

**CITY OF LEWISTON
PLANNING BOARD MEETING**
Monday, June 24, 2013 – 5:30 P.M.
City Council Chambers, First Floor
Lewiston City Building
27 Pine Street, Lewiston

AGENDA

I. ROLL CALL

II. ADJUSTMENTS TO THE AGENDA

III. CORRESPONDENCE

IV. PUBLIC HEARINGS:

- a) A proposed amendment to the Water's Edge Subdivision, Ninth Revision submitted by Stephen Farrar.

V. OTHER BUSINESS:

- a) Update on Lewiston Comprehensive Plan – Planapalooza.
- b) Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.

VIII. READING OF THE MINUTES: Motion to adopt the draft minutes from May 13, 2013 and June 10, 2013

VII. ADJOURNMENT



CITY OF LEWISTON



Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: June 20, 2013
RE: June 24, 2013 Planning Board Agenda Item IV(a)

A proposed amendment to the Water's Edge Subdivision, Ninth Revision submitted by Stephen Farrar.

Stephen Farrar on behalf of him and his wife Michelle Farrar has submitted a proposed amendment to the Water's Edge Subdivision to amend the building windows/limits of development at 63, 69, and 72 Water's Edge Drive and to reconfigure the property line of 63 and 69 Water's Edge Drive. The Farrar's own all three lots. The property at 69 Water's Edge Drive (lot 15 as referenced on the subdivision plan) consists of the Farrar's single family home. The other two lots (referenced as lots 14 and 16 on the subdivision plan) are currently vacant.

All of the lots are within the Water's Edge Subdivision first approved in 1995. The subdivision is located in the Rural Agricultural (RA) zoning district and was approved as a cluster subdivision under the provisions contained in Article XIII, Section 7 of the Zoning and Land Use Code. Said provisions allow for a 50 percent reduction in required lot size and a reduction in frontage to a little as 50'. The reduction in lot size is offset by additional land placed in open space. The RA district's minimum lot size is 60,000 sf with 200' frontage. All of the lots in the subdivision have been approved by the Planning Board as either meeting the minimum RA district space and bulk requirements or have been reduced pursuant to the cluster provisions. This subdivision was also approved with building window envelopes/limits of development for each lot in which all structures and maintained yard areas are limited within. This additional restriction was placed upon the lots in this subdivision due to concerns with potential increase in phosphorus runoff negatively impacting No Name Pond.

Mr. Farrar's proposed amendment includes a reconfiguration of the building windows at 63, 69, and 72 Water's Edge Drive. It has come to both the applicant and the City's attention that improvements made on Mr. Farrar's house lot at 69 Water's Edge Drive exceed the approved building window. In effort to correct this requirement of this particular subdivision, Mr. Farrar is amending the building windows/limits of development on the three lots he owns. Doing so corrects any existing violations on the developed house lot, while providing building windows on the vacant lots large enough to accommodate a single family home. The subdivision plan submitted provides a "limits of development summary" with the areas of the building windows for the effected lots.

The proposed amendment also reconfigures the lot line between 63 and 69 Water's Edge Drive (lot 14 and 15). Said reconfiguration assists in correcting the building window/limit of development encroachment. It also rectifies a conflicting subdivision amendment, Six Revision dated April 6, 2004, that showed lots 14 and 15 merged but which was never recorded in the registry of deeds. Though that plan was never recorded, subsequent recorded amendments showed the lots merged without the owners consent while the Farrar's are continually taxed on two individual lots. This amendment, Ninth Revision of Water's Edge Subdivision, resolves any discrepancies from previous plans, clearly showing lots 14 and 15 as individual lots.

ACTIONS NECESSARY

1. Make a motion to consider an application submitted by Stephen Farrar on behalf of him and his wife Michelle Farrar for an amendment to the Water's Edge Subdivision, Ninth Revision.
2. Obtain input on the application;
3. Make a determination that the application is complete;
4. Make finding that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article XIII, Section 4 and 5 and 7 of the Zoning and Land Use Code and to grant to Stephen Farrar on behalf of he and his wife Michelle Farrar approval of the Ninth Revision to the Water's Edge Subdivision to amend the limits of development at 63, 69, and 72 Water's Edge Drive and to reconfigure 63 and 69 Water's Edge Drive, subject to any concerns raised by the Planning Board or staff.

June 17,2013

Dear City of Lewiston Planning Board,

My name is Stephen Farrar and currently reside at 69 Waters Edge Drive in Lewiston, Maine. The reason for my request to come before the Planning Board is to amend any and all encroachments on my current residential lot which abuts 63 and 72 Waters Edge Drive, which I also currently own. In order to resolve the outstanding violations, we hired a surveyor to make the necessary corrections. Having the benefit of owning these properties has allowed us to adjust the property lines accordingly to satisfy the existing encroachments. As well, it has allowed us to scale down and transfer a portion of the building envelopes on 63 and 72 Waters edge drive to compensate and increase the total building envelope on 69 Waters Edge Drive. This process would allow us to correct the outstanding violations without changing the total square footage of building envelope area amongst the 3 properties (63,69,72 Waters Edge Drive) initially purchased.

