



December 3, 2019  
15071-01

Mr. Matthew Sturgis, Town Manager  
Town of Cape Elizabeth  
P.O. Box 6260  
Cape Elizabeth, Maine 04107

**Aster Lane Request for Roadway Way Acceptance and Request for Open Space Acceptance – Cottage Brook, LLC and Maxwell Woods, LLC**

Dear Mr. Sturgis:

On behalf of Cottage Brook, LLC and Maxwell Woods, LLC, we have assembled this request for acceptance of Aster Lane and Open Space. This request is associated with the Cottage Brook and Maxwell Woods Condominium Developments. In support of the request, we are providing deed descriptions, as-builts, a graphical plan depicting the segments to be accepted and the following summary narrative for Town Council and staff consideration.

- A. Aster Lane - Cottage Brook Development:** This is a short section of Aster Lane and has been completed in its entirety. Attached are the completed As-builts and deed descriptions.
- B. Aster Lane and Open Space “A”, “B” and Agricultural Open Space - Maxwell Woods Development:** This section of Aster Lane has been completed through base paving. We understand accepting this section of Aster Lane will be a conditional acceptance until such time the items listed below are completed. The conditional acceptance of Aster Lane will allow through access for both public and town vehicles through the winter and spring until final completion. The Town will maintain a developer performance bond until the punch list items and surface paving are completed in the spring of 2020. Attached are the progress As-builts and the R.O.W. deed description along with the Open Space “A”, “B” and Agricultural Open Space deeds.

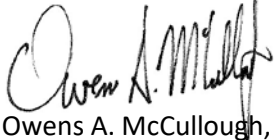
**Conditions of Acceptance:**

1. Monumentation to be set.
2. Sewer manholes/Catch-basins, Drainage Manholes to be raised to finish pavement at time of finish pavement.
3. Catch-basin and drainage structures to be inspected and cleaned, if needed.
4. As-builts of roadway to be completed in spring once finish pavement is installed. Attached are progress as-builts.
5. Pavement joint between surface and base paving winterized.
6. Culvert outlet from pond to have riprap modified to provide better discharge. Coordinate with engineer.
7. Inspection of trails in the Spring of 2020 after snow and ice cover melt.

As always, please contact me if you have any questions or need additional information.

Sincerely,

SEBAGO TECHNICS, INC.

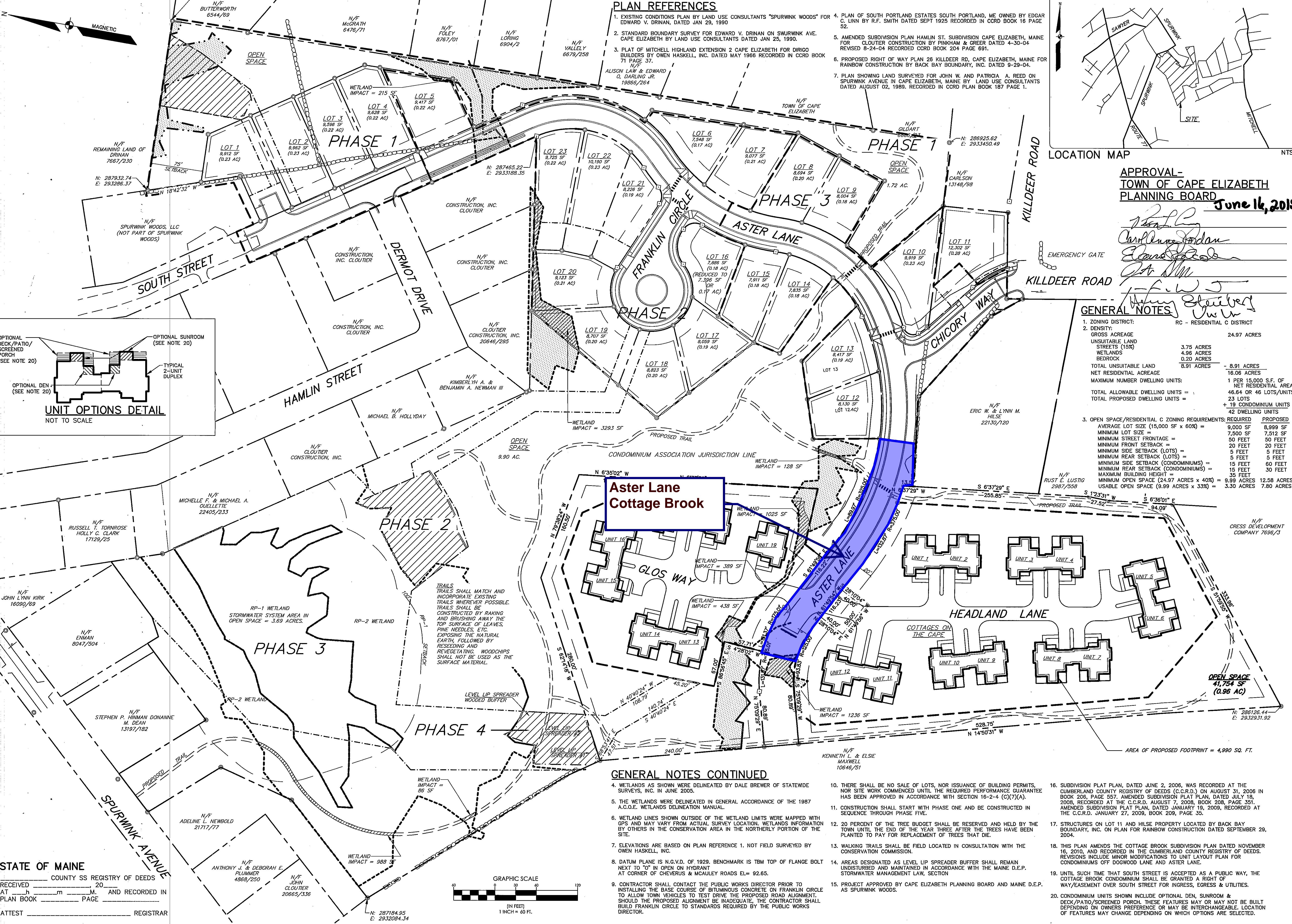
A handwritten signature in black ink, appearing to read "Owens A. McCullough". The signature is fluid and cursive, with the first name "Owens" being the most prominent.

Owens A. McCullough, P.E., LEED-AP

Sr. Vice President of Strategy and Client Development

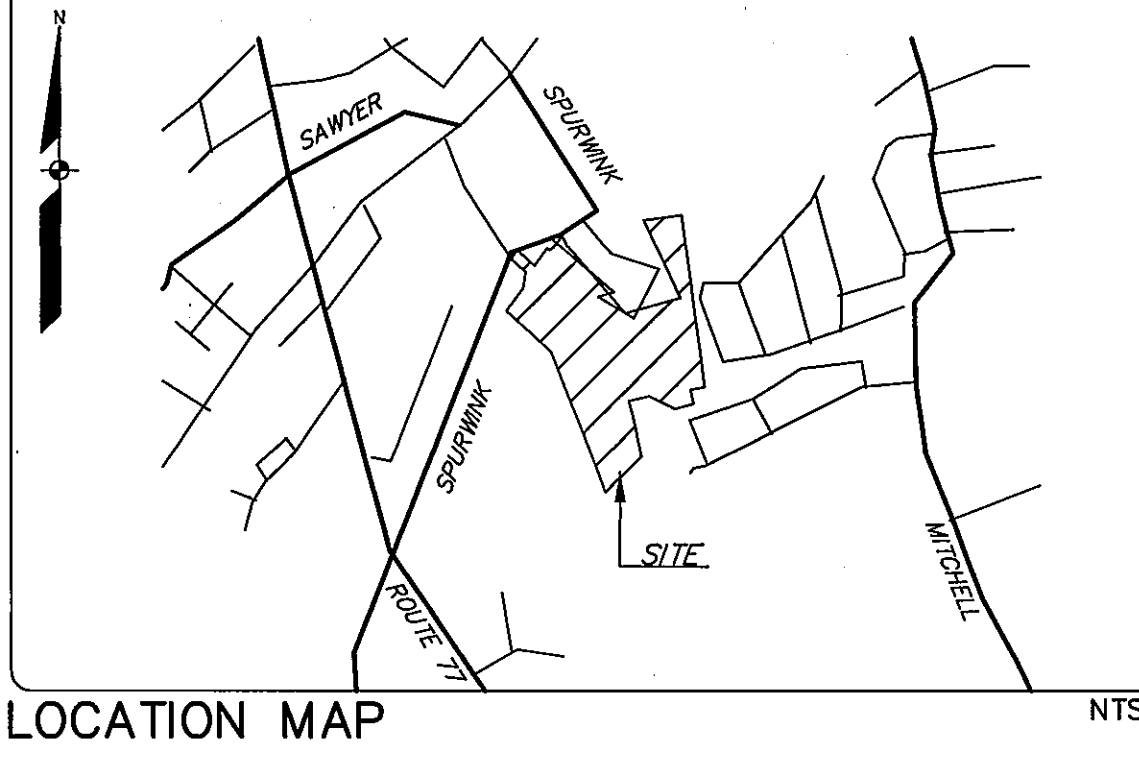
OAM: oam

Att. Deed Descriptions  
Reference Plan  
As-Builts



**PLAN REFERENCES**

- EXISTING CONDITIONS PLAN BY LAND USE CONSULTANTS "SPURWINK WOODS" FOR EDWARD V. DRINAN, DATED JAN 29, 1990
- STANDARD BOUNDARY SURVEY FOR EDWARD V. DRINAN ON SPURWINK AVE. CAPE ELIZABETH BY LAND USE CONSULTANTS DATED JAN 25, 1990.
- PLAT OF MITCHELL HIGHLAND EXTENSION 2 CAPE ELIZABETH FOR DIRIGO BUILDERS BY OWEN HASKELL, INC. DATED MAY 1966 RECORDED IN CORD BOOK 71 PAGE 37.
- ALISON LAW & EDWARD O. DARLING JR. 1986/264
- PLAN OF SOUTH PORTLAND ESTATES SOUTH PORTLAND, ME OWNED BY EDGAR C. LINN BY R.F. SMITH DATED SEPT 1925 RECORDED IN CORD BOOK 16 PAGE 52.
- AMENDED SUBDIVISION PLAN HAMLIN ST. SUBDIVISION CAPE ELIZABETH, MAINE FOR CLOUTIER CONSTRUCTION BY PINKHAM & GREER DATED 4-30-04 REVISED 8-24-04 RECORDED CORD BOOK 204 PAGE 691.
- PROPOSED RIGHT OF WAY PLAN 26 KILLDEER RD, CAPE ELIZABETH, MAINE FOR RAINBOW CONSTRUCTION BY BACK BAY BOUNDARY, INC. DATED 9-29-04.
- PLAN SHOWING LAND SURVEYED FOR JOHN W. AND PATRICIA A. REED ON SPURWINK AVENUE IN CAPE ELIZABETH, MAINE BY LAND USE CONSULTANTS DATED AUGUST 02, 1989. RECORDED IN CORD PLAN BOOK 187 PAGE 1.

