LAKE VIEW ESTATES HOMEOWNERS ASSOCIATION

HANDBOOK

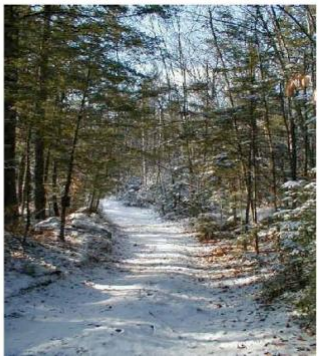
(revised 5/9/2022)

INTRODUCTION TO LAKE VIEW ESTATES

Lake View Estates is a residential community located in Fayette, Maine in the beautiful Winthrop Lakes Region. Our development is protected by deeded restrictions to enhance the natural beauty and value of our property. Seventeen waterfront lots and forty-two additional lots with access to David Pond are located on a 278-acre site, with an adjacent 57-acre conservation easement on Basin Pond.

The objectives of the Association shall be to collectively and collaboratively manage Lake View Estates in order to:

a. Foster community collaboration.
b. Collect and dispose of trash and recycling in accordance with Town of Fayette regulations.
c. Monitor and enforce the deeded restrictions and bylaws.
d. Maintain the condition of and safe travel on Shore Road and Basin Road.
e. Maintain the environment and facilities of common property.
f. Exercise stewardship of The Basin Pond Conservation Easement.
g. Collaborate with government and non-profit organizations to advance objectives in common with the Association.



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GENERAL INFORMATION

History

The Lake View Estates Homeowners Association (LEHA) was incorporated on January 15, 1986, under the control of The Patten Corporation, subdivision developer. Membership in LEHA was defined at this time as individuals who own a parcel of land in the subdivision. Patten transferred control of the association to lot owners at the special meeting held on January 26, 1991.

Annual Meetings

Members of the association have chosen to hold the annual meeting on the last Saturday in July. Notice of the annual meeting is sent out to all members several weeks in advance with time, place, and (known) agenda. Members with additional items for the agenda should contact the president. Members who cannot attend in person should assign another LEHA member as a proxy. The proxy voter must attend in person or assign a new member (substitute) who will attend. The proxy will hold his or her own vote plus that of the lot(s) he or she represents.

A quorum for the meeting is required before for any meeting is called to order. A quorum is one-third of all members in good standing, counted by lot. When a motion is made to raise the annual maintenance fee, a majority quorum will be required. Bylaw adoptions require two-thirds majority (see by-laws) so in these circumstances it is especially important for all members to be represented either in person or by proxy. Proxy forms will be sent out with the official notice and will be posted on the meetings page. Signed proxies should be sent to the secretary at least a week before the meeting so that a quorum can be assured. If the meeting cannot be convened, a subsequent meeting will be scheduled at the discretion of the president. Please help to make the association to function properly by assigning a proxy voter if you do not plan to attend.

Annual Maintenance Fee

All persons who purchase Lake View Estates property agree to pay an annual maintenance fee, currently in the amount of $350.00, due annually on April 15, which funds the next fiscal year (FY). For example, the fee due on 4/15/2022 funds FY2022-2023 (6/1/2022-5/31/2023). Payments should be sent to the LEHA treasurer. According to our bylaws, lot owners whose accounts are delinquent will face one or more of the following consequences:

- Interest will accrue on unpaid balances at an annual rate of 18%.
- The association will file a lien claim on the deed of lot owners who are in arrears. The lien is filed at the Kennebec County Registry of Deeds in Augusta for an amount equal to the total of dues, interest, legal costs, and processing fees.
- The delinquent lot owner's account may be referred to a credit collection agency.
- Seriously delinquent accounts will be handed over to legal counsel, possibly for a judgment in favor of collecting the fees after a forced sale of the property.
- Lot owners with delinquent accounts are considered as members not in good standing, and therefore all rights to vote in person or by proxy at LEHA meetings are forfeited. Members who are not in good standing do not count as part of the meeting's quorum, and they may not participate in meeting discussions.
- Each unit owner in default shall not be entitled to make any improvements to Lake View Estates property.

Common Property

Lot six (the common lot), Shore Road, and Basin Road are owned in common by all LEHA members. The Board of Directors is responsible for the management of this property. The release deed in book 3839 (pages 125-127) in the Kennebec County Registry of Deeds lists the restrictions and conditions of common ownership of lot six. In addition, the Town of Fayette filed the following restrictions (7/28/1987) regarding lot six:

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4. Lot #6 "Common Area" shall serve as a common area to be used by
   the lot owners in the subdivision subject to the following
   restrictions:

   A. The Common Area shall remain in its natural state and shall
      not be altered through excavation, harvesting of timber, or
      development of any kind. Providing however, that nothing
      contained herein shall prevent the cutting of brush and
      trees for footpaths and fire lanes in the Common Area or
      any other work that may be required for prudent forest
      management of the Area, further providing that a parking
      area for lot owners and a 30 foot roadway for access to
      property of Walter Morris and the State of Maine may be
      constructed on the lot.
   B. There shall be no all terrain vehicles permitted in, on, or
      through the Common Area.
   C. No activity shall be allowed in the Common Area that will
      unduly disrupt the wildlife contained therein, providing
      however, that this provision is not intended to prevent
      hunting or fishing within the area.
   D. There will be no construction of residential or commercial
      buildings within the Common Area; providing that certain
      structures may be erected to service the lot owners who use
      the area such as a bath house, toilet facilities, etc.
   E. There shall be no commercial activity of any kind allowed
      in the Common Area.

      These restrictions may be enforced by the Lake View Estates
      Homeowners Association, Patten Corporation of Maine, or by
      the Inhabitants of the Town of Fayette.
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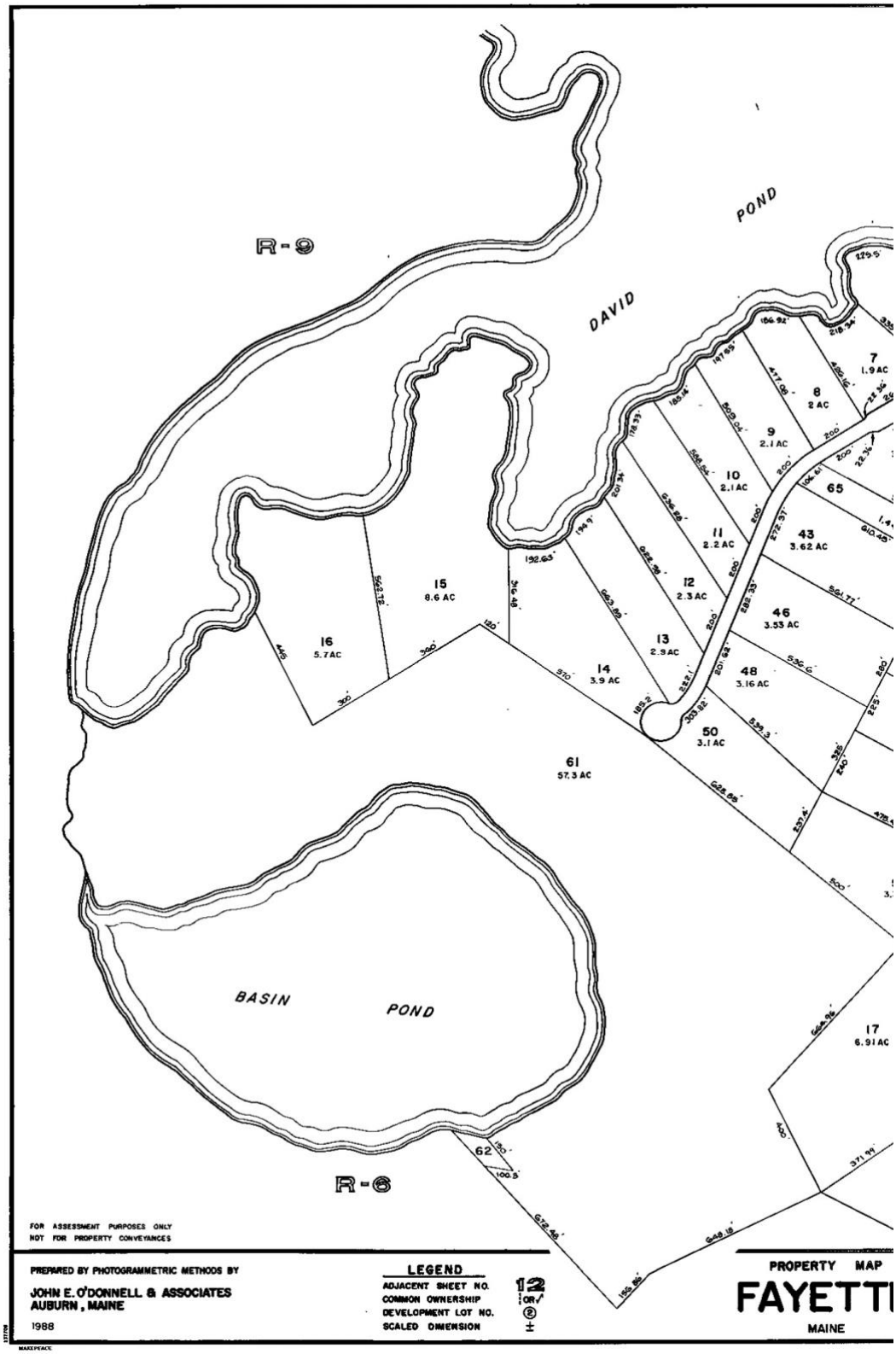
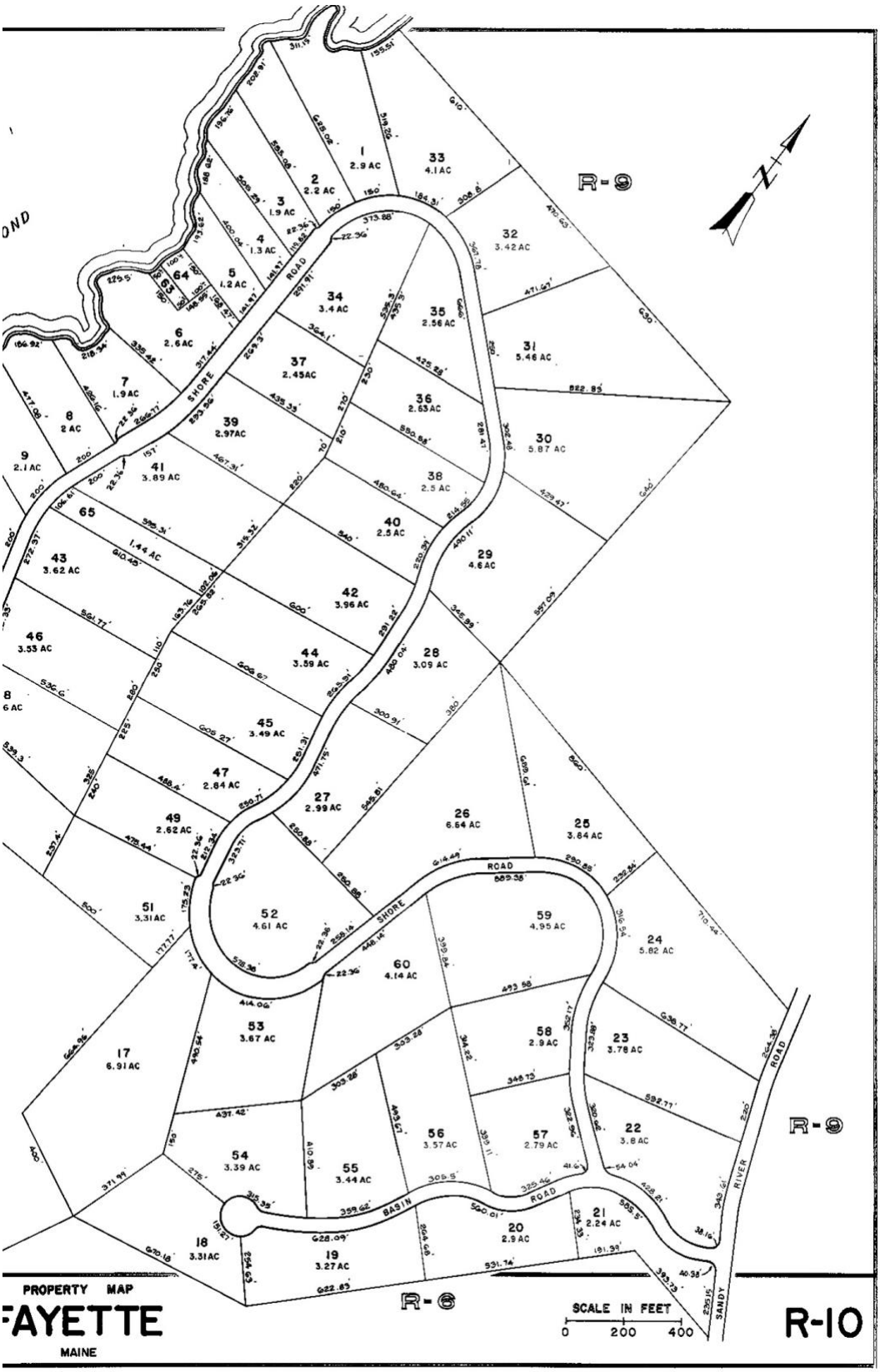
Members Update Contact Information Online

