

MEMORANDUM

TO: North Yarmouth Planning Board  
Through Ben Scipione, Code Enforcement Officer

CC: Tara Mullen, Colliers Engineering and Design

From: Kate Burch, Planner, North Star Planning

RE: Carriage Hill Amended Subdivision – Planning Board Meeting February 14, 2022

Date: February 2, 2023

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**Overview**

The applicant is amending the existing subdivision plan “Recording Plat of Carriage Hill Route 115, Gray Road, North Yarmouth, Maine made for Nina Sweet & Jan A. Parker” located at 15 Carriage Hill at Tax Map 10 Lot 64 and 65. The applicant proposes to subdivide Lots 5 and 6 of the original approved plan into three parcels each, creating four new lots for the intended use as single family dwellings. Lot 5 on the approved plan corresponds to Lot 64 on the town tax map and Lot 6 corresponds to Lot 65. The proposed subdivision amendment will use and improve the existing Carriage Hill Extension private road to gravel way standards.

Existing public walking easements included in the original Carriage Hill Subdivision will remain unchanged. The existing MDOT Driveway/Entrance Permit is valid for the proposed total lots.

This application was last brought to the Planning Board on December 13. At the meeting, the Board held a Public Hearing. One member of the public asked if there had been a site walk for the project. The Board confirmed this occurred on November 28, 2022.

During the December 13, meeting, the Board asked for more information about the wetlands observed during the site walk and any impact on existing snowmobile trails. The applicant stated that the wetland impact falls below the threshold of DEP Tier 1 permitting, and that the existing snowmobile trails are not within the subdivision property.

In January 2023, the applicant provided a waiver request and accompanying memo for a waiver of Section 10.10 Financial and Technical capacity, as well as the draft maintenance agreement for the new homeowner's association for the four additional lots.

**Applicant:** Daniel Train & Shawn Albert

**Owner:** same as applicant

**Location:** 15 Carriage Hill

**Zoning:** Village Residential

**Tax Map Number:** Map 10 Lots 64 and 65

**Existing Land Use:** subdivision

**Proposed Land Use:** amended subdivision

**Acreage:** 30.47 acres

**Waivers:** The applicant is requesting a waiver of Section 10.10 Financial and Technical Capacity.

Section 10.10 requires a letter stating the applicant has the financial and technical capacity to construct proposed improvements and meet the town's standards. In this case, the subdivision amendment will require the improvement of the Carriage Hill Extension road.

The applicant is requesting a waiver for this standard because they do not plan to complete this road improvement. Instead, the applicant will sell the four additional lots created by the subdivision amendment, and the buyer(s) will be responsible for the road construction.

The applicant has proposed conditions of approval to require the eventual developer(s) of the road and subdivision lots to provide a letter of financial capacity to the town prior to construction, and for the road to be inspected and approved by the town prior to the issuance of certificates of occupancy.

**Site Walk:** A site walk for this project was held on November 28, 2022.

**Public Hearing:** A public hearing was held on December 13, 2022.

**Application Completeness:** A completeness review is not required for amended subdivisions.

**Suggested Motion:** To **[approve/approve with condition(s)/deny]** the Carriage Hill Amended Subdivision Plan located at Tax Map 10 Lots 64 and 65 based on the Findings of Fact and Conclusions from the Planner memo dated February 2, 2023, with the following conditions of approval:

1. This plan shall be recorded in the Cumberland County Registry of Deeds within ninety (90) days of the date of the Planning Board approval. If the plan is not recorded within this time, the approval of the Planning Board shall be null and void.
2. Prior to the start of earthwork, construction, and issuance of a building permit for any lot:
  - a. The developer shall submit a letter of financial capacity to the town for road construction.
  - b. The developer shall pay the private way inspection fee.
  - c. The developer shall provide survey accurate field markers adequate to enable contractors to easily determine lot boundaries and building envelopes to ensure compliance with setback requirements.
  - d. Erosion and sedimentation control measures shall be installed to the satisfaction of the town.
3. Prior to the issuance of a certificate of occupancy:
  - a. The road commissioner or designee shall inspect the private drive to verify it has been constructed in accordance with ordinance specifications, the approved plan, and with adequate provision for storm drainage.
  - b. An amended homeowners association maintenance agreement shall be approved and recorded in the Cumberland County Registry of Deeds to account for the additional maintenance.

- c. In-home sprinkler systems must be installed per town standards.
  4. The Town of North Yarmouth will not be responsible for the maintenance, repair, or plowing of the private drive.
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### **Subdivision Review - Findings of Fact:**

1. General Layout: Lots, Blocks, Utilities, Monuments, and Back Lots
  - The applicant is subdividing Lots 64 and 65 of the “Recording Plat of Carriage Hill Route 115, Gray Road, North Yarmouth, Maine made for Nina Sweet & Jan A. Parker” into four new lots.
  - The possible locations of new 2,000 square foot homes with building envelopes are shown on the subdivision plan dated October 27, 2022.
  - All new lots are at least 1 acre and have at least 100 feet of frontage on Carriage Hill Extension.
  - Iron pipe monuments are labeled on the subdivision plan dated October 27, 2022 and revised November 11, 2022.
  - No new utilities are proposed for the subdivision.
2. Erosion and Sedimentation Control
  - The applicant has provided erosion and sedimentation control notes and details on sheet D-1.
  - Temporary erosion control measures will be performed for the road extension. Silt fencing will be installed surrounding the new house lots.
3. Financial and Technical Capacity
  - The applicant has paid all associated fees.
  - The applicant has requested a waiver of Section 10.10. They plan to sell the new lots after approval and will not complete the road improvements. They propose conditions of approval to require the future owner/developer(s) to provide a letter of financial capacity to the town prior to the start of construction or issuance of building permits.

