DEED RESTRICTIONS / COVENANTS

The applicant is proposing that a Homeowners Association Agreement (HOA) be established for the subdivision. A copy of the HOA declaration of covenants, conditions and restrictions for The Glen at Goose Rocks has been included in this section. The applicant, K.J. Trudo Properties, LLC, will be responsible for maintenance of the subdivision until it is transferred over to the HOA.

The subdivision includes multiple easements including a single driveway easement, two open space access easements, stormwater management easements, and no-disturbance buffers as part of the required MDEP stormwater treatment. Standard language for the forested buffer declaration of restrictions is attached.

The project includes a driveway easement across Lot 7 to access Lot 6. This easement will be included in the deed language when lots are sold.

Access to the open space will include two, 15-foot-wide easements. One easement will be located on the west side of the Roadway 1 cul-de-sac and another easement will be situated east of the cul-de-sac of Roadway 2. Access will be in the form of a low impact trail where no vegetation except for select limbing is allowed.

As previously mentioned within the project description, a declaration of covenants will be recorded for the preservation/conservation of 14.84 acres as part of the wetland mitigation plan approved by the U.S. Army Corps of Engineers.

EXHIBIT 7.I

HOA Declaration of Covenants

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR GLEN AT GOOSEROCKS

Article I. Governing Documents

1.1. Scope and Applicability.

This Declaration by K.J. Trudo Properties, LLC, the Declarant and the owner of the property described in Exhibit A, applies to the Glen at Gooserocks, as shown on the Plats and Plans approved by the Kennebunkport Planning Board, dated _____, 2023, and recorded in the York County Registry of Deeds at Plan Book _____, pages _____, and to any amendments thereto.

This Declaration shall encumber the title to such Property, shall govern the development and use of such property, and shall be binding upon the Declarant and the future owners of any portion of such property, their respective heirs, successors, successors-in-title, and assigns, and any other person or entity that now or hereafter occupies or holds any legal, equitable, or beneficial interest in any portion of such property. Generally, reference in this document to the "Association" is a reference to the Glen at Gooserocks Homeowners Association unless the context dictates otherwise.

1.2. Conflicts and Ambiguities.

If there are conflicts between this Association's Articles of Incorporation, the Declaration, the Bylaws of the Glen at Gooserocks Homeowners (the "Association") or any Rules (the "Governing Documents") and Maine law or local ordinance shall control, to the extent it is mandatory. If there are conflicts between or among any of the documents, then the Articles of Incorporation, the Declaration, the Bylaws and the Rules (in that order) shall control.

If any court determines that any provision of this Declaration is invalid, or invalid as applied in a particular instance, such determination shall not affect the validity of other provisions or applications of such provision in other instances.

The Association's board of directors ("Board of Directors" or "Board ") may, by resolution, resolve any ambiguities in the Governing Documents, and the Board's reasonable interpretation of an ambiguous provision shall be determinative.

1.3. Definitions.

Capitalized terms used in this Declaration have the meaning described in the paragraph where they first appear. All other terms have their usual, commonly accepted definitions.

For convenience, some terms are defined here:

"Common Area" is all the real estate shown on the Plan which is not within Lot boundaries, as shown on the Plan. It includes Open Space and other areas, but excluding any Land retained by

Declarant which is not a part of Glen at Gooserocks Subdivision.

"Declarant Affiliate" is any Person that controls, is controlled by, or is under common control with the Declarant, and any Person that is an owner, a member, a partner, or a shareholder of the Declarant.

"Declarant Control Period" is the period of time that the Declarant is entitled to appoint the members of the Association's board of directors. It begins on the date the Declaration is recorded and terminates upon the first of the following to occur:

- (a) when the Declarant has conveyed all of the total of lots approved for the Property by the Kennebunkport Planning Board to Persons other than a Declarant Affiliate;
- (b) the maximum period permitted by Maine law; or
- (c) when, in its discretion, the Declarant voluntarily and expressly surrenders such right in a recorded instrument.

"Development and Sale Period" is the period of time during which the Declarant, any "Declarant Affiliate," or any Builder owns real property in the community primarily for development or sale or has an unexpired option to expand the community.

"Governing Documents" means the various documents, with plans.

"Lot"." "Lot" refers to a parcel of land where a single dwelling unit may be place, according to an approved subdivision plan recorded in the York County Registry of Deeds.

"Plan" refers to the set of subdivision plans for development of the Property approved by Kennebunkport Planning Board and shown on plans recorded at Plan Book _____, pages _____ in the York County Registry of Deeds, as the Plans may be amended from time to time.

"Open Space" area refers to a portion of the Common Area which is set aside, dedicated, or reserved for public or private use or enjoyment, protection of natural or historic features, protection of abutting property owners, or to provide areas suitable for active or passive recreation, as approved by the Planning Board.

"Owner" refers to the owners of subdivision lots shown on the Plan. All Owners are also Members of the Association.

Article 2. Association Membership and Voting Rights.

2.1. Membership Classes.

The Association initially has two classes of membership, "A" Class, the Owner membership, which is comprised of all Owners, including Builders and the Declarant, if it is an Owner, and "B" Class, which consists solely of the Declarant. All persons holding a membership in the Association are referred to in this Declaration as "Members."

a. Owner Membership. Every Owner is automatically a Member of the Association. However, there shall be only one membership per Lot. Thus, if a Lot has more than one Owner, all co-Owners of the Lot share the privileges of such membership, subject to reasonable Board regulation and the restrictions on voting set forth below and in the Bylaws. If an Owner is a corporation, a partnership, or other legal entity, its membership rights may be exercised by any officer, director, partner, or trustee, or by an individual the Owner designates from time to time in a writing to the Association's Secretary, except that only the individuals residing in the Lot may use any Common Area recreational facilities available for use by Owners.

b. Declarant Membership. The Declarant holds the sole Declarant membership, designated as Class "B.". The Declarant membership shall be temporarily suspended during any period that the Declarant does not own a Lot, subject to automatic reinstatement upon Declarants acquisition of any Lot or expansion of the development; however, such temporary suspension shall not suspend, terminate, or otherwise affect the Declarant Control Period or any other rights reserved to the Declarant hereunder. The Declarant membership shall terminate upon expiration of the Declarant Control Period, or on such earlier date as the Declarant determines and declares in a recorded instrument.

2.2. Voting.

Each Lot is assigned one equal vote, subject to the limitations on voting set forth in this Declaration and the other Governing Documents. No vote shall be exercised for any property exempt from assessment.

If there is more than one Owner of a Lot, its vote shall be exercised as the co-owners holding a majority of the ownership interest determine among themselves. Any co-Owner may cast the vote for the Lot or consent to any action requiring approval of the Owners on behalf of all co- Owners, and majority agreement shall be conclusively presumed unless another co-owner protests promptly to the President or other person presiding over the meeting or the balloting, in the case of a vote taken outside of a meeting. In the absence of majority agreement, the Lot's vote shall be suspended if two or more co-Owners seek to exercise it independently. No more than one vote shall be cast for any Lot.

Article 3. Maintenance, Repair and Replacement.

3.1. Maintenance by Owners.

Unless otherwise provided in the Governing Documents, each Owner is responsible for maintenance, repair and replacement of his or her own dwelling and other structure and of the land constituting the Lot. Maintenance, repair and replacement responsibilities include all structures, landscaping, and other improvements, in a manner consistent with the Governing Documents, unless such maintenance responsibility is otherwise assumed by or assigned to the Association pursuant to this Declaration, any Supplement, or by law.

The Association may provide services to Lot Owners, including the clearing of snow and ice from driveways, for a fee.

3.2. Maintenance by the Association

The Glen at Gooserocks Homeowners Association shall be established by the Declarant as a Maine non-profit corporation, and shall be the governing body for the Glen at Gooserocks subdivision. Its responsibilities shall include:

- a. Maintenance of the Open Space, Easements and other portions of the Property, except the Lots.
- b. Maintenance and repair of the private roads within the subdivision
- c. Provision for the clearing of snow and ice from the private roads within the subdivision.
- d. Maintenance, repair and replacement of stormwater management systems as required by government authorities, including but not limited to the Inspection, Maintenance and

Housekeeping Plan (for Stormwater) attached hereto as Exhibit B, which Exhibit B shall be incorporated as if fully set forth herein.

Article 4. Use, Conduct and Transfer of Interests in Lots.

4.1. Rulemaking Authority and Procedures.

(a) The Declarant and the Board are authorized to change the Rules in accordance with the following procedures.

(b) Declarant Authority. So long as the Declarant has the right unilaterally to amend this Declaration, the Declarant may unilaterally add new Rules or to modify or rescind existing Rules.

(c) Board Authority. Subject to the notice and veto provisions and the Board's duty to exercise judgment and reasonableness on behalf of the Association and its Members, the Board may adopt new Rules and modify or rescind existing Rules by majority vote of the directors at any Board meeting. However, during the Development and Sale Period, any such action shall also be subject to the Declarant's approval.

(d) Notice; Effective Date. Changes in the Rules adopted under this Section shall take effect 30 days after the date on which written notice of the Rules change is given to the Owners unless, within such 30-day period the Members petition the Board for a special meeting pursuant to the Bylaws and veto the pro-proposed Rule change by a majority of the total votes represented in person or by proxy at such meeting, a quorum being present.

(e) Administrative and Operating Policies. The procedures set forth in this section do not apply to administrative and operating policies that the Board may adopt relating to the Common Areas, such as safety regulations or the method of allocating or reserving use of a facility (if permitted) by particular individuals at particular times, notwithstanding that such policies may be published as part of the Rules.

(f) Conflicts. In the event of a conflict between the Rules and any provision of this Declaration (exclusive of the Rules), the Declaration shall control.

4.2. Protection of Owners and Others.

Except as may be set forth in this Declaration (either initially or by amendment), all Rules shall comply with the following provisions:

Similar Treatment. Similarly situated Lots shall be treated similarly.

Displays. No Rule shall prohibit an Owner or occupant from displaying political, religious, or holiday symbols and decorations on his or her Lot of the kinds normally displayed in single-family residential neighborhoods, nor shall any Rule regulate the content of political signs. However, the Association may adopt time, place, and manner restrictions with respect to signs, symbols, and displays visible from outside structures on the Lot, including reasonable limitations on size and number.

Household Composition. No Rule shall interfere with an Owner's freedom to determine household composition, except that the Association may impose and enforce reasonable occupancy limitations and conditions based on Lot size and facilities and its fair share use of the Common Area.

Activities within Dwellings. No Rule shall interfere with the activities carried on within a dwelling, except that the Association may prohibit activities not normally associated with residential

property. It may also restrict or prohibit activities that create monetary costs for the Association or other Owners, that create a danger to anyone's health or safety, that generate excessive noise or traffic, that create unsightly conditions visible from outside the dwelling, or that are an unreasonable source of annoyance.

Allocation of Burdens and Benefits. No Rule shall alter the allocation of financial burdens among the various Lots or rights to use the Common Area set forth in this Declaration to the detriment of any Owner over that Owner's objection expressed in writing to the Association. Nothing in this provision shall prevent the Association from changing the Common Area available, from adopting generally applicable rules for use of Common Area, or from denying use privileges to those who are delinquent in paying assessments, abuse the Common Area, or violate the Governing Documents. This provision does not affect the right to increase the amount of assessments.

Leasing and Transfer of Lots. No Rule shall prohibit leasing or transfer of any Lot or require approval prior to leasing or transferring a Lot except as set forth herein. The Rules may require that Owners use Board-approved lease forms (or include specific lease terms) and may impose a reasonable administrative fee in connection with the Board's review of a lease.

Abridging Existing Rights. No Rule shall require that an Owner or occupant dispose of personal property kept in or on the Lot in compliance with the Rules in effect at the time such personal property was brought onto the Lot. This exemption shall apply only during the period of such Owner's ownership of the Lot and shall not apply to subsequent Owners who take title to the Lot after adoption of the Rule.

Reasonable Rights to Develop. No Rule may unreasonably interfere with the ability of the Declarant, any Declarant Affiliate or Builder to develop, market, and sell property in the Glen at Gooserocks Subdivision.

Interference with Easements. No Rule may unreasonably interfere with the exercise of any easement.

4.3. Subdivision; Boundary Changes.

No Person shall subdivide or change the boundary lines of any Lot or combine them without the approval of the Kennebunkport Planning Board. During the Development and Sale Period, any such proposed change shall also require the written approval of the Declarant. After the Development and Sale Period, written approval shall also be obtained from the Board. Any change in the subdivision shall be effective only upon recording of a plat or other legal instrument reflecting the subdivision or new boundaries of the affected Lot(s).

Article 5. Property Management.

5.1. Acceptance and Control of Association Property.

Transfers and Conveyances by the Declarant. The Declarant may transfer all Property, including the access road, but excluding the Lots, to the Association, subject to easement rights in favor of the Declarant for access to Declarant's other land and for utilities, and any other reserved rights of the Declarant. Upon the Declarant's written request, the Association shall reconvey to the Declarant, or any Declarant Affiliate or Builder, any unimproved real property that the Declarant originally

conveyed to the Association for no payment, to the extent conveyed in error or needed to make minor adjustments in property lines or accommodate changes in the Plan.

5.2. Management and Control.

The Association, upon transfer of title to the Common Area to it, is responsible for the Common Area, subject to any covenants set forth in the deed or other instrument transferring the property. They may enter into leases, licenses, or operating agreements with respect to portions of the Common Area, for payment or no payment, as deemed appropriate.

The Association is responsible for enforcing any requirements or other restrictions which shall be imposed upon the individual lots or Owner of the lots by the Town of Kennebunkport, or the Declarant which shall be set forth on the Plan or within a deed to the lot.

5.3. Maintenance of Common Areas.

The deeded owner of the Common Areas shall maintain:

- a. the Open Space;
- b. Other portions of the Common Area;
- c. Landscaping and signage within public rights-of-way, if any, within Glen at Gooserocks Subdivision, landscaping within public rights-of-way adjacent to Glen at Gooserocks Subdivision, to the extent that the Board determines it necessary or desirable to do so, and landscaping and signage features at the entrances to the subdivision;
- d. The stormwater management system, including maintenance of the stormwater treatment easement as depicted on the Plan and the stormwater treatment facilities per the Stormwater Maintenance Plan, as created by Atlantic Resource Consultants, LLC, a copy of which is attached hereto as Exhibit B ("Stormwater Maintenance Plan") and incorporated as if fully set forth herein based on standards and requirements of the Maine Department of Environmental Protection.
- e. those other areas where maintenance responsibilities are required by governmental bodies, whether they otherwise are within the "Common Area" or "Open Space;"
- f. such portions of any additional property as may be dictated by this Declaration, any Supplement, or any covenant or agreement for maintenance entered into by, or otherwise binding on, the Association.
- g. The administration of all pesticides, herbicides, and fertilizers ("Prohibited Chemicals"), within the Subdivision is prohibited. Notwithstanding the foregoing, the Association may provide a special allowance to use Prohibited Chemicals in order to manage invasive species upon a showing that use of Prohibited Chemicals is justified, and evidence of such application and approval shall be executed by all parties.
- h. The administration of and enforcement of all Department of Environmental Protection Permits and requirements set forth therein which may be made in the name of Declarant. If such Permit is not formally assigned or transferred, the Association shall be deemed the assignee upon transfer or control to the Association by the Declarant.

This Section may not be amended to reduce or eliminate any Association's obligation to maintain, repair or replace as required by governmental requirements, including the Kennebunkport

Planning Board or the Maine Department of Environmental Protection, without the written approval of such agency.

5.4. Enforcement of Lot Restrictions.

The Association shall have the authority to enforce the following restrictions which shall apply to each lot and/or lot Owner:

- a. No lot Owner may administer Prohibited Chemicals except after approval and subject to the requirements set forth in 5.3(g) upon the lot.
- b. No lot Owner may clear vegetation or disturb land beyond the limits shown on the Plan, as approved by Town of Kennebunkport, Maine Department of Environmental Protection and the U.S. Army Corps. Of Engineers.
- c. Lot Owners shall adhere to all standard and special conditions outlined in the Maine Department of Environmental Protection Permit #L-30067-NJ-A-N/L-30067-TC-B-N.
- d. Lot Owners shall incorporate screens or other screening accessories to make windows visible to birds in the design and construction of each house or accessory building. Acceptable screening accessories may include, but not be limited to light nets, tape strips, shades and awnings, and external shutters.

5.5. Discontinuation of Operation.

To the extent that the Association has title to the Common Areas, it shall maintain it, unless the Declarant, during the Development and Sale Period, and Members entitled to cast 75% of the total votes in the Association, and the Kennebunkport Planning Board and Maine Department of Environmental Protection, if applicable, consent in writing to discontinue such operation. This Section shall not apply to restrict the Board's ability to restrict temporary closures or interruptions in operation as the Board may determine appropriate to perform maintenance or repairs.

Article 6. Association Finances.

6.1. Association Expenses.

Association assessments consist of the following:

- (a) Base assessments, consisting of common charges assessed equally against each Lot, contained in an annual or supplemental budget.
- (b) Special Assessments, to pay for common charges unanticipated in the annual budget, assessed equally against each Lot;
- (c) Other Charges, Service Fees, Use and Consumption Fees, assessed for the purposes set forth herein.

Except as this Article and other provisions of the Governing Documents otherwise specifically provide, all expenses incurred by the Association in connection with the ownership, maintenance, improvement, and operation of the Common Area and the other responsibilities set out in this Declaration, and otherwise for the general benefit of the Owners, are considered "Common Expenses." Common Expenses include such operating reserves and reserves for repair and replacement of any capital items for which the Association has responsibility, as the Board finds necessary or appropriate in accordance with this Declaration.

The characterization of a particular expense as a "Common Expense" shall not preclude the

Association from seeking reimbursement for, or a contribution toward, such expenses from other Persons who may be responsible for the expenses incurred or for sharing such expenses pursuant to this Declaration, any Supplement, or any other recorded covenants or agreements.

The requirement in this Section 6.1 that the Common Expenses allocated to all Lots include the costs to maintain, repair, and replace the Common Area shall not be amended without the consent of the Town of Kennebunkport or the Maine Department of Environmental Protection.

6.2. Obligation to pay Assessments.

The Declarant hereby establishes and the Association is hereby authorized to levy assessments as provided for in this Article and elsewhere in the Governing Documents. Except with respect to Lots owned by the Declarant, the obligation to pay assessments shall commence as to each Lot on the first day of the month following the date on which the Lot is made subject to this Declaration or the effective date of the Association's first budget, whichever is later. The Base Assessment levied on each Lot for the year in which the Lot is made subject to this Declaration shall be prorated according to the number of months remaining in the fiscal year at the time the Lot becomes subject to the Declaration.

Assessments shall be paid in such manner and on such dates as the Board may establish. The Board may require advance payment of assessments at closing of the transfer of title to a Lot and impose special requirements for Owners with a history of delinquent payment. If the Board so elects, assessments may be paid in two or more installments. The Base Assessment is an annual assessment due and payable in advance on the first day of each fiscal year; however, the Board may permit such assessment to be paid in installments. If any Owner is delinquent in paying any assessments or other charges levied on his Lot, the Board may revoke such Owner's privilege of paying in installments and require the outstanding balance on all assessments to be paid in full immediately.

Personal Obligation. By accepting a deed or entering into a recorded contract to purchase any Lot, each Owner covenants and agrees to pay all assessments authorized in the Governing Documents. All assessments, together with interest (computed from its due date at a rate of 18% per annum or such higher rate as the Board may establish, subject to the limitations of Maine law), late charges as determined by Board resolution, costs, and reasonable attorneys' fees, shall be the personal obligation of each Owner and a lien upon each Lot until paid in full. Upon a transfer of title to a Lot, the grantee shall be jointly and severally liable for any assessments and other charges due at the time of conveyance.

The Board's failure to fix assessment amounts or rates or to deliver or mail each Owner an assessment notice shall not be deemed a waiver, modification, or a release of any Owner from the obligation to pay assessments. In such event, each Owner shall continue to pay Base Assessments at the rate of assessment established for the last year for which an assessment was made, if any, until a new assessment is levied, at which time the Association may retroactively assess any shortfall.

No Owner may exempt himself or herself from liability for assessments by non-use of Common Area, abandonment of his or her Lot, or non-use of services provided to the Lots. The obligation to pay assessments is a separate and independent covenant on the part of each Owner. No diminution or abatement of assessments or set-off shall be claimed or allowed for any alleged failure of the Association or Board to take some action or perform some function required of it, or for inconvenience or discomfort arising from the making of repairs or improvements, or from any other action it takes.

6.2a. Annual Budget Development and Ratification.

Preparation of Budget. At least 60 days before the beginning of each fiscal year, the Board shall prepare a budget of the estimated Common Expenses for the coming year. The estimated expenses shall include, in addition to any operating reserves, a reasonable contribution to a reserve fund for repair and replacement of any capital items to be maintained as a Common Expense. In determining the amount of such reserve contribution, the Board shall take into account the number and nature of replaceable assets, the expected useful life of each, the expected repair or replacement cost, and the contribution required to fund the projected needs by annual contributions over the useful life of the asset.

The budget shall also reflect the sources and estimated amounts of funds to cover such expenses, which may include any surplus to be applied from prior years, any income expected from sources other than assessments levied against the Lots, and the amount to be generated through the levy of Base Assessments pursuant to Section 6.3.

Notice of Budget and Assessment; Right to Disapprove. Within 30 days after adoption by the Board of any budget, the Board shall send a summary of the proposed budget, together with notice of the amount of the Base Assessment to be levied pursuant to such budget, and the date of a meeting of the Owners to consider ratification of the budget to the Owner of each Lot responsible for a share of the expenses covered by such budget. The meeting of the Owners to consider the budget shall occur not less than 10 nor more than 60 days after mailing of the budget summary. The Common Expense budget shall automatically be adopted and become effective on the date stated in the notice unless disapproved at a meeting by Members entitled to cast at least 75% of the total votes in the Association and by the Declarant, during the Development and Sale Period.

If any proposed budget is disapproved or the Board fails for any reason to determine the budget for any year, then the budget most recently in effect shall continue in effect until a new budget is ratified.

Budget Revisions. The Board may revise the budget and adjust the Base Assessment any time during the year, subject to the same notice requirements and rights to disapprove set forth in this Section.

Surplus Funds. Any surplus funds of the Association remaining after payment of or provision for all Association expenses and any budgeted allocation to reserves may be used to supplement reserves or taken into account in the income portion of the budget pursuant to which the funds were collected in order to reduce the assessments that would otherwise be levied pursuant to that budget in the succeeding year, as the Board deems appropriate.

6.3 Base Assessments.

Calculation of Base Assessments. The total budgeted Common Expenses, less any surplus in the Common Expense budget from prior years and any income anticipated from sources other than assessments against the Lots, shall be allocated among all Lots subject to assessment and levied as a "Base Assessment." Base Assessments shall be levied at a uniform rate per Lot subject to assessment.

6.4. Special Assessments.

The Association may levy "Special Assessments" to cover Common Expenses that are non-

routine, unanticipated, or in excess of those anticipated in the applicable budget. Special assessments shall be payable in such manner and at such times as the Board determines and may be payable in installments extending beyond the fiscal year in which the Special Assessment is approved. Within 30 days after adoption of any special assessment, the board shall provide a summary to all the Lot owners, and shall set a date for a meeting of the Lot owners to consider ratification of the special assessment not less than 10 nor more than 30 days after mailing of the summary.

If the special assessment is to be paid entirely by Owners within the current budget year, it is ratified unless a majority of all the Owners reject it, whether or not a quorum is present.

If the special assessment is to be paid, in whole or in part, beyond the current budget year, it is not ratified unless a majority of all the Lot owners accept it.

Notwithstanding the above, if the amount of the special assessment does not exceed 2 months' common charges and the board determines that the assessment is necessary to meet an emergency, the board may make the special assessment immediately in accordance with the terms of the board's vote, without ratification by Lot owners.

Special Assessments shall be allocated equally among all such Lots.

During the Development and Sale Period, any special assessment shall also be subject to the Declarant's written consent.

6.5. Other Charges.

The term "Other Charge," or "Charge" may refer generally to service, use, consumption and other charges which are not levied generally against all Lots.

The Association may levy Other Charges against a particular Lot as follows:

(a) to cover the costs, including overhead and administrative costs, of providing services to the Lot upon request of the Owner pursuant to any menu of optional services which the Association may offer (which might include the items identified in this Declaration). Other Charges for optional services may be levied in advance of the provision of the requested service;

(b) to cover the costs, including overhead and administrative costs, of providing other services to the Lot owner, as requested by such Owner;

(c) to cover costs which, in the opinion of the Board, and after notice and an opportunity to be heard, uniquely and significantly benefit one or more Lots;

(d) to cover costs incurred in bringing the Lot into compliance with the Governing Documents or costs incurred as a consequence of the conduct of the Owner or occupants, their agents, contractors, employees, licensees, invitees, or guests; however, the Board shall give the Owner prior written notice and an opportunity for a hearing in accordance with the Bylaws before levying any Other Charges under this subsection;

(e) to cover any deductible assessed against the Owners pursuant to this Declaration; and

(f) to cover any other amounts that the Governing Documents authorize the Association to charge to a particular Owner or levy against any particular Lot.

(g) to provide sewer services from community sewer facilities, based on usage as the board may determine by a schedule of fees. These charges may be subcategorized into charges for capital expenditures, maintenance, consumption or other categories, and separately assessed under different formulas against Owners.

(h) other use, consumption, or activity fees to any Person using Association services or facilities.

The Board may determine the amount and method of determining such fees. Different fees may be charged to different classes of users (e.g., Owners and non-Owners).

6.6. Declarant Financial Obligations to Association.

The Declarant shall be liable for assessments on any Lots it owns that are subject to assessment under this section, except that during the Development and Sale Period, the Declarant may satisfy its obligation to pay Base Assessments, and Special Assessments for Common Expenses on Lots it owns either (i) by paying such assessments (exclusive of any portion levied to fund contributions to reserve funds) in the same manner as any other Owner, or (ii) by paying any shortfall in actual expenses (excluding contributions to reserve funds) under the Common Expense budget resulting from events other than failure of other Owners to pay their assessments, the amount of any such shortfall determined after allocating to reserves that portion of the assessments actually collected from other Owners for purposes of funding reserve accounts.

Regardless of the Declarant's election under this section, any of the Declarant's financial obligations to the Association may be satisfied in the form of cash or by "in kind" contributions of services or materials, or by a combination of these.

6.7. Lien for Assessments.

Existence of Lien. The Association shall have a lien against each Lot to secure payment of assessments, as well as interest, late charges (subject to the limitations of Maine law), and costs of collection (including attorney's fees and expenses). Such lien shall be superior to all other liens, except (i) liens and encumbrances recorded prior to this Declaration and which the Association has assumed or taken subject to; (ii) the liens of all real estate taxes and other governmental assessments or charges, and (iii) the lien or charge of any first mortgage made in good faith and for value having first priority over any other Mortgages on the Lot and recorded prior to the assessment becoming delinquent.

The Association may, as further evidence and notice of the lien, execute and record a document setting forth as to any Lot the amount of the delinquent sums due the Association at the time such document is executed and the fact that a lien exists to secure the repayment thereof. However, the failure of the Association to execute and record any such document shall not affect the validity, enforceability, or priority of the lien.

Enforcement of Lien. The Association may foreclose its lien in the same manner as a mortgage, bid for the Lot at the foreclosure sale and acquire, hold, lease, mortgage, and convey it, subject to the Owner's right of redemption, if any, under Maine law. While a Lot is owned by the Association following foreclosure: (i) no right to vote shall be exercised on its behalf; (ii) no assessment shall be levied on it; and (iii) each other Lot shall be charged, in addition to its usual assessment, its pro rata share of the assessment that would have been charged such Lot had it not been acquired by the Association. The Association may sue for unpaid assessments and other charges authorized hereunder without foreclosing or waiving the lien securing the same, in addition to pursuing any and all remedies allowed by law to enforce the lien.

Effect of Sale or Transfer. Sale or transfer of any Lot shall not affect the assessment lien or relieve such Lot from the lien for any subsequent assessments. However, the sale or transfer pursuant to foreclosure of a first Mortgage having priority over the Association's lien pursuant to Section 6.7(a)

shall extinguish the lien as to any installments of such assessments due prior to the Mortgagee's foreclosure. The subsequent Owner shall not be personally liable for assessments due prior to such acquisition of title. Such unpaid assessments shall be deemed to be Common Expenses collectible from Owners of all Lots subject to assessment under Section 6.5, including such acquirer, its successors and assigns.

6.8. Exempt Property.

The following property shall be exempt from payment of Base Assessments and Special Assessments:

- (a) All Common Area and such portions of the property owned by the Declarant or a Declarant Affiliate; and
- (b) Any property dedicated to and accepted by any governmental authority or public utility.

Article 7. Easements; Restrictions.

7.1. Easements in Common Area.

The Declarant grants to each Owner a nonexclusive right and easement of use, access, and enjoyment in and to the Common Area, subject to:

- (a) the Governing Documents and any other applicable covenants;
- (b) any restrictions or limitations contained in any deed conveying such property to the Association;
- (c) the Board's right to:
 - (i) adopt rules regulating Common Area use and enjoyment;
 - (ii) dedicate or transfer all or any part of the Common Area, subject to such approval requirements as may be set forth in this Declaration.

Any Owner may extend his or her right of use and enjoyment to the members of his or her family, and social invitees, as applicable, subject to reasonable Board regulation. An Owner who leases his or her Lot shall be deemed to have assigned all such rights to the lessee of such Lot for the period of the lease.

7.2. Easements of Encroachment.

The Declarant grants reciprocal appurtenant easements of encroachment, and for maintenance and use of any permitted encroachment, between each Lot and any adjacent Common Area and between adjacent Lots. A permitted encroachment is a structure or fixture that extends unintentionally from one person's property onto another's a distance of not more than one foot, as measured from any point on the common boundary along a line perpendicular to such boundary. An encroachment easement shall not exist if the encroachment results from willful and knowing conduct on the part of, or with the knowledge and consent of, the Person claiming the benefit of such easement.

7.3. Easements for Utilities, Etc.

(a) Installation and Maintenance. The Declarant reserves for itself, its successors, assigns, and designees, perpetual exclusive easements throughout Glen at Gooserocks Subdivision (but not through a structure) for the purpose of:

(i) installing utilities and infrastructure, security and similar systems, and drainage systems to Glen at Gooserocks Subdivision (as shown on the Plan or otherwise);

(ii) installing walkways, pathways and trails, streetlights, and signage on property the Declarant or the Association owns or within public rights-of-way or easements reserved for such purpose on a recorded plan;

(iii) inspecting, maintaining, repairing, and replace the utilities, infrastructure, and other improvements described above; and

(iv) access to read, maintain, and repair utility meters.