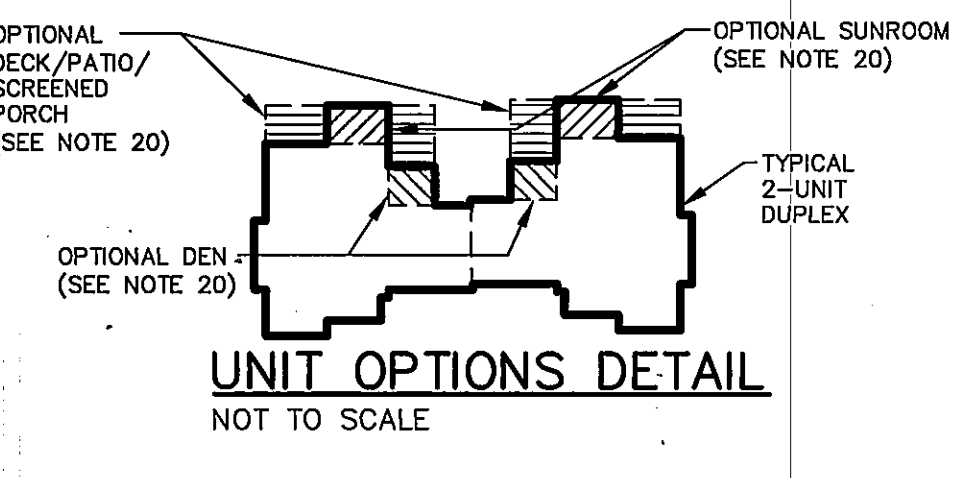


APPROVAL-  
TOWN OF CAPE ELIZABETH  
PLANNING BOARD  
June 16, 2015

*Charles Jordan*  
*John Steuber*

**GENERAL NOTES**

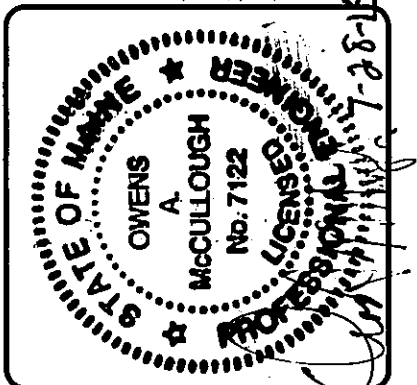
- ZONING DISTRICT: RC - RESIDENTIAL C DISTRICT
- DENSITY: 24.97 ACRES
- GROSS ACREAGE: 24.97 ACRES
- UNSUITABLE LAND: 8.91 ACRES
- STREETS (15%): 3.75 ACRES
- WETLANDS: 4.96 ACRES
- BEDROCK: 0.20 ACRES
- TOTAL UNSUITABLE LAND: 8.91 ACRES
- NET RESIDENTIAL ACREAGE: 16.06 ACRES
- MAXIMUM NUMBER DWELLING UNITS: 1 PER 15,000 S.F. OF NET RESIDENTIAL AREA
- TOTAL ALLOWABLE DWELLING UNITS = 46.64 OR 46 LOTS/UNITS
- TOTAL PROPOSED DWELLING UNITS = 23 LOTS + 19 CONDOMINIUM UNITS = 42 DWELLING UNITS
3. OPEN SPACE/RESIDENTIAL C ZONING REQUIREMENTS: REQUIRED PROPOSED
- AVERAGE LOT SIZE (15,000 SF x 60%) = 9,000 SF 8,999 SF
- MINIMUM LOT SIZE = 7,500 SF 7,512 SF
- MINIMUM STREET FRONTAGE = 50 FEET 50 FEET
- MINIMUM FRONT SETBACK = 20 FEET 20 FEET
- MINIMUM SIDE SETBACK (LOTS) = 5 FEET 5 FEET
- MINIMUM REAR SETBACK (LOTS) = 5 FEET 5 FEET
- MINIMUM SIDE SETBACK (CONDOMINIUMS) = 15 FEET 15 FEET
- MINIMUM REAR SETBACK (CONDOMINIUMS) = 15 FEET 30 FEET
- MAXIMUM BUILDING HEIGHT = 35 FEET
- MINIMUM OPEN SPACE (24.97 ACRES x 40%) = 9.99 ACRES 12.58 ACRES
- USABLE OPEN SPACE (0.99 ACRES x 33%) = 3.30 ACRES 7.80 ACRES



**Aster Lane Cottage Brook**

**GENERAL NOTES CONTINUED**

- WETLANDS AS SHOWN WERE DELINEATED BY DALE BREWER OF STATEWIDE SURVEYS, INC. IN JUNE 2005.
- THE WETLANDS WERE DELINEATED IN GENERAL ACCORDANCE OF THE 1987 A.C.O.E. WETLANDS DELINEATION MANUAL.
- WETLAND LINES SHOWN OUTSIDE OF THE WETLAND LIMITS WERE MAPPED WITH GPS AND MAY VARY FROM ACTUAL SURVEY LOCATION. WETLANDS INFORMATION BY OTHERS IN THE CONSERVATION AREA IN THE NORTHERLY PORTION OF THE SITE.
- ELEVATIONS ARE BASED ON PLAN REFERENCE 1. NOT FIELD SURVEYED BY OWEN HASKELL, INC.
- DATUM PLANE IS N.G.V.D. OF 1929. BENCHMARK IS TBM TOP OF FLANGE BOLT NEXT TO "O" IN OPEN ON HYDRANT AT CORNER OF CHEVERUS & MCALLEY ROADS EL = 92.65.
- CONTRACTOR SHALL CONTACT THE PUBLIC WORKS DIRECTOR PRIOR TO INSTALLING THE BASE COURSE OF BITUMINOUS CONCRETE ON FRANKLIN CIRCLE TO ALLOW TOWN VEHICLES TO TEST DRIVE THE PROPOSED ROAD ALIGNMENT. SHOULD THE PROPOSED ALIGNMENT BE INADEQUATE, THE CONTRACTOR SHALL BUILD FRANKLIN CIRCLE TO STANDARDS REQUIRED BY THE PUBLIC WORKS DIRECTOR.
- THERE SHALL BE NO SALE OF LOTS, NOR ISSUANCE OF BUILDING PERMITS, NOR SITE WORK COMMENCED UNTIL THE REQUIRED PERFORMANCE GUARANTEE HAS BEEN APPROVED IN ACCORDANCE WITH SECTION 16-2-4 (C)(7)(A).
- CONSTRUCTION SHALL START WITH PHASE ONE AND BE CONSTRUCTED IN SEQUENCE THROUGH PHASE FIVE.
- 20 PERCENT OF THE TREE BUDGET SHALL BE RESERVED AND HELD BY THE TOWN UNTIL THE END OF THE YEAR THREE AFTER THE TREES HAVE BEEN PLANTED TO PAY FOR REPLACEMENT OF TREES THAT DIE.
- WALKING TRAILS SHALL BE FIELD LOCATED IN CONSULTATION WITH THE CONSERVATION COMMISSION.
- AREAS DESIGNATED AS LEVEL LIP SPREADER BUFFER SHALL REMAIN UNDISTURBED AND MAINTAINED IN ACCORDANCE WITH THE MAINE D.E.P. STORMWATER MANAGEMENT LAW, SECTION
- PROJECT APPROVED BY CAPE ELIZABETH PLANNING BOARD AND MAINE D.E.P. AS SPURWINK WOODS.
- SUBDIVISION PLAT PLAN, DATED JUNE 2, 2006, WAS RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS (C.C.R.D.) ON AUGUST 31, 2006 IN BOOK 206, PAGE 557, AMENDED SUBDIVISION PLAT PLAN, DATED JULY 15, 2008, RECORDED AT THE C.C.R.D. AUGUST 7, 2008, BOOK 208, PAGE 351, AMENDED SUBDIVISION PLAT PLAN, DATED JANUARY 19, 2009, RECORDED AT THE C.C.R.D. JANUARY 27, 2009, BOOK 209, PAGE 35.
- STRUCTURES ON LOT 11 AND HILSE PROPERTY LOCATED BY BACK BAY BOUNDARY, INC. ON PLAN FOR RAINBOW CONSTRUCTION DATED SEPTEMBER 29, 2004.
- THIS PLAN AMENDS THE COTTAGE BROOK SUBDIVISION PLAN DATED NOVEMBER 16, 2010, AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS. REVISIONS INCLUDE MINOR MODIFICATIONS TO UNIT LAYOUT PLAN FOR CONDOMINIUMS OFF DOGWOOD LANE AND ASTER LANE.
- UNTIL SUCH TIME THAT SOUTH STREET IS GRANTED AS A PUBLIC WAY, THE COTTAGE BROOK CONDOMINIUM SHALL BE ACCEPTED A RIGHT OF WAY/EASEMENT OVER SOUTH STREET FOR INGRESS, EGRESS & UTILITIES.
- CONDOMINIUM UNITS SHOWN INCLUDE OPTIONAL DEN, SUNROOM & DECK/PATIO/SCREENED PORCH. THESE FEATURES MAY OR MAY NOT BE BUILT DEPENDING ON OWNERS PREFERENCE OR MAY BE INTERCHANGEABLE. LOCATION OF FEATURES MAY CHANGE DEPENDING ON WHICH OPTIONS ARE SELECTED.



DESIGNED	CHECKED	
OAM	OAM	
C	OAM 7/28/15	REVISED ROAD NAMES
B	OAM 6/03/15	ISSUED FOR AMENDED SUBDIVISION APPROVAL
A	OAM 5/29/15	PLANNING BOARD SUBMISSION
REV. BY:	DATE:	STATUS:

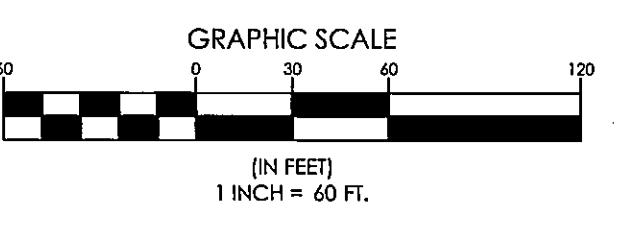
**SEBAGO**  
TECHNICAL  
WWW.SEBCOTECHNICAL.COM  
250 Gaddard Rd.  
South Portland, ME 04106  
Tel: 207-200-2100  
Tel: 207-753-5656

2nd AMENDED SUBDIVISION PLAN  
5th COTTAGE BROOK CONDOMINIUM  
CAPE ELIZABETH  
FOR:  
**COTTAGE BROOK, LLC (RECORD OWNER)**  
18 OCEAN STREET, SUITE 3  
SOUTH PORTLAND, ME 04106

PROJECT NO. 15071 SCALE 1" = 60'

SHEET 1 OF 1

STATE OF MAINE  
COUNTY SS REGISTRY OF DEEDS  
RECEIVED \_\_\_\_\_ 20\_\_\_\_  
AT \_\_\_\_\_ h \_\_\_\_\_ m \_\_\_\_\_ M. AND RECORDED IN  
PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
ATTEST \_\_\_\_\_ REGISTRAR



**DEED**  
(Maine Statutory Short Form)

**COTTAGE BROOK, LLC**, a Maine Limited Liability Company (“Grantor”), with a place of business in South Portland, Maine, **GRANTS** to **TOWN OF CAPE ELIZABETH**, a municipal corporation organized and existing under the laws of the State of Maine (“Grantee”), whose mailing address is 320 Ocean House Road, P. O. Box 6260, Cape Elizabeth, Maine 04107, with **QUITCLAIM COVENANTS**, the following described premises in Cape Elizabeth, County of Cumberland and State of Maine:

All that certain lot or parcel of land located in the Town of Cape Elizabeth, Cumberland County, and State of Maine, said parcel being known as “Aster Lane Extension” and is being conveyed to said Town in conjunction with the Grantor’s project known as “Cottage Brook”, and with the adjacent project known as Maxwell Woods, owned and developed by MAXWELL WOODS, LLC. The parcel herein conveyed is bounded and described on **Exhibit A**, “Aster Lane Extension,” attached hereto.

IN WITNESS WHEREOF, the said **COTTAGE BROOK, LLC**, has caused this instrument to be signed and sealed in its name by Kelly L. FitzPatrick, its Sole Member, thereunto duly authorized, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

WITNESS:

**COTTAGE BROOK, LLC**

\_\_\_\_\_

BY: \_\_\_\_\_  
Kelly L. FitzPatrick  
Its Sole Member

STATE OF MAINE  
CUMBERLAND, ss.

\_\_\_\_\_, 2019

Then personally appeared the above-named Kelly L. FitzPatrick, Sole Member, of **COTTAGE BROOK, LLC** and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said company.

Before me,

\_\_\_\_\_  
Notary Public/Attorney-at-Law  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**Exhibit "A"**  
**Aster Lane Extension**

A certain right-of-way to be known as a continuation of Aster Lane in the Town of Cape Elizabeth, County of Cumberland, State of Maine and depicted on a plan titled "Condominium Plat of Cottage Brook Condominium, Aster Lane, Cape Elizabeth for Cottage Brook, LLC (Record Owner), 18 Ocean Street, Suite 3, South Portland, Maine 04106" dated August 9, 2017 by Sebago Technics, Inc., this plan is recorded at the Cumberland County Registry of Deeds (CCRD) in Plan Book 217, Page 363, the right-of-way being more particularly bounded and described as follows:

Beginning at an existing 5/8" rebar, 6" above grade, with cap inscribed "LUC 1155" at the westerly corner of land now or formerly of Todd M. Gutner and Rachel M. Gutner, as described in a deed recorded at the CCRD in Book 32081, Page 181 and the corner of a stone wall on the southerly sideline of Aster Lane;

Thence N 23°22'59" W, a distance of 13.57 feet to a 5/8" rebar with cap inscribed "STI PLS 2009" to be set;

Thence along a curve concave to the north and the southerly sideline of Aster Lane as defined by the following curve elements: having a radius of 375.00 feet, an arc length of 132.87 feet and a chord which bears N 88°44'29" W, a distance of 132.18 feet to a 4-inch granite monument with drill hole to be set at a point of tangency;

Thence N 78°35'24" W, a distance of 116.23 feet to a 4-inch granite monument with drill hole to be set at a point of curvature;

Thence along a tangent curve concave to the south and the southerly sideline of Aster Lane as defined by the following curve elements: having a radius of 125.00 feet, an arc length of 51.70 feet and a chord which bears S 89°33'31" W, a distance of 51.34 feet to a point;

Thence N 12°17'28" W, along the southwesterly terminus of Aster Lane, a distance of 50.00 feet to a point;

Thence along a circular curve concave to the south and the northerly sideline of Aster Lane as defined by the following curve elements: having a radius of 175.00 feet, an arc length of 72.39 feet and a chord which bears N 89°33'35" E, a distance of 71.87 feet to a point in a boulder at a point of tangency;

Thence S 78°35'24" E, along the northerly sideline of Aster Lane, a distance of 116.23 feet to an existing 4-inch granite monument with drill hole at a point of curvature;

Thence along a tangent curve concave to the north and the northerly sideline of Aster Lane as defined by the following curve elements: having a radius of 325.00 feet, an arc length of 170.58 feet and a chord which bears N 86°22'23" E, a distance of 168.63 feet to an existing 5/8" rebar at land now or formerly of Christopher Inman and Theresa Inman as described in a deed recorded at the CCRD in Book 33680, Page 63;

