

WARRANTY DEED

Maine Statutory Short Form

(Paddock Way and portion of Kilarney Way)

Know all Men by these Presents,

That, **Paddock Way, LLC**, a limited liability company organized and existing under the laws of the State of Maine, with a place of business at _____ in the Town of Falmouth, County of Cumberland and State of Maine (the “Grantor”), for consideration paid, grants to: **Town of Falmouth**, a Maine municipal corporation, having a mailing address of 271 Falmouth Road, Falmouth, Maine 04105 (the “Grantee”), with warranty covenants, the land in Falmouth, County of Cumberland, and State of Maine, described as follows:

A certain lot or parcel of land, together with any buildings and improvements thereon, situated in the Town of Falmouth, County of Cumberland, and State of Maine as set forth in **Exhibit A** attached hereto and made a part hereof.

This conveyance is made without claim for damages, the Falmouth Town Council having voted at a duly held meeting on _____, 2020 to accept those portions of Paddock Way and Kilarney Way as described herein and to establish each as a Town Way.

In Witness Whereof, the said **Paddock Way, LLC** has caused this instrument to be executed by Michael Major, its Member/Manager, thereunto duly authorized this ____ day of _____, 2020.

Signed, Sealed and Delivered
in presence of

Paddock Way, LLC

By: _____

Michael Major

Its: Member/Manager

State of Maine

County of Cumberland, ss:

_____, 2020

Then personally appeared the above named Michael Major, Member/Manager of said Paddock Way, LLC and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said Paddock Way, LLC.

Before me,

Attorney at Law/Notary Public

Printed Name: _____

EXHIBIT A
Parcel I: Paddock Way, Falmouth, Maine

A certain parcel of land known as "Paddock Way" located on the southerly side of Winn Road in the Town of Falmouth, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at a point on the southerly sideline of Winn Road at the northeasterly corner of land now or formerly of Craig R. Jones as described in a deed recorded in the Cumberland County Registry of Deeds in Book 10278, Page 150, and as shown on a Plan of Paddock Way Subdivision recorded in said Registry in Plan Book 205, Page 234. Thence by the following courses:

(1) N 67°30'54" E by said Winn Road a distance of Ninety and 02/100 (90.02) feet to a point and the northwesterly corner of Open Space I as shown on said Plan;

(2) Southerly by said Open Space 1, following a curve to the left having a radius of Twenty and 00/100 (20.00) feet, an arc distance of Thirty-One and 26/100 (31.26) feet to a point, said point being located S 22°44'39" W a distance of Twenty-Eight and 17/100 (28.17) feet from the last mentioned point;

(3) S 22°01'36" E by said Open Space 1 a distance of Eighty-Eight and 61/100 (88.61) feet to a point of curvature;

(4) Southerly by said Open Space 1 and by Lot 1 as shown on said Plan, following a curve the left having a radius of Six Hundred Twenty-Five and 00/100 (625.00) feet, an arc distance of One Hundred Eight and 22/100 (108.22) feet to a point of tangency;

(5) S 31°56'52" E by said Lot 1 a distance of Fifty-Seven and 37/100 (57.37) feet to a point of curvature;

(6) Southerly by said Lot 1, following a curve to the right having a radius of Three Hundred Seventy-Five and 00/100 (375.00) feet, an arc distance of Ninety-Seven and 92/100 (97.92) feet to a point of tangency;

(7) S 16°59'14" E by said Lot I and by Lot 2 as shown on said Plan a distance of Ninety-Eight and 36/100 (98.36) feet to a point of curvature;

(8) Southerly by said Lot 2, following a curve to the left having a radius of One Hundred Twenty-Five and 00/100 (125.00) feet, an arc distance of One Hundred Four and 87/100 (104.87) feet to a point of tangency;

(9) S 65°03'21" E by said Lot 2 and by Lot 3 as shown on said Plan a distance of One Hundred and 00/100 (100.00) feet to a point of curvature;

(10) Southeasterly by said Lot 3, following a curve to the right having a radius of Three Hundred Twenty-Five and 00/100 (325.00) feet, an arc distance of One Hundred Ninety-Three and 61/100

(193.61) feet to a point of tangency:

(11) S 30°55'27" E by said Lot 3 and by Lots 4 & 5 as shown on said Plan a distance of Three Hundred Thirty-Four and 89/100 (334.89) feet to a point of curvature;

(12) Southerly by said Lot 5, and by Kilarney Way and by Lot 7 as shown on said Plan, following a curve to the right having a radius of Two Hundred Sixty and 00/100 (260.00) feet, an arc distance of Three Hundred Thirty-Nine and 45/100 (339.45) feet to a point of tangency;

(13) S 43°52'51" W by said Lot 7 and by Open Space 2 as shown on said Plan a distance of Three Hundred Twelve and 13/100 (312.13) feet to a point of curvature;

(14) Southerly by said Open Space 2, following a curve to the left having a radius of Thirty and 00/100 (30.00) feet, an arc distance of Forty-Seven and 12/100 (47.12) feet to a point of tangency;

(15) S 46°07'09" E by said Open Space 2 a distance of Thirty-Nine and 42/100 (39.42) feet to a point;

(16) S 43°52'51" W by said Open Space 2 a distance of Fifty and 00/100 (50.00) feet to a point;

(17) N 46°07'09" W by said Open Space 2 a distance of Thirty-Nine and 42/100 (39.42) feet to a point of curvature;

(18) Westerly by said Open Space 2, following a curve to the left having a radius of Thirty and 00/100 (30.00) feet, an arc distance of Forty-Seven and 12/100 (47.12) feet to a point of tangency;

(19) S 43°52'51" W by said Open Space 2 a distance of Twenty-Two and 75/100 (22.75) feet to a point;

(20) N 46°07'09" W by said Open Space 2 a distance of Fifty and 00/100 (50.00) feet to a point;

(21) N 43°52'51" E by Lots 8 & 9 by said Open Space 2, as shown on said Plan a distance of Four Hundred Forty-Four and 88/100 (444.88) feet to a point of curvature;

(22) Northerly by said Lot 8, following a curve to the left having a radius of Two Hundred Ten and 00/100 (210.00) feet, an arc distance of Two Hundred Seventy-Four and 17/100 (274.17) feet to a point of tangency;