4. Floodplain Management

- The subdivision is not located within the 100-year floodplain.

5. Historic and Archaeological Sites

- No historic or archaeological resources were located within the subdivision.

6. Sewage and Solid Waste Disposal

- The new homes will rely on septic for wastewater disposal.
- Test pit locations were provided by Mainly Soils LLC and shown within the building envelopes of the new homes on the subdivision plan dated October 27, 2022. The applicant has supplied test pit logs dated July 28, 2022.
- The amount of sewage disposal from the new homes will be less than 1,000 gallons per day.
- Solid waste pick-up by Casella will be extended to service the four additional homes on Carriage Hill.

7. Soil Suitability

- The applicant has attached a NRCS Cumberland County Soil Report.
- The applicant has provided test pit logs with soil classifications dated July 28, 2022. The soils are adequate for siting septic.

8. Recreation and Open Space Land Development

- The original subdivision plan contains a 25-foot wide public walking path conservation easement conveyed to the Town shown in Lot 64-1. This easement will remain unchanged.
- No new open space or recreation land is proposed.

9. Water Supply

- The subdivision will utilize individual wells for water supply.
- Example 100' well buffer locations are shown on the plan.

- Exact well locations will be finalized when houses are constructed.

#### 10. Water Quality

- The subdivision amendments will not result in adverse groundwater impacts.

#### 11. Subdivision Street Connectivity

- Vehicular access to the subdivision will come from Carriage Hill Extension off Route 115. The applicant is proposing to extend and improve the existing road to match Carriage Hill road.
- A future easement is shown extending from the road behind Lot 65-3.
- The applicant has provided a proposed road profile, erosion control details, and a stormwater management plan.
- In a letter dated July 11, 2022, the applicant sent a letter to current Carriage Hill residents to ask for their approval to expand the subdivision, with the provision that the residents of 4 new Carriage Hill lots pay a higher Homeowner Association Fee to cover the cost of road maintenance.
- The applicant provided a draft amendment to the Carriage Hill homeowners association agreement on January 20, 2023. The amendments proposes that the owners of the newly subdivided lots will pay additional maintenance fees to cover the Carriage Hill Road extension that serves their lots.

**Conclusions of Law:**

1. The proposed subdivision **will not** result in undue water or air pollution.
2. The proposed subdivision **will** have sufficient water available for the reasonably foreseeable needs of the subdivision.
3. The proposed subdivision **will not** cause an unreasonable burden on an existing water supply.
4. The proposed subdivision **will not** cause unreasonable soil erosion or reduction in the capacity of the land to hold water.
5. The proposed subdivision **will not** cause unreasonable highway or public road congestion or unsafe conditions.
6. The proposed subdivision **will** provide for adequate solid and sewage waste disposal.
7. The proposed subdivision **will not** cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage.
8. The proposed subdivision **will not** place unreasonable burden on the ability of the local governments to provide municipal or governmental services.
9. The proposed subdivision **will not** have an undue adverse effect on the scenic or natural beauty of the area.
10. The proposed subdivision **will** be in conformance with a duly adopted subdivision regulation or ordinance.
- ~~11. The subdivider **will** have adequate financial and technical capacity to meet the standards. (Waiver)~~
- ~~12. Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, the proposed subdivision **will/will not** adversely affect the quality of such body of water. (N/A)~~
- ~~13. The 100-year flood boundary **is/is not** shown on the plan. (N/A)~~
14. All freshwater wetlands **have** been identified on maps submitted as part of the application.
- ~~15. All farmland within the proposed subdivision **has/has not** been identified on maps submitted as part of the application. (N/A)~~
16. Any rivers, streams, or brooks within or abutting the proposed subdivision **have** been identified on maps submitted as part of the application.

17. The proposed subdivision **will** provide for adequate storm water management.
18. Any lots in the proposed subdivision with frontage on a river, stream, brook, or great pond **have/do not have** a lot depth to shore frontage ratio greater than 5 to 1. (N/A)
19. The long term cumulative effects of the proposed subdivision **will/will not** unreasonably increase the great pond's phosphorus concentration during the construction phase and life of the proposed subdivision. (N/A)
20. If the subdivision crosses municipal boundaries, the proposed subdivision **will/will not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality. (N/A)
21. Timber on the parcel **has/has not** been harvested in violation of liquidation harvesting statutes and rules. (N/A)



## Memorandum

To: Yarmouth Planning Board  
From: Tara Mullen,  
Date: January 31, 2023  
Subject: Carriage Hill Subdivision Amendment additional documents for February meeting,  
revised per North Star Planning comments

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Dear Yarmouth Planning Board:

Please find the requested enclosed revised documents for the February Planning Board meeting regarding the Carriage Hill subdivision amendment. The documents include:

- Waiver or Not Applicable Request for Section 10.10
- Memorandum Regarding Financial Capacity
- Draft language of road maintenance agreement titled "Second Amendment of Declaration of Covenants, Conditions, Restrictions and Easements for Carriage Hill"
- Revised amended subdivision plan

Please let us know if additional copies are requested.

