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

331

BOARD ORDER

IN THE MATTER OF

NORTHEAST PROPERTIES
Bridgton, Maine, Cumberland County
HIGHLANDS POINT SUBDIVISION
#86-6409-05020

) Site Location Order

) FINDINGS OF FACT AND ORDER

After reviewing the project file which includes the application with its supportive data, agency review comments, comments from the public, staff summary and other related materials on file with regard to the above noted project, under provisions of Title 38 M.R.S.A., Section 483, the Board finds the following facts:

1. A) Northeast Properties has proposed a single family residential subdivision to consist of 85 lots which range between 1.4 acres and 8.6 acres in size, plus a 1.9 acre common area having shore frontage on Highland Lake. 4.3 miles of roadway are to be constructed, including 8,400 feet of road required to provide access to the project area. Total project size is 354.1 acres.

The proposed development is in the watershed at Highland Lake, a GP-A lake which serves as Bridgton's water supply. The subdivision is located on Knowles Point, a peninsula with hilly terrain, at the northern end of the lake.

- B) On June 11, 1980, the Board denied the application because the applicant has not made adequate provision for fitting the development harmoniously into the existing natural environment and the development will adversely affect existing uses, scenic character or natural resources in the municipality or in neighboring municipalities in that water quality in Highland Lake, which is Bridgton's public water supply, could be degraded as a result of the project.
- C) On June 25, 1980 the Board reconsidered the application and affirmed its decision denying the application.
- D) On January 8, 1981, State of Maine Superior Court ruled that the Board's decision denying the application of Northeast Properties was unsupported by substantial evidence and remanded the case back to the Board for further proceedings consistent with the court's decision.
- E) Based on the above findings, and a review of the record as of June 25, 1980, the Board concludes the following findings:
- 1) The applicant has provided adequate evidence of financial capacity and technical ability to meet air and water pollution control standards.
 - 2) 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 provided a buffer strip is maintained along the shore of Highland Lake, which is Bridgton's public water supply, in order to increase infiltration and nutrient uptake of runoff from developed areas.
 - 3) The applicant has made adequate provision for traffic movement of all types out of or into the development area.

- 4) 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:
 - a) a buffer strip is maintained along the shore of Highland Lake in order to protect waterfowl habitat, and increase infiltration and nutrient uptake of runoff from developed areas to protect lake water quality.
 - b) a buffer zone is maintained along all defined drainage channels.
 - c) a road construction plan is created for building the road in segments to minimize the amount of disturbed surface exposed to erosion at any one time.
 - d) temporary erosion control devices are utilized below all construction sites.
- 5) The proposed development will be built on soil types which are suitable to the nature of the undertaking provided:
 - a) A minimum separation distance of 2 feet is maintained between subsurface waste disposal fields and the limiting factor in the soil.
 - b) Alternate sites for subsurface water disposal are reserved on all residential lots.

THEREFORE, the Board APPROVES the application of NORTHEAST PROPERTIES to develop HIGHLANDS POINT SUBDIVISION as described in paragraph #1(A) of this Order, subject to the following terms and conditions:

1. The Standard Conditions of Approval, a copy attached.
2. Lots #10 through and including 28, 30, 39, 40, 41, and 52 through and including 60 shall be developed or conveyed only with deed covenants or lease terms which provide for a buffer strip as per DEP regulation Chapter 375.9 requiring the maintenance of existing vegetation and no permanent structures within 250 feet of Highland Lake except that subsurface disposal systems may be located no closer than 200 feet of the lake.
3. All lots shall be developed, or conveyed only with deed covenants or lease terms which require the maintenance of undisturbed buffer strips 25 feet wide on both sides of all defined natural drainage channels.
4. All lots shall be developed or conveyed only with deed covenants or lease terms which require the use of temporary control structures such as staked hay bale check dams followed by filter fabric fences in ditches and drainageways below all construction areas, and the stabilization of sediments trapped in these control devices.
5. The applicant shall submit a road construction plan which minimizes the amount of surface area exposed to erosion at any one time, while allowing for the balancing of cut and fill operations. This plan shall be reviewed and approved by the Commissioner prior to any road construction activity.
6. All lots shall be developed or conveyed only with a deed covenant or lease term requiring all subsurface disposal systems to have a minimum of 2 feet separation between the bottom of the stone in the disposal field and the limiting factor for subsurface disposal, such as a seasonal high water table.
7. Prior to the sale of any lot, the applicant shall reserve an alternate area of soil suitable for subsurface disposal on the lot, as determined by a licensed Site Evaluator.

STANDARD CONDITIONS

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

1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans and proposals contained in said documents not approved by this order is subject to the review and approval of the Board prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited, without prior approval by the Board of Environmental Protection, and the applicant shall include deed restrictions to this effect.
2. The applicant shall secure and comply with all applicable Federal, State and local licenses, permits, authorizations, conditions, agreements, and orders, prior to or during construction and operation as appropriate. In the case of housing and related projects, the applicant shall receive approval from the appropriate municipality under the provisions of the Municipal Subdivision Law, Title 30, Sec. 4956, of the Maine Revised Statutes.
3. The applicant shall submit all reports and information requested by the Board or the Commissioner demonstrating that the applicant has complied or will comply with all conditions of this approval.
4. Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
5. Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.
6. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. Reapplications for approval shall state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Reapplications for approval may include information submitted in the initial application by reference.
7. If the approved development is not completed within five years from the date of the granting of approval, the Board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances which may have occurred during the five-year period.
8. A copy of this approval must be included in or attached to all contract bid specifications for the development.
9. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.

STATE OF MAINE

CUMBERLAND, ss.

REGISTRY OF DEEDS

Received at 8 H 30 M A M on MAR 2 1981 and recorded in
 Book 4744 Page 331

ATTEST

Edward J. Pennington
 Register