If you have purchased a Lake View Estates lot, you are automatically a member of LEHA. Association members can update their contact information on the LEHA website at http://lehaweb.org (click on update member contact information).

Please keep your member contact records current. Providing an email address will save postage costs and keep you immediately updated with association business.

MAP OF LAKE VIEW ESTATES




PROPERTY MAP
FAYETTE
MAINE
SCALE IN FEET
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R-9
R-6
R-10
SHORE ROAD
BASIN ROAD
SANDY RIVER ROAD

PATTEN WHITE BOOK CONTENTS

From purchase packets of founding members. To see more, click on the "White Book" link on the LEHA website http://lehaweb.org/download/white_book_abr.pdf

LIST OF EXHIBITS

Vital Information Statement

1. Estimated cost and applicable regulatory restrictions for installation of electric service by Central Maine Power.
2. Estimated cost and applicable regulatory restrictions for installation of telephone service by Community Service Telephone Company.
3. Physical Features
4. DEP Site Location Order CORRECTED 9/23/87 (Book 3420, Page 245-261)
5. DEP Site Location Modification Order 8/11/88 (Book 3420, Page 262-264)
6. Town-Imposed Conditions of Approval (Book 3200, Page 68-69)
7. Soils Report (12/4/86)
8. Schematic Map of Site Specific Well Locations prepared by R.G. Gerber, Inc.
9. Restrictive Covenants (Book 3200, Page 63-66) *
10. Road Maintenance Agreement (Book 3200, Page 67)
11. Buffer Zone Management Plan (See DEP Site Location Order, Paragraph 15)
12. Map of Mandatory Driveway Locations
13. Warranty Deed – Sample
14. Bylaws of Homeowners Association**
15. Conservation Easement (Book 3399, Page 133-138)
16. Deed Conveying Fee Ownership of Conservation Easement Area to Town of Fayette (Book 3487, Page 93-94)
17. Deed Conveying Access to State of Maine (Book 3487, Page 91-92)
18. Resolve by the State Releasing Unlocated Rights-of-way (Certified Copy)
19. Easement to Central Maine Power Company' (Book 3377, Page 185)
20. CMP Residential Service Contract (Book 3459, Page 67-70)
21. 4-sheet Subdivision Plan approved on 7/21/87 (File # E-87144-87147)

* See Restrictive Covenants (Deeded Restrictions) at http://lehaweb.org/deeded-restrictions

**LEHA bylaws have been amended several times. See current version at http://lehaweb.org/bylaws

Book and page numbers are references from Kennebec County Registry of Deeds.

POLICIES

Shed Policy

(Revised 7/27/2002)

The LEHA Shed Policy was approved by members at the 1995 meeting and was revised according to legal counsel's advice later that year. The ambiguous wording in the Declaration of Restrictions compelled LEHA members to adopt this policy as a clarification, and to provide the association with a fair enforcement procedure.

Pursuant to Paragraph 2 of the Lakeview Estates Declaration of Restrictions, any Lakeview Estates lot owner wishing to build a shed must ask the Board of Directors for approval. A sketch of the shed and where it is located, including its distance from the road, must accompany each application. Board approval will be based on the following criteria:

A shed shall be defined as a place to be used exclusively for storage purposes.

The minimum floor area of a shed shall be 24 square feet measured from the exterior. The maximum allowable size shall be 200 square feet.

The top of the foundation, footings, or support posts to the peak of structure shall not exceed 14 feet.

Sheds shall have as their exterior finish: clapboards, shingles, masonry, or other quality finish, with no unpainted particle board, unpainted plywood, tar paper, tarred shingles, or other types of tarred siding allowed. A shed has to conform to the architecture of the primary residence on the property or being planned for the property.

If there is no principal residence on the lot, permission to build a shed granted by the LEHA Board, on the condition that a building permit be obtained within one year of the shed permit and that the principal residence has been started within the time required by the building permit.

The Lakeview Estates Homeowners Association shall have the right in its discretion to enforce these regulations by court action and shall further be entitled to attorney's fees and court costs incurred in proceedings brought to seek compliance with these restrictions.

Anyone applying for a shed permit will sign a copy of these regulations indicating that he or she has read, understands, and will abide by the above regulations.

SEEN AND AGREED: _____

DATE: _____

Driveway/Culvert Policy

(Adopted at the 2000 annual meeting)

Our association is vulnerable to costly road repairs when proper driveway construction is not practiced. LEHA owns 18' of common land adjacent to the roads. Article #5 in the Declaration of Restrictions (Patten Book) outlines restrictions for new building or re-grading and natural drainage of surface water.

[Declaration of Restrictions Affecting Property of Patten Corporation of Maine, Lake View Estates, in the Town of Fayette, County of Kennebec, and State of Maine]

> *Article 5: EXTERIOR APPEARANCE:*
> *A lot owner shall not build or re-grade so as to interfere with the natural drainage of surface water, if any, without installing suitable culverts or other drainage facilities, adequate to handle seasonal water run-off, and so designed as to discharge surface water from the lot in the same area and direction as would have naturally occurred before such improvements.*

The following motion was unanimously passed at the 2000 LEHA annual meeting:

In the interests of reducing erosion and damage to LEHA roadways, driveway headers will be inspected and the owner notified if a problem or potential problems exist during the ongoing ditching of LEHA roads. If a culvert is necessary, it must be installed to comply with Article 5 in the Declaration of Restrictions (Patten Book). Road damage resulting from lack of attention to the Board of Directors' request will be repaired, and all costs will be borne by the lot owner.

Delinquent Collection Policy

A motion was passed at the 2003 Annual Meeting that established a policy to authorize LEHA to place a lien on a property that is delinquent in paying the value of two years of dues. This means that if the account balance is equal to or greater than the amount of two years of fees *($700.00 as of 7/2021)*, a lien will be placed on that property.

Furthermore, the association agreed to pursue seriously delinquent lot owners by means of legal action to collect the balance as a result of a “forced sale” of the property.

Boat Mooring Policy

(Adopted at the 2004 annual meeting)

The following motion was passed at the 2004 annual meeting: LEHA establishes a policy prohibiting members from mooring boats off the common lot.

Recreational Vehicles on Association Property

On July 25, 2009 this policy was approved as follows at the annual meeting (see minutes):

The use of recreational vehicles, including but not limited to All-Terrain Vehicles (ATVs), snowmobiles, go-carts, and dirt bikes is prohibited on Basin Road and Shore Road except as provided by deeded easement. This policy shall be enforced in conformance with the laws of the State of Maine.

