



Jeff Levine, AICP, Director
Planning & Urban Development Department

Electronic Signature and Fee Payment Confirmation

Notice: Your electronic signature is considered a legal signature per state law.

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a *legal signature* per Maine state law. You are also signifying your intent on paying your fees by the opportunities below.

I, the undersigned, intend and acknowledge that no Site Plan or Historic Preservation Applications can be reviewed until payment of appropriate application fees are *paid in full* to the Inspections Office, City of Portland Maine by method noted below:

- Within 24-48 hours, once my complete application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.
- Within 24-48 hours, once my application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.
- I intend to deliver a payment method through the U.S. Postal Service mail once my application paperwork has been electronically delivered.

Jeff Levine (Agent)
Applicant Signature:

10/19/15
Date:

Jeff Levine (Agent)
I have provided digital copies and sent them on:

10/19/15
Date:

NOTE: All electronic paperwork must be delivered to buildinginspections@portlandmaine.gov or by physical means i.e. a thumb drive or CD to the Inspections Office, City Hall, 3rd Floor, Room 315.



Level I – Site Alteration Development Review Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Level I: Site Alterations. Please note that Portland has delegated review from the State of Maine for reviews under the Site Location of Development Act, Chapter 500 Stormwater Permits, and Traffic Movement Permits.

Level I: Site Alteration Development includes:

- Alteration of a watercourse or wetland as defined in Section 14-47 of the City Code.
- Alteration of a site. The disturbance of land areas of less than one (1) acre that are stripped, graded, grubbed, filled or excavated. The Planning Authority shall exempt from review the loam and seeding of lawns and the cumulative placement of less than fifteen (15) cubic yards of fill on any lot provided such loaming or placement does not alter a drainage course, swale, wetland or redirect water onto adjoining property and does not violate any other provision of the Portland City Code or state or federal law. "Disturbed area" does not include routine maintenance, but does include re-development and new impervious areas.
- The construction of any temporary or permanent parking area, paving of existing unpaved surface parking areas between 1,000 and 7,500 sq. ft., or creation of other impervious surface areas between 1,000 and 7,500 sq. ft.
- The rehabilitation or reconstruction, but not new construction, of piers, docks, wharves, bridges, retaining walls, and other structures located within the shoreland zone.
- A site alteration in which vehicle access is proposed from more than one (1) street.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14) which is available on our website:

Land Use Code: <http://me-portland.civicplus.com/DocumentCenter/Home/View/1080>

Design Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2355>

Technical Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2356>

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8719

Office Hours
Monday thru Friday
8:00 a.m. – 4:30 p.m.

PROJECT NAME: Drainage Improvements

PROPOSED DEVELOPMENT ADDRESS:
60 Oaklawn Road, Peaks, Island, Maine

PROJECT DESCRIPTION:
Replacement of failed drainage pipe system at residence.

CHART/BLOCK/LOT: 90/J/2

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: John Halbirt Business Name, if applicable: Address: 594 Sawdust Road, Box 397 City/State: The Woodlands Texas Zip Code: 77380	Applicant Contact Information Work # Home# Cell # 630-857-8115 Fax# e-mail: john@halbirt.com
Owner – (if different from Applicant) Name: Address: City/State: Zip Code:	Owner Contact Information Work # Home# Cell # Fax# e-mail:
Agent/ Representative Name: Silas Canavan, PE Walsh Engineering Associates, Inc. Address: 1 Karen Drive, Suite 2A City/State: Westbrook, ME Zip Code: 04092	Agent/Representative Contact information Work # 207-553-9898 Cell # 802-989-2337 e-mail: silas@walsh-eng.com
Billing Information Name: John Halbirt Address: 594 Sawdust Road, Box 397 City/State: The Woodlands Texas Zip Code: 77380	Billing Information Work # Cell # 630-857-8115 Fax# e-mail: john@halbirt.com

Engineer Name: Silas Canavan, PE Walsh Engineering Associates, Inc. Address: 1 Karen Drive, Suite 2A City/State : Westbrook, ME Zip Code: 04092	Engineer Contact Information Work # 207-553-9898 Cell # 802-989-2337 Fax# e-mail: silas@walsh-eng.com
Surveyor Name: Eugene Shieh, PLS Northeastern Land Surveying Address: 16 College Avenue City/State : Gorham, Maine Zip Code: 04038	Surveyor Contact Information Work # 207-831-3250 Cell # Fax# e-mail:
Architect Name: Address: City/State : Zip Code:	Architect Contact Information Work # Cell # Fax# e-mail:
Attorney Name: Address: City/State : Zip Code:	Attorney Contact Information Work # Cell # Fax# e-mail:

APPLICATION FEES:

(Payment may be made by Credit Card, Cash or Check payable to the City of Portland.)

