

February 21st, 2023

Werner Gilliam, CFM Director of Planning & Development Michelle Radley, Town Planner Town of Kennebunkport 6 Elm Street Kennebunkport, Maine 04046

RE: The Glen at Goose Rocks Preliminary Subdivision Application – Corrections & Questions

Dear Werner,

On behalf of our client, Jonathan Trudo, we offer the following responses to review comments received from The Town of Kennebunkport via email on December 6th, 2022. The original comments are shown in bold/italic text, with each response directly following.

GENERAL COMMENTS

- 1) Parcel MBL is incorrect.
 - 15-1-1B not 15-1-1. Tax Parcel maps have been updated, please correct.

RESPONSE: The application form and project description have been revised to include the correct lot identification number.

- 2) Unnumbered A Zone on Preliminary Floodplain Maps require creation of BFE.
 - Itis likely that the Preliminary maps will be effective by the time homes will be under construction.
 - Refer to Unnumbered A Zone guidance document regarding need to develop BFE for development (attached).

RESPONSE: FOR AREAS SHOWN IN ZONE A, BASED ON THE PRELIMINARY MAPPING, WE SUGGEST A CONDITION THAT ANY DEVELOPMENT WITHIN THE YET UNADOPTED FLOOD ZONE A BE REQUIRED TO SUBMIT A FEMA LOMA FOR A PROPOSED STRUCTURE. A STUDY TO DETERMINE THE EXTENT (BY ELEVATION) OF THE PROPOSED FLOOD ZONE A IS FORTHCOMING.

- 3) Clarify 5.89 Acres to be developed. Stormwater report indicates 6.1 acres of developed area.
 - Is that common infrastructure only? Or does this include a portion of each
 - individual lot development?

RESPONSE: Developed area includes both infrastructure and lot development. Numbers have been included in on the plan set table as well as described in the project description of the application.

4) Provide estimated project cost for subdivision infrastructure.

RESPONSE: This item is attached.



5) Nitrate Study required for subsurface waste.

RESPONSE: THIS WILL BE PROVIDED SHORTLY

6) Stormwater easement areas: Are they easements on the individual lots or are they part of the proposed road ROW?

RESPONSE: Easements for the stormwater BMP (gravel wetland) areas are easements within individual lots and not part of the ROW area.

7) Lot 2 requires Driveway Easement.

RESPONSE: This easement will be located within the stormwater BMP easement. Therefore, the easement has been written to also act as a driveway easement for accessing Lot 2.

8) Shoreland Zone should be shown on a sheet with the proposed Lot divisions.

RESPONSE: The shoreland zone has been added to the subdivision plan and the civil plan set.

9) Does the Board wish to have the Storm Water peer reviewed?

RESPONSE: Comments have been received from peer reviewer (Acorn) via email from Town of Kennebunkport dated January 26, 2023. This work is on-going and is not yet completed.

REVIEW OF ARTICLE 11

11.1C) HOA documents to include covenants regarding Herbicides and Pesticides.

RESPONSE: Draft HOA includes language for requested items. See page 8 of bylaws provided in Section 7 of the subdivision application.

11.2) Sufficient Water Supply to be addressed with the understanding that each home will have a 13D Residential Sprinkler system.

RESPONSE: N/A.

11.5B6) Will there be any proposed streetlights?

RESPONSE: No streetlights will be provided for the subdivision.

11.6B) Concerns with Test Pits:

RESPONSE: Additional soil test pits have been dug and evaluated by the project's licensed soil scientist and site evaluator. Each lot contains suitable soils for installation of a subsurface wastewater disposal system. Test pit logs can be found in Section 9 of the subdivision application. Locations of test pits are also depicted on the plan set.

11.7) Provide Solid Waste Capacity letter from Town Manager/Public Works.

RESPONSE: THIS WILL BE UPDATED ON NEXT SUBMISSION

11.8A2) Identify 50' no cut buffer along Goose Rocks Rd.

RESPONSE: A 50' no cut buffer along Goose Rocks Road has been incorporated for the subdivision design.



11.8B4-B7) Open Space:

Calculations for Open Space easements for Lots 8 and 3?
 RESPONSE: Please refer to the revised plan sets.

• Open space, as shown, appears to extend along the entire frontage of the parcel. Please confirm.

RESPONSE: Area removed – open space is only situated along the sidelines of the parcel.

Deduct Area of Moose Rocks ROW from Open Space calculations.
 RESPONSE: Area has been deducted and calculations have been updated.

11.10A) Financial Capacity to be shown in the form of a Bank Letter of Credit

RESPONSE: THIS WILL BE UPDATED ON NEXT SUBMISSION

11.12) Confirm need for Hydrogeologic Study.

RESPONSE: We would request a waiver for the hydrogeologic study as the nitrate analysis would be completed which would establish well exclusion zones, etc.

11.12A/B) Provide Locations of existing septics and wells within 200' (Abutter Properties).

RESPONSE: Added to plan set – licensed site evaluator has confirmed that each proposed lot contains a suitable location for septic treatment with meets the State of Maine Subsurface Wastewater Disposal Rules.

11.17) Net Res Calculations:

- Net Res Calculations missing from plan set and application.
 RESPONSE: Calculation table added to civil plan set and subdivision plan.
- Deduct Area of Moose Rocks ROW from the Net Res calculations.
 RESPONSE: Completed and deducted from calculations.

REVIEW OF ARTICLE 12

12.1A1) Identify well exclusion areas on Plan

RESPONSE: Exclusion area added to plan set to show compliance with the State of Maine Subsurface Wastewater Disposal Rules.

12.1A3b/12.2B2i3) Has sight distance been verified?

RESPONSE: Site distance has been verified. Details regarding site distance have been added to the plan set.

12.2B1b) Provide intersection detail at Goose Rocks Rd (Plan missing entrance radius).

RESPONSE: This has been added to plan set.





12.2B1b) Road cross section indicates 70' ROW width. Plan sheets scale at 50'.

RESPONSE: ROW is 50' in width – this has been corrected on plan set.

12.2B1b) Provide cul-de-sac cross section and detail.

RESPONSE: The cul-de-sac will be constructed with the same material section (depth and material type) as the roadway. The horizontal geometry and grading can be found on the project plan set. It is not customary to provide a construction detail separate from the typical section for a cul-de-sac.

12.2B1b) Provide underground utility detail.

RESPONSE: This has been added to the plan set.

12.2B1d) Any improvements to Goose Rocks Rd?

RESPONSE: None are proposed.