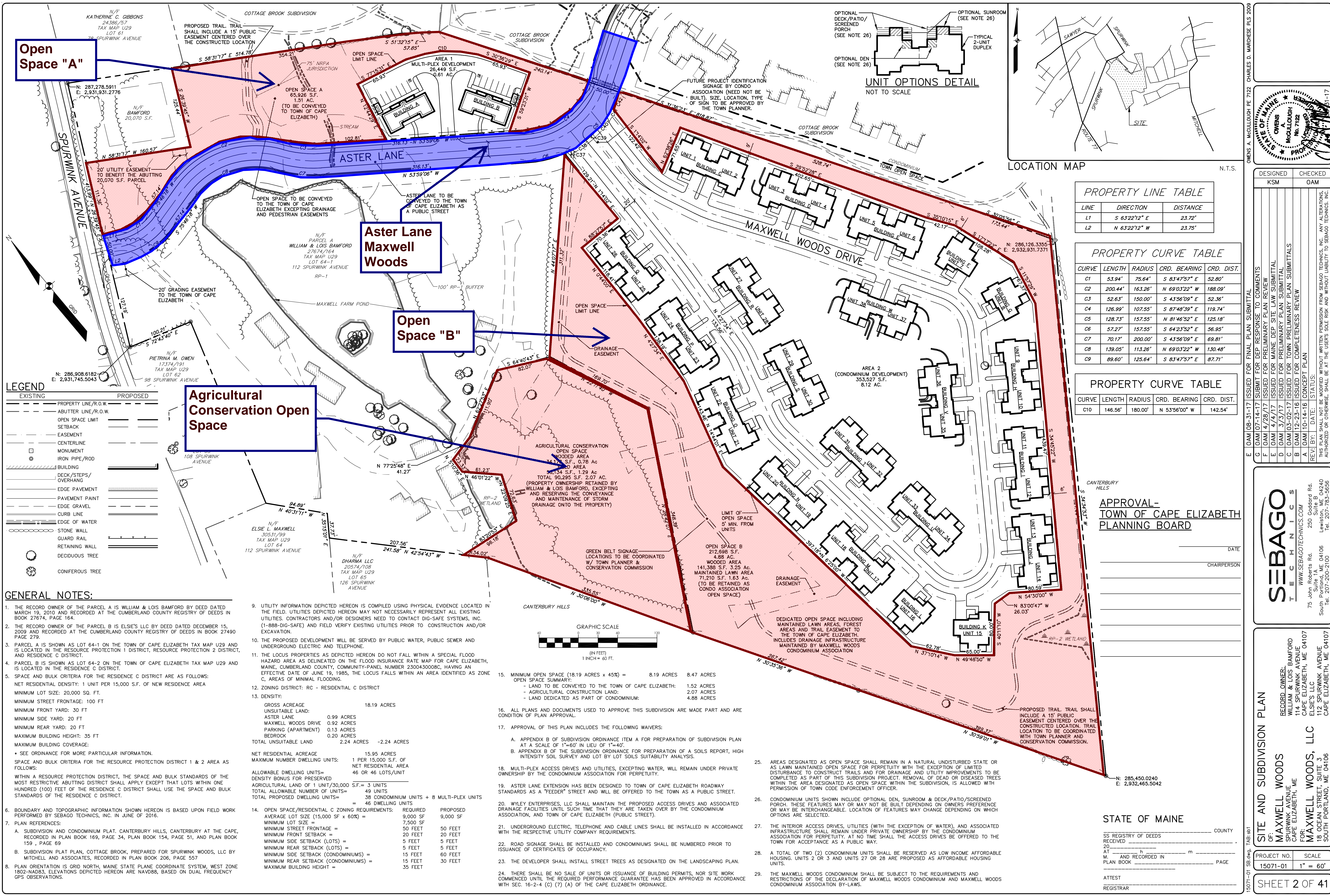
Thence S 19°01'56" E, along the existing terminus of Aster Lane, a distance of 53.25 feet to a point on the southerly sideline of Aster Lane at land now or formerly of Todd M. Gutner and Rachel M. Gutner;

Thence S 66°56'31" W, along the southerly sideline of Aster Lane and land now or formerly of Todd M. Gutner and Rachel M. Gutner, a distance of 63.05 feet to the Point of Beginning.

The right-of-way described above contains approximately 18,579 square feet.

Bearings herein are based on Grid North, Maine State Plane Coordinate System, West Zone, NAD83.

November 20, 2019  
CDM/llg



**Open Space "A"**

**Aster Lane Maxwell Woods**

**Open Space "B"**

**Agricultural Conservation Open Space**

**UNIT OPTIONS DETAIL**  
NOT TO SCALE

**LOCATION MAP**

**PROPERTY LINE TABLE**

LINE	DIRECTION	DISTANCE
L1	S 63°22'12" E	23.72'
L2	N 63°22'12" W	23.75'

**PROPERTY CURVE TABLE**

CURVE	LENGTH	RADIUS	CRD. BEARING	CRD. DIST.
C1	53.94'	75.64'	S 83°47'57" E	52.80'
C2	200.44'	163.26'	N 69°03'22" W	188.09'
C3	52.63'	150.00'	S 43°56'09" E	52.36'
C4	126.99'	107.55'	S 87°48'39" E	119.74'
C5	128.73'	157.55'	N 81°46'52" E	125.18'
C6	57.27'	157.55'	S 64°23'52" E	56.95'
C7	70.17'	200.00'	S 43°56'09" E	69.81'
C8	139.05'	113.26'	N 69°03'22" W	130.48'
C9	89.60'	125.64'	S 83°47'57" E	87.71'

**PROPERTY CURVE TABLE**

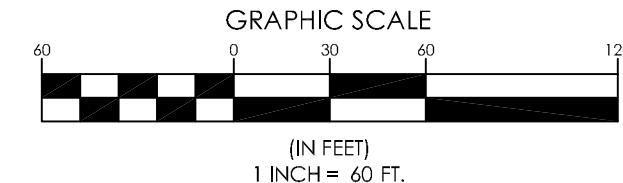
CURVE	LENGTH	RADIUS	CRD. BEARING	CRD. DIST.
C10	146.56'	180.00'	N 53°56'00" W	142.54'

**LEGEND**

EXISTING	PROPOSED
PROPERTY LINE/R.O.W.	PROPERTY LINE/R.O.W.
ABUTTER LINE/R.O.W.	ABUTTER LINE/R.O.W.
OPEN SPACE LIMIT SETBACK	OPEN SPACE LIMIT SETBACK
EASEMENT	EASEMENT
CENTERLINE	CENTERLINE
MONUMENT	MONUMENT
IRON PIPE/ROD	IRON PIPE/ROD
BUILDING	BUILDING
DECK/STEPS/OVERHANG	DECK/STEPS/OVERHANG
EDGE PAVEMENT	EDGE PAVEMENT
PAVEMENT PAINT	PAVEMENT PAINT
EDGE GRAVEL	EDGE GRAVEL
CURB LINE	CURB LINE
EDGE OF WATER	EDGE OF WATER
STONE WALL	STONE WALL
GUARD RAIL	GUARD RAIL
RETAINING WALL	RETAINING WALL
DECIDUOUS TREE	DECIDUOUS TREE
CONFEROUS TREE	CONFEROUS TREE

**GENERAL NOTES:**

- THE RECORD OWNER OF THE PARCEL A IS WILLIAM & LOIS BAMFORD BY DEED DATED MARCH 19, 2010 AND RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 27674, PAGE 164.
- THE RECORD OWNER OF THE PARCEL B IS ELSIE'S LLC BY DEED DATED DECEMBER 15, 2009 AND RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 27490 PAGE 279.
- PARCEL A IS SHOWN AS LOT 64-1 ON THE TOWN OF CAPE ELIZABETH TAX MAP U29 AND IS LOCATED IN THE RESOURCE PROTECTION 1 DISTRICT, RESOURCE PROTECTION 2 DISTRICT, AND RESIDENCE C DISTRICT.
- PARCEL B IS SHOWN AS LOT 64-2 ON THE TOWN OF CAPE ELIZABETH TAX MAP U29 AND IS LOCATED IN THE RESIDENCE C DISTRICT.
- SPACE AND BULK CRITERIA FOR THE RESIDENCE C DISTRICT ARE AS FOLLOWS:  
NET RESIDENTIAL DENSITY: 1 UNIT PER 15,000 S.F. OF NEW RESIDENCE AREA  
MINIMUM LOT SIZE: 20,000 SQ. FT.  
MINIMUM STREET FRONTAGE: 100 FT  
MINIMUM FRONT YARD: 30 FT  
MINIMUM SIDE YARD: 20 FT  
MINIMUM REAR YARD: 20 FT  
MAXIMUM BUILDING HEIGHT: 35 FT  
MAXIMUM BUILDING COVERAGE:  
SEE ORDINANCE FOR MORE PARTICULAR INFORMATION.  
SPACE AND BULK CRITERIA FOR THE RESOURCE PROTECTION DISTRICT 1 & 2 AREA AS FOLLOWS:  
WITHIN A RESOURCE PROTECTION DISTRICT, THE SPACE AND BULK STANDARDS OF THE MOST RESTRICTIVE ADJUTING DISTRICT SHALL APPLY EXCEPT THAT LOTS WITHIN ONE HUNDRED (100) FEET OF THE RESIDENCE C DISTRICT SHALL USE THE SPACE AND BULK STANDARDS OF THE RESIDENCE C DISTRICT.
- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON FIELD WORK PERFORMED BY SEBAGO TECHNICS, INC. IN JUNE OF 2016.
- PLAN REFERENCES:  
A. SUBDIVISION AND CONDOMINIUM PLAT, CANTERBURY HILLS, CANTERBURY AT THE CAPE, RECORDED IN PLAN BOOK 169, PAGE 34, PLAN BOOK 154, PAGE 51, AND PLAN BOOK 159, PAGE 69  
B. SUBDIVISION PLAT PLAN, COTTAGE BROOK, PREPARED FOR SPURWINK WOODS, LLC BY MITCHELL AND ASSOCIATES, RECORDED IN PLAN BOOK 206, PAGE 557  
C. PLAN ORIENTATION IS GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1802-NAD83, ELEVATIONS DEPICTED HEREON ARE NAVD83, BASED ON DUAL FREQUENCY GPS OBSERVATIONS.
- UTILITY INFORMATION DEPICTED HEREON IS COMPILED USING PHYSICAL EVIDENCE LOCATED IN THE FIELD. UTILITIES DEPICTED HEREON MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTRACTORS AND/OR DESIGNERS NEED TO CONTACT DIG-SAFE SYSTEMS, INC. (1-888-DIG-SAFE) AND FIELD VERIFY EXISTING UTILITIES PRIOR TO CONSTRUCTION AND/OR EXCAVATION.
- THE PROPOSED DEVELOPMENT WILL BE SERVED BY PUBLIC WATER, PUBLIC SEWER AND UNDERGROUND ELECTRIC AND TELEPHONE.
- THE LOCUS PROPERTIES AS DEPICTED HEREON DO NOT FALL WITHIN A SPECIAL FLOOD HAZARD AREA AS DELINEATED ON THE FLOOD INSURANCE RATE MAP FOR CAPE ELIZABETH, MAINE, CUMBERLAND COUNTY, COMMUNITY-PANEL NUMBER 230043008C, HAVING AN EFFECTIVE DATE OF JUNE 19, 1985, THE LOCUS FALLS WITHIN AN AREA IDENTIFIED AS ZONE C, AREAS OF MINIMAL FLOODING.
- ZONING DISTRICT: RC - RESIDENTIAL C DISTRICT
- DENSITY:  
GROSS ACREAGE: 18.19 ACRES  
UNSUITABLE LAND:  
ASTER LANE: 0.99 ACRES  
MAXWELL WOODS DRIVE: 0.92 ACRES  
PARKING (APARTMENT): 0.13 ACRES  
BEDROCK: 0.20 ACRES  
TOTAL UNSUITABLE LAND: 2.24 ACRES -2.24 ACRES  
NET RESIDENTIAL ACREAGE: 15.95 ACRES  
MAXIMUM NUMBER DWELLING UNITS: 1 PER 15,000 S.F. OF NET RESIDENTIAL AREA  
46 OR 46 LOTS/UNIT  
ALLOWABLE DWELLING UNITS=  
DENSITY BONUS FOR PRESERVED AGRICULTURAL LAND OF 1 UNIT/30,000 S.F. = 3 UNITS  
TOTAL ALLOWABLE NUMBER OF UNITS= 49 UNITS  
TOTAL PROPOSED DWELLING UNITS= 38 CONDOMINIUM UNITS + 8 MULTI-PLEX UNITS = 46 DWELLING UNITS
- OPEN SPACE/RESIDENTIAL C ZONING REQUIREMENTS:  
AVERAGE LOT SIZE (15,000 SF x 60%) = 9,000 SF  
MINIMUM LOT SIZE = 7,500 SF  
MINIMUM STREET FRONTAGE = 50 FEET  
MINIMUM FRONT SETBACK = 20 FEET  
MINIMUM SIDE SETBACK (LOTS) = 5 FEET  
MINIMUM REAR SETBACK (LOTS) = 5 FEET  
MINIMUM SIDE SETBACK (CONDOMINIUMS) = 15 FEET  
MINIMUM REAR SETBACK (CONDOMINIUMS) = 15 FEET  
MAXIMUM BUILDING HEIGHT = 35 FEET
- MINIMUM OPEN SPACE (18.19 ACRES x 45%) = 8.19 ACRES 8.47 ACRES  
OPEN SPACE SUMMARY:  
- LAND TO BE CONVEYED TO THE TOWN OF CAPE ELIZABETH: 1.52 ACRES  
- AGRICULTURAL CONSTRUCTION LAND: 2.07 ACRES  
- LAND DEDICATED AS PART OF CONDOMINIUM: 4.88 ACRES
- ALL PLANS AND DOCUMENTS USED TO APPROVE THIS SUBDIVISION ARE MADE PART AND ARE CONDITION OF PLAN APPROVAL.
- APPROVAL OF THIS PLAN INCLUDES THE FOLLOWING WAIVERS:  
A. APPENDIX B OF SUBDIVISION ORDINANCE ITEM A FOR PREPARATION OF SUBDIVISION PLAN AT A SCALE OF 1"=60' IN LIEU OF 1"=40'.  
B. APPENDIX B OF THE SUBDIVISION ORDINANCE FOR PREPARATION OF A SOILS REPORT, HIGH INTENSITY SOIL SURVEY AND LOT BY LOT SOILS SUITABILITY ANALYSIS.
- MULTI-PLEX ACCESS DRIVES AND UTILITIES, EXCEPTING WATER, WILL REMAIN UNDER PRIVATE OWNERSHIP BY THE CONDOMINIUM ASSOCIATION FOR PERPETUITY.
- ASTER LANE EXTENSION HAS BEEN DESIGNED TO TOWN OF CAPE ELIZABETH ROADWAY STANDARDS AS A "FEEDER" STREET AND WILL BE OFFERED TO THE TOWN AS A PUBLIC STREET.
- WILEY ENTERPRISES, LLC SHALL MAINTAIN THE PROPOSED ACCESS DRIVES AND ASSOCIATED DRAINAGE FACILITIES UNTIL SUCH TIME THAT THEY ARE TAKEN OVER BY THE CONDOMINIUM ASSOCIATION, AND TOWN OF CAPE ELIZABETH (PUBLIC STREET).
- UNDERGROUND ELECTRIC, TELEPHONE AND CABLE LINES SHALL BE INSTALLED IN ACCORDANCE WITH THE RESPECTIVE UTILITY COMPANY REQUIREMENTS.
- ROAD SIGNAGE SHALL BE INSTALLED AND CONDOMINIUMS SHALL BE NUMBERED PRIOR TO ISSUANCE OF CERTIFICATES OF OCCUPANCY.
- THE DEVELOPER SHALL INSTALL STREET TREES AS DESIGNATED ON THE LANDSCAPING PLAN.
- THERE SHALL BE NO SALE OF UNITS OR ISSUANCE OF BUILDING PERMITS, NOR SITE WORK COMMENCED UNTIL THE REQUIRED PERFORMANCE GUARANTEE HAS BEEN APPROVED IN ACCORDANCE WITH SEC. 16-2-4 (C) (7) (A) OF THE CAPE ELIZABETH ORDINANCE.
- AREAS DESIGNATED AS OPEN SPACE SHALL REMAIN IN A NATURAL UNDISTURBED STATE OR AS LAWN MAINTAINED OPEN SPACE FOR PERPETUITY WITH THE EXCEPTION OF LIMITED DISTURBANCE TO CONSTRUCT TRAILS AND FOR DRAINAGE AND UTILITY IMPROVEMENTS TO BE COMPLETED AS PART OF THIS SUBDIVISION PROJECT. REMOVAL OF DEAD OR DISEASED TREES WITHIN THE AREA DESIGNATED AS OPEN SPACE WITHIN THE SUBDIVISION, IS ALLOWED WITH PERMISSION OF TOWN CODE ENFORCEMENT OFFICER.
- CONDOMINIUM UNITS SHOWN INCLUDE OPTIONAL DEN, SUNROOM & DECK/PATIO/SCREENED PORCH. THESE FEATURES MAY OR MAY NOT BE BUILT DEPENDING ON OWNERS PREFERENCE OR MAY BE INTERCHANGEABLE. LOCATION OF FEATURES MAY CHANGE DEPENDING ON WHICH OPTIONS ARE SELECTED.
- THE INTERIOR ACCESS DRIVES, UTILITIES (WITH THE EXCEPTION OF WATER), AND ASSOCIATED INFRASTRUCTURE SHALL REMAIN UNDER PRIVATE OWNERSHIP BY THE CONDOMINIUM ASSOCIATION FOR PERPETUITY. AT NO TIME SHALL THE ACCESS DRIVES BE OFFERED TO THE TOWN FOR ACCEPTANCE AS A PUBLIC WAY.
- A TOTAL OF TWO (2) CONDOMINIUM UNITS SHALL BE RESERVED AS LOW INCOME AFFORDABLE HOUSING. UNITS 2 OR 3 AND UNITS 27 OR 28 ARE PROPOSED AS AFFORDABLE HOUSING UNITS.
- THE MAXWELL WOODS CONDOMINIUM SHALL BE SUBJECT TO THE REQUIREMENTS AND RESTRICTIONS OF THE DECLARATION OF MAXWELL WOODS CONDOMINIUM AND MAXWELL WOODS CONDOMINIUM ASSOCIATION BY-LAWS.



