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DECLARATION OF PROTECTIVE COVENANTS

"On The Lake, By The Sea---Seaside"
Herricks, Maine

THIS DECLARATION dated this 27 day of July, 1989, by Frederick B. Littlefield and Lillian P. Littlefield, hereinafter referred to as Grantor.

W I T N E S S E T H :

WHEREAS, the Grantor has subdivided certain homesites or parcels of land in Brooksville, Maine, specifically described as those three (3) homesites described as Seagull, Blue Heron and Osprey as delineated on "On The Lake, By The Sea---Seaside" Survey made for Frederic B. Littlefield as undertaken by WildApple Surveying of Blue Hill, Maine dated April 1989, and recorded in Hancock County Registry of Deeds in Plan Book 23, Page 137, which the Grantor proposes to develop and improve in accordance with said Survey, and

WHEREAS, the Grantor, intends to sell and convey several of said homesites from said Survey but desires to assure to said purchasers and their several heirs, successors, and assigns owning such homesites, 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 homesites on said Survey and each of them that the property described on said Survey is and shall be held and shall be conveyed subject to the restrictions, reservations, covenants, conditions, servitudes, 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 the several purchasers, their heirs, successors and assigns, and binding upon all the land described on said Survey, to wit:

COVENANTS AND USE RESTRICTIONS

The following use restrictions and covenants shall apply to each homesite hereby conveyed, to be construed as real covenants running severally with each homesite.

1. COMMERCIAL USES PROHIBITED: No homesite hereby conveyed shall be used for any commercial purposes whatsoever, but shall be used solely for single-family residential purposes. This restriction shall not be construed to prevent rental of any homesite for

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private residential purposes, or to prevent on individual homesites certain non-objectionable commercial activities, such as the practice of professions, craft work, artistic endeavors, and similar occupations to be conducted from within a private residence, and which are not visible from the exterior of permitted structures.

2. PERMITTED STRUCTURES:

No more than one dwelling designed for single family occupancy, together with reasonable private auxillary outbuildings, and one additional living unit, attached or detached to the dwelling unit, for use by family members and/or guests but not for rental, is allowed on each homesite.

No building shall be erected within 150 feet of the high-water mark of Eggemogin Reach, except that a single-story porch/gazebo of no more than 100 sq. feet in size, and located 75 feet or more from the high-water mark of the Eggemogin Reach is permitted provided that said porch/gazebo shall not be used for habitable living, and no plumbing from said porch/gazebo shall be allowed.

3. SETBACKS: All permitted structures must be set a minimum of 20 feet from an adjoining neighbors' or abutters' homesite line; provided, however, that if two or more adjacent homesites are purchased and owned by the same party, this restriction shall apply only to the exterior sidelines of the entire group of adjacent homesites held by the same owner. Further no structures shall be erected within 100 feet of Herrick Road. Shoreline setback requirements are noted within "Permitted Structures" above.

4. COMPLIANCE WITH LAWS AND ORDINANCES: Construction, excavation, clearing, cutting, sewerage work, and any use of any homesite is and shall remain subject to state and local environmental, zoning and land use laws, ordinances and regulations including, but not limited to, shoreland zoning, subdivision laws and ordinances, and the coastal wetlands law. Principal structures on homesites in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Nothing herein contained shall in any way alter or amend the obligations of any homesite owner to comply with said laws and regulations.

5. WATER QUALITY PROTECTION: Each homesite in the Subdivision must be developed in accordance with the terms set forth in a document entitled "Water Quality Protection Plan, On The Lake, By The Sea," by Scott Williams, Lake Biologist, dated January 1, 1990, and attached hereto as Exhibit A.

6. BUILDING REQUIREMENTS: (a) All principal residential structures and outbuildings erected on any homesite hereby conveyed shall be finished on the exterior with at least 75% wooden cedar, clapboards, or shingles or wooden logs, in order to maintain the

aesthetic heritage of Downeast Maine. (b) No residential building shall exceed 32 feet in height measured from the top of the foundation, excluding the height of any chimneys. (c) All principal residential structures must have a minimum interior square footage of living space of at least 1,250 square feet. (d) All structures erected on any such homesite shall be promptly and expeditiously completed as to their exteriors within 18 months after construction is commenced. (e) No aluminum, vinyl or plastic siding shall be used on the exterior of any structure erected on a homesite, and no metal sheds or metal outbuildings shall be permitted.