Notwithstanding the above, the Declarant reserves the right to deny access to any utility or service provider, to the extent permitted by law, and to condition such access on negotiated terms.

(b) Specific Easements. The Declarant also reserves the non-exclusive right and power to grant and record such specific easements, consistent with Section 7.3(a), as it deems necessary or appropriate to develop the property described in Exhibit "A". The location of the specific easement shall be subject to the written approval of the Owner of the burdened property, which approval shall not unreasonably be withheld, delayed, or conditioned.

(c) Minimal Interference. All work associated with the exercise of the easements described in subsections (a) and (b) of this Section shall be performed so as to minimize interference with the use and enjoyment of the property burdened by the easement. Upon completion of the work, the Person exercising the easement shall restore the property, to the extent reasonably possible, to the condition existing prior to the commencement of the work. The exercise of these easements shall not extend to permitting entry into the structures, nor shall it unreasonably interfere with its use, and, except in an emergency, entry onto any Lot shall be made only after reasonable notice to the Owner or occupant.

7.4. Easements to Serve Additional Property.

The Declarant reserves for itself and its duly authorized agents, successors, assigns, and Mortgagees, an easement over the road easements shown on Plans of the Property for the purposes of enjoyment, use, access, and development of adjacent or nearby property. This easement includes, but is not limited to, a right of ingress and egress, for construction of roads and for connecting and installing utilities on such property. The Person exercising such easement rights shall be responsible for any damage caused to the Common Area as a result of their actions in connection with development of such property.

If the above easement grants permanent access to any property which is not submitted to this Declaration, the Declarant, or its successors or assigns, shall enter into a reasonable agreement with the Association to share the cost of maintenance that the Association provides for the benefit of the easement holder. The shared maintenance costs may include maintenance to or along any roadway providing access to the benefited property.

7.5. Easements for Maintenance, Emergency, and Enforcement.

The Association shall have the right, but not the obligation, to enter upon any Lot for emergency, security, and safety reasons, to perform maintenance, to inspect for compliance with the Governing Documents, and to enforce the Governing Documents. Any member of the Board and its duly authorized agents and assignees and all emergency personnel in the performance of their duties may exercise such right. Except in an emergency situation, entry shall only be during reasonable hours and after notice to the Owner.

7.6. Easements for Maintenance and Flood Water.

The Declarant reserves for itself, the Association, and their successors, assigns, and designees, a perpetual, nonexclusive right and easement of access over the Common Area and Lots (but not the dwellings thereon) to the Common Areas in order to perform maintenance and repair; remove dead or diseased trees, shrubs, and plants; and control any condition or remove any thing that constitutes a potential health or safety hazard. All persons entitled to exercise this easement shall use reasonable care in and repair any damage resulting from the intentional exercise of such easement. Nothing herein shall be construed to make the Declarant, the Association, or any other Person liable for damage resulting from flooding due to weather events or other natural occurrences.

7.7. Temporary Right and Easement for Service to Lots.

The Declarant reserves for itself, its agents, successors, and assigns, and any Builder whom the Declarant may designate, a temporary easement for access over and upon the front, side and rear yards of each Lot as the Declarant or Builder may determine necessary or convenient in the course of construction, landscaping, repair, and service to adjacent Lots.

The temporary right and easement under this Section shall terminate, as to each Lot, 60 days after expiration of the last to expire warranty period for the adjacent Lots, as established by the Builder's limited warranty provided to the original purchaser.

7.8. Permanent Dedication of Open Space.

The Open Space portion of the Property is hereby permanently dedicated as Open Space, as that term is defined in the Kennebunkport Land Use Ordinance. It shall be preserved in its natural condition except where approved to be altered, as shown on the Plans and pursuant to the Maine DEP. Any change in the use of the Open Space requires approval of the Kennebunkport Planning Board.

7.10. Town Access over Roads and the Open Space.

The Town of Kennebunkport and its various departments shall have a permanent right of access over the private roads to respond to emergencies and to perform other necessary functions of government.

Article 8. Termination and Amendment of this Declaration.

8.1. Term and Termination.

This Declaration shall be effective for a minimum of 30 years from the date it is recorded. After 30 years, this Declaration shall be renewed and extended automatically for successive 20 year periods unless at least 67% of the then Owners sign a document stating that the Declaration is terminated, the document is recorded and the Kennebunkport Planning Board approved the termination within the year before any extension. In such case, this Declaration shall terminate on the date specified in the termination document.

If any provision of this Declaration would be unlawful, void, or voidable by reason of any rule restricting the period of time that covenants can affect title to property, that provision shall expire one hundred (100) years from the date of this Declaration.

This section shall not permit termination of any easement created in this Declaration without the consent of the holder of such easement.

8.2. Amendment.

By the Declarant. In addition to the specific amendment rights granted elsewhere in this Declaration, during the Declarant Control Period, the Declarant may unilaterally amend this Declaration for any purpose.

By the Board. The Board may, by at least a two-thirds vote of the directors, amend this Declaration to correct any error or omission required to conform this Declaration to the applicable provisions of Maine law, provided that the amendment does not materially or adversely affect the property rights of any Owner without the written consent of the affected Owner.

By the Owners. Except as otherwise specifically provided above or elsewhere in this Declaration, this Declaration may be amended only by the affirmative vote or written consent of Members entitled to cast not less than 67% of the total votes in the Association. During the Development and Sale Period, the Declarant's written consent shall also be required.

Any amendment pursuant to this Section shall be prepared, executed, certified and recorded on behalf of the Association by any officer designated for such purpose or, in the absence of such designation, by the Association's President.

Validity and Effective Date. Notwithstanding the above, the percentage of votes necessary to amend a specific clause shall not be less than the prescribed percentage of affirmative votes required for action to be taken under that clause.

No amendment may remove, revoke, or modify any right or privilege of the Declarant or the Declarant Member without the written consent of the Declarant or the Declarant Member, respectively (or the assignee of such right or privilege).

If an Owner consents to any amendment to this Declaration or the Bylaws, it will be conclusively presumed that such Owner has the authority to consent, and no contrary provision in any Mortgage or contract between the Owner and a third party will affect the validity of such amendment.

Any amendment shall become effective upon recording unless a later effective date is specified in the amendment.

No action to challenge the validity of an amendment may be brought more than two years after its recordation. In no event shall a change of conditions or circumstances operate to amend any provisions of this Declaration.

Exhibits. Exhibit "A" and Exhibit "B" are incorporated by this reference and this Article shall govern amendments of Exhibit A and Exhibit B (to the extent the Exhibit B can be amended without

approval from governmental authorities).

In witness of the foregoing, the Declarant has executed this Declaration this _____ day of _____, 2023

K.J. Trudo Properties, LLC

By _____
Name: Jonathan Trudo, Its Manager

STATE OF MAINE, _____, 2023
County of York, ss.

Then personally appeared the above-named Jonathan Trudo, Manager, of K.J. Trudo Properties, LLC, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, before me,

Notary Public, Attorney at Law

(For Notaries), My commission
expires _____.

PRINT NAME

Exhibit A

Land Submitted to this Declaration

EXHIBIT B

Inspection, Maintenance and Housekeeping Plan (for Stormwater)

EXHIBIT 7.2

Forested Buffer Declaration of Restrictions

B. Forested buffer, no disturbance

DECLARATION OF RESTRICTIONS

(Forested Buffer, No Disturbance)

THIS DECLARATION OF RESTRICTIONS is made this _____ day of _____, 20 _____,
by _____,

(name)

(street address)

____Kennebunkport_____, York County, Maine, _____, (herein referred to as the
(city or town) (county) (zip code)

“Declarant”, pursuant to a permit received from the Maine Department of Environmental Protection under
The Stormwater Management Law, to preserve a buffer area on a parcel of land near

_____,
(road name)

_____,
(known feature and /or town)

WHEREAS, the Declarant holds title to certain real property situated in Kennebunkport, Maine
(town)

described in a deed from _____ to _____ dated
(name) (name of Declarant)

_____, 20 _____, and recorded in Book _____ Page _____ at the _____ County
Registry of Deeds, herein referred to as the “property” and

WHEREAS, Declarant desires to place certain restrictions, under the terms and conditions herein, over a portion
of said real property (hereinafter referred to as the “Restricted Buffer”) described as follows:
(Note: Insert description of restricted buffer location here)

WHEREAS pursuant to the Stormwater Management Law, 38 M.R.S.A. Section 420-D and Chapter 500
of rules promulgated by the Maine Board of Environmental Protection (“Stormwater Management Rules”),
Declarant has agreed to impose certain restrictions on the Restricted Buffer Area as more particularly set forth herein
and has agreed that these restrictions may be enforced by the Maine Department of Environmental Protection or any
successor (hereinafter the “MDEP”).

NOW, THEREFORE, the Declarant hereby declares that the Restricted Buffer Area is and shall forever be held,
transferred, sold, conveyed, occupied and maintained subject to the conditions and restrictions set forth herein. The
Restrictions shall run with the Restricted Buffer Area and shall be binding on all parties having any right, title or
interest in and to the Restricted Buffer Area, or any portion thereof, and their heirs, personal representatives,
successors, and assigns. Any present or future owner or occupant of the Restricted Buffer Area or any portion
thereof, by the acceptance of a deed of conveyance of all or part of the Covenant Area or an instrument conveying
any interest therein, whether or not the deed or instrument shall so express, shall be deemed to have accepted the
Restricted Buffer Area subject to the Restrictions and shall agree to be bound by, to comply with and to be subject to
each and every one of the Restrictions hereinafter set forth.

1. Restrictions on Restricted Buffer Area. Unless the owner of the Restricted Buffer Area, or any successors or
assigns, obtains the prior written approval of the MDEP, the Restricted Buffer Area must remain undeveloped in
perpetuity. To maintain the ability of the Restricted Buffer Area to filter and absorb stormwater, and to maintain

compliance with the Stormwater Management Law and the permit issued thereunder to the Declarant, the use of the Restricted Buffer Area is hereinafter limited as follows:

- a. No soil, loam, peat, sand, gravel, concrete, rock, or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris, junk waste, pollutants or other fill material will be placed, stored or dumped on the Restricted Buffer Area, nor shall the topography of the area be altered or manipulated in any way;
- b. No trees may be cut or sprayed with biocides except for the normal maintenance of dead, windblown or damaged trees and for pruning of tree branches below a height of 12 feet provided two thirds of the tree's canopy is maintained;
- c. No undergrowth, ground cover vegetation, leaf litter, organic duff layer or mineral soil may be disturbed except that one winding path, that is no wider than six feet and that does not provide a downhill channel for runoff, is allowed through the area;
- d. No building or other temporary or permanent structure may be constructed, placed or permitted to remain on the Restricted Buffer Area, except for a sign, utility pole or fence (whether constructed of wood, steel or other materials) and appurtenant equipment such as guys and guy anchors;
- e. No truck, cars, dirt bikes, ATVs, bulldozers, backhoes, or other motorized vehicles or mechanical equipment may be permitted on the Restricted Buffer Area;
- f. Any level lip spreader directing flow to the Restricted Buffer Area must be regularly inspected and adequately maintained to preserve the function of the level spreader.

Any activity on or use of the Restricted Buffer Area inconsistent with the purpose of these Restrictions is prohibited. Any future alterations or changes in use of the Restricted Buffer Area must receive prior approval in writing from the MDEP. The MDEP may approve such alterations and changes in use if such alterations and uses do not impede the stormwater control and treatment capability of the Restricted Buffer Area or if adequate and appropriate alternative means of stormwater control and treatment are provided.

2. Enforcement. The MDEP may enforce any of the Restrictions set forth in Section 1 above.

3. Binding Effect. The restrictions set forth herein shall be binding on any present or future owner of the Restricted Buffer Area. If the Restricted Buffer Area is at any time owned by more than one owner, each owner shall be bound by the foregoing restrictions to the extent that any of the Restricted Buffer Area is included within such owner's property.

4. Amendment. Any provision contained in this Declaration may be amended or revoked only by the recording of a written instrument or instrument specifying the amendment or the revocation signed by the owner or owners of the Restricted Buffer Area and by the MDEP.

5. Effective Provisions of Declaration. Each provision of this Declaration, and any agreement, promise, covenant and undertaking to comply with each provision of this Declaration, shall be deemed a land use restriction running with the land as a burden and upon the title to the Restricted Buffer Area.

6. Severability. Invalidity or unenforceability of any provision of this Declaration in whole or in part shall not affect the validity or enforceability of any other provision or any valid and enforceable part of a provision of this Declaration.

7. Governing Law. This Declaration shall be governed by and interpreted in accordance with the laws of the State of Maine.

(NAME)

STATE OF MAINE, _____ County, dated _____, 20 ____.
(County) (Date)

Personally appeared before me the above named _____, who swore to the truth of the foregoing to the best of (his/her) knowledge, information and belief and acknowledged the foregoing instrument to be (his/her) free act and deed.

Notary Public

EXHIBIT 7.3

Conservation Covenants and Restrictions

DECLARATION OF COVENANTS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS AND RESTRICTIONS is made this _____ day of _____, 20____, by KJ Trudo Properties, LLC, a Maine corporation having a place of business at 20 Apple Blossom Lane, Kennebunkport, York County, Maine, 04046 (hereinafter referred to as the "Declarant"), pursuant to Permit Number #NAE-_____ - _____ ("Corps Permit"), issued by the United States Army Corps of Engineers ("USACE"), relating to the preservation of approximately 14.84 acres on a parcel of land containing a subdivision known as the Glen at Goose Rocks located off Goose Rocks Road in Kennebunkport, York, Maine. The parcel is identified as Lot 1B on Map 15-1 of the Town of Kennebunkport's tax maps.

RECITALS

WHEREAS, the Declarant holds title to certain real property situated in the Town of Kennebunkport, County of York, and State of Maine, described in a deed from Paul P. Murphy to K.J. Trudo Properties, LLC dated April 16, 2021, and recorded in Book 18632, Page 387 at the York County Registry of Deeds, and

WHEREAS, Declarant desires to place certain deed covenants, under the terms and conditions herein, over a portion of said real property (hereinafter referred to as the "Covenant Area") described as follows:

See Exhibit A titled as "Conservation Land Overview Plan" and attached to this declaration for reference to the Covenant Area.

WHEREAS, Declarant has obtained approval from the USACE pursuant to the Corps Permit to place permanent fill in freshwater wetlands located off Goose Rocks Road in the Town of Kennebunkport, Maine associated with 9 residential lot subdivision, which will result in 8,548 square feet of unavoidable wetland impact; and

WHEREAS, to compensate for unavoidable impacts to wetlands Declarant has agreed, in satisfaction of Special Condition #__ of the Corps Permit and pursuant to Section 404 of the Clean Water Act (33 U.S.C. § 1344) and certain rules and regulations promulgated by the USACE, to impose certain covenants and restrictions on the Covenant Area as more particularly set forth herein and has agreed that such covenants and agreements may be enforced by the USACE, or any successor in interest.

NOW, THEREFORE, the Declarant hereby declares that the Covenant Area is and shall forever be held, transferred, sold, conveyed, occupied and maintained subject to the covenants, conditions and restrictions set forth herein (sometimes referred to as the "Covenants and Restrictions"). The Covenants and Restrictions shall run with the Covenant Area and shall be binding on all parties having any right, title and interest in and to the Covenant Area, or any portion thereof, and their heirs, personal representatives, successors, and assigns. Any present or future owner or occupant of the Covenant Area or any portion thereof, by the acceptance of a deed of conveyance of all or part of the Covenant Area or an instrument conveying any interest

therein, whether or not the deed or instrument shall so express, shall be deemed to have accepted the Covenant Area subject to the Covenants and Restrictions and shall agree to be bound by, to comply with and to be subject to each and every one of the Covenants and Restrictions hereinafter set forth.

1. Restrictions on Covenant Area. Unless the owner of the Covenant Area, or its successors or assigns, obtains the prior written approval of the USACE (or any successor thereof), the Covenant Area shall remain undeveloped in perpetuity and subject to the following restrictions:
 - a. No soil, loam, peat, sand, gravel, concrete, rock or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris, junk waste, pollutants or other fill material will be placed, stored or dumped on the Covenant Area and the surface waters contained thereon, nor shall the topography of the area be altered or manipulated in any way;
 - b. No trees, grasses, shrubs, vines, or other vegetation shall be cut, destroyed, or sprayed with biocides, except that de minimis flower picking shall be allowed, and clearing will be allowed for the maintenance of any path or trail, and dead wood which is leaning or fallen may be removed;
 - c. No ditches shall be dug, and no draining of the Covenant Area shall take place, and no pumping or any other removal of water shall occur on the Covenant Area, nor shall the manipulation or alteration of natural water courses or hydrology occur;
 - d. No building, sign, fence, utility pole, or other temporary or permanent structure will be constructed, placed or permitted to remain on the Covenant Area;
 - e. No trucks, cars, dirt bikes, ATVs, bulldozers, backhoes, or other motorized vehicles or mechanical equipment shall be permitted on the Covenant Area; and

Any activity on or use of the Covenant Area inconsistent with the purpose of these Covenants and Restrictions is prohibited.

Prior to undertaking any changes in the use of the Covenant Area, the Declarant, its successors and assigns, shall consult with the USACE regarding the proposed changes to determine the effect of such changes on the conservation values of the Covenant Area. The USACE shall have the right to approve such changes in use if such uses do not impair or impede the conservation values of the Covenant Area or the purpose of the Covenants and Restrictions.

2. Enforcement. The USACE may enforce any of the Covenants and Restrictions set forth in Section 1 above. Any future alterations of the Covenant Area must receive the prior approval in writing from the USACE.
3. Binding Effect. The restrictions set forth herein shall be binding on any present or future owner of the Covenant Area. If the Covenant Area is at any time owned by more than one owner, each owner shall be bound by the foregoing restrictions but only to the extent that any of the Covenant Area is included within such owner's property.
4. Amendment. Any provision contained in this Declaration may be amended or revoked only by the recording of a written instrument or instruments specifying the amendment or the

revocation signed by the owner or owners of the Covenant Area and by the USACE (or any successor thereto).

5. Effective Provisions of Declaration. Each provision of this Declaration, and any agreement, promise, covenant and undertaking to comply with each provision of this Declaration, shall be deemed a covenant running with the land as a burden and upon the title to the Covenant Area.
6. Severability. Invalidity or unenforceability of any provision of this Declaration in whole or in part shall not affect the validity or enforceability of any other provision or any valid and enforceable part of a provision of this Declaration.
7. Governing Law. This Declaration shall be governed by and interpreted in accordance with the laws of the State of Maine.
8. Notice. The Declarant, or any successors or assigns, must notify the USACE 60 days prior to any action taken to void or modify this Declaration, including transfer of title to, or establishment of any other legal claims over the Covenant Area.

(COMPANY/CORPORATION NAME)

BY: _____ (signature of company representative)

(printed name and title)

STATE OF MAINE, _____ County, dated _____, 20_____.

Personally appeared before me the above named _____, who swore to the truth of the foregoing to the best of (his/her) knowledge, information and belief and acknowledged the foregoing instrument to be (his/her) free act and deed in (his/her) said capacity and the free act and deed of said _____ (company or corporate name).

Notary Public

SECTION 8

SOLID WASTE

Solid Wastes Generated During Construction of the Site Improvements

This project will require about 6.10 acres of woodland to be cleared at the site for construction of the proposed roadways and driveways, stormwater management areas, and lot development. The clearing of trees at the site is expected to generate about 122 CY of stumps. Since a portion of the parcel was selectively cut within the last 10 years, proposed clearing activities are not anticipated to include a significant quantity of high-quality trees, suitable for saw logs. Any valuable trees will be cut and exported from the site separately from the remaining materials. The remaining wood biomass will be cut or chipped on site. The biomass will either be retained on site for erosion control materials or processed and sent to a biomass facility. The pine stumps, being larger and bulky, will be excavated and/or chipped onsite for use as erosion control mix or landscape mulch.

Other Demolition and Removal Wastes

Other solid waste from site activity will be minor. Some cardboard or Kraft wrapping is anticipated for the building system and minor solid wastes may also be generated by the workers. Other waste could include various containers, short lengths of pipe, or conduit. The construction contract will require the Contractor to attempt a recycling level of 75%. Materials not recycled will be required to be disposed of at the locations specified in this section.

Construction and Demolition Debris from the proposed project is accepted at the Town of Kennebunk Transfer Station, which has a contract with CPRC Group of Scarborough, Maine through 2025. The Town of Kennebunk Transfer Station is licensed through the Maine Department of Environmental Protection under Department Order #S-021473-WH-A-N. All solid waste generated from the proposed project will be handled and hauled in accordance with the Town of Kennebunkport's Solid Waste Rules and Regulations.

Hazardous & Special Wastes

There are no known areas of hazardous or special wastes at the project site. If any hazardous or special waste is identified during construction, Maine DEP will be notified immediately. A licensed waste hauler will be retained to dispose of the material at a licensed facility. The Applicant will retain records of the collection, transport, and disposal of any such material. The development will not use hazardous materials or cleaning products in greater than typical household quantities.

Solid Waste Generated from residential structures

Residential waste and recycling will be handled through the Town of Kennebunkport waste management system. The Town utilizes a weekly curbside collection of household trash and bi-weekly collection of recycling. Residents also have the option of hiring a private company to pick up trash at their residences.

Miscellaneous Solid Wastes

Provisions for miscellaneous wastes will follow Maine DEP recommendations.

Residential house construction debris

The local dumpster provider in this area is Pine Tree Waste, Inc. and Casella Waste Systems, Inc. Construction debris that leaves the site in one of their dumpsters is ultimately hauled to the Town of Kennebunk Sea Road Transfer Station or the company's licensed facility.

EXHIBIT 8.I

Volume Estimate

ATTACHMENT J

Computation Volumes of Solid Waste for Construction Project

SOLID WASTES COMPUTATIONS AND DISPOSAL

- Type: Wood Waste from Clearing Operations
- Basis of Quality Computations: Assume 20 CY of stumps/acre for wood
- Site Construction: Miscellaneous Areas Onsite

Location	Area to be Cleared	Rate per Acre	Yield
Goose Rocks Rd Project Site	6.10 ac+/-	20 cubic yards per acre	122 CY
Total			122 CY

DISPOSITION

Trees: Cut above stump line – chip and haul to biomass burner; paper company; or use on-site as mulch.

Stumps: The owner intends on grinding stumps on-site and utilizing that material for erosion control mix, or haul to approved disposal area.

Other Wastes Associated with Other Site Construction:

Cardboard from packaging etc. – Quantity should be limited. Construction documents will require a recycling program. Specify a goal of 75% recycling. All other to be placed in a separate dumpster on the site paid for and designated for Contractor.

NEW BUILDING CONSTRUCTION:

Basis of Estimate: 5 CY/1,000 s.f. of finished space

Area: Approximately 9*4,000 sf homes =36,000 +/- square feet

Solid Waste: Approximately 180 CY

Set a goal in the construction documents to require segregation of cardboard and paper with a goal of 75%; segregation of metals with a goal of 85%.

Total: 180 CY before recycling

Net: 126 CY if 70 % of material is recycled

Require Contractor to: Provide 30 CY dumpsters. Haul to facilities identified in the narrative above with shipping manifest. The contractor should identify recycling methods and sites prior to construction.

EXHIBIT 8.2

Capacity Letter



TOWN OF KENNEBUNKPORT, MAINE

– INCORPORATED 1653 –

March 7th, 2023

Mr. Werner Gilliam
6 Elm Street
Kennebunkport, ME 04046

RE: Capacity letter regarding solid waste pickup for Goose Rocks Road (Glen at Goose Rocks) subdivision.

Dear Mr. Gilliam,

As a follow-up to your inquiry regarding solid waste capacity for the new Goose Rocks Road subdivision (Glen at Goose Rocks), capacity should not be an issue. The Town budgets solid waste pickup based on estimated tonnage. An adjustment can be made in the future budgets to accommodate solid waste pickup for the new subdivision. Prospective buyers should be aware that until private subdivisions have four or more residences, Casella will not provide pickup within the subdivision. Trash will have to be brought to the end of the road for pickup.

Sincerely,

Christopher T. Simeoni

Christopher T. Simeoni
Director, Kennebunkport Public Works

6 Elm Street, P.O. Box 566, Kennebunkport, Maine 04046
Tel: (207) 967-4243 Fax: (207) 967-8470

SECTION 9

SOILS

Soil Survey Map

A Class-A Medium Intensity Soil Survey Map from the Natural Resource Conservation Service (NRCS) Web Soil Survey is included in this section. The soils at the site were shown to be mostly Lyman-Turnbridge Complex, Lyman-Turnbridge-Rock Outcrop Complex. Smaller areas of Biddeford, Scantic silt loam, and Naskeag soils were also identified. Lyman-Turnbridge soils are somewhat excessively drained to well drained, with no apparent water table or only inches from the bedrock surface during spring and periods of heavy precipitation.

A Class-A High Intensity Soil Survey was undertaken at the site by Longview Partners, LLC. A copy of the Soil Narrative Report is included in this section. Soil mapping verified that the predominant soil types are Lyman-Turnbridge Complex.

Geotechnical Investigation

A detailed geotechnical investigation was not undertaken at the site for this project. The observed soil conditions are generally loamy glacial tills; however, the limiting factor for building site development is depth to bedrock. The project consists of residential houses, an access drive, and stormwater management BMP's. There is sufficient information on subsurface conditions to support the proposed development.

Hydric Soils Mapping

Wetland investigations and delineations at the site were undertaken by Longview Partners, LLC in accordance with the U.S. Army Corps of Engineers *Wetland Delineation Manual* (1987) and the *Regional Supplement*. Multiple areas of forested freshwater wetlands with some areas of scrub shrub wetland interspersed, were identified on the property. Two streams were identified on the project site, one named Smith Brook and another which is unnamed. Minor impacts are proposed to on-site freshwater wetlands. A 25-foot setback will be maintained off of the two streams, except for the road crossings.

Soil Conditions and Wastewater Design Implications

The plan set shows the locations of subsurface soil investigations and delineated natural resources at the site. The subsurface soil conditions are favorable for site development. Depth to groundwater and bedrock, and proximity to natural resources, wells and stormwater structures were considered for locating disposal fields. Suitable septic locations have been identified on each site that can support the

safe treatment of wastewater flows from standard single-family residential dwellings. Soil test pit logs can be found in this section.

EXHIBIT 9.I

NRCS Soil Map



United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for **York County, Maine**

Goose Rocks Subdivision



March 21, 2022

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

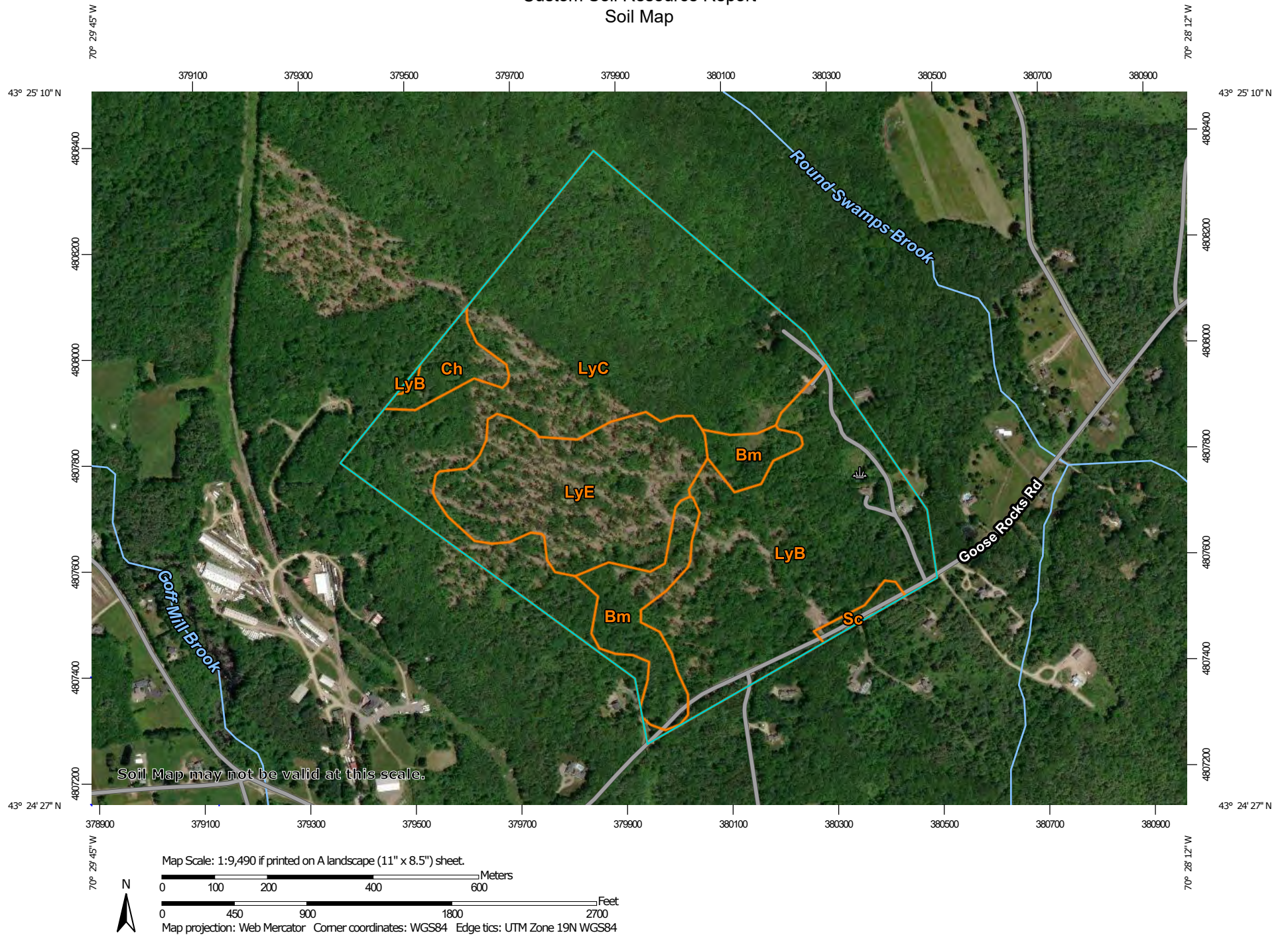
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Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.