12.2B2F/h) Note all intersection radii on Road Plan?

RESPONSE: Please see revised plan set.

12.2B3a) Check road construction detail with minimum pavement materials.

RESPONSE: Please see revised details.

12.4C) Note driveway culverts on Plan.

RESPONSE: A typical driveway culvert detail has been added to the detail sheets. The driveway locations shown in the plan set are conceptual insofar as lot development shall be in accordance with the individual lot stormwater buffers and developable areas.

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

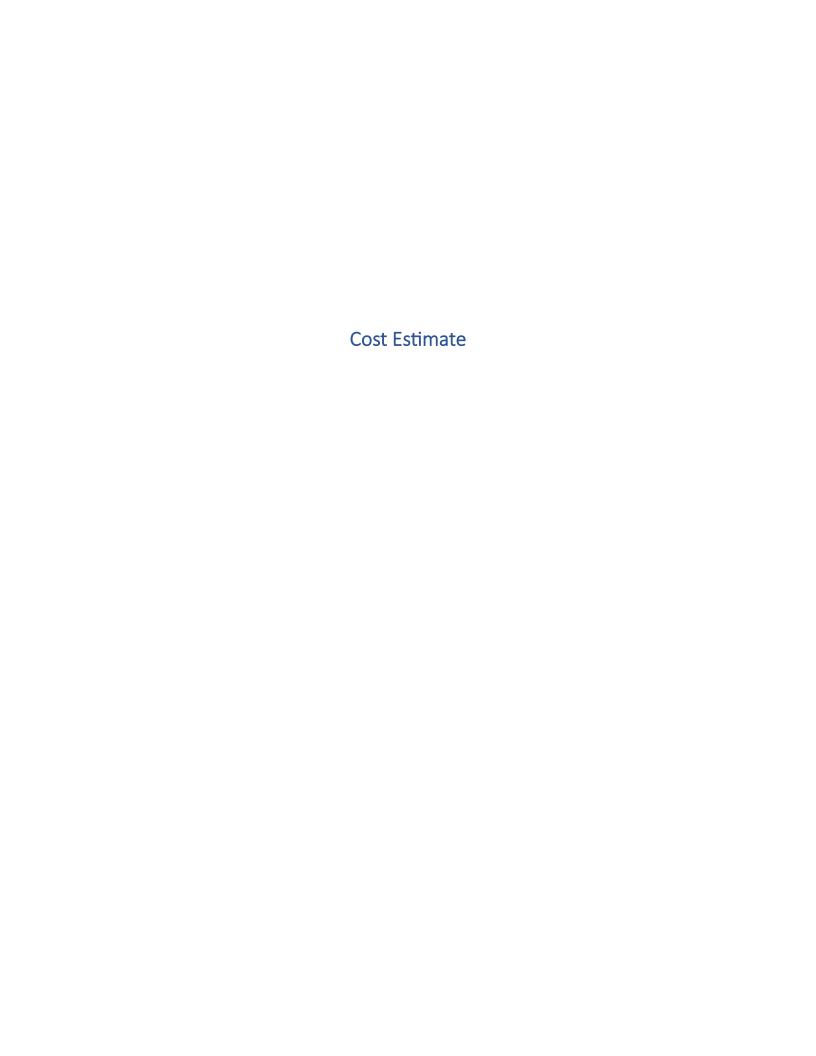
Regards,

Jason A Vafiades

Atlantic Resource Consultants, LLC Jason Vafiades, PE, Principal

Attachments:

- 1) Opinion of Probable Cost for Subdivision Infrastructure
- 2) Updated Application Forms and Checklist
- 3) Draft HOA covenants
- 4) New Soil Test Pit Logs for Septic Locations
- 5) THPO Letter Updated to Reflect Project Site
- 6) Revised Plan Set





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/L	Init	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	



APPLICATION FOR SUBDIVISION KENNEBUNKPORT PLANNING BOARD

POSED SUBDIVISIO	N NAME: The Glen at Gooserocks
ICANT INFORMATIO	<u>ON</u>
Property Owner:	K.J. Trudo Properties, LLC
Address:	20 Apple Blossom Lane
_	Kennebunkport, ME 04046
Phone:	207-205-4422 Email: creativecoastconstruction@gma
Phone: _	Freeport, ME 04032 207-869-9050 Email: Jasonv@arc-maine.com
** Please be sure t	to include a Letter of Authority if you are the Agent**
	poration, check if licensed in Maine: Yes 🗷 No 🗌 and te's "Certificate of Good Standing".
Land surveyor, engi	neer, architect or others preparing plan:
	Atlantic Resource Consultants, LLC
Address:	Atlantic Resource Consultants, LLC
	541 US Route One, Suite 21 Freeport, ME 04032 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)
- 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 $\boxed{\ }$ No $\boxed{\ }$
	Total acreage of parcel: 43.54 Acreage to be developed: 6.1
	Has this land been part of a prior approved subdivision? Or part of other divisions within the past 5 years? Yes No X Yes No O
	Identify existing uses of land (farmland, woodlot, etc.): <u>Undeveloped and woodlot</u>
	Does the parcel include any water bodies? Yes No \(\subseteq \) Is any portion of the property within a special flood hazard area as identified by the Federal Emergency Management Agency (FEMA)? Yes \(\subseteq \) No \(\subseteq \)
	List the names and addresses of abutting property owners within 200' on a separate sheet and attach to this application.
Đ	RAL INFORMATION
	Proposed name of development: The Glen at Gooserocks
	Number of lots or units: 9 residential lots + 1 open space lot
	Anticipated date for construction: Spring 2023
	Anticipated date of completion:
	Does this development require extension of public infrastructure: Yes \(\square \) No \(\square \)

If yes, what?
☐ Roads ☐ Fire Protect ☐ Sewer Lines ☐ Water Lines ☐ Storm Drainage ☐ Sidewalks ☐ Other
Estimated cost for infrastructure improvements: \$
Identify method for water supply to the proposed development:
▼ Individual Wells ☐ Central Well w/Distribution ☐ Public Water Supply ☐ Other (please state alternative)
Identify method of sewage disposal to the proposed development:
Individual Septic Central On-site Disposal Tanks W/Distribution Lines
Connection to Public Sewer Other (please state alternative)
Identify method of fire protection for the proposed development:
 Hydrants connected to the public water system Dry hydrants located on existing pond or water body Existing fire pond Individual Fire Suppression System Other (please state alternative)
Does the applicant propose to dedicate to the public any streets, recreation or common lands?
If any:
Streets Yes No x Estimated Length Common Land(s) Yes No x Estimated Acreage 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. The proposed road length for Roadway 1 is approximately 1,150 feet long.

	est of my kno on is true and		oove stated	d inform	ation submitted in this
Signatur	re	L		Date _	2/21/2023
Printed 1	name <u>Lucien L</u>	anglois (Atlantic Re	source Cons	sultants, l	LLC) -
For Office Use Date Received:	•		Applica	tion Fee	::
			Lot/Dwel	lling Fee	::
		Legal	Notice Pos	ting Fee	::
			Post	tage Fee	::
		Paid by (pay	yment type	e/name)	:
			Escrov	v Funds	:
		Escrow Fu	ınds Lot/I	Owelling	;;

KENNEBUNKPORT SUBDIVISION REGULATIONS § 415-7.2. SUBMISSIONS.

