

The minutes of 12/12/05 were reviewed by the Board.
Discussion took place.

**NANCY WYMAN MADE A MOTION TO ACCEPT
THE MINUTES OF 12/12/05 AS CORRECTED.
RICHARD BROADBENT SECONDED THE MOTION
THE VOTE WAS UNANIMOUS.**

The minutes of 12/20/2005 were reviewed by the Board.
Discussion took place.

**NANCY WYMAN MADE A MOTION TO ACCEPT
THE MINUTES OF 12/20/05 AS CORRECTED.
RICHARD BROADBENT SECONDED THE MOTION
THE VOTE WAS UNANIMOUS.**

The minutes of 1/9/06 were reviewed by the Board. Discussion
took place.

**NANCY WYMAN MADE A MOTION TO ACCEPT
THE MINUTES OF 1/9/06 AS CORRECTED.
RICHARD BROADBENT SECONDED THE MOTION,
THE VOTE WAS UNANIMOUS.**

The minutes of 1/17/06 were reviewed by the Board and will be
rewritten.

The minutes of 2/13/06 were reviewed by the Board and will be
Rewritten.

The Conservation Committee would like to invite the Board to a
meeting they are having on March 27th 2006.

AYDENS WAY

John Hutchins appeared before the Board and presented a proposed
road maintenance agreement that will be sent to the Town Attorney
for review. Magnetically detectable markers are in place. The DEP
permit is all set. The Board explained 3 estimates for final paving
coat for the road and shoulder. 125% of the highest estimate
Preferred choice is a performance bond to complete the road. No
Building permits will be issued until the road is completed up to
The final coat of asphalt and the shoulder contours.

**JONATHAN SEWELL MADE A MOTION TO
ACCEPT AYDENS WAY AS FINAL CONDITIONAL
SIGNING PENDING APPROVEMENT OF ROAD
AGREEMENT AND THE ESCROW ACCOUNT FOR
THE FINAL COMPLETION OF THE ROAD.**

**RICHARD BROADBENT SECONDED THE MOTION.
THE VOTE WAS UNANIMOUS.**

A final fee of \$750.00 was paid to the Town of Lebanon.

MAPLE RIDGE--

John Hutchins submitted a plan for the proposed Maple Ridge Subdivision. Discussion took place. Existing septic system On lot 9-2 needs to be shown on the plan. The abutters list on the application needs to be updated.

**JONATHAN SEWELL MADE A MOTION TO
ACCEPT THE MAPLE RIDGE APPLICATION
AS COMPLETE. NANCY WYMAN SECONDED
THE MOTION, THE VOTE WAS UNANIMOUS.**

The 5/9/05 application fee will be applied to the application Fee. There will be a site review on 3/19/2006 at 8:30AM. A Check list was completed. The plan needs the following things.

1. Request any waivers on final plan.
2. update abutter list
3. add Trevor Lane

MOTION DULY MADE AND SECONDED

**NANCY WYMAN MADE A MOTION TO ADJOURN,
RICHARD BROADBENT SECONDED THE MOTION.
THE VOTE WAS UNANIMOUS.**

The meeting ended at 9:35PM.

Respectfully Submitted,
Maura Skeffington

LEBANON PLANNING BOARD

MAY 8, 2006

REGULAR MEETING

MEMBERS PRESENT

R. BUMFORD CHAIRMAN

J. SEWELL VICE CHAIR

R. BROADBENT

N. WYMAN

K. SCHLUTER

M. HOPKINS ALT

K. NEWELL CEO

M. SKEFFINGTON CLERK

GUESTS PRESENT

JORDAN PIKE

The Lebanon Planning Board was called to order at 7:05PM by Chairman Roxanne Bumford.

MAPLE RIDGE SUBDIVISION

Joe Stanley appeared before the Board to represent the proposed Maple Ridge Subdivision. Discussion took place.

RICHARD BROADBENT MADE A MOTION TO ACCEPT THE MAPLE RIDGE SUBDIVISION PLAN AS PRELIMINARY. JONATHAN SEWELL SECONDED THE MOTION, THE VOTE WAS UNANIMOUS.

A Public Hearing will be held on June 12th 2006. The Road Commissioner will be notified of the Public Hearing.

AYDEN'S WAY

An Escrow account needs to be set up before the final plan is Released to Mr. Wiswell.

COLONIAL MOBILE HOMES

Harvey Wallingford appeared before the Board to represent Colonial Mobile Homes plan. An application was submitted, A sketch plan and deeds. Discussion took place. The Board Explained the process Mr. Wallingford will need to follow to Proceed with this plan. A copy of Attorney Sheppards Letter was given to Mr. Wallingford stating this ^{requires} constitutes a municipal review. A \$300.00 application fee was paid to the Town of Lebanon.

Site 5/22/@6:30 with workshop
to follow for the plan

DENNIS GERRY

Mr. Gerry appeared before the Board to discuss his proposed subdivision. An application and a plan were submitted. Discussion took place. The Board reviewed the application.

1. Area on lots and road need to be calculated.
2. Abutter's names are needed.
3. Surveyor's license number is needed.

A site review will be held on 5/22/06 at 5:30PM.

JEFF GAUDETTE

Mr. Gaudette appeared before the Board and submitted a plan and a soil report for the Board to review. Discussion took place. The Board explained that this is a subdivision. This plan will be sent Back to Attorney Sheppard for clarification and to research the Easement issue.

JOHN OKEEFE

Mr. O'Keefe appeared before the Board and submitted a rough sketch plan. Mr. O'Keefe would like to create 2 lots. This is not a Planning Board issue, as long as all set backs are met.

JORDAN PIKE

Jordan Pike wanted the Board to know about a Habitat presentation
That he would like the Planning Board and the Comprehensive
Planning Board to attend.

MOTION DULY MADE AND SECONDED

**RICHARD BROADBENT MADE A MOTION TO
ADJOURN, NANCY WYMAN SECONDED THE
MOTION. THE MEETING ENDED AT 9:00PM.**

Respectfully Submitted,

Maura Skeffington

13134

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS That I, **BERNICE TUCKER KEENE**, of 4707 Ninth Street, Zephyrhills, Florida 33540,

for consideration paid,

grant to **JAMES A. AND FAYE L. WISWELL**, husband and wife, of Half Mile Road, in the Town of Lebanon, County of York and State of Maine, with **WARRANTY COVENANTS**, as joint tenants,

A certain lot or parcel of land in the Town of Lebanon, County of York, State of Maine, lying on the northerly side of Half Mile Road; further bounded and described as follows:

Beginning at a 5/8" iron rod at the southeasterly corner of land of James and Faye L. Wiswell as shown on plan entitled, Standard Boundary Survey, Property of Bernice Tucker Keene, Half Mile Road, Lebanon, Maine dated July 22, 1991 by All-Around Surveying and recorded at the York County Registry of Deeds in Plan Book 203, Page 19. Said point of beginning also being on the northerly sideline of Half Mile Road. Thence N 60° 59' 00" E along the northerly sideline of said road a distance of fifty and 03/100 (50.03) feet to a 5/8" iron rod set at the southwesterly corner of land of Jack B. and Jill Smith as described in Book 2418, Page 32; thence N 26° 53' 09" W along said land of Smith a distance of three hundred eighty and 00/100 (380.00) feet to a 1" iron pipe marking the apex of a triangular parcel of land conveyed to said Smith by Bernice Tucker Keene by deed dated September 4, 1991; thence N 28° 59' 41" W along said triangular parcel a distance of seven hundred thirty-two and 49/100 (732.49) feet to a 5/8" iron rod set; thence N 60° 59' 00" E continuing along said triangular parcel and other land of Smith a distance of five hundred two and 07/100 (502.07) feet to a 5/8" iron rod set at remaining land of Bernice Tucker Keene; thence N 29° 27' 51" W along said remaining land of Keene a distance of three hundred forty-two and 49/100 (342.49) feet to a 5/8" iron rod set on the southerly line of land of Robert T. Hoss as described in Book 2628, Page 165; thence S 60° 32' 09" W along said land of Hoss, partially by a stone wall, a distance of six hundred ninety-one and 26/100 (691.26) feet to a 2" iron pipe filled with cement, found at the southwesterly corner of said land of Hoss; thence N 29° 27' 51" W along said land of Hoss a distance of three hundred forty and 82/100 (340.82) feet to a 2" iron pipe filled with cement, found at the southeasterly corner of land of Vernon O. and Marion Libby as described in Book 1013, Page 185; thence S 80° 55' 30" W along said land of Libby a distance of three hundred forty-seven and 78/100 (347.78) feet to a 5/8" iron rod set at the northeasterly corner of land of Virginia Cole as described in Book 2083, Page 410; thence S 29° 41' 00" E along said land of Cole, partially by a stone wall, a distance of one thousand three hundred eighty-nine and 89/100 (1,389.89) feet to a 5/8" iron rod set at the northwesterly corner of other land of James and Faye L. Wiswell as described in Book 2388, Page 14; thence N 60° 59' 00" E along said land of Wiswell and also along a second parcel of land that was conveyed to the Wiswells by Bernice Tucker Keene by deed dated September 4, 1991, a total distance of four hundred seventy-five and 84/100 (475.84) feet to a 5/8" iron rod set; thence S 28° 59' 41" E along said second parcel conveyed to the Wiswells a distance of nineteen and 30/100 (19.30) feet to a 5/8" iron rod set; thence S 26° 53' 09" E continuing along said second parcel conveyed to the Wiswells a distance of three hundred nineteen and 75/100 (319.75) feet to a point marking the apex of a small triangular parcel of land that was conveyed to Bernice Tucker Keene by James and Faye L. Wiswell by deed dated August 27, 1991; thence S 26° 53' 09" E along land of Wiswell and the westerly side of said triangular parcel a distance of sixty-one and 19/100 (61.19) feet to the point of beginning.

The above described parcel of land contains 19.9 acres, more or

MAINE REAL ESTATE TRUSTEE TAX PAID

less. Bearings refer to magnetic north 1991.

The above described premises are a portion of those conveyed to Bernice Tucker Keene (under the name of Bernice L. Tucker) and Millard O. Tucker, as joint tenants, by deed of Gertrude J. Libby, guardian of the Estate of Roy S. Hall. Said deed is recorded at the York County Registry of Deeds in Book 1468, Page 245.

The book and page references listed within this description refer to the York County Registry of Deeds.

Witness my hand and seal this 4th day of MARCH, 1992.

Harold W. Keene
Witness

Bernice Tucker Keene
Bernice Tucker Keene
MAINEDL 5099028 (E 95)

STATE OF FLORIDA
COUNTY OF PASCO

MARCH 4TH, 1992

Personally appeared the above-named Bernice Tucker Keene and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Dona J. Sutton

Notary Public

DOÑA J. SUTTON

NOTARY PUBLIC, STATE OF FLORIDA
My commission expires Jan. 28, 1995
Bonded thru Patterson - Becht Agency

RECEIVED YORK S.S.

92 MAR 27 PM 1:35

ATTEST: Arnell Stone
REGISTER OF DEEDS

NOV 23 1968 PAGE 14

Know all Men by these Presents

17333

That Millard O. Tucker and Bernice L. Tucker, both of Lebanon, County of York, and State of Maine,

in consideration of One Dollar (\$1.00) and other valuable considerations paid by James . Wiswell and Faye Libby Wiswell, both of East Lebanon, County of York, and State of Maine,

the receipt whereof we do hereby acknowledge, do hereby give, grant,

convey, sell and convey unto the said James . Wiswell and Faye Libby Wiswell

as joint tenants and not as tenants in common, and their heirs and assigns, and the survivor of them, and the heirs and assigns of the survivor of them, forever.

A certain lot or parcel of land with the buildings thereon situated in said Lebanon on the Northerly side of the Half Mile Road, so-called, bounded and described as follows, to wit:

Beginning at an iron pipe set in the ground on the Northerly side of the Half Mile Road, so-called, at the Southwesterly corner of the lot herein described, and at a stone wall dividing property of the Grantors herein and property now or formerly of Frank Junkins; thence Northerly by said stone wall along land now or formerly of Frank Junkins Four Hundred (400) feet, more or less, to an iron pipe set in the ground at other land of the Grantor; thence turning and running Easterly along other land of the Grantor Four Hundred Sixty (460) feet, more or less, to an iron pipe set in the ground at other land of the Grantor; thence turning and running Southerly Four Hundred (400) feet, more or less, along other land of the Grantor to an iron pipe set in the ground on the Northerly side of said Half Mile Road, so-called; thence turning and running Westerly along the Half Mile Road, so-called Four Hundred Sixty (460) feet, more or less, to an iron pipe set in the ground, that being the point of beginning. Containing One Hundred Eighty-four Thousand (184,000) square feet, more or less.

Being a part of the premises described in the deed from Gertrude J. Libby to Millard O. and Bernice L. Tucker dated October 4, 1961, and recorded in the York County Registry of Deeds, Book 1468, Page 245.

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BOOK 2388 PAGE 15

To Have and to Hold the aforegranted and bargained premises with all the privileges and appurtenances thereof, to the said James . Wiswell and Faye Libby Wiswell

as joint tenants and not as tenants in common, and their heirs and assigns, and the survivor of them, and the heirs and assigns of the survivor of them, to them and their use and behoof forever.

And we do COVENANT with the said Grantees, as aforesaid, that we are lawfully seized in fee of the premises, that they are free of all incumbrances,

that we have good right to sell and convey the same to the said Grantees to hold as aforesaid, and that we and our heirs shall and will warrant and defend the same to the said Grantees, their heirs and assigns, and the survivor of them, and the heirs and assigns of the survivor of them, forever, against the lawful claims and demands of all persons.

In Witness Whereof, the said Millard O. Tucker and Bernice L. Tucker, being husband and wife,

Joining in this deed as Grantor, and relinquishing and conveying right by descent and all other rights in the above described premises, have hereunto set our hands and seals this 26th day of July in the year of our Lord one thousand nine hundred and seventy-eight.

Signed, Sealed and Delivered in presence of
[Signature: Herb C. ...]

Millard O. Tucker
Bernice L. Tucker

State of New York

July 26, 1978

Personally appeared the above named Millard O. Tucker and Bernice L. Tucker

the foregoing instrument to be their free act and deed.