Custom Soil Resource Report Soil Map



Custom Soil Resource Report


MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)


Soils


 Soil Map Unit Polygons


 Soil Map Unit Lines


 Soil Map Unit Points

Special Point Features

 Blowout

 Borrow Pit


 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water

 Perennial Water

 Rock Outcrop

 Saline Spot

 Sandy Spot

 Severely Eroded Spot


 Sinkhole


 Slide or Slip

 Sodic Spot


 Spoil Area

 Stony Spot


 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

Water Features

 Streams and Canals


Transportation

 Rails


 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: York County, Maine
Survey Area Data: Version 20, Aug 31, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Dec 31, 2009—Sep 9, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Bm	Biddeford mucky peat, 0 to 3 percent slopes	12.5	7.7%
Ch	Chocorua peat	4.3	2.6%
LyB	Lyman-Rock outcrop complex, 3 to 8 percent slopes	45.5	28.0%
LyC	Lyman-Rock outcrop complex, 8 to 15 percent slopes	72.0	44.3%
LyE	Lyman-Rock outcrop complex, 15 to 80 percent slopes	26.8	16.5%
Sc	Scantic silt loam, 0 to 3 percent slopes	1.3	0.8%
Totals for Area of Interest		162.3	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it

was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

York County, Maine

Bm—Biddeford mucky peat, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 2t0jn

Elevation: 10 to 900 feet

Mean annual precipitation: 33 to 60 inches

Mean annual air temperature: 39 to 45 degrees F

Frost-free period: 90 to 160 days

Farmland classification: Not prime farmland

Map Unit Composition

Biddeford and similar soils: 82 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Biddeford

Setting

Landform: Marine terraces, river valleys

Landform position (two-dimensional): Toeslope

Landform position (three-dimensional): Dip

Down-slope shape: Concave

Across-slope shape: Concave, linear

Parent material: Organic material over glaciomarine deposits

Typical profile

Oe - 0 to 12 inches: mucky peat

Eg - 12 to 16 inches: silt loam

Bg - 16 to 45 inches: silty clay

Cg - 45 to 65 inches: clay

Properties and qualities

Slope: 0 to 3 percent

Surface area covered with cobbles, stones or boulders: 0.0 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Very poorly drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.14 in/hr)

Depth to water table: About 0 inches

Frequency of flooding: None

Frequency of ponding: Frequent

Available water supply, 0 to 60 inches: High (about 11.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 5w

Hydrologic Soil Group: D

Ecological site: F144BY304ME - Wet Clay Flat, F144BY002ME - Marine Terrace

Depression

Hydric soil rating: Yes

Ch—Chocorua peat

Map Unit Setting

National map unit symbol: 9k57

Elevation: 0 to 1,020 feet

Mean annual precipitation: 48 to 51 inches

Mean annual air temperature: 45 to 46 degrees F

Frost-free period: 145 to 155 days

Farmland classification: Not prime farmland

Map Unit Composition

Chocorua and similar soils: 87 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Chocorua

Setting

Landform: Bogs

Parent material: Organic material

Typical profile

Oe - 0 to 32 inches: mucky peat

H2 - 32 to 65 inches: stratified gravelly sand to loamy fine sand

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Very poorly drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to very high (1.42 to 14.17 in/hr)

Depth to water table: About 0 inches

Frequency of flooding: None

Frequency of ponding: Frequent

Available water supply, 0 to 60 inches: High (about 11.2 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 8w

Hydrologic Soil Group: A/D

Ecological site: F144BY303ME - Acidic Swamp

Hydric soil rating: Yes

LyB—Lyman-Rock outcrop complex, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2trqh

Elevation: 0 to 560 feet

Custom Soil Resource Report

Mean annual precipitation: 36 to 65 inches
Mean annual air temperature: 36 to 52 degrees F
Frost-free period: 60 to 160 days
Farmland classification: Not prime farmland

Map Unit Composition

Lyman, very stony, and similar soils: 65 percent
Rock outcrop: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Lyman, Very Stony

Setting

Landform: Hills, mountains
Landform position (two-dimensional): Summit, shoulder, backslope
Landform position (three-dimensional): Mountaintop, mountainbase, side slope, crest
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Loamy supraglacial till derived from granite and gneiss and/or loamy supraglacial till derived from phyllite and/or loamy supraglacial till derived from mica schist

Typical profile

Oe - 0 to 1 inches: moderately decomposed plant material
A - 1 to 3 inches: loam
E - 3 to 5 inches: fine sandy loam
Bhs - 5 to 7 inches: loam
Bs1 - 7 to 11 inches: loam
Bs2 - 11 to 18 inches: channery loam
R - 18 to 28 inches: bedrock

Properties and qualities

Slope: 3 to 8 percent
Surface area covered with cobbles, stones or boulders: 1.5 percent
Depth to restrictive feature: 11 to 24 inches to lithic bedrock
Drainage class: Somewhat excessively drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to high (0.00 to 14.03 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Low (about 3.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6s
Hydrologic Soil Group: D
Hydric soil rating: No

Description of Rock Outcrop

Setting

Landform: Hills, mountains
Landform position (two-dimensional): Summit, shoulder, backslope
Landform position (three-dimensional): Mountaintop, mountainbase, side slope, crest

Custom Soil Resource Report

Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Igneous and metamorphic rock

Typical profile

R - 0 to 10 inches: bedrock

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: 0 inches to lithic bedrock
Capacity of the most limiting layer to transmit water (Ksat): Very low to very high
(0.00 to 14.17 in/hr)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8s
Hydric soil rating: Unranked

LyC—Lyman-Rock outcrop complex, 8 to 15 percent slopes

Map Unit Setting

National map unit symbol: 2trqj
Elevation: 0 to 790 feet
Mean annual precipitation: 36 to 65 inches
Mean annual air temperature: 36 to 52 degrees F
Frost-free period: 60 to 160 days
Farmland classification: Not prime farmland

Map Unit Composition

Lyman, very stony, and similar soils: 62 percent
Rock outcrop: 25 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Lyman, Very Stony

Setting

Landform: Hills, mountains
Landform position (two-dimensional): Summit, shoulder, backslope
Landform position (three-dimensional): Mountaintop, mountainbase, side slope, crest
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Loamy supraglacial till derived from granite and gneiss and/or loamy supraglacial till derived from phyllite and/or loamy supraglacial till derived from mica schist

Typical profile

Oe - 0 to 1 inches: moderately decomposed plant material
A - 1 to 3 inches: loam
E - 3 to 5 inches: fine sandy loam
Bhs - 5 to 7 inches: loam

Custom Soil Resource Report

Bs1 - 7 to 11 inches: loam
Bs2 - 11 to 18 inches: channery loam
R - 18 to 28 inches: bedrock

Properties and qualities

Slope: 8 to 15 percent
Surface area covered with cobbles, stones or boulders: 1.5 percent
Depth to restrictive feature: 11 to 24 inches to lithic bedrock
Drainage class: Somewhat excessively drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to high (0.00 to 14.03 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Low (about 3.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6s
Hydrologic Soil Group: D
Ecological site: F144BY701ME - Shallow Till
Hydric soil rating: No

Description of Rock Outcrop

Setting

Landform: Hills, mountains
Landform position (two-dimensional): Summit, shoulder, backslope
Landform position (three-dimensional): Mountaintop, mountainbase, side slope, crest
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Igneous and metamorphic rock

Typical profile

R - 0 to 10 inches: bedrock

Properties and qualities

Slope: 8 to 15 percent
Depth to restrictive feature: 0 inches to lithic bedrock
Capacity of the most limiting layer to transmit water (Ksat): Very low to very high (0.00 to 14.17 in/hr)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8s
Hydric soil rating: Unranked

LyE—Lyman-Rock outcrop complex, 15 to 80 percent slopes

Map Unit Setting

National map unit symbol: 2trqp

Custom Soil Resource Report

Elevation: 0 to 980 feet

Mean annual precipitation: 36 to 65 inches

Mean annual air temperature: 36 to 52 degrees F

Frost-free period: 60 to 160 days

Farmland classification: Not prime farmland

Map Unit Composition

Lyman, very stony, and similar soils: 60 percent

Rock outcrop: 30 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Lyman, Very Stony

Setting

Landform: Hills, mountains

Landform position (two-dimensional): Summit, shoulder, backslope

Landform position (three-dimensional): Mountaintop, mountainflank, side slope, crest

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Loamy supraglacial till derived from granite and gneiss and/or loamy supraglacial till derived from phyllite and/or loamy supraglacial till derived from mica schist

Typical profile

Oe - 0 to 1 inches: moderately decomposed plant material

A - 1 to 3 inches: loam

E - 3 to 5 inches: fine sandy loam

Bhs - 5 to 7 inches: loam

Bs1 - 7 to 11 inches: loam

Bs2 - 11 to 18 inches: channery loam

R - 18 to 28 inches: bedrock

Properties and qualities

Slope: 15 to 80 percent

Surface area covered with cobbles, stones or boulders: 1.5 percent

Depth to restrictive feature: 11 to 24 inches to lithic bedrock

Drainage class: Somewhat excessively drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to high (0.00 to 14.03 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Available water supply, 0 to 60 inches: Low (about 3.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7s

Hydrologic Soil Group: D

Ecological site: F144BY701ME - Shallow Till

Hydric soil rating: No

Description of Rock Outcrop

Setting

Landform: Hills, mountains

Landform position (two-dimensional): Summit, shoulder, backslope

Custom Soil Resource Report

Landform position (three-dimensional): Mountaintop, mountainflank, side slope, crest, free face

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Igneous and metamorphic rock

Typical profile

R - 0 to 10 inches: bedrock

Properties and qualities

Slope: 15 to 80 percent

Depth to restrictive feature: 0 inches to lithic bedrock

Capacity of the most limiting layer to transmit water (Ksat): Very low to very high
(0.00 to 14.17 in/hr)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 8s

Hydric soil rating: Unranked

Sc—Scantic silt loam, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 2slv3

Elevation: 10 to 900 feet

Mean annual precipitation: 33 to 60 inches

Mean annual air temperature: 39 to 45 degrees F

Frost-free period: 90 to 160 days

Farmland classification: Not prime farmland

Map Unit Composition

Scantic and similar soils: 85 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Scantic

Setting

Landform: Marine terraces, river valleys

Landform position (three-dimensional): Talf

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Glaciomarine deposits

Typical profile

Ap - 0 to 9 inches: silt loam

Bg1 - 9 to 16 inches: silty clay loam

Bg2 - 16 to 29 inches: silty clay

Cg - 29 to 65 inches: silty clay

Properties and qualities

Slope: 0 to 3 percent

Depth to restrictive feature: More than 80 inches

Custom Soil Resource Report

Drainage class: Poorly drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.06 in/hr)

Depth to water table: About 0 to 12 inches

Frequency of flooding: None

Frequency of ponding: None

Available water supply, 0 to 60 inches: Moderate (about 6.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 4w

Hydrologic Soil Group: D

Ecological site: F144BY304ME - Wet Clay Flat

Hydric soil rating: Yes

EXHIBIT 9.2

High Intensity Soil Survey



Soil Narrative Report

Prepared for
Creative Coast Construction
(Atlantic Resource Consultants)
Goose Rocks Road

Kennebunkport, Maine

April, 2022

Map prepared for a proposed residential subdivision

Maps scaled 1" = 100', base map provided by Atlantic resource Consultants

Mapping meets Maine Association of Professional Soil Scientists Class A High-Intensity mapping standards with minimum mapping units of 1/8 acre

BIDDEFORD (Histic Humaquept)

SETTING

Parent Material:	Derived from marine & lacustrine sediments.
Landform:	Nearly level lowlands.
Position in Landscape:	Usually occupies the lowest position within the landscape.
Slope Gradient Ranges:	(A) 0-3%

COMPOSITION AND SOIL CHARACTERISTICS

Drainage Class:	Biddeford soil is very poorly drained with a perched water table within 0.5 feet of the soil surface, and may be ponded at the surface for some portion of the year.
Typical Profile Description:	Surface layer: Very dark brown mucky peat, 0-12" Subsurface layer: Gray silt loam, 12-16" Subsoil layer: Olive gray/dark gray silty clay, 16-35" Substratum: Gray silty clay & silty clay loam, 35-65"
Hydrologic Group:	Group D
Surface Run Off:	Very slow
Permeability:	Moderate or moderately slow in upper horizons, slow or very slow in substratum.
Depth to Bedrock:	Deep, more than 40 inches.
Hazard to Flooding:	This soil is intermittently ponded, and may rarely flood in areas adjacent to streams and rivers during periods of prolonged wetness.

INCLUSIONS (Within Mapping Unit)

Similar:	Scantic, Whately, Roundabout, Bucksport
Dissimilar:	Sebago, Chocorua, Wonsqueak

USE AND MANAGEMENT

Development with subsurface wastewater disposal: The limiting factor for building site development is wetness due to a high water table throughout the year. Biddeford soil has very low potential for dwellings with foundations and road construction due to ponding and low strength. Biddeford soil is unsuitable for subsurface wastewater disposal as defined by the State of Maine Subsurface Wastewater Disposal Rules. Biddeford soil is usually classified a wetland, based on the combined consideration of hydric conditions, hydrology, and vegetation.

LYMAN-TUNBRIDGE COMPLEX

SETTING

Parent Material:	Loamy glacial till.
Landform:	Glaciated uplands.
Position in Landscape:	Upper positions on landform.
Slope Gradient Ranges:	(B) 3-8%

COMPOSITION AND SOIL CHARACTERISTICS

Drainage Class:	Somewhat excessively to well drained, with no evidence of a water table, or only inches from the bedrock surface during spring and periods of heavy precipitation.		
Typical Profile Description:	Surface layer:	Black & reddish brown loam & fine sandy loam, 0-4"	
	Subsurface layer:	Very dusky red loam, 4-6"	
	Subsoil layer:	Dark red loam, 6-10"	
	Substratum layer:	Dark brown to brown loam, 10-20"	
Hydrologic Group:	Group C/D		
Surface Run Off:	Rapid		
Permeability:	Moderate or moderately rapid.		
Depth to Bedrock:	Shallow (Lyman, 10-20") to moderately deep (Tunbridge, 20-40").		
Hazard to Flooding:	None		
Erosion Factors:	K: .20 - .32		

INCLUSIONS (Within Mapping Unit)

Similar:	Dixfield, Skerry (deeper than 40" to bedrock)
Dissimilar:	Naskeag (in depressional areas), Colonel, Brayton

USE AND MANAGEMENT

Development with subsurface wastewater disposal: The limiting factors for building site development is shallow to bedrock. Blasting or ripping of the more fractured and weathered bedrock is required for deep excavation. Portions of these map units are suitable for subsurface wastewater disposal, where the depth to limiting factor is greater than 15" from the mineral soil surface within Shoreland Zoned areas, and 9"-15" in non-Shoreland Zoned areas. This soil requires a 24-inch separation distance between the bottom of any disposal area and the bedrock surface, and 3.3 sq.ft/gpd and 1.7 sq.ft/gpd for bed disposal area and chamber area, respectively.

For stormwater design: Limiting factor for stormwater design is bedrock, which is generally less than 20". These soils are generally well drained, with no seasonal water table except for short durations on the bedrock surface. Permeabilities are 2-6 inches per hour in all horizons.

LYMAN-TUNBRIDGE-ROCK OUTCROP COMPLEX

SETTING

Parent Material:	Loamy glacial till.
Landform:	Glaciated uplands.
Position in Landscape:	Uppermost locations on landform; sideslopes, shoulders, and crests of ridges.
Slope Gradient Ranges:	(B) 3-8% (C) 8-20%

COMPOSITION AND SOIL CHARACTERISTICS

Drainage Class:	Somewhat excessively drained (Lyman) to well drained (Tunbridge) with no apparent water table other than run off across the bedrock surface occasionally, during spring and periods of heavy precipitation. These soils occur in a non-repeating pattern with exposed bedrock outcrop, and cannot be separated in mapping.		
Typical Profile Description:	Surface layer:	Black & reddish brown loam & fine sandy loam, 0-4"	
	Subsurface layer:	Very dusky red loam, 4-6"	
	Subsoil layer:	Dark red loam, 6-10"	
	Substratum layer:	Dark brown to brown loam, 10-20"	
Hydrologic Group:	Group C/D		
Surface Run Off:	Slow to rapid depending on slope and bedrock exposure.		
Permeability:	Moderately rapid.		
Depth to Bedrock:	Shallow (Lyman 10-20") to moderately deep (Tunbridge 20-40").		
Hazard to Flooding:	None		

INCLUSIONS (Within Mapping Unit)

Similar:	Dixfield, Skerry (deeper than 40" to bedrock)
Dissimilar:	Colonel (greater than 40" to bedrock), Naskeag (in microdepressions)

USE AND MANAGEMENT

Development with subsurface wastewater disposal: The limiting factor for building site development is depth to bedrock, which ranges from 0" to 40" within this complex. Blasting or ripping of the more fractured bedrock is necessary for deep excavation. Tunbridge and Lyman (9"-15" deep to bedrock outside shoreland zone areas) soils are suitable for subsurface wastewater disposal in accordance with State of Maine Subsurface Wastewater Disposal Rules. These soils require a 24-inch separation distance between the bedrock surface and the bottom of any disposal system. These soils also require 3.3 and 1.7 sq.ft/gpd for disposal beds and chamber area, respectively.

Development with public sewer and water: The limiting factor for building site development is depth to bedrock, which is 0-40" within this complex. Blasting or ripping of the more fractured bedrock is necessary for deep excavation. Proper foundation drainage or other site modification is recommended for construction.

NASKEAG (Aeric Haplaquods)

SETTING

Parent Material:	Loamy and sandy glacial till.
Landform:	Depressions of glaciated bedrock ridges.
Position in Landscape:	Lowest positions in depressions or concavities in landform.
Slope Gradient Ranges:	(A) 0-3% (B) 3-8%

COMPOSITION AND SOIL CHARACTERISTICS

Drainage Class:	Somewhat poorly to poorly drained, with a perched water table 0-1.5 feet beneath the soil surface.								
Typical Profile Description:	<table><tr><td>Surface layer:</td><td>Very dusky red muck, 0-5"</td></tr><tr><td>Subsurface layer:</td><td>Light brownish gray and brown sandy loam or loamy sand, 5-16"</td></tr><tr><td>Subsoil layer:</td><td>Dusky red loamy sand, 10-26"</td></tr><tr><td>Substratum:</td><td>Light yellowish brown gravelly sandy loam to loamy sand, 26-38"</td></tr></table>	Surface layer:	Very dusky red muck, 0-5"	Subsurface layer:	Light brownish gray and brown sandy loam or loamy sand, 5-16"	Subsoil layer:	Dusky red loamy sand, 10-26"	Substratum:	Light yellowish brown gravelly sandy loam to loamy sand, 26-38"
Surface layer:	Very dusky red muck, 0-5"								
Subsurface layer:	Light brownish gray and brown sandy loam or loamy sand, 5-16"								
Subsoil layer:	Dusky red loamy sand, 10-26"								
Substratum:	Light yellowish brown gravelly sandy loam to loamy sand, 26-38"								
Hydrologic Group:	Group C								
Surface Run Off:	Moderate or moderately rapid (across bedrock surface)								
Permeability:	Rapid								
Depth to Bedrock:	Moderately deep, 20-40" to bedrock surface.								
Hazard to Flooding:	None, but may be ponded for short duration in spring and during periods of excessive rainfall.								
Erosion Factors:	.10								

INCLUSIONS (Within Mapping Unit)

Similar:	Lyman, Tunbridge, Colonel, Brayton, Swanton, Pillsbury
Dissimilar:	Rock Outcrop, Peacham, Naskeag (Variant-V.P.D.)

USE AND MANAGEMENT

Development with subsurface wastewater disposal: The limiting factor of this soil for building site development are depth to bedrock less than 40" in Naskeag and wetness due to a water table perched above the bedrock surface or hardpan. Proper foundation drainage is recommended for construction. Naskeag does not meet the minimum requirements for subsurface wastewater disposal as defined by the State of Maine Subsurface Wastewater Disposal Rules. This soil (poorly drained) may be classified as wetlands, based on the combined consideration of hydric conditions, hydrology, and vegetation.

SCANTIC (Typic Haplaquepts)

SETTING

Parent Material:	Marine or lacustrine sediments.
Landform:	Level or gently sloping marine or lake plains.
Position in Landscape:	Lower to intermediate positions.
Slope Gradient Ranges:	(A) 0-3%

COMPOSITION AND SOIL CHARACTERISTICS

Drainage Class:	Poorly drained, with a perched water table 0.5 to 1.0 feet beneath the soil surface.	
Typical Profile Description:	Surface layer:	Dark grayish brown silt loam, 0-9"
	Subsurface layer:	Olive gray silt loam, 9-11"
	Subsoil layer:	Olive gray, silty clay loam, 11-16"
	Substratum:	Olive gray clay, 16-65"
Hydrologic Group:	Group D	
Surface Run Off:	Slow	
Permeability:	Moderate or moderately slow in upper profile, slow to very slow in dense substratum.	
Depth to Bedrock:	Very deep, greater than 60".	
Hazard to Flooding:	May flood occasionally on lowest fringes during spring and periods of excessive precipitation.	

INCLUSIONS (Within Mapping Unit)

Similar:	Lamoine, Enosburg (Swanton)
Dissimilar:	Naskeag, Biddeford, Whately

USE AND MANAGEMENT

Development with subsurface wastewater disposal: The limiting factor for building site development is wetness due to the presence of a shallow water table throughout most of the year. Proper foundation drainage or site modification is recommended for construction. Scantic soil does not meet the minimum requirements for subsurface wastewater disposal, as defined by State of Maine Rules for Subsurface Wastewater Disposal. Scantic soil may be classified as wetlands, based on the combined consideration of hydrology, hydric conditions, and vegetation.

Development for stormwater: Scantic soils are poorly drained with a high perched water table 0.5 to 1.0 feet beneath the soil surface and exhibit permeabilities of 0.2 to 2.0 inches/hr. in the upper 10 inches, and less than 0.2 inches/hr. below 10 inches.

SOIL TEST PIT PROFILE DESCRIPTIONS						LONGVIEW PARTNERS, LLC 6 SECOND STREET BUXTON, MAINE	
Town, City, Plantation KENNEBUNKPORT			Street, Road, Subdivision GOOSE ROCKS ROAD (MAP 15, BLK 1, LOT 1)			Owner's Name CREATIVE COAST CONSTRUCTION	
SOIL DESCRIPTION AND CLASSIFICATION (PER STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES)							
Observation Hole <u>TP 1</u> <input checked="" type="checkbox"/> Test Pit <input type="checkbox"/> Boring <u> </u> " Depth of Organic Horizon Above Mineral Soil							
SOIL TEST PIT BY BACKHOE							
Texture	Consistency	Color	Mottling				
0		DARK BROWN					
GRAVELLY FINE SANDY LOAM	FRIABLE	DARK YELLOWISH BROWN					
10							
GRAVELLY LOAMY SAND	FIRM	OLIVE BROWN	FEW FAINT SATURATED				
20							
30							
BEDROCK							
40							
50							
Soil Classification 3 AIII/C Profile Condition TUNBRIDGE		Slope _____% Limiting Factor 15"		<input checked="" type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth			
SOIL DESCRIPTION AND CLASSIFICATION (PER STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES)							
Observation Hole <u>TP 2</u> <input checked="" type="checkbox"/> Test Pit <input type="checkbox"/> Boring <u> </u> " Depth of Organic Horizon Above Mineral Soil							
SOIL TEST PIT BY BACKHOE							
Texture	Consistency	Color	Mottling				
0		DARK BROWN					
FINE SANDY LOAM		DARK YELLOWISH BROWN					
10							
	FRIABLE	MIXED DARK YELLOWISH BROWN	FEW FAINT				
20							
STONY LOAMY SAND & SAND	FIRM	OLIVE BROWN	COMMON DISTINCT & SATURATED				
30							
BEDROCK							
40							
50							
Soil Classification 3 AIII/C Profile Condition TUNBRIDGE		Slope _____% Limiting Factor 15"		<input checked="" type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth			
SOIL DESCRIPTION AND CLASSIFICATION (PER STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES)							
Observation Hole <u>TP 3</u> <input checked="" type="checkbox"/> Test Pit <input type="checkbox"/> Boring <u> </u> " Depth of Organic Horizon Above Mineral Soil							
SOIL TEST PIT BY BACKHOE							
Texture	Consistency	Color	Mottling				
0		DARK BROWN					
FINE SANDY LOAM	FRIABLE	YELLOWISH BROWN					
10							
LOAMY SAND	SOMEWHAT FIRM	OLIVE BROWN	FEW FAINT FREE WATER				
20							
BEDROCK							
30							
40							
50							
Soil Classification 3 AIII/D Profile Condition LYMAN-TUNBRIDGE (SWP VARIANT)		Slope _____% Limiting Factor 17-27"		<input type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input checked="" type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth			
SOIL DESCRIPTION AND CLASSIFICATION (PER STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES)							
Observation Hole <u>TP 4</u> <input checked="" type="checkbox"/> Test Pit <input type="checkbox"/> Boring <u> </u> " Depth of Organic Horizon Above Mineral Soil							
SOIL TEST PIT BY BACKHOE							
Texture	Consistency	Color	Mottling				
0		DARK BROWN					
FINE SANDY LOAM	FRIABLE	OLIVE BROWN					
10							
SANDY LOAM & LOAMY SAND	FIRM		COMMON FAINT				
20							
BEDROCK							
30							
40							
50							
Soil Classification 3 AIII/D Profile Condition LYMAN (VARIANT)		Slope _____% Limiting Factor 21"		<input type="checkbox"/> Ground Water			

DATE

SOIL TEST PIT PROFILE DESCRIPTIONS

LONGVIEW PARTNERS, LLC
6 SECOND STREET BUXTON, MAINE

Town, City, Plantation

Street, Road, Subdivision

Owner's Name

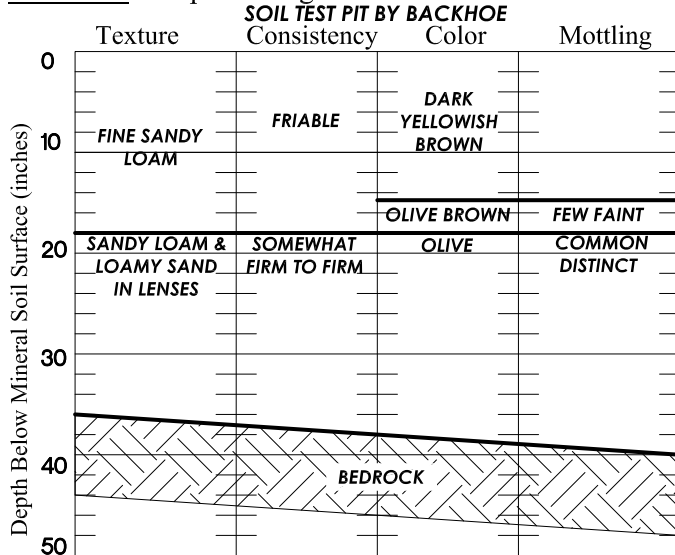
KENNEBUNKPORT

GOOSE ROCKS ROAD (MAP 15, BLK 1, LOT 1)

CREATIVE COAST CONSTRUCTION

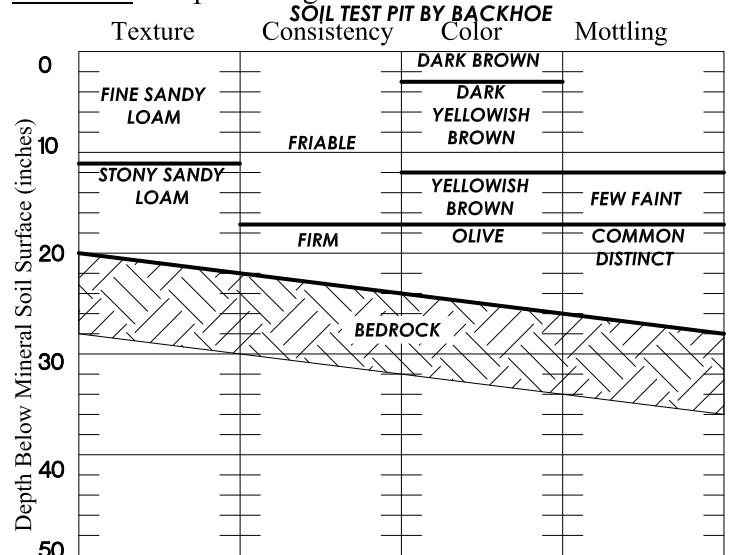
SOIL DESCRIPTION AND CLASSIFICATION (PER STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES)

Observation Hole TP 5 ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil



Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water
3 AIII/C	%	15"	<input type="checkbox"/> Restrictive Layer
Profile Condition			<input type="checkbox"/> Bedrock
TUNBRIDGE (VARIANT)			<input type="checkbox"/> Pit Depth

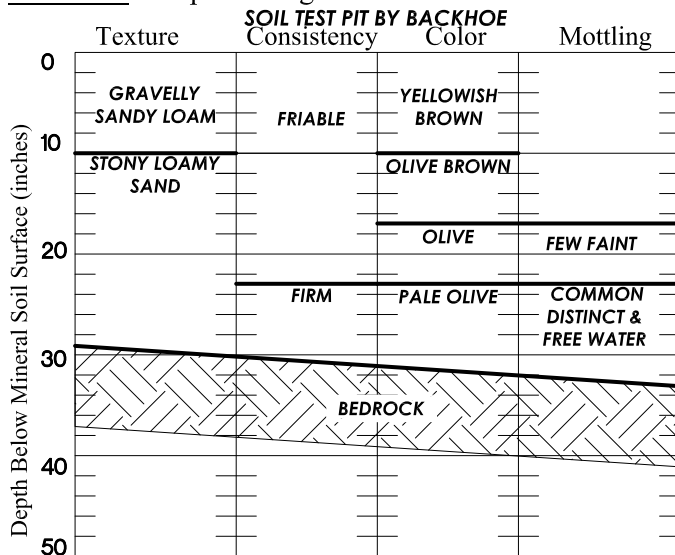
Observation Hole TP 6 ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil



Soil Classification	Slope	Limiting Factor	<input type="checkbox"/> Ground Water
3 AIII/D	%	20-28"	<input type="checkbox"/> Restrictive Layer
Profile Condition			<input checked="" type="checkbox"/> Bedrock
TUNBRIDGE (VARIANT)			<input type="checkbox"/> Pit Depth