I. Name of Subdivision

a. "The Glen at Gooserocks" – Kennebunkport – Tax Map 15 Block I Lot IB

2. Verification of Right, Title, or Interest

a. K.J. Trudo Properties, LLC is the owner of the project site. The corporation is in Good Standing with the State of Maine. See Exhibit 2.

3. Standard Boundary Survey

a. A boundary survey was created by Patrick W. Johnson (PLS #2408) of JPS Professional Services. See Exhibit 16.

4. Most Recent Deed

a. K.J. Trudo Properties, LLC is the owner of the project site as seen in Book 18632 on Page 387 recorded in the York Registry of Deeds on April 16, 2021. See Exhibit 4.

5. Proposed Deed Restrictions

a. There will be two, 15-foot-wide easements for access to the open space. One easement will be located between Lots 7 and 8, starting from the west side of the cul-de-sac on Roadway I. Another easement will be located between Lots 3 and 5, starting from the east side of the cul-de-sac on Roadway 2.

6. Proposed Restrictions/Covenants

a. A Homeowners Association Agreement will be established. Language has been included to prohibit insecticides, pesticides, and herbicides unless specific HOA authorization for management of invasive species. See Exhibit 7.

7. Sewage Disposal

a. Lots will be serviced by individual septic fields. See Exhibit 9.

8. Water Supply

a. Lots will be serviced by individual drilled wells.

9. Site Plan

a. All requirements for the plan set have been included in Exhibit 17.

10. High Intensity Soil Survey

a. A High Intensity Soil Survey was performed by Longview Partners, LLC. See Exhibit 9.

II. Flood Areas

a. A portion of the subdivision is located within a B flood zone as depicted on the Effective Flood Insurance Rate Map Community Panel Number 230170 0001 B, dated April 18, 1983. Preliminary maps depict an A flood zone on the parcel. A recent discussion with the NFIP State Coordinator for the Maine Floodplain Management Program uncovered that one community in York County appealed the preliminary maps to the Scientific Resolution Panel. As a result, changes to



the preliminary maps were made. Those revised panels have to go through a 90-day appeal period which is set to end on February 23, 2023. Although it is dependent on whether any appeals are submitted and how quickly they can be resolved, the anticipated effective date for the preliminary maps is Fall 2023 at the earliest. See Exhibits 3 and 16.

12. Hydrogeologic Assessment

a. A nitrate analysis is pending due to revised locations of septic test pits. A copy of the assessment report will be supplied to the Planning Board immediately upon receipt. See Exhibit 10.

13. Existing Physical Features

a. The subdivision design has incorporated vegetated privacy buffers around each proposed dwelling unit. Since a minimal amount of clearing is proposed and the site has already been selectively harvest for timber, there were minimal large specimen trees (21 inches DBH) impacted from the project. All large specimen trees have been identified within the proposed clearing limits and included on the plan set in Exhibit 17 and survey in Exhibit 16.

14. Net Residential Area

a. Calculations for net residential area are in compliance with § 415-11.17. and shown on the plan set included in Exhibit 17 and boundary survey in Exhibit 16.

15. Natural Resources

a. Longview Partners, LLC has conducted a wetland delineation and vernal pool surveys on the project site. Vernal pool surveys were performed in accordance with methods outlined by the Maine Department of Environmental Protection (MDEP). Vernal pools have been confirmed to be non-significant. All natural resource boundaries are identified on the plan set included in Exhibit 17.

16. Zoning District

a. The subdivision is located within the Farm & Forest zoning district. Due to a contiguous freshwater wetland over 10 acres in size, located on the south side of Goose Rocks Road, a 250-foot Shoreland Zone buffer extends into the southern portion of the subdivision. See Exhibit 16.

17. Existing and Proposed Drainage/Utilities

a. All existing and proposed features on or within 200 feet of the property are identified on the plan set included in Exhibit 17.

18. Existing/Proposed Streets

a. The width and location of proposed streets and open space within the subdivision are identified on the plan set included in Exhibit 17. Access to the proposed subdivision will be from Goose Rocks Road.

19. Open Space

a. 284,373 square feet (15% of the parcel size) will be preserved as open space. All residents will have easy, feasible access to the designated open space. Two



easements to access the open space, one at each cul-da-sac, have been incorporated. See Exhibit 16.

20. Proposed Public Use Land

a. At this time, land is not proposed to be dedicated for public use.

21. Vehicular Traffic

a. Creation of the 9 residential lot subdivision is anticipated to generate 90 additional vehicle trips per day as calculated from trip generation rates within the Trip Generation Manual. Since the subdivision will not create 40 or more parking spaces or 200 vehicle trip per day, a traffic impact analysis is not required for the project.

22. Stormwater Management Plan

a. Stormwater Management for Maine: Best Management Practices, published by the MDEP was utilized by ARC professional engineers to create a Stormwater Management Plan. Additionally, the subdivision is currently under review by the MDEP pursuant to Stormwater Management Law. See Exhibit 12 for the full stormwater management report.

23. Erosion and Sedimentation Control Plan

a. An erosion and sedimentation control plan has been prepared by ARC engineers in accordance with the "Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices," published by the MDEP. Sediment barriers will be doubled for areas of disturbance located within 50 feet of a natural resource. A detailed description of prescribed erosion and sedimentation controls is listed on the plan set included in Exhibit 17.

24. Wildlife Habitats

a. There are no Critical Habitats within the project area under the jurisdiction of the Office of the U.S. Fish and Wildlife Service. Vernal pools were surveyed and determined to be non-significant by the MDEP. There are no high or moderate value wildlife habitats identified on the project site by the Maine Department of Inland Fisheries and Wildlife. Occurrences of spotted turtle, a State Threatened species, have been documented adjacent to the project site. Wetland and stream crossings have been sized to allow for not only aquatic organism passage during low flows but also for reptile and amphibian migration. See Exhibit 13.