Furthermore, we would like to address and correct the merging of 63 and 69 Waters Edge Drive that was done in error and without our consent. We are seeking to have to have these properties considered separate as they were on the date of purchase. Although this confusion exists, both 63 and 69 have consistently been billed as separate properties for property tax purposes since the date of purchase.

I greatly appreciate your time and consideration regarding these matters.

A handwritten signature in black ink, appearing to read 'Stephen Farrar', with a long horizontal flourish extending to the right.

Stephen Farrar

PROJECT DATA

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

IMPERVIOUS SURFACE AREA/RATIO

Existing Total Impervious Area	<u>N/A</u>	sq. ft.
Proposed Total Paved Area	<u>N/A</u>	sq. ft.
Proposed Total Impervious Area	<u>N/A</u>	sq. ft.
Proposed Impervious Net Change	<u>N/A</u>	sq. ft.
Impervious surface ratio existing	<u>N/A</u>	% of lot area
Impervious surface ratio proposed	<u>N/A</u>	% of lot area

BUILDING AREA/LOT

COVERAGE

Existing Building Footprint	<u>N/A</u>	sq. ft.
Proposed Building Footprint	<u>N/A</u>	sq. ft.
Proposed Building Footprint Net change	<u>N/A</u>	sq. ft.
Existing Total Building Floor Area	<u>N/A</u>	sq. ft.
Proposed Total Building Floor Area	<u>N/A</u>	sq. ft.
Proposed Building Floor Area Net Change	<u>N/A</u>	sq. ft.
New Building	<u>NO</u>	(yes or no)
Building Area/Lot coverage existing	<u>N/A</u>	% of lot area
Building Area/Lot coverage proposed	<u>N/A</u>	% of lot area

ZONING

Existing
Proposed, if applicable

RURAL AGRICULTURE
N/A

LAND USE

Existing
Proposed

RESIDENTIAL SUBDIVISION
N/A

RESIDENTIAL, IF APPLICABLE

Existing Number of Residential Units
Proposed Number of Residential Units
Subdivision, Proposed Number of Lots

N/A
N/A
NO CHANGE

PARKING SPACES

Existing Number of Parking Spaces
Proposed Number of Parking Spaces
Required Number of Parking Spaces
Number of Handicapped Parking Spaces

N/A
N/A
N/A
N/A

ESTIMATED COST OF PROJECT

DELEGATED REVIEW AUTHORITY CHECKLIST

SITE LOCATION OF DEVELOPMENT AND STORMWATER MANAGEMENT

Existing Impervious Area	<u>N/A</u>	sq. ft.
Proposed Disturbed Area	<u>N/A</u>	sq. ft.
Proposed Impervious Area	<u>N/A</u>	sq. ft.

1. If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with MDEP.
2. If the proposed impervious area is greater than one acre including any impervious area created since 11/16/05, then the applicant shall apply for a MDEP Stormwater Management Permit, Chapter 500, with the City.
3. If total impervious area (including structures, pavement, etc) is greater than 3 acres since 1971 but less than 7 acres, then the applicant shall apply for a Site Location of Development Permit with the City. If more than 7 acres then the application shall be made to MDEP unless determined otherwise.
4. If the development is a subdivision of more than 20 acres but less than 100 acres then the applicant shall apply for a Site Location of Development Permit with the City. If more than 100 acres then the application shall be made to MDEP unless determined otherwise.

TRAFFIC ESTIMATE

Total traffic estimated in the peak hour-existing

(Since July 1, 1997)

N/A _____ passenger car equivalents (PCE)

Total traffic estimated in the peak hour-proposed (Since July 1, 1997) N/A N/A _____ passenger car equivalents (PCE)
If the proposed increase in traffic exceeds 100 one-way trips in the peak hour then a traffic movement permit will be required.

Zoning Summary

1.	Property is located in the <u>RURAL AGRICULTURE</u> zoning district.	
2.	Parcel Area: _____ acres / _____ square feet(sf).	
Regulations	Required/Allowed	Provided
Min Lot Area	60,000/30,000 <u>cluster</u> / <u>at least 30,000 sf</u>	
Street Frontage	50 ft to 200 ft / <u>varies/cluster</u>	
Min Front Yard	25 ft / <u>varies / cluster</u>	
Min Rear Yard	25 ft / <u>varies/cluster</u>	
Min Side Yard	25 ft / <u>varies/ cluster</u>	
Max. Building Height	35 ft / <u>35 ft</u>	
Use Designation	SINGLE FAMILY / <u>SINGLE FAMILY</u>	
Parking Requirement	1 space/ per. <u>square feet of floor area</u>	
Total Parking:	N/A / <u>N/A</u>	
Overlay zoning districts (if any):	N/A / <u>N/A</u>	
Urban impaired stream watershed?	YES/NO If yes, watershed name <u>NO</u>	

DEVELOPMENT REVIEW APPLICATION SUBMISSION

Submission shall include payment of fee and fifteen (15) complete packets containing the following materials:

1. Full size plans containing the information found in the attached sample plan checklist.
2. Application form that is completed and signed.
3. Cover letter stating the nature of the project.
4. All written submittals including evidence of right, title and interest.
5. Copy of the checklist completed for the proposal listing the material contained in the submitted application.