(23) N 30°55'27" W by said Lot 8 and by land now or formerly of David Brunner and Phyllis A. Brunner as described in a deed recorded in said Registry in Book 14472, Page 310 a distance of Three Hundred Thirty-Four and 89/100 (334.89) feet to a point of curvature and the southeasterly corner of said land of Jones;

(24) Northwesterly by said land of Jones, following a curve to the left having a radius of Two Hundred Seventy-Five and 00/100 (275.00) feet, an arc distance of One Hundred Sixty-Three and

82/100 (163.82) feet to a point of tangency;

(25) N 65°03'21" W by said land of Jones a distance of One Hundred and 00/100 (100.00) feet to a point of curvature;

(26) Northerly by said land of Jones, following a curve to the right having a radius of One Hundred Seventy-Five and 00/100 (175.00) feet, an arc distance of One Hundred Forty-Six and 81/100 (146.81) feet to a point of tangency;

(27) N 16°59'14" W by said land of Jones a distance of Ninety-Eight and 36/100 (98.36) feet to a point of curvature;

(28) Northerly by said land of Jones, following a curve to the left having a radius of Three Hundred Twenty-Five and 00/100 (325.00) feet, an arc distance of Eighty-Four and 86/100 (84.86) feet to a point of tangency;

(29) N 31°56'52" W by said land of Jones a distance of Fifty-Seven and 38/100 (57.38) feet to a point of curvature;

(30) Northerly by said land of Jones, following a curve to the right having a radius of Six Hundred Seventy-Five and 00/100 (675.00) feet, an arc distance of One Hundred Fifteen and 81/100 (115.81) feet to a point of tangency;

(31) N 22°01'36" W by said land of Jones a distance of Eighty-Eight and 99/100 (88.99) feet to a point of curvature;

(32) Northwesterly by said land of Jones, following a curve to the left having a radius of Twenty and 00/100 (20.00) feet, an arc distance of Thirty-One and 56/100 (31.56) feet to the point of beginning.

The above described parcel of land contains 101,982 square feet, or 2.34 acres, and being shown as Paddock Way on a Plan of Paddock Way Subdivision recorded in the Cumberland County Registry of Deeds in Plan Book 205, Page 234 (the "Plan"). Bearings are referenced to Magnetic North 2002.

Parcel II: Kilarney Way, Falmouth, Maine, Paddock Subdivision

A certain parcel of land being a portion of "Kilarney Way" located on the easterly side of Paddock Way in the Town of Falmouth, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at a point at the westerly corner of land now or formerly of Wayne D. Piers and Sheri L. Piers as described in a deed recorded in the Cumberland County Registry of Deeds in Book 19441, Page 204, and also being shown as Parcel 4 on a Plan of Cavendish Subdivision recorded in said Registry in Plan Book 203, Page 636, and the northerly corner of Lot 6 as shown on a Plan of Paddock Way Subdivision recorded in said Registry in Plan Book 205, Page 234. Thence by the

following courses:

(1) S 58°33'37" W by said Lot 6 and by Lot 7 as shown on said Plan of Paddock Way Subdivision a distance of Two Hundred Ninety-Five and 57/100 (295.57) feet to a point of curvature;

(2) Westerly by said Lot 7, following a curve to the right having a radius of One Hundred Sixty and 00/100 (160.00) feet, an arc distance of Sixty-Four and 92/100 (64.92) feet to a point of reverse curvature;

(3) Westerly by said Lot 7, following a curve to the left having a radius of Thirty and 00/100 (30.00) feet, an arc distance of Thirty-Four and 37/100 (34.37) feet to a point and the easterly sideline of Paddock Way as shown on said Plan of Paddock Way Subdivision;

(4) Northerly by said Paddock Way, following a curve to the left having a radius of Two Hundred Sixty and 00/100 (260.00) feet, an arc distance of One Hundred Five and 74/100 (105.74) feet to a point and the southwesterly corner of Lot 5 as shown on said Plan of Paddock Way Subdivision, said point being located N 04°30'59" W a distance of One Hundred Five and 01/100 (105.01) feet from the last mentioned point;

(5) Easterly by said Lot 5, following a curve to the left having a radius of Thirty and 00/100 (30.00) feet, an arc distance of Fifty-Seven and 51/100 (57.51) feet to a point of compound curvature, said point being located S 62°03'21" E a distance of Forty-Nine and 10/100 (49.10) feet from the last mentioned point;

(6) Easterly by said Lot 5, following a curve to the left having a radius of One Hundred Ten and 00/100 (110.00) feet, an arc distance of Eight and 57/100 (8.57) feet to a point of tangency;

(7) N 58°33'37" E by said Lot 5 a distance of Two Hundred Ninety-One and 02/100 (291.02) feet to a point and the southerly corner of Common Open Space 21,307 s.f./0.49 ac. as shown on said Plan of Cavendish Subdivision;

(8) S 36°37'48" E through said Kilarney Way a distance of Fifty and 21/100 (50.21) feet to the point of beginning.

The above described parcel of land contains 18,449 square feet, or 0.42 acres, and being the portion of Kilarney Way contained within Paddock Way Subdivision as shown on a plan recorded in the Cumberland County Registry of Deeds in Plan Book 205, Page 234 (the "Plan").

Bearings are referenced to Magnetic North 2002.

Parcel I and Parcel II conveyed herein are a portion of the premises conveyed to Paddock Way, LLC by Warranty Deed from Craig R. Jones dated February 16, 2005 and recorded in the Cumberland County Registry of Deeds in Book 22332, Page 269, and from Cooper W. Higgins and Joanne S. Higgins to Paddock Way, LLC by deed dated February 25, 2005 and recorded in the Cumberland County Registry of Deeds in Book 22378, Page 51.

Parcel I (Paddock Way) and Parcel II (Kilarney Way) are conveyed subject to the right and easement held by the owners of all lots in said Paddock Way Subdivision in and to the use of Paddock Way and Kilarney Way as shown on said Plan for vehicular and pedestrian access to and from said lots and for the installation, use, maintenance, repair and replacement of utilities over, under and through said Paddock Way and Kilarney Way to serve said lots including, but not limited to, power lines, sewer and water lines, telephone and other communication lines, and cable television lines, and/or the right to connect with and use any such utilities that may be placed in said Paddock Way and Kilarney Way by Paddock Way, LLC, its successors and assigns. Nothing in this instrument shall be construed as altering or modifying (a) any existing easements previously granted to utility companies; or (b) any rules, ordinances, statutes or restrictions now or hereafter affecting or governing the use and installation of utilities under, over or within a public way.