25. Historic Area

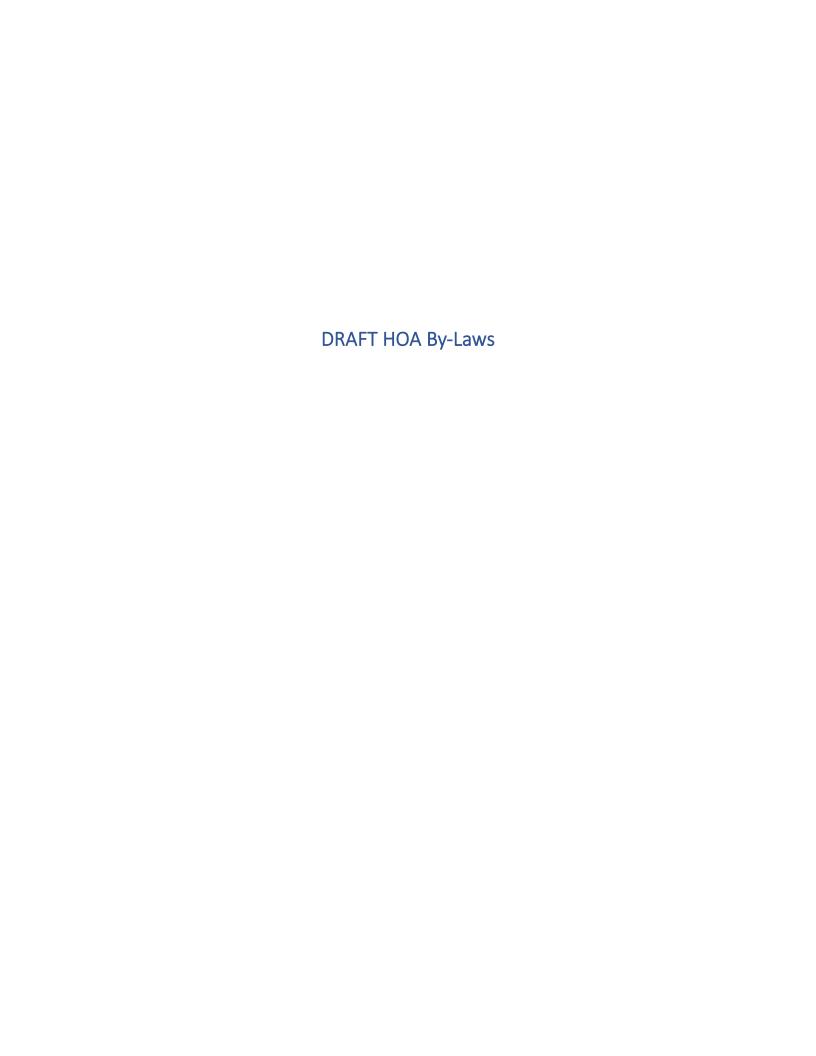
a. ARC contacted the Maine Historic Preservation Commission for a review of the project site. MHPC concluded that there will be no historic properties affected by the proposed project. Tribal Historic Preservation Officers with the five Maine Indian tribes were also contacted for their review. See Exhibit 14.

26. Technical and Financial Capacity

a. Atlantic Resource Consultants, LLC (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 have decades of experience working as Professional Soil Scientist, Wetland Scientists and Site Evaluators.
- b. Creative Coast Construction, a family business with over 30 years of contracting experience, will be developing the subdivision. A Letter which supports the applicant's financial capacity to construct and effectively manage the proposed subdivision is forthcoming. ARC has created a estimate for infrastructure costs for the subdivision which is included in Exhibit 5.



THE GLENN AT GOOSEROCKS SUBDIVISION HOMEOWNERS

ASSOCIATION BY-LAWS

ARTICLE I

Name

The name of	of this corporat	tion is THE G	LEN AT GOO	OSEROCKS	HOMEOW	NERS (The
"Association").	Reference is	made to the	Subdivision	Plan of Th	e Glen at	Gooserocks
Subdivision dated		, revised	to	, by JPS	Professiona	1 Services,
recorded in York	County Regists	ry of Deeds in	Plan Book _	, Page	, (the "Su	bdivision").
It is one of the star	ted purposes of	f this Associat	ion to perpeti	ually own, m	nanage and r	naintain the
roadway and the co	ommon areas s	hown on said	l plan and, u	ntil any of th	ne same are o	conveyed to
the Town of Kenn	ebunkport, to 1	perpetually ow	n, manage ar	nd maintain t	the same. (th	ne roadway,
open space and tl	ne common ai	reas are herei	nafter collect	ively referre	ed to as the	"Common
Improvements").						

ARTICLE II

Purpose

The purposes of this corporation are as follows:

- 2.1 To establish an association of lot owners in The Glen at Gooserocks Subdivision for the fulfillment and enforcement of the responsibilities described above.. It is expressly agreed and acknowledged that the obligations of this Association shall include (but not be limited to) the obligations of the Applicant pursuant to the Town of Kennebunkport Subdivision Review Standards.
- 2.2 In addition to all the powers, authority and responsibilities granted to or imposed upon this Association by the laws of the State of Maine, all of which this Association shall have, this Association shall have the following specific powers to the fullest extent permitted by law:

To levy and collect assessments and other charges against members as owners of lots in the subdivision to maintain the Common Improvements in the Subdivision; to purchase, maintain, repair, replace and restore real and personal property; to pledge and mortgage property of the Association; to appoint agents, to hire employees, to make contracts; to promulgate rules and regulations for the members of the Association; and generally to do any and all lawful acts necessary or convenient for the fulfillment of the foregoing purposes and to exercise all powers and purposes permitted under Title 13-B of the Maine Revised Statutes, as amended.

2.3 This Association is not organized for profit and no property or profit thereof shall inure to the benefit of any person, partnership or corporation except in furtherance of the non-profit purposes of the Association.

ARTICLE III

Members

- 3.1 The members of the Association shall consist of all the owners or any successor developer of the Subdivision (the "Developer") so long as Developer shall be owner of any approved lot in the Subdivision.
- 3.2 Except as provided herein, membership shall not be transferable. The membership of each lot owner shall terminate upon a sale, transfer or other disposition, other than by mortgage, of the ownership interest of such lot owners in the lot, and thereupon the membership and any interest in this Association shall automatically transfer to and be vested in the next owner or owners succeeding to such ownership interest. The Association may, but shall not be required to, issue certificates or other evidence of membership therein.