Kind Regards,



Tara Mullen, PLS



**TOWN OF NORTH YARMOUTH  
PLANNING BOARD  
WAIVER OR NOT APPLICABLE REQUEST**

NAME OF APPLICANT: Shawn Albert & Dan Train PHONE #: \_\_\_\_\_  
 AGENT/REPRESENTATIVE (if other): Tara Mullen PHONE #: 207-325-1914  
 PROPERTY ADDRESS: Carriage Hill, North Yarmouth  
 MAP: 10 LOT: 64 & 65 ZONE: Village Residential  
**(CIRCLE ONE)** WAIVER NOT APPLICABLE  
**WAIVER OR N/A TYPE:** SUBMITTAL ITEM STANDARD  
**(CIRCLE ONE)**  
**ORDINANCE SECTION#:** SECTION 10.10 FINANCIAL AND TECHNICAL CAPACITY  
**ORDINANCE LANGUAGE:**

**SECTION 10.10 FINANCIAL AND TECHNICAL CAPACITY**  
 A. The applicant shall have adequate financial resources to construct the proposed improvements and meet the standards of these regulations. When the applicant proposes to construct the buildings as well as the development improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations the Board shall consider the proposed time frame for construction and the effects of inflation. Evidence of financial capacity should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed or available, and individual's or institution's interest in financing the project or in the form of a letter from a certified accountant or annual report indicating that the applicant has adequate cash flow to cover anticipated costs.  
 B. The applicant shall retain qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed development. In determining the applicant's technical ability the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

**SUPPORTING EVIDENCE FOR WAIVER CONSIDERATION: (use separate sheet is necessary)**

Please see attached

**(CIRCLE ONE)** WAIVER NOT APPLICABLE  
**WAIVER OR N/A TYPE: (CIRCLE ONE)** SUBMITTAL ITEM STANDARD  
**ORDINANCE SECTION#:** \_\_\_\_\_  
**ORDINANCE LANGUAGE:**

**SUPPORTING EVIDENCE FOR WAIVER CONSIDERATION: (use separate sheet is necessary)**

10 VILLAGE SQUARE ROAD, NORTH YARMOUTH, MAINE 04097  
 PHONE: (207) 829-3705 \* FAX: (207) 829-3743



**TOWN OF NORTH YARMOUTH**  
**PLANNING BOARD**  
**WAIVER OR NOT APPLICABLE REQUEST**

**(CIRCLE ONE)**    WAIVER                    NOT APPLICABLE  
**WAIVER OR N/A TYPE: (CIRCLE ONE)**    SUBMITTAL ITEM    STANDARD  
**ORDINANCE SECTION#:** \_\_\_\_\_  
**ORDINANCE LANGUAGE:** \_\_\_\_\_

**SUPPORTING EVIDENCE FOR WAIVER CONSIDERATION: (use separate sheet is necessary)**

**(CIRCLE ONE)**    WAIVER                    NOT APPLICABLE  
**WAIVER OR N/A TYPE: (CIRCLE ONE)**    SUBMITTAL ITEM    STANDARD  
**ORDINANCE SECTION#:** \_\_\_\_\_  
**ORDINANCE LANGUAGE:** \_\_\_\_\_

**SUPPORTING EVIDENCE FOR WAIVER CONSIDERATION: (use separate sheet is necessary)**

## Memorandum

To: North Yarmouth Planning Board

From: Tara Mullen,

Date: January 30, 2023

Subject: Re-comments Section 10.10, Financial and Technical Capacity (Revised per North Star Planning Comments)

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Dear North Yarmouth Planning Board:

Please find this request for a waiver to Section 10.10, Financial and Technical Capacity of the subdivision application.

Background: The applicants are seeking to amend the existing 2002 Carriage Hill Subdivision Plan (referred to hereafter as the "2002 Plan"). Each applicant owns and will be retaining a single-family home on an existing lot approved in the subdivision and are seeking to split their lots to create a total of four additional lots in the Carriage Hill subdivision, all with frontage on an existing right of way on the extension of Carriage Hill as shown on the 2002 Plan. The proposed improvements include bringing the existing gravel road to town private way standards. The road is not a connector street and only the additional four homes will have frontage off the improved extension.

To meet the required standards for an amended subdivision and show the required dimensional standards for each lot, the applicants have performed the required due diligence including survey work, lot design to meet size and dimensional standards, updated wetland delineation, road design by a licensed civil engineer, an attorney to work on language for the amended road maintenance agreement and application for permits with Maine Department of Environmental Protection and Army Corps of Engineers to ensure that the amended application will not negatively impact the environment or community. The applicants are not planning to construct the road or homes themselves.

Once the plan is approved, they will market the additional lots and will likely sell the properties to a single developer with experience in road construction. Before the subdivision is approved the applicants do not have marketable title.

We understand the intent of section 10.10 is to protect the Town of North Yarmouth and the landowners from having poorly constructed roads due to costs associated with development. To protect the municipality and the public as part of this application the following measures are proposed through the conditions of approval listed on the face of the plan as shown below:

## CONDITIONS OF APPROVAL:

- THIS PLAN SHALL BE RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN NINETY (90) DAYS OF THE DATE OF THE PLANNING BOARD APPROVAL. IF THE PLAN IS NOT RECORDED WITHIN THIS TIME, THE APPROVAL OF THE PLANNING BOARD SHALL BE NULL AND VOID.

### PRIOR TO THE START OF EARTHWORK, CONSTRUCTION, AND ISSUANCE OF A BUILDING PERMIT FOR ANY LOT:

- THE DEVELOPER SHALL SUBMIT A LETTER OF FINANCIAL CAPACITY TO THE TOWN FOR ROAD CONSTRUCTION.
- THE DEVELOPER SHALL PAY THE PRIVATE WAY INSPECTION FEE.
- THE DEVELOPER SHALL PROVIDE SURVEY ACCURATE FIELD MARKERS ADEQUATE TO ENABLE CONTRACTORS TO EASILY DETERMINE LOT BOUNDARIES AND BUILDING ENVELOPES TO ENSURE COMPLIANCE WITH SETBACK REQUIREMENTS.
- EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSTALLED TO THE SATISFACTION OF THE TOWN.

### PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY:

- THE ROAD COMMISSIONER OR DESIGNEE SHALL INSPECT THE PRIVATE DRIVE TO VERIFY IT HAS BEEN CONSTRUCTED IN ACCORDANCE WITH ORDINANCE SPECIFICATIONS, THE APPROVED PLAN, AND WITH ADEQUATE PROVISION FOR STORM DRAINAGE.
- AN AMENDED HOME OWNERS ASSOCIATION MAINTENANCE AGREEMENT SHALL BE APPROVED AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS TO ACCOUNT FOR THE ADDITIONAL MAINTENANCE.
- IN-HOME SPRINKLER SYSTEMS MUST BE INSTALLED PER TOWN STANDARDS

THE TOWN OF NORTH YARMOUTH WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR OR PLOWING OF THE PRIVATE DRIVE.

Through these conditions of approval, the applicant will create a series of checks that will prevent a road that is not built to private way standards being used for access to the four proposed single-family homes that this amendment would create. No building permit will be issued until a letter of financial capacity has been submitted by the builder for road construction, and no occupancy permit will be issued for the homes until the road as been inspected and verified to have been constructed to the private way standards included as part of this application. It will be essential that the buyers are aware of these conditions and able to make informed decisions about purchasing the lots with those requirements in place.

Obviously, knowing if there is a future buyer who will purchase all four of the lots, or any at all, is not something within the applicant's control. However, the goal is to create marketable lots and the measures proposed will protect the Town and community from the issues that Section 10.10, Financial and Technical Capacity seeks to prevent. Failure to complete substantial construction within five years within board approval and signature will render the plan null and void which would prevent this from becoming an issue that drags on well into the future. If there are amendments to the suggested language of the conditions of approval, we would be happy to incorporate those edits.

Best,



Tara Mullen, PLS

**Second Amendment  
To  
Declaration of Covenants, Conditions, Restrictions and Easements  
For  
Carriage Hill**

WHEREAS, certain property in North Yarmouth, Maine, portrayed on a Subdivision Plan by Royal River Survey Co., entitled "Recording Plat of Carriage Hill, Route 115, Gray Road, No. Yarmouth, Maine, made for Nina Sweet and Jan A. Parker", dated September 2002, revised through September 12, 2002, Job No. 22056 and recorded in the Cumberland County Registry of Deeds at Plan Book 202, Page 752 (hereinafter referred to as "The Plan") is subject to the Declaration of Covenants, Conditions, Restrictions and Easements for Carriage Hill, imposed by Declarants Nina Sweet and Jan A. Parker (hereinafter collectively "the Original Declarants") which Declaration is dated March 20, 2003 and recorded at Book 19055, Page 338 in the Cumberland County Registry of Deeds (the "Declaration"); and

WHEREAS, a First Amendment to the Declaration is dated April 3, 2002 and recorded at Book 19146, Page 239 in the Cumberland County Registry of Deeds (the "First Amendment"); and

WHEREAS, the **CARRIAGE HILL HOMEOWNERS ASSOCIATION** is the owner of the fee interest in the road known as "Carriage Hill" as such road is portrayed on the Plan by virtue of a deed dated \_\_\_\_\_ and recorded at Book \_\_\_\_\_, Page \_\_\_\_\_ in the Cumberland County Registry of Deeds; and the holder of any remaining rights of the Declarants as well as the rights of the "Corporation" as defined by and set for in the Declaration and the First Amendment;

WHEREAS, **ANTHONY L. SANTERRE** and **SUSAN E. SANTERRE** own Lot 1 as portrayed on the Plan by virtue of a deed dated January 29, 2013 and recorded at Book 303561, Page 122 in the Cumberland County Registry of Deeds; and,

WHEREAS, **MICAELA D. GRECO** and **MICHAEL STERRIS** own Lot 2 as portrayed on the Plan by virtue of a deed dated November 30, 2018 and recorded at Book 35327, Page 225 in the Cumberland County Registry of Deeds, and,

WHEREAS, **MEGAN GOOD** and **RYAN GUERIN** own Lot 3 as portrayed on the Plan by virtue of a deed dated April 7, 2020 and recorded at Book 36576, Page 79 in the Cumberland County Registry of Deeds; and,

WHEREAS, **RUSSELL G. MACLEARN** and **JENNIFER L. HUNT-MACLEARN** own Lot 4 as portrayed on the Plan by virtue of a deed dated April 4, 2003 and recorded at Book 19150, Page 121 in the Cumberland County Registry of Deeds; and,

WHEREAS, **DANIEL E. TRAIN** and **MARY K. TRAIN** (hereinafter collectively referred to as “Train”) own Lot 5 as portrayed on the Plan by virtue of a deed dated November 14, 2018 and recorded at Book 35288, Page 12 in the Cumberland County Registry of Deeds; and,

WHEREAS, **MARTHA M. ALBERT** and **SHAWN M. ALBERT** (hereinafter collectively referred to as “Albert”) own Lot 6 as portrayed on the Plan by virtue of a deed dated November 18, 2013 and recorded at Book 31180, Page 71 in the Cumberland County Registry of Deeds; and,

WHEREAS, Albert and Train (hereinafter referred to as “the Extension Developers”) are each subdividing their property into three lots, Albert’s property being divided into Lots labelled 6, 8 and 10 and Train’s property being divided into Lots labelled 5, 7 and 9, all as portrayed on a plan a Subdivision Plan by Northern Survey Engineering, entitled “Sketch Plan of Carriage Hill, North Yarmouth, Maine 04097, for Daniel Train & Shawn Albert” dated September 27, 2022, Project No. 22004653 and recorded in the Cumberland County Registry of Deeds at Plan Book \_\_\_\_\_, Page \_\_\_\_\_ (hereinafter referred to as “The Supplemental Plan”); and