DEEDED RESTRICTIONS

THIS DECLARATION dated this 21st day of July, 1987, by PATTEN CORPORATION OF MAINE, a Maine Corporation organized and existing under the laws of the State of Maine, with a place of business at Portland, in the County of Cumberland and State of Maine, hereinafter referred to as the Grantor.

WITNESSETH:

WHEREAS, the Grantor has subdivided certain lots or parcels of land in Fayette, Kennebec County, Maine prepared by Main-Land Development Consultants, Inc., dated Feb. 12, 1987 and recorded in the Kennebec County Registry of Deeds File Numbers E-87144 through E-87147; which the Grantor proposes to develop and improve in accordance with said Plan, and

WHEREAS, the Grantor, intends to sell and convey lots from said Plan but desires to assure to said purchasers and their several heirs, successors, and assigns owning such lots, and their tenants, employees and guests, the use, benefit and enjoyment of said land in accordance with a harmonious plan, and to this end desires that certain parts of their lands may be subjected to certain restrictions, reservations, servitudes, covenants, agreements and easements as hereinafter set forth.

NOW THEREFORE, in consideration of the premises, the Grantor hereby covenants and agrees with the purchasers of the lots on said Plan and each of them that the property described on said Plan is and shall be held and shall be conveyed subject to the certain restrictions, reservations, servitudes, covenants, agreements and easements set forth in the various clauses of this Declaration, which it is hereby covenanted and agreed shall inure to the benefit of and be binding upon the Grantor, its successors and assigns, and binding upon all the land described on said Plan, to wit:

Each lot conveyed in the Lake View Estates shall be subject to the following covenants and restrictions which shall run with the land:

1. COMMERCIAL USES PROHIBITED: No lot shall be used for any commercial purpose whatsoever, but solely for private residential purposes. This restriction shall not be construed to prevent rental of any home on said lot for private residential purposes, or to prevent on individual lots owner conducted home occupations in the dwelling unit on the lot which shall be clearly incidental and subordinate to its useful residential purpose. Not more than 20% of the floor area of the dwelling unit shall be used in the home occupation. Examples of home occupations are craft work and artistic endeavors.
2. ONE HOUSE ONLY: No more than one principal residential building designed for single family use shall be maintained on any single lot at any one time with no more than one private garage or carport, and no other buildings shall be maintained without express written approval from the Association, which approval will not ordinarily be granted.

3. SETBACKS: No building shall ever be erected on any lot within 50 feet of Road R.O.W.; 150 feet from normal high water mark and not within 20 feet of any other exterior line of such lot; provided however, that while two or more adjacent lots are owned by the same party, this restriction shall apply only to the exterior sidelines of the entire group of adjacent lots held by the same owner. Providing however, that when applicable, more restrictive set back requirements set forth in Paragraph 15 of the Department of Environmental Protection Site Location Order dated June 4, 1987 shall apply.

4. BUILDING REQUIREMENTS: (a) All structures erected on any lot shall have as exterior finish, clapboards, shingles, masonry, or other quality finish, with no tar paper, tarred shingled, or other types of tarred siding allowed. (b) Each residential building shall contain at least 650 square feet of floor area, exclusive of porches, breezeways, sheds and garages. No residential building shall exceed 35 feet in height measured from the top of the foundation.

   The foundation of said residential building shall not be more than three feet above the finished grade. (c) All structures erected on any such lot shall be promptly and expeditiously completed as to their exteriors, including paint, stain, or varnish or any exterior surfaces above the foundation, within 18 months after construction is commenced.

5. EXTERIOR APPEARANCE: Each lot and all improvements thereon shall be maintained by the owner so as to present a neat and attractive appearance at all times. No unregistered vehicles, junk or debris shall be stored on the premises; should any improvements on the premises be damaged by casualty, or become unsightly through wear and tear, the same will be promptly razed, or restored to a neat exterior appearance in line with the building requirements above set forth. No outdoor fires shall be permitted, without proper burning permit. No activity shall be permitted on any lot, nor shall anything be done thereon, which may be or become an annoyance or nuisance to the neighborhood. A lot owner shall not build or re-grade so as to interfere with the natural drainage of surface water, if any, without installing suitable culverts or other drainage facilities, adequate to handle seasonal water runoff, and so designed as to discharge surface water from the lot in the same area and direction as would have occurred before such improvements.

6. PLUMBING: All plumbing, sanitary facilities, and private water supplies shall conform to all applicable Federal and State laws and local ordinances.

7. SIGNS: No signs or other advertising devices shall be exhibited on any lot, save for a single neatly kept sign, with not over 200 square inches of surface area, identifying the occupant(s).

8. ANIMALS: No animals or fowl shall be kept on the premises except ordinary household pets, regularly housed within the home.

9. TRAILERS AND TENTS: No house trailers, camping trailers, travel trailers, tents or other forms of mobile or temporary residence of any type or description shall be kept on the premises in excess of 120 consecutive days in any 12 month period.

10. MOBILE HOME: There shall be no mobile homes placed or stored on any lot.

11. ROAD MAINTENANCE AGREEMENT: Each lot in this subdivision is subject to the terms and conditions of a Road Maintenance Agreement, a copy of which is attached hereto as

    Exhibit A. Each purchaser of any lot in this subdivision shall execute a Road

Maintenance Agreement and in substantially the same form as that attached hereto Exhibit A and the terms and conditions of said Road Maintenance Agreement shall be binding on the Buyer and his heirs and assigns forever.

12. SHORELAND ZONING: As specified in the Fayette Shoreland Zoning Ordinances must be observed. This applies to all properties within 250 feet of normal high water mark.
13. WELLS: The installation and use of dug wells is prohibited and shall not serve as a source of water supply on any lot.
14. FURTHER SUBDIVISION: No lots shall be further subdivided.

These restrictions may be enforced by Patten Corporation of Maine, Lake View Estates Homeowners Association, individual lot owners in the subdivision and the inhabitants of the Town of Fayette who shall be entitled to proceed at law or in equity against anyone who violates these restrictions and shall further be entitled to attorney's fees and court costs incurred in proceedings brought to seek compliance with these restrictions.

IN WITNESS WHEREOF, Patten Corporation of Maine has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Wilbur F. Hammond, Jr., its Vice-President, thereunto duly authorized this 21st day of July, 1987.

PATTEN CORPORATION OF MAINE

Cynthia D. Hettberg

By Wilbur F. Hammond Jr.
Wilbur F. Hammond, Jr.
Its Vice-President

STATE OF MAINE, CUMBERLAND, SS. July 21, 1987

Personally appeared the above-named Wilbur F. Hammond, Jr., Vice-President of said Patten Corporation of Maine and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

Cynthia D. Hettberg
Notary Public
CYNTHIA D. HETTBERG
My Commission Expires
Feb. 17, 1993

Editor's Note:

The original document can be found in the Kennebec County Registry of Deeds in Book 3200 Pages 63-66. Correction was made 4/15/2008 to separate the last paragraph in the body (beginning "These restrictions may be enforced by…", to more accurately reflect the original formatting. rjh/4/15/2008

BYLAWS

Please refer to the latest version of LEHA bylaws at http://lehaweb.org/leha-business.html

BASIN POND CONSERVATION EASEMENT

THIS INDENTURE made this 14th day of October, 1987 by PATTEN CORPORATION OF MAINE, a Maine corporation duly organized and existing under the laws of the State of Maine with its principal place of business in Portland, County of Cumberland and State of Maine (hereinafter referred to as "GRANTOR"), and INHABITANTS OF THE TOWN OF FAYETTE, a municipal corporation duly organized and existing under the laws of the State of Maine and located at Fayette, in the County of Kennebec and State of Maine, (hereinafter referred to as "GRANTEE").

WHEREAS, the GRANTOR is the owner of certain real property situated in the Town of Fayette, County of Kennebec and State of Maine, said real property being more particularly described in deed from W. H. Chadbourne Co., a Maine Corporation to said GRANTOR dated May 6, 1986 and recorded in the Kennebec County Registry of Deeds in Book 2947, Page 126; and

WHEREAS, portions of GRANTOR'S land currently remain in a substantially undisturbed, natural state, and has significant ecological, scenic and aesthetic value; and

WHEREAS, a portion of GRANTOR'S land is labeled "CONSERVATION EASEMENT AREA" on

Plan of Land labeled Lake View Estates duly recorded in the Kennebec County Registry of Deeds In Plan E-87147; and

WHEREAS, the Conservation Easement Area abuts Basin Pond and David Pond and its aesthetic and ecological values including flora, fauna, and soils; and

WHEREAS, the Conservation Easement Area supports significant communities of native plants and provides an important habitat for native wildlife; and

WHEREAS, GRANTOR is desirous of protecting the ecological features and elements of the Conservation Easement Area to insure the integrity of Basin Pond and David Pond and the flora and fauna, it supports;

WHEREAS, all of these natural elements and ecological and aesthetic values are of great importance to the GRANTOR and to the people of the State of Maine and are worthy of preservation; and

WHEREAS, GRANTOR is desirous and intends that the natural elements and ecological and aesthetic values of the Conservation Easement Area be preserved and maintained by the continuation of patterns of land use that will not interfere or substantially disrupt the natural features of the property; and

WHEREAS, GRANTOR is desirous and intends to transfer such rights to protect these areas to the GRANTEE; and

WHEREAS, the GRANTEE is desirous of preserving said Area; and

WHEREAS, the State of Maine has recognized the importance of private efforts towards preservation of natural systems in the State by the enactment of Title 33 M.R.S.A. §476 et sequi.