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ARTICLE IV

Meeting of Members

- 4.1 Meeting of the membership shall be held at the Subdivision or at such other place as may be specified in the notice of the meeting.
- 4.2 The annual meetings of the members shall be held each year on the first Wednesday of the month of August, or in the event that day is a legal holiday, on the first day thereafter which is not a legal holiday. At such meeting there shall be elected by ballot of the members a Board of Directors in accordance with the provisions of Article V. The members shall also transact such other business as may properly come before them.
- 4.3 It shall be the duty of the President or in his or her absence or disability, the duty of the Secretary, to call a special meeting of the members as directed by resolution of the Board of Directors, or upon a petition signed by at least fifty percent (50%) of the membership of the Association. The notice of any special meeting shall state the time, place and purpose thereof. No business shall be transacted at a special meeting except as stated in the said notice unless with the consent of the owners of a majority of the lots present at such meeting, either in person or by proxy.
- 4.4 It shall be the duty of the Secretary, or upon his or her failure or neglect then of any officer or member, to notify by email notice of each annual or special meeting stating the purpose, the time and place thereof to each member of record. With respect to any annual or special meeting such notice shall be so mailed at least seven (7) days but not more than thirty (30) days prior to the date so set for the hearing.

- 4.5 The presence at any properly noticed meeting, either in person or by proxy, of the holders of at least fifty (50%) percent of the votes of the Association as determined in accordance with paragraph 4.7 shall be requisite for and shall constitute a quorum for the transaction of business at all meetings of members.
- 4.6 If at any meeting of members a quorum shall not be in attendance, those members who are present may adjourn the meeting to a time not less than forty-eight (48) hours from the date at which the original meeting was called.
- 4.7 Each member shall be entitled to one (1) vote for each lot owned by such member. If any member consists of more than one (1) person, the voting rights for such member shall not be divided but shall be exercised only jointly as a unit. The Developer may exercise voting rights with respect to any and all lots owned by said Developer. Unless by express provisions of these bylaws a different vote is required, each question presented at a meeting shall be determined by a vote of a majority of lot owners. As used in these bylaws, the term "majority of lot owners" shall mean those lot owners having more than fifty (50%) percent of the total authorized votes as determined in accordance with this Paragraph 4.7 of all members present in person or by proxy and voting in any meeting of the members.
- 4.8 The vote of any corporate, partnership or trust member may be cast on its behalf by any officer, partner, trustee or beneficiary of such member and any such member may appoint, in writing, its officer, partner, trustee or beneficiary or any other member as its proxy. Each proxy must be filed with the Secretary prior to the commencement of a meeting, or at any subsequent time that delivery of proxies is required.
 - 4.9 The order of business at all meetings of the members shall be as follows:
 - (a) Roll call;
 - (b) Proof of notice of meeting;
 - (c) Reading of minutes of preceding meeting for approval of same;
 - (d) Reports of Board of Directors or of officers or of the Manager;
 - (e) Reports of committees, if any;
 - (f) Election of inspectors of election (when so required);
 - (g) Election of members of the Board of Directors (when so required);
 - (h) Unfinished business;
 - (i) Determination and approval of annual assessments (when so required); and
 - (j) New business.
- 4.10 Any action required or permitted to be taken at any meeting of the members may be taken without a meeting if written consent thereto is signed by all members. The Secretary shall file such written consent with the records of the meetings of the members and such consent shall be treated as a unanimous vote of members for all purposes.

ARTICLE V Board of Directors

- 5.1 The management and maintenance of the Common Improvements of the Association shall be governed by a Board of Directors which shall initially consist of three (3) persons. Each Director, other than the Directors designated in the Articles of Incorporation of the Association or any Directors nominated by the Developer shall be a lot owner, or the spouse of a lot owner; or if the lot owner shall be a corporation, partnership or trust, then an officer, partner, trustee or beneficiary or other agent or designee of such lot owners.
- 5.2 The Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Association, and shall have all powers and duties referred to in the statutes of the State of Maine pertaining to corporations without capital stock, as amended from time to time. The powers of the Board of Directors shall include but not be limited to the following:
 - (a) To elect the officers of the Association;
 - (b) To administer the affairs of the Association;
 - (c) To provide for the maintenance of the Common Improvements;
 - (d) To estimate an annual operating budget and the annual assessments so related to the Common Improvements for submission to the members for approval at the annual meeting, and to take all necessary or desirable action with respect to the collection from the lot owners of their respective shares of the estimated expenses as hereinafter provided.
- 5.3 At the first annual meeting of the members, a Board of Directors shall be elected by secret written ballot of the membership which shall succeed the Directors, if any, designated in the Articles of Incorporation. Two (2) Directors shall be elected to serve two (2) year initial terms and the third (3rd) Director shall be elected to serve a one (1) year initial term. After the completion of such initial terms of the Directors elected at such first (1st) annual meeting, all terms of directorship shall be two (2) years. Directors may be re-elected without limitation. The Directors shall hold office until their successors have been elected and qualified.
- 5.4 Vacancies in the Board of Directors caused by any reason, including the failure of a Director to continue to meet the qualifications of office, shall be filled by vote of a majority of the remaining Directors held for that purpose promptly after the occurrence of any such vacancy, even though the Directors present at such meeting constitute less than a quorum, and each Director so elected shall be a member of the Board of Directors for the remainder of the term of the replaced Director. In the event that the remaining Directors reach a deadlock vote on the election of such a replacement Director, the matter shall go to vote of the members to be called by the President as soon as possible after such deadlock vote.
- 5.5 Annual meetings of the Board of Directors shall be held immediately following the annual meeting of the members and at the same place. Special meetings of the Board may be called by the President or a majority of the Board on five (5) days notice to each Director by email. Directors may waive notice of a meeting or consent to or take any action without a formal meeting.
 - 5.6 At all meetings of the Board of Directors, two-thirds (2/3) of the Directors shall

constitute a quorum for the transaction of business and any action may be taken by a majority of said two-thirds (2/3) of the Directors, or two (2) affirmative votes, whichever is greater.