Parcel I (Paddock Way) and Parcel II (Kilarney Way) are or may be subject to the following easements, restrictions, covenants and matters of record affecting title:

1. Sewer easement from Craig R. Jones to Town of Falmouth dated January 13, 1999 and recorded in Book 14472, Page 312.
2. Sewer easement from Craig R. Jones, Cooper Higgins and Joanne Higgins to Town of Falmouth dated September 4, 2001 and recorded in Book 16704, Page 259.
3. Notes and such state of facts as are shown on plan entitled Paddock Way Subdivision by Titcomb Associates date March 15, 2005 and recorded in Plan Book 205, Page 234.
4. Easement deed from Paddock Way, LLC to Portland Water District dated June 14, 2005 and recorded in Book 22768, Page 59.
5. Easement deed from Paddock Way, LLC to Central Maine Power Company and Verizon New England, Inc., dated May 4, 2005 and recorded in Book 22766, Page 167.
6. State of Maine Department of Environmental Protection Order Re: Libby Construction and Development, Paddock Way and Cavendish Way Subdivision dated April 11, 2005 and recorded in Book 22604, Page 211, and _____ to be recorded in the Cumberland County Registry of Deeds (collectively, the "DEP Orders").
7. Terms and provisions of Paddock Way Deed Restrictions and Covenants dated July 1, 2005 and recorded in Book 22877, Page 206.
8. Rights and easements reserved in warranty deed from Craig R. Jones to Paddock Way, LLC dated February 16, 2005 and recorded in Book 22332, Page 269.
9. Rights and easements set forth in deed from Craig R. Jones to Paddock Way, LLC dated July 2, 2007 and recorded in Book 25250, Page 68.

Also granting to the Grantee a perpetual, non-exclusive drainage right and easement, under, over and across those portions of Lots 1, 2 and 6 within the Paddock Way Subdivision labeled as “Drainage Easement” on the Plan (collectively, the “Drainage Easement Areas”), which rights and easements are appurtenant to Parcel I and Parcel II conveyed herein, for purposes of collecting, discharging and draining surface and groundwater from Paddock Way and Kilarney Way into and onto the Drainage Easement Areas, and for purposes of entering upon the Drainage Easement Areas in order to inspect, install, use, maintain, repair, relocate or replace any landscaping or improvements as may be required in connection with such drainage.

Said Drainage Easement Areas are more particularly bounded and described in **Exhibit B** attached hereto and made a part hereof.

EXHIBIT B
Drainage Easement
(Lot 1 & Lot 2) Paddock Way Subdivision
Falmouth, Maine

A certain drainage easement located on the easterly side of Paddock Way in the Town of Falmouth, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at a point on the easterly sideline of Paddock Way at the southwesterly corner of Lot 1 and the northwesterly corner of Lot 2 as shown on a Plan of Paddock Way Subdivision recorded in the Cumberland County Registry of Deeds in Plan Book 205, Page 234. Thence:

(1) N 16°59'14" W by said Paddock Way a distance of Thirty-Four and 96/100 (34.96) feet to a point of curvature;

(2) Northerly by said Paddock Way, following a curve to the left having a radius of Three Hundred Seventy-Five and 00/100 (375.00) feet, an arc distance of Sixty-Four and 20/100 (64.20) feet to a point, said point being located N 21°53'31" W a distance of Sixty-Four and 13/100 (64.13) feet from the last mentioned point.

(3) N 63°12'12" E through said Lot 1 a distance of Twenty and 00/100 (20.00) feet to a point;

(4) S 44°11'14" E through said Lot 1 a distance of Ninety-Two and 95/100 (92.95) feet to a point and the northerly sideline of said Lot 2;

(5) S 26°15'22" E through said Lot 2 a distance of One Hundred Eighteen and 99/100 (118.99) feet to a point;

(6) S 37°57'48" W through said Lot 2 a distance of Sixty-Five and 00/100 (65.00) feet to a point and the easterly sideline of said Paddock Way;

(7) Northerly by said Paddock Way, following a curve to the right having a radius of One Hundred Twenty-Five and 00/100 (125.00) feet, an arc distance of Seventy-Six and 47/100 (76.47) feet to a point, said point being located N 34°30'43" W a distance of Seventy-Five and 28/100 (75.28) feet from the last mentioned point;

(8) N 16°59'14" W by said Paddock Way a distance of Sixty-Three and 40/100 (63.40) feet to the point of beginning.

The above-described easement contains 12,138 square feet, or 0.28 acres, and being a portion of Lot 1 (3,589 square feet / 0.08 acres) and a portion of Lot 2 (8,549 square feet / 0.20 acres) as shown on a Plan of Paddock Way Subdivision recorded in the Cumberland County Registry of Deeds in Plan Book 205, Page 234. Bearings are referenced to Magnetic North 2002.

The above-described easement is designated as "Drainage Easement" on said Plan of Paddock Way

Subdivision recorded in the Cumberland County Registry of Deeds in Plan Book 205, Page 234, and is also shown on **Exhibit C** attached hereto and made a part hereof.

**Drainage Easement (Lot 6)
Paddock Way Subdivision**

A certain drainage easement located on the southeasterly side of Kilarney Way in the Town of Falmouth, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at a point on the southeasterly sideline of Kilarney Way at a point located N 58°33'37" E a distance of Thirty-Five and 29/100 (35.29) feet from the northerly corner of Lot 7 and the westerly corner of Lot 6 as shown on a Plan of Paddock Way Subdivision recorded in the Cumberland County Registry of Deeds in Plan Book 205, Page 234. Thence:

- (1) N 58°33'37" E by said Kilarney Way a distance of One Hundred Twenty-Five and 73/100 (125.73) feet to a point;
- (2) S 31°26'23" E through said Lot 6 a distance of Thirty and 00/100 (30.00) feet to a point,
- (3) S 20°43'26" W through said Lot 6 a distance of Ninety-Two and 06/100 (92.06) feet to a point;
- (4) N 80°12'29" W through said Lot 6 a distance of Seventy and 51/100 (70.51) feet to a point;
- (5) N 31°26'23" W through said Lot 6 a distance of Forty and 00/100 (40.00) feet to the point of beginning.