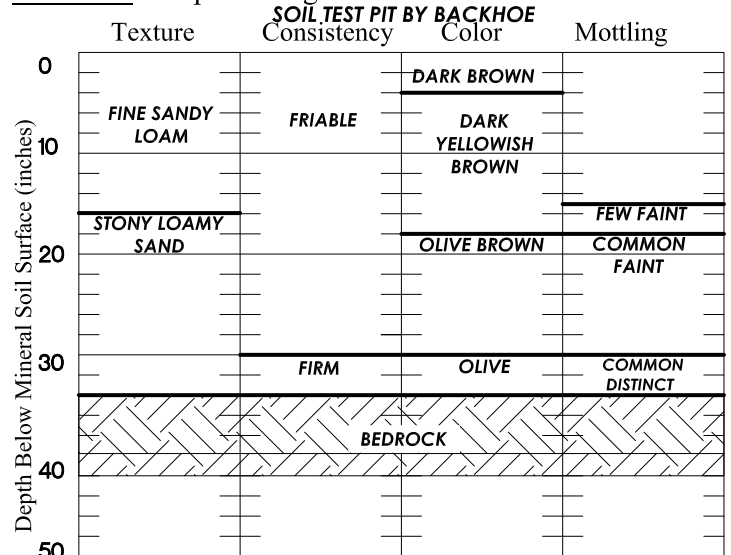
SOIL DESCRIPTION AND CLASSIFICATION (PER STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES)

Observation Hole TP 7 ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil



Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water
3 AIII/C	%	17"	<input type="checkbox"/> Restrictive Layer
Profile Condition			<input type="checkbox"/> Bedrock
TUNBRIDGE			<input type="checkbox"/> Pit Depth

Observation Hole TP 8 ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil



Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water
3 AIII/C	%	15"	<input type="checkbox"/> Restrictive Layer
Profile Condition			<input type="checkbox"/> Bedrock
TUNBRIDGE			<input type="checkbox"/> Pit Depth

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DATE

SOIL TEST PIT PROFILE DESCRIPTIONS

LONGVIEW PARTNERS, LLC
6 SECOND STREET BUXTON, MAINE

Town, City, Plantation

Street, Road, Subdivision

Owner's Name

KENNEBUNKPORT

GOOSE ROCKS ROAD (MAP 15, BLK 1, LOT 1)

CREATIVE COAST CONSTRUCTION

SOIL DESCRIPTION AND CLASSIFICATION (PER STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES)

Observation Hole TP 9 ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
0		DARK BROWN	
FINE SANDY LOAM	FRIABLE	YELLOWISH BROWN	
10			
STONY LOAMY SAND	FIRM	OLIVE BROWN	FEW FAINT
20			COMMON DISTINCT
30			
40			
50			

LIMIT OF EXCAVATION @ 40"

Soil Classification
3 C
Profile Condition
SKERRY

Slope _____ %

Limiting Factor **18** "

☒ Ground Water
☐ Restrictive Layer
☐ Bedrock
☐ Pit Depth

Observation Hole TP 10 ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
0		DARK YELLOWISH BROWN	NONE EVIDENT
FINE SANDY LOAM	FRIABLE		
10			
BEDROCK			
20			
30			
40			
50			

Soil Classification
2 AI
Profile Condition
ABRAM/LYMAN

Slope _____ %

Limiting Factor **4-12** "

☐ Ground Water
☐ Restrictive Layer
☒ Bedrock
☐ Pit Depth

SOIL DESCRIPTION AND CLASSIFICATION (PER STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES)

Observation Hole TP 11 ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
0		DARK BROWN	
FINE SANDY LOAM	FRIABLE	YELLOWISH BROWN	
10			
STONY LOAMY SAND			FEW FAINT
20			
FIRM	OLIVE BROWN	COMMON DISTINCT	
30			
BEDROCK			
40			
50			

Soil Classification
3 C
Profile Condition
TUNBRIDGE

Slope _____ %

Limiting Factor **31** "

☐ Ground Water
☐ Restrictive Layer
☒ Bedrock
☐ Pit Depth

Observation Hole TP 12 ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
0		DARK BROWN	
FINE SANDY LOAM	FRIABLE	YELLOWISH BROWN	
10			
GRAVELLY LOAMY COARSE SAND	FIRM	MIXED DARK YELLOWISH BROWN	FEW FAINT
20		OLIVE BROWN	COMMON FAINT
30			
BEDROCK			
40			
50			

Soil Classification
3 AIII/C
Profile Condition
TUNBRIDGE

Slope _____ %

Limiting Factor **17** "

☒ Ground Water
☐ Restrictive Layer
☐ Bedrock
☐ Pit Depth

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SOIL TEST PIT PROFILE DESCRIPTIONS

LONGVIEW PARTNERS, LLC
6 SECOND STREET BUXTON, MAINE

Town, City, Plantation

Street, Road, Subdivision

Owner's Name

KENNEBUNKPORT

GOOSE ROCKS ROAD (MAP 15, BLK 1, LOT 1)

CREATIVE COAST CONSTRUCTION

SOIL DESCRIPTION AND CLASSIFICATION (PER STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES)

Observation Hole TP 13 ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	SOIL TEST PIT BY BACKHOE			
	Texture	Consistency	Color	Mottling
0			DARK YELLOWISH BROWN	
10	FINE SANDY LOAM	FRIABLE	YELLOWISH BROWN	
20			OLIVE BROWN	FEW FAINT
30	GRAVELLY SANDY LOAM & LOAMY SAND	FIRM	OLIVE	COMMON DISTINCT
40				
50				

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
3 C Profile Condition SKERRY/DIXFIELD	%	19 "	

Observation Hole TP 14 ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	SOIL TEST PIT BY BACKHOE			
	Texture	Consistency	Color	Mottling
0			DARK BROWN	
10	SANDY LOAM	FRIABLE	YELLOWISH BROWN	
20	SILT LOAM	SOMEWHAT FIRM	OLIVE BROWN	FEW FAINT
30		FIRM	OLIVE GRAY	COMMON DISTINCT
40				
50				

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
8 C Profile Condition DIXFIELD (VARIANT)	%	16 "	

SOIL DESCRIPTION AND CLASSIFICATION (PER STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES)

Observation Hole TP 15 ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	SOIL TEST PIT BY BACKHOE			
	Texture	Consistency	Color	Mottling
0	FINE SANDY LOAM	FRIABLE	BLACK	NONE EVIDENT
10			BEDROCK	
20				
30				
40				
50				

Soil Classification	Slope	Limiting Factor	<input type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input checked="" type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
2 AI Profile Condition ABRAM	%	2-4 "	

Observation Hole TP 16 ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	SOIL TEST PIT BY BACKHOE			
	Texture	Consistency	Color	Mottling
0			DARK BROWN	
10	FINE SANDY LOAM	FRIABLE	DARK YELLOWISH BROWN	
20			YELLOWISH BROWN	
30	SILT LOAM	FIRM	OLIVE BROWN	FEW FAINT
40			OLIVE GRAY	COMMON DISTINCT
50			FRACTURED BEDROCK	

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
8 AIII/C Profile Condition TUNBRIDGE (ATYPICAL)	%	15 "	

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2/23/22
DATE

SOIL TEST PIT PROFILE DESCRIPTIONS

LONGVIEW PARTNERS, LLC
6 SECOND STREET BUXTON, MAINE

Town, City, Plantation

Street, Road, Subdivision

Owner's Name

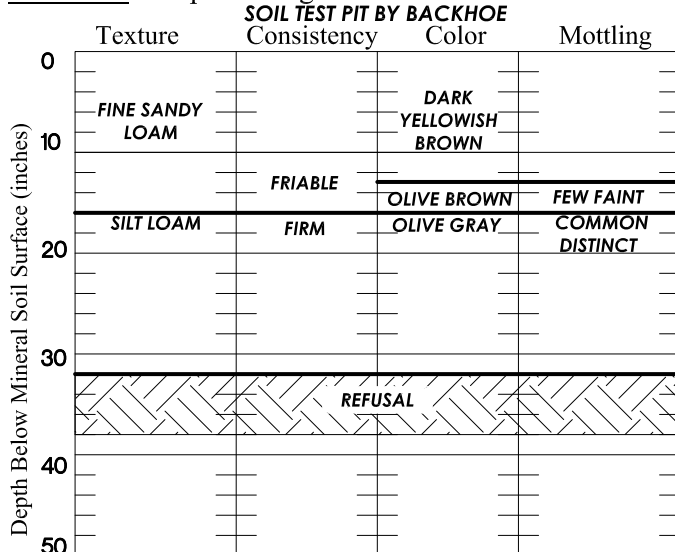
KENNEBUNKPORT

GOOSE ROCKS ROAD (MAP 15, BLK 1, LOT 1)

CREATIVE COAST CONSTRUCTION

SOIL DESCRIPTION AND CLASSIFICATION (PER STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES)

Observation Hole TP 17 ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil



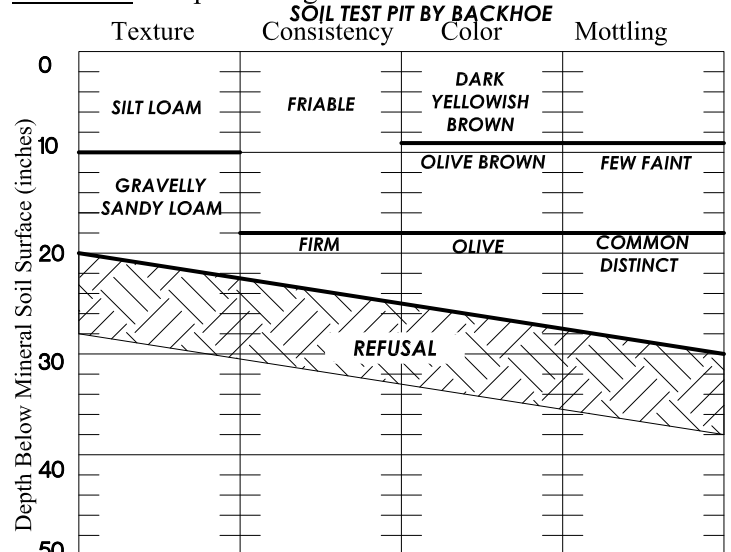
Soil Classification 8 AIII/D
Profile Condition
TUNBRIDGE (ATYPICAL)

Slope _____ %

Limiting Factor 13 "

☒ Ground Water
☐ Restrictive Layer
☐ Bedrock
☐ Pit Depth

Observation Hole TP 18 ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil



Soil Classification 8 AIII/D
Profile Condition
TUNBRIDGE (VARIANT)

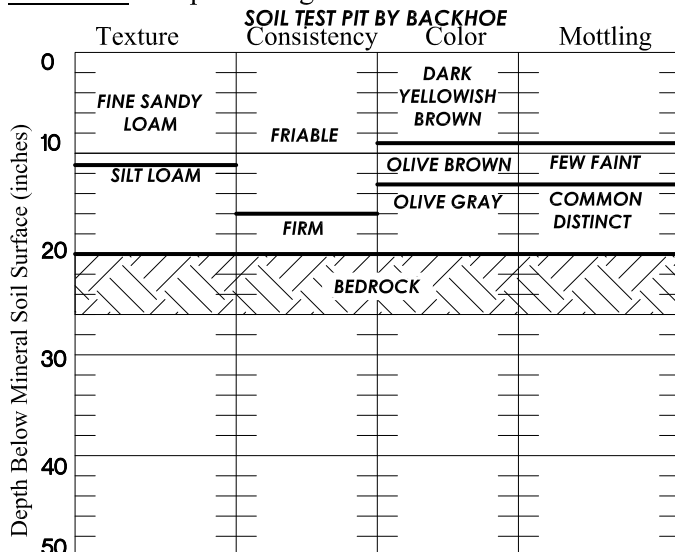
Slope _____ %

Limiting Factor 9 "

☒ Ground Water
☐ Restrictive Layer
☐ Bedrock
☐ Pit Depth

SOIL DESCRIPTION AND CLASSIFICATION (PER STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES)

Observation Hole TP 19 ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil



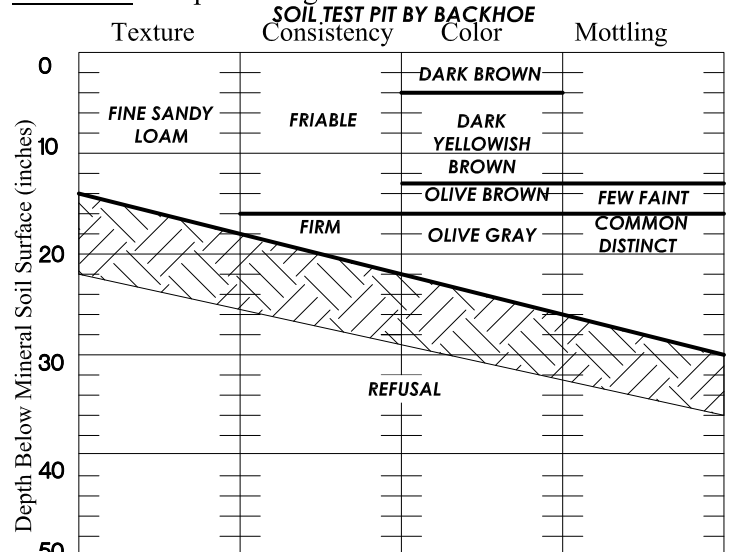
Soil Classification 8 AIII/D
Profile Condition
TUNBRIDGE (VARIANT)

Slope _____ %

Limiting Factor 9 "

☒ Ground Water
☐ Restrictive Layer
☐ Bedrock
☐ Pit Depth

Observation Hole TP 20 ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil



Soil Classification 8 AIII/D
Profile Condition
TUNBRIDGE (VARIANT)

Slope _____ %

Limiting Factor 14-30 "

☐ Ground Water
☐ Restrictive Layer
☒ Bedrock
☐ Pit Depth

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237/213
LSE/CSS #

2/23/22
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<h1 style="margin: 0;">SOIL TEST PIT PROFILE DESCRIPTIONS</h1>		LONGVIEW PARTNERS, LLC 6 SECOND STREET BUXTON, MAINE																																																									
Town, City, Plantation KENNEBUNKPORT		Street, Road, Subdivision GOOSE ROCKS ROAD (MAP 15, BLK 1, LOT 1)																																																									
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Observation Hole <u>TP 21</u> <input checked="" type="checkbox"/> Test Pit <input type="checkbox"/> Boring _____ " Depth of Organic Horizon Above Mineral Soil		Observation Hole _____ <input checked="" type="checkbox"/> Test Pit <input type="checkbox"/> Boring _____ " Depth of Organic Horizon Above Mineral Soil																																																									
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EXHIBIT 9.3

Septic Soil Test Pit Logs

SOIL TEST PIT PROFILE DESCRIPTIONS

LONGVIEW PARTNERS, LLC
6 SECOND STREET BUXTON, MAINE

Town, City, Plantation

Street, Road, Subdivision

Owner's Name

KENNEBUNKPORT

GOOSE ROCKS ROAD (MAP 15, BLK 1, LOT 1)

CREATIVE COAST CONSTRUCTION

SOIL DESCRIPTION AND CLASSIFICATION (PER STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES)

Observation Hole TP 23-1 ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil

SOIL TEST PIT BY BACKHOE			
Texture	Consistency	Color	Mottling
0			
GRAVELLY FINE SANDY LOAM	FRIABLE	DARK BROWN	
		DARK YELLOWISH BROWN	
10			COMMON FAINT
LOAMY FINE SAND & SILT		MIXED OLIVE GRAY	COMMON DISTINCT
		MIXED OLIVE BROWN	
20			
GRAVELLY LOAMY SAND & SAND	FIRM		
30			
40			
50			
		REFUSAL	

Soil Classification **COLONEL (ATYPICAL)/NASKEAG**
Slope _____ %
Limiting Factor **9** "
☒ Ground Water
☐ Restrictive Layer
☐ Bedrock
☐ Pit Depth

Observation Hole TP 23-2 ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil

SOIL TEST PIT BY BACKHOE			
Texture	Consistency	Color	Mottling
0			
STONY FINE LOAM		DARK BROWN	
		DARK YELLOWISH BROWN	
10			NONE EVIDENT
	FRIABLE		
20		YELLOWISH BROWN	
STONY SANDY LOAM & LOAMY SAND			
30			
40			
50			
		BEDROCK	

Soil Classification **2 AIII**
Slope _____ %
Limiting Factor **28** "
☐ Ground Water
☐ Restrictive Layer
☒ Bedrock
☐ Pit Depth
Profile Condition **TUNBRIDGE**

SOIL DESCRIPTION AND CLASSIFICATION (PER STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES)

Observation Hole TP 23-3 ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil

SOIL TEST PIT BY BACKHOE			
Texture	Consistency	Color	Mottling
0			
STONY FINE SANDY LOAM		DARK BROWN	
		DARK YELLOWISH BROWN	
10		OLIVE GRAY	
	FRIABLE		FEW FAINT
20		OLIVE BROWN	
LOAMY FINE SAND & SILT		OLIVE	
		OLIVE BROWN	
30			
GRAVELLY LOAMY SAND & SAND			
40			
50			
		BEDROCK	

Soil Classification **3/8 AIII/C**
Slope _____ %
Limiting Factor **16** "
☒ Ground Water
☐ Restrictive Layer
☐ Bedrock
☐ Pit Depth
Profile Condition **TUNBRIDGE (ATYPICAL)/DIXFIELD**

Observation Hole TP 23-4 ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil

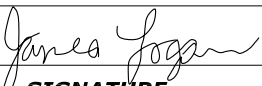
SOIL TEST PIT BY BACKHOE			
Texture	Consistency	Color	Mottling
0			
STONY FINE SANDY LOAM	FRIABLE	DARK BROWN	
		LIGHT GRAY (ALBIC)	
10		DARK YELLOWISH BROWN	
	SOMEWHAT FIRM TO FIRM	OLIVE BROWN	COMMON FAINT
20			COMMON DISTINCT
LOAMY FINE SAND & SILT (LACUSTRINE)			
30			
40			
50			
		REFUSAL	


Soil Classification **8 AIII/C**
Slope _____ %
Limiting Factor **16** "
☒ Ground Water
☐ Restrictive Layer
☐ Bedrock
☐ Pit Depth
Profile Condition **DIXFIELD (ATYPICAL)/ELMWOOD**

James Logan
SIGNATURE

237/213
LSE/CSS #

1/12/23
DATE

SOIL TEST PIT PROFILE DESCRIPTIONS		LONGVIEW PARTNERS, LLC 6 SECOND STREET BUXTON, MAINE	
Town, City, Plantation KENNEBUNKPORT		Street, Road, Subdivision GOOSE ROCKS ROAD (MAP 15, BLK 1, LOT 1)	
Owner's Name CREATIVE COAST CONSTRUCTION			
SOIL DESCRIPTION AND CLASSIFICATION (PER STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES)			
Observation Hole <u>TP 23-5</u> <input checked="" type="checkbox"/> Test Pit <input type="checkbox"/> Boring " Depth of Organic Horizon Above Mineral Soil		Observation Hole <u>TP 23-6</u> <input checked="" type="checkbox"/> Test Pit <input type="checkbox"/> Boring " Depth of Organic Horizon Above Mineral Soil	
SOIL TEST PIT BY BACKHOE		SOIL TEST PIT BY BACKHOE	
Texture Consistency Color Mottling		Texture Consistency Color Mottling	
0 STONY SANDY LOAM FRIABLE LIGHT GRAY (ALBIC) 10 STONY LOAMY SAND SOMEWHAT FIRM DARK YELLOWISH BROWN 20 LOAMY SAND & SAND COMMON FAINT 30 BEDROCK		0 STONY SANDY LOAM FRIABLE DARK YELLOWISH BROWN NONE EVIDENT 10 BEDROCK 20 30 40 50	
Soil Classification 3 AIII/C Profile Condition TUNBRIDGE (VARIANT)		Soil Classification 2 All Profile Condition LYMAN	
Slope % Limiting Factor 15 "		Slope % Limiting Factor 10 "	
<input checked="" type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth		<input type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input checked="" type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth	
SOIL DESCRIPTION AND CLASSIFICATION (PER STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES)			
Observation Hole <u>TP 23-7</u> <input checked="" type="checkbox"/> Test Pit <input type="checkbox"/> Boring " Depth of Organic Horizon Above Mineral Soil		Observation Hole <u>TP 23-8</u> <input checked="" type="checkbox"/> Test Pit <input type="checkbox"/> Boring " Depth of Organic Horizon Above Mineral Soil	
SOIL TEST PIT BY BACKHOE		SOIL TEST PIT BY BACKHOE	
Texture Consistency Color Mottling		Texture Consistency Color Mottling	
0 STONY FINE SANDY LOAM 10 FRIABLE 20 STONY LOAMY SAND SOMEWHAT FIRM 30 LOAMY FINE SAND & SILT FIRM 40 BEDROCK		0 DARK BROWN 10 STONY FINE SANDY LOAM FRIABLE YELLOWISH BROWN NONE EVIDENT 20 BEDROCK 30 40 50	
Soil Classification 8 C Profile Condition ELMWOOD (ATYPICAL)		Soil Classification 2 AIII Profile Condition TUNBRIDGE	
Slope % Limiting Factor 15 "		Slope % Limiting Factor 25 "	
<input checked="" type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth		<input type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input checked="" type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth	
 SIGNATURE		237/213 LSE/CSS #	
		1/12/23 DATE	

SOIL TEST PIT PROFILE DESCRIPTIONS		LONGVIEW PARTNERS, LLC 6 SECOND STREET BUXTON, MAINE	
Town, City, Plantation KENNEBUNKPORT		Street, Road, Subdivision GOOSE ROCKS ROAD (MAP 15, BLK 1, LOT 1)	
Owner's Name CREATIVE COAST CONSTRUCTION			
SOIL DESCRIPTION AND CLASSIFICATION (PER STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES)			
Observation Hole <u>TP 23-9</u> <input checked="" type="checkbox"/> Test Pit <input type="checkbox"/> Boring " Depth of Organic Horizon Above Mineral Soil		Observation Hole <u>TP 23-10</u> <input checked="" type="checkbox"/> Test Pit <input type="checkbox"/> Boring " Depth of Organic Horizon Above Mineral Soil	
SOIL TEST PIT BY BACKHOE		SOIL TEST PIT BY BACKHOE	
Texture Consistency Color Mottling		Texture Consistency Color Mottling	
0		0	
10		10	
20		20	
30		30	
40		40	
50		50	
Soil Classification 3 AIII/C Profile Condition TUNBRIDGE (VARIANT)		Soil Classification 2 AIII/D Profile Condition NASKEAG (VARIANT)	
Slope %		Slope %	
Limiting Factor 15 "		Limiting Factor 20 "	
<input checked="" type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth		<input type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input checked="" type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth	
SOIL DESCRIPTION AND CLASSIFICATION (PER STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES)			
Observation Hole <u></u> <input checked="" type="checkbox"/> Test Pit <input type="checkbox"/> Boring " Depth of Organic Horizon Above Mineral Soil		Observation Hole <u></u> <input type="checkbox"/> Test Pit <input type="checkbox"/> Boring " Depth of Organic Horizon Above Mineral Soil	
Texture Consistency Color Mottling		Texture Consistency Color Mottling	
0		0	
10		10	
20		20	
30		30	
40		40	
50		50	
Soil Classification Profile Condition		Soil Classification Profile Condition	
Slope %		Slope %	
Limiting Factor "		Limiting Factor "	
<input type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth		<input type="checkbox"/> Ground Water <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth	
		237/213	
SIGNATURE		LSE/CSS #	
		1/12/23	
		DATE	

SECTION 10

HYDROGEOLOGIC ASSESSMENT

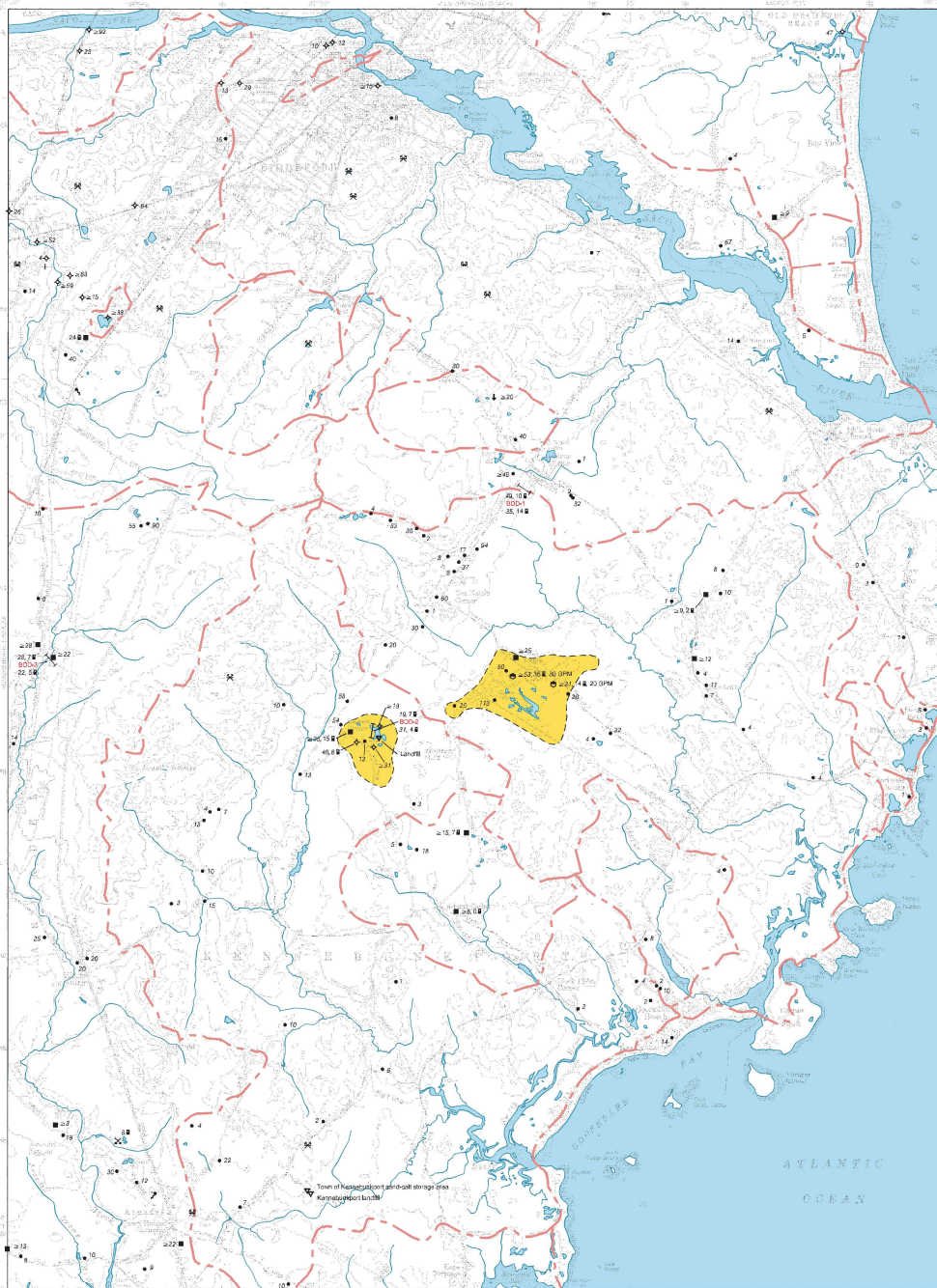
Although the proposed subdivision on Goose Rocks Road will be served by private individual septic, no part of the proposed development will be located over a sand and gravel aquifer as shown on a map entitled, "Hydrogeologic Data for Significant Sand and Gravel Aquifers" by Maine Geological Survey, 1985, Map No.4, most recent addition. The above-mentioned map is included in this section.

Because the project site contains areas of shallow to bedrock soils, a hydrogeologic assessment is required. A copy of the hydrogeologic assessment report can be found in this section. Nitrate plumes derived from the geologist's work have been incorporated onto the attached plan set. All plumes remain on the property and do not degrade the groundwater of the neighborhood. The nitrates plumes lead towards wetlands where the natural process of nutrient removal occurs. Well locations are at least 100 feet from all existing and proposed septic systems. Each proposed drinking water well should be cased 20 feet below the bedrock surface.

EXHIBIT 10.1

Sand and Gravel Aquifer Map

Significant Sand and Gravel Aquifers

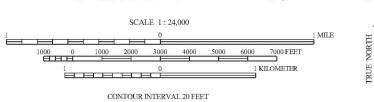


Aquifer boundaries modified from: Linsley, E. M., and Johnson, A. L., 1985. Hydrogeologic data for significant sand and gravel aquifers in the Biddeford and Cumberland Counties, Maine. Maine Geological Survey, Open-File Map 90-36, scale 1:50,000.

Well inventory data from U.S. Geological Survey Basic Data Reports and additional data collected by Maine Geological Survey field assistants during the 1970s, 1980s, and 1990s.

Drainage basin boundaries compiled by U.S. Geological Survey, Water Resources Division, Augusta, Maine, with linings from the Maine Low-Level Radioactive Waste Inventory.

Quadrangle Location



Topographic base from U.S. Geological Survey 7.5-minute quadrangle, Maine, scale 1:250,000.

The use of this map, or any part thereof, for purposes not intended by the Maine Geological Survey is the responsibility of the user.

Topographic base from U.S. Geological Survey 7.5-minute quadrangle, Maine, scale 1:250,000.

The use of this map, or any part thereof, for purposes not intended by the Maine Geological Survey is the responsibility of the user.

SIGNIFICANT SAND AND GRAVEL AQUIFERS

(yields greater than 10 gallons per minute)

- Approximate boundary of surficial deposits with significant saturated thickness where potential groundwater yield is moderate to excellent.
- Surficial deposits with good to excellent potential groundwater yield, yields generally greater than 50 gallons per minute to a properly constructed well. Deposits consist primarily of glacial sand and gravel, but can include areas of sandy till and alluvium; yield zones are based on surficial data where available, and may vary from mapped extent in areas where data are unavailable.
- Surficial deposits with moderate to good potential groundwater yield, yields generally greater than 10 gallons per minute to a properly constructed well. Deposits consist primarily of glacial sand and gravel, but can include areas of sandy till and alluvium; yields may exceed 50 gallons per minute in deposits hydraulically connected with water-bearing beds, or in extensive deposits where surficial data are available.

SURFICIAL DEPOSITS WITH LESS FAVORABLE AQUIFER CHARACTERISTICS

(yields less than 10 gallons per minute)

Areas with moderate to low or no potential groundwater yield (includes areas underlain by till, marine deposits, colluvial deposits, alluvium, swamps, thin glacial sand and gravel deposits, or bedrock); yields in surficial deposits generally less than 10 gallons per minute to a properly constructed well.