ISSUED FOR FINAL PLAN SUBMITTAL  
 G IOAM 07-14-17 SUBMIT FOR DEP RESPONSE TO COMMENTS  
 F IOAM 4/28/17 ISSUED FOR PRELIMINARY PLAN REVIEW  
 E IOAM 4/4/17 ISSUED FOR MAINE DEP SITE LAW SUBMITTAL  
 D IOAM 3/3/17 ISSUED FOR PRELIMINARY PLAN SUBMITTAL  
 C IOAM 03-02-17 ISSUED FOR TOWN PRELIMINARY PLAN SUBMITTALS  
 B IOAM 03-02-17 ISSUED FOR COMPLETENESS REVIEW  
 A IOAM 10-14-16 CONCEPT PLAN  
 REV. BY: DATE: STATUS:  
 THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

**DESIGNED** KSM  
**CHECKED** OAM

**SEBAGO TECHNICS**  
 WWW.SEBAGOTECHNICS.COM  
 75 John Roberts Rd., Suite 1A, Lewiston, ME 04240  
 Tel: 207-200-9100 Fax: 207-783-5656

**RECORD OWNER:**  
 WILLIAM & LOIS BAMFORD  
 114 SPURWINK AVENUE  
 CAPE ELIZABETH, ME 04107

**FOR:**  
 MAXWELL WOODS, LLC  
 18 OCEAN STREET, SUITE 3  
 SOUTH PORTLAND, ME 04106

**STATE OF MAINE**  
 COUNTY \_\_\_\_\_  
 SS. REGISTRY OF DEEDS RECEIVED \_\_\_\_\_  
 AT \_\_\_\_\_ h \_\_\_\_\_ m \_\_\_\_\_  
 M. AND RECORDED IN PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 ATTEST \_\_\_\_\_  
 REGISTRAR \_\_\_\_\_

**PROJECT NO.** 15071-01  
**SCALE** 1" = 60'  
**SHEET 2 OF 41**

**DEED**

(Maine Statutory Short Form)

**MAXWELL WOODS LLC**, a Maine Limited Liability Company (“Grantor”), with a place of business in South Portland, Maine, **GRANTS** to in consideration of One Dollar (\$1.00) and other valuable consideration paid by the **Town of Cape Elizabeth**, a municipal body, corporate and politic, having a mailing address of P.O. Box 6260, Cape Elizabeth, Maine 04107-0060 (the “**Grantee**”), the receipt whereof Grantor does hereby acknowledge, does hereby quitclaim, remise, release, bargain, sell and convey, without covenant, unto the said Grantee, its successors and assigns forever, a certain lot or parcel of land, in Cape Elizabeth, County of Cumberland and State of Maine, bounded and described as follows:

All that certain lot or parcel of land located in the Town of Cape Elizabeth, Cumberland County, and State of Maine, said parcel being known as “Aster Lane” and is being conveyed to said Town in conjunction with the Grantor’s project known as “Maxwell Woods”. The parcel herein conveyed is bounded and described on **Exhibit A**, “Fee in Right of Way For Aster Lane, Cape Elizabeth, Maine”, attached hereto.

IN WITNESS WHEREOF, the said **MAXWELL WOODS LLC** has caused this instrument to be signed and sealed in its name by Kelly L. FitzPatrick, its Sole Member, thereunto duly authorized, this \_\_\_\_ day of \_\_\_\_\_, 2019.

WITNESS:

**MAXWELL WOODS LLC**

\_\_\_\_\_

BY: \_\_\_\_\_

Kelly L. FitzPatrick  
Its Sole Member

STATE OF MAINE  
CUMBERLAND, ss.

\_\_\_\_\_, 2019

Then personally appeared the above-named Kelly L. FitzPatrick, Sole Member, of **MAXWELL WOODS LLC**. and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said **MAXWELL WOODS LLC**.

Before me,

\_\_\_\_\_  
Notary Public/Attorney-at-Law  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



**Exhibit A**  
**Fee in Right of Way For Aster Lane, Cape Elizabeth, Maine**

A certain parcel of land, being for a right-of-way or roadway called "Aster Lane", located on the easterly side of Spurwink Avenue in the Town of Cape Elizabeth, County of Cumberland, State of Maine as depicted on a plan entitled "Subdivision Plan of Maxwell Woods, Spurwink Avenue, Cape Elizabeth, ME for Maxwell Woods, LLC, 18 Ocean Street, Suite 3, South Portland, ME 04106" dated October 14, 2016, revised through April 28, 2017, prepared by Sebago Technics, Inc. (the "Plan"), the parcel of land being more particularly bounded and described as follows:

Commencing at an existing 5/8" rebar, 2" above grade, bent with cap inscribed "PLS 1262" on the easterly sideline of Spurwink Road at land now or formerly of Katherine C. Gibbons as described in a deed recorded at the Cumberland County Registry of Deeds (herein after "CCRD") in Book 24386, Page 57;

Thence S 26°39'45" W, along the easterly sideline of Spurwink Avenue, land of William Bamford as described in a deed recorded at the CCRD in Book 33572, Page 164 and Open Space A as shown on said Plan, a distance of 236.80 feet to a granite monument to be set on the northeasterly sideline of Aster Lane and the Point of Beginning of the parcel herein described;

Thence S 63°22'12" E, along Open Space A, a distance of 23.72 feet to a granite monument to be set at a point of curvature;

Thence along a tangent curve concave to the northeast along Open Space A on the Plan, as defined by the following curve elements: having a radius of 75.64 feet, an arc length of 53.94 feet and a chord which bears S 87°47'57" E, a distance of 52.80 feet to a granite monument to be set at a point of tangency;

Thence N 75°46'18" E along Open Space A, a distance of 57.14 feet to a granite monument to be set at a point of curvature;

Thence along a tangent curve concave to the southwest along Open Space A as defined by the following curve elements: having a radius of 163.26 feet, an arc length of 200.44 feet and a chord which bears S 69°03'22" E, for a distance of 188.09 feet to a granite monument to be set at a point of reverse curvature;

Thence along a tangent curve concave to the east along Open Space A as defined by the following curve elements: having a radius of 150.00 feet, an arc length of 52.63 feet and a chord which bears S 43°56'09" E, a distance of 52.36 feet to a granite monument to be set at a point of tangency;

Thence S 53°59'06" E, along Open Space A and Area 1 Multi-Plex Development, a distance of 316.13 feet to a granite monument to be set at a point of curvature;

Thence along a tangent curve concave to the north and Open Space A as defined by the following curve elements: having a radius of 107.55 feet, an arc length of 126.99 feet and a chord which bears S 87°48'39" E, a distance of 119.74 feet to a granite monument to be set at a point of tangency at land of Cottage Brook, LLC, as described in a deed recorded at the CCRD in Book 32238, Page 108;

Thence S 31°36'23" E, along land of Cottage Brook, LLC, a distance of 50.00 feet to a granite monument to be set at a point of curvature;

Thence along a tangent curve concave to the north and Area 2 (Condominium Development) as defined by the following curve elements: having a radius of 157.55 feet, an arc length of 128.73 feet and a chord which bears S 81°46'52" W, a distance of 125.18 feet to a 5/8" rebar with cap inscribed "STI PLS 2009" to be set at land William Bamford and Lois Bamford, as described in a deed recorded at the CCRD in Book 27674, Page 164;

Thence continuing along a tangent curve concave to the north and land of William Bamford and Lois Bamford as defined by the following curve elements: having a radius of 157.55 feet, an arc length of 57.27 feet and a chord which bears N 64°23'52" W, a distance of 56.95 feet to a granite monument to be set at a point of tangency;

Thence N 53°59'06" W, along land of William Bamford and Lois Bamford, a distance of 316.13 feet to a granite monument to be set at a point of curvature;

Thence along a tangent curve concave to the northeast and land of William Bamford and Lois Bamford as defined by the following curve elements: having a radius of 200.00 feet, an arc length of 70.17 feet and a chord which bears N 43°56'09" W, a distance of 69.81 feet to a granite monument to be set at a point of reverse curvature;

Thence along a tangent curve concave to the southwest and land of William Bamford and Lois Bamford as defined by the following curve elements: having a radius of 113.26 feet, an arc length of 139.05 feet and a chord which bears N 69°03'22" W, a distance of 130.48 feet to a granite monument to be set at a point of tangency;

Thence S 75°46'18" W, along land of land of William Bamford and Lois Bamford, a distance of 57.14 feet to a granite monument to be set at a point of curvature;

Thence along a tangent curve concave to the north and land of William Bamford and Lois Bamford as defined by the following curve elements: having a radius of 125.64 feet, an arc length of 89.60 feet and a chord which bears N 83°47'57" W, a distance of 87.71 feet to a granite monument to be set at a point of tangency;

Thence N 63°22'12" W, along land of William Bamford and Lois Bamford, a distance of 23.75 feet to a granite monument to be set on the easterly sideline of Spurwink Avenue;

Thence N 26°39'45" E, along the easterly sideline of Spurwink Avenue, a distance of 50.00 feet to the Point of Beginning.