<input checked="" type="checkbox"/> Level 1 Site Alteration (\$200.00) <input checked="" type="checkbox"/> After the Fact (\$1,000)	The City invoices separately for the following: <ul style="list-style-type: none"> • Notices (\$.75 each) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.
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APPLICATION SUBMISSION:

1. All site plans and written application materials must be submitted electronically on a CD or thumb drive with each plan submitted as separate files, with individual file which can be found on the **Electronic Plan and Document Submittal** page of the City's website at <http://me-portland.civicplus.com/764/Electronic-Plan-and-Documents-Submittal>
2. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), paper copy of written materials, and the application fee must be submitted to the Building Inspections Office to start the review process.

The application must be complete, including but not limited to the contact information, project data, application checklists, wastewater capacity, plan for fire department review, and applicant signature. The submissions shall include one (1) paper packet with folded plans containing the following materials:

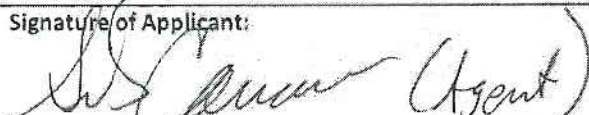
1. One (1) full size site plans that must be folded.
2. One (1) copy of all written materials or as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-527 (c)), including evidence of right, title and interest.
3. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
5. One (1) set of plans reduced to 11 x 17.

Please refer to the application checklist (attached) for a detailed list of submission requirements.

APPLICANT SIGNATURE:

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Level II Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant:  (Agent)	Date: 10/19/15
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PROJECT DATA

The following information is required where applicable, in order to complete the application.

Total Area of Site	22,286 sq. ft.
Proposed Total Disturbed Area of the Site	1,500± sq. ft.
If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland	
Impervious Surface Area	
Impervious Area (Total Existing)	3,043± sq. ft.
Impervious Area (Total Proposed)	3,043± (no change) sq. ft.
Parking Spaces	
# of Parking Spaces (Total Existing)	N/A sq. ft.
# of Parking Spaces (Total Proposed)	N/A sq. ft.
# of Handicapped Spaces (Total Proposed)	N/A sq. ft.

Level 1 Site Alteration			
Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST
X		1	Completed Application form
X		1	Application fees
X		1	Written description of project
X		1	Evidence of right, title and interest
X		1	Evidence of state and/or federal approvals, if applicable
X		1	Written assessment of proposed project's compliance with applicable zoning requirements
X		1	Summary of existing and/or proposed easement, covenants, public or private rights-of-way, or other burdens on the site
X		1	Written requests for waivers from site plan or technical standards, if applicable.
X		1	Evidence of financial and technical capacity
Applicant Checklist	Planner Checklist	# of Copies	SITE PLAN SUBMISSIONS CHECKLIST
X		1	Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
X		1	Preliminary Site Plan including the following: (information provided may be preliminary in nature during preliminary plan phase)
X			Proposed grading and contours;
X			Existing structures with distances from property line;
X			Proposed site layout and dimensions for all proposed structures (including piers, docks or wharves in Shoreland Zone), paved areas, and pedestrian and vehicle access ways;
X			Preliminary design of proposed stormwater management system in accordance with Section 5 of the Technical Manual (note that Portland has a separate applicability section);
X			Preliminary infrastructure improvements;
X			Preliminary Landscape Plan in accordance with Section 4 of the Technical Manual;

Site Plan Standards for Review of Level I: Site Alteration

Level I: Site alteration plans shall only be subject to the following site plan standards, as applicable, as contained in section 14-526:

- (a) Transportation standards:
 1. Impact on surrounding street systems,
 2. Access and circulation, and
 4. Parking
- (b) Environmental quality standards
 1. Preservation of significant natural features,
 2. Landscaping and landscape preservation, and
 3. Water quality, stormwater management and erosion control.
- (c) Public infrastructure and community safety standards.
 1. Consistency with city master plans.
- (d) Site design standards
 5. Historic resources,
 6. Exterior lighting,
 8. Signage and wayfinding, and
 9. Zoning related design standards.

Except as provided in article III, or to conditions imposed under section 14-526(e) only, or to those submission requirements set forth in section 14-527 as relate solely thereto.



PORTLAND FIRE DEPARTMENT SITE REVIEW FIRE DEPARTMENT CHECKLIST



A separate drawing[s] shall be provided to the Portland Fire Department for all site plan reviews.