OTHER SOURCES OF INFORMATION

- Tolman, L. L., Tappert, D. H., Prescott, G. C., and Gannon, S. O., 1998. Hydrogeology of significant sand and gravel aquifers, northern York and southern Cumberland Counties, Maine. Maine Geological Survey, Open-File Report 90-36, 4 p.
- Hildebrand, C. T., 1998. Surficial geology of the Biddeford quadrangle, Maine. Maine Geological Survey, Open-File Map 90-36, 1 p.
- Hildebrand, C. T., 1998. Surficial geology of the Biddeford 7.5 quadrangle, York County, Maine. Maine Geological Survey, Open-File Map 90-36, 1 p.
- Cawell, W. B., 1987. Ground water handbook for the state of Maine, Second Edition. Maine Geological Survey, Bulletin 39, 115 p.
- Thompson, W. B., 1979. Surficial geology handbook for coastal Maine. Maine Geological Survey, OF-4 (out of print).
- Thompson, W. B., and Bona, H. W., Jr., 1985. Surficial geologic map of Maine. Maine Geological Survey, scale 1:500,000.

SEISMIC-LINE INFORMATION

Profiles for selected 12-channel seismic lines are shown on Plate 2 of Open-File Report 85-1 (Tolman and others, 1985). Length of 12-channel and single-channel seismic lines as shown on the map is to scale.

- 63 Depth to bedrock, in feet below land surface.
- 62 Depth to bedrock exceeds depth shown (based on calculations).
- 123 Depth to water level, in feet below land surface.
- MAP-7 123, 23 Twelve-channel seismic line, with depths to bedrock and depth to water shown at each end of the line, in feet below land surface.
- 69, 12 Single-channel seismic line, with depths to bedrock and depth to water shown at each end of the line, in feet below land surface.
- MAP-7 123, 23 Twelve-channel seismic line, with depths to bedrock and depth to water shown at each end of the line, in feet below land surface.
- 69, 12 Single-channel seismic line, with depths to bedrock and depth to water shown at each end of the line, in feet below land surface.

The 1-letter identifier for a line is an abbreviation for the topographic quadrangle. If the 1-letter identifier for the line is followed by a number (e.g., MAP-7, MAP-4), the line is a 12-channel line. If the identifier is followed by a letter (e.g., MAP-E, MAP-P), the line is a single-channel line. Seismic interpretations by C. D. Neill and D. H. Tappert.

GEOLOGIC AND WELL INFORMATION

- 60 Depth to bedrock, in feet below land surface.
- 23 Penetration depth of boring; 23 symbol refers to minimum depth to bedrock based on boring depth or refusal.
- 68 Depth to water level in feet below land surface (observed in well, spring, test boring, pit, or seismic line).
- X Gravel pit (overburden thickness noted in feet, e.g., 5-12).
- X Quarry.
- 4 GPM Yield (flow) of well or spring in gallons per minute (GPM).
- Spring, with general direction of flow.
- Drilled overboard well.
- Dug well.
- Observation well (project well if labeled, nonproject well if unlabeled).
- Test boring (project boring if labeled, nonproject boring if unlabeled).
- Driveway point.
- Test pit.
- Drilled bedrock well.
- Potential point source of ground-water contamination.
- Bedrock outcrop.

Surface-water drainage basin boundaries; surface-water divides generally correspond to ground-water divides. Horizontal direction of ground-water flow generally is away from divides and toward surface-water bodies.

Biddeford Quadrangle, Maine

Compiled by
Craig D. Neill

Preliminary aquifer boundaries mapped by:
Carol T. Hildebrand

Cartographic design and editing by:
Robert D. Tucker
Bennett J. Wilson, Jr.

Digital cartography by:
Robert A. Johnston

Robert G. Marvinney
State Geologist

Funding for the preparation of this map was provided in part by the
Maine Department of Environmental Protection.

Maine Geological Survey
Address: 22 State House Station, Augusta, Maine 04333
Telephone: 207-287-2801 E-mail: mgs@maine.gov
Home page: <http://www.maine.gov/doc/mgs/mgs.htm>

Open-File No. 98-149
1998

WHAT IS AN AQUIFER?

Ground water, as the name implies, is water found below the land surface in the pore spaces between sand grains and in fractures in the bedrock (see diagrams below). An aquifer is a water-bearing geologic formation capable of yielding a usable amount of ground water to a well. In Maine there are two types of aquifers: loose soil materials (such as sand, gravel, and other sediments) and fractured bedrock. A sand and gravel deposit is considered a **surficial aquifer** when a well in the deposit is capable of being continuously pumped at a rate of 10 gallons per minute (gpm) or more. To sustain a yield of 10 gpm or more, a deposit must be permeable enough for water to flow readily into the well as it is pumped (see section on *porosity and permeability* below), and there must be a sufficient depth of water in the well so that it will not be pumped dry.

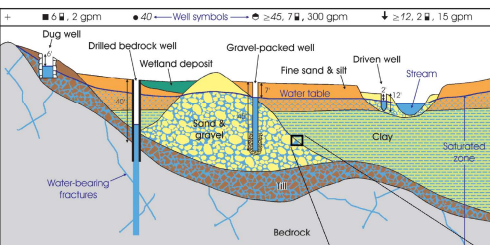
The diagram below shows a schematic cross section of a sand and gravel aquifer in Maine. The symbols above the diagram correspond to the well symbols shown in the map at left. Information typically shown for these wells includes type of well, depth to bedrock, depth to water, and well yield. The blue line in the diagram is the **water table**. The area below the water table is called the **unconfined zone**, where all pore spaces between the sediment particles are filled with water. In order to yield water, a well must extend below the water table into the unconfined zone. Notice that the water table corresponds to the water level most wells and in the stream.

Several types of wells, common in Maine, are shown in the diagram. A **dug well** is a large diameter hole excavated by hand or backhoe. The hole is kept from caving in by installing lining that may be stone, tile, or concrete blocks. The hole must be deep to extend below the water table. The shallow dug well in the diagram has a yield of 2 gpm. Although they are often used for water, dug wells are generally not used for water in a household because of the large amount of water stored in the well.

A **gravel-packed well** is usually installed into coarse-grained sediment and is drilled with a much larger diameter than the final casing and screen diameter. To increase the yield and pumping efficiency of the well, the space around the well screen is filled with selected gravel that increases the permeability in the immediate vicinity of the well. The gravel-packed well in the diagram has a high yield of 100 gpm. Such high-yielding gravel-packed wells are commonly drilled for municipal or industrial water systems.

A **driven well** or **well point** can be installed into sand and gravel where the water table is within about 20 feet of the ground surface. A 2 to 3 inch diameter pipe, equipped with a well screen at its lower end, is driven into the deposit until the screen is below the water table. This pipe acts as a cone, and water is pumped directly from the aquifer. The driven well in the diagram has a significant yield of 15 gpm. Although the well is relatively high driven wells generally only supply a single household because very little water is stored in the well casing.

Wells of any type constructed in the other sediments shown in the diagram (clay or fine sand and silt) would yield some water, but yields would be low for wells in coarse-grained sand and gravel deposits. Another type of well common in Maine is the **drilled bedrock well**. This well is drilled into the underlying rock with steel casing to isolate the well from potential surface-water contamination. In this type of well, water is found where the well hole intersects water-bearing fractures in the bedrock. Notice how the water level in this well is not the same level as the water table. The well casing isolates the bedrock well from the overlying sediments. The water level is controlled by water pressure in the fractures in the bedrock, and is not related to the water table or the nearby aquifers.

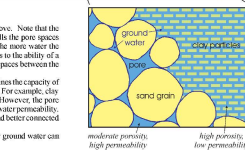


POROSITY AND PERMEABILITY

The diagram in right is an enlarged view of a section of the diagram above. Note that the section shows the water table and that ground water completely fills the pore spaces between the sediment grains, except in the pore space shown in the stream, where the aquifer can hold. This is called the **porosity** of a deposit. **Permeability** refers to the ability of a material deposit to transmit water. Permeability depends on the size of the spaces between the sediment grains.

Permeability is related to porosity, but is not the same. Porosity determines the capacity of the material to hold water. Permeability determines its ability to yield water. For example, clay is made of tiny particles with a large amount of pore space between them. However, the pore spaces are so small that the water cannot move through them, resulting in low permeability. Sand and gravel may not be as porous as clay, but the pore spaces are larger and better connected and the material is much more permeable.

Permeability is an important characteristic since it determines whether ground water can actually be drawn into a pumping well.



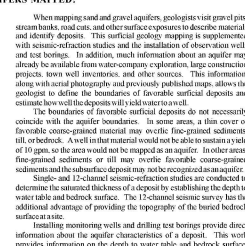
HOW ARE AQUIFERS MAPPED?

When mapping sand and gravel aquifers, geologists visit gravel pits, stream banks, road cuts, and other surface exposures to describe materials and identify deposits. This surficial geologic mapping is supplemented with seismic-refraction studies and the installation of observation wells and test borings. In addition, much information about an aquifer may already be available from water-company exploration, large construction projects, town well inventories, and other sources. This information, along with aerial photographs and previously published maps, allows the geologist to define the boundaries of favorable surficial deposits and estimate how well the deposits will yield water to a well.

The boundaries of favorable surficial deposits do not necessarily coincide with the aquifer boundaries. In some areas, a thin cover of favorable coarse-grained material may overlie fine-grained sediments, till, or bedrock. A well in that material would not be able to sustain a yield of 10 gpm or more and would not be mapped as an aquifer. In other areas, fine-grained sediments or till may overlie favorable coarse-grained sediments and the subsurface deposit may not be recognized as an aquifer.

Single- and 12-channel seismic-refraction studies are conducted to determine the saturated thickness of a deposit by establishing the depth to water table and bedrock surface. The 12-channel seismic survey has the additional advantage of providing the topography of the buried bedrock surface.

Installing monitoring wells and drilling test borings provide direct information about the aquifer characteristics of a deposit. This work provides information on the depth to water table and bedrock surface, water quality, and how easily the sediment transmits water.



Operating a three-channel seismograph, Piscataquis County, Maine.

GROUND-WATER FLOW AND CONTAMINATION

Ground water is replenished or recharged by rainwater and melting snow that soaks into the soil. This water percolates downward and eventually reaches the water table. When recharge is high during spring snow-melt and fall rains, the amount of ground water increases and the water table rises. When recharge is low during the late summer or when the ground is frozen during the winter, the water table becomes lower.

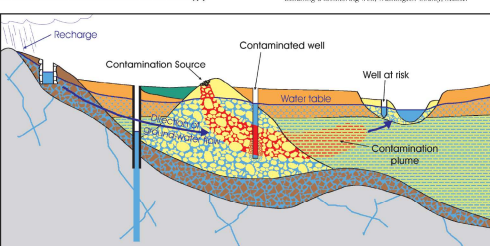
Notice in the diagram below that ground water is not static; it flows. This concept is very important, especially when ground water becomes contaminated. Once in the ground-water system, contaminants usually travel along the paths followed by ground water and are sometimes able to migrate considerable distances or even.

In the diagram below, a plume of contamination originates in the source in the land and gravel deposit. This source could be a landfill, a leaking fuel storage tank, or an accidental spill. As the contaminant seeps into the subsurface it enters and crosses the aquifer, it flows with the ground water. In the diagram, the plume contained the gravel-packed well as it passes by. The drilled well will not be able to sustain a yield of 10 gpm or more because the water table is not contaminated, but it is at risk since the plume is flowing in that direction. The dug well on the hillside, however, is not affected because it is upgradient of the source, hence the contaminated ground water flows away from this well.

Once ground water is contaminated, it is very difficult and expensive to correct. To design a clean-up plan, monitoring wells are installed under the direction of a hydrogeologist or other specialist. These wells define the three-dimensional extent of the affected area. Sometimes it is possible to pump contaminants to the surface using remediation wells within the plume. Often the only solution for a homeowner is to install filtering devices or to abandon the well and find an alternative water supply.



Installing a monitoring well, Washington County, Maine.



HOW TO USE THIS MAP

Types of Information Shown on this Map: The yellow and red colored areas on the map indicate significant aquifers, zones where ground-water yields are estimated to be 10 gpm or greater. The boundaries of the aquifers are drawn by geologists based, in part, on the well data shown on the map. Areas not mapped as aquifer may be thin or unconsolidated sand and gravel deposits, surficial deposits (thin sand and gravel, or bedrock).

The well data on the map provide information about the type of well, depth to water table, depth to bedrock, and yield of the wells in the area. Information is useful when making decisions about water supply, a drinking plan, or the need for testing.

Information from seismic refraction studies also is shown on the map. Seismic studies give detailed information about depths to water table and depth to bedrock surface. Geological cross sections generated from seismic information are shown in associated reports listed in the references below the map at left.

Surface-water drainage basin boundaries are also shown on the map. Horizontal direction of ground-water flow generally is away from drainage divides and toward surface-water bodies.

Uses of the Map: Sand and gravel aquifer maps are useful in two major categories of decision-making: ground-water supply and ground-water protection. For ground-water supply, these maps are useful in locating areas favorable for developing water supplies for municipal, industrial, residential use. Information on the map, such as depth to bedrock and well yields, indicates the potential for ground-water production.

Ground-water protection is another important function of these maps. Knowledge of the location and extent of sand and gravel aquifers is critical when siting potential contamination sites such as landfills and salt storage facilities. When used in conjunction with other geologic information, this map can help planners and municipal officials make much more informed decisions to guide industrial growth or residential development.

If ground-water contamination occurs, the general trend of the plume migration can be deduced from these maps by analyzing the drainage basin boundaries and the local surface water bodies.

For further assistance in interpreting this map, contact a geologist at the Maine Geological Survey.

EXHIBIT 10.2

Hydrogeologic Assessment Report



Hydrogeologic Assessment of the The Glen at Goose Rocks Subdivision Goose Rocks Road, Kennebunkport

Date: June 22, 2023

Summary of the Assessment:

The proposed subdivision of nine residential lots satisfies the requirements of the Town of Kennebunkport Subdivision Ordinance regarding effects on ground water quality and quantity.

Purposes of the Assessment:

The purposes of the assessment are to predict the locations and possible effects on groundwater from septic systems and water wells planned for the project to satisfy the requirements of the Town of Kennebunkport.

Information used:

Information used in this assessment include a site plan of the development by Atlantic Resource Consultants, a High Intensity Soil map and wetlands delineation by Long View Partners, soil information by Longview Partners and library research of published geologic, hydrogeologic and soils information.

Project summary:

The project is a subdivision of nine residential lots on 43.5 acres. The residences will be served by individual subsurface wastewater disposal systems and private, drilled bedrock water wells.

Summary of geology:

The property is located on the dissected coastal plain of Kennebunkport (see Figure 1). Surface slopes are gentle. Drainage is generally to a tributary of Round Swamp Brook, which crosses the property, then to the Batson River drainage system (see Figures 1 and 3). Wetland areas are a common feature on the property.

The site is mapped by Carol Hildreth (see Figure 2) as a marine near shore deposit over shallow bedrock (Pmn1 and Pmn2) on the *Surficial Geology of the Biddeford 7.5 Quadrangle, York County Maine* (ME Geol. Surv. Open-File Map 07-81). This is defined as, "*thin, discontinuous deposit of sand, gravel, silt-clay and re-worked till overlying bedrock and till. Formed in shallow marine waters where glacial sediments were re-worked by ocean waves and currents during regressive phase of Late-glacial marine submergence.*"

This mapping agrees with the soil test pits of James Logan, LSS, LSE. The site is mapped primarily as Lyman-Tunbridge Rock Outcrop Complex, Scantic silt loam and Naskeag. Soil textures reported by Logan are primarily sandy.

Bedrock was commonly found in the soil pits of Logan. Depths to bedrock are reported to be at the ground surface to four feet below the surface. The bedrock is mapped as the granite of the Biddeford Pluton by Arthur Hussey, and others (see Figure 4) on the *Bedrock Geology of the Kittery 1:100,000 Quadrangle, Maine and New Hampshire* (ME Geol. Surv, Geologic Map 16-6).

Summary of hydrogeology:

The property is not mapped as a Significant Sand and Gravel Aquifer by the Maine Geologic Survey, (see Figure 3).

The source of ground water on this site is precipitation. Precipitation falling on this site seeps into the soil and descends until restrictive soil layers, the water table or bedrock is encountered.

On this site the soils are sandy loams to gravelly sands that vary from medium to coarse in texture, and slopes are gentle. Soil recharge is average over the entire parcel.

The ground water flow directions on this property were determined by analysis of the surface topographic contours. The estimated hydraulic conductivity of the soils is 6 feet per day based on the soil logs of Logan and the hydraulic gradients are estimated to be 2%, based on surface slopes. The effective porosity is assumed to be 25%.

Impact on ground water quality:

Nitrate-nitrogen is the chemical to assess for the impact on ground water. Nitrate-nitrogen (NO₃-N) is generated by septic systems. It is a conservative contaminant, meaning it does not readily degrade in ground water, nor does it attach to soil particles. NO₃-N is limited to 10 mg/liter in public drinking water supplies by the Primary Drinking Water Standard. The Kennebunkport Subdivision Ordinance requires the ground water to not exceed 5 mg/liter at the project property lines.

The analysis of NO₃-N impacts was calculated by SOLUTRANS, a 32-bit Windows program for modelling three-dimensional solute transport written by Dr. Charles R. Fitts, of Fitts Geosolutions and the University of Southern Maine. The program is based on the analytical solutions of Liej *et. al.* (1991 and 1993). The solutions in SOLUTRANS all assume a uniform one-dimensional flow field, and allow approximate three-dimensional dispersion, retardation and first-order decay. SOLUTRANS is not a Mass-Balance Dilution model, so drought conditions are included in the steady-state analysis.

Variables entered into the calculations include a hydraulic conductivity of 6 feet per day, a hydraulic gradient of 2% and an effective porosity of 25%, giving a seepage velocity of 0.48 feet per day. Other assumed variables include an initial wastewater concentration of 40 mg/liter NO₃-N, a retardation of 1, a decay constant of zero and longitudinal, lateral and vertical dispersivities of 15, 5 and 0.5 feet, respectively. Flows of 360 gallons per day per residence were assumed.

Calculations were made and reveal a typical 5 mg/liter NO₃-N plume from a septic system on this site will be approximately 150 feet in length. All the 5 mg/liter mg/liter NO₃-N plumes remain on the parcel.

All plumes move into wetlands located on the property. In wetlands conditions the near surface groundwater containing the elevated nitrogen will encounter carbon-rich anoxic conditions. The nitrates will biochemically be changed to nitrogen gas carbon dioxide and water, where not first taken up by the hydrophytic vegetation as nutrients. This natural wetland treatment helps reduce the nitrogen to very low concentrations.

The estimated plumes were drawn on a detail of each lot by Mark Cenci Geologic, Inc. and provided to Atlantic Resource Consultants.

Because bedrock is shallow everywhere on the property and the residences will be served by drilled bedrock wells, it is recommended that each well be cased 20 feet below the bedrock surface encountered by the drillers.

Impact on ground water quantity:

An estimated 3,600 gallons of water will be removed from the bedrock aquifer per day, assuming each of the residences uses 400 gallons per day. The yearly withdrawal would be 1,324,000 gallons.

Water occurs in fractures and partings in a rock body. The openness and spacing of the fractures and partings differs from rock body to rock body and within the rock body as well. It is extremely difficult to predict the well yield and well depth at any specific location, but general trends can be discerned by looking at well drilling results.

There are two variables to consider when evaluating a water well. One is the depth of the borehole into the rock and the other is the amount of water that can be delivered to the borehole from the bedrock fractures. Where the yield of the well is low, a deep borehole can act as a storage container. The typical drilled, bedrock water well in Maine is 300 feet deep and has a yield of 3 gallons per minute.

To investigate the capacity of the site to deliver water from the bedrock aquifer to the proposed homes, while complying with the Ordinance, research of existing published information was made.

No test wells were drilled and evaluated on the property, but the Maine Water Well Database of the Maine Geological Survey provides published information of existing water wells that are searchable. These are presented in a street map format (see Figures 5 and 6).

Twenty-seven bedrock wells drilled into the same Biddeford Granite as underlies the project within 3,500 feet of the subject property were tallied regarding depth and yield of well. Well depths range from 120 feet to 520 feet deep. The average well depth is 325 feet, and the median well depth is 305 feet deep. Well yields range from 0.75 gpm to 50 gpm. The average yield is 9 gpm and the median is 5 gpm. These results suggest the Biddeford Granite in this area is a body of rock offering average to above average aquifer characteristics regarding depth and yield.

To better understand the capacity of the bedrock aquifer to deliver the quantity of water required by 9 new residences, without depleting the stored water in the ground, an analysis of the recharge capacity of the property was made.

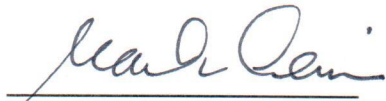
Precipitation recharges the bedrock aquifer, and typical rates of recharge are known from studies of bedrock in Maine. Rocks like the Biddeford Granite typically recharge 9 inches of precipitation per year into the bedrock. This is regardless of drought conditions.

A simple Mass-Balance equation can be done to evaluate the capacity of the subject property to supply sufficient water to the bedrock aquifer. Calculations are attached as Table 1 and indicate the property itself supplies more water to the bedrock than will be withdrawn by the new wells.

Conclusions:

The proposed plan for nine residential dwellings meets the requirements of the Town of Kennebunkport regarding the effects of wastewater disposal on ground water. All 5 mg/liter plumes remain of the property and do not degrade the ground water of the neighborhood. Bedrock wells drilled for the residences should be cased 20 feet below the bedrock surface.

The bedrock aquifer recharge capacity of the parcel is greater than the ground water withdrawal from the new water wells. The rock of the Biddeford Granite beneath the site is a good bedrock aquifer, as shown by a review of the nearest bedrock water wells in the Maine Water Well Database.



Mark Cenci, LG # 467

TABLE 1

Bedrock Aquifer Mass-Balance Calculations

Assumptions:

43.5-acre parcel

9 residences

400 gallons per day pumped from the bedrock aquifer per residences (total of 3,600 gpd)

3.5 feet per year of precipitation

9 inches recharge (0.75 ft) to the bedrock per year, at a recharge rate of 21%

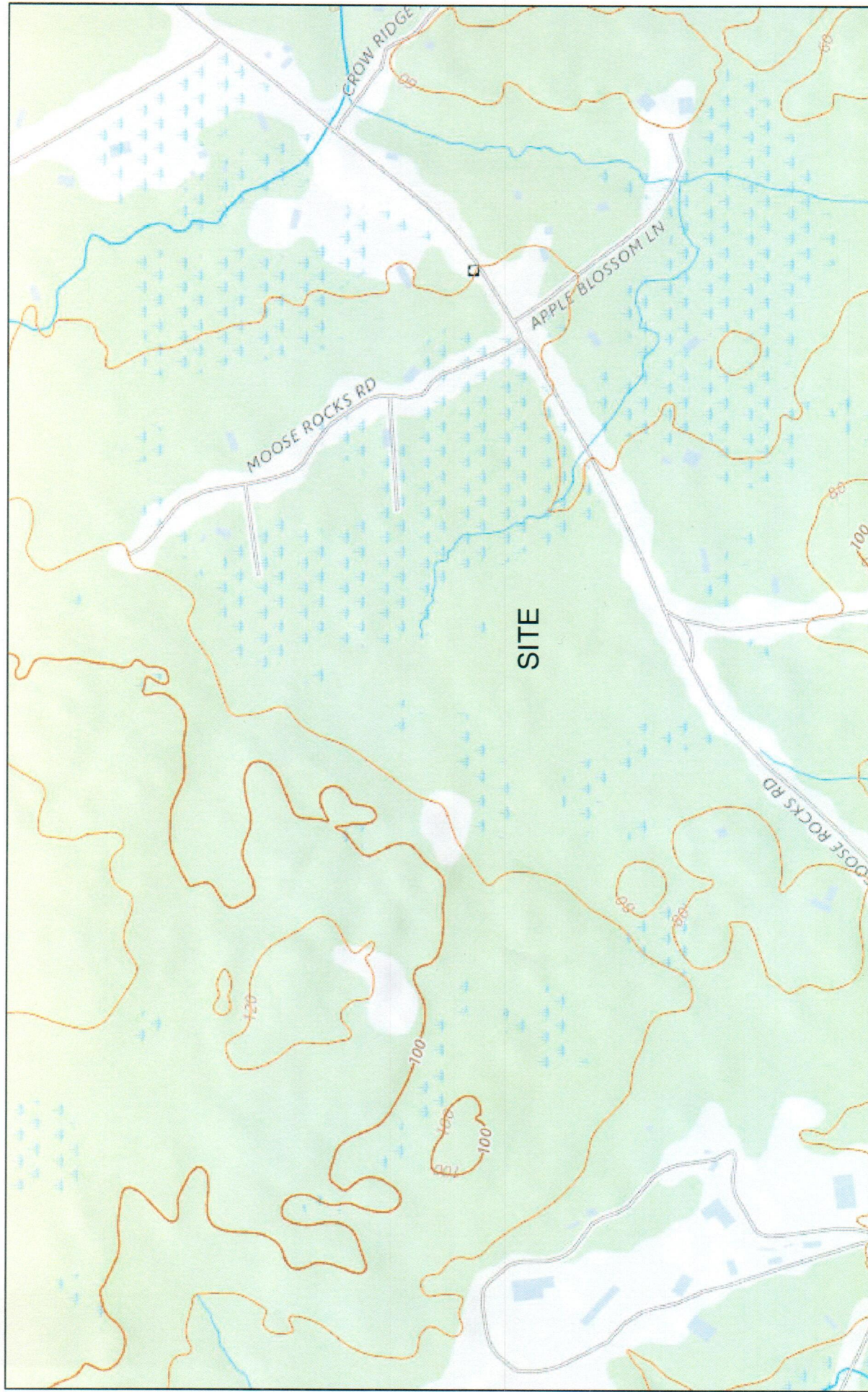
Calculations:

$43.5 \text{ acres} \times 43,540 \text{ sq ft/acre} \times 0.75 \text{ ft/year} \times 7.481 \text{ gal/sq ft} / 365 \text{ days per year} = 32,623$
gallons per day, average, recharged into the bedrock aquifer on this parcel.

Conclusions:

Recharge to the bedrock aquifer on the property exceeds the withdrawal from the 9 wells.

Figure 1.