- 5.7 Any action required or permitted to be taken at any meeting of the Board of Directors may be taken without a meeting if a written consent thereto is signed by all the Directors. The Secretary shall file such written consent with the records of the meetings of the Board of Directors and such consent shall be treated as a unanimous vote of the Board of Directors for all purposes.
- 5.8 Any Director may be removed from office by the vote of at least two-thirds (2/3) of the membership of the Association with or without cause, except officers of the Developer.
- 5.9 The members of the Board of Directors and all officers of the Association shall not be liable to the Association for any mistake of judgment, negligence, or otherwise, except for their own individual willful misconduct or bad faith. The Association shall indemnify and hold harmless all officers and members of the Board of Directors against all contractual liability to others arising out of contracts made by the Board of Directors or officers on behalf of the Association unless any such contract shall have been made in bad faith or contrary to the provisions of these By-Laws.
- 5.10 Directors shall receive no compensation for their services except as expressly provided by a resolution duly adopted by the members.

ARTICLE VI

Officers

- 6.1 The officers of the Association shall be a President, a Treasurer and a Secretary, each of whom, except the Secretary, shall be members of the Board of Directors. All officers shall hold office at the pleasure of the Board of Directors; provided, that prior to the first annual meeting of the Board of Directors, the officers may be elected at any meeting of the Board of Directors.
- 6.2 Any officer may be removed at any meeting by the affirmative vote of a majority of the members of the Board of Directors, either with or without cause, and any vacancy in any office may be filled by the Board of Directors at any meeting thereof.
- 6.3 Each respective officer of the Association shall have such powers and duties as are usually vested in such officer of a corporation without capital stock, including but not limited as follows:
- (a) The President shall be a Director and shall be the Chief Executive Officer of the Association and shall preside at all meetings of the members of the Board of Directors;
- (b) The Secretary shall keep minutes of all meetings of the members and of the Board of Directors and shall have custody of the Association's seal and have charge of the membership transfer books and such other books, papers and documents as the Board of

Directors may prescribe;

- (c) The Treasurer shall be responsible for Association funds and securities and for keeping and reporting to the Board and Members full and accurate accounts of all receipts and disbursements of the Association.
 - (d) No lot owner may hold two offices at the same time.
- 6.4 The officers shall receive no compensation for their services except as expressly provided by resolution duly adopted by the members.

ARTICLE VII

Operation of the Subdivision

- 7.1 The fiscal year of the Association shall begin on the first day of January each year, except for the first fiscal year of the Association which shall begin at the date of incorporation of the Association. The commencement date of the fiscal year herein established shall be subject to change by the Board of Directors.
- 7.2 Books and accounts of the Association shall be kept under the direction of the Treasurer and in accordance with customary accounting principles and practices. The Association shall furnish its members with a statement of the income and disbursements of the Association for each fiscal year within a reasonable time after the close of the same.
- 7.3 No later than thirty (30) days prior to each annual meeting of the members of the Association the Board of Directors shall estimate the Common Expenses for each calendar quarter of the following calendar year and shall present such estimate to the members at their annual meeting as the proposed budget for such calendar year. Such proposed budget shall include all anticipated expenses of the Association, including without limitation Common Improvement repair and maintenance, insurance, casualty insurance, contributions to reserves for major repair or replacement of any Common Improvement property. The quarterly assessments required to meet estimated Common Expenses for each quarter of the calendar year shall be approved by the members of the Association at their annual meeting to be held each year in the month of August prior to the commencement of the calendar year to which the estimated budget of Common Expenses applies.
- 7.4 All assessments shall be billed no later than the first day of each calendar quarter in each calendar year by the Treasurer of the Association sending the bills by email to the respective lot owners at the address recorded in the Secretary's records. All sums so assessed and billed shall become due no later than thirty (30) days after the date of mailing or delivery of each such bill.
- 7.5 The members of the Association may from time to time at a duly called meeting levy additional assessments for the purposes previously provided by the same majority of votes as required for the annual assessments.

- Assessments authorized and billed by the Association shall be a charge on the lot and shall be a continuing lien upon the lot upon which such assessment is made. If the assessment to a lot owner shall not be paid within thirty (30) days after the date when due, then said assessment shall be delinquent and shall, together with interest at the rate of one (1%) percent per month, or any portion thereof, costs of collection and reasonable attorney's fees, become a continuing lien on the lot owned by the delinquent lot owner which lien shall bind the lot with the buildings and improvements thereon as well as the delinquent lot owner, his heirs, devisees, successors, personal representatives and assigns. Said lien may be enforced in the same manner as a lien for assessments against condominium units provided in the Maine Statutes, as amended. Said lien for unpaid assessments shall be prior to all of the liens and encumbrances on the lot other than the first mortgage recorded before the date on which the assessment which is sought to be enforced becomes delinquent and liens for real estate taxes and other governmental/municipal assessments or charges against the lot; provided, however, that any such lien shall not be subject to the provisions of 14 M.R.S.A., §4421(1) and 18 M.R.S.A., §2-102 et seq. as they or their equivalents may be amended or modified from time to time which statutory rights and provisions are, by a lot owner's acceptance of a deed to a lot, subordinated to the lien arising hereunder. All such charges, in addition to being a lien, shall also constitute the personal liability of the owner of the lot so assessed at the time of assessment.
- 7.7 The lien assessment described in Paragraph 7.6 may be enforced and foreclosed by the Association in like manner as a mortgage on real estate as provided in Section 1603-116(a) of the Maine Condominium Act (33 M.R.S.A. §1603-116(a)) or by any other means presently or hereafter provided by law or in equity. A suit to recover a money judgment for unpaid assessments, interest, penalties and costs of collection may be maintained against the owner of the lot personally without foreclosing or waiving the lien and securing such assessment and a foreclosure may be maintained notwithstanding the pendancy of any suit to recover a money judgment. During pendency of any such lien, the lot owner shall be required to pay a reasonable rental for the lot for any period prior to sale pursuant to any judgment or order of any court having jurisdiction over such sale.
- 7.8 The Board of Directors shall take prompt action to collect any assessment for Common Expenses due from any lot owner which remains unpaid for more than thirty (30) days from the due date for payment thereof together with any interest thereon.
- 7.9 The Association shall promptly provide to any lot owner or contract purchaser so requesting the same a written statement setting forth the amount of unpaid assessment currently levied against the lot.
- 7.10 Notwithstanding any other provision of these bylaws to the contrary, the Developer and lots owned by the Developer shall be liable for expenses which accrue prior to the conveyance of a Unit Site to a third party owner.
- 7.11 The Association shall be wholly responsible for the maintenance of the stormwater treatment easement as depicted on the approved plan set and as recorded in the York Country Registry of Deeds. The Association shall maintain the stormwater treatment facilities per the Stormwater Maintenance Plan, as created by Atlantic Resource Consultants, LLC, a copy

of which is attached to this document as Attachment A.