WHEREAS, Lots 1, 2, 3, 4 as portrayed on the Plan and Lots 5 and 6 as portrayed on the Supplemental Plan are all benefitted by the portion of the right of way labelled “Carriage Hill” as portrayed on the Plan which is easterly of the dashed line shown on the Plan as “7 + 50.5”;

WHEREAS, Lots 7, 8, 9 and 10 as portrayed on the Supplemental Plan will use the entirety of the road labelled “Carriage Hill” as portrayed on the Plan, including the portion labelled “Extension of Carriage Hill” on the Supplemental Plan;

WHEREAS, the parties to this agreement wish to amend the Declaration to take into account the newly created lots and set forth the rights and obligations of both the existing and newly created lots;

NOW THEREFORE, the parties to this agreement agree to amend the Declaration and First Amendment as follows:

A. ARTICLE I, Definitions, 5. Lot, is hereby stricken and replaced with the following:

*5. Lot. “Lot” shall mean and refer to individual lots numbered 1-4 on the Plan as well as lots 5, 6, 7, 8, 9 and 10 on the Supplemental Plan. The boundary of each Lot shall not extend into any portion of the Road depicted on the Plan or Supplemental Plan. The purpose of the preceding sentence is to preserve title to the Corporation’s fee interest in and to such area pursuant to 23 M.R.S.A. Section 3031(4) and 33 M.R.S.A. Sec 460 et. seq.*

B. ARTICLE I, Definitions, 8. Road, as amended by the First Amendment, is hereby stricken and replaced with the following:

*8. Road. “Road” shall mean and refer to the subdivision road, and related easement areas, designated on the Plan as “Carriage Hill” with a portion also being portrayed on the Supplemental Plan as “Extension of Carriage Hill”.*

C. ARTICLE, SUBDIVISION ROAD, is hereby stricken and replaced with the following:

ARTICLE III

SUBDIVISION ROAD

*The Original Declarants constructed the portion of the Road easterly of the dashed line shown on the Plan as “7 + 50.5”, and the related stormwater and erosion control facilities, all in compliance with applicable laws and regulations. The Extension Developers (or their assignees if they assign their development rights prior to the road being constructed) shall construct the portion of the Road designated as “Extension of Carriage Hill” on the Supplemental Plan, and the related turnaround, stormwater and erosion control facilities, all in compliance with applicable laws and regulations. Each and every Lot shall have as an appurtenance to such Lot a right and easement to use the portion of the Road easterly of the dashed line shown on the Plan as “7 + 50.5” for vehicular and pedestrian travel. Lots 5, 6, 7, 8, 9 and 10 as portrayed on the Supplemental Plan shall have as an appurtenance to such Lot a right and easement to use the portion of the Road designated as “Extension of Carriage Hill” on the Supplemental Plan, for vehicular and pedestrian travel. The Corporation shall be responsible for the maintenance, upkeep, repair and replacement of the entire Road until such time, if any, as the Road is accepted by the Town of North Yarmouth as a public way. All Lots shall be charged a proportionate share of the costs (1/10<sup>th</sup> each) of maintaining the Road easterly of the dashed line shown on the Plan as “7 + 50.5”. Only Lots 7, 8, 9 and 10 as portrayed on the Supplemental Plan shall pay a proportionate share of the costs (1/4 each) of maintaining the portion of the Road designated as “Extension of Carriage Hill” on the Supplemental Plan. Upon completion of construction of the Road and related stormwater and erosion control facilities' neither the Original Declarant nor the Extension Developers shall have any further liability for the maintenance, upkeep, repair and replacement of the Road or any portion thereof, except for the share of the Corporation's expenses chargeable to them as a lot owner. By acceptance of a deed to a Lot, each Owner agrees to pay its share of the costs of such maintenance, upkeep, repair and replacement of the Road, as further set forth herein and in the Bylaws.*

D. ARTICLE V, EASEMENTS, 1., (h) is hereby stricken and replaced with the following:

*(h) As set forth in Note 16 of the Plan, no public or private dedication, incipient, implied or otherwise, is intended in the subdivision road and the only rights in it are those expressly conveyed in deeds or in this Declaration, as amended.*

All other provisions of the Declaration remain unchanged and in full force and effect.

IN WITNESS WHEREOF, we the parties to this agreement, have hereunto set our hand and seal.



**CARRIAGE HILL  
HOMEOWNERS  
ASSOCIATION**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
By:  
Its:

\_\_\_\_\_  
Date

Lot 1

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**ANTHONY L. SANTERRE**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**SUSAN E. SANTERRE**

\_\_\_\_\_  
Date

Lot 2

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**MICAELA D. GRECO**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**MICHAEL STERRIS**

\_\_\_\_\_  
Date

Lot 3

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**MEGAN GOOD**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**RYAN GUERIN**