The above-described easement contains 7,587 square feet, or 0.17 acres, and being a portion of Lot 6 as shown on a Plan of Paddock Way Subdivision recorded in the Cumberland County Registry of Deeds in Plan Book 205, Page 234. Bearings are referenced to Magnetic North 2002.

The above-described easement is designated as "Drainage Easement" on said Plan of Paddock Way Subdivision recorded in the Cumberland County Registry of Deeds in Plan Book 205, Page 234, and is also shown on **Exhibit D** attached hereto and made a part hereof.

EXHIBIT C

N/F
Mary Jean Major &
Michael J. Major
Book 20870, Page 311
Map R3 Lot 6A

Cavendish Road

Lot 3
62,101 SF/1

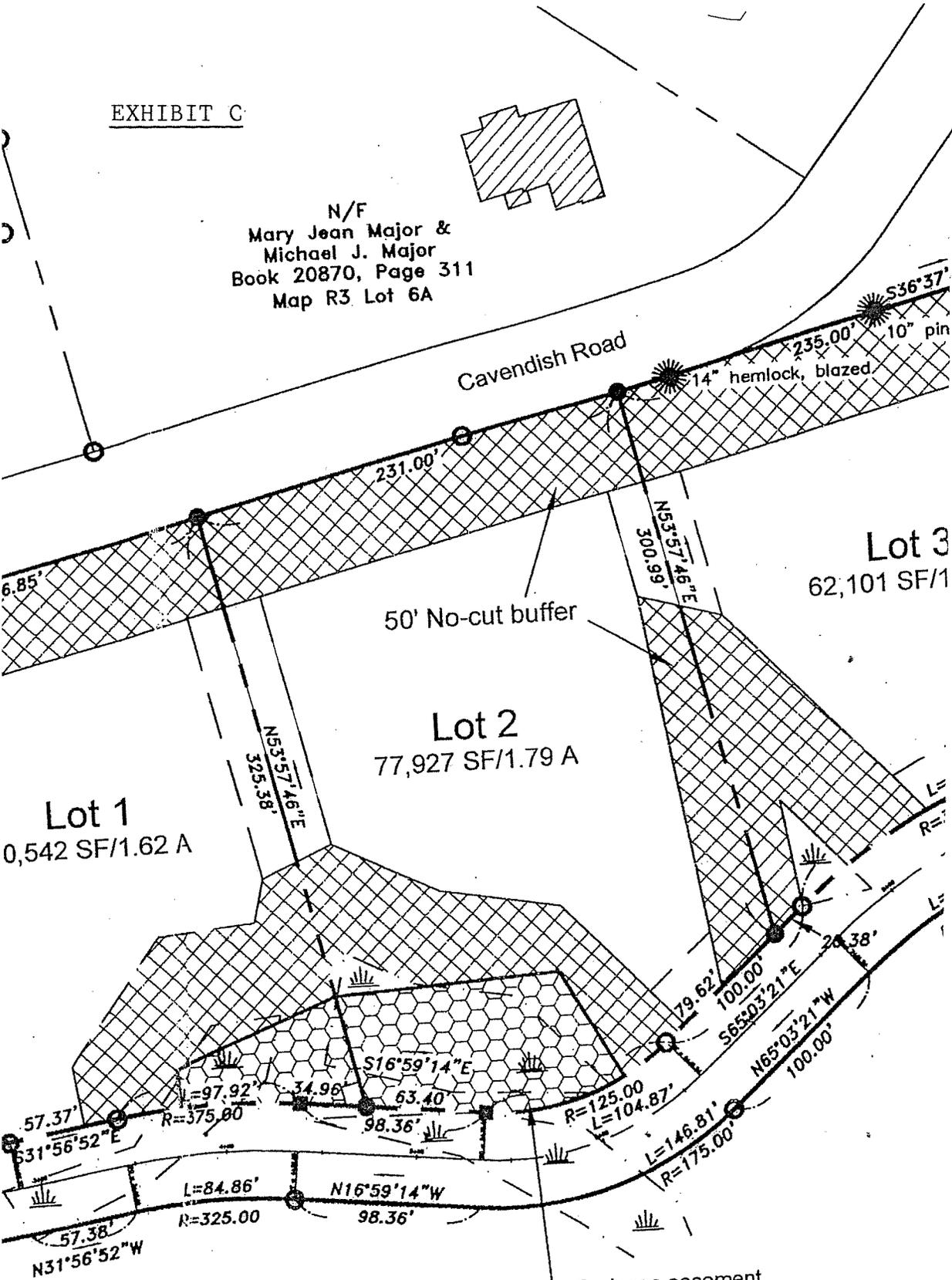
Lot 2
77,927 SF/1.79 A

Lot 1
0,542 SF/1.62 A

50' No-cut buffer

Drainage easement

N/F
Craig R. Jones
Book 10278, Page 150
Map R3 Lot 5A

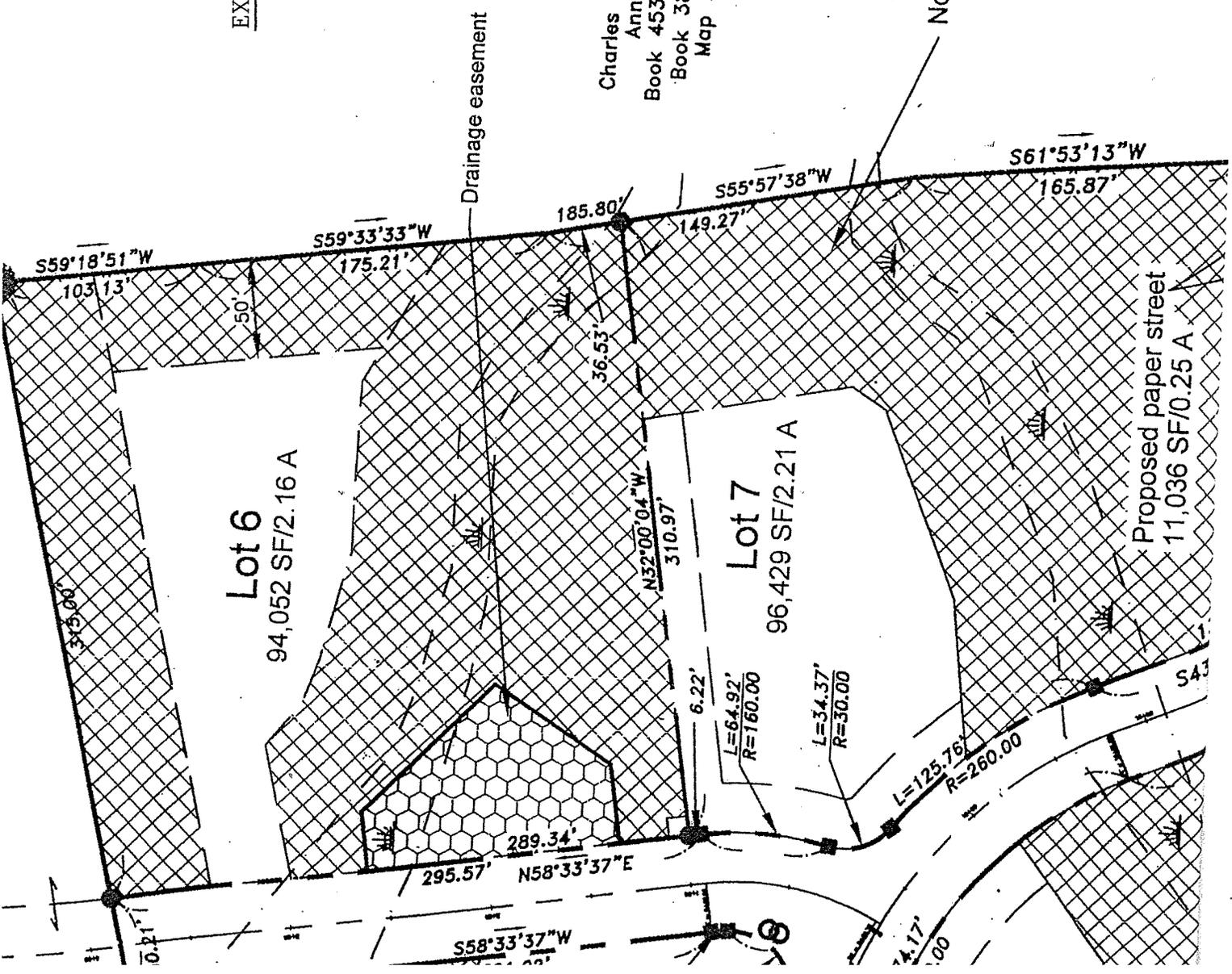


[Handwritten signature]

Ma.

EXHIBIT D

N/F
Charles P. Harriman &
Ann Harriman
Book 4538, Page 171 &
Book 3827, Page 40
Map R3 Lot 76A



Drainage easement

No-cut buffer

Proposed paper street
11,036 SF/0.25 A

Lot 6
94,052 SF/2.16 A

Lot 7
96,429 SF/2.21 A

L=64.92'
R=160.00

L=34.37'
R=30.00

L=125.76'
R=260.00





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18RETTD

MAINE REAL ESTATE
TRANSFER TAX DECLARATION
Form RETTD
Do not use red ink.

1. County []

2. Municipality []

3. GRANTEE/PURCHASER

BOOK/PAGE - REGISTRY USE ONLY

3a. Last name, first name, MI; or business name [] 3b. Federal ID []

3c. Last name, first name, MI; or business name [] 3d. Federal ID []

3e. Mailing address after purchasing this property [] 3f. Municipality [] 3g. State [] 3h. ZIP Code []

4. GRANTOR/SELLER

4a. Last name, first name, MI; or business name [] 4b. Federal ID []

4c. Last name, first name, MI; or Business name [] 4d. Federal ID []