- The administration of all pesticides, herbicides, and fertilizers within the 7.12 subdivision is prohibited. Through review by the HOA, a special allowance to use such items may be given to manage invasive species in specific scenarios.
- No lot owner may clear vegetation or disturb land beyond the limits shown on 7.13 plans approved by the Town of Kennebunkport, Maine Department of Environmental Protection and the U.S. Army Corps of Engineers.
- 7.14 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.

ARTICLE VIII Amendments

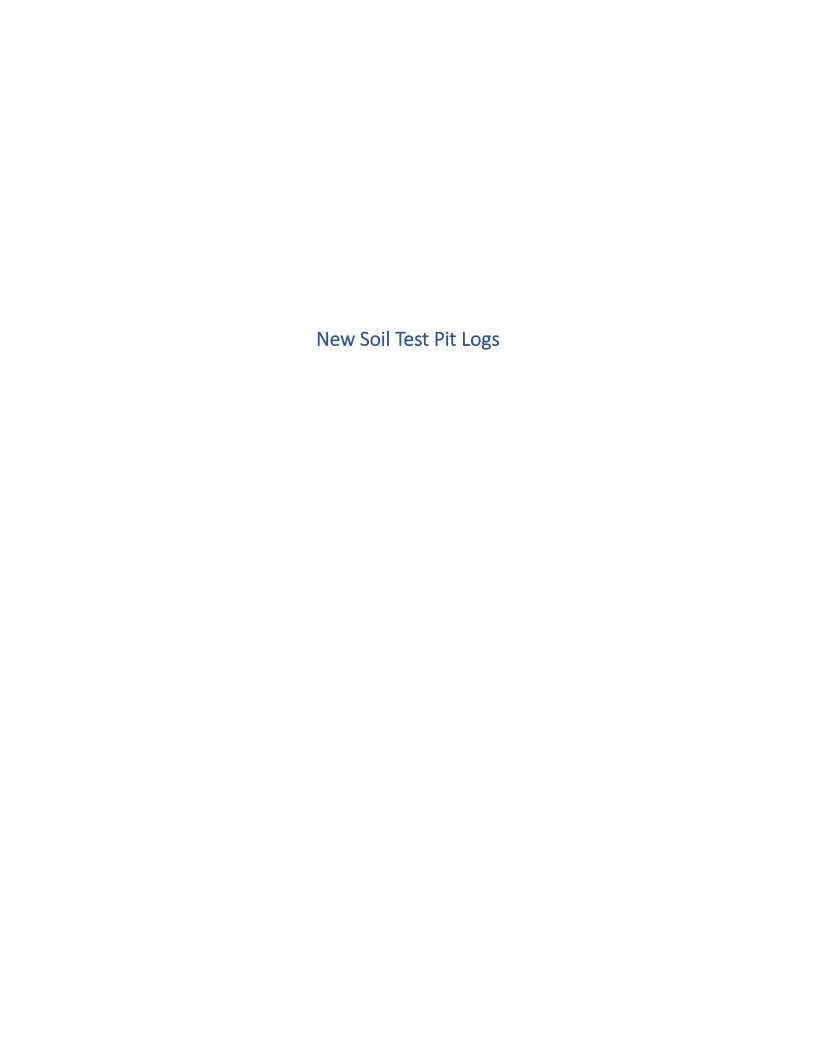
These By-Laws may be amended at any time and from time to time by written instrument duly executed by the owners of the record of a majority or more of the then approved lots.

ARTICLE IX

Miscellaneous

- 9.1 All rights, remedies and privileges contained in these bylaws shall be deemed to be cumulative and the exercise of any one or more shall not be deemed to constitute an election of remedies nor shall it preclude the party thus exercising the same from exercising such other and additional rights, remedies or privileges as may be granted to such party hereunder or by any instrument or documents incorporated herein by reference or at law or in equity.
- The use of the singular number in these bylaws shall be deemed to include the plural, the plural the singular, and the use of any one gender shall be deemed applicable to all genders.
- The invalidity of any provisions of these bylaws shall not be deemed to impair or affect in any manner the validity, enforceability or effect of the remainder of these bylaws, and in such event, all other provisions of these bylaws shall continue in full force and effect if such invalid provision has been included herein.