Refer to the application checklist for a detailed list of submittal requirements.

L/A's development review process and requirements have been made similar for convenience and to encourage development. Each City's ordinances are available online at their prospective websites:

Auburn: www.auburnmaine.org under City Departments/ Planning and Permitting/Land Use Division/Zoning Ordinance

Lewiston: <http://www.ci.lewiston.me.us/clerk/ordinances.htm> Refer to Appendix A of the Code of Ordinances

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

This application is for development review only; a Performance Guarantee, Inspection Fee, Building Permit Application and other associated fees and permits will be required prior to construction.

Signature of Applicant: 	Date: <u>6/17/13.</u>
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32/27

For WATER'S EDGE DRIVE

WARRANTY DEED

RICHARD & ROY, LLC, a Maine limited liability company, duly organized and existing under the laws of the State of Maine, with a mailing address c/o 51 Long Point Road, Harpswell, Maine, 04079, for consideration paid, grants to **STEPHEN T. FARRAR and MICHELLE R. FARRAR**, with a mailing address of 14 West View Drive, Lewiston, Maine, 04240, and **NORMAN M. FARRAR**, with a mailing address of 78 Woodland Shore Drive, Poland Spring, Maine, 04274, with **WARRANTY COVENANTS**, as **Joint Tenants**, a certain lot or parcel of land, with any buildings thereon, situated in **LEWISTON**, County of **ANDROSCOGGIN**, and State of **MAINE**, bounded and described as follows:

MAINE REAL ESTATE
TRANSFER TAX PAID

Being Lot 16 on the Subdivision and Site Plan, Third Revision, of Water's Edge dated April 3, 2002 and recorded in the Androscoggin County Registry of Deeds in Plan Book 42, Page 3 and subject to the conditions set forth thereon, together with an undivided 3/50th interest in the areas designated on the Plans as "Common Open Space" in common and undivided with the owners of all other numbered lots shown on the Plans.

RESERVATIONS

Richard & Roy, LLC reserves the following:

Reservation 1: The fee interest title to the road shown on the Plans which is identified on the Plans as Water's Edge Drive.

Reservation 2: The right to convey to the City of Lewiston free and clear of any interest of the Grantee the parcel having an area of approximately 2,160 square feet and having 75.6 feet of frontage on the southwesterly side of No Name Pond Road and identified on the Plan as the parcel which the developer reserves the right to convey to the City of Lewiston.

Reservation 3: The right to grant an easement (free and clear of any interest of the Grantee) for a community septic disposal area for the collection of cottages commonly known as "the Settlement," the Settlement being located on the southwesterly side of No Name Pond Road. The disposal area will be located within the Common Open Space parcel shown on the Plans on which appears the

"Note" containing this reservation. The easement will be limited as described in said "Note."

COVENANTS AND RESTRICTIONS

The above described premises are subject to and are benefited by the following covenants and restrictions which shall be appurtenant to and run with said premises:

- (1) **Mobile Homes.** There shall be no mobile homes or house trailers permitted on said premises.
- (2) **Foundations.** All dwellings must be constructed on a full foundation or crawl space foundation.
- (3) **Uninspected Vehicles.** No uninspected motor vehicle may remain on the premises for more than 30 days after expiration of the inspection period unless the vehicle is always kept in a garage or other building and is kept out of sight of users of the road and abutters (except when being driven).
- (4) **Recreational Vehicles.** Campers, boats and recreational vehicles visible from any street or other lot in this subdivision shall be placed in a neat and orderly manner on the premises and shall be maintained in good and operation condition. No junk vehicles, campers or boats which are visible from any street or other lot in this subdivision shall be kept on the premises.
- (5) **Animals.** No animals shall be kept on the premises except usual domestic pets.
- (6) **Business.** No retail business shall be conducted on the premises, except sporadic garage or yard sales of personal family property may occur up to twice a year at each lot. Further, no other business, trade, or occupation may be conducted from the premises other than a home occupation that meets the requirements of the Lewiston Zoning Ordinance that is in effect at the commencement of the business.
- (7) **Nuisance.** No noxious or offensive activity that constitutes a nuisance may be conducted on the premises.
- (8) **Building Window.** All structures must be constructed within the building windows shown on the "Subdivision Plan, Third Revision, of Water's Edge Subdivision, prepared for Richard & Roy, LLC, by MidCoast Survey Co., recorded in the Androscoggin County Registry of Deeds in Book 42, Page 3.
- (9) **Clearing.** All clearing of vegetation shall be restricted as noted on said Development Plan for Water's Edge, including the 50 foot buffer strip shown along the No Name Pond Road and the rear of the lots.