1. Name, address, telephone number of applicant.
2. Name address, telephone number of architect
3. Proposed uses of any structures [NFPA and IBC classification]
4. Square footage of all structures [total and per story]
5. Elevation of all structures
6. Proposed fire protection of all structures
 - **As of September 16, 2010 all new construction of one and two family homes are required to be sprinkled in compliance with NFPA 13D. This is required by City Code. (NFPA 101 2009 ed.)**

Silas Canavan

From: Barbara Barhydt
Sent: Tuesday, October 06, 2015 10:10 AM
To: Silas Canavan
Subject: RE: 60 Oaklawn Road, Peaks Island

Hi Silas:

Here is Bill Clark's response. I apologize for the delay:

Survey looks good.

The odd thing was the setbacks parallel with the road and not perpendicular to the property line.

Otherwise, Lidar is fine for contours. Waiver OK for State Plane Coordinates also. I do not have a coordinate point in that area to provide to the surveyor.

Thank you.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov

>>> Silas Canavan <silas@walsh-eng.com> Monday, October 05, 2015 12:54 PM >>>

Sorry, from your email below I thought you had sent him the survey. The previous survey is attached. Please let me know as soon as you can since he will have to schedule a surveyor during their busy time of year.

Thanks,

Silas

Silas Canavan, PE
Walsh Engineering Associates, Inc.
One Karen Drive, Suite 2A
Westbrook, ME 04092
P 207.553.9898
www.walsh-eng.com

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]
Sent: Monday, October 05, 2015 12:50 PM
To: Silas Canavan
Subject: RE: 60 Oaklawn Road, Peaks Island

Hi Silas:

They wanted to see the survey that you referred to below. I thought I had asked you for it, but if I did not, I apologize. Could you send me a copy?

Barbara

>>> Silas Canavan <silas@walsh-eng.com> Monday, October 05, 2015 12:41 PM >>>

Hi Barbara,

Have you received an answer regarding the survey items below yet?

Thanks,

Silas

Silas Canavan, PE

Walsh Engineering Associates, Inc.

One Karen Drive, Suite 2A

Westbrook, ME 04092

P 207.553.9898

www.walsh-eng.com

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]
Sent: Monday, September 28, 2015 11:40 AM
To: Silas Canavan
Cc: john@halbirt.com; Ann Machado; Philip DiPierro; Bill Walsh
Subject: RE: 60 Oaklawn Road, Peaks Island

Hi Silas:

I forwarded your request to DPS and Bill Clark asked to see the survey that was submitted as part of the building application. I have just sent it to him. I will let you know what I hear from him.

Thanks.

Barbara

>>> Silas Canavan <silas@walsh-eng.com> Monday, September 21, 2015 10:16 AM >>>

Barbara,

Thank you for the review. A few questions regarding the required survey below:

1. Will the survey need to be tied to the State Plane coordinate system?
2. Will the city require contours shown on the plan?
 - a. If so, will contours have be set to the NGVD29 vertical datum?

The reason I am asking is because Mr. Halbirt already has a boundary survey that was used for approval of the building permit for the garage expansion, but it does not have contours and it does not appear to be tied to State Plane. There is some language in Section 13.4 of the technical manual that allows for a waiver of some of the boundary survey requirements.

If possible, Mr. Halbirt would respectfully request a waiver of these requirements seeing as this project is not tied to any other infrastructure that would require horizontal and vertical coordination.

Thanks,

Silas

Silas Canavan, PE
Walsh Engineering Associates, Inc.
One Karen Drive, Suite 2A
Westbrook, ME 04092
P 207.553.9898
www.walsh-eng.com

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]
Sent: Thursday, September 17, 2015 4:30 PM
To: Silas Canavan
Cc: john@halbirt.com; Ann Machado; Philip DiPierro; Bill Walsh
Subject: Re: 60 Oaklawn Road, Peaks Island

Hi Silas:

Thank you for this information and the photos. Phil and I have discussed the material submitted and agree that the work triggers a Level I: Site Alteration application. It appears that the work could be considered an alteration of a water course. In addition, the site work and vegetation clearing occurred within the 75 foot setback of the shoreland zone, which is subject to review and remediation under those regulations.

Thank you and we look forward to receiving the application.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov

>>> Silas Canavan <silas@walsh-eng.com> Tuesday, September 15, 2015 12:17 PM >>>
Hi Barbara,

If you recall, we had a brief conversation last week regarding permitting requirements for drainage work that has been started at 60 Oaklawn Road on Peaks Island.