NOW THEREFORE WITNESSETH

In consideration of the mutual covenants contained herein and further pursuant to the provisions of Title 33 M.R.S.A. §471 et sequi. GRANTOR, Patten Corporation of Maine hereby conveys to GRANTEE, Inhabitants of the Town of Fayette, a Conservation Easement, consisting of the rights hereinafter enumerated over and across a certain portion of the aforementioned parcel of land in the Town of Fayette which area is denoted as "Conservation Easement Area" on Plan of Land labeled Lake View Estates dated February 12, 1987, and duly recorded in the Kennebec County Registry of Deeds, in Plan E-87147.

GRANTOR hereby conveys to GRANTEE the following Conservation Easement rights:

1. To identify, preserve and protect in perpetuity and to enhance by mutual agreement, the ecological and aesthetic features and the natural flora and fauna on the Conservation Easement Area and its water resources.
2. To enter upon the Conservation Easement Area to enforce the rights herein granted and to observe, study and make scientific observations of its eco-systems.
3. To enjoin any activity on, or use of, the Conservation Easement Area which is inconsistent with the Conservation Easement hereby granted and with the GRANTOR'S intentions and to enforce the restoration of such areas or features of the Conservation Easement Area as may be damaged by such activities.

This Conservation Easement shall run with and burden title to the Conservation Easement Area in perpetuity, and shall bind the GRANTOR, its successors and assigns, and all persons claiming by, through or under said GRANTOR and particularly those individuals who purchase lots in the Lake View Estates Subdivision.

The following uses and practices, although not an exhaustive recital of consistent uses and practices, are consistent with this Conservation Easement. These practices are not precluded, prevented or limited by this Conservation Easement:

1. Recreational activities such as hiking, jogging, swimming, fishing and the hunting of game animals providing that such activities do not disrupt the ecological, scenic and aesthetic values of the Area, The Grantee herein after consultation with the Lake View Estates Homeowners Association shall have the right to adopt rules and regulations applicable to all recreational activities allowed in the Conservation Easement Area which rules and regulations shall be fully binding upon anyone who uses this Area.
2. The construction and maintenance of fire lanes, if necessary, through the Conservation Easement Area providing that the construction of said fire lanes shall not in any way unreasonably disrupt the ecological and aesthetic features of the area.
3. Those activities set forth in Condition #17 (Basin Pond Wildlife Management Area) of the Department of Environmental Protection Site Location Findings of Fact and Order for the Lake View Estates Subdivision.

4. Such other activities within the Conservation Easement Area as may be proposed by the Lake View Estates Homeowners Association and the Town of Fayette which, in the sole and exclusive opinion of GRANTEE, will be compatable with the restrictions contained herein and the general purpose of this Conservation Easement.

The GRANTOR herein hereby states that the following uses and practices, although not an exhaustive recital of inconsistent uses and practices, are inconsistent with the purpose of this Conservation Easement and shall be prohibited in the Conservation Easement Area.

1. The change, disturbance, alteration or impairment of the natural ecological values of those portions of Basin Pond and David Pond within and upon the Conservation Easement Area except as otherwise provided herein.
2. The hunting of non-game animals, including the trapping of animals for any purpose other than predatory and problem animal control.
3. The exploration or extraction of minerals, hydrocarbons or soils or other materials on or below the surface of the Conservation Easement Area.
4. The construction of any residential or commercial structures.
5. The construction of any roads, except for fire lanes, if necessary, and the maintenance of existing roads for pedestrian traffic only, in the Conservation Easement Area.
6. The use of all motor driven vehicles of any kind, including three wheelers, dirt bikes and motorcycles, excepting hereunder snowmobiles.
7. The installation of utilities Including power lines, water mains or septic systems.
8. Professional, industrial or commercial activities of any kind or nature.
9. Travel trailers, camping facilities, including overnight camping are expressly prohibited.
10. The dumping of trash, ashes, garbage, sewerage, sawdust or any similar unsightly or offensive materials.
11. The pruning, cutting, removal or destruction of any trees or shrubs except that the following activities may be conducted:
    a. Dead or hazardous trees may be removed for reasons of safety or to protect the existing flora and fauna or to preserve and protect the wildlife habitat of the Area.
    b. Seedling trees or seedling shrubbery may be grubbed up, cut, pruned or sprayed in accordance with sound forest management practices when determined to be necessary to prevent deterioration of the Area. Any other cutting or pruning within the Conservation Easement Area may only be conducted with the express written permission of GRANTEE herein which permission shall be granted if the proposed activity will leave the Conservation Easement Area in an aesthetically pleasing condition that blends with the surrounding environment or where it is necessary to prevent deterioration of the Area.

12. No fires of any kind may be started in the Conservation Easement Area.
13. Advertising signs, billboards, neon lights or exterior flashing lights of any. nature are prohibited. However, subject to the express written consent of the GRANTEE, certain signs may be erected within the Conservation Easement Area designating walkways or pathways, snowmobile trails, swimming areas, and other signs that the GRANTEE, In its sole and exclusive discretion may deem necessary in order to properly identify certain activities that are allowed or prohibited In the Area.
14. GRANTEE shall have the right from time to time to prohibit any activities in the Conservation Easement Area that it determines would interfere or disrupt the natural features of the Area or are inconsistent with the purpose of this Easement.

Ingress and egress between the Conservation Easement Area and abutting property shall be limited to the access ways as depicted on the Plan of Lake View Estates. The location of any new access ways shall be permitted only with the express written permission of the GRANTEE after a finding by it that said access way shall not interfere with the purposes set forth herein,

Nothing contained herein, however, shall prevent lot owners in the Lake View Estates Subdivision from entering the Conservation Easement Area from their lots.

The use of the entire Conservation Easement Area is limited to lot owners in the Lake View Estates Subdivision. The granting of this easement is not intended to permit or in any way give the public the right to enter upon said Conservation Easement Area for any purpose, subject however, to certain limited rights that may be extended to the inhabitants of the Town of Fayette and the members of the general public by the Grantor herein.

In consideration of the rights herein granted, the GRANTEE, by acceptance hereof, hereby agrees to undertake the protection of the Property in accordance with the conditions set forth as aforesaid.

TO HAVE AND TO HOLD the herein described Conservation Easement and rights unto the GRANTEE, its successors and assigns forever. This grant shall be binding upon the GRANTOR, its successors and assigns and shall run with and constitute a servitude upon the above described land.

IN WITNESS WHEREOF, the said Patten Corporation of Maine has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Pamela J. Polhemus, its Vice President, thereunto duly authorized this 14th day of October, 1987.

WITNESS:

PATTEN CORPORATION OF MAINE

By

Pamela J. Polhemus
Its Vice-President

STATE OF MAINE, CUMBERLAND, ss. October 14, 1987

Personally appeared the above-named Pamela J. Polhemus, Vice President of said Grantor corporation as aforesaid and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said corporation.

Before me,

Notary Public

SEAL

Agnes Saracena
Notary Public, Maine
My Commission Expires June 30, 1993

RECEIVED KENNEBEC SS.
1988 AUG -4 PM 2:22

DEP SITE LOCATION ORDER

(Exhibit 5 from the Patten White Book) CORRECTED 9/23/87 (Book 3420, Page 245-261)

STATE OF MAINE

DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

DATE: 12-17-87
PROJ. NO: 37
PP (6/26/90)

IN THE MATTER OF

THE PATTEN CORPORATION OF MAINE - SITE LOCATION ORDER

FAYETTE MAINE - LAKE VIEW ESTATES

#L-013293-86-A-N (CORRECTED 9/23/87) - FINDINGS OF FACT AND ORDER

Pursuant to the provision of Title 38, M.R.S.A., Section 483, the Department of Environmental Protection has considered the application of THE PATTEN CORPORATION OF MAINE with its supportive data, staff summary, agency review comments, and other related materials on file and finds the following facts:

Project Description. The applicant proposes to develop a parcel of land adjacent to both David and Basin Ponds. The parcel is located in an area that includes steep topography with shallow soils, exposed ledge and boulders. Sixty single family residential lots are proposed'. The applicant will be developing these lots for sale but will not be constructing homes nor installing systems. The project is shown on a set of plans entitled, "Lake View Estates," dated January 1,1986, by David J. Adelson, registered land surveyor.

Parcel Size. 278 acres.

Present Use of Land in Area. Woodland.

Title, Right and Interest.

The applicant originally submitted a Purchase and Sale Agreement dated July 29,1985. The agreement would have expired on March 1,1986. The applicant has subsequently submitted a Quit-Claim Deed dated May 6,1986 establishing their ownership of the property.

Financial Capacity and Technical Ability.

Cost estimates for the project include the following: legal fees, surveys, construction of roads and erosion control. Total cost is estimated at $233,000. The applicant has submitted a letter

from the First Agricultural Bank stating that they have sufficient capital resources to finance the project.

According to the company description in the financial data submitted by the applicant, Patten Corporation is in the business of subdividing and marketing large undeveloped rural parcels. The company has utilized professional consultants.

Adjacent Waterbodies.

The project site is located in the watershed of three ponds, David Pond, Basin Pond and

Cranberry Pond. Each of these ponds are considered sensitive by the Department's Lakes Division. Of the 67 lots originally proposed, 40 lots lie wholly within the David Pond watershed and 16 lots lie wholly within the Cranberry Pond watershed. The remaining lots straddle the divide between the David Pond and the Cranberry Pond watershed, therefore portions of these lots drain into each pond. The Department's Division of Environmental Evaluation and Lake Studies has described these ponds as follows:

Basin Pond is a 32 acre (13 hectare) lake with a maximal depth of 106 feet (32.5m) and an average depth of 42 feet (12.9m). It is very unusual for a lake this size to be so deep. It is one of only three lakes in the state with surface area less than 100 and depth in excess of 100 feet. Because of its extreme volume to area ratio and the fact that its very small watershed is completely undeveloped, Basin Pond has exceptionally clear water. Fisheries biologists with Maine's Department of Inland Fisheries Wildlife have measured Secchi disc transparency of 44 feet in the pond. Transparencies as deep as this have only been recorded on a ha1f dozen other lakes in the state, and all of these lakes are much larger than Basin Pond. The combination of its small size, extreme depth, and exceptional water clarity make it a truly unique lake in the state, and probably in the nation.