- (10) **Membership in Association and Lien for Assessments.** Upon acceptance of delivery of this deed, each owner of the lot conveyed herein becomes a member of the Water's Edge Homeowners Association, an association of homeowners of the lots shown on the Water's Edge Subdivision and Site Plan. Membership in said Association, which is mandatory, includes the benefit of use of said Common Open Space areas in exchange for the obligation to abide by the Bylaws of said Association including the duty to pay any assessment that may be properly levied by the Association for the purpose of maintaining, improving, and/or managing said Common Open Space areas, as set forth in the Bylaws of the Association recorded in said Registry in Book 3995, Page 145. As provided in said Bylaws, the assessment becomes a lien on the real estate with priority over all other liens except for liens recorded prior to the recording of said Bylaws and liens for real estate taxes and similar assessments which by law have priority over all other liens. The lien may be enforced in the same manner as a lien for assessments against a condominium unit as provided in the Maine Condominium Act, 33 ME. REV. STAT. ANN. §1603-116; including, without limitation, foreclosure in like manner as a mortgage on real estate.
- (11) **Approval of Plans.** No buildings shall be erected except in accordance with elevation, floor and location plans approved by Richard & Roy, LLC (the "Company") as successor in interest to Richard & Roy Associates, as to general appearance and compatibility with other homes allowed on lots on the Plans. The Grantee shall present such plans to the Company, and the latter shall have a period of thirty (30) calendar days in which to indicate its approval in writing upon said plans and by accompanying letter, which approval shall not be unreasonably withheld. If the Grantee does not receive written notice of disapproval within said thirty-day period at such address as Grantee shall furnish to the Company at the time of submitting said plans, the Company's approval shall be conclusively presumed. The authority to approve of such plans shall inure to the successors and assigns of the Company and the obligation to obtain such approval shall be binding upon the heirs, personal representatives, successors, and assigns of the Grantee(s). This obligation to obtain the Company's approval shall pertain only to the first dwelling to be erected upon said lot.

Being a part of the premises conveyed to this Grantor by deed from Richard & Roy Associates dated October 21, 1999 and recorded in Book 4335, Page 44. Reference is also made to the decision of the Maine Department of Environmental Protection to decline jurisdiction of the Water's Edge Subdivision as set forth in the letter from said

department annexed to the Affidavit of Roger R. Richard dated August 20, 1997 and recorded in Book 3833, Page 54.

IN WITNESS WHEREOF, the Grantor has set its hand and seal on this 31st day of December, 2004.

RICHARD & ROY, LLC

Robert Couturier
Witness

By Roger R. Richard
Roger R. Richard
Its Manager

STATE OF MAINE
ANDROSCOGGIN, SS.

December 31, 2004

Then personally appeared the above-named Roger R. Richard and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Richard & Roy, LLC.

Before me,

Robert Couturier
~~Notary Public~~/Attorney at Law
Print Name: ROBERT L. COUTURIER
~~My Commission Expires:~~

ANDROSCOGGIN COUNTY
Tina M. Chouard
REGISTER OF DEEDS

MAINE REAL ESTATE
TRANSFER TAX PAID

WARRANTY DEED

RICHARD & ROY, LLC, a Maine limited liability company, duly organized and existing under the laws of the State of Maine, with a mailing address c/o 51 Long Point Road, Harpswell, Maine, 04079, for consideration paid, grants to Stephen T. Farrar and Michelle R. Farrar, with a mailing address of 14 West View Drive, Lewiston, Maine, 04240, with **WARRANTY COVENANTS**, as **Joint Tenants**, a certain lot or parcel of land, with any buildings thereon, situated in **LEWISTON**, County of **ANDROSCOGGIN**, and State of **MAINE**, bounded and described as follows:

Being Lot 14 on the Subdivision and Site Plan, Third Revision, of Water's Edge dated April 3, 2002 and recorded in the Androscoggin County Registry of Deeds in Plan Book 42, Page 3 and subject to the conditions set forth thereon, together with an undivided 1/25th interest in the areas designated on the Plans as "Common Open Space" in common and undivided with the owners of all other numbered lots shown on the Plans.

RESERVATIONS

Richard & Roy, LLC reserves the following:

Reservation 1: The fee interest title to the road shown on the Plans which is identified on the Plans as Water's Edge Drive.

Reservation 2: The right to convey to the City of Lewiston free and clear of any interest of the Grantee the parcel having an area of approximately 2,160 square feet and having 75.6 feet of frontage on the southwesterly side of No Name Pond Road and identified on the Plan as the parcel which the developer reserves the right to convey to the City of Lewiston.

Reservation 3: The right to grant an easement (free and clear of any interest of the Grantee) for a community septic disposal area for the collection of cottages commonly known as "the Settlement," the Settlement being located on the southwesterly side of No Name Pond Road. The disposal area will be located within the Common Open Space parcel shown on the Plans on which appears the "Note" containing this reservation. The easement will be limited as described in said "Note."