7. EXTERIOR APPEARANCE: Each homesite hereby conveyed and all improvements thereon shall be maintained by the owner so as to present a neat and attractive exterior appearance at all times. No unregistered motor 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.

8. EXTERIOR ILLUMINATION: The use of mercury vapor or sodium vapor or other high-intensity chemical illumination shall be prohibited. Any exterior illumination shall be shielded so as to direct light downward in an arc of no greater than 60 degrees measured from a vertical plumbline centered beneath the fixture.

9. PLUMBING AND SEPTIC: All plumbing, sanitary facilities, sewerage disposal and private water supplies shall conform to all applicable Federal and State laws and local ordinances, laws and regulations.

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

11. ANIMALS: No animals shall be kept on the premises except ordinary household pets.

12. TRAILERS AND TENTS: No house trailers, camping trailers, travel trailers, tents or other form of mobile or temporary residence used for a temporary residence shall be kept on the premises for any period in excess of 120 days in any calendar year.

13. MOBILE HOMES: There shall be no permanent mobile homes placed or stored on any homesite, at any time.

14. SUBDIVISION: Further subdivision by sale, lease or other means of any homesite shall be prohibited.

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15. **ENFORCEABILITY:** Each and every provision contained herein shall be considered to be independent and separate and, in the event that any one or more shall for any reason be held to be invalid, and unenforceable, all the remainder thereof, shall nevertheless, remain in full force and effect.

IN WITNESS WHEREOF, Frederic B. Littlefield and Lillian P. Littlefield have caused this instrument to be signed and sealed this 27 day of July, 1989.

WITNESS:

W. H. ...

Frederic B. Littlefield
Frederic B. Littlefield

Joyce Foster

Lillian P. Littlefield
Lillian P. Littlefield

COCK COUNTY

State of Maine

Pendscot County July 27, 1990

Then personally appeared Frederic B. Littlefield and acknowledged before me the foregoing instrument to be his free act and deed.

Karen A. Hilder
Notary Public/Attorney at Law
Karen A. Hilder
Print or type name as signed

State of Tennessee

Shelby County July 26, 1990

Then personally appeared Lillian P. Littlefield and acknowledged before me the foregoing instrument to be her free act and deed.

Evelyn Marie Thompson
Notary Public
MY COMMISSION EXPIRES AUG. 12, 1991
Evelyn Marie Thompson
Print or type name as signed

HANCOCK COUNTY

EXHIBIT A

Water Quality Protection Plan's
Protective Covenants
and
Standards for Buffer Areas
(Lakeside and Seaside Homesites)

Prepared By: Scott Williams
Aquatic Biologist
January 1, 1990

HANCOCK COUNTY

WATER QUALITY PROTECTION PLAN'S
PROTECTIVE COVENANTS AND STANDARDS FOR BUFFER AREAS

I. WALKER POND HOMESITES

The buffer areas in this Land Plan are the most essential element in the water quality protection plan. The purpose of the buffers is to trap sediment and nutrients from roads and the developed homesite areas and to minimize stormwater generation from the site.

The standards for buffer maintenance and protection listed below apply to all area on the homesites which is not specified as:

- 1) Road and Driveway area.
- 2) The defined maximum cleared area for each homesite. (Maximum 15,000 to 20,000 square feet within the area delineated on the site plan, unless a separate plan is prepared for individual homesite owners which is consistent with the goals of this water quality protection plan).
- 3) A foot path from the developed area of each homesite to Walker Pond.
- 4) A specially prepared plan for recreation trails, such as hiking or cross country ski trails.