I visited Mr. John Halbirt's property at 60 Oaklawn Road on Peaks Island last week to review the site work currently under construction. Other than the garage addition, which was previously permitted, Mr. Halbirt has begun work on drainage improvements on the north side of his property, and partially on the abutting neighbor's property (Joseph and Nancy Wright, Tax Map 90-J-7&8). Mr. Halbirt and the Wrights have a prior verbal agreement for Mr. Halbirt to work on their land.

The project consists of the replacement of an existing, very old, subsurface drainage conduit that was constructed out of stone, and an existing drainage pipe running parallel to the addition that dead ends in the foundation backfill. The existing stone conduit has collapsed and the drain pipe has clogged, preventing stormwater from flowing properly. Mr. Halbirt has installed a 6" SDR 35 drainage line parallel to the existing stone conduit. A few additional catch basins were added to improve drainage conditions on both his and the Wright's property.

No trees or native vegetation have been removed from the shoreland zone. Two small sections (each 50± sq. ft.) of Japanese Knotweed, which is classified as an invasive species, was cleared in two areas. One area was where Mr. Halbirt was trying to locate the end of an existing underdrain pipe. The other area is at the outlet of the new 6" SDR35 pipe. Mr. Halbirt intends to replant these areas with native rose bushes. The remainder of the drainage work is located within lawn area that will be returned to lawn area when completed.

It appears that adequate erosion control measures are in place (i.e. silt fence).

I have attached photos and site plans showing the existing and proposed conditions (proposed already under construction). Can you please review this information and let me know what type of City permit will be required? Is it possible that this would fall under maintenance and repair since it is a replacement of an existing failed drainage line?

I will also contact the DEP for a permitting determination. My guess is that the DEP will only require Section 2 and Section 7 PBRs for this work.

Please contact me once you have had a chance to review or if you have any questions.

Thanks,

Silas


Silas Canavan, PE
Walsh Engineering Associates, Inc.
One Karen Drive, Suite 2A
Westbrook, ME 04092
P 207.553.9898
www.walsh-eng.com

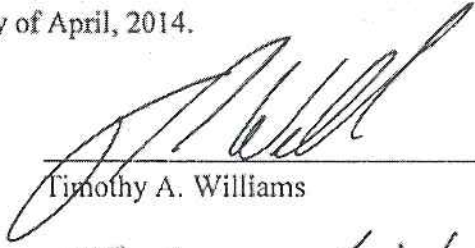
MAINE REAL ESTATE TAX PAID

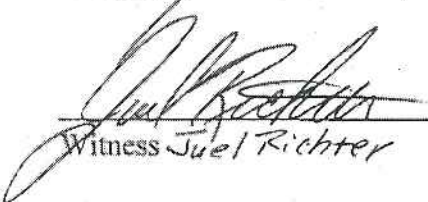
WARRANTY DEED

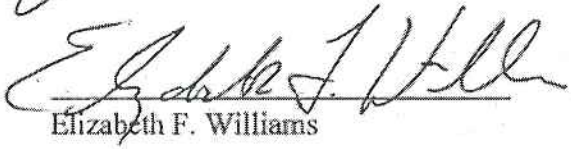
TIMOTHY A. WILLIAMS and ELIZABETH F. WILLIAMS, of Boca Raton, County of Palm Beach and State of Florida, for consideration paid, grant to JOHN P. HALBIRT AND SANDRA S. HALBIRT, of The Woodlands, County of Montgomery and State of Texas, whose mailing address is 594 Sawdust Road, Box 397, The Woodlands, TX 77380, as joint tenants, with warranty covenants, the real estate on Peaks Island, in the City of Portland, County of Cumberland and State of Maine, as more particularly described on Exhibit A attached hereto and made a part hereof.

WITNESS our hand and seal this 10th day of April, 2014.


Witness Bill T. Smith, Jr.


Timothy A. Williams


Witness Juell Richter


Elizabeth F. Williams

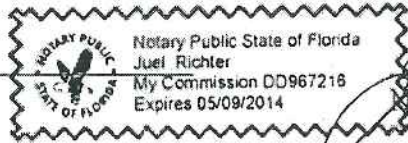
STATE OF FLORIDA
County of Palm Beach, ss.

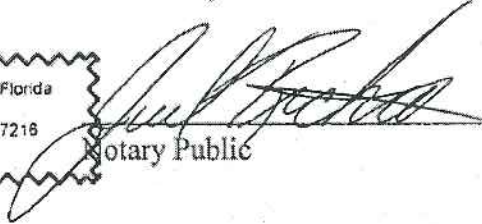
April 10, 2014

Then personally appeared the above-named Timothy A. Williams and Elizabeth F. Williams and severally acknowledged the foregoing instrument to be their free act and deed.