David Pond has a surface area of 282 acres (114 ha) and a maximum depth of 37 feet (11.3 m). Despite the fact that it flushes nearly twice per year on the average, it is still quite sensitive to small additions of phosphorus. Limited data on the pond indicates stable moderately productive water quality with Secchi disc transparency around 4.5 m to 5.0 m and phosphorus concentrations of 6 ppb to 8 ppb. Very rough modeling indicates that, if strict measures are not taken to reduce phosphorus input, the proposed 51 lots located all or partially within the David Pond watershed have the potential to increase the phosphorus concentration in the pond by as much as 10%, a change which might reduce water clarity perceivably. When one considers that the majority of the rest of David Pond's direct watershed is undeveloped, but is likely at least in part to receive similar pressures to be developed over the next 50 years, the potential impact from this single proposal becomes more significant. If David Pond's good water quality is to be maintained over the long run it is essential that this development, as well as future development in the watershed, incorporate the best possible measures to prevent phosphorus transport in the stormwater runoff from the site and that development only be located on sites where such measures are likely to be effective.

Cranberry Pond is a small, shallow, 17 acre (7 ha) pond with a large, associated wetland to the north. Its water is highly colored with dissolved organic acids from decaying wetland vegetation. Hydraulic modeling indicates that, because of its small size. Cranberry Pond should be even more sensitive to phosphorus addition than Basin Pond. However, this may be misleading. The humic acids which give the water its brownish color absorb light leaving less light available for

photosynthesis. They also tie up phosphorus in organic complexes making it less available to algae. This has the combined effect of reducing the amount of algal production per unit of phosphorus in the pond, and hence the pond's sensitivity to additional inputs of phosphorus. It is therefore not necessary to be as extremely conservative in deve1opnent of this watershed as the hydrologic modeling suggests. However, the developer is proposing roughly ten times the level of development which hydro1ogic modeling suggests the pond could accept. In order to develop this many lots without an impact on the pond, it is necessary to incorporate every possible means to control phosphorus export from the developed areas.

Stormwater Control.

The applicant presented runoff calculations for the entire site which show a 20 CFS increase after development. The applicant does not propose to construct a detention device.

Staff review indicated that deficiencies existed in the original runoff calculations specifically the culvert sizes appeared to be undersized. The applicant has subsequently submitted revised runoff calculations based on the SCS TR 55 method and the culverts have been designed oversized.

Culvert sizes have been specified as follows:

Culvert Location:	Size:
Entrance to Subdivision	8"
From Lot 22 to Lot 57	15"
From Lot 23 to 57	15"
From Lot 26 to 60	42"
From Lot 27 to 47	30"
From Lot 39 to 6	42"
From Common Area to Lot 9	42"
From Lot 38 to 29	18"

Erosion Control.

The applicant proposes to use temporary measures such as hay bales and water bars to control erosion during construction. Permanent erosion control is to consist of lining road ditches with cobbles for areas where flow velocities may reach five feet per second.

Water Supply.

The proposed lots will each have an on-site well. Adequacy of the water supply has been supported by a letter from a local well driller. The applicant has submitted additional information regarding bedrock geology, probability of obtaining an adequate supply of water on each lot, evaluation of recharge rates, and potential for NO3-N contamination of the on-site wells by the proposed on-site subsurface wastewater disposal systems (described in more detail below).

Sewage Disposal Method.

The applicant has submitted the results of a hydrogeological investigation of the proposed site, addressing the impact of sewage systems and the adequacy of the potential water supply. That report, from Robert G. Gerber, Inc. discusses bedrock geology and hydrology as it relates to well and septic system locations on each lot. The report concludes that ground water discharging from most of the property will have average annual NO3 concentrations of 0.25-7.1 mg/l and therefore will be below the safe drinking water maximum level of 10 mg/l. There are areas within the property where concentrations of N03 in the surficial material may exceed 10 mg/l , therefore deed restrictions should be imposed prohibiting the installation of dug wells. In addition the wells on lots 1, 2, 6, 7, 8, 18, 19 and 55 should be carefully located since these wells will draw their recharge from a large area. Carefully located wells which are in the flow path of several septic systems can have acceptable water quality if the wells are carefully located. The applicant has submitted a plan showing proposed well locations on the above lots as suggested by the hydrogeologic evaluation.

Solid Waste.

Refuse generated by the project will be collected at curbside by Waste Management of Maine and hauled directly to the Consolidated Waste Services, Inc. facility in Norridgewock. The applicant has submitted a copy of a contract with the Norridgewock facility, and a contract agreement with Waste Management of Maine for hauling of rubbish for a 3 year term. Stumps and grubbings will be disposed of in an area on Lot 51 as shown on the site plan. The area is less than one acre and meets the exemption requirements of the Solid Waste Management Rules.

Traffic Movement.

The project calls for the creation of about 13,665 feet of roads. The access road, having a single entrance onto the existing Sandy River Road, would be over 9000 feet long, and have a travel way of 18' with 3 foot shoulders. Most of the access road will follow the existing woods road which leads to Basin Pond and David Pond. As originally proposed the access road would have been a loop road with a shorter dead-end section. The road was redesigned to avoid the direct drainage area of Basin Pond so as to protect water quality from phosphorus input. Existing topography precludes creating a secondary entrance onto Sandy River Road. Construction of a wider than minimum road would increase the environmental impact of the project by necessitating greater amounts of clearing, increased dangers of soil erosion and greater visual impact. Therefore, given these constraints and tradeoffs the present design was arrived at. The applicant has submitted a copy of a report by John L. Murphy, a traffic engineer. That report indicates that the proposed road would meet the service and capacity requirements of the American Association of State Highway and Transportation Officials Standards. The proposed road had grades l5% on some sections. Department guidelines recommend maximal grades of 10%. In several locations the road curve radii were approximately 180’. Standard engineering design practice would suggest a minimal curve radius of 250 feet. Some of the sharper radii occurred in conjunction with the steeper road grades, possibly creating unsafe conditions. The applicant has widened these curve radii to acceptable ranges, and submitted updated road profiles that show that the maximum grade will be about 12%, a figure that is in excess of suggested maximal grades but is within an acceptable range.

Maintenance of Facilities.

The applicant proposes the creation of a homeowners association which will be responsible for coordination of solid waste removal, maintenance of the access road, and maintenance of the common areas in the development. The articles of incorporation of this association has been submitted by the applicant.

Soils Types/Limitations.

Test pits and boring indicate that the soils are primarily the Hollis type with some, Charlton, Peru and Sutton. The soils are glacial till overlying granite. They are shallow to bedrock and have variable and limited infiltration capacities. Some test pits showed areas unsuitable for subsurface wastewater disposal and due to the presence of bedrock less than 15 inches below grade. Some other test pits indicate a seasonal high ground water table less than 15 inches below grade. Additional test pits did find suitable areas on these lots. Department staff requested additional test pit data on lots 7, 15, 16, 54, 63, and 64 since the previous test pits are located too close to proposed property lines.

Additional test pit data were also requested on lots 24,34, 37, and 65. The applicant has submitted updated and revised soils information, as well as shifted several lot lines in order to provide for better areas for subsurface sewage disposal. These revisions are shown on the revised site plan dated March 10, 1987.

Impacts on Natural Resources.

Department staff has received written review comments from the Department of Inland Fisheries & Wildlife, the Fayette Conservation Commission and the Fayette Planning Board. The Department of Environmental Protection lakes Division has also done an extensive review of this project. The Lakes Division has concluded that if the developer incorporated strategically located large natural buffer area, strict clearing limitations, careful location of driveways and state-of-the-art erosion control, most of these lots could be developed. without having an unacceptable impact on water quality in the three adjacent ponds. Two exceptions to this are that no lots should be developed on Basin Pond and no lots should be developed between the peninsula and the inlet stream on David Pond. The Lakes Division staff has also recommended in addition to this, an extensive and complex network of buffer areas, clearing limitations and conditions to protect the water quality of these three ponds. The applicant has incorporated all of the recommendations of the Lakes Division into the design of the development. The extensive system of buffer strips and clearing limitations are shown on the revised site plan. To ensure that lot purchasers are made aware of the buffer restrictions on their lots the applicant has compiled a lot-by-lot listing of the buffers as follows:

Buffers On Each Lot

LOT NUMBER	PROPOSED BUFFER
1	150' along the shoreline of David Pond Buffer the 25% slope 50' along Shore Road
2	150' along the shoreline of David Pond Buffer the 25% slope 50' along Shore Road
3	150' along the shoreline of David Pond in combination with the 25% slope area 50' along Shore Road
4	150' along the shoreline of David Pond 50' along Shore Road
5	150' along the shoreline of David Pond 50' along Shore Road
6	150' along the shoreline of David Pond 50' on each side of the intermittent stream 50' along Shore Road
7	150' along the shoreline of David Pond 50' along the intermittent stream (small section) 50' along Shore Road
8	150' along the shoreline of David Pond 50' on each side of the intermittent stream 50' along Shore Road
9	150' along the shoreline of David Pond 50' on each side of the intermittent stream 50' along Shore Road
10	150’ along the shoreline of David Pond 50' along Shore Road
11	250' along the shoreline of David Pond (includes the 25% slope area) 50' along Shore Road
12	250' along the shoreline of David Pond (includes the 25%, slope area) 50' along Shore Road
13	250' along the shoreline of David Pond (includes the 25% slope area) 50' along Shore Road