Before me, Donna L. ... Justice of the Peace



Received JUL 26 1978 at 2:55 PM and recorded from the original

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CLASS B HIGH INTENSITY SOILS REPORT

AYDEN'S WAY SUBDIVISION

For

Aaron Wiswell

Le banon, Maine

November 14, 2005

Prepared by:

**Pinkham & Greer Consulting Engineers
170 US Route One
Falmouth, ME 04105**

(207) 781-5242



170 U.S. Route One
Falmouth, Maine 04105
Tel: 207.781.5242
Fax: 207.781.4245

AYDEN'S WAY SUBDIVISION LEBANON, MAINE

Date: Soil profiles observed in September, 2005

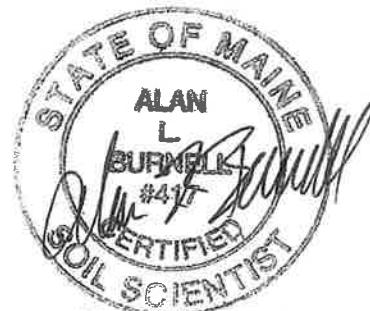
Base Map: Corner Post Land Survey, Inc

Ground Control: Test pits located by Trimble GPS Unit

Class B Soil Survey Standards:

1. Mapping units: 1 acres or less.
2. Map scale: 1" = 200' or larger.
3. Inclusions: Up to 35%, max. 25% dissimilar.
4. Ground control: Surveyed control points.
5. Base map: contour interval max. 5'.

This soil survey was prepared for proposed a residential subdivision. It will utilize private wastewater disposal systems and common wells. The map and accompanying soil narrative report with soil profile descriptions entitled "Class B High Intensity Soils Report Ayden's Way Subdivision" dated November 14, 2005 were done in accordance with the standards adopted by the Maine Association of Professional Soil Scientists and presented in the "Guidelines for Maine Certified Soil Scientists for Soil Identification and Mapping", latest revision, and prepared by Alan L. Burnell, C.S.S. #417



Alan L. Burnell
CSS #417, SE #267
September 15, 2005



Summary and Evaluation of Soils for Site Construction

According to the USDA Natural Resources Conservation Service soil interpretation sheets, typical limitations that pertain to site construction include the depth to ground water, permeability rates, frost action and settlement. These limitations are discussed below:

Skerry: The Skerry series consists of very deep, moderately well drained soils on till ridges and plains. These soils are very suitable for building and road construction. These soils typically have moderately deep groundwater tables, low potential for frost action and no frequency of flooding. Permeability throughout the soil ranges from moderately rapid to rapid.

Westbury: The Westbury series consists of very deep, somewhat poorly drained soils located on glacial till lowlands. These soils typically have shallow groundwater tables which limits their suitability for building and road construction. The poorly drained phase of the Westbury soil may be hydric.

Brayton: The Brayton series consists of undifferentiated somewhat poorly to poorly drained, very deep, soils located in the lowest position in the landscape. These soils formed in basal glacial till. These soils have limitations for building and road construction due to wetness. These soils are considered hydric and support wetland vegetation.

SKERRY
(Aquic Haplorthods)

SETTING

Parent Material:	Loamy glacial till underlain by sandy textured denser till.
Landform:	Drumlins and glaciated uplands.
Position in Landscape:	Usually occupies upper components of landform.
Slope Gradient Ranges:	(B) 3-8% (C) 8-20%

COMPOSITION AND SOIL CHARACTERISTICS

Drainage Class:	Moderately well-drained, with a perched water table 1.5 to 3.5 feet below the soil surface from November through May.
Typical Profile Description	Surface layer: Light gray fine sandy loam, 0-4" Subsurface layer: Dark reddish brown fine sandy loam, 4-20" Subsoil layer: Yellowish brown fine sandy loam, 20-25" Substratum: Mixed brown and light olive brown fine sandy loam and sand, 25-65"
Hydrologic Group:	Group C
Surface Run Off:	Moderate
Permeability:	Moderate in solum and slow or moderately slow in the compact substratum.
Depth to Bedrock:	Deep, greater than 40"
Hazard to Flooding:	None

(INCLUSIONS)
(Within Mapping Unit)

Similar:	None
Contrasting:	Westbury, Brayton

USE AND MANAGEMENT

The limiting factor for building site development is wetness due to the presence of a water table 1.5 to 3.5 feet beneath the soil surface for some period during the year. Proper foundation drainage is recommended for construction. Skerry soil is suitable for subsurface wastewater disposal as defined by the State of Maine Rules for Subsurface wastewater disposal

WESTBURY
(Typic Fragiaquods)

SETTING

Parent Material:	Loamy glacial till.
Landform:	Glaciated uplands.
Position in Landscape:	Intermediate positions of landform.
Slope Gradient Ranges:	(C) 8-20%

COMPOSITION AND SOIL CHARACTERISTICS

Drainage Class:	Somewhat poorly drained, with a perched water table 0.5 to 1.5 feet beneath the soil surface from January through April, and during periods of excessive precipitation.
Typical Profile Description	Surface layer: Dark brown gravelly loam, 0-7" Subsurface layer: Dark brown gravelly fine sandy loam, 7-19" Subsoil layer: Dark brown gravelly sand loam, 19-40" Substratum: Olive brown gravelly sandy loam, 40-60"
Hydrologic Group:	Group C
Surface Run-Off:	Moderate
Permeability:	Moderate in solum and slow or moderately slow in the compact substratum.
Depth to Bedrock:	Deep, greater than 40"
Hazard to Flooding:	None

(INCLUSIONS)
(Within Mapping Unit)

Similar:	Brayton
Contrasting:	Skerry

USE AND MANAGEMENT

The limiting factor for building site development is wetness due to the presence of a perched water table 0.5 to 1.5 feet beneath the soil surface for a significant portion of the year. Proper foundation drainage is recommended for construction. Westbury soil is not suitable for subsurface wastewater disposal as outlined in the State of Maine Rules for Subsurface Wastewater disposal.

**BRAYTON
(AERIC EPIAQUEPTS)**

SETTING

Parent Material:	Compact loamy glacial till.
Landform:	Glaciated uplands.
Position in Landscape:	Lowest positions in the landscape.
Slope Gradient Ranges:	(A,B) 3-8%+

COMPOSITION AND SOIL CHARACTERISTICS

Drainage Class	Poorly drained with apparent water table at 5 to 15".
Typical Profile Description	Surface layer: Black + reddish brown loam and fine sandy loam, 0-4" Subsurface layer: Light brown sandy loam, 4-10" Subsoil layer: Olive sandy loam, 10-24" Substratum: Gray sandy loam, 24"+
Hydrologic Group:	Group C
Surface Run-Off:	Slow
Permeability:	Moderate to slow
Depth to Bedrock:	Very deep
Hazard to Flooding:	Moderate

INCLUSIONS
(Within Mapping Unit)

Similar:	Westbury
Contrasting:	None

USE AND MANAGEMENT

The limiting factor for site development is high water table. These soils are considered hydric.