The herein described easement contains approximately 42,821 square feet.

Bearings herein are based on Grid North, Maine State Plane Coordinate System, West Zone 1802, NAD83.

July 5, 2017  
CDM/llg

**DEED OF OPEN SPACE**  
(Short Form Deed)

**MAXWELL WOODS, LLC**, a Maine limited liability company (“Grantor”), with a place of business in South Portland, Maine, GRANTS to **TOWN OF CAPE ELIZABETH**, a municipal corporation organized and existing under the laws of the State of Maine (“Grantee”), whose mailing address is 320 Ocean House Road, P. O. Box 6260, Cape Elizabeth, Maine 04107, with **QUITCLAIM COVENANTS**, the land in Cape Elizabeth, County of Cumberland and State of Maine, and more particularly described as “Open Space A” on **Exhibit A** attached hereto and made a part hereof (hereinafter the “Property”).

This conveyance is subject to the following covenants which shall run with the property in perpetuity and shall be for the benefit of the remaining lands of the Grantor known as (i) Maxwell Woods Condominium as shown on a Plan recorded in the Cumberland County Registry of Deeds in Plan Book \_\_\_\_\_, Page \_\_\_\_\_ (the “Plan”), and (ii) Open Space A as shown on said Plan.

1. Passive use of the Property. The Property shall be maintained for preserved open space, and only used for activities such as walking, jogging, hiking, sightseeing, bird watching and passive enjoyment, as well as to provide access for general educational activities. No buildings, utilities or other significant improvements shall be erected, used, maintained or allowed to stand on the Property, except boardwalks, steps and signs approved for marking by the Cape Elizabeth Greenbelt Committee, or any other municipal board which has been delegated such authority by the Grantee, within the Trail Easement area described on **Exhibit A**. Any and all such passive activities which occur on the Property shall be of a character harmonious with the natural beauty of the Property’s environment and shall not unreasonably interfere with the residential character of the Maxwell Woods Condominium or of the “Area 1 Multiplex Development” premises, and the peaceful residential occupancy thereof.
2. Restrictions on Vehicular Traffic. Snowmobiles, all-terrain vehicles, motorcycles, trail bikes and any other similar off-road motorized vehicles shall not be operated on the Property; provided that within or on the Trail Easement, being the 15’ wide trail shown on the Plan and described on Exhibit A, Grantee may allow the use of (i) non-motorized bicycles, and (ii) any use consistent with requirements of providing public access to persons with handicaps or disabilities, as required by laws governing such public facilities.
3. No Third-Party Enforcement. Grantor, the Maxwell Woods Condominium Association, the fee title owner of Area 1, and each of their respective successors in title to the benefited properties, are the only persons or entities having the right to enforce these restrictions. There shall be no person having a third-party right of enforcement of the terms and conditions hereof unless such right is expressly granted by an instrument duly recorded at the Cumberland County Registry of Deeds.

- 4. Miscellaneous. Grantee shall have the right to grant easements for the installation and maintenance of below-ground utilities, provided the holder or holders of such easements agree that any land and vegetation disturbed by the installation of utilities be thereafter restored, as nearly as possible, to its prior undisturbed state.

Notwithstanding any of the foregoing restrictions, the Property is conveyed subject to an Easement Deed from Aster Lane to the lot located on Spurwink Avenue labelled "N/F BAMFORD" shown on the Plan.

IN WITNESS WHEREOF, **MAXWELL WOODS, LLC** has caused this deed to be executed by its duly authorized Manager on [date].

WITNESS:

**MAXWELL WOODS, LLC**

\_\_\_\_\_

By: \_\_\_\_\_  
Joel S. FitzPatrick, Its Manager

STATE OF MAINE  
COUNTY OF \_\_\_\_\_

[date]

Personally appeared the above-named Joel FitzPatrick, Manager of **MAXWELL WOODS, LLC**, and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of said company.

\_\_\_\_\_  
Notary Public/Attorney-at-Law  
Print Name: \_\_\_\_\_

**Exhibit A to Deed to Town of Cape Elizabeth**  
**Exhibit A**

**Open Space A**

A certain lot or parcel of land located on the easterly sideline of Spurwink Avenue and the northerly side of Aster Lane in the Town of Cape Elizabeth, County of Cumberland, State of Maine as depicted on a plan entitled "Subdivision Plan of Maxwell Woods, Spurwink Avenue, Cape Elizabeth, ME for Maxwell Woods, LLC, 18 Ocean Street, Suite 3, South Portland, ME 04106" dated October 14, 2016 and revised through April 28, 2017 by Sebago Technics, Inc., the lot or parcel of land being more particularly bounded and described as follows:

Commencing at an existing 5/8" rebar, 2" above grade, bent with cap inscribed "PLS 1262" on the easterly sideline of Spurwink Road at land now or formerly of Katherine C. Gibbons, as described in a deed recorded at the Cumberland County Registry of Deeds (CCRD) in Book 24386, Page 57;

Thence S 26°39'45" W, along the easterly sideline of Spurwink Avenue and land of William Bamford as described in a deed recorded at the CCRD in Book 33572, Page 164, a distance of 125.44 feet to a 5/8" rebar with plastic cap inscribed (STI PLS 2009) to be set at the Point of Beginning;

Thence S 58°31'17" E, along land of William Bamford, a distance of 160.57 feet to a 5/8" rebar with plastic cap inscribed (STI PLS 2009) to be set;

Thence N 26°39'45" E, along land of William Bamford, a distance of 125.44 feet to a 5/8" rebar with plastic cap inscribed (STI PLS 2009) to be set at land now or formerly of Katherine C. Gibbons;

Thence S 58°31'17" E, along land now or formerly of Katherine C. Gibbons and land of Cottage Brook, LLC, as described in a deed recorded at the CCRD in Book 32238, Page 108, a distance of 354.21 feet to a 5/8" rebar with plastic cap inscribed (STI PLS 2009) to be set;

Thence S 51°32'15" E, along land of Cottage Brook, LLC, a distance of 57.85 feet to a 5/8" rebar with plastic cap inscribed (STI PLS 2009) to be set;

Thence S 31°36'23" E, along land of Cottage Brook, LLC, a distance of 240.14 feet to a granite monument to be set on the northerly sideline of Aster Lane at a point of curvature;

Thence along a tangent curve concave to the north and the northerly and northeasterly sideline of Aster Lane as defined by the following curve elements: having a radius of 107.55 feet, an arc length of 126.99 feet and a chord which bears N 87°48'39" W, a distance of 119.74 feet to a granite monument to be set at a point of tangency;

Thence N 53°59'06" W, along the northeasterly sideline of Aster Lane, a distance of 25.01 feet to a 5/8" rebar with plastic cap inscribed (STI PLS 2009) to be set at Area 1, Multi-Plex Development;

Thence N 59°23'31" E, along Area 1, Multi-Plex Development, a distance of 95.03 feet to a 5/8" rebar with plastic cap inscribed (STI PLS 2009) to be set;

Thence N 30°36'29" W, along Area 1, Multi-Plex Development, a distance of 65.93 feet to a 5/8" rebar with plastic cap inscribed (STI PLS 2009) to be set at a point of curvature;

Thence along a tangent curve concave to the southwest and Area 1, Multi-Plex Development as defined by the following curve elements: having a radius of 180.00 feet, an arc length of 146.56 feet and a chord which bears N 53°56'00" W, a distance of 142.54 feet to a 5/8" rebar with plastic cap inscribed (STI PLS 2009) to be set at a point of tangency;

Thence N 77°15'31" W, along Area 1, Multi-Plex Development, a distance of 65.93 feet to a 5/8" rebar with plastic cap inscribed (STI PLS 2009) to be set;

Thence S 12°44'29" W, along Area 1, Multi-Plex Development, a distance of 95.21 feet to a 5/8" rebar with plastic cap inscribed (STI PLS 2009) to be set on the northeasterly sideline of Aster Lane;

Thence N 53°59'06" W, along the northeasterly sideline of Aster Lane, a distance of 102.81 feet to a granite monument to be set at a point of curvature;

Thence along a tangent curve concave to the northeast and the northeasterly sideline of Aster Lane as defined by the following curve elements: having a radius of 150.00 feet, an arc length of 52.63 feet and a chord which bears N 43°56'09" W, a distance of 52.36 feet to a granite monument to be set at a point of reverse curvature;

Thence along a tangent curve concave to the south and the northeasterly sideline of Aster Lane as defined by the following curve elements: having a radius of 163.26 feet, an arc length of 200.44 feet and a chord which bears N 69°03'22" W, a distance of 188.09 feet to a granite monument to be set at a point of tangency;

Thence S 75°46'18" W, along the northerly sideline of Aster Lane, a distance of 57.14 feet to a granite monument to be set at a point of curvature;

Thence along a tangent curve concave to the north and the northerly sideline of Aster Lane as defined by the following curve elements: having a radius of 75.64 feet, an arc length of 53.94 feet and a chord which bears N 83°47'57" W, a distance of 52.80 feet to a granite monument to be set at a point of tangency;

Thence N 63°22'12" W, along the northerly sideline of Aster Lane, a distance of 23.72 feet to a granite monument to be set on the easterly sideline of Spurwink Avenue;

Thence N 26°39'45" E, along the easterly sideline of Spurwink Avenue, a distance of 111.36 feet to the Point of Beginning.

The herein described lot or parcel of land contains approximately 65,926 square feet or 1.51 acres.

### Trail Easement

The lot or parcel herein described is subject to a 15-foot wide public easement for purposes of a proposed trail, which .

The lot or parcel herein described is subject to a 20-foot wide utility easement benefiting land of William Bamford, as described in a deed recorded at the CCRD in Book 33572, Page 164, this easement is more particularly bounded and described as follows:

Commencing at a 5/8" rebar with plastic cap inscribed (STI PLS 2009) to be set at the westerly corner of land now or formerly of William Bamford on the easterly sideline of Spurwink Avenue;

Thence S 58°31'17" E, along land of William Bamford, a distance of 132.57 feet to a 5/8" rebar with plastic cap inscribed (STI PLS 2009) to be set at the Point of Beginning;

Thence S 58°31'17" E, along land of William Bamford, a distance of 20.00 feet to a point;

Thence S 31°28'43" W, through the herein described lot or parcel of land, a distance of 20.09 feet to a point on the northeasterly sideline of Aster Lane;

Thence along a curve concave to the southwest and the northeasterly sideline of Aster Lane as defined by the following curve elements: having a radius of 163.26 feet, an arc length of 24.64 feet and a chord which bears S 85°48'34" W, a distance of 24.62 feet to a point;

Thence N 31°28'43" E, through the herein described lot or parcel of land, a distance of 34.45 feet to the Point of Beginning.

The herein described easement contains approximately 538 square feet.

Bearings herein are based on Grid North, Maine State Plane Coordinate System, West Zone 1802, NAD83.

July 5, 2017

CDM/Ilg

**DECLARATION OF RESTRICTIONS REGARDING  
MAXWELL WOODS OPEN SPACE “B”**

**MAXWELL WOODS, LLC**, a Maine corporation (“Grantor”), with a place of business in South Portland, Maine, GRANTS and DECLARES, to and in favor of **TOWN OF CAPE ELIZABETH**, a municipal corporation organized and existing under the laws of the State of Maine (“Grantee”), whose mailing address is 320 Ocean House Road, P. O. Box 6260, Cape Elizabeth, Maine 04107, with **QUITCLAIM COVENANTS**, the following restrictions in, over and affecting land in Cape Elizabeth, County of Cumberland and State of Maine, and more particularly described on **Exhibit A** attached hereto and made a part hereof (hereinafter the “Property”).

Grantor hereby declares that the Property will be used, maintained, owned and forever restricted as follows, and grants to Grantee the right to specifically enforce the provisions of this Declaration as against the owner or owners of the Property from time to time.