A. Standards for Buffer Areas and Long-Term Maintenance of Buffers:

- 1) Individual homesite owners shall be responsible for the maintenance and preservation of buffers on lots. Owners shall be familiar with the location of the "active buffer" area located between approved cleared areas on each homesite and Walker Pond. (See attached map).
- 2) There shall be no vehicular traffic within buffer areas. This includes all terrain vehicles, tractors, etc. Soil compaction and loss of infiltration is the primary factor upon which this limitation is based.
- 3) The removal of trees and other vegetation within the buffer is limited to the following:
 - a) There shall be no cleared openings and an evenly distributed stand of trees and other vegetation shall be maintained. An evenly distributed stand of trees shall be defined as follows:

Maintenance of a minimum rating of 12 in any 25 foot by 25 foot square (625 square feet) area. The rating shall be determined by the following formula -

<u>Diameter of Tree at 4 1/2 feet Above Ground Surface</u>	<u>Points</u>
2- 4 inches	1
4-12	2
Greater than 12 inches	4

If, in any 25 foot plot, the score exceeds 12, trees may be removed to a minimum of 12 points, however, the remaining trees must be evenly distributed over the plot.

EXAMPLE: If a 25 foot x 25 foot plot contains three trees between 2 and 4 inches in diameter, three trees between 4 and 12 inches in diameter, and three trees over 12 inches in diameter, the rating score is:

$$(3 \times 1) + (3 \times 2) + (3 \times 4) = 21 \text{ points}$$

Thus, the plot contains trees worth 21 points. Trees totaling 9 points (21-12=9) may be removed from the plot provided that no cleared openings are created.

Note: This standard does not supercede the Timber Harvesting Standard within the Shoreland Zoning Ordinance. The Shoreland Zone extends from the lake high water mark inland 250 feet. At this date no more than 40% by volume of the timber in the Shoreland Zone may be removed in a ten year period.

For the purposes of this land plan, the more restrictive of the two standards shall apply to any harvesting within 250 feet of Walker Pond.

- 4) Within the buffer, no activity shall result in the disturbance of the existing forest floor (duff layer). Leaf litter and vegetation less than 4 feet in height, including ground cover species, shall not be disturbed.
- 5) The removal of vegetation less than 4 feet in height is limited to that necessary to create a winding footpath which is no wider than 5 feet. The path shall be winding and shall be stabilized to prevent erosion.
- 6) Where existing ground cover is disturbed and mineral soil is exposed, the area shall be immediately stabilized to prevent soil erosion to Walker Pond. Stabilization shall

consist of placing clean stone or bark mulch along the path and/or stabilizing bankings with hand placed stone.

- 7) Pruning of live tree branches for visual access shall be limited to branches that do not exceed 12 feet in height above the ground surface, provided that at least the top two-thirds of the tree canopy is maintained. (This standard is intended to maximize protection of the tree leaf canopy, which serves an important function in minimizing the erosive effects of precipitation by breaking the force of rain drops. It also absorbs a significant amount of moisture and prevents underlying soils from drying out due to overexposure to sunlight.)
- 8) Where the removal of storm-damaged, diseased, unsafe, or dead trees results in a cleared opening being created, those openings shall be replanted with native trees at least 3 feet in height unless existing new tree growth is present.

B. Buffer Site Plan for Individual Homesites:

Each homesite shall have a maximum cleared opening. Within that opening, however, all standards for runoff control shall apply. Prior to any earth disturbance, each homesite owner shall consult with a water quality protection professional for assistance with the following:

- 1) Preparation of a stormwater management plan for the cleared area, and driveway construction.

The purpose of the plan shall be to prevent channelized flows from entering the buffer below the site. It is assumed in the phosphorous retention plan for the entire subdivision that runoff from driveways in the individual homesites will be treated in the same manner as for drives which are within 150 feet of buildings. The final 150 feet of drive will be treated for phosphorus and runoff attenuation with the surrounding buffers, or, if the site plan design by the homesite owner is such that buffering is not feasible, alternate forms of treatment may be devised, such as direct infiltration of runoff, in accordance with DEP design criteria.

- 2) Preparation of an Erosion and Sedimentation Control Plan for the clearing and construction phase of the individual homesites.

This plan shall be designed to minimize to the greatest extent possible any short-term impacts to water quality during the period when soils are disturbed until final stabilization occurs. Included in this plan shall be an

inspection schedule for the homesite. The plan shall follow a sequenced format in order to keep the amount of soil exposed at any given time to a minimum.