14	250' by 150’ on the shoreline of David Pond (includes the 25% slope area) 150’along the rest of the shoreline of David Pond 50' along the Shore Road cul-de-sac
15	150’ along the shoreline of David Pond
16	150’ along the shoreline of David Pond 2 Sections of 25% slope (200' x 50') (250' X 35') (approx. dimensions)
17	100' along the southerly property line 100' along the easterly property line 50' along Shore Road
18	50' on each side of the stream 50' on Basin Road
19	75' along the southerly and westerly property lines 50’ along Basin Road
20	75' along the southerly property line 50’ along Basin Road
21	75' along the southerly property line (approx. l90’) 50’ along Basin Road
22	50’ along Basin and Shore Roads
23	50' along Shore Road
24	50' along Shore Road Buffer below the 430' contour elevation Approx. 200' x 100' in the NW corner of lot
25	100' along the northerly property line 50' along Shore Road Buffer above the 435' contour elevation (in NW corner of lot)
26	Buffer above the 435' contour elevation (approx. 275' x 35' in NWE corner) 50' along Shore Road
27	50' along Shore Road
28	100' X 100' area in NE corner of lot 50' along Shore Road
29	100' along the easterly property line 50' on each side of the stream 50' along Shore Road

30	100' along the easterly property line 50' along Shore Road
31	100’ along the northerly property line 50' along Shore Road
32	100' along the northerly property line 50' along Shore Road
33	150’ along the shoreline of David Pond 200’ x 100’ area of 25% slope 50’ along Shore Road
34	50' along the east property line 50’ along Shore Road
35	50' along the west property line 50' along Shore Road
36	100’ along the west property line 50' along Shore Road
37	50’ along the east property line 50' along Shore Road
38	100’ along the west property line 50' along Shore Road
39	50' along the east property line 50’ along Shore Road
40	100’ along the west property line 50' along Shore Road
41	50 along the east property line 50' along Shore Road
42	100’ along the west property line 50' along Shore Road
43	50’ along the east property line 50' along Shore Road
44	100’ along the west property line 50' along Shore Road
45	100’ along the west property line 50' along Shore Road

46	50' along the east property line 50’ along Shore Road
47	100' along the west property line 75' x 100' triangle in the Basin Pond Drainage 50' along Shore Road
48	50' along the east property line 50' along Shore Road
49	50' along Shore Road 200' x 250' X 350' area in the Basin Pond Drainage
50	50' along Shore Road 100’ x 295' x 350' area in the Basin Pond Drainage
51	50' along Shore Road 250' x 230' x 325' area in the Basin Pond Drainage
52	50' along Shore Road 100’ along the south and east property lines
53	50' along Shore Road 100' along the SE and NE property lines
54	50' along Basin Road 50' along each side of the stream
55	50' along Basin Road 50' along each side of the stream
56	50' along Basin Road
57	50' along Basin Road and Shore Road
58	50' along Shore Road 50' along each side of the stream
59	50' along Shore Road 50' along each side of the stream
60	50' along Shore Road 50' along each side of the stream

These buffers should remain intact with no disturbance of the soil surface and no cutting or removal of trees or ground cover vegetation except for reasonable pruning of limbs and removal of dead vegetation or except as specifically indicated for driveways or septic systems. In the event that septic systems are located within the buffer area an area of equal size to that disturbed immediately adjacent to the disturbed area shall be protected. Boundaries of all buffer areas should be clearly marked by blazes on trees closest to the boundary line prior to sale of the lot. Blazed trees should be located wherever possible at least every 25 feet and are to be included within the buffer area.

The applicant has further proposed to do all necessary clearing on the lots fronting on David Pond in accordance with certain standards and that subsequent purchasers will not be allowed to do further clearing to increase openings in the forest canopy. The applicant has submitted a Buffer Zone Management Plan prepared by a registered forester. The restrictions contained in that Management Plan are as follows:

A. All work shall be closely monitored by a Licensed Forester.

B. The DEP, DEELS, shall be notified as to the time that the activity is to occur, so that a representative of the Department may, if they so wish, review the on-site operations to determine conformance with the approved plan.

C. There shall be no more than a total of 13% of the individual buffer area of each lot cleared of its forest campy. The undergrowth and ground cover, shall remain in its original condition, and shall not be significantly disturbed to cause an opening in ground cover in any particular area. Pruning of trees shall be allowed, provided the pruning does not threaten the health of the individual tree.

D. There shall be no cleared openings of greater than 500 square feet in the forest canopy in any particular area of the buffer of a lot. The cleared openings shall not exceed one-third of the total depth of the buffer zone of any individual lot, and these openings shall not be located so as to create any combination of cleared openings that will line up directly down the slope from the top of the buffer to the shoreline of David Pond. There shall be a total minimum depth of 100 feet of unthinned buffer maintained at a11 times

   in any particular area of each individual lot as measured from the shoreline up the slope in a perpendicular line from said shoreline. This total 100' depth of unthinned buffer need not be contiguous, but may be interrupted by small thinned openings.

E. The felled trees shall be winched out of the buffer area whenever possible. There shall be no skidder trail created in the buffer area. Care shall be taken to assure the maintenance of the ground cover in the buffer area. In the event that a skidder is necessary to remove felled trees in the buffer area., then the area where a skidder has operated shall be stabilized and replanted with a ground cover similar to that existing in the area.

F. There shall be no direct and distinctive cuts of the forest cover that will create channels through the buffer area to the lake.

G. Once the Patten Corporation of Maine has completed its forestry clearing plan, the individual lot owners shall make no additional cuts of the trees in the buffer area. The individual lot owners shall have the right to maintain the condition of forestry clearing as originally created by the Patten Corporation of Maine.

The Chairman of the Fayette Conservation Commission, also a landscape architect has submitted comments to the file regarding the project. Several concerns were emphasized: road layout,

visual impact and density of the development. The applicant has responded to these concerns which were also shared by Department staff.

1. Fisheries Concerns.

Review comments from the Department of Inland Fisheries & Wildlife have expressed concerns about this project. Basin Pond has populations of rainbow trout, smelt, brook trout and splake (brook trout x lake trout hybrids). The brookies and splake populations are maintained by annual stocking programs. Growth rate and survival is good. Automobile access to Basin Pond is difficult. The access trail can be traveled on foot or by 4-wheel drive vehicles. Basin Pond is a popular fishing spot. According to the Department of Inland Fisheries & Wildlife, "The potential for catching a large brookie or splake, the total lack of shoreline development, and the relatively low fishing pressure combine to produce a fishing experience not aesthetically dissimilar from that obtained on a fishing trip to an isolated trout pond in Maine's North Woods. Basin Pond provides virtually the only opportunity for this type of trout fishing experience in central Maine." DIFW has summarized their management goals in the project are to:

a) Encourage maintenance of public access to Basin and David Ponds, and

b) Discourage the improvement of physical access to Basin Pond.

David Pond contains smallmouth and largemouth bass, chain pickerel and yellow perch among others. David Pond has a reputation for providing excellent smallmouth fishing. The shoreline of David Pond is lightly developed on the northeast end. Department of Inland Fisheries & Wildlife comments that, "the aesthetic character of the fishing experience offered to anglers at David Pond is very much like that found on some of our best Downeast bass waters. The lack of competition from other fishermen and the uncluttered shoreline, give anglers a feeling of fishing a "wilderness lake"." The east shore of the south basin, i.e., the portion of the shoreline that lies within the proposed project, with its steep shoreline, occasional sheer cliffs, and stands of mature pines, provides a particularly attractive setting for, fishing, canoeing and other types of outdoor recreation.

In summary these ponds and their environs provide an opportunity for outdoor recreation with a wilderness character which is rare in central Maine. Data collected by the Department of Inland Fisheries & Wildlife clearly show that there is active demand for the type of outdoor recreation experience available in the environs of these ponds.

2. Basin Pond Wildlife Management Area (BPWMA).

The applicant has proposed to create a 55 acre wildlife management area adjacent to Basin Pond. This area, comprises about 20% of the overall project parcel and would consist of all of the parcel that lies within the Basin Pond Watershed. Establishment of the BPWMA would occur through the Patten Environmental Trust (PET). The PET is a separate entity associated with the Patten Corporation, which provides for the preservation and protection of environmentally sensitive areas within Patten's development project. Under the terms of the Trust the Patten Corpora t ion would convey a perpetual conservation easement to Patten Environmental Trust. The PET would hold this conservation easement until an appropriate outside agency or group is found to take the conservation easement. Patten Corporation may retain the fee interest in the land subject to the easement rights. Fee ownership or conservation easements may be conveyed

to an outside agency or group which has the ability to hold and/or enforce the terms of the conservation easement. The Town of Fayette has authorized the Selectmen to accept ownership of this parcel.

Adjacent to the project parcel are located two "out lots" owned by the State of Maine and managed by the Bureau of Parks and Recreation. One lot fronts on Basin Pond and one lot fronts on David Pond. The lots are shown on the site plan.

On March 26, 1987 representatives from Patten Corporation, the Department of Environmental

Protection, the Department of Inland Fisheries & Wildlife, and the Department of Conservation, Bureau of Parks and Recreation met to discuss covenants and agreements necessary to ensure that the management goals of MOIFW and the public access rights to the two adjoining public lots are incorporated into the Patten Environmental Trust. Agreements in principle were reached on the following areas:

Public Access to Shoreline.

Public utilization of the shoreline of Basin and David Ponds and the Basin Pond Outlet would be allowed for purposes of fishing or fowling. Public access would generally take place within 50 feet of the shoreline perimeter or existing trails following the shoreline.

Vehicular Access to Basin Pond.

If the State of Maine releases its right of way easements for vehicular traffic to Basin Pond. then Patten Corporation agrees to restrict their access way to allow only pedestrian traffic. The existing roadway would, however continue to provide reasonable walk-in access. In the spirit of protecting the Basin Pond watershed vehicular access points would be blocked, specifically:

A. the existing roadway to Basin Pond at or near the cul de sac of Basin Road;
B. the existing road that joins Shore Drive between lots 17 and 51; and
C. the existing roadway on lot 14 where it intersects the proposed common driveway access for lots 15 and 16.