This Property is hereby and hereafter subject to the following covenants which shall run with the title to the Property in perpetuity and shall be for the benefit of the Grantee, as a condition of approval of the project known as Maxwell Woods Condominium, as shown on a Plan recorded in the Cumberland County Registry of Deeds in Plan Book \_\_\_\_\_, Page \_\_\_\_\_ (the Plan”), to wit:

1. Passive use of the Property. The Property may be used for passive recreational activities only, to wit, walking, jogging, hiking, sightseeing, bird watching, and general educational activities. Any and all such passive activities which occur on the Property shall be of a character harmonious with the natural beauty of the Property’s environment and shall not unreasonably interfere with the residential character of the Maxwell Woods Condominium. This restriction shall not prohibit the permitted activity described in section 2, below.
2. Restrictions on Plan. Further, the Property is subject to the following restriction, as set forth in Note 25 of the Plan:

AREA DESIGNATED AS OPEN SPACE SHALL REMAIN IN A NATURAL UNDISTURBED STATE OR AS LAWN MAINTAINED OPEN SPACE FOR PERPETUITY WITH THE EXCEPTION OF LIMITED DISTURBANCE (i) TO CONSTRUCT, MAINTAIN, REPAIR OR REPLACE TRAILS AND (ii) TO CONSTRUCT, MAINTAIN, REPAIR OR REPLACE DRAINAGE AND UTILITY IMPROVEMENTS TO BE COMPLETED AS PART OF THIS SUBDIVISION PROJECT. REMOVAL OF DEAD OR DISEASED TREES WITHIN THE AREA DESIGNATED AS OPEN SPACE WITHIN THE SUBDIVISION IS ALLOWED WITH PERMISSION OF TOWN OF CAPE ELIZABETH CODE ENFORCEMENT OFFICER.



3. Buildings, Etc. No buildings, utilities or other significant improvements shall be erected, used, maintained or allowed to stand on the Property, except (i) boardwalks, steps and signs on the designated "Trail" and approved by the Maxwell Woods Association.
4. Restrictions on Vehicular Traffic. Snowmobiles, all-terrain vehicles, motorcycles, trail bikes and any other similar off road motorized vehicles **shall not be** operated on the Property, except as necessary in the development of the Maxwell Woods Condominium project. In addition, Grantor may enter with low-impact motorized vehicles for purposes of installation, maintenance and repair of improvements allowed under section 1, above.
5. No Third-Party Enforcement. Grantee and Grantor, and Grantor's successors and assigns in title to the Maxwell Woods Condominium property (and including specifically, but not limited to, the Maxwell Woods Condominium Association), is or are the only person(s) having the right to enforce these restrictions. There shall be no person having a third-party right of enforcement of the terms and conditions hereof unless such right is expressly granted by an instrument signed by Grantor and duly recorded at the Cumberland County Registry of Deeds.
6. Miscellaneous. Grantor shall have the right to grant easements for the installation and maintenance of below-ground utilities as shown on the Plan or as may be required by public utilities providing service to the Property or the Maxwell Woods Condominium, provided the holder or holders of such easements agree that any land and vegetation disturbed by the installation of utilities be thereafter restored, as nearly as possible, to its prior undisturbed state.

**This Declaration does not create, offer or imply any dedication to the general public or to the Town of Cape Elizabeth of rights in or to the use of the Property or the Trail shown on the Plan, except with respect to the right of enforcement granted to said Town or as expressly set forth in a separate instrument executed by the Grantor herein or its successors or assigns.**

IN WITNESS WHEREOF, MAXWELL WOODS, LLC has caused this deed to be executed by its duly authorized Manager on [date].

WITNESS:

**MAXWELL WOODS, LLC**

\_\_\_\_\_

By: \_\_\_\_\_  
Joel S. FitzPatrick, Its Manager

STATE OF MAINE  
COUNTY OF CUMBERLAND

[date]

Personally appeared the above-named Joel FitzPatrick, Manager of **MAXWELL WOODS, LLC**, and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of said company.

\_\_\_\_\_  
Notary Public/Attorney-at-Law

Print Name: \_\_\_\_\_

**Exhibit A**  
**“Open Space B”**

A certain lot or parcel of land located on the easterly side of Spurwink Avenue, but not adjacent thereto, and the southerly side of Aster Lane in the Town of Cape Elizabeth, County of Cumberland, State of Maine as depicted on a plan entitled “Subdivision Plan of Maxwell Woods, Spurwink Avenue, Cape Elizabeth, ME for Maxwell Woods, LLC, 18 Ocean Street, Suite 3, South Portland, ME 04106” dated October 14, 2016 and revised through April 28, 2017 by Sebago Technics, Inc., the lot or parcel of land being more particularly bounded and described as follows:

Beginning at a granite monument to be set at station 8+56.41 on the southerly sideline of Aster Lane at land of Cottage Brook, LLC as described in a deed recorded at the Cumberland County Registry of Deeds (CCRD) in Book 32238, Page 108;

Thence S 31°36’23” E, along land of Cottage Brook, LLC, a distance of 528.74 feet to a 5/8” rebar with plastic cap inscribed “STI PLS 2009” to be set;

Thence S 30°05’56” E, along land of Cottage Brook, LLC, a distance of 173.44 feet to an existing 5/8” rebar, 11” above grade with plastic cap inscribed “Titcomb Associates PLS 2273”, at land now or formerly of Canterbury Hills Owners Association, as described in a deed recorded at the CCRD in Book 7395, Page 341;

Thence S 34°34’53” W, along land now or formerly of land now or formerly of Canterbury Hills Owners Association, a distance of 821.44 feet to an existing 3/4” rebar, 12” above grade;

Thence N 30°59’01” W, along land now or formerly of land now or formerly of Canterbury Hills Owners Association, a distance of 399.37 feet to an existing 1/2” rebar, 4” above grade;

Thence N 30°35’36” W, along land now or formerly of land now or formerly of Canterbury Hills Owners Association, a distance of 267.42 feet to an existing 1/2” rebar, 12” above grade at land of William Bamford and Lois Bamford as described in a deed recorded at the CCRD in Book 27674, Page 164;

Thence N 28°42’07” E, along land of William Bamford and Lois Bamford, a distance of 348.39 feet to an existing 5/8” rebar, flush with cap inscribed “Titcomb Associates PLS 2273” at base of Maple tree;

Thence N 22°11’40” W, along land of William Bamford and Lois Bamford, a distance of 169.70 feet to a 5/8” rebar with plastic cap inscribed “STI PLS 2009” to be set;

Thence N 44°07’17” E, along land of William Bamford and Lois Bamford, a distance of 311.32 feet to a 5/8” rebar with plastic cap inscribed “STI PLS 2009” to be set on the southerly sideline of Aster Lane;

Thence S 01°14’02” W, along Area 2 (Condominium Development), a distance of 129.21 feet to a 5/8” rebar with plastic cap inscribed “STI PLS 2009” to be set;

Thence N 88°27’57” W, along Area 2 (Condominium Development), a distance of 70.36 feet to a 5/8” rebar with plastic cap inscribed “STI PLS 2009” to be set;

Thence S 00°44'00" W, along Area 2 (Condominium Development), a distance of 118.41 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set;

Thence S 04°27'34" W, along Area 2 (Condominium Development), a distance of 138.19 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set;

Thence S 14°44'01" W, along Area 2 (Condominium Development), a distance of 143.46 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set;

Thence S 06°25'00" E, along Area 2 (Condominium Development), a distance of 397.18 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set;

Thence S 37°10'14" E, along Area 2 (Condominium Development), a distance of 62.78 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set;

Thence S 49°48'50" E, along Area 2 (Condominium Development), a distance of 65.00 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set;

Thence N 40°11'10" E, along Area 2 (Condominium Development), a distance of 80.00 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set;

Thence S 83°00'47" E, along Area 2 (Condominium Development), a distance of 26.03 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set;

Thence S 54°30'00" E, along Area 2 (Condominium Development), a distance of 80.59 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set;

Thence N 34°45'22" E, along Area 2 (Condominium Development), a distance of 439.47 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set;

Thence N 11°57'29" E, along Area 2 (Condominium Development), a distance of 67.37 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set;

Thence N 17°17'22" W, along Area 2 (Condominium Development), a distance of 108.28 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set;

Thence N 35°10'15" W, along Area 2 (Condominium Development), a distance of 42.17 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set;

Thence N 29°52'28" W, along Area 2 (Condominium Development), a distance of 402.65 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set;

Thence S 62°38'26" W, along Area 2 (Condominium Development), a distance of 71.65 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set;

Thence N 01°14'02" E, along Area 2 (Condominium Development), a distance of 122.42 feet to a granite monument to be set at a point of curvature on the southerly sideline of Aster Lane;

Thence along a tangent curve concave to the north and the southerly sideline of Aster Lane as defined by the following curve elements: having a radius of 157.55, an arc length of 27.17 feet and a chord which bears N 63°18'49" E, a distance of 27.14 feet the Point of Beginning.

The herein described lot or parcel of land is subject to a 15' wide public trail easement.

The lot or parcel of land herein described is subject to Drainage Easement #1, #2 and #3 as depicted on the plan referenced above.

The herein described lot or parcel contains approximately 212,698 square feet or 4.88 acres.

Bearings herein are based on Grid North, Maine State Plane Coordinate System, West Zone 1802, NAD83.

July 5, 2017  
CDM/lfg

**DECLARATION OF RESTRICTIONS REGARDING  
AGRICULTURAL CONSERVATION OPEN SPACE**

**William H. Bamford** and **Lois E. Bamford**, both of Cape Elizabeth, ME 04107 (“Grantor”), do hereby DECLARE and GRANT to and in favor of **TOWN OF CAPE ELIZABETH**, a municipal corporation organized and existing under the laws of the State of Maine (“Grantee”), whose mailing address is 320 Ocean House Road, P. O. Box 6260, Cape Elizabeth, Maine 04107, the following restrictions in, over and affecting land in Cape Elizabeth, County of Cumberland and State of Maine, and more particularly described on **Exhibit A** attached hereto and made a part hereof (hereinafter the “Property”).

WHEREAS, the Property is currently used and operated predominantly as agricultural lands for agricultural use, in and as part of Grantors’ adjacent and nearby lands and other property;

WHEREAS, the Grantee has a public interest in maintaining farm and agricultural lands in the Town of Cape Elizabeth;

WHEREAS, the Property is being restricted in its use as a part of, and in consideration of, the development by others of portions of Grantors’ land and of land of others, such development being called Maxwell Woods, as shown on a Plan recorded in the Cumberland County Registry of Deeds in Plan Book \_\_\_\_\_, Page \_\_\_\_\_ (the Plan”);

Now, therefore, Grantor hereby declares that the Property will be used, maintained, owned and forever restricted as follows, and grants to Grantee the right to specifically enforce the provisions of this Declaration as against the owner or owners of the Property from time to time.

The Property is hereby and hereafter subject to the following covenants, which shall run with the title to the Property in perpetuity and shall be for the benefit of the Grantee, to wit:

The Property must be used for farming, agricultural or horticultural activities, or the production of agricultural products and may include woodland and wasteland within the Property. Agricultural activity includes but is not limited to: farm equipment storage and parking, equipment sheds and barns, seasonal temporary agricultural farm worker housing, greenhouses, temporary crop storage structures, and animal pens and barns. Horticultural activity means the production of vegetables, tree fruits, small fruits, flowers and woody or herbaceous plants.

"Agricultural products" means those plants and animals and their products that are useful to humans and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and poultry products, bees and bees' products, livestock and livestock products and fruits, berries, vegetables, flowers, seeds, grasses and other similar products, or any other plant, animal or plant or animal products that supply humans with food, feed, fiber or fur. "Agricultural products" does not include trees grown and harvested for forest products.

The Property may be encumbered by easement rights to drain and flow stormwater in, over and across those two “drainage easements” shown on the Plan, such rights to be granted by separate instruments.

The Property shall always be conveyed together with and as part of another parcel or lot of contiguous land from which the Property will always retain a lawful means of access to and from a public road or street, whether by means of an easement across another lot or parcel having frontage on a street or as a portion of such a lot or parcel. The purpose of the within restriction is to ensure that the Property is not made or rendered as a “landlocked” lot without a means of access to and from a public road or street.

**This Declaration does not create, offer or imply any dedication to the general public or to the Town of Cape Elizabeth of rights in or to the use of the Property, except with respect to the right of enforcement granted to said Town.**

IN WITNESS WHEREOF, **William H. Bamford** and **Lois E. Bamford** have executed and delivered this Declaration on \_\_\_\_, 2017.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**Lois E. Bamford**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**William H. Bamford**

STATE OF MAINE  
COUNTY OF CUMBERLAND

[date]

Personally appeared the above-named **William Bamford** and **Lois Bamford**, and acknowledged the foregoing instrument to be their free act and deed.