SOIL PROFILE / CLASSIFICATION INFORMATION

DETAILED DESCRIPTION OF SUBSURFACE CONDITIONS AT PROJECT SITES

Project Name: **AYDEN'S WAY** Applicant Name: **AARON WISWELL** Project Location (municipality): **LEBANON**

Exploration Symbol: TP 1 Test Pit Boring

_____ " Organic horizon thickness Ground surface elev. _____

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0				
6	FINE		DK	
12	SANDY LOAM		BROWN	
18	SANDY LOAM	FRIABLE	YEL	
24	LOAM		BROWN	COMMON
30	LOAMY SAND	FIRM	LIGHT BROWN	
36			OLIVE	
42				
48				

soil data by S.E. ▶ Soil Profile: 3 Classification Condition: C Slope Percent: 4 Limiting Factor Depth: 19.

soil data by S.S. ▶ Soil series/phase name: Skerry Hydric Non-hydric Hydrologic Soil Group: C

Exploration Symbol: TP 2 Test Pit Boring

_____ " Organic horizon thickness Ground surface elev. _____

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0				
6	FINE		DK	
12	SANDY LOAM	FRIABLE	BROWN	
18	SANDY LOAM		YEL BROWN	
24	LOAM		LIGHT BROWN	COMMON
30	LOAMY SAND	FIRM	LGT OLIVE	
36			OLIVE	
42				
48				

soil data by S.E. ▶ Soil Profile: 3 Classification Condition: C Slope Percent: 4 Limiting Factor Depth: 17.

soil data by S.S. ▶ Soil series/phase name: Skerry Hydric Non-hydric Hydrologic Soil Group: C

Exploration Symbol: TP 3 Test Pit Boring

_____ " Organic horizon thickness Ground surface elev. _____

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0				
6	FINE		DK	
12	SANDY LOAM		BROWN	
18	SANDY LOAM	FRIABLE	YEL BROWN	
24	LOAM		LIGHT BROWN	COMMON
30	LOAMY SAND	FIRM	LGT OLIVE	
36			OLIVE	
42				
48				

soil data by S.E. ▶ Soil Profile: 3 Classification Condition: C Slope Percent: 5 Limiting Factor Depth: 16.

soil data by S.S. ▶ Soil series/phase name: Skerry Hydric Non-hydric Hydrologic Soil Group: C

Exploration Symbol: TP 4 Test Pit Boring

_____ " Organic horizon thickness Ground surface elev. _____

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0				
6	FINE		DK	
12	SANDY LOAM	FRIABLE	BROWN	
18	SANDY LOAM		YEL BROWN	COMMON
24	LOAM	FIRM	LIGHT BROWN	
30	LOAMY SAND		LGT OLIVE	
36			OLIVE	
42				
48				

soil data by S.E. ▶ Soil Profile: 3 Classification Condition: C Slope Percent: 4 Limiting Factor Depth: 15.

soil data by S.S. ▶ Soil series/phase name: Skerry Hydric Non-hydric Hydrologic Soil Group: C

INVESTIGATOR INFORMATION AND SIGNATURE

Signature: *Alan L. Burnell* Date: 11/14/05

Name Printed/typed: Alan L. Burnell Cert/Lic/Reg. # CSS 417/SE 267

Title: Licensed Site Evaluator Certified Soil Scientist
 Certified Geologist Other:

affix professional seal

SOIL PROFILE / CLASSIFICATION INFORMATION

DETAILED DESCRIPTION OF SUBSURFACE CONDITIONS AT PROJECT SITES

Project Name:
AYDEN'S WAY

Applicant Name:
AARON WISWELL

Project Location (municipality):
LEBANON

Exploration Symbol: TP 5 Test Pit Boring
 _____ " Organic horizon thickness Ground surface elev. _____

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0				
6	FINE		DK	
12	SANDY LOAM		BROWN	
18	SANDY LOAM	FRIABLE	YEL	
24	LOAM		BROWN	COMMON
30	LOAMY SAND	FIRM	LIGHT BROWN	
36			OLIVE	
42				
48				

soil data by S.E. → Soil Profile: 3 Classification: C Slope: 3 Percent Limiting Factor: 18 Depth: _____
 Groundwater Restrictive Layer Bedrock

soil data by S.S. → Soil series/phase name: Skerry Hydric Non-hydric Hydrologic Soil Group: C

Exploration Symbol: TP 6 Test Pit Boring
 _____ " Organic horizon thickness Ground surface elev. _____

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0				
6	FINE		DK	
12	SANDY LOAM	FRIABLE	BROWN	
18	LOAM		YEL	
24	SANDY LOAM		BROWN	COMMON
30	LOAMY SAND	FIRM	LIGHT BROWN	
36			LGT OLIVE	
42				
48				

soil data by S.E. → Soil Profile: 3 Classification: C Slope: 2 Percent Limiting Factor: 15 Depth: _____
 Groundwater Restrictive Layer Bedrock

soil data by S.S. → Soil series/phase name: Skerry Hydric Non-hydric Hydrologic Soil Group: C

Exploration Symbol: TP 7 Test Pit Boring
 _____ " Organic horizon thickness Ground surface elev. _____

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0				
6	FINE		DK	
12	SANDY LOAM	FRIABLE	BLACK LGT OLIVE	COMMON
18	LOAM			
24	SANDY LOAM	FIRM	GRAY	
30				
36				
42				
48				

soil data by S.E. → Soil Profile: 3 Classification: E Slope: 1 Percent Limiting Factor: 4 Depth: _____
 Groundwater Restrictive Layer Bedrock

soil data by S.S. → Soil series/phase name: Brayton Hydric Non-hydric Hydrologic Soil Group: C


Exploration Symbol: TP 8 Test Pit Boring
 _____ " Organic horizon thickness Ground surface elev. _____

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0				
6	FINE		DK	
12	SANDY LOAM	FRIABLE	BROWN	
18	LOAM		YEL	
24	SANDY LOAM	FIRM	BROWN	COMMON
30	LOAMY SAND		LIGHT BROWN	
36			LGT OLIVE	
42				
48				

soil data by S.E. → Soil Profile: 3 Classification: C Slope: 4 Percent Limiting Factor: 15 Depth: _____
 Groundwater Restrictive Layer Bedrock

soil data by S.S. → Soil series/phase name: Skerry Hydric Non-hydric Hydrologic Soil Group: C

INVESTIGATOR INFORMATION AND SIGNATURE

Signature:  Date: 11/14/05

Name Printed/typed: Alan L. Burnell Cert/Lic/Reg. # CSS 417/SE 267

Title: Licensed Site Evaluator Certified Soil Scientist
 Certified Geologist Other:

affix professional seal

SOIL PROFILE / CLASSIFICATION INFORMATION **DETAILED DESCRIPTION OF SUBSURFACE CONDITIONS AT PROJECT SITES**

Project Name: **AYDEN'S WAY** Applicant Name: **AARON WISWELL** Project Location (municipality): **LEBANON**

Exploration Symbol: TP 9 Test Pit Boring

_____ " Organic horizon thickness Ground surface elev. _____

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0				
6	FINE		DK.	
12	SANDY LOAM		BROWN	
18	SANDY LOAM	FRIABLE	YEL	COMMON
24	LOAMY SAND	FIRM	LIGHT BROWN	
30			OLIVE	
36				
42				
48				

soil data by S.E. Soil 3 Classification C Slope 3 Limiting Factor 15 Groundwater Restrictive Layer Bedrock

soil data by S.S. Soil series/phase name: Skerry Hydric Non-hydric Hydrologic C Soil Group

Exploration Symbol: TP 10 Test Pit Boring

_____ " Organic horizon thickness Ground surface elev. _____

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0				
6	FINE		DK	
12	SANDY LOAM	FRIABLE	YEL	
18	SANDY LOAM		BROWN	COMMON
24	LOAMY SAND	FIRM	LGT OLIVE	
30			OLIVE	
36				
42				
48				

soil data by S.E. Soil 3 Classification D Slope 2 Limiting Factor 12 Groundwater Restrictive Layer Bedrock

soil data by S.S. Soil series/phase name: Westbury Hydric Non-hydric Hydrologic C Soil Group