Basin Pond Parking Area.

A parking area for six motor vehicles would be constructed at the end of the Basin Road cul de sac on lot 18 to the east of the existing road. Additional roadside parallel parking would be allowed on the east side of Basin Road, within the right of way, as long as driveway access is not impeded. Driveway access for lot 18 shall be located at least 25 feet east of the parking area.

David Pond Parking.

Roadside parallel parking would be allowed on the east side of Shore Drive between lots 3 and 70 within the right of way. Since the improved vehicular access being created by Shore Drive is consistent with the interests previously conveyed to the State of Maine for the out lot on David Pond the State of Maine would in turn release its right of way interests to create a new roadway and any material rights (borrow/gravel rights) for that purpose. Access to the State lot would be provided for pedestrians along a 30 foot wide right of way approximately 170 feet long across lot 6 that would be deeded to the State.

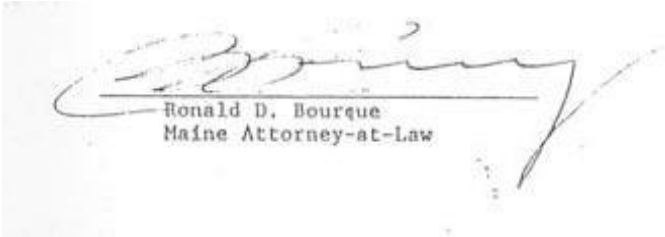
BASED on the above findings of fact, the Department makes the following conclusions,

A. The applicant has provided adequate evidence of financial capacity and technical ability to meet air and water pollution control standards.
B. The applicant has made adequate provision for solid waste disposal, the control of offensive odors, and the securing and maintenance of sufficient and healthful water supplies.
C. The applicant has made adequate provision for traffic movement of all types into, out of or within the development area.
D. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character or natural resources in the municipality or in neighboring municipalities provided that applicant adheres to the proposed restrictions as set forth in Finding No. 15 and 17 above.
E. The proposed development will be built on soil types which are suitable to the nature of the undertaking.
F. The proposed development will not pose an unreasonable risk that a discharge to a significant ground water aquifer will occur.

THEREFORE, the Department APPROVES with the attached conditions the application of THE PATTEN CORPORATION OF MAINE to develop a residential subdivision of 60 lots in Fayette t Maine, in accordance with the following conditions:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control requirements set forth in the order, the applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in noticeable erosion of soils on the site during the construction and operation of the project covered by this approval.
3. Lots 1 through 60 shall be conveyed only with deed covenants prohibiting cutting, clearing and construction, within the buffer areas on these lots as described in the Findings. When each of these lots is sold or leased, a copy of the respective deed containing the restrictive language required by this condition shall be submitted to the Department of Environmental Protection coincident with the recording of the deed in the Kennebec County Registry of Deeds.
4. A duly registered copy of the Declaration of Protective Covenants, Reservations and Common Easements shall be submitted to the Department coincident with the sale of the first lot within the subdivision.
5. The locations of septic systems shall be restricted to the test pit location on each lot. In addition the wells on lots 1, 2, 6, 7, 8, 18, 19, and 55 shall be restricted to those locations identified on a plan by Robert G. Gerber, Inc. dated April 7, 1987 entitled Schematic Groundwater Flow Net.
6. The applicant shall submit to the Department a copy of the Conservation Easement Deed for the Basin Pond Wildlife Management area subsequent to the transfer of that easement from the Patten Environmental Trust to the Town of Fayette.
7. The applicant shall file with the Department a copy of the finalized agreements between the State of Maine and Patten Corporation regarding the restricted access to Basin Pond. These documents shall be submitted within 30 days of the signing of this agreement.

DONE AND DATED AT AUGUSTA, MAINE, THIS 5TH DAY OF JUNE, 1986
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PLEASE NOTE ATTACHED SHEET FOR APPEAL PROCEDURES....

Date of initial receipt of application February 19, 1986

Date of application acceptance March 11, 1986

BUFFER ZONE MANAGEMENT PLAN

(Exhibit 12 from Patten White Book)

EXHIBIT 12

DATE: 12-1?-89
PROJ. NO: 37
OK'D BY: PP (6/26/90)

PAGE 1 OF 11

BUFFER ZONE MANAGEMENT PLAN

LAKEVIEW ESTATES

FOR

PATTEN CORPORATION OF MAINE

BY

JAMES P. BOYLE

REGISTERED FORESTER #707

APRIL 23, 1987

STATE OF MAINE
JAMES P. BOYLE
#707
REGISTERED
FORESTER

BUFFER ZONE MANAGEMENT PLAN LAKE VIEW ESTATES

OBJECTIVE

To minimize any environmental impacts to the soil and water resources in the David Pond watershed while establishing lake views from shorefront lots.

INTRODUCTION

The purpose of this plan is to describe the land and timber in the David Pond buzzer zone and to make recommendations for pruning and thinning in various areas in order to achieve the landowner's objective as described above.

The buffer zone is divided into four areas based on variations in species types and/or slopes. The variations in those two factors require different approaches in achieving the objectives.

Two other very important factors in minimizing impacts are the type of machinery to be used and the skill and care of the operator. Mr. Ken Rollins has been selected as the thinning contractor for this project. I have observed his work in the past and am completely satisfied with his capabilities and professionalism. Because of the sensitivity of this operation, the work will be closely supervised by me as well as the construction manager for Patten Corporation of Maine.

AREA l

SPECIES TYPE: Hardwood overstory, scattered softwood understory

SLOPE: 10 – 15%

FRONTAGE: 1,450'

NUMBER OF LOTS: 6

SITUATION: The main canopy (overstory) is composed of mostly of large-crowned hardwoods.

Removal of only a few stems per acre would result in substantial openings in the canopy. However, the main obstructions to the views from these lots are the small diameter softwoods and, in places, hardwood poles and saplings.

RECOMMENDATION: Minimal pruning and thinning of large overstory hardwoods. Concentrate majority of pruning and thinning on understory softwoods and small diameter hardwoods. This allows for views while leaving the main canopy largely unaffected.

AREA 2

SPECIES TYPE: Primarily softwood, minor component hardwood

SLOPE: 10%

FRONTAGE: 1,200'

NUMBER OF LOTS: 5

SITUATION: The major component of the main canopy is softwood with hardwood being a minor component. The softwoods, and hemlock in particular, present serious obstructions to views in this area but individual crowns are relatively small.

Slopes in this area are more gradual. than the other areas and there are two small brooks running through it.

RECOMMENDATION: Begin by pruning throughout the area.

Follow-up with thinning concentrated on hemlock and other softwoods. Small crown diameters of softwoods should allow for removal of a higher number of stems in Area 2 without a large reduction in canopy crown closure. Care should be taken to minimize brook crossings within the buffer area.

AREA 3

SPECIES TYPE: Mixed wood (small area of concentrated pine on steep slope)

SLOPE: 15-25%

FRONTAGE: 600'

NUMBER OF LOTS: 4

SITUATION: The main concern in this area is the steepness of the slope. Views from these lots will be especially difficult due to the depth of the buffer (250-300 ft) and steepness of the slope. The main canopy is mixed but there is an area of nearly pure pine in the middle of Area 3. RECOMMENDATION: Softwood pruning is recommended in the area for improvement of aesthetics although this will not establish views from the building sites. Once building sites have been selected, small patch cuts (less than 500 sq. ft. canopy opening) will be required to establish views from individual lots. These cuts would follow the standards as described in Appendix A of this plan.

AREA 4

SPECIES TYPE: Softwood, scattered hardwood SLOPE: 10 – 25% FRONTAGE: 2,400'

NUMBER OF LOTS: 2

SITUATION: Slopes in the area are varied in both steepness and direction. Most of the peninsula is within the buffer zone making establishment of views from Lot 15 particularly difficult. Lot 16 has some thick small diameter softwood growth which, when pruned and thinned should allow for fair views.

RECOMMENDATIONS: Begin by pruning throughout the area. Follow-up with selective thinning of small diameter softwoods taking care not to exceed established standards as described in Exhibit A. Small patch cuts (less than 500 square feet canopy opening) may be required in some places.

SUMMARY

This plan is to serve as a guideline for pruning and thinning within the buffer zone in order to achieve the stated objective. Final standards shall be established in cooperation with the DEP, DEELS prior to any cutting.