\_\_\_\_\_  
Notary Public/Attorney-at-Law  
Print Name: \_\_\_\_\_

**Exhibit A**  
**Agricultural Conservation Open Space**

A certain lot or parcel of land located on the easterly side of Spurwink Avenue, but not adjacent thereto, and southwesterly of Aster Lane, but not adjacent thereto, in the Town of Cape Elizabeth, County of Cumberland, State of Maine as depicted on a plan entitled "Subdivision Plan of Maxwell Woods, Spurwink Avenue, Cape Elizabeth, ME for Maxwell Woods, LLC, 18 Ocean Street, Suite 3, South Portland, ME 04106" dated October 14, 2016 and revised through April 28, 2017 by Sebago Technics, Inc., the lot or parcel of land being more particularly bounded and described as follows:

Beginning at an existing 1/2" rebar, 12" above grade at land now or formerly of Canterbury Hills Owners Association, as described in a deed recorded at the Cumberland County Registry of Deeds (CCRD) in Book 7395, Page 341;

Thence N 30°06'00" W, along land now or formerly of Canterbury Hills Owners Association, a distance of 335.55 feet to a point at land now or formerly of Dharma, LLC, as described in a deed recorded at the CCRD in Book 20574, Page 108, from which an existing 1" iron pipe, 6" above bears S 24°54'55" W, a distance of 0.23 feet;

Thence N 42°54'43" W, along land now or formerly of Dharma, LLC, a distance of 34.02 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set at land of William Bamford and Lois Bamford as described in a deed recorded at the CCRD in Book 27674, Page 164;

Thence S 83°20'53" E, along land of William Bamford and Lois Bamford, a distance of 96.18 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set;

Thence N 22°09'25" E, along land of William Bamford and Lois Bamford, a distance of 72.63 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set;

Thence N 46°01'22" W, along land of William Bamford and Lois Bamford, a distance of 61.23 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set;

Thence N 05°10'36" E, along land of William Bamford and Lois Bamford, a distance of 23.33 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set;

Thence N 77°25'48" E, along land of William Bamford and Lois Bamford, a distance of 41.27 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set;

Thence N 62°27'53" E, along land of William Bamford and Lois Bamford, a distance of 111.90 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set;

Thence S 64°40'43" E, along land of William Bamford and Lois Bamford, a distance of 82.07 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set at Open Space B;

Thence S 22°11'40" E, along Open Space B, a distance of 169.70 feet to a 5/8" rebar with plastic cap inscribed "STI PLS 2009" to be set;

Thence S 28°42'07" W, along Open Space B, a distance of 348.39 feet to the Point of Beginning.

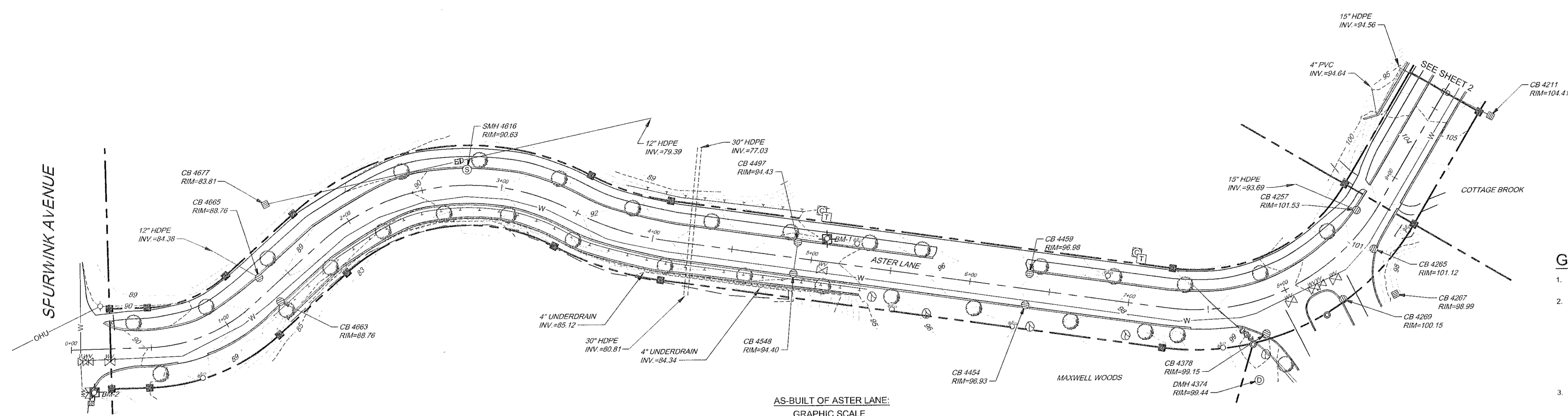
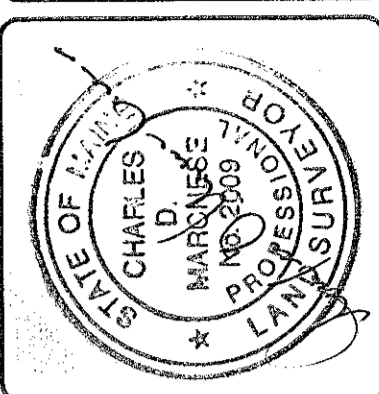


8-10

This lot or parcel of land is subject to Drainage Easement #1 and Drainage Easement #2 as depicted on the above referenced plan.

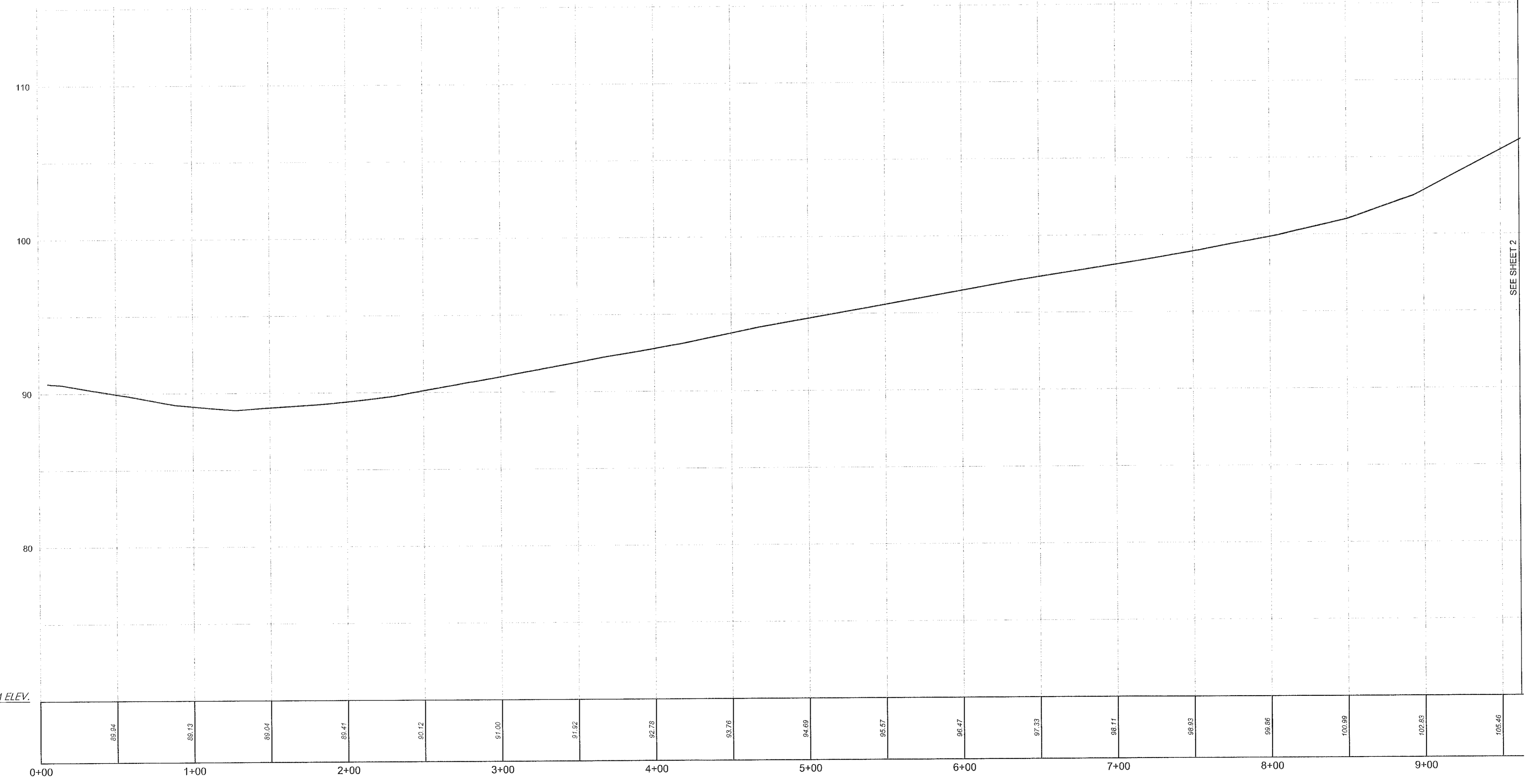
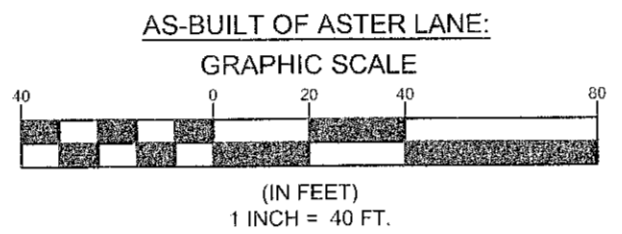
The herein described lot or parcel contains approximately 90,295 square feet or 2.07 acres.

Bearings herein are based on Grid North, Maine State Plane Coordinate System, West Zone 1802, NAD83.



- GENERAL NOTES:**
- TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON FIELD WORK PERFORMED BY SEBAGO TECHNICS, INC. IN OCTOBER 2019.
  - PLAN REFERENCES:
    - "2ND AMENDED SUBDIVISION PLAN COTTAGE BROOK CONDOMINIUM" BY SEBAGO TECHNICS, INC., FOR RECORD OWNER COTTAGE BROOK, LLC, DATED MAY 29, 2015, REVISED THROUGH JULY 28, 2015, RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS PLAN BOOK 215, PAGE 325.
    - "SITE AND SUBDIVISION PLAN MAXWELL WOODS" BY SEBAGO TECHNICS, INC., FOR MAXWELL WOODS, LLC DATED MARCH 3, 2017 AND REVISED THROUGH JANUARY 12, 2018, RECORDED IN CGRD PLAN BOOK 218, PAGE 81.
  - PLAN ORIENTATION IS GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1802-NAD83, ELEVATIONS DEPICTED HEREON ARE NAVD88, BASED ON DUAL FREQUENCY GPS OBSERVATIONS.
  - BENCHMARK:
 

BM-1	FLANGE BOLT ON HYDRANT ROADSIDE	ELEVATION: 97.13 (NAVD88)
BM-2	FLANGE BOLT ON HYDRANT	ELEVATION: 92.18 (NAVD88)
  - UTILITY INFORMATION DEPICTED HEREON, UNLESS OTHERWISE NOTED, IS OF QUALITY LEVEL D PER AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) STANDARD CHSICE 39-02. UTILITIES DEPICTED HEREON MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTRACTORS AND/OR DESIGNERS NEED TO CONTACT DIG-SAFE SYSTEMS, INC. (1-888-DIG-SAFE) AND FIELD VERIFY EXISTING UTILITIES WITHIN THE PROJECT AREA PRIOR TO CONSTRUCTION AND/OR EXCAVATION.



ASBUILT PROFILE OF ASTER LANE.  
SCALE: HORIZ. 1" = 40'  
VERT. 1" = 4'

**LEGEND**

EXISTING	
---	PROPERTY LINE/O.W.
- - -	ABUTTER LINE/O.W.
⊕	MONUMENT TO BE SET
⊙	IRON PIPE/ROD
—	EDGE PAVEMENT
—	CURB LINE
--- 120 --- 118 ---	CONTOURS
—	GUARD RAIL
⊙	DECIDUOUS TREE
—	MULCH LINE
W	WATER
⊕	WATER GATE VALVE
⊕	WATER SHUT OFF
⊕	HYDRANT
S	SANITARY SEWER
⊕	SANITARY MANHOLE
SD	STORM DRAIN
⊕	DRAINAGE MANHOLE
⊕	CATCH BASIN
OHU	OVERHEAD UTILITY
UGU	UNDERGROUND UTILITY
⊕	TRANSFORMER PAD
⊕	UTILITY POLE
⊕	COMMUNICATIONS BOX
⊕	BOULDER