4e. Mailing address [] 4f. Municipality [] 4g. State [] 4h. ZIP Code []

5. PROPERTY 5a. Map [] Block [] Lot [] Sub-lot [] Check any that apply: No maps exist, Multiple parcels, Portion of parcel, Not applicable. 5b. Type of property - enter the code number that best describes the property being sold (see instructions). [] 5c. Physical location [] 5d. Acreage (see instructions) []

6. TRANSFER TAX 6a. Purchase price (If the transfer is a gift, enter "0") 6a. [] .00 6b. Fair market value (Enter a value only if you entered "0" or a nominal value on line 6a) 6b. [] .00 6c. Exemption claim - Check the box if either grantor or grantee is claiming exemption from transfer tax and enter explanation below. []

7. DATE OF TRANSFER (MM-DD-YYYY) [] 8. CLASSIFIED. WARNING TO BUYER - If the property is classified as farmland, open space, tree growth, or working waterfront, a substantial financial penalty may be triggered by development, subdivision, partition, or change in use. CLASSIFIED

9. SPECIAL CIRCUMSTANCES. Were there any special circumstances with the transfer that suggest the price paid was either more or less than its fair market value? If yes, check the box and enter explanation below. 10. INCOME TAX WITHHELD. The buyer is not required to withhold Maine income tax because: Seller has qualified as a Maine resident, A waiver has been received from the State Tax Assessor, Consideration for the property is less than \$50,000, The transfer is a foreclosure sale

11. OATH. Aware of penalties as set forth in 36 M.R.S. § 4641-K, I declare that I have reviewed this return with the Grantor(s) and Grantee(s) and to the best of my knowledge and belief the information contained herein is true, correct and complete. Declaration of preparer is based on information provided by Grantor(s) and Grantee(s) and of which preparer has any knowledge.