Exploration Symbol: TP 11 Test Pit Boring

_____ " Organic horizon thickness Ground surface elev. _____

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0				
6	FINE		DK BROWN	
12	SANDY LOAM	FRIABLE	LGT	
18	SANDY LOAM	FIRM	BROWN	COMMON
24	LOAMY SAND		LGT OLIVE	
30			OLIVE	
36				
42				
48				

soil data by S.E. Soil 3 Classification C Slope 3 Limiting Factor 15 Groundwater Restrictive Layer Bedrock

soil data by S.S. Soil series/phase name: Skerry Hydric Non-hydric Hydrologic C Soil Group

Exploration Symbol: TP 12 Test Pit Boring


_____ " Organic horizon thickness Ground surface elev. _____

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0				
6	FINE		DK	
12	SANDY LOAM	FRIABLE	BROWN	
18	SANDY LOAM	FIRM	YEL BROWN	COMMON
24	LOAMY SAND		LIGHT BROWN	
30			OLIVE	
36				
42				
48				

soil data by S.E. Soil 3 Classification C Slope 4 Limiting Factor 15 Groundwater Restrictive Layer Bedrock

soil data by S.S. Soil series/phase name: Skerry Hydric Non-hydric Hydrologic C Soil Group

INVESTIGATOR INFORMATION AND SIGNATURE

Signature:  Date: 11/14/05

Name Printed/typed: Alan L. Burnell Cert/Lic/Reg. # CSS 417/SE 267

Title: Licensed Site Evaluator Certified Soil Scientist
 Certified Geologist Other:

affix professional seal

SOIL PROFILE / CLASSIFICATION INFORMATION **DETAILED DESCRIPTION OF SUBSURFACE CONDITIONS AT PROJECT SITES**

Project Name: **AYDEN'S WAY** Applicant Name: **AARON WISWELL** Project Location (municipality): **LEBANON**

Exploration Symbol: TP 13 Test Pit Boring

_____ " Organic horizon thickness Ground surface elev. _____

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0				
6	FINE		DK.	
12	SANDY		BROWN	
18	LOAM	FRIABLE	YEL	
24	SANDY		BROWN	COMMON
30	LOAM	FIRM	LIGHT BROWN	
36	LOAMY SAND		OLIVE	
42				
48				

soil data by S.E. Soil 3 Classification C Slope 4 Limiting Factor 15 Groundwater Restrictive Layer Bedrock

soil data by S.S. Soil series/phase name: Skerry Hydric Non-hydric Hydrologic Soil Group _____

Exploration Symbol: TP 14 Test Pit Boring

_____ " Organic horizon thickness Ground surface elev. _____

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0				
6	FINE		DK	
12	SANDY	FRIABLE	BROWN	
18	LOAM		YEL	
24	SANDY		BROWN	COMMON
30	LOAM	FIRM	LGT OLIVE	
36	LOAMY SAND		OLIVE	
42				
48				

soil data by S.E. Soil 3 Classification C Slope 4 Limiting Factor 15 Groundwater Restrictive Layer Bedrock

soil data by S.S. Soil series/phase name: Skerry Hydric Non-hydric Hydrologic Soil Group C

Exploration Symbol: _____ Test Pit Boring

_____ " Organic horizon thickness Ground surface elev. _____

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0				
6				
12				
18				
24				
30				
36				
42				
48				

soil data by S.E. Soil _____ Classification _____ Slope _____ Limiting Factor _____ Groundwater Restrictive Layer Bedrock

soil data by S.S. Soil series/phase name: _____ Hydric Non-hydric Hydrologic Soil Group _____

Exploration Symbol: _____ Test Pit Boring


_____ " Organic horizon thickness Ground surface elev. _____

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0				
6				
12				
18				
24				
30				
36				
42				
48				

soil data by S.E. Soil _____ Classification _____ Slope _____ Limiting Factor _____ Groundwater Restrictive Layer Bedrock

soil data by S.S. Soil series/phase name: _____ Hydric Non-hydric Hydrologic Soil Group _____

INVESTIGATOR INFORMATION AND SIGNATURE

Signature:  Date: 11/14/05

Name Printed/typed: Alan L. Burnell Cert/Lic/Reg. # CSS 417/SE 267

Title: Licensed Site Evaluator Certified Soil Scientist
 Certified Geologist Other:

affix professional seal



STATE OF MAINE
DEPARTMENT OF CONSERVATION
157 HOSPITAL STREET
93 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0093

JOHN ELIAS BALDACCI
GOVERNOR

PATRICK K. MCGOWAN
COMMISSIONER

November 14, 2005

John Hutchins
Corner Post Land Surveying, Inc.
2 Mill Street
Springvale, ME 04083

Re: Rare and exemplary botanical features, Ayden's Way, Lebanon

Dear Mr. Hutchins:

I have searched the Natural Areas Program's digital, manual and map files in response to your request of November 3, 2005 for information on the presence of rare or unique botanical features documented from the vicinity of the project site in the Town of Lebanon, Maine. Rare and unique botanical features include the habitat of rare, threatened or endangered plant species and unique or exemplary natural communities. Our review involves examining maps, manual and computerized records, other sources of information such as scientific articles or published references, and the personal knowledge of staff or cooperating experts.

Our official response covers only botanical features. For authoritative information and official response for zoological features you must make a similar request to Steve Timpano, Environmental Coordinator, Maine Department of Inland Fisheries and Wildlife, 284 State Street, Augusta, Maine 04333.

According to the information currently in our files, there are no rare botanical features documented specifically within the project area. This lack of data may indicate minimal survey efforts rather than confirm the absence of rare botanical features. You may want to have the site inventoried by a qualified field biologist to ensure that no undocumented rare features are inadvertently harmed.

If a field survey of the project area is conducted, please refer to the enclosed supplemental information regarding rare and exemplary botanical features documented to occur in the vicinity of the project site. The list may include information on features that have been known to occur historically in the area as well as recently field-verified information. While historic records have not been documented in several years, they may persist in the area if suitable habitat exists. The enclosed list identifies features with potential to occur in the area,



and it should be considered if you choose to conduct field surveys.

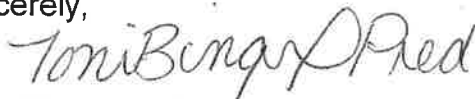
This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site.

The Natural Areas Program is continuously working to achieve a more comprehensive database of exemplary natural features in Maine. We would appreciate the contribution of any information obtained should you decide to do field work. The Natural Areas Program welcomes coordination with individuals or organizations proposing environmental alteration, or conducting environmental assessments. If, however, data provided by the Natural Areas Program are to be published in any form, the Program should be informed at the outset and credited as the source.

The Natural Areas Program has instituted a fee structure of \$75.00 an hour to recover the actual cost of processing your request for information. You will receive an invoice for \$75.00 for our services.

Thank you for using the Natural Areas Program in the environmental review process. Please do not hesitate to contact me if you have further questions about the Natural Areas Program or about rare or unique botanical features on this site.

Sincerely,



Toni Bingel Pied
GIS Specialist/Assistant Ecologist
93 State House Station
Augusta, ME 04333-0093
207-287-8044
toni.pied@maine.gov

Enclosures

Rare or Exemplary Botanical Features in the Project Vicinity

Documented within a four mile radius of the proposed Ayden's Way subdivision, Lebanon.