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- Normal Intermediate Contours
- Normal Index Contours

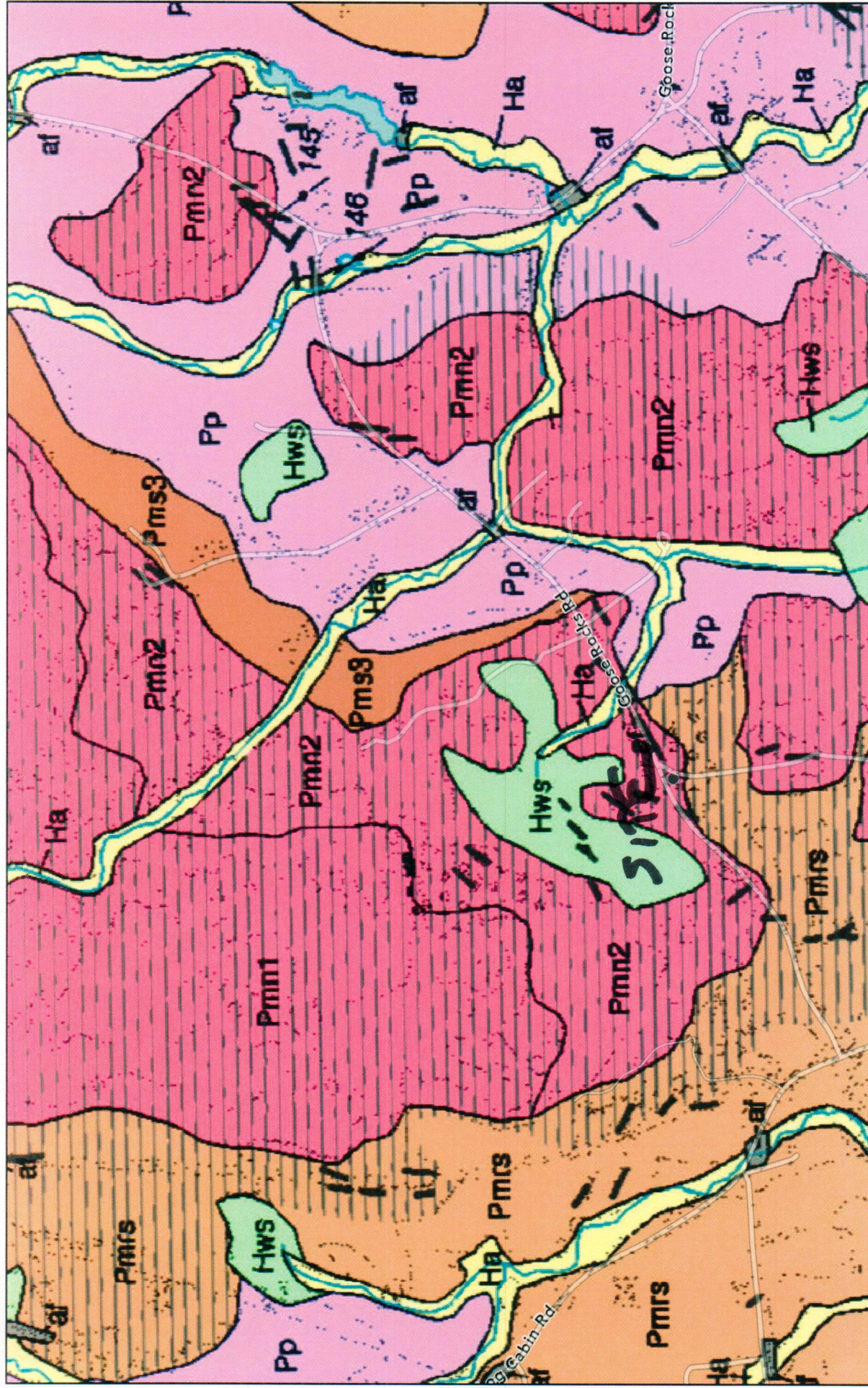
1:9,028

0 0.05 0.1 0.2 mi
0 0.07 0.15 0.3 km

USGS The National Map. 3D Elevation Program. Data Refreshed April, 2023., USGS The National Map: National Boundaries Dataset, 3DEP

USGS
2021 USGS

Figure 2. Surficial Geology 1:24,000



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Image

Green: Band_2 Blue: Band_3

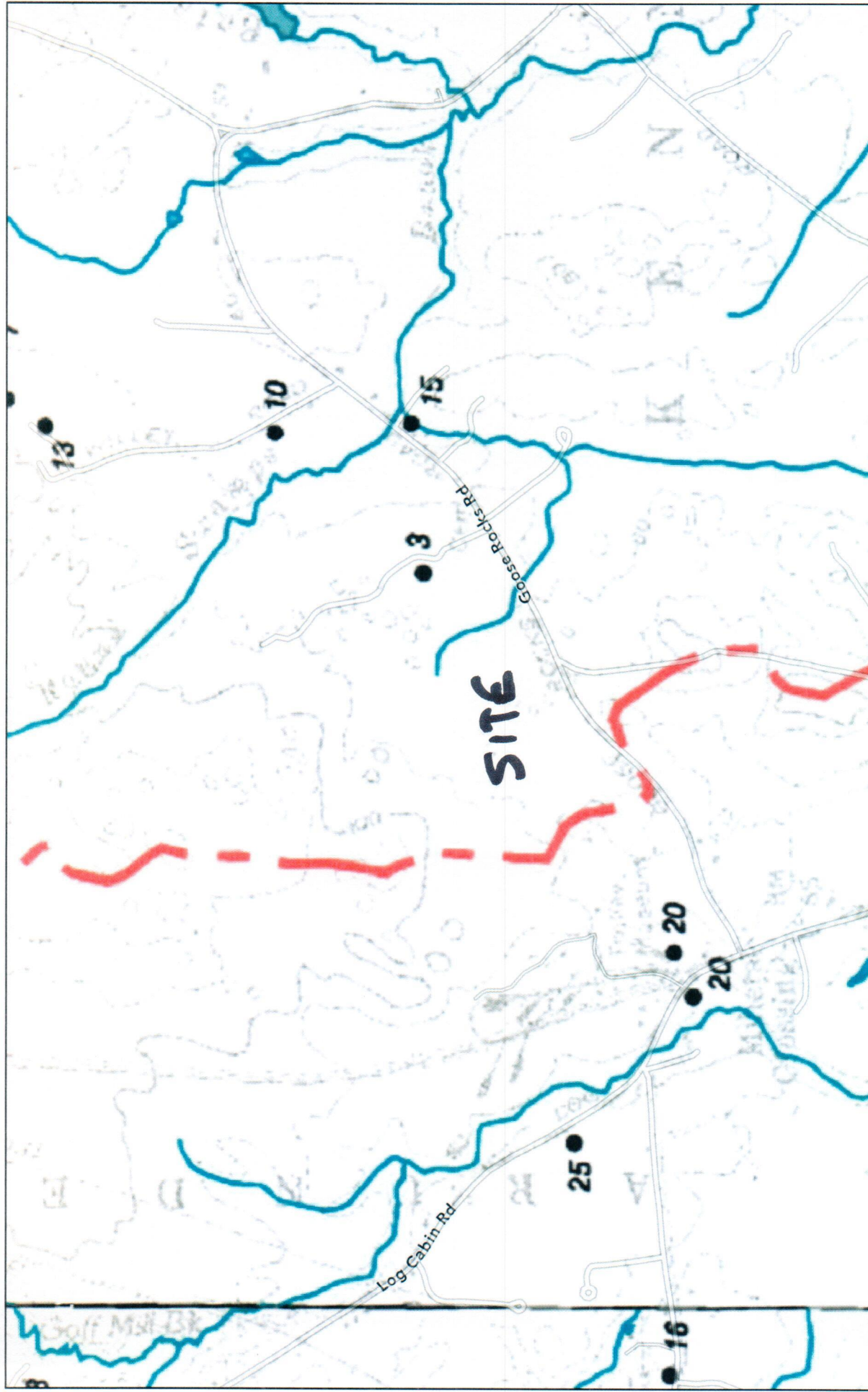
Red: Band_1

1:18,056
0 0.1 0.2 0.35 0.4 mi
0 0.17 0.35 0.7 km

Esri Community Maps Contributors, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau,

Esri Community Maps Contributors, City of Biddeford, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA | Esri Community Maps Contributors, City of Biddeford, © Maine Geological Survey

Figure 3. Aquifers 24K



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Image

Red: Band_1

Green: Band_2

1:18,056

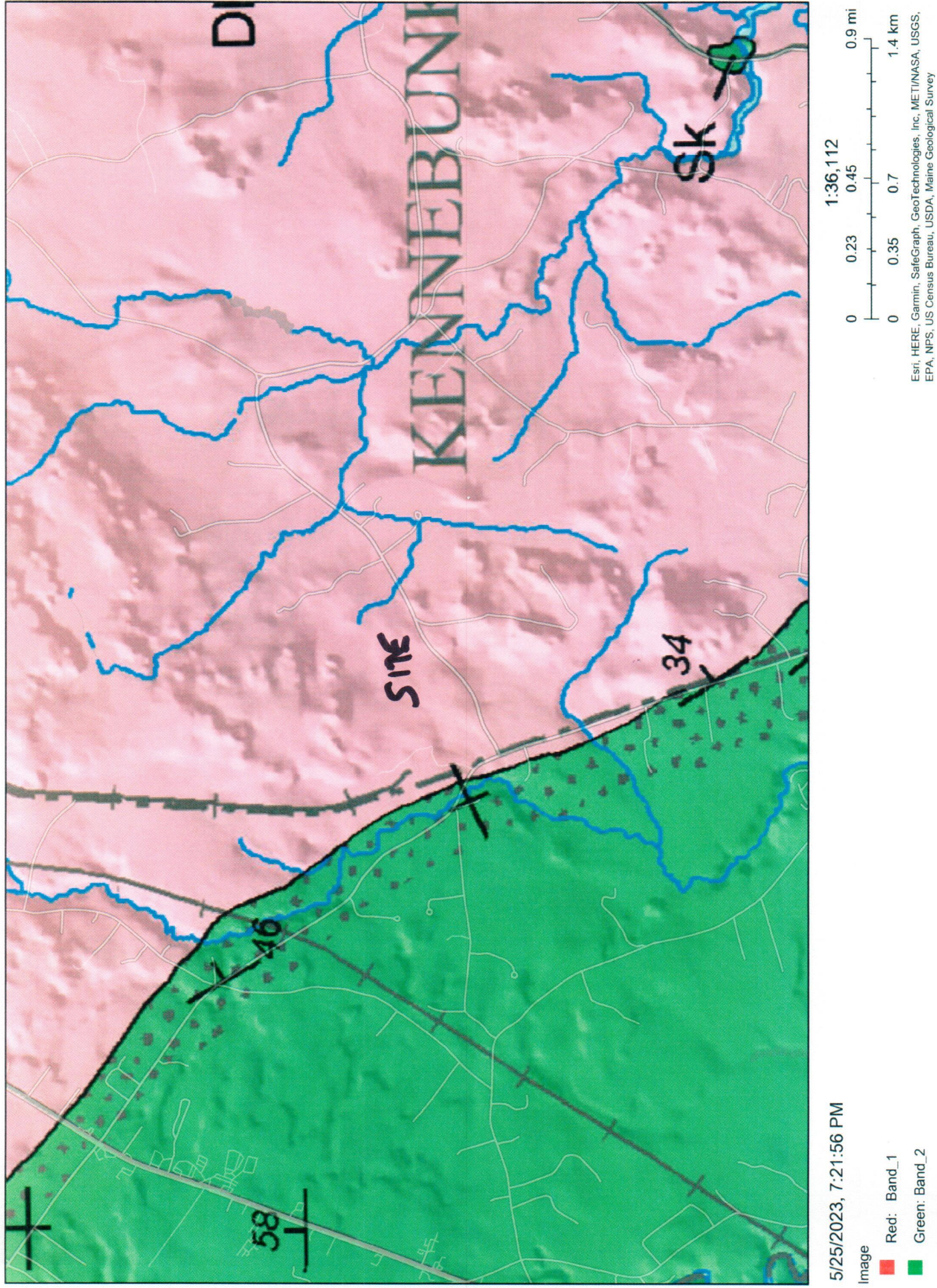
0 0.1 0.2 0.35 0.4 mi

0 0.17 0.35 0.7 km

Esri Community Maps Contributors, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METINASA, USGS, EPA, NPS, US Census Bureau,

Maine Geological Survey | Esri Community Maps Contributors, City of Biddeford, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METINASA, USGS, EPA, NPS, US Census Bureau, USDA | Esri Community Maps Contributors, Maine Geological Survey

Figure 4. Bedrock Geology 100K



NO₃-N Concentration vs Distance from Source

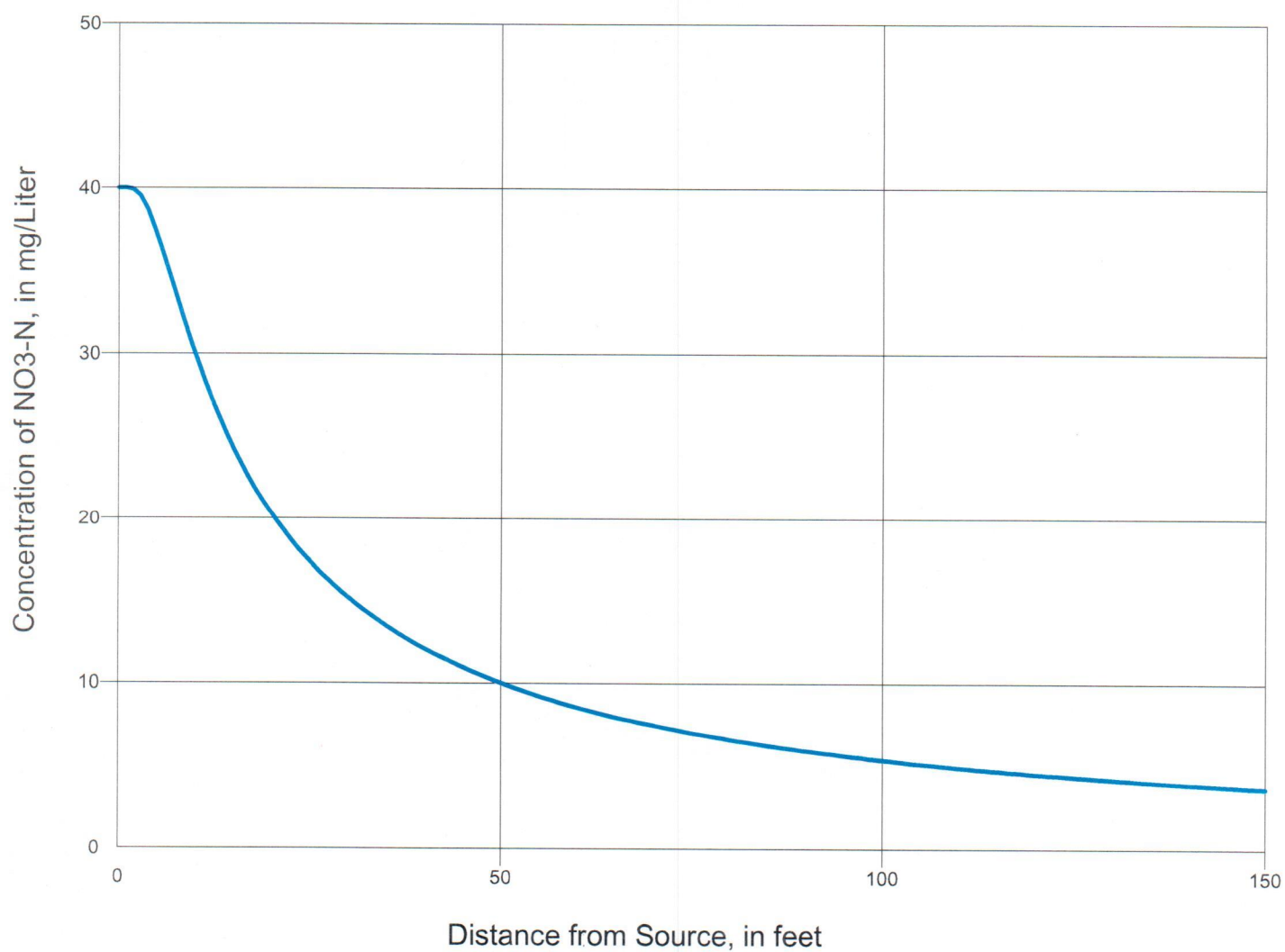


Figure 5. Well Depths. Maine Well Database

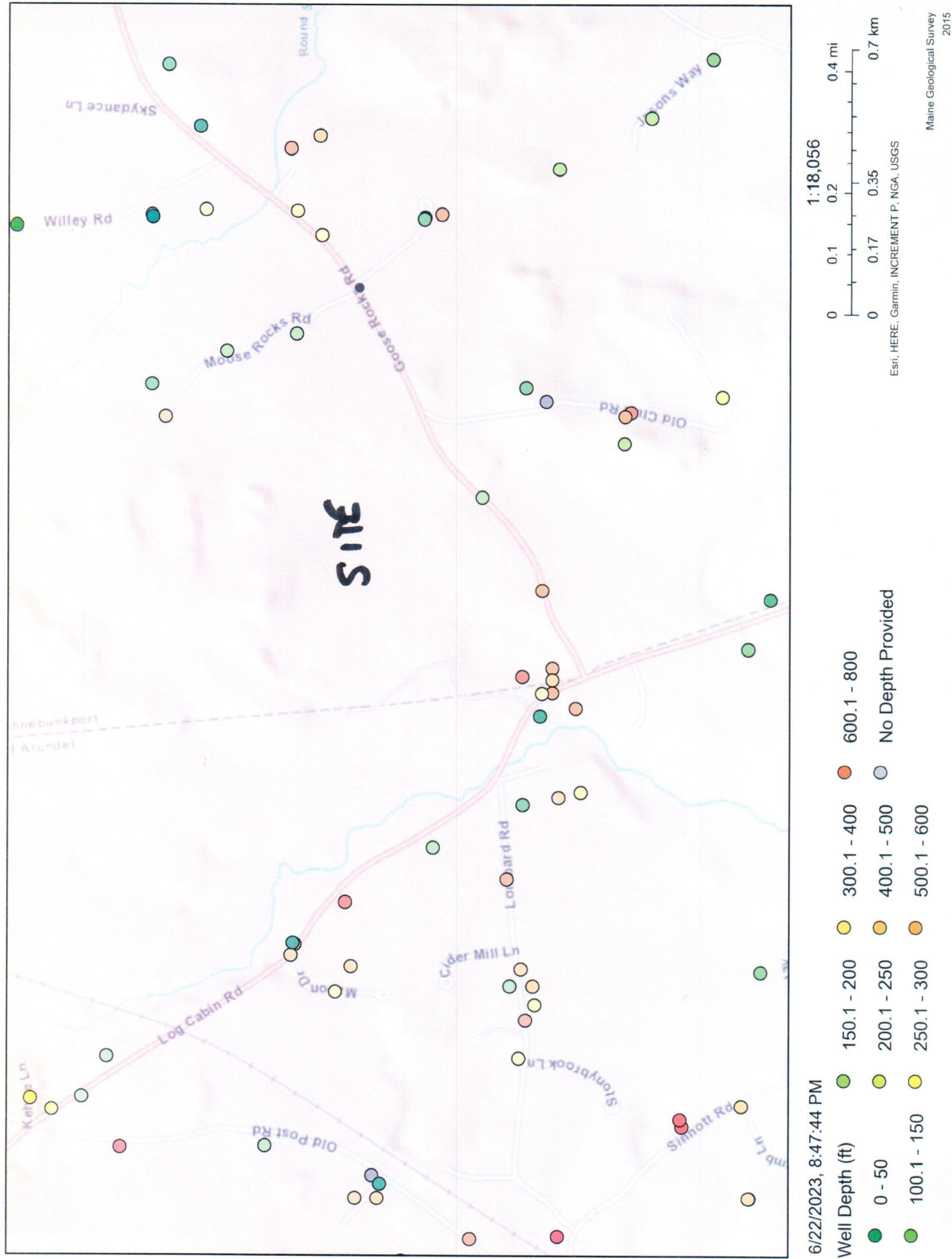
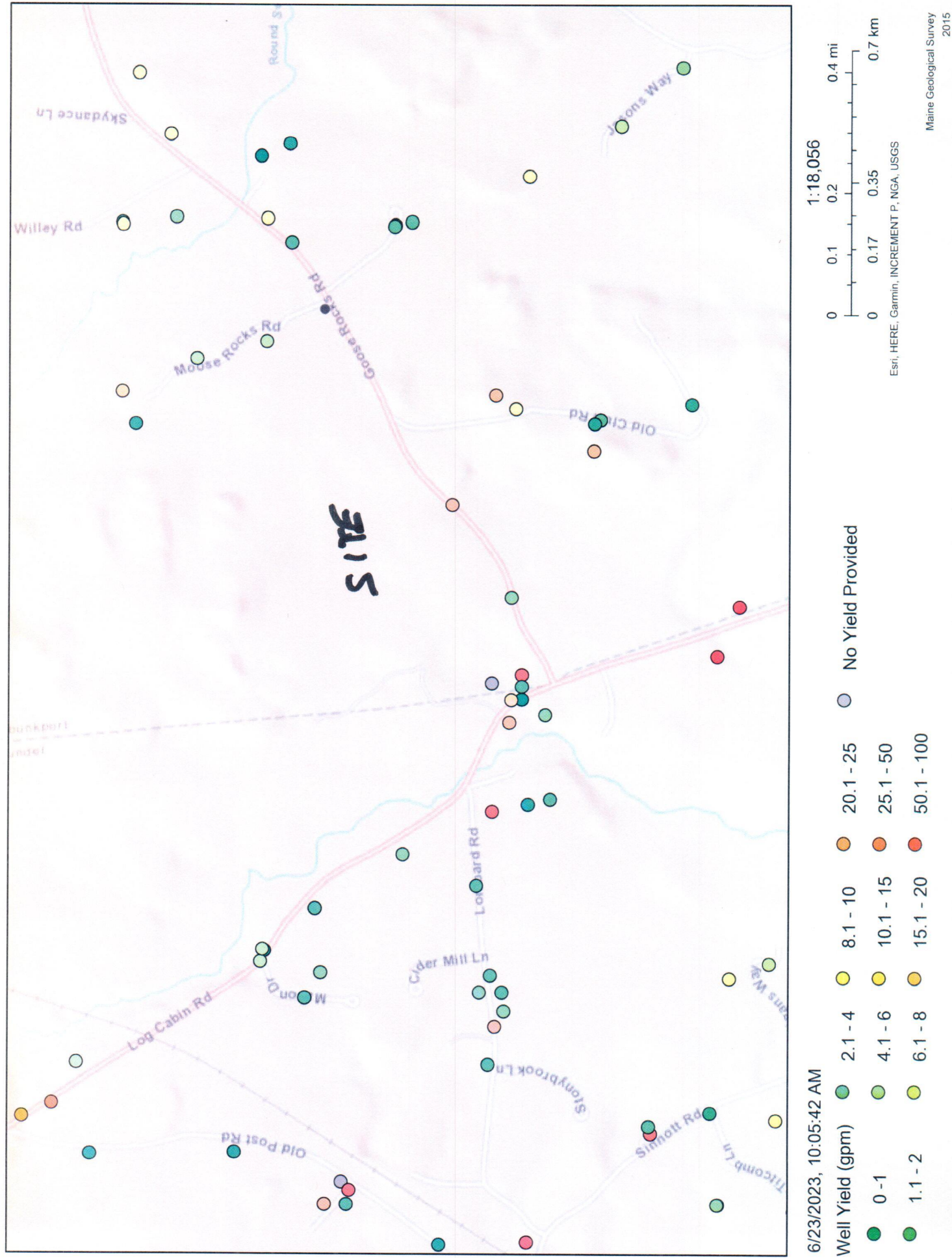


Figure 6. Well Yields, Maine Well Database



SECTION II

TRIP GENERATION MEMO

A traffic impact memorandum was completed by Atlantic Resource Consultants, LLC and is included in this section. It is our opinion that there will be negligible impacts to local traffic patterns and roadway infrastructure.

EXHIBIT 11.1

Traffic Impacts Memo

Traffic Impacts Memorandum

To: Town of Kennebunkport Planning Board

From: Jason A Vafiades, PE LEED AP;

Date: March 8, 2023

Re: The Glen at Goose Rocks, Preliminary Subdivision Application

Dear Members of the Town of Kennebunkport Planning Board,

On behalf of K.J. Trudo Properties, LLC., we have prepared this traffic impact memo for your reference.

The project will result in a total of 9 new, single family residential units, all being serviced by the new subdivision roadways. Per the ITE Manual's Trip Generation Manual's guidance, a single-family residential unit can be expected to produce 10 daily trips and 1 daily AM and PM peak hour trips. Thus, the entire project will only add an additional 90 daily and 9 AM and PM peak hour trips, which fall well below the thresholds for any MDOT Traffic Permits or other traffic engineering considerations. It is our opinion that there will be negligible impacts to local traffic patterns and roadway infrastructure.

Should you have any questions, please contact me at your earliest convenience.

Jason A Vafiades

Jason A. Vafiades, PE LEED AP
Principal
Atlantic Resource Consultants, LLC

SECTION 12

STORMWATER MANAGEMENT REPORT

A copy of the Stormwater Management Report has been prepared as a separate document due to file size.

As par of the wetland mitigation plan approved by the U.S. Army Corps of Engineers, ARC demonstrated that the proposed stormwater management plan is treating an additional 5,560 sq. ft. of land with undisturbed buffer beyond Maine DEP minimum requirements. Also, there will be 34,966 sq. ft. of developed land treated beyond Maine DEP minimum requirements through gravel wetlands and bio-retention cells.

SECTION 13

WILDLIFE HABITAT

Correspondence with the Maine Department of Inland Fisheries and Wildlife (MDIFW) and the Maine Natural Areas Program (MNAP) are included in this section. MNAP stated that there are no rare botanical features documented specifically within the project area.

A large contiguous wooded area extends north of this site towards the Biddeford city line and includes many wetlands, vernal pools and streams including Round Swamp Brook and Batson River. MDIFW has stated that there are mapped occurrences of spotted turtles, a State Threatened Species, located in the forested area north of the site.

Four potential amphibian breeding habitats were identified on the project site during a wetland delineation. Two natural habitats were found to be candidates per the State's regulations for significant wildlife habitat (vernal pools) and the other two habitats were determined to be of unnatural origin. Vernal pool survey data was submitted the State and both vernal pools were found to be not significant due to lacking biological criteria. Vernal pool survey forms prepared by Longview Partners are included in this section.

The project does not impact vernal pool depressions or unnatural amphibian breeding habitats. Vegetative buffers around wetland habitats have been maximized to the greatest extent in order to allow movement by wetland species. The subdivision design includes natural resource crossings which have been designed to allow for safe migration by frogs, salamanders, and turtles as well as provide for adequate water flows. Details for the large crossing structures are depicted on the attached plan set.

EXHIBIT 13.1

Agency Letters



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



November 3, 2021

Jason Vafiades
Atlantic Resource Consultants
541 U.S. Route One, Suite 21
Freeport, ME 04032

RE: Information Request – Goose Rocks Road Project, Kennebunkport

Dear Jason:

Per your request received on October 04, 2021, we have reviewed current Maine Department of Inland Fisheries and Wildlife (MDIFW) information for known locations of Endangered, Threatened, and Special Concern species; designated Essential and Significant Wildlife Habitats; and inland fisheries habitat concerns within the vicinity of the *Goose Rocks Road* project in Kennebunkport. Please note that our comments should be considered preliminary.

Our Department has not mapped any Essential Habitats that would be directly affected by your project.

Endangered, Threatened, and Special Concern Species

Bat Species – Of the eight species of bats that occur in Maine, the three *Myotis* species are protected under Maine's Endangered Species Act (MESA) and are afforded special protection under 12 M.R.S. §12801 - §12810. The three *Myotis* species include little brown bat (State Endangered), northern long-eared bat (State Endangered), and eastern small-footed bat (State Threatened). The five remaining bat species are listed as Special Concern: big brown bat, red bat, hoary bat, silver-haired bat, and tri-colored bat. While a comprehensive statewide inventory for bats has not been completed, based on historical evidence it is likely that several of these species occur within the project area during migration and/or the breeding season. However, our Agency does not anticipate significant impacts to any of the bat species as a result of this project.

Spotted Turtle - Occurrences of spotted turtle, a State Threatened species, have been documented adjacent to the proposed project. Spotted turtles are most frequently associated with complexes of small, acidic wetlands and vernal pools. They also use small streams, shrub swamps, wet meadows, bogs, and forested swamps. MDIFW recommends that a detailed assessment of habitat potential and spotted turtle surveys be conducted in the spring and reported. As these surveys should be conducted with the assistance of our species specialists, please contact Derek Yorks (Derek.Yorks@maine.gov or 207-941-4475) with our Reptile, Amphibian, and Invertebrate Group in Bangor for further information on spotted turtle survey protocols and reporting expectations. We recommend that you work closely with MDIFW staff to design a project that minimizes the risk for potential Take and Harassment of MESA-protected species.

Significant Wildlife Habitat

Significant Vernal Pools - At this time MDIFW Significant Wildlife Habitat (SWH) maps indicate no known presence of SWHs subject to protection under the Natural Resources Protection Act (NRPA)

within the project area, which include Waterfowl and Wading Bird Habitats, Seabird Nesting Islands, Shorebird Areas, and Significant Vernal Pools. However, a comprehensive statewide inventory for Significant Vernal Pools has not been completed. It is unclear if vernal pool surveys have been conducted; if not, we recommend that surveys for vernal pools be conducted within the project boundary by qualified wetland scientists prior to final project design to determine whether there are Significant Vernal Pools present in the area. These surveys should extend up to 250 feet beyond the anticipated project footprint because of potential performance standard requirements for off-site Significant Vernal Pools, assuming such pools are located on land owned or controlled by the applicant. Once surveys are completed, survey forms should be submitted to our Agency for review well before the submission of any necessary permits. Our Department will need to review and verify any vernal pool data prior to final determination of significance.

Fisheries Habitat

We recommend that 100-foot undisturbed vegetated buffers be maintained along streams. Buffers should be measured from the edge of stream or associated fringe and floodplain wetlands. Maintaining and enhancing buffers along streams that support coldwater fisheries is critical to the protection of water temperatures, water quality, natural inputs of coarse woody debris, and various forms of aquatic life necessary to support conditions required by many fish species. Stream crossings should be avoided, but if a stream crossing is necessary, or an existing crossing needs to be modified, it should be designed to provide full fish passage. Small streams, including intermittent streams, can provide crucial rearing habitat, cold water for thermal refugia, and abundant food for juvenile salmonids on a seasonal basis and undersized crossings may inhibit these functions. Generally, MDIFW recommends that all new, modified, and replacement stream crossings be sized to span at least 1.2 times the bankfull width of the stream. In addition, we generally recommend that stream crossings be open bottomed (i.e. natural bottom), although embedded structures which are backfilled with representative streambed material have been shown to be effective in not only providing habitat connectivity for fish but also for other aquatic organisms. Construction Best Management Practices should be closely followed to avoid erosion, sedimentation, alteration of stream flow, and other impacts as eroding soils from construction activities can travel significant distances as well as transport other pollutants resulting in direct impacts to fish and fisheries habitat. In addition, we recommend that any necessary instream work occur between July 15 and October 1.

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

Letter to Jason Vafiades, Atlantic Resource Consultants
Comments RE: Goose Rocks Road, Kennebunkport
November 3, 2021

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

Best regards,

A handwritten signature in black ink, appearing to read 'BS', with a stylized flourish at the end.