My commission expires:

Before me,




Notary Public

Type or print name of notary

EXHIBIT A
TO WARRANTY DEED OF
TIMOTHY A. WILLIAMS AND ELIZABETH F. WILLIAMS

"Beach House," 60 Oaklawn Road, Peaks Island:

A certain lot or parcel of land situated on the northeast side of Oaklawn Road, Peaks Island, in the City of Portland, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at an iron rod with a cap labeled "PLS 2063" on the northeast side of Oaklawn Road, said iron rod being North 46°03'00" West along the northeast side of Oaklawn Road a distance of 120.09' from a granite monument at the intersection of the northeast side of Oaklawn Road and the northwest side of Island Avenue;

Thence North 46°03'00" West along the northeast side of Oaklawn Road a distance of 152.75' to a granite monument near the top of a bank near the seashore;

Thence North 46°03'00" West a distance of approximately 64' +/- to the high water mark of the Atlantic Ocean;

Thence northeasterly along the high water mark of the Atlantic Ocean to the southwest corner of land now or formerly of Wright, as described in the deed recorded in the Cumberland County Registry of Deeds in Book 13525, Page 273;

Thence South 82°32'11" East along land now or formerly of Wright a distance of approximately 65' +/- to a granite monument near the top of a bank, said granite monument bearing North 41°43'21" East a distance of 65.56' from the last granite monument mentioned;

Thence South 82°32'11" East along land now or formerly of Wright a distance of 202.28' to an iron rod with a cap labeled "PLS 2063";

Thence South 46°12'46" West a distance of 185.94' to the point of beginning.

Said lot contains 22,286.4 square feet.

Together with all improvements thereon and all rights and easements appurtenant thereto.

Subject to a utility easement benefiting the New England Telephone and Telegraph Company as described in the deed recorded in the Cumberland County Registry of Deeds in Book 732, Page 587.

Including the shore and flats adjoining and adjacent thereto and extending to the low water mark within legal lines and a right of way to Island Avenue to be provided as now traveled.

Septic Leach Field Easement

Said premises are conveyed together with a perpetual right and easement over adjacent land of the Grantors to access, inspect, use, replace, repair and maintain the septic leach field designated as "Septic Area" on the plan entitled "Proposed New Lot Configuration of Land, 478 Island Avenue and 60 Oaklawn Road Peaks Island, Portland, Cumberland County, Maine" to be recorded in the Cumberland County Registry of Deeds (the "Easement Area"). Said septic leach field serves the residential dwelling unit located on the above-conveyed premises and the easement described herein shall include the right of the Grantees, their agents and contractors, to cross over the land of the Grantors as may be reasonably necessary to access, inspect, use, replace, repair and maintain the leach field, PROVIDED, HOWEVER, that the Grantees shall, following the exercise of the above-described rights and easements, promptly repair any damage to the Easement Area and regrade and restore the land with the Easement Area to substantially its prior condition.

The Grantors, Timothy A. Williams and Elizabeth F. Williams (collectively "Williams"), have owned three adjacent parcels jointly for several years, said parcels being described in the Warranty Deeds recorded in the Cumberland County Registry of Deeds in Book 10336, Page 303, Book 11324, Page 336, and Book 14000, Page 177. The easements referenced below have alternately benefitted and/or burdened one or more of these parcels, but are solely between these parcels. As a result of the common ownership of these parcels by Williams, the easements between Sherman L. Pelton et al. ("Pelton") and Helen C. Phipps ("Phipps"), pursuant to a Boundary and Easement Settlement Agreement, as the same was later supplemented, have merged and are extinguished. The relevant deed references for Pelton and Phipps in said Registry of Deeds are Book 7399, Page 214, Book 7543, Page 182, Book 8014, Page 140 and Book 8057, Page 90.

The reconfiguration of this lot was approved by the Portland Zoning Administrator by an unrecorded letter dated April 11, 2014.

For source of reference to title, the above-described "Beach House" lot is comprised of the following:

- a) The same property described in a Warranty Deed from Helen C. Phipps to Timothy Williams and Elizabeth Williams dated September 30, 1992 and recorded in the Cumberland County Registry of Deeds in Book 10336, Page 303.
- b) A portion of the property described in a Warranty Deed from Eric R. Carey and Priscilla B. Carey to Timothy Williams and Elizabeth Williams dated March 8, 1994 and recorded in the Cumbeland County Registry of Deeds in Book 11324, Page 336.
- c) A portion of the property described in a Warranty Deed from Jean B. Morris a/k/a Jean M. Morris to Timothy A. Williams and Elizabeth F. Williams dated July 16, 1998 and recorded in the Cumberland County Registry of Deeds in Book 14000, Page 177.