C. Phosphorous Control Measures

1) Description of phosphorus treatment for lake watershed driveways.

Roads are major exporters of phosphorus for several reasons. The combined road and ditch surface represents a significant area which is not only designed to shed water into a channeled flow, but which typically yields sediment, accumulated residues and other materials which accumulate on the road and ditch surfaces, as well. There is normally a high component of both particulate and dissolved phosphorus associated with the runoff from road and ditch surfaces.

The use of minimum road widths and lengths is recommended for any project located near a lake; private lakeside driveway surfaces have been designed for twelve (12) feet surface widths, with appropriate turn-outs and ditches. Proper construction of the road surface and ditches is essential in order to prevent "wash outs" during periods of heavy precipitation and runoff. Common road use is an effective means of reducing the area of road surface, associated runoff and phosphorus export to a lake.

There are two methods of treatment for road runoff from the homesites located within the lake's watershed (i.e. Laughing Loon, Whip-Poor-Will, Nighthawk, Falcon, Dove and Osprey). The first involves, where buffers and contours allow, grading the surface of the road in such a way that the entire road is tilted slightly to one side. Runoff drains uniformly off the lower edge of the road and directly into the designated buffer area. No ditching is required in this arrangement because a ditch would interfere with the uniform distribution of runoff in the buffer. This method is only being proposed where the road configuration runs nearly parallel to the topographic contours.

The second method involves periodic turnouts from road ditches. The turnout would be a stabilized channel which directs runoff to a shallow stone filled trench which is aligned parallel to the contours. The lower lip of the trench will be level so as to spill runoff over the lip uniformly into the designated buffer area. The turnouts are spaced along the road side according to the slope on which the road section is located. Numbers on the Water Quality Protection Site Plan indicate the section of road being treated with accompanying treatment methods and specific

buffer lengths on specific hydrologic soil types. Slope is also taken into account on the treatment method.

Buffers treatment factors for the road sections are based on:

- 1) Soil Hydrology, 2) Slope, 3) Buffer Vegetation, 4) The length of buffer over which runoff will travel.

2) Additional Protective Covenants on the Use of Phosphorus

- a) In order to minimize phosphorus loading to soils in the buffer and Walker Pond, no detergent soaps shall be used which contain phosphate. (There are presently numerous "No Phosphate" detergents available for the purpose of protecting water quality.)
- b) Before lawn or garden areas are fertilized, a soil sample shall be sent to the University of Maine Cooperative Extension Service (or equivalent analyst) for the purpose of determining minimum soil requirements for nutrients. Only the minimum annual nutrients recommended in the analysis shall be applied to soils in the cleared areas of each homesite. Fertilizer shall be applied to soils in accordance with the following procedures:

. Only liquid (soluble) fertilizers shall be used to ensure immediate absorption in soils.

. 1/2 the recommended amount shall be applied at the time of seeding, the following 1/2 shall be applied following germination of grasses, etc.

. Ground Limestone shall be applied to all soils prior to fertilizing, according to recommendations of soil tests.

D. Maintenance:

Active buffer areas shall be inspected annually by qualified individuals who are not representatives of, or members of, any property owners association of this project. Inspections will occur between April 1 and May 1 for evidence of excess cutting and erosion from concentrated flows. All eroded areas must have corrective action taken immediately which will include seeding and mulching of de-stabilized areas, or the installation of a shallow stone trench across the grade that is to be positioned to act as a level spreader for distributing flows evenly in any area where evidence suggests channelization of stormwater.

A report of findings and recommendations shall be filed with the Code Enforcement Officer of the Town of Brooksville. The inspection shall be conducted by a professional with experience in

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the evaluation of buffer systems for lake water quality protection.

Septic systems will be checked for required maintenance (pumping) every two years by a licensed septic pumping service. In addition, systems will be checked for proper functioning every 5 years by a Licensed Plumbing Inspector (LPI) for the Town of Brooksville.