Scientific Name Common Name	Last Seen	State Rarity	Global Rarity	State Legal Status	Federal Legal Status	Habitat Description
Appalachian - acadian basin swamp ecosystem Appalachian - Acadian Basin Swamp Ecosystem		S4	GNR			Topographic basins with only a small to mid-sized stream as an outlet, mostly to entirely forested, and with minimal peat accumulation. Statewide except for extreme southern Maine.
Aster divaricatus White Wood Aster		S3	G5	T		Dry woods and clearings.
Bartonia paniculata Screwstem		S1	G5	T		Wet peat and sand.
Calamagrostis cinnoides Small Reed-grass		S2	G5	SC		Open areas: bogs, peaty meadows, wet rocks and shores.
Carex laxiculmis Spreading Sedge		S1	G5	E		Rich woods and glades, streambanks.
Carex muhlenbergii Muhlenberg Sedge		S1	G5	T		Dry woods, openings, and fields.
Carex vestita Clothed Sedge		S1	G5	E		Dry sandy woods and clearings
Eragrostis capillaris Tiny Love-grass		SH	G5	E		Dry sandy or rocky soils.

Rare or Exemplary Botanical Features in the Project Vicinity

Documented within a four mile radius of the proposed Ayden's Way subdivision, Lebanon.

Scientific Name Common Name	Last Seen	State Rarity	Global Rarity	State Legal Status	Federal Legal Status	Habitat Description
<i>Eupatorium dubium</i> Eastern Joe-pye Weed		S2	G5	T		Swamps, damp thickets and shores.
<i>Eupatorium fistulosum</i> Hollow Joe-pye Weed		S2	G5?	SC		Roadsides, moist ditches.
<i>Fimbristylis autumnalis</i> Fall Fimbry		S2	G5	T		Sandy or peaty shores and low ground.
<i>Gnaphalium purpureum</i> Purple Cudweed		SX	G5	PE		Dry siliceous or argillaceous soil
Hemlock - hardwood pocket swamp Pocket Swamp		S2	G5			Relatively small swamps in catch basins or sloping saddles among low hills of the coastal plain of extreme southern Maine. Hemlock and red maple are characteristic; <i>Nyssa</i> occasional. Peat accumulation minimal.
<i>Ilex laevigata</i> Smooth Winterberry Holly		S3	G5	SC		Wetlands, wooded swamps.
<i>Isotria medeoloides</i> Small Whorled Pogonia		S2	G2	E	LT: Listed	Mid-succession mixed forests.
<i>Krigia virginica</i> Dwarf Dandelion		S1	G5	SC		Dry sterile soil.

Rare or Exemplary Botanical Features in the Project Vicinity

Documented within a four mile radius of the proposed Ayden's Way subdivision, Lebanon.

Scientific Name	Common Name	Last Seen	State Rarity	Global Rarity	State Legal Status	Federal Legal Status	Habitat Description
<i>Liatrix scariosa</i> Northern Blazing Star			S1	G5?T3	T		Dry grasslands, barrens, and woods openings.
<i>Lindera benzoin</i> Spicebush			S3	G5	SC		Damp woods and brooksides.
<i>Platanthera flava</i> Pale Green Orchis			S2	G4T4Q	SC		Swampy woods, bottomlands, swales, and wet shores.
<i>Pycnanthemum muticum</i> Blunt Mountain-mint			SH	G5	PE		Dry woods, thickets, and clearings.
<i>Ranunculus ambigens</i> Water-plantain Spearwort			SH	G4	PE		Sloughs, ditches, and muddy swamps.
Red maple wooded fen Red Maple Fen			S4	GNR			Poorly-drained basins, often on the periphery of peatlands. Saturated organic soils with sphagnum carpet.
<i>Rhododendron maximum</i> Great Rhododendron			S1	G5	T		Damp woods, swamps, and pond margins.
<i>Sassafras albidum</i> Sassafras			S2	G5	SC		Woods and thickets.

Rare or Exemplary Botanical Features in the Project Vicinity

Documented within a four mile radius of the proposed Ayden's Way subdivision, Lebanon.

Scientific Name Common Name	Last Seen	State Rarity	Global Rarity	State Legal Status	Federal Legal Status	Habitat Description
<i>Saxifraga pensylvanica</i> Swamp Saxifrage		S3	G5	T		Wet meadows, swamps, boggy thickets, and seeping banks.
<i>Scrophularia marilandica</i> Carpenter's Square		SX	G5	PE		Rich woods and thickets
<i>Scutellaria parvula</i> Leonard's Skullcap		SH	G4T4	PE		Dry or moist, sandy or gravelly, chiefly calcareous soils
<i>Selaginella apoda</i> Creeping Spike-moss		S1	G5	E		Meadows, lawns, and streambanks.
<i>Solidago ulmifolia</i> Elm-leaved Goldenrod		SX	G5	PE		Dry rocky woods and thickets, rarely in meadows
<i>Sphenopholis obtusata</i> Prairie Wedge-grass		SH	G5	PE		Dry to wet soils, borders of woods, shores, etc.
<i>Spiranthes lucida</i> Shining Ladies'-tresses		S1	G5	T		Alluvial or damp rocky shores and slopes, rich damp thickets and meadows.
<i>Sporobolus neglectus</i> Small Dropseed		SH	G5	PE		Dry sterile soil

Rare or Exemplary Botanical Features in the Project Vicinity

Documented within a four mile radius of the proposed Ayden's Way subdivision, Lebanon.

Scientific Name	Last Seen	State	Global	State	Federal	Habitat Description
Common Name	Rarity	Rarity	Rarity	Legal Status	Legal Status	
<i>Verbena urticifolia</i> White Vervain		SH	G5	PE		Rich thickets and borders of woods.

Appendix E

PRELIMINARY PLAN APPLICATION CHECKLIST

Subdivision Name Ayder's Way Date 11/28/05

This checklist has been prepared to assist applicants in developing their applications. It should be used as a guide in assembling the information necessary for a complete application. However, the checklist does not substitute for the requirements of Article 6 of the Subdivision Regulations. The Planning Board also will be using the checklist to make sure that your application is complete. Indicate if the information has been submitted or if it is requested to be waived. If you feel that information is not applicable to your project, please indicate in the second column.

Note that this checklist only covers the submission requirements for a preliminary plan. It does not address the standards that the preliminary plan must meet. There are two other checklists which address the performance standards and the design guidelines which the applicant may find of assistance.

Shaded boxes indicate that the action is not recommended to be taken by the Applicant.