\_\_\_\_\_  
Date



**GENERAL NOTES:**

- THE RECORD OWNERS OF THE PARCEL ARE DANIEL & MARY TRAIN BY DEED DATED NOVEMBER 14, 2018 AND RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 35288, PAGE 12, AND IS SHOWN AS LOT 64 ON THE TOWN OF NORTH YARMOUTH TAX MAP 10 AND MARTHA & SHAWN ALBERT BY DEED DATED NOVEMBER 18, 2013 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 31180, PAGE 71, AND IS SHOWN AS LOT 65, ON THE TOWN OF NORTH YARMOUTH TAX MAP 10.
- THE PROPERTY IS LOCATED IN THE VILLAGE RESIDENTIAL DISTRICT. LAND USE REGULATIONS ARE AS FOLLOWS:  
NET RESIDENTIAL DENSITY: 1 ACRE/NET RESIDENTIAL AREA (SUBDIVISIONS)  
MINIMUM LOT SIZE: 1 ACRE  
MINIMUM STREET FRONTAGE: 100 FT  
MINIMUM FRONT YARD: 20 FT  
MINIMUM SIDE YARD: 10 FT  
MINIMUM REAR YARD: 10 FT  
MAXIMUM BUILDING HEIGHT: 2.5 STORES NO HIGHER THAN 35 FT  
MAXIMUM BUILDING COVERAGE: 30%  
\* SEE ORDINANCE FOR MORE PARTICULAR INFORMATION. INFORMATION MUST BE VERIFIED WITH THE APPLICABLE REGULATORY PRIOR TO CONSTRUCTION AND SETBACKS ARE LISTED FOR PRELIMINARY PLANNING PURPOSES ONLY.
- TOTAL AREA OF PARCEL IS APPROXIMATELY 30.47 ± ACRES.
- BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON PLAN REF. A TIED TO FIELD MEASUREMENTS OBSERVED BY NORTHERN SURVEY ENGINEERING, LLC IN AUGUST 2022. A COMPLETED RECORDS SEARCH WAS NOT COMPLETED AS PART OF THIS SURVEY, AND THIS PLAT DOES NOT REPRESENT THIS SURVEYORS OPINION AS TO THE EXTENT OF TITLE. SUBJECT BOUNDARIES ARE DERIVED BY USING BEST-FIT HELMERT TRANSFORMATION, CONSTRAINING THE RECORD BOUNDARIES TO THE FOUND MONUMENTATION, WHICH WAS GENERALLY CONFORMING TO THE PLAN EXCEPT AS NOTED HEREON. CONDITION REFERRED IN PLAN REF. AND THE DECLARATION IN BOOK 19055, PAGE 338, ROAD EASEMENT BOOK 19055, PAGE 325, ROAD EASEMENT AMENDMENT BOOK 24998, PAGE 219 AND THE WALKING EASEMENT BOOK 19033, PAGE 160 APPLY.
- TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON PUBLICLY AVAILABLE LIDAR DATA SOURCED THROUGH NOAA, DATED 2013 WITH A PUBLISHED VERTICAL ACCURACY OF 12.5 CM. THE PORTION SHOWN WAS LOCATED BY NORTHERN SURVEY ENGINEERING, LLC IN AN ON-THE-GROUND SURVEY.
- BOOK AND PAGE REFERENCES SHOWN HEREON ARE IN REFERENCE TO THE CUMBERLAND COUNTY REGISTRY OF DEEDS (C.C.R.D.).
- PLAN REFERENCES:  
A. "RECORDING PLAT OF CARRIAGE HILL, ROUTE 115 GRAY ROAD, NO. YARMOUTH, MAINE MADE FOR NINA SWEET & JAN A. PARKER" BY ROYAL RIVER SURVEY CO. DATED SEPT. 2002, RECORDED IN PLAN BOOK 202, PAGE 752.
- BEARINGS SHOWN HEREON ARE IN REFERENCE TO GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1802-NAD83. ELEVATIONS DEPICTED HEREON ARE IN REFERENCE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), BASED GPS OBSERVATIONS.
- UTILITY INFORMATION DEPICTED HEREON IS COMPILED USING PHYSICAL SURFACE EVIDENCE LOCATED IN THE FIELD IN CONJUNCTION WITH ANY RECORD INFORMATION AVAILABLE AT THE TIME OF THIS SURVEY (SUE LEVEL C), AND 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 LOCUS PROPERTY AS DEPICTED HEREON DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD AREA AS DELINEATED ON THE FLOOD INSURANCE RATE MAP FOR NORTH YARMOUTH, MAINE, CUMBERLAND COUNTY, COMMUNITY-PANEL NUMBER 230202 0010 B, HAVING AN EFFECTIVE DATE OF JULY 16, 1981. THE LOCUS FALLS WITHIN AN AREA IDENTIFIED AS ZONE C, AREAS OF MINIMAL FLOODING (NO SHADING).
- A WETLAND DELINEATION WAS PERFORMED ON THIS PROJECT SITE IN JULY, 2022 BY ALEXANDER FINAMORE, CERTIFIED SOIL SCIENTIST OF MAINLY SOILS, LLC AND LOCATED BY MAINLY SOILS, LLC USING SUB-METER GPS. THIS DELINEATION CONFORMS TO THE STANDARDS AND METHODS OUTLINED IN THE 1987 WETLANDS DELINEATION MANUAL AND NORTHEAST REGIONAL SUPPLEMENT AUTHORED AND PUBLISHED BY THE U.S. ARMY CORPS OF ENGINEERS. ALL WETLAND AREAS SHOWN MEET THE DEFINITION OF "HIGH VALUE" AS LISTED IN SECT. 10.3 B4. BUFFERS ARE 50 FEET PER SECT. 10.3 C3; AVERAGE SLOPES LESS THAN 10%. 100 FT BUFFERS ARE ALSO SHOWN PER PLAN REF. A.
- STREAM VEGETATIVE BUFFERS ARE SHOWN AS 90 FEET PER SECT. 10.3 C3. 11-20% AVERAGE SLOPES. ANY LAND DISTURBANCE WITHIN 75 FEET OF STREAMS WILL REQUIRE THE SUBMISSION OF A NATURAL RESOURCES PROTECTION ACT PERMIT BY RULE FOR ACTIVITIES ADJACENT TO A NATURAL RESOURCE FROM THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION.
- NO CHANGES ARE PROPOSED TO THE 25 FT EXISTING PUBLIC WALKING EASEMENT AS SHOWN ON PLAN REF. A AND RECORDED BOOK 19033, PAGE 160.

