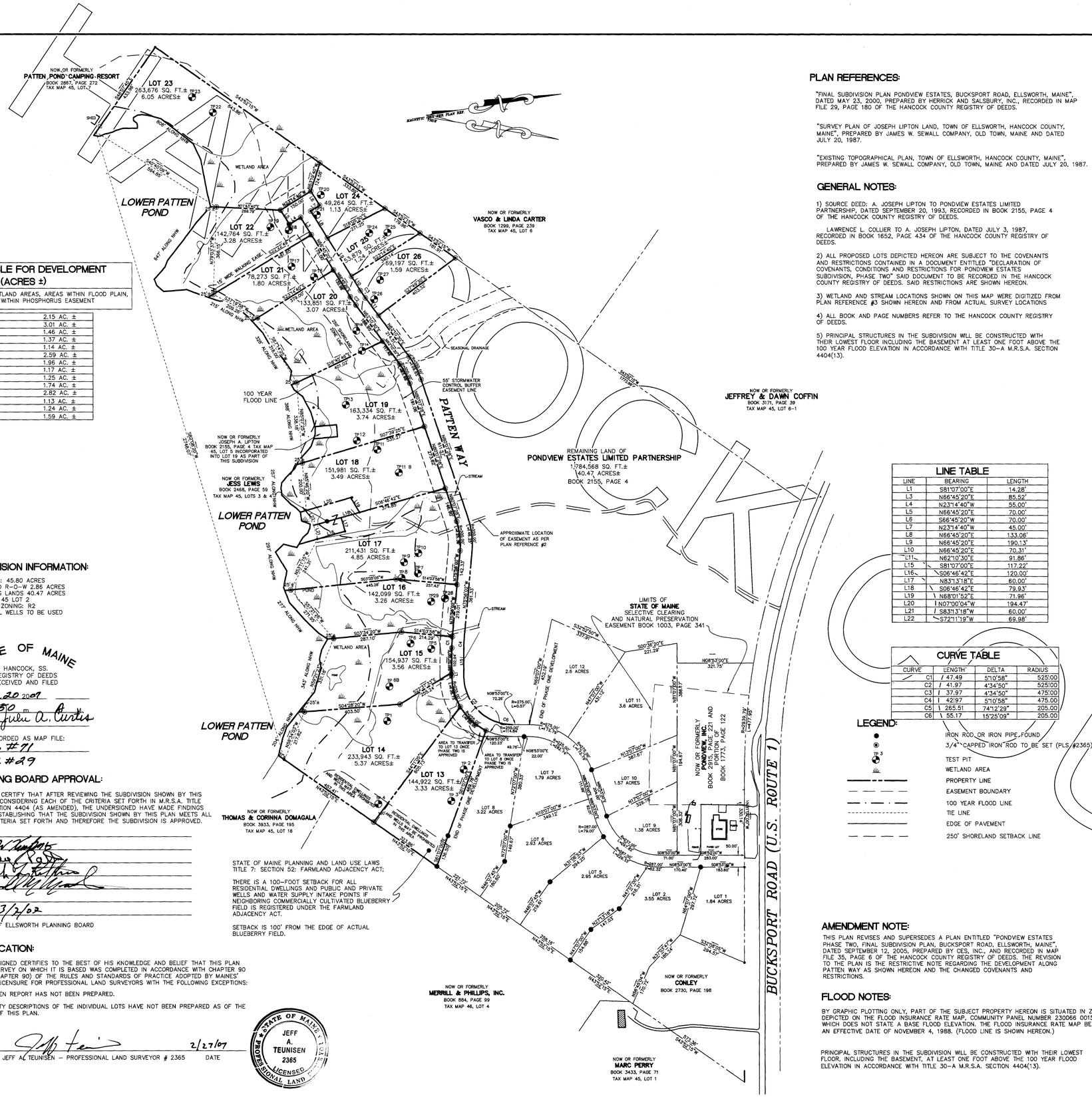


LAND SUITABLE FOR DEVELOPMENT (ACRES ±)

TOTAL AREA MINUS WETLAND AREAS, AREAS WITHIN FLOOD PLAIN, AND AREAS WITHIN PHOSPHORUS EASEMENT

LOT 13	2.15 AC. ±
LOT 14	3.01 AC. ±
LOT 15	1.46 AC. ±
LOT 16	1.37 AC. ±
LOT 17	1.14 AC. ±
LOT 18	2.59 AC. ±
LOT 19	1.96 AC. ±
LOT 20	1.17 AC. ±
LOT 21	1.25 AC. ±
LOT 22	1.74 AC. ±
LOT 23	2.82 AC. ±
LOT 24	1.13 AC. ±
LOT 25	1.24 AC. ±
LOT 26	1.59 AC. ±