PREPARER. Name of preparer: _____ Phone number: _____ Mailing address: _____ Email address: _____ Fax number: _____



PM
 STATE OF MAINE
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER
IN THE MATTER OF

LIBBY CONSTRUCTION AND DEVELOPMENT) Falmouth, Cumberland County PADDOCK WAY AND CAVENDISH WAY SUBDIVISIONS L-20958-NL-D-N (approval) L-20958-TD-E-N))))))	STORMWATER MANAGEMENT LAW NATURAL RESOURCES PROTECTION ACT TIER TWO WETLAND ALTERATION WATER QUALITY CERTIFICATION FINDINGS OF FACT AND ORDER
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Pursuant to the provisions of 38 M.R.S.A. Section 480-A et seq. and Section 420-D, Section 401 of the Federal Water Pollution Control Act, and Chapters 500 and 502 of the Department's Regulations, the Department of Environmental Protection has considered the application of LIBBY CONSTRUCTION AND DEVELOPMENT with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History: In 2002, the applicant developed a four-lot residential subdivision known as Cavendish Way that did not trigger the requirement for a Stormwater Management Permit. Department Order #L-20958-TC-A-N, dated August 28, 2002, approved a Natural Resources Protection Act (N.R.P.A.) Tier One wetland alteration to construct the subdivision road. On March 4, 2005, the applicant submitted an after-the-fact N.R.P.A. Permit-By-Rule notification form (PBR #37198) stating that the stream crossing for Cavendish Way was installed in accordance with Department Rules, Chapter 305 of the N.R.P.A.

B. Summary: The applicant proposes to construct a nine-lot residential subdivision with two open space lots located adjacent to Cavendish Way. After a land donation to the Town of Falmouth, area developed by the applicant for both Cavendish Way and Paddock Way totals less than 30 acres. The proposed project will result in 3.56 acres of new impervious area. Both Cavendish Way subdivision and Paddock Way subdivision are shown on set of 15 plans, the first of which is entitled "Libby Construction - Paddock Way Subdivision," prepared by Aquarion Engineering Services, dated July 16, 2004, and last revised April 5, 2005. The proposed project is not in a watershed most at risk to new development or a sensitive or threatened watershed and must meet stormwater quantity standards. The project site is located off Winn Road in the Town of Falmouth.

The construction of the Paddock Way subdivision road will result in the alteration of approximately 10,250 square feet of forested freshwater wetland. The applicant also submitted an N.R.P.A. Permit-By-Rule notification form (PBR #37199) stating that the

proposed stream crossing will be installed in accordance with Department Rules, Chapter 305.

C. Current Use of the Site: The site of the proposed Paddock Way subdivision is currently open fields and woodland with an existing gravel road. All four homes in Cavendish Way subdivision are either built or under construction.

2. STORMWATER QUANTITY STANDARDS:

The stormwater quantity plan submitted by the applicant was reviewed by, and revised in response to, comments from the Division of Watershed Management (DWM) of the Bureau of Land and Water Quality (BLWQ). Specific aspects of the plan are discussed below.

A. PEAK FLOW FROM THE SITE AND PEAK FLOW OF RECEIVING WATERS: The applicant is proposing to utilize a stormwater management system consisting of two detention basins and an undersized culvert. This system is based on estimates of pre- and post-development stormwater runoff flows obtained by using Hydrocad, a stormwater modeling software that utilizes the methodologies outlined in Technical Releases #55 and #20, U.S.D.A., Soil Conservation Service, and detains stormwater from 24-hour storms of 2-, 10-, and 25-year frequency. The post-development peak flow from the site will not exceed the pre-development peak flow from the site.

B. GRADING OR OTHER CONSTRUCTION ACTIVITY: Grading or other construction activity on the site will not impede or otherwise alter natural or manmade drainage ways, thereby ensuring that the development will not: (1) have an unreasonable adverse impact on protected natural resources; (2) flood an area of the parcel not specifically planned and designated for such flooding; or (3) flood an area of any other parcel unless an easement is obtained.

C. CHANNEL LIMITS AND RUNOFF AREAS: The design of the piped or open channels is based on a 10-year, 24-hour storm without overloading or flooding beyond the channel limits, except as provided in the application and approved by the Department. No buildings or other similar facilities are planned within these channel limit areas. No primary access or public roads will be flooded during or as a result of a 25-year, 24-hour storm.

D. DETENTION BASINS: The detention basin designs were reviewed by an engineer from the DWM, who stated that the design meets the detention basin design standards contained in Department Rules, Chapter 500(3)(D). The existing detention basin for Cavendish Way Subdivision must be equipped with a trash rack as shown on Sheet 7 of the set of plans referenced in Finding 1, entitled "Libby Construction - Winn

Road Subdivision, Detention Pond Plans and Details.” The trash rack must be installed in conjunction with construction of Paddock Way Subdivision.



E. **MAINTENANCE:** All components of the stormwater management system located within the road rights-of-way for both Cavendish Way and Paddock Way will be maintained by the Town of Falmouth, as stated in two letters from the town's public works director dated January 11, 2005 and March 1, 2005. The components of the stormwater management system outside the road rights-of-way will be maintained by the applicant until the system is placed under the jurisdiction of the Paddock Way Homeowners Association, a legally created association responsible for the maintenance of the system. The charter of the Association was reviewed and found to meet Department standards. The applicant submitted covenants and restrictions for Cavendish Way subdivision which includes maintenance of common areas, and a letter from the applicant (Rick Libby, principal of Libby Construction and Development) stating that since he owns the lot on which the Cavendish Way detention basin is located, he will maintain the basin in accordance with the maintenance plan submitted. Prior to relinquishing maintenance responsibility for the basin, the applicant must submit documentation to the BLWQ that the homeowners association for Cavendish Way will expressly assume that responsibility.

G. **DISCHARGE TO FRESHWATER WETLAND:** Freshwater wetlands will receive stormwater in the same manner as before the development.

3. **EROSION AND SEDIMENTATION CONTROL:**

The applicant submitted an erosion control plan for Paddock Way subdivision. The plan was reviewed by an engineer from the DWM, who stated that it meets Department standards for erosion control. Cavendish Way subdivision is completed and stable.

4. **WETLANDS AND WATERBODIES PROTECTION RULES:**

The construction of the road for Cavendish Way subdivision resulted in the filling of approximately 7,800 square feet of forested freshwater wetland. The applicant proposes to alter an additional 10,250 square feet of forested and scrub shrub wetland. Some of the alteration will consist of fill for the Paddock Way subdivision road and some of the wetland will be flooded to provide the required stormwater detention. Wetland alterations for both subdivisions will result in total cumulative wetland impacts of approximately 18,050 square feet.