**CONDITIONS OF APPROVAL:**

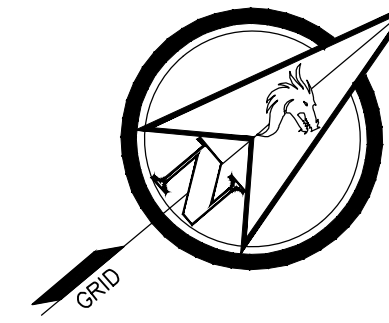
- THIS PLAN SHALL BE RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN NINETY (90) DAYS OF THE DATE OF THE PLANNING BOARD APPROVAL. IF THE PLAN IS NOT RECORDED WITHIN THIS TIME, THE APPROVAL OF THE PLANNING BOARD SHALL BE NULL AND VOID.
- PRIOR TO THE START OF EARTHWORK, CONSTRUCTION, AND ISSUANCE OF A BUILDING PERMIT FOR ANY LOT:
- THE DEVELOPER SHALL SUBMIT A LETTER OF FINANCIAL CAPACITY TO THE TOWN FOR ROAD CONSTRUCTION.
- THE DEVELOPER SHALL PAY THE PRIVATE WAY INSPECTION FEE.
- THE DEVELOPER SHALL PROVIDE SURVEY ACCURATE FIELD MARKERS ADEQUATE TO ENABLE CONTRACTORS TO EASILY DETERMINE LOT BOUNDARIES AND BUILDING ENVELOPES TO ENSURE COMPLIANCE WITH SETBACK REQUIREMENTS.
- EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSTALLED TO THE SATISFACTION OF THE TOWN.
- PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY:
- THE ROAD COMMISSIONER OR DESIGNEE SHALL INSPECT THE PRIVATE DRIVE TO VERIFY IT HAS BEEN CONSTRUCTED IN ACCORDANCE WITH ORDINANCE SPECIFICATIONS, THE APPROVED PLAN, AND WITH ADEQUATE PROVISION FOR STORM DRAINAGE.
- AN AMENDED HOME OWNERS ASSOCIATION MAINTENANCE AGREEMENT SHALL BE APPROVED AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS TO ACCOUNT FOR THE ADDITIONAL MAINTENANCE.
- IN-HOME SPRINKLER SYSTEMS MUST BE INSTALLED PER TOWN STANDARDS
- THE TOWN OF NORTH YARMOUTH WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR OR PLOWING OF THE PRIVATE DRIVE.

**APPROVED: NORTH YARMOUTH PLANNING BOARD**

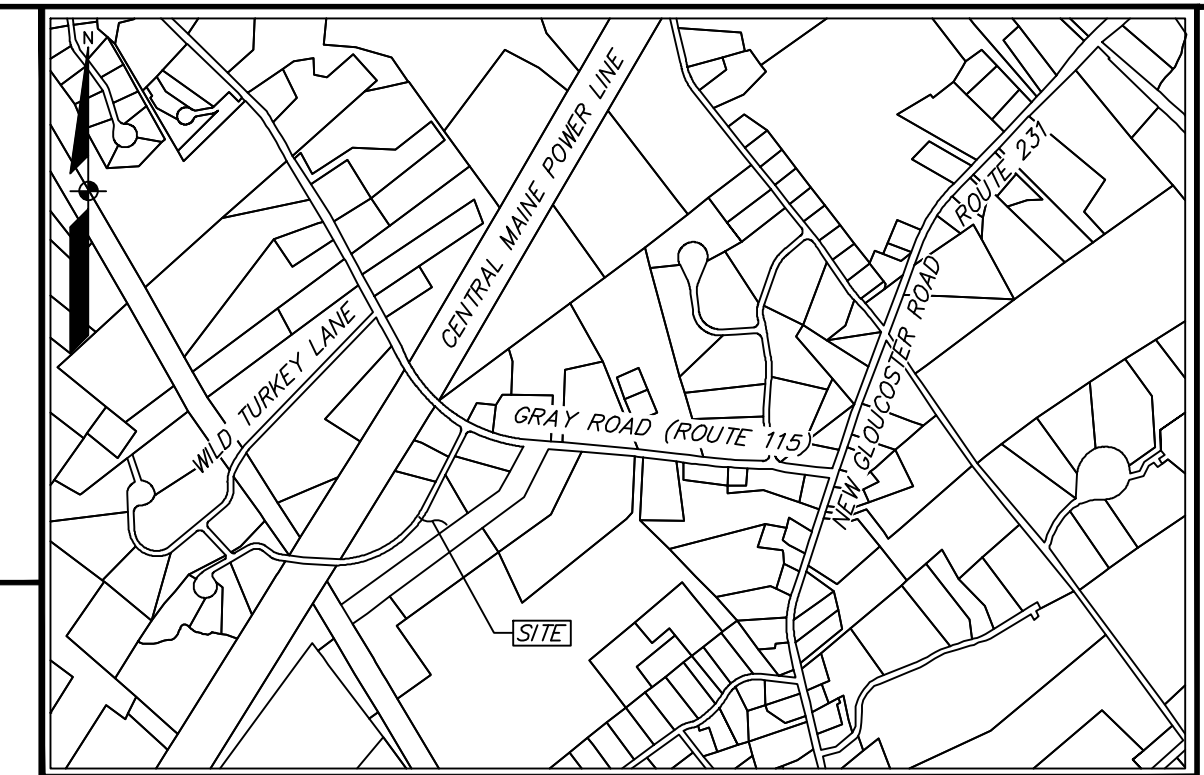
CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