Received
Recorded Register of Deeds
Apr 11, 2014 03:28:44P
Cumberland County
Pamela E. Lovles

DRAINAGE EASEMENT

JOSEPH D. WRIGHT and NANCY L. WRIGHT, individuals having a mailing address of 494 Island Avenue, Peaks Island, Portland, Maine 04108 (collectively, the "Grantor") for consideration paid, grant to **JOHN P. HALBIRT and SANDRA S. HALBIRT**, individuals having a mailing address of 594 Sawdust Road, Box 397, The Woodlands, TX 77380, and their heirs and assigns (collectively, the "Grantee") a perpetual easement over, under and across a portion of the Grantor's property located on Peaks Island, Cumberland County, Maine, described in a Warranty Deed from Donald W. Wright to Joseph D. Wright and Nancy L. Wright dated December 24, 1997 and recorded in the Cumberland County Registry of Deeds in Book 13525, Page 273 (the "Grantor's Property") which easement area is more particularly depicted in Exhibit A attached hereto and made a part hereof (the "Easement Area"), for the purposes set forth herein.

The Grantor's Property abuts, and the rights and easement granted herein are granted for the benefit of, property owned by Grantee located on Peaks Island, Cumberland County, Maine being described in a Warranty Deed from Timothy A. Williams and Elizabeth F. Williams to Grantee dated April 10, 2014 and recorded in said Registry in Book 31441, Page 42 ("Grantee's Property").

The Grantee's rights hereunder include the right to install an underground drainage line and appurtenant infrastructure, including pipes and conduits within the Easement Area, as approximately shown in said Exhibit A (the "Drainage System") for the carrying, discharging and drainage of surface and storm water from the Grantee's Property and the Grantor's Property, together with the right to excavate and construct, install, use, maintain, repair and replace said Drainage System and with the right of ingress and egress under, over and across the Grantor's Property with persons and equipment to accomplish any of the rights granted herein.

Reserving to the Grantor the use and enjoyment of the Easement Area for any purpose not inconsistent with the use by the Grantee for the purposes herein mentioned.

The Grantee shall be solely responsible for all repairs and replacements required to adequately maintain the Drainage System, unless such repair or replacement is made necessary by fault or neglect of the Grantor, its agents, employees, tenants or contractors, in which case such maintenance or repair shall be at the expense of the Grantor.

The Grantee agrees to undertake all work permitted hereunder within the Easement Area at its sole cost and expense and, following the exercise of its rights hereunder, the Grantee shall restore the Easement Area as nearly as practical to its condition prior to the undertaking of its work.

In the event of Grantee's failure to adequately maintain the Drainage System or to restore the Easement Area after exercise of its rights hereunder, Grantor may, following 30 days' written notice to the Grantee sent by certified mail return receipt requested, cause such work to be

performed and provide the Grantee with copies of all invoices for such work, which work shall be performed by reputable, licensed and insured contractors, and the Grantee shall pay such invoices within thirty (30) days of receipt thereof.

The rights granted herein and the terms and conditions hereof shall be binding upon and shall inure to the benefit of the Grantor and the Grantee, and their respective heirs and assigns, and shall run with the land.

[Signature Pages Follow]

IN WITNESS WHEREOF, the Grantor and the Grantee have executed this instrument under seal as of the _____ day of _____, 2015.

WITNESS:

Joseph D. Wright

Nancy L. Wright

STATE OF MAINE
COUNTY OF CUMBERLAND, ss. _____, 2015

Then personally appeared the above-named Joseph D. Wright and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public/Attorney at Law
My commission expires: _____
Print name: _____

STATE OF MAINE
COUNTY OF CUMBERLAND, ss. _____, 2015

Then personally appeared the above-named Nancy L. Wright and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public/Attorney at Law
My commission expires: _____
Print name: _____

WITNESS:

John P. Halbirt

Sandra S. Halbirt

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

_____, 2015

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

Before me,

Notary Public/Attorney at Law

My commission expires: _____

Print name: _____

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

_____, 2015

Then personally appeared the above-named Sandra S. Halbirt and acknowledged the foregoing instrument to be her free act and deed.