COVENANTS AND RESTRICTIONS

The above described premises are subject to and are benefited by the following covenants and restrictions which shall be appurtenant to and run with said premises:

- (1) **Mobile Homes.** There shall be no mobile homes or house trailers permitted on said premises.
- (2) **Foundations.** All dwellings must be constructed on a full foundation or crawl space foundation.
- (3) **Uninspected Vehicles.** No uninspected motor vehicle may remain on the premises for more than 30 days after expiration of the inspection period unless the vehicle is always kept in a garage or other building and is kept out of sight of users of the road and abutters (except when being driven).
- (4) **Recreational Vehicles.** Campers, boats and recreational vehicles visible from any street or other lot in this subdivision shall be placed in a neat and orderly manner on the premises and shall be maintained in good and operation condition. No junk vehicles, campers or boats which are visible from any street or other lot in this subdivision shall be kept on the premises.
- (5) **Animals.** No animals shall be kept on the premises except usual domestic pets.
- (6) **Business.** No retail business shall be conducted on the premises, except sporadic garage or yard sales of personal family property may occur up to twice a year at each lot. Further, no other business, trade, or occupation may be conducted from the premises other than a home occupation that meets the requirements of the Lewiston Zoning Ordinance that is in effect at the commencement of the business.
- (7) **Nuisance.** No noxious or offensive activity that constitutes a nuisance may be conducted on the premises.
- (8) **Building Window.** All structures must be constructed within the building windows shown on the "Subdivision Plan, Third Revision, of Water's Edge Subdivision, prepared for Richard & Roy, LLC. by MidCoast Survey Co., recorded in the Androscoggin County Registry of Deeds in Book 42, Page 3.
- (9) **Clearing.** All clearing of vegetation shall be restricted as noted on said Development Plan for Water's Edge, including the 50 foot buffer strip shown along the No Name Pond Road and the rear of the lots.

- (10) **Membership in Association and Lien for Assessments.** Upon acceptance of delivery of this deed, each owner of the lot conveyed herein becomes a member of the Water's Edge Homeowners Association, an association of homeowners of the lots shown on the Water's Edge Subdivision and Site Plan. Membership in said Association, which is mandatory, includes the benefit of use of said Common Open Space areas in exchange for the obligation to abide by the Bylaws of said Association including the duty to pay any assessment that may be properly levied by the Association for the purpose of maintaining, improving, and/or managing said Common Open Space areas, as set forth in the Bylaws of the Association recorded in said Registry in Book 3995, Page 145. As provided in said Bylaws, the assessment becomes a lien on the real estate with priority over all other liens except for liens recorded prior to the recording of said Bylaws and liens for real estate taxes and similar assessments which by law have priority over all other liens. The lien may be enforced in the same manner as a lien for assessments against a condominium unit as provided in the Maine Condominium Act, 33 ME. REV. STAT. ANN. §1603-116; including, without limitation, foreclosure in like manner as a mortgage on real estate.
- (11) **Approval of Plans.** No buildings shall be erected except in accordance with elevation, floor and location plans approved by Richard & Roy, LLC (the "Company") as successor in interest to Richard & Roy Associates, as to general appearance and compatibility with other homes allowed on lots on the Plans. The Grantee shall present such plans to the Company, and the latter shall have a period of thirty (30) calendar days in which to indicate its approval in writing upon said plans and by accompanying letter, which approval shall not be unreasonably withheld. If the Grantee does not receive written notice of disapproval within said thirty-day period at such address as Grantee shall furnish to the Company at the time of submitting said plans, the Company's approval shall be conclusively presumed. The authority to approve of such plans shall inure to the successors and assigns of the Company and the obligation to obtain such approval shall be binding upon the heirs, personal representatives, successors, and assigns of the Grantee(s). This obligation to obtain the Company's approval shall pertain only to the first dwelling to be erected upon said lot.

Being a part of the premises conveyed to this Grantor by deed from Richard & Roy Associates dated October 21, 1999 and recorded in Book 4335, Page 44. Reference is also made to the decision of the Maine Department of Environmental Protection to decline jurisdiction of the Water's Edge Subdivision as set forth in the letter from said

department annexed to the Affidavit of Roger R. Richard dated August 20, 1997 and recorded in Book 3833, Page 54.

IN WITNESS WHEREOF, the Grantor has set its hand and seal on this 31st day of December, 2003.

RICHARD & ROY, LLC

Therese G. Mathieu
Witness

By Roger R. Richard
Roger R. Richard
Its Manager

STATE OF MAINE
ANDROSCOGGIN, SS.

December 31, 2003

Then personally appeared the above-named Roger R. Richard and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Richard & Roy, LLC.