FOR REGISTRY USE ONLY

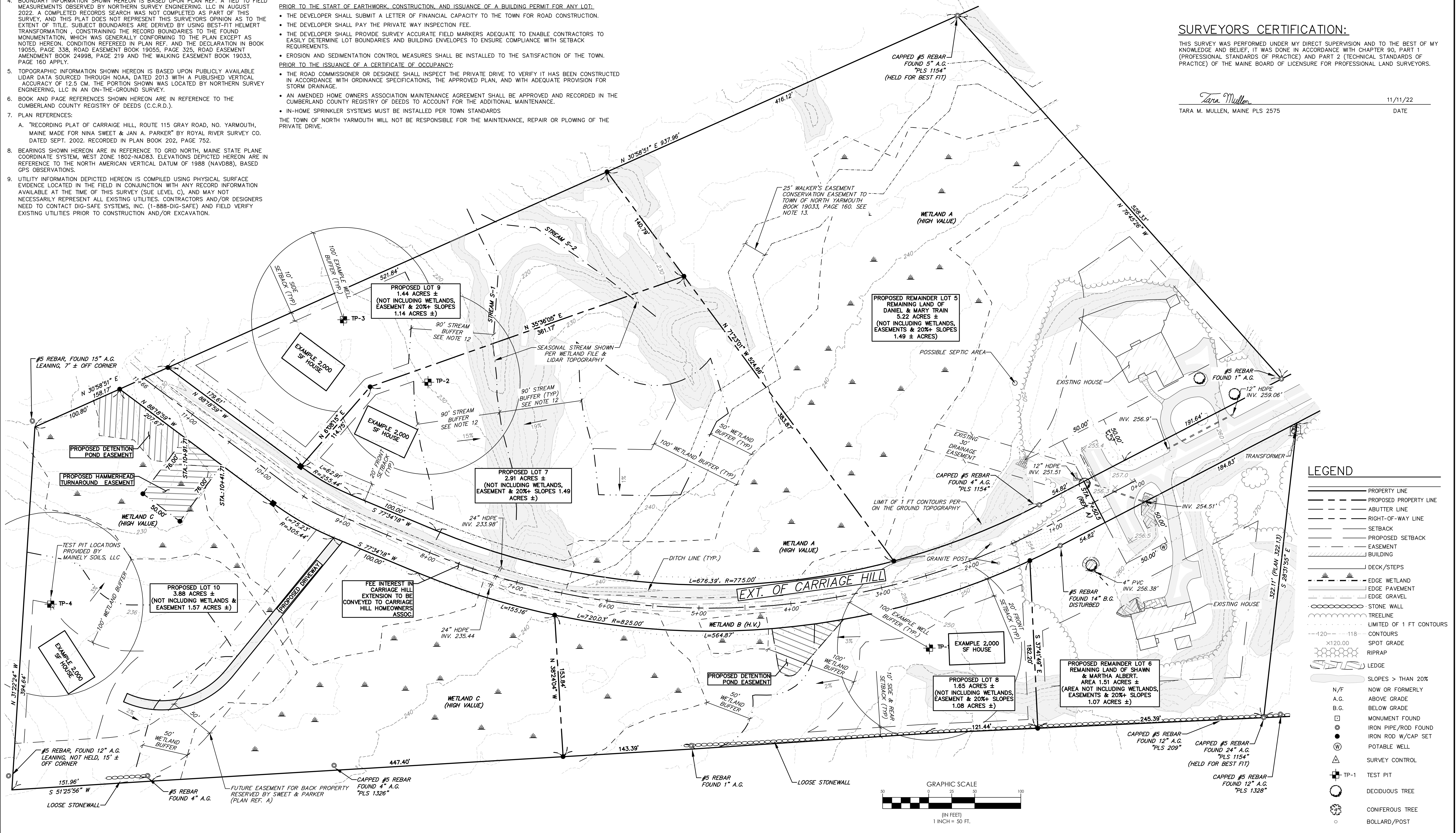


LOCATION MAP N.T.S.

**SURVEYORS CERTIFICATION:**

THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IT WAS DONE IN ACCORDANCE WITH CHAPTER 90, PART 1 (PROFESSIONAL STANDARDS OF PRACTICE) AND PART 2 (TECHNICAL STANDARDS OF PRACTICE) OF THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS.

Tara Mullen 11/11/22  
TARA M. MULLEN, MAINE PLS 2575 DATE



TARA M. MULLEN, PLS 2575

1	TMM 11/11/22	REVISED CONDITIONS OF APPROVAL & ADDED TEST PIT BUFFER
2	TMM 01/10/23	REVISED CONDITIONS OF APPROVAL
3	TMM 01/19/23	REVISED CONDITIONS OF APPROVAL & LOT NUMBERS

REVISED BY: DATE: STATUS:

2023 11/11/22

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM THE SURVEYOR. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK.

**NORSE**  
NORTHERN SURVEY ENGINEERING & DESIGN  
NORSE has joined Colliers Engineering & Design

41 CHURCH ROAD, BETHENCK, MAINE 04011  
www.northernsurveyengineering.com

**FIRST AMENDED SUBDIVISION PLAN**  
OF  
**CARRIAGE HILL**  
NORTH YARMOUTH, MAINE 04097

FOR:  
**DANIEL TRAIN & SHAWN ALBERT**  
14 & 15 CARRIAGE HILL  
NORTH YARMOUTH, MAINE 04097

DRAWN	CHECKED
TMM	SPD
PROJECT NO.	DATE
22004653	10/27/22
SHEET SIZE	SCALE
24" X 36"	1" = 50'

SHEET 1 OF 1