SUBDIVISION INFORMATION:

LOT AREA: 45.80 ACRES
PROPOSED R-O-W 2.86 ACRES
REMAINING LANDS 40.47 ACRES
TAX MAP 45 LOT 2
CURRENT ZONING: R2
INDIVIDUAL WELLS TO BE USED

STATE OF MAINE
HANCOCK, SS.
REGISTRY OF DEEDS
RECEIVED AND FILED
March 20 2007
h 9:50 m
Attest Julie A. Curtis
RECORDED AS MAP FILE:
36 #71
Inst #29

PLANNING BOARD APPROVAL:

THIS IS TO CERTIFY THAT AFTER REVIEWING THE SUBDIVISION SHOWN BY THIS PLAN AND CONSIDERING EACH OF THE CRITERIA SET FORTH IN M.R.S.A. TITLE 30-A, SECTION 4404 (AS AMENDED), THE UNDERSIGNED HAVE MADE FINDINGS OF FACT ESTABLISHING THAT THE SUBDIVISION SHOWN BY THIS PLAN MEETS ALL OF THE CRITERIA SET FORTH AND THEREFORE THE SUBDIVISION IS APPROVED.

DATED: 3/7/07

THE CITY OF ELLSWORTH PLANNING BOARD

CERTIFICATION:

THE UNDERSIGNED CERTIFIES TO THE BEST OF HIS KNOWLEDGE AND BELIEF THAT THIS PLAN AND THE SURVEY ON WHICH IT IS BASED WAS COMPLETED IN ACCORDANCE WITH CHAPTER 90 (02-360 CHAPTER 90) OF THE RULES AND STANDARDS OF PRACTICE ADOPTED BY MAINES' BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS WITH THE FOLLOWING EXCEPTIONS:

1.) A WRITTEN REPORT HAS NOT BEEN PREPARED.

2.) PROPERTY DESCRIPTIONS OF THE INDIVIDUAL LOTS HAVE NOT BEEN PREPARED AS OF THE DATE OF THIS PLAN.

2/27/07

CES, INC. – JEFF A. TEUNISEN – PROFESSIONAL LAND SURVEYOR # 2365 DATE

STATE OF MAINE
JEFF A. TEUNISEN
2365
LICENSED
PROFESSIONAL LAND SURVEYOR

STATE OF MAINE PLANNING AND LAND USE LAWS TITLE 7: SECTION 52: FARMLAND ADJACENCY ACT;

THERE IS A 100-FOOT SETBACK FOR ALL RESIDENTIAL DWELLINGS AND PUBLIC AND PRIVATE WELLS AND WATER SUPPLY INTAKE POINTS IF NEIGHBORING COMMERCIALLY CULTIVATED BLUEBERRY FIELD IS REGISTERED UNDER THE FARMLAND ADJACENCY ACT.

SETBACK IS 100' FROM THE EDGE OF ACTUAL BLUEBERRY FIELD.

PLAN REFERENCES:

"FINAL SUBDIVISION PLAN PONDVIEW ESTATES, BUCKSPORT ROAD, ELLSWORTH, MAINE", DATED MAY 23, 2000, PREPARED BY HERRICK AND SALSBURY, INC., RECORDED IN MAP FILE 29, PAGE 180 OF THE HANCOCK COUNTY REGISTRY OF DEEDS.

"SURVEY PLAN OF JOSEPH LIPTON LAND, TOWN OF ELLSWORTH, HANCOCK COUNTY, MAINE", PREPARED BY JAMES W. SEWALL COMPANY, OLD TOWN, MAINE AND DATED JULY 20, 1987.

"EXISTING TOPOGRAPHICAL PLAN, TOWN OF ELLSWORTH, HANCOCK COUNTY, MAINE", PREPARED BY JAMES W. SEWALL COMPANY, OLD TOWN, MAINE AND DATED JULY 20, 1987.

GENERAL NOTES:

1) SOURCE DEED: A. JOSEPH LIPTON TO PONDVIEW ESTATES LIMITED PARTNERSHIP, DATED SEPTEMBER 20, 1993, RECORDED IN BOOK 2155, PAGE 4 OF THE HANCOCK COUNTY REGISTRY OF DEEDS.

LAWRENCE L. COLLIER TO A. JOSEPH LIPTON, DATED JULY 3, 1987, RECORDED IN BOOK 1652, PAGE 434 OF THE HANCOCK COUNTY REGISTRY OF DEEDS.