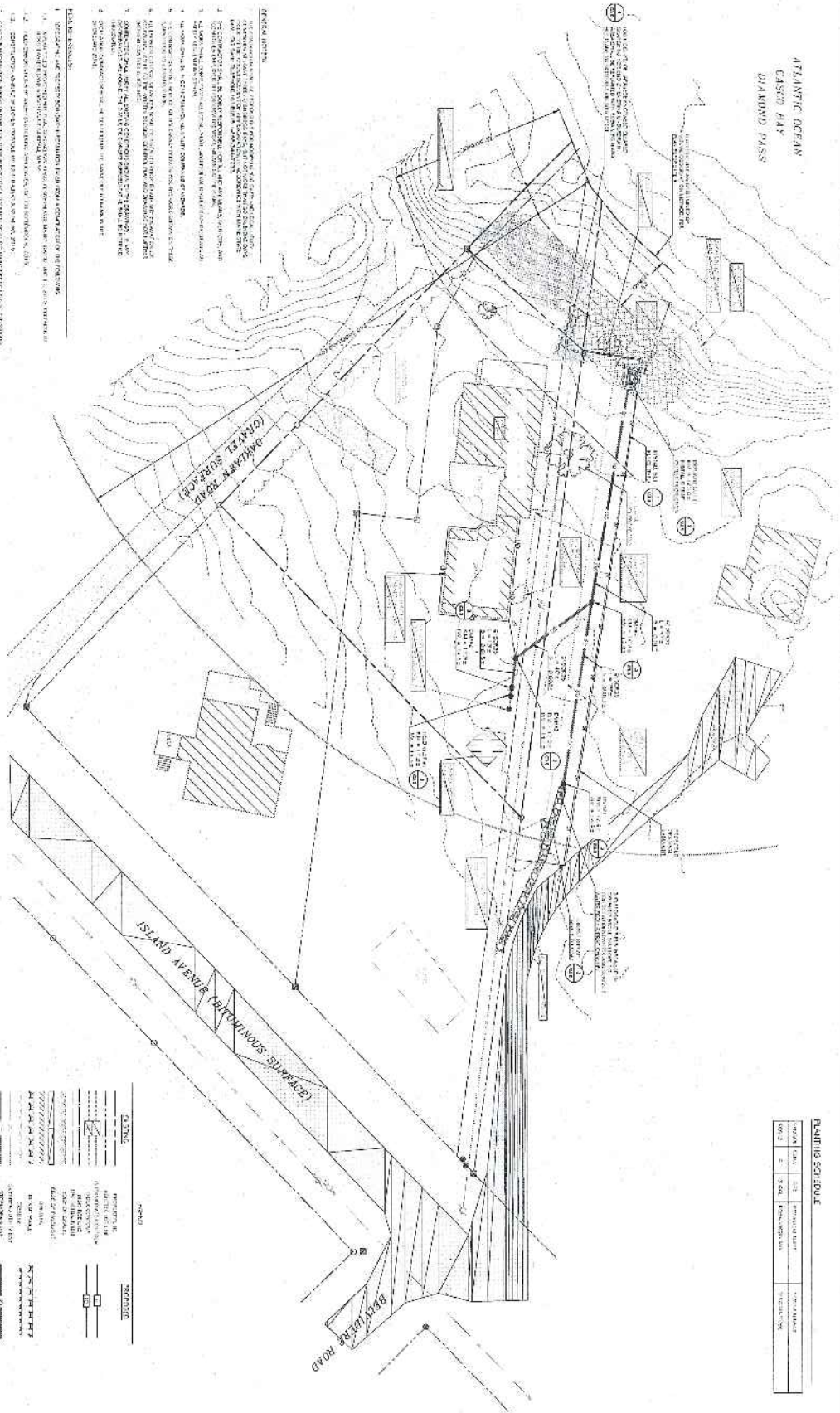
Before me,

Notary Public/Attorney at Law

My commission expires: _____

Print name: _____

ATLANTIC OCEAN
 EASTERN HAY
 DIAMOND PASS



PLANNING SCHEDULE

NO.	DATE	BY	REVISION
1	10/15/10	JPH	ISSUED FOR PERMITTING
2	10/15/10	JPH	ISSUED FOR PERMITTING

- GENERAL NOTES:**
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE TEXAS CONSTRUCTION SPECIFICATIONS AND THE LATEST EDITIONS OF THE TEXAS STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 5. THE CONTRACTOR SHALL MAINTAIN THE EXISTING TOPOGRAPHY AND VEGETATION TO THE MAXIMUM EXTENT POSSIBLE.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL EROSION CONTROL MEASURES.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL ENVIRONMENTAL FEATURES.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL HISTORIC AND CULTURAL RESOURCES.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL ARCHAEOLOGICAL REMAINS.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL ANTHROPOLOGICAL REMAINS.
 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL PALEONTOLOGICAL REMAINS.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL BOTANICAL REMAINS.
 13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL ZOOLOGICAL REMAINS.
 14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL GEOLOGICAL REMAINS.
 15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL MINERAL REMAINS.
 16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL OTHER REMAINS.