SUBDIVISION REGULATIONS		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
6.2.A	Application form	✓				
6.2.B.	LOCATION MAP	✓				
B.1.	Existing subdivisions in the proximity of proposed subdivision	✓				
B.2.	Locations and names of existing and proposed streets	✓				
B.3.	Zoning boundaries and designations	N/A				
B.4.	Outline of proposed subdivision and owner's remaining contiguous land	✓				
6.2.C.	Copies of application plus accompanying information mailed to Board members	+				
6.2.C.	PRELIMINARY PLAN					
C.	Three copies of all maps and/or drawings printed or reproduced on paper	N/A				
C.	Scale not smaller than 1"= 100'; for subdivision more than 100 acres, not smaller than 1"= 200'	✓				
6.2.D.	INFORMATION					
D.1.	Name of subdivision, name of town and assessor's Map and Lot Number(s)	✓				
D.2.	Verification of right, title or interest in property	✓				
D.3.	Standard boundary survey	✓				
D.4.	Copy of most recently recorded deed; all restrictions, easements, rights-of-way and other encumbrances	✓				
D.5.	Deed restrictions on proposed new lots or dwellings	✓				
D.6.	Test pit analyses by Site Evaluator and test sites location map	✓				
D.7.	Date plan prepared, north point and graphic map scale	✓				
D.8.	Names and addresses of record owner, subdivider, plan preparer(s) and adjoining property owners	✓				
D.9.	High intensity soil survey by Soil Scientist; all wetlands identified	✓				

SUBDIVISION REGULATIONS

		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
D.10.	Total acres in subdivision; location of property lines, existing building(s), vegetative cover type and other essential physical features	Septic				
D.11.	All rivers, streams and brooks within and adjacent to subdivision; designation of great pond watershed	✓				
D.12.	Topographic contour lines specified by Planning Board	✓	have on plan			
D.13.	Zoning District(s) and boundaries	NA				
D.14.	Location and size of existing and proposed sewers, water mains, culverts and drainageways on and adjacent to subdivision	✓				
D.15.	Location, name and widths of existing streets and highways	✓				
D.15.	Location, name and widths of existing and proposed easements, building lines, parks and open spaces on or adjacent to subdivision	NA				
D.16.	Proposed lot lines, approximate dimensions and lot areas	✓				
D.17.	Parcels of land proposed to be dedicated to public use; condition of such dedication	NA				
D.18.	Open space to be preserved; proposed ownership, improvements, management	N/A				
D.19.	Area of each lot permitting forest clearing and lawn planting	N/A				
D.20.	100-year flood elevations	✓				
D.21.	Hydrogeologic assessment if any part of subdivision is over a sand and gravel aquifer, OR average density is more than one dwelling unit per 100,000 sq. ft.	N/A				
D.21.	Hydrogeologic assessment if Board determines potential adverse impacts on ground water quality. Conduct assessment per Article 10.11.A.1	N/A				
D.22.	Vehicular trip generation rates	✓				
D.23.	High or moderate value wildlife habitat within or adjacent to the subdivision	✓				
D.24.	If the proposed subdivision is within the direct watershed of a great pond AND it qualifies, then the simplified phosphorus control review procedure is required, including a long term maintenance program for phosphorus control. See Article 10.16.A.2	NA				
7.2.D	ADDITIONAL INFORMATION					
	Planning Board may require additional information where it is determined necessary by the Board to meet criteria of the State Subdivision Statute Title 30-A M.R.S.A., §4404.					

**LEBANON PLANNING BOARD
PO BOX 338
LEBANON, MAINE 04027**

The Lebanon Planning Board has received an application for the proposed Ayden's Way Subdivision Book 6024 Page 86 Map R-1 Lot 26B. The property owner is Aaron Wiswell. The property is located on Half Mile Rd. Our records indicate that you are an abutter to this property. The application will be available to view at our next scheduled Meeting on December 12, 2005 at 7:30PM.

A Public Hearing will be held at a later time and all abutters will be notified by certified mail.

Sincerely,

Roxanne Bumford

Chairman Lebanon
Planning Board

ROAD MAINTENANCE AGREEMENT

WITNESS THIS DECLARATION OF PROTECTIVE COVENANTS AND COMMON EASEMENTS made this _____ day of _____, 2005, by Faye L. Wiswell.

WITNESSETH:

WHEREAS Developer intends to divide their property into two or more lots serviced by a private road; and

WHEREAS said road will require plowing and sanding in the winter and other repair, maintenance and replacement from time to time, and

WHEREAS the Developer, their heirs and assigns, wish to provide for the future maintenance, repair and upkeep of said road by providing methods and procedures for decision making, enforcement and collection with respect thereto.

NOW THEREFORE in consideration of the promises and the mutual covenants and agreements hereinafter set forth, the sufficiency of which is acknowledged by all, the Developer, for themselves, their heirs and assigns, hereby agree as follows:

1. During the period of ownership of said way by the Developer and the period of ownership of their successors in interest, the right is reserved to grant appropriate easements and rights-of-way for the installation of utilities and for ingress and egress to all lots and land served by said roadway.
2. The owners of lots, which are accessed by said road, shall, jointly and severally, be obligated to maintain, repair, plow, sand and replace the aforementioned road.
3. Any and all decisions with respect to the nature and extent of work to be done, the individual or entity to be employed, the total amount of money to be expended, or any and all other matters or questions shall be made and decided by the aforesaid lot owners. The owners of each lot shall, for the purposes of this Agreement, be considered as one person and shall be entitled to a single vote regardless of the number of owners or the form of ownership on said lot.
4. Each lot owner's proportionate share of the reasonable charges for the work undertaken pursuant to this Agreement shall constitute a debt owed to the other lot owners which may be collected in any court of competent jurisdiction of this State, and said debt shall constitute a lien upon the lot or lots owned by the party failing to contribute his or her proportionate share of the cost. The lien established hereby may be enforced by any party to this Agreement, his heirs, successors or assigns, by a lien action following the procedure as set forth at Title 10 of the Maine Revised Statutes Annotated, section 3251 et. Seq. which establishes the procedure for enforcing a mechanic's lien.
5. The lot owners may, by majority vote, elect or appoint an agent or manager who shall be a lot owner, who shall act on behalf of the other lot owners in contracting to have the work done and collecting the contribution of each lot owner.
6. In the event the lot owners are unable to resolve amicably a dispute arising out of or in any way related to this Agreement or the rights and remedies arising from it, any lot owner shall have the right to invoke the remedy of arbitration by noticing

their determination to do so to the other lot owner or owners affected by the dispute. The notice shall be in writing, delivered by certified mail to each lot owner and shall fairly and fully set forth the contentions of the noticing party and shall appoint an alternative dispute resolution arbitrator, whose services are utilized by the State of Maine Courts. During arbitration proceedings, the arbitrator may direct the suspension or postponement of a closing of the road or direct other acts by the lot owners as may to them seem equitable and preservative of the status quo. The cost and expenses of arbitration shall be born one-half by the lot owner or owners proposing it and one-half by the lot owner or owners opposed in relation to their ownership of lots.

7. Under no condition can the lot owners or a majority of them close the private road to travel and discontinue its maintenance unless unanimously approved by all lot owners.

8. This Agreement and the covenants and conditions herein contained shall be deemed to be real covenants running with the land and benefiting and burdening the land described in deeds to all lots on aforesaid plan.

This Agreement and the covenants and conditions herein contained shall be binding upon the lot owners thereto, their heirs and assigns, and shall be recorded in the

York County Registry of Deeds.

IN WITNESS WHEREOF the said Faye L. Wiswell

have hereunto set our hand and seals on this _____ day of December, 2005

Witness

Faye L. Wiswell

STATE OF MAINE
YORK, ss.

December _____, 2005

Personally appeared to the above named Faye L. Wiswell
acknowledged the foregoing instrument to be their free act and deed.

Before me,

Notary Public

ROAD & DRAINAGE MAINTENANCE AGREEMENT BETWEEN OWNERS OF LOTS ALONG WISWELL LANE

This Agreement is made as of _____, 2006 by the property owners hereto and their successors and assigns with respect to real estate located in the Town of Lebanon, York County, Maine.