2) ALL PROPOSED LOTS DEPICTED HEREON ARE SUBJECT TO THE COVENANTS AND RESTRICTIONS CONTAINED IN A DOCUMENT ENTITLED "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PONDVIEW ESTATES SUBDIVISION PHASE TWO" SAID DOCUMENT TO BE RECORDED IN THE HANCOCK COUNTY REGISTRY OF DEEDS. SAID RESTRICTIONS ARE SHOWN HEREON.

3) WETLAND AND STREAM LOCATIONS SHOWN ON THIS MAP WERE DIGITIZED FROM PLAN REFERENCE #3 SHOWN HEREON AND FROM ACTUAL SURVEY LOCATIONS

4) ALL BOOK AND PAGE NUMBERS REFER TO THE HANCOCK COUNTY REGISTRY OF DEEDS.

5) PRINCIPAL STRUCTURES IN THE SUBDIVISION WILL BE CONSTRUCTED WITH THEIR LOWEST FLOOR INCLUDING THE BASEMENT AT LEAST ONE FOOT ABOVE THE 100 YEAR FLOOD ELEVATION IN ACCORDANCE WITH TITLE 30-A M.R.S.A. SECTION 4404(13).

LINE TABLE

LINE	BEARING	LENGTH
L1	S81°07'00"E	14.28'
L3	N66°45'20"E	85.52'
L4	N23°14'40"W	55.00'
L5	N66°45'20"E	70.00'
L6	S66°45'20"W	70.00'
L7	N23°14'40"W	45.00'
L8	N66°45'20"E	133.06'
L9	N66°45'20"E	190.13'
L10	N66°45'20"E	70.31'
L11	N62°10'30"E	91.86'
L15	S81°07'00"E	117.22'
L16	S06°46'42"E	120.00'
L17	N83°13'18"E	60.00'
L18	S06°46'42"E	79.93'
L19	N68°01'52"E	71.96'
L20	N07°00'04"W	194.47'
L21	S83°13'18"W	60.00'
L22	S72°11'19"W	69.98'

CURVE TABLE

CURVE	LENGTH	DELTA	RADIUS
C1	47.49	5°10'58"	525.00
C2	41.97	4°34'50"	525.00
C3	37.97	4°34'50"	475.00
C4	42.97	5°10'58"	475.00
C5	265.51	74°12'29"	205.00
C6	55.17	15°25'09"	205.00

LEGEND:

- IRON ROD OR IRON PIPE FOUND
- 3/4" CAPPED IRON ROD TO BE SET (PLS #2365)
- TP 3 — TEST PIT
- WETLAND AREA
- PROPERTY LINE
- EASEMENT BOUNDARY
- 100 YEAR FLOOD LINE
- TIE LINE
- EDGE OF PAVEMENT
- 250' SHORELAND SETBACK LINE

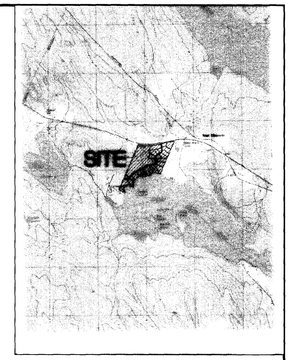
AMENDMENT NOTE:

THIS PLAN REVISES AND SUPERSEDES A PLAN ENTITLED "PONDVIEW ESTATES PHASE TWO, FINAL SUBDIVISION PLAN, BUCKSPORT ROAD, ELLSWORTH, MAINE", DATED SEPTEMBER 12, 2005, PREPARED BY CES, INC., AND RECORDED IN MAP FILE 35, PAGE 6 OF THE HANCOCK COUNTY REGISTRY OF DEEDS. THE REVISION TO THE PLAN IS THE RESTRICTIVE NOTE REGARDING THE DEVELOPMENT ALONG PATTEN WAY AS SHOWN HEREON AND THE CHANGED COVENANTS AND RESTRICTIONS.

FLOOD NOTES:

BY GRAPHIC PLOTTING ONLY, PART OF THE SUBJECT PROPERTY HEREON IS SITUATED IN ZONE A DEPICTED ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 230066 0015B WHICH DOES NOT STATE A BASE FLOOD ELEVATION. THE FLOOD INSURANCE RATE MAP BEARS AN EFFECTIVE DATE OF NOVEMBER 4, 1988. (FLOOD LINE IS SHOWN HEREON.)

PRINCIPAL STRUCTURES IN THE SUBDIVISION WILL BE CONSTRUCTED WITH THEIR LOWEST FLOOR, INCLUDING THE BASEMENT, AT LEAST ONE FOOT ABOVE THE 100 YEAR FLOOD ELEVATION IN ACCORDANCE WITH TITLE 30-A M.R.S.A. SECTION 4404(13).