The Department's Wetlands and Waterbodies Protection Rules, Chapter 310, require the applicant to meet the following standards:

- a. Avoidance. No activity may be permitted if there is a practicable alternative to the project that would be less damaging to the environment. The parcel to be developed can only be accessed from Winn Road.
- b. Minimal Alteration. The amount of wetland to be altered must be kept to the minimum amount necessary for meeting the overall purpose of the project. A portion of the proposed roadway will follow an existing gravel road that was constructed in 1993. The alignment of the roadway will cross the wetlands at their narrowest points. The town approved a reduction in road width from 24 feet to 22 feet to further minimize wetland fill.

Additionally, a significant portion of the proposed wetland alteration will result from flooding an area of wetland to control peak stormwater runoff. No grading or filling will be done in this area. This wetland area is likely to change from a scrub shrub wetland to an emergent wetland because of the higher water levels.

The Department finds that the applicant has avoided and minimized wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Section 420-D, and Chapters 500 and 502 of the Department's Regulations:

- A. The applicant has made adequate provision to ensure that the development will meet the stormwater quantity standards for: (1) peak flow from the site and peak flow of the receiving waters; (2) grading or other construction activity; (3) channel limits and runoff areas; (4) detention basins; (5) maintenance; (6) easements and covenants; (7) buffers; (8) discharge to freshwater or coastal wetlands; and (9) level spreaders provided the trash rack is installed as described in Finding 2D and maintenance is performed as described in Finding 2E.

BASED on the above Findings of Fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.

- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat; aquatic habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classification of the State's waters.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in Title 38 M.R.S.A., Section 480-P.

THEREFORE, the Department APPROVES the above-noted application of LIBBY CONSTRUCTION AND DEVELOPMENT to construct a stormwater management system and fill wetlands in Cavendish Way and Paddock Way subdivisions in Falmouth, Maine, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. The applicant shall include in all conveyances of subdivision lots deed restrictions making the conveyance subject to all terms and conditions of this Department permit, particularly those conditions related to maintenance of the stormwater management system. These terms and conditions may be incorporated by specific and prominent reference to the permit in the deed. All conveyances required by this approval to contain restrictions shall include in the restrictions the requirement that any subsequent conveyance shall specifically include the same restrictions.
4. The trash rack for the Cavendish Way detention basin shall be installed in conjunction with construction of Paddock Way Subdivision.

- 5. Prior to relinquishing maintenance responsibility for the Cavendish Way stormwater detention basin, the applicant shall submit documentation to the BLWQ that the homeowners association for Cavendish Way will expressly assume that responsibility.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED AT AUGUSTA, MAINE, THIS 11TH DAY OF April, 2005.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: [Signature]
DAWN R. GALLAGHER, COMMISSIONER

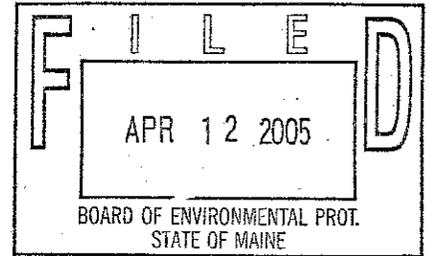
A TRUE COPY

ATTEST: [Signature]
Paul W. Dufresne, Finance Manager
Bureau of Land & Water Quality

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application February 4, 2005
Date application accepted for processing February 11, 2005

Date filed with Board of Environmental Protection
MR/ATS53970/53973/L20958DN



**NATURAL RESOURCE PROTECTION ACT (NRPA)
STANDARD CONDITIONS**

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCE PROTECTION ACT, TITLE 38, M.R.S.A. SECTION 480-A ET.SEQ. UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. **Approval of Variations From Plans.** The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. **Compliance With All Applicable Laws.** The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. **Erosion Control.** The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. **Compliance With Conditions.** Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other than specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. **Initiation of Activity Within Two Years.** If construction or operation of the activity is not begun within two years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits shall state the reasons why the applicant will be able to begin the activity within two years from the granting of a new permit, if so granted. Reapplications for permits may include information submitted in the initial application by reference.
- F. **Reexamination After Five Years.** If the approved activity is not completed within five years from the date of the granting of a permit, the Board may reexamine its permit approval and impose additional terms or conditions to respond to significant changes in circumstances which may have occurred during the five-year period.
- G. **No Construction Equipment Below High Water.** No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- H. **Permit Included In Contract Bids.** A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- I. **Permit Shown To Contractor.** Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

Revised (4/92)

DEP LW0428

STORMWATER
STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.

Conditions of approval. The following conditions of approval apply to a stormwater permit (individual or permit by rule) required pursuant to 38 M.R.S.A. § 420-D.

1. Approval of variations from plans. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S.A. § 420-D(8) and is subject to penalties under 38 M.R.S.A. § 349.
2. Compliance with all terms and conditions of approval. The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
3. Advertising. Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
4. Transfer of project. Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.
5. Initiation of project within two years. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference.
6. Reexamination after five years. If the project is not completed within five years from the date of the granting of approval, the department may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances or requirements which may have occurred during the five-year period.
7. Certification. Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the developer, and the owner and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance with the approval and conditions. Completed certification forms must be forwarded to the department.
8. Maintenance. The components of the stormwater management system must be adequately maintained to ensure reasonable operation of the system.

December 31, 1997

DEP LW 0426

Received
Recorded Register of Deeds
May 06, 2005 08:22:45A
Cumberland County
John B O'Brien

Lisa R. Magnacca

From: William Leete <WLeete@mittelasen.com>
Sent: Friday, June 12, 2020 9:34 AM
To: Lisa R. Magnacca
Cc: Christine Condon
Subject: FW: Paddock and Kilarney Way, Falmouth, Maine--DEP Order L-20958-NL-D-N, L-20958-TD-E-N
Attachments: 20 05 27 Draft MinorRevisionApplication.pdf; Draft DEP Letter.pdf

Lisa:

I have some good news, Dawn Hallowell from the DEP is saying we can move forward. Please see her email below.

I have also attached copies of what I sent her for your information.

Let's discuss the next step. Have you heard back from John Kirk on your deed questions?

Bill

William H. Leete, Jr., Esq
MittelAsen, LLC
85 Exchange Street
Portland, ME 04101

Ph: (207) 775-3101
Fax: (207) 871-0683

Please note our new firm and contact information

From: Hallowell, Dawn <Dawn.Hallowell@maine.gov>
Sent: Thursday, June 11, 2020 12:01 PM
To: William Leete <WLeete@mittelasen.com>
Cc: Christine Condon <CCondon@mittelasen.com>
Subject: RE: Paddock and Kilarney Way, Falmouth, Maine--DEP Order L-20958-NL-D-N, L-20958-TD-E-N

Bill,

I'm sorry to took me a while to get to this. Your draft language for the Town to sign looks fine. GO ahead and get it signed and submit the application. Please include a narrative explaining the circumstances.