Becca Settele
Wildlife Biologist

378000

380000

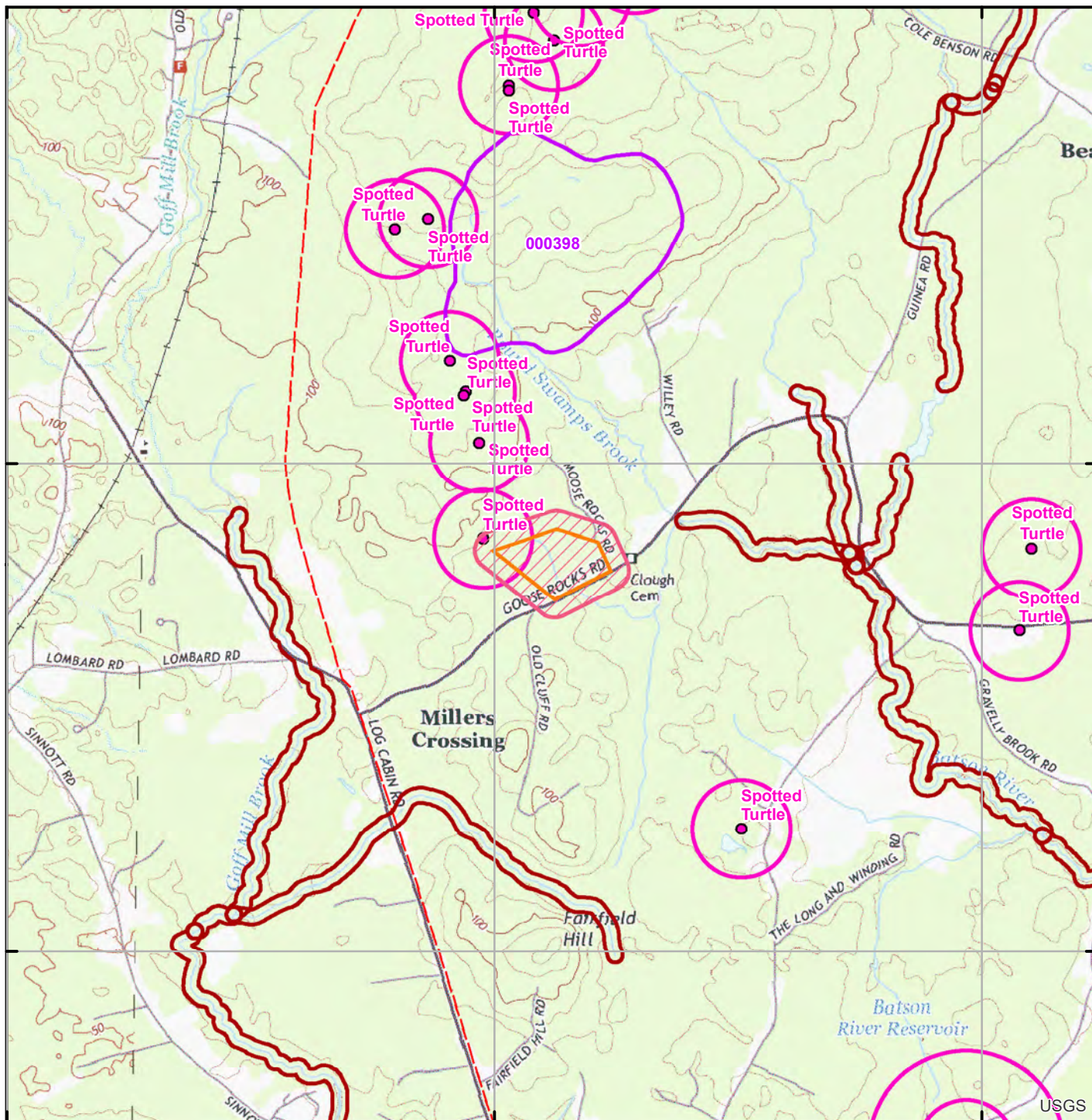
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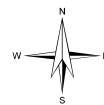
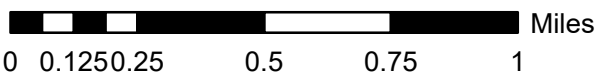
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Environmental Review of Fish and Wildlife Observations and Priority Habitats

Project Name:

Goose Rocks Road, Kennebunkport
(Version 1)Maine Department of
Inland Fisheries and Wildlife

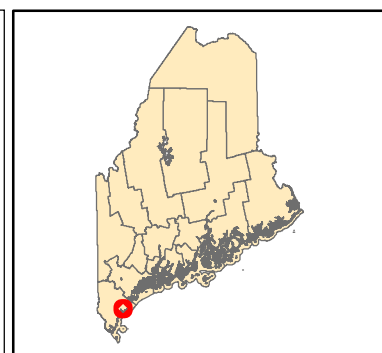
Projection: UTM, NAD83, Zone 19N

Date: 10/6/2021

- ProjectSearchAreas - All Versions
- Maine Cliff and Talus Areas

- Deer Winter Area
- LUPC p-fw
- Cooperative DWAs
- Seabird Nesting Islands
- Shorebird Areas
- Inland Waterfowl and Wading Bird
- 2008 lwfw - Shoreland Zoning
- Tidal Waterfowl and Wading Bird
- Significant Vernal Pools
- Environmental Review Polygons

- Roseate Tern
- Piping Plover and Least Tern
- Aquatic ETSc - 2.5 mi review
- Rare Mussels - 5 mi review
- Maine Heritage Fish Waters
- Arctic Charr Habitat
- Redfin Pickerel and Swamp Darter Habitats - buffer100ft
- Special Concern occupied habitats - 100ft buffer
- Wild Lake Trout Habitats





STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
177 STATE HOUSE STATION
AUGUSTA, MAINE 04333

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

October 13, 2021

Lucien Langlois
Atlantic Resource Consultants
541 US Route One, Suite 21
Freeport, ME 04032

Via email: lucien@arc-maine.com

Re: Rare and exemplary botanical features in proximity to: Goose Rocks Road 9-lot Subdivision, Kennebunkport, Maine

Dear Mr. Langlois:

I have searched the Maine Natural Areas Program's Biological and Conservation Data System files in response to your request received October 4, 2021 for information on the presence of rare or unique botanical features documented from the vicinity of the project in Kennebunkport, Maine. Rare and unique botanical features include the habitat of rare, threatened, or endangered plant species and unique or exemplary natural communities. Our review involves examining maps, manual and computerized records, other sources of information such as scientific articles or published references, and the personal knowledge of staff or cooperating experts.

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

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

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

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

MOLLY DOCHERTY, DIRECTOR
MAINE NATURAL AREAS PROGRAM
BLOSSOM LANE, DEERING BUILDING



PHONE: (207) 287-804490
WWW.MAINE.GOV/DACF/MNAP

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

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

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

Sincerely,

Lisa St. Hilaire

Lisa St. Hilaire | Information Manager | Maine Natural Areas Program
207-287-8044 | lisa.st.hilaire@maine.gov

Rare and Exemplary Botanical Features within 4 miles of Project: Goose Rocks Road Subdivision, Kennebunkport, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
Beach wormwood						
	SC	S1S2	G5T5	2011-11-02	9	<null>
Brackish Tidal Marsh						
	<null>	S3	GNR	2009	15	Tidal wetland (non-forested, wetland)
Button Sedge						
	SC	S2	G5	1880-09-06	2	<null>
	SC	S2	G5	2000-08-15	3	<null>
Coast-blite Goosefoot						
	PE	SH	G5	2007-08-10	17	Tidal wetland (non-forested, wetland)
Freshwater Tidal Marsh						
	<null>	S2	G4?	2009	11	Tidal wetland (non-forested, wetland)
Pale Green Orchis						
	SC	S2	G4?T4Q	1991	36	Non-tidal rivershore (non-forested, seasonally wet),Open wetland, not coastal nor rivershore (non-forested, wetland)
	SC	S2	G4?T4Q	1984-06-27	23	Non-tidal rivershore (non-forested, seasonally wet),Open wetland, not coastal nor rivershore (non-forested, wetland)
Pitch Pine Bog						
	<null>	S2	G3G5	2015-09-29	20	Forested wetland,Coastal non-tidal wetland (non-forested, wetland)
Pitch Pine Woodland						
	<null>	S3	G2	2016-08-09	30	Rocky summits and outcrops (non-forested, upland)
Pygmyweed						
	SC	S2S3	G5	2006-09-19	27	Open water (non-forested, wetland)
Salt-hay Saltmarsh						
	<null>	S3	G5	2010-10-14	9	Tidal wetland (non-forested, wetland)

Rare and Exemplary Botanical Features within 4 miles of Project: Goose Rocks Road Subdivision, Kennebunkport, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
	<null>	S3	G5	2016-07-12	23	Tidal wetland (non-forested, wetland)
	<null>	S3	G5	2010-10-14	28	Tidal wetland (non-forested, wetland)
	<null>	S3	G5	2020-09-22	13	Tidal wetland (non-forested, wetland)
	<null>	S3	G5	2011-10-21	46	Tidal wetland (non-forested, wetland)
Saltmarsh Bulrush						
	SC	S2	G5	2006-09-19	1	<null>
Saltmarsh False-foxglove						
	SC	S3	G5	2016-07-16	30	Tidal wetland (non-forested, wetland)
	SC	S3	G5	1982	8	Tidal wetland (non-forested, wetland)
	SC	S3	G5	1985	13	Tidal wetland (non-forested, wetland)
	SC	S3	G5	1982	9	Tidal wetland (non-forested, wetland)
	SC	S3	G5	2020-09-22	43	Tidal wetland (non-forested, wetland)
Schreber's Wood-aster						
	PE	SX	G4	1894-09	1	Rocky coastal (non-forested, upland)
Slender Blue Flag						
	T	S2	G4G5	1879-08	4	Tidal wetland (non-forested, wetland)
Small Reed Grass						
	SC	S3	G5	2000-08-15	12	Old field/roadside (non-forested, wetland or upland)
	SC	S3	G5	2010-09-07	15	Old field/roadside (non-forested, wetland or upland)
Smooth Winterberry Holly						
	SC	S3	G5	2013-06-26	16	Forested wetland
	SC	S3	G5	1999-10	26	Forested wetland
	SC	S3	G5	1989-09-06	21	Forested wetland

Rare and Exemplary Botanical Features within 4 miles of Project: Goose Rocks Road Subdivision, Kennebunkport, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
Southern Slender Ladies'-tresses						
	PE	SH	G5T4T5	1918-08-27	1	Dry barrens (partly forested, upland)
Spongy-leaved Arrowhead						
	SC	S3	G5T4	2006-09-19	47	Tidal wetland (non-forested, wetland)
Spotted Wintergreen						
	T	S2	G5	2010-08-20	28	Conifer forest (forest, upland),Hardwood to mixed forest (forest, upland)
Sweet Pepper-bush						
	SC	S2	G5	1917-09	9	Hardwood to mixed forest (forest, upland),Forested wetland
Tidal Marsh Estuary Ecosystem						
	<null>	S3	GNR	2010-10-14	3	Tidal wetland (non-forested, wetland)
White Vervain						
	SC	S1?	G5	2013-summer	5	Hardwood to mixed forest (forest, upland),Open wetland, not coastal nor rivershore (non-forested, wetland)
Wild Garlic						
	SC	S2	G5	2017-06-14	29	Forested wetland,Hardwood to mixed forest (forest, upland)

Conservation Status Ranks

State and Global Ranks: This ranking system facilitates a quick assessment of a species' or habitat type's rarity and is the primary tool used to develop conservation, protection, and restoration priorities for individual species and natural habitat types. Each species or habitat is assigned both a state (S) and global (G) rank on a scale of 1 to 5. Factors such as range extent, the number of occurrences, intensity of threats, etc., contribute to the assignment of state and global ranks. The definitions for state and global ranks are comparable but applied at different geographic scales; something that is state imperiled may be globally secure.

The information supporting these ranks is developed and maintained by the Maine Natural Areas Program (state ranks) and NatureServe (global ranks).

Rank	Definition
S1 G1	Critically Imperiled – At very high risk of extinction or elimination due to very restricted range, very few populations or occurrences, very steep declines, very severe threats, or other factors.
S2 G2	Imperiled – At high risk of extinction or elimination due to restricted range, few populations or occurrences, steep declines, severe threats, or other factors.
S3 G3	Vulnerable – At moderate risk of extinction or elimination due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors.
S4 G4	Apparently Secure – At fairly low risk of extinction or elimination due to an extensive range and/or many populations or occurrences, but with possible cause for some concern as a result of local recent declines, threats, or other factors.
S5 G5	Secure – At very low risk of extinction or elimination due to a very extensive range, abundant populations or occurrences, and little to no concern from declines or threats.
SX GX	Presumed Extinct – Not located despite intensive searches and virtually no likelihood of rediscovery.
SH GH	Possibly Extinct – Known from only historical occurrences but still some hope of rediscovery.
S#S# G#G#	Range Rank – A numeric range rank (e.g., S2S3 or S1S3) is used to indicate any range of uncertainty about the status of the species or ecosystem.
SU GU	Unrankable – Currently unrankable due to lack of information or due to substantially conflicting information about status or trends.
GNR SNR	Unranked – Global or subnational conservation status not yet assessed.
SNA GNA	Not Applicable – A conservation status rank is not applicable because the species or ecosystem is not a suitable target for conservation activities (e.g., non-native species or ecosystems).
Qualifier	Definition
S#? G#?	Inexact Numeric Rank – Denotes inexact numeric rank.
Q	Questionable taxonomy that may reduce conservation priority – Distinctiveness of this entity as a taxon or ecosystem type at the current level is questionable. The “Q” modifier is only used at a global level.
T#	Intraspecific Taxon (trinomial) – The status of intraspecific taxa (subspecies or varieties) are indicated by a "T-rank" following the species' global rank.

State Status: Endangered and Threatened are legal status designations authorized by statute. Please refer to MRSA Title 12, §544 and §544-B.

Status	Definition
E	Endangered – Any native plant species in danger of extinction throughout all or a significant portion of its range within the State or Federally listed as Endangered.
T	Threatened – Any native plant species likely to become endangered within the foreseeable future throughout all or a significant portion of its range in the State or Federally listed as Threatened.
SC	Special Concern – A native plant species that is rare in the State, but not rare enough to be considered Threatened or Endangered.
PE	Potentially Extirpated – A native plant species that has not been documented in the State in over 20 years, or loss of the last known occurrence.

Element Occurrence (EO) Ranks: Quality assessments that designate viability of a population or integrity of habitat. These ranks are based on size, condition, and landscape context. Range ranks (e.g., AB, BC) and uncertainty ranks (e.g., B?) are allowed. The Maine Natural Areas Program tracks all occurrences of rare plants and natural communities/ecosystems (S1-S3) as well as exemplary common natural community types (S4-S5 with EO ranks A/B).

Rank	Definition
A	Excellent – Excellent estimated viability/ecological integrity.
B	Good – Good estimated viability/ecological integrity.
C	Fair – Fair estimated viability/ecological integrity.
D	Poor – Poor estimated viability/ecological integrity.
E	Extant – Verified extant, but viability/ecological integrity not assessed.
H	Historical – Lack of field information within past 20 years verifying continued existence of the occurrence, but not enough to document extirpation.
X	Extirpated – Documented loss of population/destruction of habitat.
U	Unrankable – Occurrence unable to be ranked due to lack of sufficient information (e.g., possible mistaken identification).
NR	Not Ranked – An occurrence rank has not been assigned.

Visit the Maine Natural Areas Program website for more information
<http://www.maine.gov/dacf/mnap>



EXHIBIT 13.2

Vernal Pool Survey Forms



Maine State Vernal Pool Assessment Form



INSTRUCTIONS:

- Complete all 3 pages of form thoroughly. Most fields are required for pool registration.
- Clear photographs of a) the pool AND b) the indicators (one example of each species egg mass) are required for all observers.

Observer's Pool ID:

MDIFW Pool ID:

1. PRIMARY OBSERVER INFORMATION

- a. Observer name:
- b. Contact and credentials previously provided? No (submit Addendum 1) Yes

2. PROJECT CONTACT INFORMATION

- a. Contact name: same as observer other
- b. Contact and credentials previously provided? No (submit Addendum 1) Yes
- c. Project Name:

3. LANDOWNER CONTACT INFORMATION

- a. Are you the landowner? Yes No If no, was landowner permission obtained for survey? Yes No
- b. Landowner's contact information (required)
- Name: Phone:
- Street Address: City: State: Zip:
- c. Large Projects: check if separate project landowner data file submitted

4. VERNAL POOL LOCATION INFORMATION

- a. **Location** Township:
- Brief site directions to the pool (using mapped landmarks):

b. Mapping Requirements

- i. USGS topographic map OR aerial photograph with pool clearly marked.

ii. GPS location of vernal pool (use Datum NAD83 / WGS84)

Longitude/Easting: Latitude/Northing:

Coordinate system:

- Check one: GIS shapefile
- send to Jason.Czapiga@maine.gov; observer has reviewed shape accuracy (Best)
 - The pool perimeter is delineated by multiple GPS points. (Excellent)
 - Include map or spreadsheet with coordinates.
 - The above GPS point is at the center of the pool. (Good)
 - The center of the pool is approximately m ft in the compass direction of degrees from the above GPS point. (Acceptable)



Maine State Vernal Pool Assessment Form



5. VERNAL POOL HABITAT INFORMATION

a. Habitat survey date (only if different from indicator survey dates on page 3):

b. Wetland habitat characterization

■ Choose the best descriptor for the landscape setting:

Isolated depression

Pool associated with larger wetland complex

Floodplain depression

Other:

■ Check all wetland types that best apply to this pool:

Forested swamp

Wet meadow

Slow stream

Dug pond or

Shrub swamp

Lake or pond cove

Floodplain

borrow pit

Peatland (fen or bog)

Abandoned beaver flowage

Mostly unvegetated pool

Roadside ditch

Emergent marsh

Active beaver flowage

ATV or skidder rut

Other:

c. Vernal pool status under the Natural Resources Protection Act (NRPA)

i. Pool Origin: Natural Natural-Modified Unnatural Unknown

If modified, unnatural or unknown, describe any modern or historic human impacts to the pool (**required**):

ii. Pool Hydrology

■ Select the pool's estimated hydroperiod AND provide rationale in box (**required**):

Permanent

Semi-permanent
(drying partially in all years and
completely in drought years)

Ephemeral
(drying out completely
in most years)

Unknown

Explain:

■ Maximum depth at survey: 0-12" (0-1 ft.) 12-36" (1-3 ft.) 36-60" (3-5 ft.) >60" (>5 ft.)

■ Approximate size of pool (at spring highwater): Width: m ft Length: m ft

■ Predominate substrate in order of increasing hydroperiod:

Mineral soil (bare, leaf-litter bottom, or upland
mosses present)

Organic matter (peat/muck) shallow or
restricted to deepest portion

Mineral soil (sphagnum moss present)

Organic matter (peat/muck) deep and widespread

■ Pool vegetation indicators in order of increasing hydroperiod (check all that apply):

Terrestrial nonvascular spp. (e.g. haircap
moss, lycopodium spp.)

Wet site ferns (e.g. royal fern, marsh fern)

Dry site ferns (e.g. spinulose wood fern,
lady fern, bracken fern)

Wet site shrubs (e.g. highbush blueberry, maleberry,
winterberry, mountain holly)

Moist site ferns (e.g. sensitive fern, cinnamon
fern, interrupted fern, New York fern)

Wet site graminoids (e.g. blue-joint grass, tussock
sedge, cattail, bulrushes)

Moist site vasculars (e.g. skunk cabbage,
jewelweed, blue flag iris, swamp candle)

Aquatic vascular spp. (e.g. pickerelweed, arrowhead)

Sphagnum moss (anchored or suspended)

Floating or submerged aquatics (e.g. water lily,
water shield, pond weed, bladderwort)

No vegetation in pool

■ Faunal indicators (check all that apply):

Fish

Bullfrog or Green Frog tadpoles

Other:

iii. Inlet/Outlet Flow Permanency

Type of inlet or outlet (a seasonal or permanent channel providing water flowing into or out of the pool):

No inlet or outlet

Permanent inlet or outlet (channel with well-defined banks and permanent flow)

Intermittent inlet
or outlet

Other or Unknown (explain):



Maine State Vernal Pool Assessment Form



6. VERNAL POOL INDICATOR INFORMATION

a. Indicator survey dates:

b. Indicator abundance criteria and pool survey effort

- Is pool depression bisected by 2 ownerships (straddler pool)? Yes No
- Was the entire pool surveyed for egg masses? Yes No; what % of entire pool surveyed?
- For each indicator species, indicate the exact number of egg masses, confidence level for species determination, and egg mass maturity. Separate cells are provided for separate survey dates.

INDICATOR SPECIES	Egg Masses (or adult Fairy Shrimp)						Tadpoles/Larvae ⁴			
	Visit #1	Visit #2	Visit #3	Confidence Level ¹		Egg Mass Maturity ²		Observed		Confidence Level ¹
Wood Frog										
Spotted Salamander										
Blue-spotted Salamander										
Fairy Shrimp ³										

1-Confidence level: 1 = <60%, 2 = 60-95%, 3 = >95%

2-Egg mass maturity: F= Fresh (<24 hrs), M= Mature (round embryos), A= Advanced (loose matrix, curved embryos), H= Hatched or Hatching

3-Fairy shrimp: X = present

4-Tadpoles/larvae: X = present

c. Rarity criteria

- Note any rare species associated with vernal pools. Observations should be accompanied by photographs.

SPECIES	Method of Verification*			CL**	SPECIES	Method of Verification*			CL**
	P	H	S			P	H	S	
Blanding's Turtle					Wood Turtle				
Spotted Turtle					Ribbon Snake				
Ringed Boghaunter					Other:				

*Method of verification: P = Photographed, H = Handled, S = Seen

**CL - Confidence level in species determination: 1= <60%, 2= 60-95%, 3= >95%

d. Optional observer recommendation:

SVP Potential SVP Non Significant VP Indicator Breeding Area

e. General vernal pool comments and/or observations of other wildlife:

Send completed form and supporting documentation to: Maine Dept. of Inland Fisheries and Wildlife
Attn: Vernal Pools
650 State Street, Bangor, ME 04401

NOTE: Digital submission (to Jason.Czapiga@maine.gov) of vernal pool field forms and photographs is only acceptable for projects with 3 or fewer assessed pools; larger projects must be mailed as hard copies.

For MDIFW use only

Reviewed by MDIFW Date:

Initials:

This pool is:

Significant

Potentially Significant
but lacking critical data

Not Significant due to:

does not meet biological criteria.

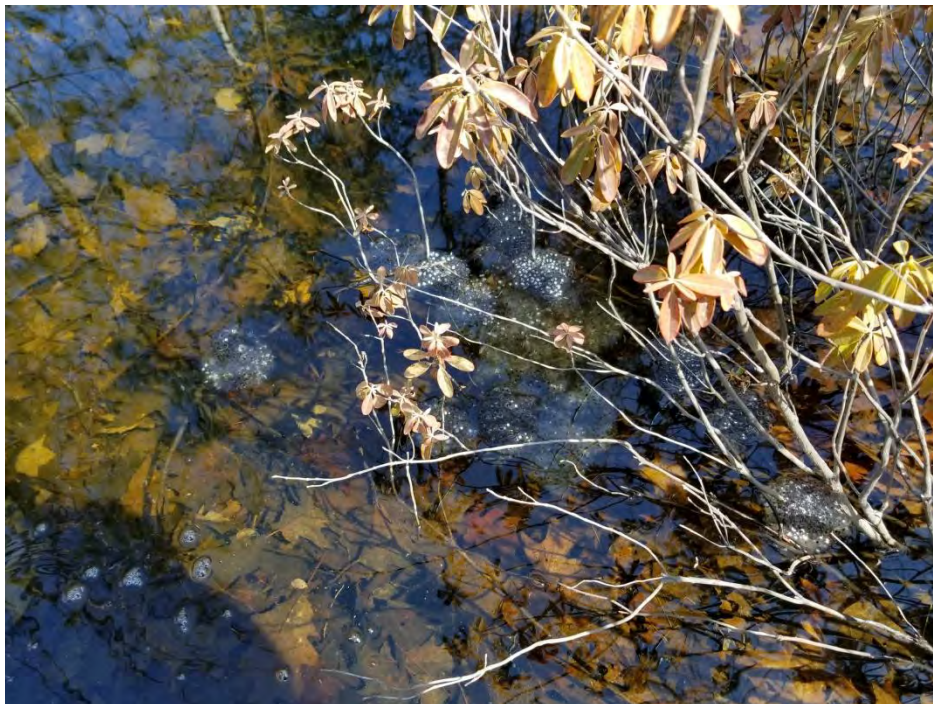
does not meet MDEP vernal pool criteria.

Comments:

Paul P. Murphy property
Goose Rocks Road
(Map 15, Block 1, Portion of Lot 1)
Kennebunkport, Maine
2018 Vernal Pool Assessment



Naturally-occurring vernal pool habitat April 11, 2018 (Pool #1)



Wood frog egg masses in Pool # 1, April 11, 2018

Paul P. Murphy property
Goose Rocks Road
(Map 15, Block 1, Portion of Lot 1)
Kennebunkport, Maine
2018 Vernal Pool Assessment



Wood frog egg masses in Pool # 1, April 11, 2018



Naturally-occurring vernal pool habitat April 11, 2018 (Pool #2)

Paul P. Murphy property
Goose Rocks Road
(Map 15, Block 1, Portion of Lot 1)
Kennebunkport, Maine
2018 Vernal Pool Assessment



Area of standing water hydrology <6" deep (Pool # 1) April 24, 2018



Pool #1, April 24, 2018



Maine State Vernal Pool Assessment Form



INSTRUCTIONS:

- Complete all 3 pages of form thoroughly. Most fields are required for pool registration.
- Clear photographs of a) the pool AND b) the indicators (one example of each species egg mass) are required for all observers.

Observer's Pool ID:

MDIFW Pool ID:

1. PRIMARY OBSERVER INFORMATION

- a. Observer name:
- b. Contact and credentials previously provided? No (submit Addendum 1) Yes

2. PROJECT CONTACT INFORMATION

- a. Contact name: same as observer other
- b. Contact and credentials previously provided? No (submit Addendum 1) Yes
- c. Project Name:

3. LANDOWNER CONTACT INFORMATION

- a. Are you the landowner? Yes No If no, was landowner permission obtained for survey? Yes No
- b. Landowner's contact information (required)
- Name: Phone:
- Street Address: City: State: Zip:
- c. Large Projects: check if separate project landowner data file submitted

4. VERNAL POOL LOCATION INFORMATION

- a. **Location** Township:
- Brief site directions to the pool (using mapped landmarks):

b. Mapping Requirements

- i. USGS topographic map OR aerial photograph with pool clearly marked.

ii. GPS location of vernal pool (use Datum NAD83 / WGS84)

Longitude/Easting: Latitude/Northing:

Coordinate system:

- Check one: GIS shapefile
- send to Jason.Czapiga@maine.gov; observer has reviewed shape accuracy (Best)
 - The pool perimeter is delineated by multiple GPS points. (Excellent)
 - Include map or spreadsheet with coordinates.
 - The above GPS point is at the center of the pool. (Good)
 - The center of the pool is approximately m ft in the compass direction of degrees from the above GPS point. (Acceptable)



Maine State Vernal Pool Assessment Form



5. VERNAL POOL HABITAT INFORMATION

a. Habitat survey date (only if different from indicator survey dates on page 3):

b. Wetland habitat characterization

■ Choose the best descriptor for the landscape setting:

Isolated depression

Pool associated with larger wetland complex

Floodplain depression

Other:

■ Check all wetland types that best apply to this pool:

Forested swamp

Wet meadow

Slow stream

Dug pond or

Shrub swamp

Lake or pond cove

Floodplain

borrow pit

Peatland (fen or bog)

Abandoned beaver flowage

Mostly unvegetated pool

Roadside ditch

Emergent marsh

Active beaver flowage

ATV or skidder rut

Other:

c. Vernal pool status under the Natural Resources Protection Act (NRPA)

i. Pool Origin: Natural Natural-Modified Unnatural Unknown

If modified, unnatural or unknown, describe any modern or historic human impacts to the pool (**required**):

ii. Pool Hydrology

■ Select the pool's estimated hydroperiod AND provide rationale in box (**required**):

Permanent

Semi-permanent
(drying partially in all years and
completely in drought years)

Ephemeral
(drying out completely
in most years)

Unknown

Explain:

■ Maximum depth at survey: 0-12" (0-1 ft.) 12-36" (1-3 ft.) 36-60" (3-5 ft.) >60" (>5 ft.)

■ Approximate size of pool (at spring highwater): Width: m ft Length: m ft

■ Predominate substrate in order of increasing hydroperiod:

Mineral soil (bare, leaf-litter bottom, or upland
mosses present)

Organic matter (peat/muck) shallow or
restricted to deepest portion

Mineral soil (sphagnum moss present)

Organic matter (peat/muck) deep and widespread

■ Pool vegetation indicators in order of increasing hydroperiod (check all that apply):

Terrestrial nonvascular spp. (e.g. haircap
moss, lycopodium spp.)

Wet site ferns (e.g. royal fern, marsh fern)

Dry site ferns (e.g. spinulose wood fern,
lady fern, bracken fern)

Wet site shrubs (e.g. highbush blueberry, maleberry,
winterberry, mountain holly)

Moist site ferns (e.g. sensitive fern, cinnamon
fern, interrupted fern, New York fern)

Wet site graminoids (e.g. blue-joint grass, tussock
sedge, cattail, bulrushes)

Moist site vasculars (e.g. skunk cabbage,
jewelweed, blue flag iris, swamp candle)

Aquatic vascular spp. (e.g. pickerelweed, arrowhead)

Sphagnum moss (anchored or suspended)

Floating or submerged aquatics (e.g. water lily,
water shield, pond weed, bladderwort)

No vegetation in pool

■ Faunal indicators (check all that apply):

Fish

Bullfrog or Green Frog tadpoles

Other:

iii. Inlet/Outlet Flow Permanency

Type of inlet or outlet (a seasonal or permanent channel providing water flowing into or out of the pool):

No inlet or outlet

Permanent inlet or outlet (channel with well-defined banks and permanent flow)

Intermittent inlet
or outlet

Other or Unknown (explain):



Maine State Vernal Pool Assessment Form



6. VERNAL POOL INDICATOR INFORMATION

a. Indicator survey dates:

b. Indicator abundance criteria and pool survey effort

- Is pool depression bisected by 2 ownerships (straddler pool)? Yes No
- Was the entire pool surveyed for egg masses? Yes No; what % of entire pool surveyed?
- For each indicator species, indicate the exact number of egg masses, confidence level for species determination, and egg mass maturity. Separate cells are provided for separate survey dates.

INDICATOR SPECIES	Egg Masses (or adult Fairy Shrimp)						Tadpoles/Larvae ⁴			
	Visit #1	Visit #2	Visit #3	Confidence Level ¹		Egg Mass Maturity ²		Observed		Confidence Level ¹
Wood Frog										
Spotted Salamander										
Blue-spotted Salamander										
Fairy Shrimp ³										

1-Confidence level: 1 = <60%, 2 = 60-95%, 3 = >95%

2-Egg mass maturity: F= Fresh (<24 hrs), M= Mature (round embryos), A= Advanced (loose matrix, curved embryos), H= Hatched or Hatching

3-Fairy shrimp: X = present

4-Tadpoles/larvae: X = present

c. Rarity criteria

- Note any rare species associated with vernal pools. Observations should be accompanied by photographs.

SPECIES	Method of Verification*			CL**	SPECIES	Method of Verification*			CL**
	P	H	S			P	H	S	
Blanding's Turtle					Wood Turtle				
Spotted Turtle					Ribbon Snake				
Ringed Boghaunter					Other:				

*Method of verification: P = Photographed, H = Handled, S = Seen

**CL - Confidence level in species determination: 1= <60%, 2= 60-95%, 3= >95%

d. Optional observer recommendation:

SVP Potential SVP Non Significant VP Indicator Breeding Area

e. General vernal pool comments and/or observations of other wildlife:

Send completed form and supporting documentation to: Maine Dept. of Inland Fisheries and Wildlife
Attn: Vernal Pools
650 State Street, Bangor, ME 04401

NOTE: Digital submission (to Jason.Czapiga@maine.gov) of vernal pool field forms and photographs is only acceptable for projects with 3 or fewer assessed pools; larger projects must be mailed as hard copies.

For MDIFW use only

Reviewed by MDIFW Date:

Initials:

This pool is:

Significant

Potentially Significant
but lacking critical data

Not Significant due to:

does not meet biological criteria.

does not meet MDEP vernal pool criteria.

Comments:

Paul P. Murphy property
Goose Rocks Road
(Map 15, Block 1, Portion of Lot 1)
Kennebunkport, Maine
2018 Vernal Pool Assessment



Wood frog egg masses in Pool #2, April 11, 2018



Man-made vernal pool habitat April 11, 2018

Paul P. Murphy property
Goose Rocks Road
(Map 15, Block 1, Portion of Lot 1)
Kennebunkport, Maine
2018 Vernal Pool Assessment



Pool #2, April 24, 2018



Mature wood frog egg masses in Pool #2, April 24, 2018

SECTION 14

MHPC/THPO CORRESPONDANCE

Correspondence with the Maine Historic Preservation Commission (MHPC) and Tribal Historic Preservation Officers (THPO) from the five Maine Indian tribes are included in this section. There will be no historic or cultural properties or artifacts affected by the proposed subdivision.