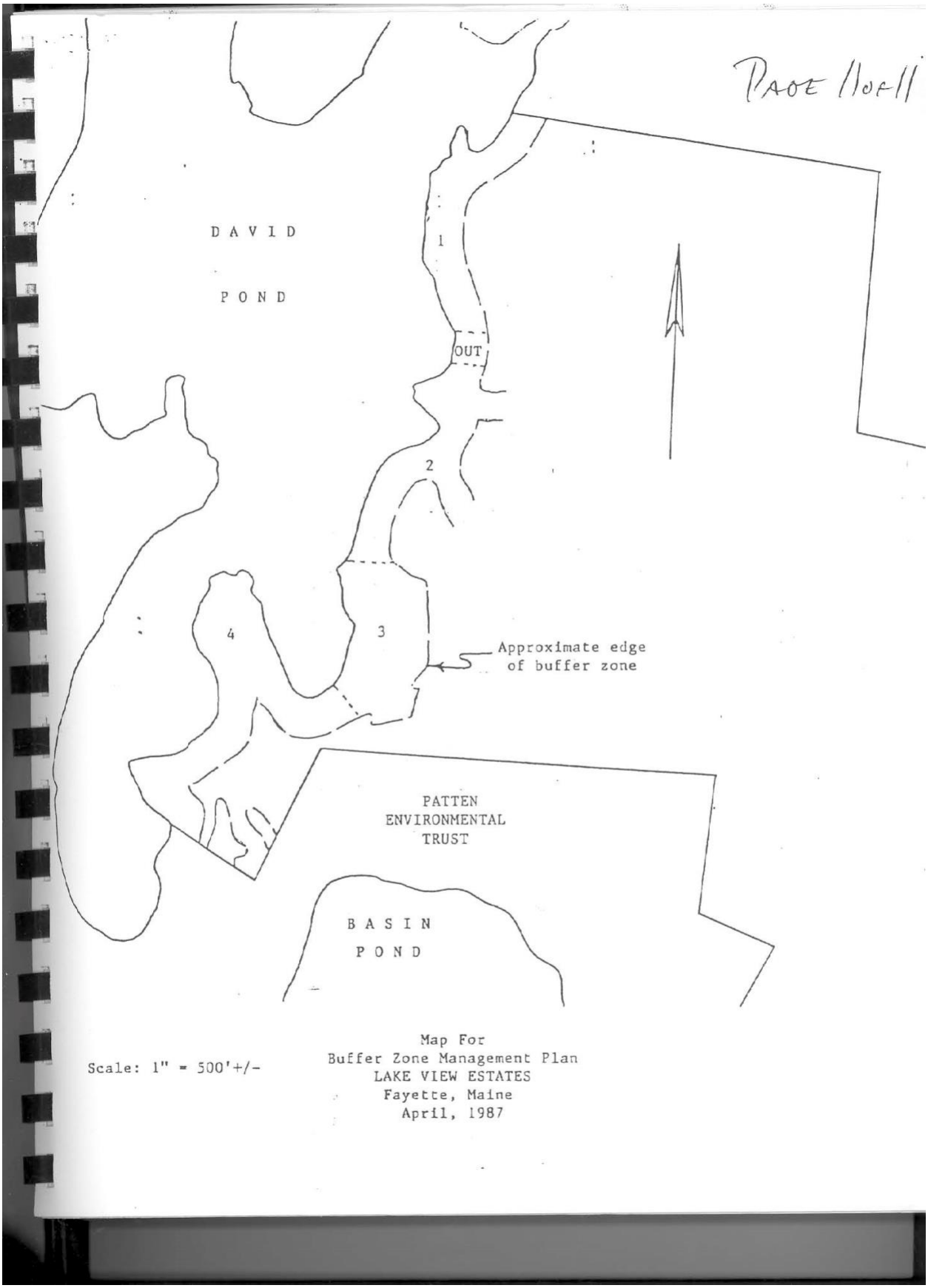
Careful planning, close supervision, and a professional, skilled operator will result in achievement of the mutual objective of Patten Corporation of Maine and the Maine Department of Environmental Protection.

STANDARDS FOR VEGETATION REMOVAL IN BUFFER AREA ALONG DAVID POND

The activities of vegetation removal, pruning, and the opening of a view in that area of the natural buffer along the shoreline of David Pond shall be done by the Patten Corporation of

Maine, in the initial construction period, and these activities shall adhere to the following standards:

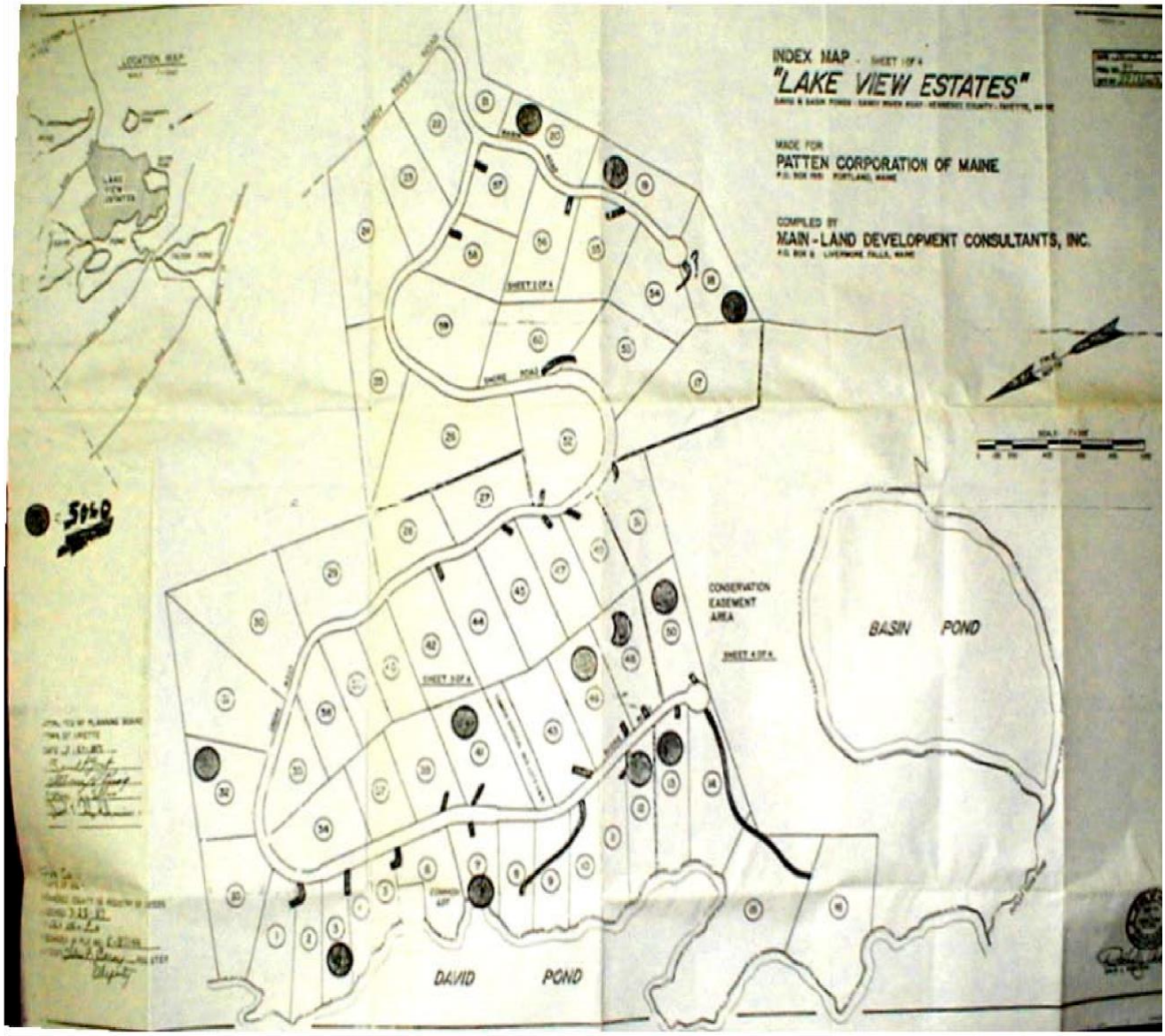
A. All work shall be closely monitored by a Licensed Forester.
B. The DEP, DEELS, shall be notified as to the time that the activity is to occur, so that -a representative of the Department may, if they so wish, review the on-site operations to determine conformance with the approved plan.
C. There shall be no more than a total of 13% of the individual buffer area of each lot cleared of its forest canopy. The undergrowth, ground cover, shall remain in its original condition, and shall not be significantly disturbed to cause an opening in ground cover in any particular area. Pruning of trees shall be allowed, provided the pruning does not threaten the health of the individual tree.
D. There shall be no cleared openings of greater than 500 square feet in the forest canopy in any particular area of the buffer of a lot. The cleared openings shall not exceed one-third of the total depth of the buffer zone of any individual lot, and these openings shall not be located so as to create any combination of cleared openings that will line up directly down the slope from the top of the buffer to the shoreline of David Pond. There shall be a total minimum depth of 100 feet of unthinned buffer maintained at all times in any particular area of each individual lot as measured from the shoreline up the slope in a perpendicular line from said shoreline. This total 100' depth of unthinned buffer need not be contiguous, but may be interrupted by small thinned openings.
E. The felled trees shall be winched out of the buffer area whenever possible. There shall be no skidder trail created in the buffer area. Care shall be taken to assure the maintenance of the ground cover in the buffer area. In the event that a skidder is necessary to remove felled trees in the buffer area, then the area where a skidder has operated shall be stabilized and replanted with a ground cover similar to that existing in the area
F. There shall be no direct and distinctive cuts of the forest cover that will create channels through the buffer area to the lake.
G. Once the Patten Corporation of Maine has completed its forestry clearing plan, the individual lot owners shall make no additional cuts of the trees in the buffer area. The individual lot owners shall have the right to maintain the condition of forestry clearing as originally created by the Patten Corporation of Maine.


PAGE 11 of 11
DAVID
POND
1
OUT
2
3
4
Approximate edge
of buffer zone
PATTEN
ENVIRONMENTAL
TRUST
BASIN
POND
Scale: 1" = 500'+/-
Map For
Buffer Zone Management Plan
LAKE VIEW ESTATES
Fayette, Maine
April, 1987

MAP OF MANDATORY DRIVEWAY LOCATIONS

(Exhibit 13 from Patten White Book)

The lots with mandatory driveway header locations are marked on the map below.



E-911 ADDRESS NUMBERS

All lots that have driveways should have an E-911 address number assigned by the Town of Fayette. See a link to a list sorted by lot, at: http://lehaweb.org/leha-business.html, showing the current status of displayed E-911 address signs. If you need to update E-911 address number information for your lot(s), please visit http://lehaweb.org and click on Update Member Contact Information.

Questions on E-911 address numbers should be referred to the Fayette Town Office at 207-685-4573.

LEHA CONTACTS

If you have any questions or comments regarding LEHA, please contact one of the board members listed at http://lehaweb.org/contacts. Other contact information is also available on that page.

LEHA WEBSITE

More information, including minutes from association meetings, photos of Lake View Estates, local attractions, and association news are all available at http://lehaweb.org. Any questions or problems with the website can be directed to the LEHA Webmaster.