Thank you,

Dawn Hallowell
Regional Licensing & Compliance Manager, Land Bureau
Maine Department of Environmental Protection
(207) 557-2624
www.maine.gov/dep

From: William Leete <WLeete@mittelasen.com>

Sent: Tuesday, June 02, 2020 5:33 PM

To: Hallowell, Dawn <Dawn.Hallowell@maine.gov>

Cc: Christine Condon <CCondon@mittelasen.com>

Subject: RE: Paddock and Kilarney Way, Falmouth, Maine--DEP Order L-20958-NL-D-N, L-20958-TD-E-N

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dawn:

It has taken a few months, but I am attaching for your review is a draft, unsigned, minor revision application requesting that the responsibility for stormwater maintenance be changed to the Town of Falmouth, together with a draft letter from the Town of Falmouth which we are asking to be signed after approval by the Falmouth Town Council.

I would appreciate it if you could take a look at the attachments and let me know if we need to make any changes to the application or letter. Once you have okayed it, my understanding is that we would ask the Falmouth Town Council to approve and then submit a signed application to the DEP.

Thanks, Bill

William H. Leete, Jr., Esq
MittelAsen, LLC
85 Exchange Street
Portland, ME 04101

Ph: (207) 775-3101

Fax: (207) 871-0683

Please note our new firm and contact information

_____, 2020

VIA EMAIL: Dawn.Hallowell@maine.gov

Dawn Hallowell
Regional Licensing & Compliance Manager, Land Bureau
Maine Department of Environmental Protection

Re: Paddock Way, Falmouth, Maine--DEP Order L-20958-NL-D-N and
L-20958-TD-E-N, dated April 11, 2005 and recorded in the Cumberland County
Registry of Deeds in Book 22604, Page 211

Dear Ms. Hallowell:

This letter is being provided to the Maine Department of Environmental Protection (“DEP”) as part of the minor revision application relating to the above-captioned DEP orders (the “Orders”).

The Orders approved the construction of a stormwater management system serving the Paddock Way subdivision in Falmouth, Maine. Section 2E of the Orders states, in relevant part: “...*The components of the stormwater management system outside the road rights-of-way will be maintained by the applicant until the system is placed under the jurisdiction of the Paddock Way Homeowners Association, a legally created association responsible for the maintenance of the system.*”

No such homeowner’s association was formed, and on _____, 2020 the Falmouth Town Council voted to accept Paddock Way as a public street, and in connection therewith, to assume responsibility for the maintenance of the Paddock Way stormwater system located inside the Paddock Way right-of-way and also, effective as of the date the DEP approves the applicant’s minor revision application, outside the Paddock Way right-of-way. It is our understanding that an instrument shall be recorded in the Registry of Deeds to evidence this change. The Town expressly assumes no other responsibilities under the Orders, including, without limitation, any obligation to maintain any stormwater system within the Cavendish Way subdivision, which includes the Cavendish Way detention basin referenced in the Orders, which shall continue to be maintained by Rick Libby, principal of the applicant, who owns the lot in the Cavendish Way subdivision upon which the detention basin is located.

Very truly yours,

Nathan Poore, Falmouth Town Manager

#L- _____
ATS # _____
Fees Paid _____
Date Received _____

MINOR REVISION APPLICATION
For Site Location, Natural Resources Protection Act & Stormwater Projects

This form shall be used for minor revisions to a project that has received previous Site Law, NRPA or Stormwater Law approval from the Department, where the revision(s) significantly decreases or eliminates an environmental impact, does not significantly expand the project, does not change the nature of the project or does not modify any Department findings with respect to any licensing criteria. If significant project changes are proposed, then an amendment application will be required by the Department.

Please contact the DEP for current fee schedule information. The fee schedule is updated every November 1. The fee is payable to "Treasurer, State of Maine", and **MUST** accompany the application.

Please type or print in black ink only

1. Name of Applicant:		5. Name of Agent:	
2. Applicant's Mailing Address:		6. Agent's Mailing Address:	
3. Applicant's Daytime Phone #:		7. Agent's Daytime Phone #:	
4. Applicant e-mail address (REQUIRED):		8. Agent e-mail address (REQUIRED):	
LOCATION OF ACTIVITY			
9. Name of Project:			
10. Name of Town where project is located:		11. County:	
REQUIRED INFORMATION:			
12. Existing DEP permit number:		13. DEP Project Manager for previous application (if known):	
14. Description of Proposed Change: (Use additional sheet, if necessary)			

Provide all documentation necessary to support the proposed change. This documentation should include, as appropriate, revised site plans, construction drawings, and technical data such as HHE-200 forms. (If you are unsure of what information to include, please contact the original DEP project manager, or the Division of Land Resource Regulation in the appropriate regional office for assistance.)

This completed application form, fee and all supporting documents summarized above shall be sent to the appropriate DEP Office in Augusta, Portland or Bangor.

Bureau of Land and Water Quality 17 State House Station Augusta, ME 04333 Tel: (207) 287-3901	Bureau of Land and Water Quality 312 Canco Road Portland, ME 04103 Tel: (207) 822-6300	Bureau of Land and Water Quality 106 Hogan Road Bangor, ME 04401 (207) 941-4570
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CERTIFICATIONS / SIGNATURES on PAGE 2

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following :

CERTIFICATIONS / SIGNATURES

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by e-mailing the decision to the electronic address located on the front page of this application (see #4 and #8)"

Signed: _____ Title _____ Date: _____

Notice of Intent to Comply with Maine Construction General Permit

If over one acre of new disturbance will result as part of the proposed minor revision, please sign here acknowledging that with this minor revision form and signature below, I am filing notice of my intent to carry out work which meets the requirements of the Maine Construction General Permit. I have read and will comply with all of the MCGP standards.

Signed _____ Date: _____

NOTE: If a Notice of Intent is required, you must file a Notice of Termination (NOT form available from the Department) within 20 days of completing permanent stabilization of the project site.