Before me,



Therese G. Mathieu
Notary Public/Attorney at Law
Print Name: THERESE G. MATHIEU
My Commission Expires: MARCH 5, 2010

ANDROSCOGGIN COUNTY
Tina M. Charnard
REGISTER OF DEEDS

WARRANTY DEED

RICHARD & ROY, LLC, a Maine limited liability company, duly organized and existing under the laws of the State of Maine, with a mailing address c/o 51 Long Point Road, Harpswell, Maine, 04079, for consideration paid, grants to Stephen T. Farrar and Michelle R. Farrar, with a mailing address of 14 West View Drive, Lewiston, Maine, 04240, with

WARRANTY COVENANTS, as **Joint Tenants**, a certain lot or parcel of land, with any buildings thereon, situated in **LEWISTON**, County of **ANDROSCOGGIN**, and State of **MAINE**, bounded and described as follows:

Being Lot 15 on the Subdivision and Site Plan, Third Revision, of Water's Edge dated April 3, 2002 and recorded in the Androscoggin County Registry of Deeds in Plan Book 42, Page 3 and subject to the conditions set forth thereon, together with an undivided 1/25th interest in the areas designated on the Plans as "Common Open Space" in common and undivided with the owners of all other numbered lots shown on the Plans.

RESERVATIONS

Richard & Roy, LLC reserves the following:

Reservation 1: The fee interest title to the road shown on the Plans which is identified on the Plans as Water's Edge Drive.

Reservation 2: The right to convey to the City of Lewiston free and clear of any interest of the Grantee the parcel having an area of approximately 2,160 square feet and having 75.6 feet of frontage on the southwesterly side of No Name Pond Road and identified on the Plan as the parcel which the developer reserves the right to convey to the City of Lewiston.

Reservation 3: The right to grant an easement (free and clear of any interest of the Grantee) for a community septic disposal area for the collection of cottages commonly known as "the Settlement," the Settlement being located on the southwesterly side of No Name Pond Road. The disposal area will be located within the Common Open Space parcel shown on the Plans on which appears the "Note" containing this reservation. The easement will be limited as described in said "Note."

COVENANTS AND RESTRICTIONS

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- (2) **Foundations.** All dwellings must be constructed on a full foundation or crawl space foundation.
- (3) **Uninspected Vehicles.** No uninspected motor vehicle may remain on the premises for more than 30 days after expiration of the inspection period unless the vehicle is always kept in a garage or other building and is kept out of sight of users of the road and abutters (except when being driven).
- (4) **Recreational Vehicles.** Campers, boats and recreational vehicles visible from any street or other lot in this subdivision shall be placed in a neat and orderly manner on the premises and shall be maintained in good and operation condition. No junk vehicles, campers or boats which are visible from any street or other lot in this subdivision shall be kept on the premises.
- (5) **Animals.** No animals shall be kept on the premises except usual domestic pets.
- (6) **Business.** No retail business shall be conducted on the premises, except sporadic garage or yard sales of personal family property may occur up to twice a year at each lot. Further, no other business, trade, or occupation may be conducted from the premises other than a home occupation that meets the requirements of the Lewiston Zoning Ordinance that is in effect at the commencement of the business.
- (7) **Nuisance.** No noxious or offensive activity that constitutes a nuisance may be conducted on the premises.
- (8) **Building Window.** All structures must be constructed within the building windows shown on the "Subdivision Plan, Third Revision, of Water's Edge Subdivision, prepared for Richard & Roy, LLC. by MidCoast Survey Co., recorded in the Androscoggin County Registry of Deeds in Book 42, Page 3.
- (9) **Clearing.** All clearing of vegetation shall be restricted as noted on said Development Plan for Water's Edge, including the 50 foot buffer strip shown along the No Name Pond Road and the rear of the lots.

- (10) **Membership in Association and Lien for Assessments.** Upon acceptance of delivery of this deed, each owner of the lot conveyed herein becomes a member of the Water's Edge Homeowners Association, an association of homeowners of the lots shown on the Water's Edge Subdivision and Site Plan. Membership in said Association, which is mandatory, includes the benefit of use of said Common Open Space areas in exchange for the obligation to abide by the Bylaws of said Association including the duty to pay any assessment that may be properly levied by the Association for the purpose of maintaining, improving, and/or managing said Common Open Space areas, as set forth in the Bylaws of the Association recorded in said Registry in Book 3995, Page 145. As provided in said Bylaws, the assessment becomes a lien on the real estate with priority over all other liens except for liens recorded prior to the recording of said Bylaws and liens for real estate taxes and similar assessments which by law have priority over all other liens. The lien may be enforced in the same manner as a lien for assessments against a condominium unit as provided in the Maine Condominium Act, 33 ME. REV. STAT. ANN. §1603-116; including, without limitation, foreclosure in like manner as a mortgage on real estate.
- (11) **Approval of Plans.** No buildings shall be erected except in accordance with elevation, floor and location plans approved by Richard & Roy, LLC (the "Company") as successor in interest to Richard & Roy Associates, as to general appearance and compatibility with other homes allowed on lots on the Plans. The Grantee shall present such plans to the Company, and the latter shall have a period of thirty (30) calendar days in which to indicate its approval in writing upon said plans and by accompanying letter, which approval shall not be unreasonably withheld. If the Grantee does not receive written notice of disapproval within said thirty-day period at such address as Grantee shall furnish to the Company at the time of submitting said plans, the Company's approval shall be conclusively presumed. The authority to approve of such plans shall inure to the successors and assigns of the Company and the obligation to obtain such approval shall be binding upon the heirs, personal representatives, successors, and assigns of the Grantee(s). This obligation to obtain the Company's approval shall pertain only to the first dwelling to be erected upon said lot.