DATUM ELEV.  
70.00

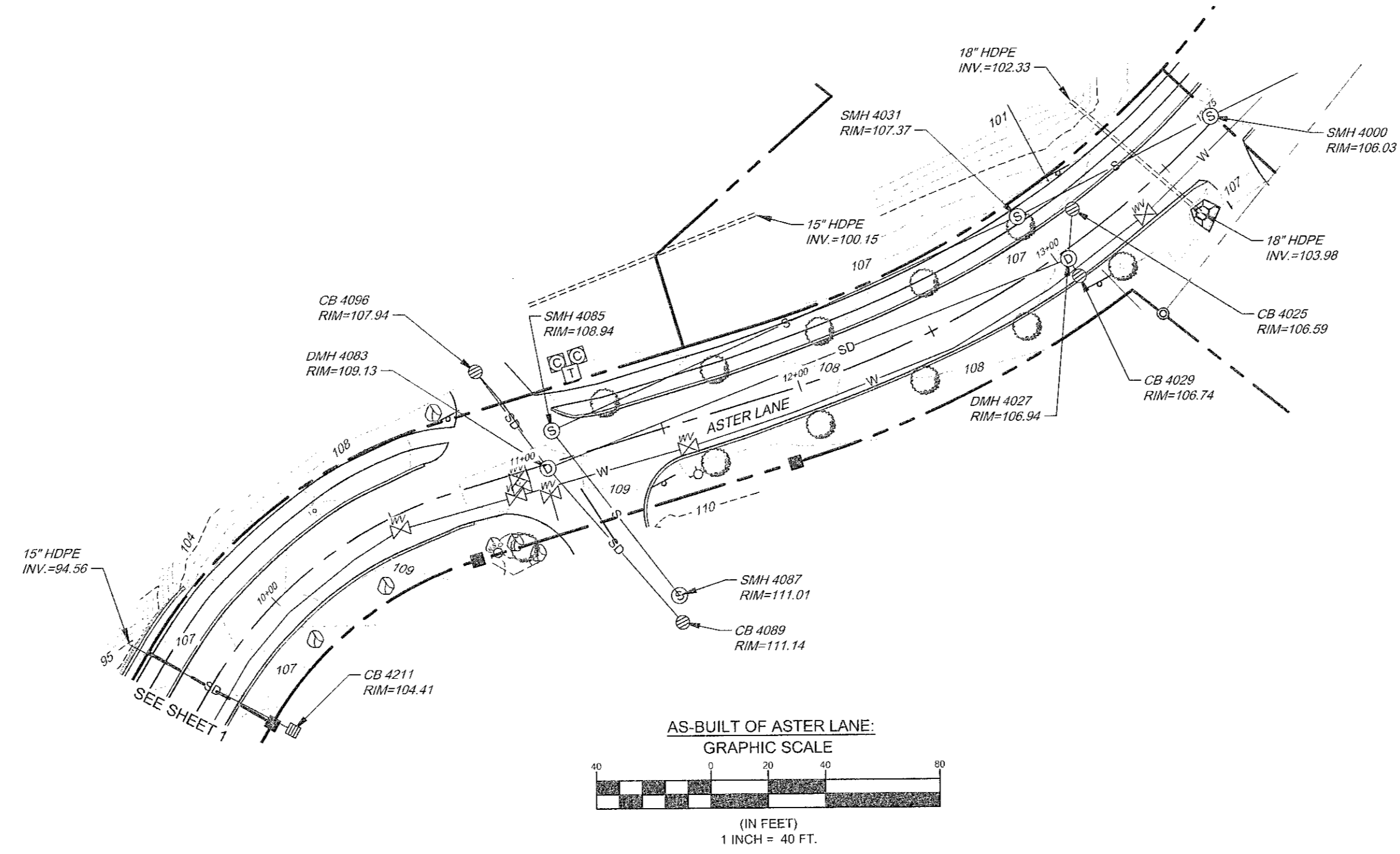
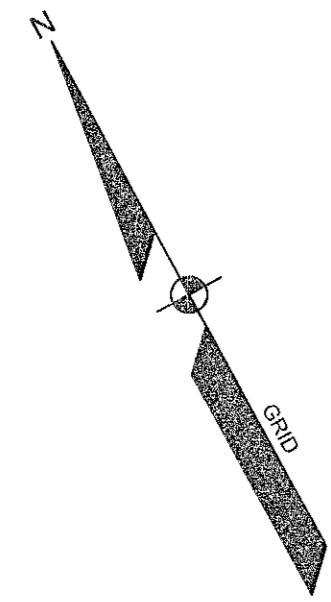
ISSUED TO TOWN FOR REVIEW	DATE	11/21/19	BY	OAM
STATUS	DATE	11/21/19	BY	OAM

WWW.SEBAGOTECHNICS.COM  
75 John Roberts Rd.  
South Portland, ME 04106  
Tel. 207-200-2100

**SEBAGO**  
TECHNICS  
WWW.SEBAGOTECHNICS.COM  
75 John Roberts Rd.  
South Portland, ME 04106  
Tel. 207-200-2100

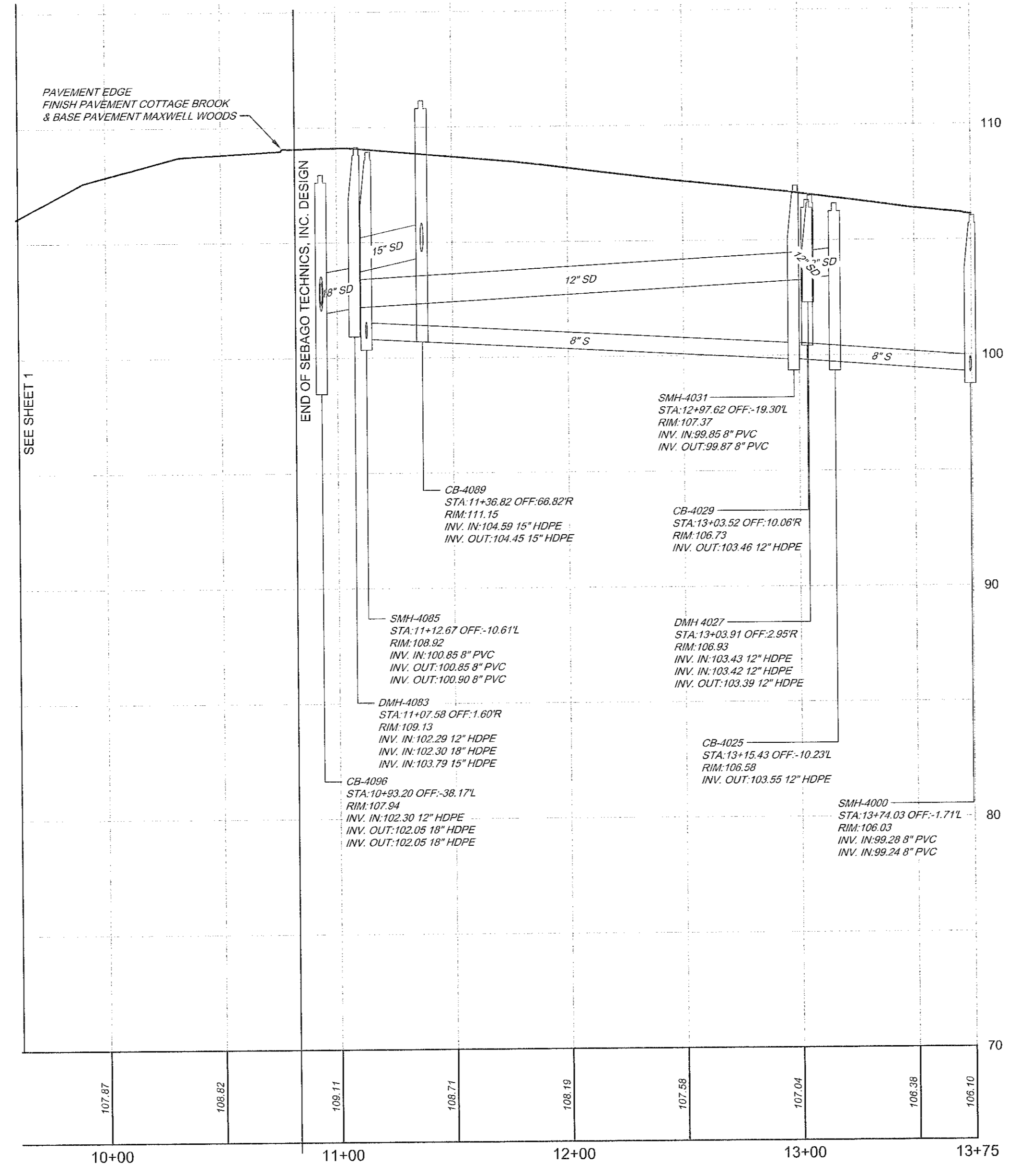
AS-BUILT SURVEY PLAN  
OF:  
ASTER LANE-MAXWELL WOODS  
SPURWINK AVENUE  
CAPE ELIZABETH, ME  
FOR:  
MAXWELL WOODS, LLC  
18 OCEAN STREET, SUITE 3  
SOUTH PORTLAND, ME 04106

DESIGNED	TSL
DRAWN	TSL
CHECKED	OAM
DATE	11/21/2019
SCALE	AS NOTED
PROJECT	15071



STRUCTURE TABLE									
POINT #	STRUCTURE TYPE	RIM EL.	INV.	INV. EL.	SIZE	TYPE	LOCATION (N=12)	COMMENTS	
4000	SMH	106.03	IN	99.28	8	PVC	8		
			OUT	99.24	8	PVC	2		
4025	CBR	106.58	OUT	103.55	12	HDPE	7		
			SUMP	99.84					
4027	DMH	106.93	OUT	103.39	12	HDPE	9		
			IN	103.42	12	HDPE	6		
4029	CBR	106.73	IN	103.43	12	HDPE	1		
			SUMP	102.8					
4031	SMH	107.37	IN	99.87	8	PVC	10		
			OUT	99.85	8	PVC	2		
4083	DMH	109.13	SHELF	100.33					
			IN	102.29	12	HDPE	3		
4085	SMH	108.92	IN	103.79	15	HDPE	6		
			OUT	102.3	18	HDPE	12		
4087	SMH	111.03	SUMP	101.43					
			IN	100.9	8	PVC	9		
4089	CBR	111.15	IN	100.85	8	PVC	6		
			OUT	100.85	8	PVC	3		
4096	CBR	107.91	SHELF	101.3					
			IN	104.94	8	PVC	5		
			OUT	104.57	8	PVC	12		
			SHELF	105.99					
			IN	104.59	15	HDPE	6		
			OUT	104.45	15	HDPE	12		
			SUMP	101.2					
			IN	102.05	18	HDPE	6		
			IN	103.47	12	HDPE	2		
			OUT	102.06	18	HDPE	12		
			SUMP	98.94					

- GENERAL NOTES:**
- TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON FIELD WORK PERFORMED BY SEBAGO TECHINCS, INC. IN OCTOBER 2019.
  - PLAN REFERENCES:
    - "2ND AMENDED SUBDIVISION PLAN COTTAGE BROOK CONDOMINIUM" BY SEBAGO TECHINCS, INC. FOR RECORD OWNER COTTAGE BROOK, LLC, DATED MAY 29, 2015 REVISED THROUGH JULY 28, 2015. RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS PLAN BOOK 215, PAGE 325.
    - "SITE AND SUBDIVISION PLAN MAXWELL WOODS" BY SEBAGO TECHINCS, INC. FOR MAXWELL WOODS, LLC DATED MARCH 3, 2017 AND REVISED THROUGH JANUARY 12, 2018. RECORDED IN CCRD PLAN BOOK 218, PAGE 81.
  - PLAN ORIENTATION IS GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1802-NAD83. ELEVATIONS DEPICTED HEREON ARE NAVD88, BASED ON DUAL FREQUENCY GPS OBSERVATIONS.
  - BENCHMARK:
    - BM-1 FLANGE BOLT ON HYDRANT ROADSIDE ELEVATION: 97.13 (NAVD88)
    - BM-2 FLANGE BOLT ON HYDRANT ELEVATION: 92.18 (NAVD88)
  - UTILITY INFORMATION DEPICTED HEREON, UNLESS OTHERWISE NOTED, IS OF QUALITY LEVEL D PER AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) STANDARD CHANCE 38-52. UTILITIES DEPICTED HEREON MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTRACTORS AND/OR DESIGNERS NEED TO CONTACT DIG-SAFE SYSTEMS, INC. (1-888-DIG-SAFE) AND FIELD VERIFY EXISTING UTILITIES WITHIN THE PROJECT AREA PRIOR TO CONSTRUCTION AND/OR EXCAVATION.



**LEGEND**

EXISTING	
---	PROPERTY LINE R.O.W.
---	ABUTTER LINE R.O.W.
■	MONUMENT TO BE SET
⊙	IRON PIPE/ROD
---	EDGE PAVEMENT
---	CURB LINE
---	CONTOURS
---	GUARD RAIL
○	DECIDUOUS TREE
---	MULCH LINE
W	WATER
⊗	WATER GATE VALVE
⊕	WATER SHUT OFF
⊙	HYDRANT
S	SANITARY SEWER
⊙	SANITARY MANHOLE
SD	STORM DRAIN
⊙	DRAINAGE MANHOLE
⊙	CATCH BASIN
OHU	OVER-HEAD UTILITY
UGU	UNDERGROUND UTILITY
T	TRANSFORMER PAD
⊙	UTILITY POLE
⊙	COMMUNICATIONS BOX
⊙	BOULDER

CHARLES D. MARCHESE, P.L.S. 2009  
 OWENSA, MCDONOUGH, PE 1122

1507/18B-C3D.dwg, TAB A-B2

REV.	BY	DATE	STATUS
A	OAM	11/21/19	ISSUED TO TOWN FOR REVIEW

1507/18B-C3D.dwg, TAB A-B2

DESIGNED	-
DRAWN	TSL
CHECKED	OAM
DATE	11/21/2019
SCALE	AS NOTED
PROJECT	15071

1507/18B-C3D.dwg, TAB A-B2

AS-BUILT SURVEY PLAN  
 OF:  
 ASTER LANE COTTAGE BROOK  
 SPRUWINK AVENUE  
 CAPE ELIZABETH, ME  
 FOR:  
 MAXWELL WOODS, LLC  
 16 OCEAN STREET, SUITE 200  
 SOUTH PORTLAND, ME 04106  
 Tel. 207-200-2100

1507/18B-C3D.dwg, TAB A-B2

WWW.SEBAGOTECHINCS.COM  
 75 John Pike's Rd.  
 Suite 44  
 South Portland, ME 04106  
 Tel. 207-200-2100

1507/18B-C3D.dwg, TAB A-B2

SHEET 2 OF 2