LEGEND

SYMBOL	DESCRIPTION
(Symbol)	PROPOSED ROAD
(Symbol)	EXISTING ROAD
(Symbol)	PROPOSED STRUCTURE
(Symbol)	EXISTING STRUCTURE
(Symbol)	PROPOSED DRAINAGE SWAGE
(Symbol)	EXISTING DRAINAGE SWAGE
(Symbol)	PROPOSED EROSION CONTROL
(Symbol)	EXISTING EROSION CONTROL
(Symbol)	PROPOSED ENVIRONMENTAL PROTECTION
(Symbol)	EXISTING ENVIRONMENTAL PROTECTION
(Symbol)	PROPOSED HISTORIC/CULTURAL/ARCHAEOLOGICAL PROTECTION
(Symbol)	EXISTING HISTORIC/CULTURAL/ARCHAEOLOGICAL PROTECTION
(Symbol)	PROPOSED ANTHROPOLOGICAL PROTECTION
(Symbol)	EXISTING ANTHROPOLOGICAL PROTECTION
(Symbol)	PROPOSED PALEONTOLOGICAL PROTECTION
(Symbol)	EXISTING PALEONTOLOGICAL PROTECTION
(Symbol)	PROPOSED BOTANICAL PROTECTION
(Symbol)	EXISTING BOTANICAL PROTECTION
(Symbol)	PROPOSED ZOOLOGICAL PROTECTION
(Symbol)	EXISTING ZOOLOGICAL PROTECTION
(Symbol)	PROPOSED GEOLOGICAL PROTECTION
(Symbol)	EXISTING GEOLOGICAL PROTECTION
(Symbol)	PROPOSED MINERAL PROTECTION
(Symbol)	EXISTING MINERAL PROTECTION
(Symbol)	PROPOSED OTHER PROTECTION
(Symbol)	EXISTING OTHER PROTECTION

GRAPHIC SCALE
 1" = 20'

ISSUED FOR PERMITTING - NOT FOR CONSTRUCTION

<p>WALSH ENGINEERING ARCHITECTS INC. 10000 W. 10th Street, Suite 100 Dallas, Texas 75244 (214) 343-1111</p>	<p>DRAINAGE IMPROVEMENTS 30 GARDNER ROAD PEARLS ISLAND, TX</p>	<p>JOHN P. HALBIRT 104 SANDHILL ROAD, BOX 897 THE WOODLANDS, TEXAS</p>	<p>DATE: 10/15/10</p>
			<p>SCALE: 1" = 20'</p>

EROSION AND SEDIMENTATION CONTROL PLAN

for
Drainage Improvements
60 Oaklawn Road, Peaks Island
Portland, Maine

October 2015

The following plan for controlling sedimentation and erosions is based on conservation practices found in the latest edition of the Maine Erosion & Sediment Control BMP's Manual, Maine Department of Environmental Protection. The Contractor who implements this plan shall be familiar with this publication and adhere to it and the practices presented herein.

GENERAL EROSION AND SEDIMENTATION CONTROL PRACTICES

The following is a list of general erosion control practices that will be use to prevent erosion and sedimentation before, during, and after the construction of this project. In addition, special care shall be used at all times to:

- 1) Limit disturbance to only areas necessary for construction
- 2) Correct any erosion problems immediately
- 3) Regularly monitor the implemented practices, especially after every rainfall
- 4) Re-vegetate disturbed areas as soon as possible after construction
- 5) Conform to all requirements/standards of Natural Resources Protection Act (NRPA)

Silt Fence

As noted on the plans, silt fence and/or erosion control mix sediment barriers will be installed along the down gradient side of the proposed ground disturbance areas prior to any construction activities.

Emergency Provisions

Should a storm be predicted, the contractor shall cover any excavated areas with mulch or stone to prevent erosion.

MONITORING SCHEDULE

The contractor shall be responsible for installing, monitoring, maintaining, repairing, replacing, and removing all of the erosion and sedimentation controls or appointing a qualified subcontractor to do so. Maintenance measure will be applied as needed during the entire construction cycle. Immediately following any significant rainfall, and at least once a week, a visual inspection will be made of all erosion and sedimentation controls as follows. Erosion control mix sediment barriers and/or silt fence shall be inspected and repaired. Sediment trapped behind these barriers shall be excavated when it reaches a depth of six inches and redistributed to areas undergoing final grading.

EROSION CONTROL REMOVAL

An area is considered stable if it is paved or if 85% growth of planted seeds is established. Once an area is considered stable, the erosion control measures can be removed.