Being a part of the premises conveyed to this Grantor by deed from Richard & Roy Associates dated October 21, 1999 and recorded in Book 4335, Page 44. Reference is also made to the decision of the Maine Department of Environmental Protection to decline jurisdiction of the Water's Edge Subdivision as set forth in the letter from said

department annexed to the Affidavit of Roger R. Richard dated August 20, 1997 and recorded in Book 3833, Page 54.

IN WITNESS WHEREOF, the Grantor has set its hand and seal on this 31st day of December, 2003.

RICHARD & ROY, LLC

Therese G. Mathieu
Witness

By Roger R. Richard
Roger R. Richard
Its Manager

STATE OF MAINE
ANDROSCOGGIN, SS.

December 31, 2003

Then personally appeared the above-named Roger R. Richard and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Richard & Roy, LLC.

Before me,



Therese G. Mathieu
Notary Public/Attorney at Law
Print Name: THERESE G. MATHIEU
My Commission Expires: March 5, 2010

ANDROSCOGGIN COUNTY
Tina M. Chaurand
REGISTER OF DEEDS

LIMITS OF DEVELOPMENT SUMMARY

Lot	Existing	Proposed
14	20031 sq. ft.	15846 sq. ft.
15	19324 sq. ft.	34194 sq. ft.
16	21104 sq. ft.	10419 sq. ft.
Total	60459 sq. ft.	60459 sq. ft.

N/F
Gregory M. McMorrow & Jane Shethar McMorrow
Book 2185, Page 140

N/F
City of Lewiston
Book 1679, Page 313

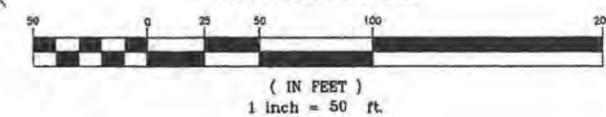
GENERAL NOTES

- The purpose of this plan is to:
 - Revise the location of the boundary between Lots 14 and 15.
 - Amend the limits of development upon lots 14, 15 & 16 (see table hereon for summary). These amendments being necessary to accommodate the improvements upon Lot 15 which encroach over the boundary and beyond the limits of development. The intent is for this plan to provide detail only for said amended lots; reference should be made to previous plans of "Water's Edge" for information and detail of any lots or areas not affected by this revised plan.
- Plan references:
 - Subdivision and Site Plan of Water's Edge by Dirigo Land Services, Inc. dated November 22, 1995 and recorded in Plan Book 39, Pages 68-69 at the Androscoggin County Registry of Deeds.
 - Subdivision Plan of First Revision Water's Edge by A.R.C.C. Land Surveyors Inc. dated November 18, 1998 and recorded in Plan Book 40, Page 105 at said Registry of Deeds.
 - Subdivision Plan of Second Revision Water's Edge by A.R.C.C. Land Surveyors Inc. dated September 7, 1999 and recorded in Plan Book 40, Page 190 at said Registry of Deeds.
 - Subdivision Plan of Third Revision Water's Edge by MidCoast Survey Co. dated April 3, 2002 and recorded in Plan Book 42, Page 3 at said Registry of Deeds.
 - Subdivision Plan of Fourth Revision Water's Edge by MidCoast Survey Co. dated October 29, 2003 and recorded in Plan Book 43, Page 82 at said Registry of Deeds.
 - Subdivision Plan of Fifth Revision Water's Edge by MidCoast Survey Co. dated December 4, 2003 and recorded in Plan Book 44, Page 66 at said Registry of Deeds.
 - Subdivision Plan of Sixth Revision Water's Edge by MidCoast Survey Co. dated April 6, 2004 and recorded in Plan Book _____, Page _____ at said Registry of Deeds.
 - Subdivision Plan of Seventh Revision Water's Edge by MidCoast Survey Co. dated February 2, 2005 and recorded in Plan Book 45, Page 72 at said Registry of Deeds.
 - Subdivision Plan of Eighth Revision Water's Edge by MidCoast Survey Co. dated March 19, 2007 and recorded in Plan Book 46, Page 77 at said Registry of Deeds.
- This revision is a de minimis change in accordance with Appendix A, Article XIII, Section 3(k) of the Zoning and Land Use Code.