1. Property. This Agreement shall apply to the real property (the "Lots") held by the Owners adjoining Wiswell Lane (the "Road") in the Town of Lebanon, York County, Maine.
2. Owner. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot who has signed this Agreement, and the heirs, successors, assigns and personal representatives of said Owners; but, notwithstanding any applicable theory of mortgage law, shall not mean or refer to any mortgagee unless and until such mortgagee has acquired title by foreclosure or any proceeding in lieu of foreclosure.
3. Road. The purpose of this Agreement is to provide for the maintenance and upkeep of the Road which services the Lots for the use and benefit of all Owners, and shall be binding upon all Owners.
4. Storm Water Management Facilities. The purpose of this Agreement is to also provide for the maintenance and upkeep of the Storm Water Management Facilities which service said Road for the use and benefit of all Owners, and shall be binding upon all Owners.
5. Association. Faye L. Wiswell has caused to be incorporated under Maine law a nonprofit corporation, the Wiswell Lane Association (the "Association"), for purposes of complying with the requirements of this Agreement.
6. Member. Every Owner shall be a Member of the Association. when more than one person or entity holds an interest in any Lot, all such persons or entities shall be Members. A person or entity who holds a fee or undivided fee interest merely as security for the performance of an obligation, however, shall not be a Member.
7. Voting. All Members of the Association shall be voting Members and the Association shall have one (1) class of voting membership. For purposes of any meeting, a quorum shall consist of Owners of at least one-half (1/2) the Lots being present and voting. Each Lot shall represent one (1) indivisible vote. When more than one Member holds an ownership interest in a Lot, the vote for that Lot shall be exercised as such Members among themselves may determine by majority vote. In no event, however, shall the voting rights for a Lot be divided, nor shall more than one (1) vote be cast with respect to any one Lot. If Members who are Owners of a Lot are unable to agree in any instance as to how their vote shall be cast, in any instance, then the vote shall not be counted.
8. Expenses. Each Owner shall be assessed a sum equal to the Road maintenance and upkeep expenses for the ensuing year multiplied by a fraction of which the numerator shall be the number of Lots owned by the Owner and the denominator shall be the total number of the Lots. Road maintenance and upkeep shall be limited to that required [to remove snow], to repair and prevent erosion and to repair ordinary wear to the surface of the Road unless otherwise agreed by a unanimous vote of all Owners, but shall include the cost of maintaining the Association as a nonprofit corporation in good standing under the laws of Maine, the cost of enforcing any provision of this Agreement and other costs and expenses necessary and proper for the effective and efficient functioning of the Association. All maintenance and upkeep [including snow removal], will be by competitive bid unless a non-competitive price is accepted by vote of a majority of the Owners present at a meeting duly called for the purpose of voting on the budget of the Association.
9. Lien. Each Owner, by signing this Agreement, does covenant and agree to pay to the Association, within sixty (60) days after the date of notice of an assessment, all assessments made by the Association. Each assessment, together with interest in amounts or at rates specified by the Association and together with costs of collection, shall be a lien and charge upon the Lot against which each such assessment is made which lien shall continue until the assessment is paid and shall be the personal obligation of the Owner. The personal obligation of the Owner to pay such assessments, however, shall remain the personal obligation of the person who was the Owner when the assessment was first due and shall not pass to successors in title unless expressly assumed by such successors.
10. Enforcement. The Association may bring a civil action against the Owner personally obligated to pay an assessment in order to enforce payment of the delinquent assessment or to foreclose the lien against the Lot, and there shall be added to the amount of such assessment due all costs of collection. In the event a judgment is obtained, such judgment shall include interest on the assessment, together with all the Association's attorney's fees and expenses and costs of the action.
11. Subordination. The lien of the assessments provided for shall be subordinate to the lien of any mortgage or mortgages now or hereafter placed upon the Lots. Such subordination, however, shall apply only to the assessments which have become due and payable prior to a sale or transfer of a Lot pursuant to any allowable method of foreclosure, or any other proceeding in lieu of foreclosure. Upon request by an Owner of a

mortgagee of a Lot, the Association shall issue such certificates as are necessary to indicate the status of the assessments. Such sale or transfer shall not discharge the lien of the Association of any assessment thereafter becoming due after the date of any such sale or transfer. The lien of the assessments also shall be subordinate to all utility easements which may be placed upon any Lot.

12. Severability. Invalidation of any one provision of this Agreement by competent authority shall in no way affect any other provision, which shall remain in full force and effect.
13. Amendment. This Agreement may be amended by a written instrument executed in recordable form and signed by Members entitled to cast at least 75% of the votes allocated to the Lots.

IN WITNESS WHEREOF, the undersigned have executed the Agreement as of the date first above written:

WITNESS

STATE OF MAINE
COUNTY OF _____, SS.

The foregoing Road Maintenance Agreement was acknowledged before me on _____, 20__ by _____

Signature: _____

Print Name: _____

(NOTARY SEAL)

Notary Public of Maine
My Commission Expires: _____

TOWN OF LEBANON, MAINE
SUBDIVISION APPLICATION

Subdivision Name Ayden's Way
Application Number _____

APPLICANT INFORMATION

1. Name of Property Owner: **Faye L. Wiswell
61 Half Mile Road
Lebanon, Maine 04027**

2. Name of Applicant: **Aaron J. Wiswell & Faye L. Wiswell
Wiswell Lane & 61 Half Mile Road
Lebanon, Maine 04027
(207) 457-1025**

3. If applicant is a corporation, check if licensed in Maine ___ Yes No and attach a copy of State's Registration.

4. Name of applicant's authorized agent:

5. Name of Land Surveyor, Engineer, Architect or others preparing plan:
**Dana A. Libby
Corner Post Land Surveying, Inc.
2 Mill Street
Springvale, Maine 04083
207-324-2119
Registration # PLS 1350**

6. Person and Address to which all correspondence regarding this application should be sent to:
**Corner Post Land Surveying, Inc.
2 Mill Street
Springvale, Maine 04083
and
Aaron Wiswell
Wiswell Lane
Lebanon, Maine 04027**

7. What legal interest does the applicant have in the property to be developed (ownership, option, purchase & sales contract, etc.)? **Owner**
8. What interest does the applicant have in any abutting property? **Owner**

Land Information

9. Location of Property (from County Registry of Deeds): **Book 6024 Page 86**
(from Tax Maps): **Map R-1 Lot 26B.**
10. Current zoning of property: **2 acre lots, 200' frontage.**
11. Is any portion of the property within 250 feet of the high water mark of a pond, river or salt water body? ___ Yes No
12. Acreage to be developed: **13.9 Acres.**
13. Indicate the nature of any restrictive covenants to be placed in the deeds: **50' well setback from sideline of each lot. Drainage easements on lots 1 and 2. (See plan for more information)**
14. Has this land been part of a prior approved subdivision? ___ Yes No or other divisions within the past 5 years Yes ___ No.
15. Identify existing use(s) of land. (farmland, woodlot, etc.) **Woodlot**
16. Does the parcel include any waterbodies? ___ Yes No.
17. Is any portion of the property within a special flood hazard area as identified by the Federal Emergency Management Agency? ___ Yes No.
18. List below the names and mailing addresses of abutting property owners and owners across the road: **See attached list**

General Information

19. Proposed name of development: **Ayden's Way**
20. Number of lots or units: **Five**
21. Anticipated date for construction: **Spring, 2006**
22. Anticipated date of completion: **Summer, 2006**
23. Does this development require extension of public infrastructure? ___ Yes No.