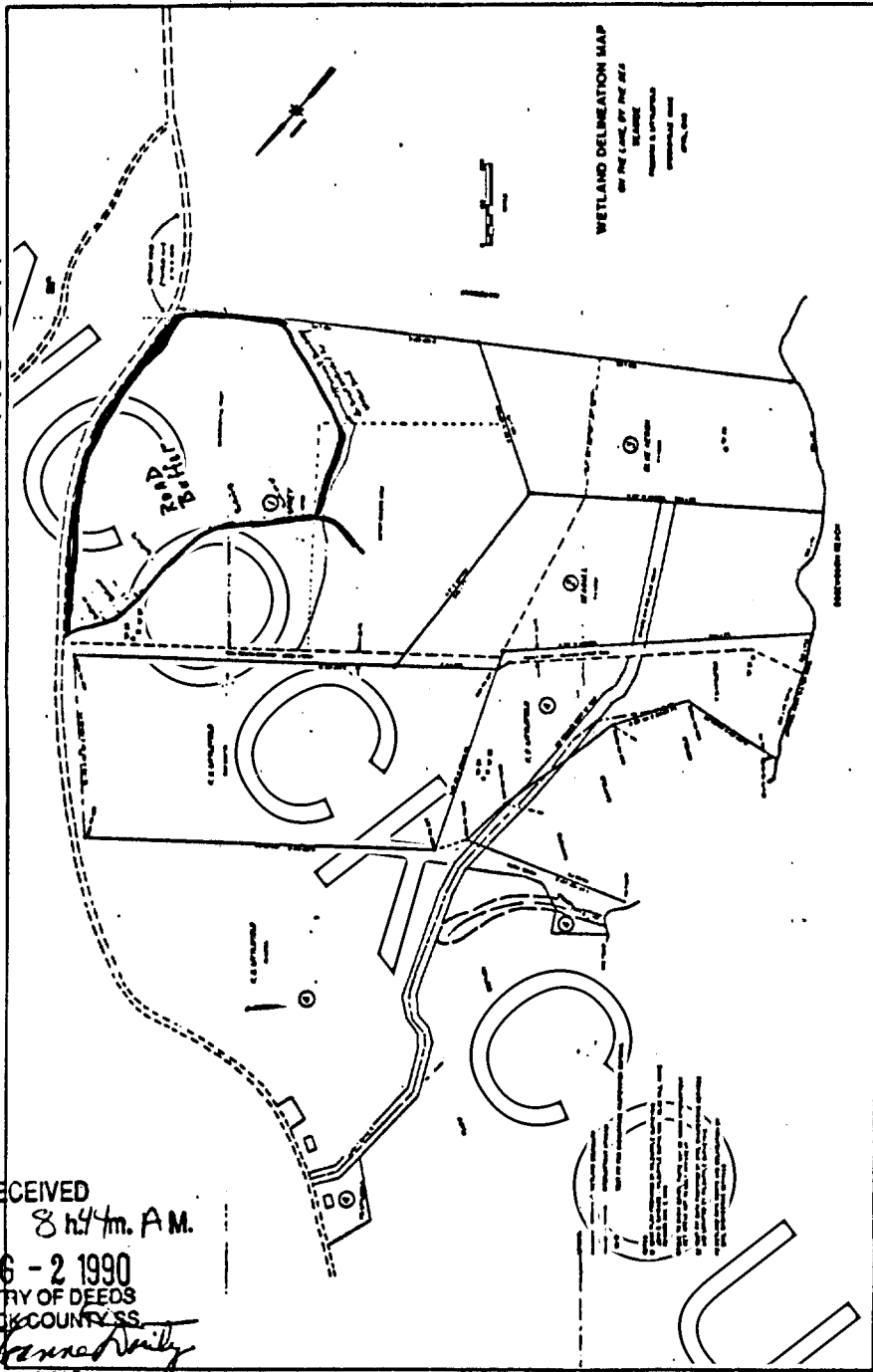
HANCOCK COUNTY

II. EGGEMOGGIN REACH HOMESITES

All covenants and standards for the Walker Pond homesites shall apply to the Eggemoggin Reach homesites with the exception that building sites on each homesite will not be restricted to an area which has been delineated on the site plan.

HANCOCK COUNTY

POOR ORIGINAL WHEN RECORDED



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