ATTACHMENT A



SOIL TEST PIT PROFILE DESCRIPTIONS

SIGNATÜRE

LONGVIEW PARTNERS, LLC 6 SECOND STREET BUXTON, MAINE

Town, City, Plantation

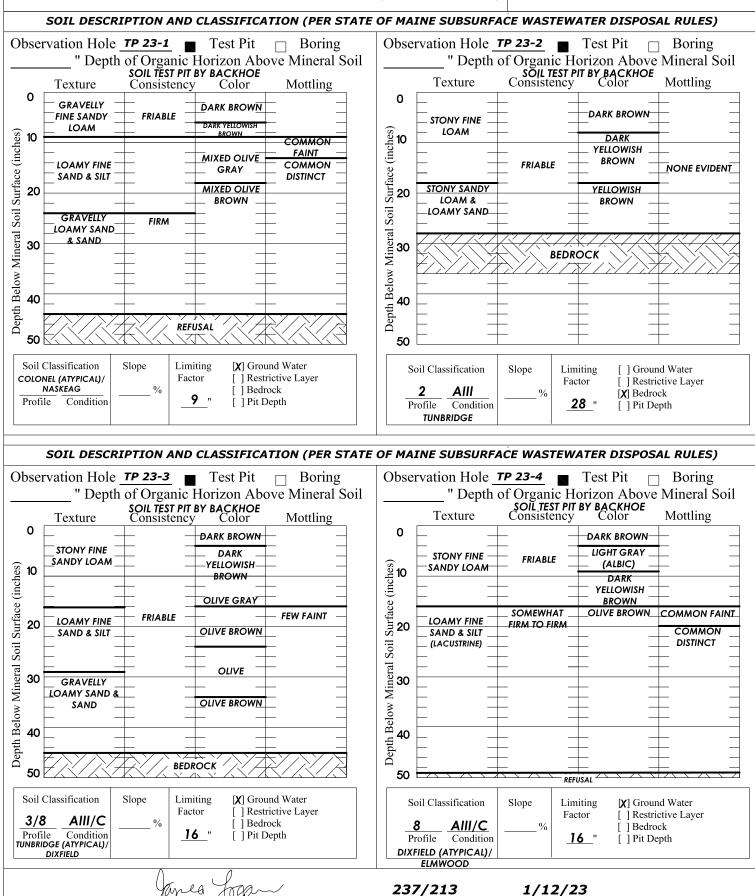
Street, Road, Subdivision

Owner's Name

KENNEBUNKPORT

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

CREATIVE COAST CONSTRUCTION



LSE/CSS #

DATE

SOIL TEST PIT PROFILE DESCRIPTIONS

LONGVIEW PARTNERS, LLC 6 SECOND STREET BUXTON, MAINE

Town, City, Plantation

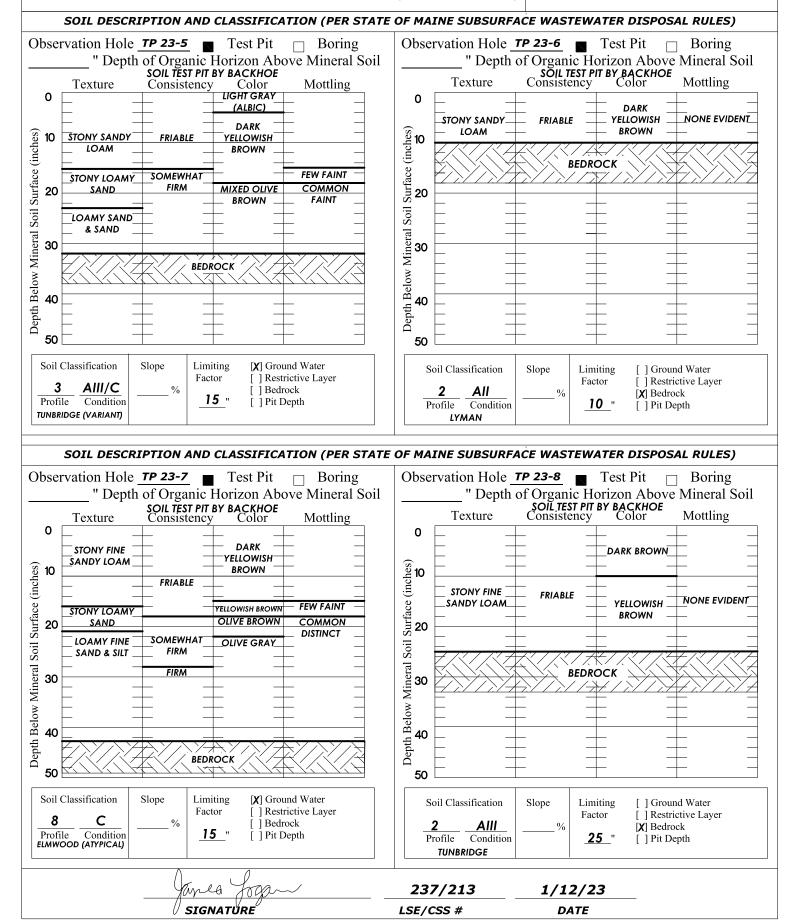
Street, Road, Subdivision

Owner's Name

KENNEBUNKPORT

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

CREATIVE COAST CONSTRUCTION



SOIL TEST PIT PROFILE DESCRIPTIONS

LONGVIEW PARTNERS, LLC 6 SECOND STREET BUXTON, MAINE

Town, City, Plantation

Street, Road, Subdivision

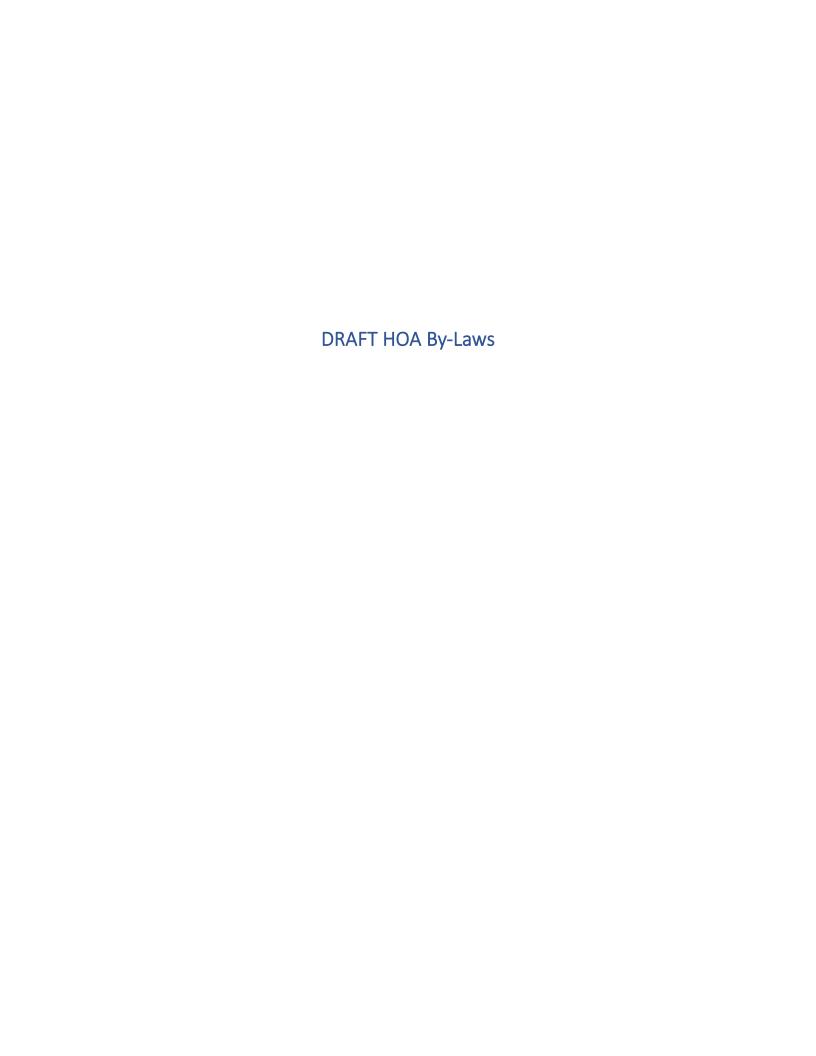
Owner's Name

KENNEBUNKPORT

GOOSE ROCKS ROAD (MAP 15, BLK 1, LOT 1) CREATIVE COAST CONSTRUCTION

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LSE/CSS #



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