LEGEND

- Boundary line
- Iron pin noted "to be set" by others
- Granite monument noted "to be set" by others
- 5/8" iron rod set by this surveyor
- Survey reference line
- Now or formerly
- Edge of wetland
- Existing/Proposed limits of development
- Lot line per previous plans of "Water's Edge"
- Edge of pavement
- Existing limits of development to be eliminated

GRAPHIC SCALE



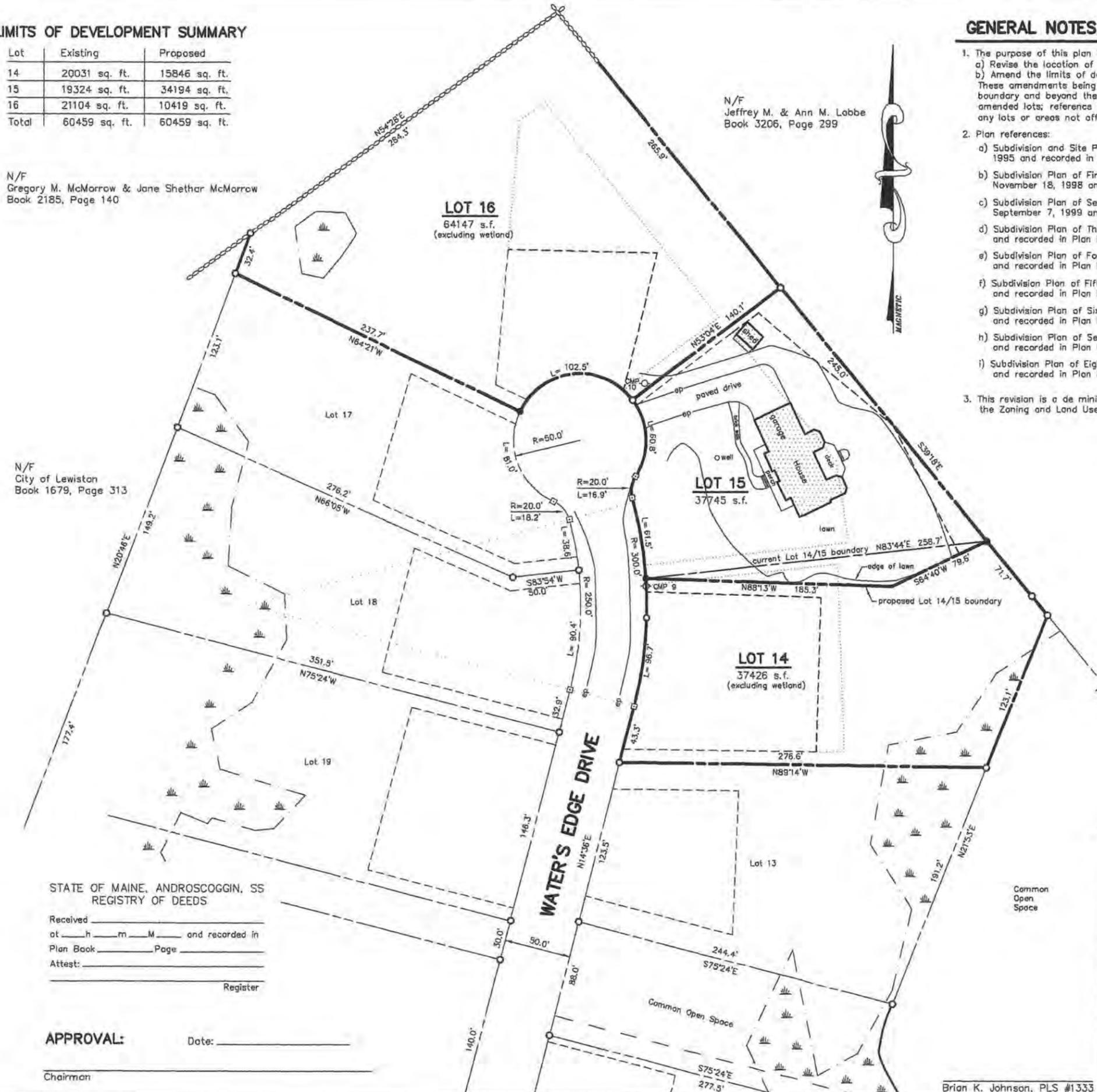
SUBDIVISION PLAN - NINTH REVISION

of
WATER'S EDGE SUBDIVISION
No Name Pond Road/Water's Edge Drive, Lewiston, Maine
for
STEPHEN FARRAR
69 Water's Edge Drive, Lewiston, ME 04240

0910-9th.dwg

MidCoast Survey Co.
land surveying services
37 South Street
Freeport, Maine 04032
Tel. (207) 865-6255

DATE: June 10, 2013
DRAWN BY: BKJ
CHECKED BY: BKJ
SCALE: 1"=50'
PROJ. NO: 0910-L



N/F
Jeffrey M. & Ann M. Labbe
Book 3206, Page 299

STATE OF MAINE, ANDROSCOGGIN, SS
REGISTRY OF DEEDS
Received _____
at _____ h _____ m _____ M _____ and recorded in
Plan Book _____ Page _____
Attest: _____
Register

APPROVAL: _____ Date: _____
Chairman

Brian K. Johnson, PLS #1333