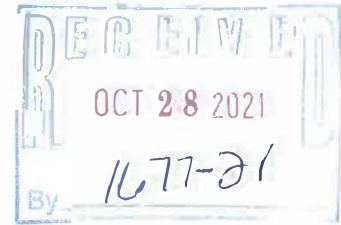
EXHIBIT 14.1

MPHC Letter



Atlantic Resource Consultants
Engineering Strategies and Solutions

541 US Route One, Suite 21
Freeport, Maine 04032
Tel: 207.869.9050
atlanticresourceconsultants@gmail.com



October 4, 2021

Mr. Kirk Mohney
Maine Historic Preservation Commission
55 Capitol Street
65 State House Station
Augusta, Maine 04333

RE: Trudo Subdivision, Kennebunkport Maine

Dear Mr. Mohney,

On behalf of our client K.J. Trudo Properties, LLC, we are contacting you regarding the referenced project. The proposed development will include the construction of a new roadway and driveways to serve 9 Lots on a parcel of land on Goose Rocks Road in the Town of Kennebunkport, Maine. We have enclosed a site location map and preliminary site plan showing the nature and extents of the proposed work.

We would be most grateful if you could review the attached information and contact our office with any information you have on the presence of any historically significant areas in the project area.

If you have any questions regarding this letter, please do not hesitate to contact us.

Regards,

Atlantic Resource Consultants
Lucien Langlois
Environmental Specialist

Based on the information submitted, I have concluded that there will be no historic properties affected by the proposed undertaking, as defined by Section 106 of the National Historic Preservation Act. Consequently, pursuant to 36 CFR 800.4(d)(1), no further Section 106 consultation is required unless additional resources are discovered during project implementation pursuant to 36 CFR 800.13.

Kirk F. Mohney,
State Historic Preservation Officer
Maine Historic Preservation Commission

11/3/21
Date

Cc: File Kennebunkport subdivision/Correspondence

ATTACHMENTS:

Sketch Plan
Locus Map

EXHIBIT 14.2

THPO Letters

August 9, 2022

THPO
Houlton Band of Maliseet Indians
88 Bell Road
Littleton, Maine 04730
istjohn@maliseets.com

THPO
Mi'kmaq Nation
7 Northern Road
Presque Isle, Maine 04769
kreis@micmac-nsn.gov

THPO
Passamaquoddy Tribe of Indians
Pleasant Point Reservation
P.O. Box 343
Perry, Maine 04667
soctomah@gmail.com

THPO
Penobscot Nation
Cultural and Historic Preservation Dept.
12 Wabanaki Way
Indian Island, Maine 04468
chris.sockalexis@penobscotnation.org

THPO
Passamaquoddy Tribe of Indians
Indian Township Reservation
P.O. Box 301 Princeton, Maine 04668
soctomah@gmail.com

**Re: Army Corps of Engineers General Permit Application for
K.J. Trudo Properties, LLC
20 Appleblossom Lane
Kennebunkport, ME 04046**

Via: Transmitted via email as noted above

Please take notice that K.J. Trudo Properties, LLC intends to file a U.S. Army Corps of Engineers general permit for freshwater wetland fill associated with the construction of a 9-lot residential subdivision consisting of an access drive, utilities, and stormwater management. A location map and site plan are attached for use in your review.

If you have any questions or comments regarding this project, please feel free to contact me at 207-869-9050 or by e-mail at Kayla@arc-maine.com.

Respectfully,



Kayla Gray
Atlantic Resource Consultants, LLC

Tribal Historic Preservation Office
Passamaquoddy Tribe
PO Box 159 Princeton, Me. 04668
207-214-4051

August 26, 2022

Kayla Gray
Environmental Specialist
Atlantic Resource Consultants, LLC
541 US Route One, Suite 21
Freeport, Maine 04032

Re: Kennebunkport - The Glen at Goose Rocks Subdivision

Dear Kayla;

The Passamaquoddy THPO has reviewed the following applications regarding the historic properties and significant religious and cultural properties in accordance with NHPA, NEPA, AIRFA, NAGPRA, ARPA, Executive Order 13007 Indian Sacred Sites, Executive Order 13175 Consultation and Coordination with Indian Tribal Governments, and Executive Order 12898 Environmental Justice.

The Projects listed above will not have any impact on cultural and historical concerns of the Passamaquoddy Tribe. Should buried artifacts, human remains, cultural sites or ground features be unexpectedly unearthed during ground disturbing activities, all construction should immediately cease and the resources be examined by a professional archaeologist. Additionally, all appropriate authorities-including all pertinent tribal entities should be notified.

Sincerely;

Donald Soctomah
Soctomah@gmail.com
THPO
Passamaquoddy Tribe



PENOBSCOT NATION
CULTURAL & HISTORIC PRESERVATION
12 WABANAKI WAY, INDIAN ISLAND, ME 04468

CHRIS SOCKALEXIS – TRIBAL HISTORIC PRESERVATION OFFICER

E-MAIL: chris.sockalexis@penobscotnation.org

NAME	Kayla Gray
ADDRESS	Atlantic Resource Consultants, LLC 541 US Route One, Suite 21 Freeport, Maine 04032
OWNER'S NAME	K.J. Trudo Properties, LLC
TELEPHONE	(207) 869-9050
EMAIL	Kayla@arc-maine.com
PROJECT NAME	Wetland alteration - construction of a 9-lot residential subdivision
PROJECT SITE	Kennebunkport, ME
DATE OF REQUEST	August 9, 2022
DATE REVIEWED	January 10, 2023

Thank you for the opportunity to comment on the above referenced project. This project appears to have no impact on a structure or site of historic, architectural or archaeological significance to the Penobscot Nation as defined by the National Historic Preservation Act of 1966, as amended.

If there is an inadvertent discovery of Native American cultural materials during the course of the project, please contact my office at (207) 817-7471. Thank you for consulting with the Penobscot Nation Tribal Historic Preservation Office with this project.

A handwritten signature in black ink, appearing to read "Ch Sockalexis".

Chris Sockalexis, THPO
Penobscot Nation

Lucien Langlois

From: Isaac St John <istjohn@maliseets.com>
Sent: Thursday, August 25, 2022 10:12 AM
To: Kayla Gray
Subject: RE: THPO Review Request - K.J. Trudo Properties, LLC

Good morning,

We do not have an immediate concern with your project or project site, and do not currently have the resources to fully investigate same. Should any human remains, archaeological properties or other items of historical importance be unearthed while working on this project, we recommend that you stop your project and report your findings to the appropriate authorities including the Houlton Band of Maliseet Indians.

Thank you,

Isaac St. John
Tribal Historic Preservation Officer
Houlton Band of Maliseet Indians
88 Bell Road
Littleton, ME 04730

From: Kayla Gray [mailto:Kayla@arc-maine.com]
Sent: Tuesday, August 9, 2022 1:03 PM
To: soctomah@gmail.com; Kendyl Reis <kreis@micmac-nsn.gov>; chris.sockalexis@penobscotnation.org; istjohn@maliseets.com
Subject: THPO Review Request - K.J. Trudo Properties, LLC

Good afternoon,

Please see the attached project review request in accordance with the US Army Corps of Engineers authorization to fill freshwater wetlands. If you have any questions, please feel free to contact me.

Best,
Kayla

Kayla Gray
Environmental Specialist
Atlantic Resource Consultants, LLC
541 US Route One, Suite 21
Freeport, Maine 04032
(207) 869-9050 (office)
(207) 520-8305 (cell)
www.arc-maine.com



SECTION 15

ADDITIONAL PERMITS

The proposed project requires regulatory permitting from the Maine Department of Environmental Protection (MDEP) under the Natural Resources Protection Act (NRPA) and the Stormwater Management Law. The project also requires authorization from the U.S. Army Corps of Engineers. Permit approvals from the MDEP and Corps of Engineers have been included in this section.

Construction on the proposed project will not commence until all local, state, and federal approvals are obtained.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

K.J. TRUDO PROPERTIES, LLC) STORMWATER MANAGEMENT LAW
Kennebunkport, York County) NATURAL RESOURCES PROTECTION ACT
10-LOT SUBDIVISION) FRESHWATER WETLAND ALTERATION
L-30067-NJ-A-N (approval)) WATER QUALITY CERTIFICATION
L-30067-TC-B-N (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. §§ 480-A–480-JJ, 38 M.R.S. § 420-D, Section 401 of the Clean Water Act (33 U. S. C. § 1341), and Chapters 310 and 500 of Department rules, the Department of Environmental Protection (Department) has considered the application of K.J.TRUDO PROPERTIES, LLC (applicant) with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicant proposes to construct a stormwater management system for a 10-lot residential subdivision that includes one open space lot, two roads ending in cul-de-sacs, and driveways for each lot. The proposed roads will be approximately 1,326 linear feet and 746 linear feet with a 20-foot travel way and three-foot wide shoulders with ditches. The applicant is also proposing development on the lots that will result in 2.69 acres of developed area and 1.44 acres of impervious area. Overall, the proposed project includes a total of approximately 5.42 acres of developed area, of which 2.61 acres is impervious area. The proposed project is located on a 43.5 acre parcel of land, as shown on set of plans, the first of which is titled “The Glen at Goose Rocks,” prepared by Atlantic Resource Consultants, and dated September 10, 2022, with a latest revision date on any of the sheets of July 14, 2023. The project site is located off Goose Rocks Road in the Town of Kennebunkport.

The applicant is concurrently seeking approval for 8,548 square feet of fill to construct access roads and stormwater structures under the Natural Resources Protection Act (NRPA). Wetland alteration is discussed in Finding 5.

The applicant submitted a NRPA Permit by Rule Notification Form (PBR #75792) pursuant to Chapter 305 Permit by Rule Standards Sections 2, 9 and 10 (06-096 Ch. 305, § 2, § 9 and § 10, last amended June 8, 2012) for adjacent activity, utility crossings and two stream crossings that was accepted by the Department on October 10, 2022.

The applicant also submitted a Notice of Intent (NOI #75796) to comply with the standards and requirements of the Maine Construction General Permit, which was accepted by the Department on October 10, 2022.

B. Current Use of the Site: The site of the proposed project is currently undeveloped woodland. There are no structures on the property. The parcel is identified as Lot 1 on Map 15-1 of the Town of Kennebunkport's tax maps.

C. Public Comments: The Department received public comments from an abutter to the project site on September 28, 2022 that included a request for a public hearing and for the Board of Environmental Protection to assume jurisdiction over the application. In a letter dated December 29, 2022, the Department denied the request for a public hearing on the application and for a Commissioner recommendation that the Board assume jurisdiction over the application. Concerns raised by the abutter included building within a Federal Emergency Management Agency (FEMA) flood hazard area and potential bacterial contamination of stormwater runoff from the proposed project to Goose Rocks Beach. Concerns also included development impacts to wetlands, streams, significant vernal pools and associated wildlife that may occupy these habitats, including Blanding's and Spotted Turtles. In correspondence with the Department, the abutter also referenced data collected that had documented turtles throughout the project site. All concerns related to Natural Resources Protection Act (NRPA) standards are addressed in Finding 3 and Finding 5 of this Order. Concerns raised by the abutter related to Stormwater Management Law standards are addressed in Finding 2 of this Order. All other comments related to FEMA special flood maps and bacterial contamination are outside the scope of this Department review.

2. STORMWATER STANDARDS:

The proposed project includes approximately 5.42 acres of developed area, of which 2.61 acres is impervious area. The project site contains stream tributaries that lie within the watershed of the Batson River, which leads to the Atlantic Ocean. The applicant submitted a stormwater management plan based on the Basic and General Standards contained in Department Rules, Chapter 500. The proposed stormwater management system consists of undisturbed forested buffers, one gravel wetland and three bioretention cells.

A. Basic Standards:

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

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

(2) Inspection and Maintenance: The applicant submitted a maintenance plan that addresses both short and long-term maintenance requirements. This plan was reviewed

by, and revised in response to the comments of, BLR. The maintenance plan is based on the standards contained in Appendix B of Chapter 500. Responsibility for the maintenance of all common facilities including the stormwater management system will be established by the Homeowner Association Agreement (HOA). The applicant must provide a copy of the HOA to the BLR for review. Otherwise, the applicant will be responsible for the maintenance of all common facilities including the stormwater management system.

Storm sewer grit and sediment materials removed from stormwater control structures during maintenance activities must be disposed of in compliance with the Maine Solid Waste Management Rules.

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

Based on BLR's review of the erosion and sedimentation control plan and the maintenance plan, the Department finds that the proposed project meets the Basic Standards contained in 500(4)(B) provided storm sewer grit and sediment materials are removed and a copy of the Declaration of Covenants and Restrictions is provided to the BLR for review.

B. General Standards:

The applicant's stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential temperature impacts. This mitigation is being achieved by using Best Management Practices (BMPs) that will control runoff from no less than 96% of the impervious area and no less than 84% of the developed area on the non-linear portions of project. The proposed road meets the definition of "a linear portion of a project" in Chapter 500 and the applicant is proposing to reduce runoff volume control to no less than 86% of the volume from the impervious area and no less than 86% of the developed area. Pursuant to Chapter 500 (5)(C)(5)(e) approximately 2,6798 square feet of road qualifies for the wetland crossing exemption and adequate provisions have been made for passage of flows through culverts and under roads for the project.

The no disturbance forested stormwater buffers on lots and in open space will be protected from alteration through the execution of deed restrictions. The applicant proposes to use the deed restriction language contained in Appendix G of Chapter 500. Prior to the start of construction, the location of forested buffers on individual lots must be permanently marked on the ground. The deed for each lot, including common open space, that contains any portion of the designated buffer must contain deed restrictions relative to the buffer and have attached to it a plot plan for the lot, drawn to scale, that specifies the location of the buffer on the lot. The applicant must execute and record all required deed restrictions, including the appropriate buffer deed restrictions, within 60 days of the date of this Order unless the deed restriction is to be placed on a subdivision

lot. In that situation, the applicant must execute and record the required deed restriction prior to the start of construction on any lots. The applicant must submit a copy of the recorded deed restrictions, including the plot plan, to the BLR within 60 days of its recording.

The stormwater management system proposed by the applicant was reviewed by, and revised in response to comments from, BLR. After a final review, BLR commented that the proposed stormwater management system is designed in accordance with the Chapter 500 General Standards and recommended that the applicant's design engineer or other qualified professional oversees the construction of the stormwater management system structures to ensure that they are installed in accordance with the details and notes specified on the approved plans. Within 30 days from completion of the entire system or if the project takes more than one year to complete, at least once per year, the applicant must submit a log of inspection reports detailing the items inspected, photographs taken, and the dates of each inspection to the BLR for review.

Public comments raised concerns about the increase in stormwater runoff for the development. Concerns were raised regarding the increase in pesticide, fertilizer and insecticides from stormwater runoff and its impact to wetlands for the new development that is further addressed in Finding 5. Concern was also raised regarding the wetland's ability to absorb the increase in stormwater runoff, that the project will result in an increased number of flooding events that already occur at the Goose Rocks Road stream crossing which prohibits travel to Log Cabin Road. In response, the applicant stated that the proposed stormwater BMPs and vegetated buffers have been designed to treat, detain and slowly release stormwater on the project site. The applicant also noted that the 30-inch culvert that exists under Goose Rocks Road is undersized, but that all culverts, including the 60-inch culvert for the same stream but within the proposed development, are appropriately sized for the flows during large rain events. Based on the size of the proposed project, the applicant is not required to meet the Chapter 500 Flooding Standard therefore this was not part of the Department review.

Based on the stormwater system's design and BLR's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Basic and General Standards contained in Chapter 500 provided that, prior to construction, a copy of the HOA Declaration of Covenants is provided, buffers are marked on the ground, buffer restrictions are recorded, inspections are conducted and as-builts are provided to the BLR, all as described above.

The Department further finds that the proposed project will meet the Chapter 500 standards for discharges to freshwater or coastal wetlands.

3. HABITAT CONSIDERATIONS:

The NRPA, in 38 M.R.S. §480-D(3), requires the applicant to demonstrate that the proposed project will not unreasonably harm significant wildlife habitat, freshwater

wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

According to the Department's Geographic Information System (GIS) database there are no mapped Essential or Significant Wildlife Habitats located at the site. Two vernal pool surveys were conducted at the site; both surveys revealed the presence of two vernal pools, both of which were deemed non-significant.

The Maine Department of Inland Fisheries and Wildlife (MDIFW) has documented state threatened Spotted Turtles (*Clemmys guttata*) within the area but not within wetlands located on the project site. Threatened and Endangered species are required to be mapped within another protected resource for that habitat to be defined under M.R.S 38, § 480-B (10) as Significant Wildlife Habitat. Therefore, the proposed project is not subject to Department review pursuant to Chapter 310 (4)(A). However, in response to MDIFW comments, the applicant has avoided and minimized impacts to upland habitat by minimizing the amount of vegetation removal on each lot, by establishing clearing limits of disturbance with sediment barriers to mark them on the ground, by updating the HOA to prohibit vegetation removal beyond those limits, and by limiting the use of pesticides, herbicides and fertilizers. These limitations will also apply within the forested buffer deed restricted areas between individual lot development and wetlands.

The proposed project includes four wetland crossings and two stream crossings. The majority of the crossings will provide a minimum culvert diameter of 48 inches to accommodate potential turtle migration. Vegetative buffers surrounding the two non-significant vernal pools and all streams have been maximized to the greatest extent practicable.

In its review comments, MDIFW also recommended all ground disturbance for land clearing and development be restricted from April 15 to October 15, when turtles are likely active and moving near and between wetlands. The applicant stated that the majority of the disturbance will occur outside of this window to avoid potential adverse impacts to turtles within the wetland and buffer areas.

The Department finds that the applicant has avoided and minimized Significant Wildlife Habitat impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

The Department further finds that the activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

4. WATER QUALITY CONSIDERATIONS:

As discussed in Finding 2(A), the applicant proposes to use erosion and sediment control measures during construction to minimize impacts to water quality from siltation.

The Department does not anticipate that the proposed project will violate any state water quality law, including those governing the classification of the State's waters.

5. WETLAND ALTERATION:

The applicant proposes to fill 8,548 square feet of freshwater forested wetlands for road and stormwater BMPs to construct the proposed subdivision. The applicant has avoided and minimized wetland impacts to the greatest extent practicable by reducing the number of roads within the development thereby decreasing the number of wetland crossings, by utilizing all upland area on lots, by avoiding development within or adjacent to the larger wetland complex on the site, by crossing wetland areas at the narrowest points, and by incorporating a gravel wetland stormwater treatment measure in the project design. In response to MDIFW recommendations for Spotted Turtles, the applicant also redesigned access to Lot #6 from Lot #7 to avoid 881 square feet of additional wetland impacts and is also proposing 3:1 roadside slopes with vegetation to accommodate turtle migration up and over the proposed driveway.

The Department finds that the applicant has avoided and minimized freshwater wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. § 420-D, and Chapters 500 of the Department's rules:

- A. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 Basic Standards for: (1) erosion and sediment control; (2) inspection and maintenance; (3) housekeeping; and (4) grading and construction activity provided storm sewer grit and sediment materials are removed and a copy of the HOA Covenants is provided as describe in Finding 2(A).
- B. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 General Standards provided that, prior to construction, buffers are marked on the ground, buffer restrictions are recorded, and inspections are conducted and as-builts are provided to the BLR, as described in 2(B).
- C. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 standards for discharge to freshwater or coastal wetlands.

BASED on the above Findings of Fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. §§ 480-A–480-JJ, Chapters 310 of the Department’s rules and Section 401 of the Clean Water Act:

- A. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat; aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life provided that all ground disturbance for land clearing and development be restricted from April 15 to October 15.
- B. The proposed activity will not violate any state water quality law including those governing the classification of the State’s waters.

THEREFORE, the Department APPROVES the above noted application of K.J. TRUDO PROPERTIES, LLC to construct a stormwater management system for a 10-lot subdivision as described in Finding 1, Maine, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations:

- 1. The Standard Conditions of Approval, a copy attached.
- 2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
- 3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
- 4. The applicant shall include in all conveyances of subdivision lots deed restrictions making the conveyance subject to all terms and conditions of this Department permit, particularly those conditions related to maintenance of the stormwater management system. These terms and conditions may be incorporated by specific and prominent reference to the permit in the deed. All conveyances required by this approval to contain restrictions shall include in the restrictions the requirement that any subsequent conveyance shall specifically include the same restrictions.
- 5. The applicant shall execute and record all required deed restrictions, including the appropriate buffer deed restrictions, within 60 days of the date of this Order unless the deed restriction is to be placed on a subdivision lot. In that situation, the applicant shall execute and record the required deed restriction prior to the start of construction on the lot. The applicant shall submit a copy of the recorded deed restriction, including the plot plan, to the BLR within 60 days of its recording.

6. Storm sewer grit and sediment materials removed from stormwater control structures shall be disposed of in compliance with the Maine Solid Waste Management Rules.
7. Within 30 days from completion of the project, or if the project takes more than one year to complete, at least once per year, the applicant shall submit an as-built plan to BLR for review.
8. Prior to construction on any lot, the applicant shall mark all deed restricted forested buffer locations on the ground.
9. The applicant will be responsible for the maintenance of all common facilities including the stormwater management system unless a copy of the Declaration of Covenants and Restrictions giving the HOA these responsibilities is provided to the BLR for review.

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

DONE AND DATED IN AUGUSTA, MAINE, THIS 29th DAY OF SEPTEMBER, 2023.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
For: Melanie Loyzim, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

AJS/ L30067ANBN /ATS# 90136, 90137

FILED
October 2nd, 2023
State of Maine
Board of Environmental Protection

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

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

- (8) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.
- (a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
 - (b) All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the facilities.
 - (c) The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the department, and the maintenance log is being maintained.
- (9) Severability. The invalidity or unenforceability of any provision, or part thereof, of this permit shall not affect the remainder of the provision or any other provisions. This permit shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.



Natural Resources Protection Act (NRPA) Standard Conditions

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

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



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: August 2021

Contact: (207) 314-1458

SUMMARY

This document provides information regarding a person's rights and obligations in filing an administrative or judicial appeal of a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner.

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

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

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

A person filing an appeal with the Board should review Organization and Powers, [38 M.R.S. §§ 341-D\(4\)](#) and [346](#); the Maine Administrative Procedure Act, 5 M.R.S. § [11001](#); and the DEP's [Rule Concerning the Processing of Applications and Other Administrative Matters \(Chapter 2\)](#), 06-096 C.M.R. ch. 2.

DEADLINE TO SUBMIT AN APPEAL TO THE BOARD

Not more than 30 days following the filing of a license decision by the Commissioner with the Board, an aggrieved person may appeal to the Board for review of the Commissioner's decision. The filing of an appeal with the Board, in care of the Board Clerk, is complete when the Board receives the submission by the close of business on the due date (5:00 p.m. on the 30th calendar day from which the Commissioner's decision was filed with the Board, as determined by the received time stamp on the document or electronic mail). Appeals filed after 5:00 p.m. on the 30th calendar day from which the Commissioner's decision was filed with the Board will be dismissed as untimely, absent a showing of good cause.

HOW TO SUBMIT AN APPEAL TO THE BOARD

An appeal to the Board may be submitted via postal mail or electronic mail and must contain all signatures and required appeal contents. An electronic filing must contain the scanned original signature of the appellant(s). The appeal documents must be sent to the following address.

Chair, Board of Environmental Protection
c/o Board Clerk
17 State House Station
Augusta, ME 04333-0017
ruth.a.burke@maine.gov

The DEP may also request the submittal of the original signed paper appeal documents when the appeal is filed electronically. The risk of material not being received in a timely manner is on the sender, regardless of the method used.

At the time an appeal is filed with the Board, the appellant must send a copy of the appeal to: (1) the Commissioner of the DEP (Maine Department of Environmental Protection, 17 State House Station, Augusta, Maine 04333-0017); (2) the licensee; and if a hearing was held on the application, (3) any intervenors in that hearing proceeding. **Please contact the DEP at 207-287-7688 with questions or for contact information regarding a specific licensing decision.**

REQUIRED APPEAL CONTENTS

A complete appeal must contain the following information at the time the appeal is submitted.

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

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, and is made accessible by the DEP. Upon request, the DEP will make application materials available to review and photocopy during normal working hours. There may be a charge for copies or copying services.

2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing the appeal.* DEP staff will provide this information upon request and answer general questions regarding the appeal process.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed, the license normally remains in effect pending the processing of the appeal. Unless a stay of the decision is requested and granted, a licensee may proceed with a project pending the outcome of an appeal, but the licensee runs the risk of the decision being reversed or modified as a result of the appeal.

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

The Board will acknowledge receipt of an appeal, and it will provide the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials admitted by the Board as supplementary evidence, any materials admitted in response to the appeal, relevant excerpts from the DEP's administrative record for the application, and the DEP staff's recommendation, in the form of a proposed Board Order, will be provided to Board members. The appellant, the licensee, and parties of record are notified in advance of the date set for the Board's consideration of an appeal or request for a hearing. The appellant and the licensee will have an opportunity to address the Board at the Board meeting. The Board will decide whether to hold a hearing on appeal when one is requested before deciding the merits of the appeal. The Board's decision on appeal may be to affirm all or part, affirm with conditions, order a hearing to be held as expeditiously as possible, reverse all or part of the decision of the Commissioner, or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, the licensee, and parties of record of its decision on appeal.

II. JUDICIAL APPEALS

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

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

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board Clerk at 207-287-2811 or the Board Executive Analyst at 207-314-1458 bill.hinkel@maine.gov, or for judicial appeals contact the court clerk's office in which the appeal will be filed.

Note: This information sheet, in conjunction with a review of the statutory and regulatory provisions referred to herein, is provided to help a person to understand their rights and obligations in filing an administrative or judicial appeal. The DEP provides this information sheet for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.



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

December 6, 2023

Regulatory Division
File Number: NAE-2022-02474

K.J. Trudo Properties, LLC
c/o Jonathan Trudo
20 Apple Blossom Lane
Kennebunkport, ME 04046
Sent by email: creativecoastconstruction@gmail.com

Dear Mr. Trudo:

The U.S. Army Corps of Engineers (USACE) has reviewed your application to discharge fill material into 8,548 square feet of freshwater wetlands and 333 square feet of fill in two unnamed streams for the construction of access roads to a residential subdivision located off Goose Rocks Road in Kennebunkport, Maine. The subdivision will consist of nine single-family lots, one open-space lot, access roads with two stream crossings, and associated utilities and stormwater infrastructure. The wetlands are adjacent to the unnamed streams on site, which are tributaries to Round Swamps Brook. The project is shown on a set of plans titled "The Glen at Goose Rocks, 9 Lot Residential Subdivision," in 22 sheets last revised October 27, 2023.

Based on the information that you have provided, we verify that the activity is authorized under General Permits #8 and #22 of the October 14, 2020, federal permits known as the Maine General Permits (GPs). The GPs are available at <https://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/ME/2020-2025-MaineGeneralPermits.pdf>.

Please review the GPs carefully, in particular the general conditions beginning on page 5, and ensure that you and all personnel performing work authorized by the GPs are fully aware of and comply with its terms and conditions. A copy of the GPs and this verification letter must be available at the work site as required by General Condition 33.

You must perform this work in accordance with the following special conditions:

1. The permittee must complete and return the enclosed Work Start Notification Form to this office at least two weeks before the anticipated starting date.
2. The permittee must complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work.
3. No tree clearing shall take place between April 15 to October 31 to avoid adverse effects to federally endangered Northern Long-eared Bats.

4. Mitigation for unavoidable wetland impacts shall consist of, in part, the preservation of 14.84 acres of undeveloped land on the project parcel, including 5.66 acres of wetland and 9.18 acres of upland. Within 60 days of the permit's issuance, the permittee must finalize, execute, and record the attached draft declaration of covenants and restrictions in the York County Registry of Deeds to protect in perpetuity the land described in Exhibit A of the draft declaration. Within 10 days of its recording, the permittee must send a copy of the recorded declaration to USACE via electronic mail to: jami.e.macneil@usace.army.mil.
5. Within 60 days of the permit's issuance, the permittee must permanently mark the boundaries of the preservation area on the ground to protect it from future alterations that do not conform to the recorded covenants and restrictions.
6. The use of pesticides, herbicides, and fertilizers shall be prohibited within the subdivision except for management of invasive species, and then only in accordance with all applicable local, state, and federal regulations on the use of such chemicals.
7. A copy of the USACE permit, including the enclosed plans, must be given to each lot buyer at least 14 days prior to the date of closing on the sale or lease of the lot.
8. No additional filling of waters of the United States (wetlands or waterways) is authorized without written approval from USACE. Within 60 days of the permit's issuance, the permittee must record a copy of this permit in the York County Registry of Deeds. Within 10 days of its recording, the permittee must send a copy of the recording to USACE via electronic mail to: jami.e.macneil@usace.army.mil.

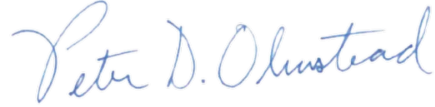
This authorization expires on October 14, 2025. You must commence or have under contract to commence the work authorized herein by October 14, 2025, and complete the work by October 14, 2026. If not, you must contact this office to determine the need for further authorization and we recommend you contact us *before* the work authorized herein expires. Please contact us immediately if you change the plans or construction methods for work within our jurisdiction as we must approve any changes before you undertake them. Performing work within our jurisdiction that is not specifically authorized by this determination or failing to comply with the special condition(s) provided above or all of the terms and conditions of the GPs may subject you to the enforcement provisions of our regulations.

This authorization does not obviate the need to obtain other federal, state, or local authorizations required by law. Applicants are responsible for applying for and obtaining any other approvals.

We continually strive to improve our customer service. To better serve you, we would appreciate your completing our Customer Service Survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>

Please contact Jami MacNeil, of my staff, at our Augusta, Maine Project Office at (978) 778-6497 or jami.e.macneil@usace.army.mil if you have any questions.

Sincerely,



Peter D. Olmstead
Chief, Maine Section
Regulatory Division

Enclosures:

Location Map
Plans
Draft declaration of covenants and restrictions
Work-start Notification Form
Compliance Certification Form

cc:

Mike Marsh, U.S. EPA, Region 1, Boston, MA; marsh.mike@epa.gov
Wende Mahaney; wende_mahaney@fws.gov
Alison Sirois, Maine DEP; Alison.Sirois@maine.gov
Lucien Langlois, Atlantic Resource Consultants; Lucien@arc-maine.com

SECTION 16

BOUNDARY SURVEY

A copy of the boundary survey created by JPS Surveying and Engineering is included as part of the attached plan set in Section 17.

SECTION 17

SITE PLANS

A copy of the final plan set is included in this section.