VICINITY MAP NTS

COVENANTS AND RESTRICTIONS PHASE TWO LOTS:

1. EACH LOT OWNER AGREES NOT TO PROTEST ANY FUTURE DEVELOPMENT PROPOSED ON THE REMAINING LAND OF THE DEVELOPER WHICH LIES ADJACENT TO THIS SUBDIVISION. THIS IS A NOTICE OF INTENT OF FUTURE DEVELOPMENT AND THE EXTENSION OF THE INFRA STRUCTURE AND UTILITIES.

2. LOTS SHALL BE USED FOR RESIDENTIAL PURPOSED ONLY AND NOT FOR ANY COMMERCIAL OR INDUSTRIAL USES, EXCEPT FOR USUAL CUSTOMARY HOME OCCUPATIONS AND PROFESSIONAL USES.

3. NO MORE THAN ONE SINGLE FAMILY DWELLING WITH USUAL APPURTENANT STRUCTURES, SUCH AS GARAGE, PATIO, BOAT-HOUSE, MAY BE ERECTED OR MAINTAINED UPON ANY LOT.

4. NO MOBILE HOMES, SINGLE OR MULTI-UNIT MANUFACTURED HOMES, HOUSE TRAILERS, TENTS OR TEMPORARY STRUCTURES SHALL BE ERECTED, PLACED, MAINTAINED OR PERMITTED TO REMAIN UPON ANY LOT. MODULAR HOUSES, HOWEVER, ARE PERMITTED.

5. NO NUMBERED LOT SHALL BE FURTHER DIVIDED OR SOLD. THIS DOES NOT PRECLUDE SLIGHT LINE ADJUSTMENTS BETWEEN LOTS AS LONG AS ALL ZONING REGULATIONS ARE MET AND ALL APPROPRIATE APPROVALS ARE RECEIVED.

6. NO HUSBANDRY OF ANIMALS OR POULTRY SHALL BE CONDUCTED UPON THE LOTS AND NO ANIMALS OR FOWL, OTHER THAN ORDINARY DOMESTIC PETS SHALL BE KEPT ON ANY LOT.

7. NO UNREGISTERED MOTOR VEHICLES INTENDED FOR OVER THE ROAD USE SHALL BE STORED ON ANY LOT.

8. FOR THE PURPOSES OF MAINTAINING ROADS FOR THE GENERAL USE AND BENEFIT OF ALL LOT OWNERS AND FOR THE PURPOSES OF INSURING THE CONTINUED RESPONSIBILITY FOR STORM WATER CONTROL MEASURES, EACH LOT OWNER ACCEPTING A DEED FOR ANY LOT IN THIS SUBDIVISION AGREES TO ASSUME AND PERFORM PRO RATA PER LOT THE OBLIGATIONS, DUTIES AND RESPONSIBILITIES OF A CERTAIN ROAD AND STORM WATER CONTROL MAINTENANCE AGREEMENT ENTERED INTO BY EACH LOT OWNER IN THE SUBDIVISION AND TO BE RECORDED WITH THE HANCOCK COUNTY REGISTRY OF DEEDS.

9. RESTRICTIONS SET FORTH HEREIN SHALL BE BINDING UPON ANY PRESENT OR FUTURE PROPERTY OWNER.

10. NO PROVISION IN THIS DECLARATION MAY BE AMENDED OR REVOKED WITHOUT THE WRITTEN CONSENT OF THE DEVELOPER.

11. EACH PROVISION OF THE DECLARATION AND ANY AGREEMENT, PROMISE, COVENANT AND UNDERTAKING TO COMPLY WITH EACH PROVISION OF THE DECLARATION SHALL BE DEEMED A LAND USE RESTRICTION RUNNING WITH THE LAND AS A BURDEN UPON THE TITLE TO THE PROPERTY.

12. INVALIDITY OR UNENFORCEABILITY OF ANY PROVISION OF THIS DECLARATION IN WHOLE OR IN PART SHALL NOT AFFECT THE VALIDITY AND ENFORCEABILITY OF ANY PROVISIONS OR ANY VALID ENFORCEABLE PART OF THE PROVISION OF THIS DECLARATION.

13. THIS DECLARATION SHALL BE GOVERNED BY AND INTERPRETED IN ACCORDANCE WITH THE LAWS OF THE STATE OF MAINE.

THE FOREGOING RESTRICTIONS ARE PERMANENT RESTRICTIONS (NOT CONDITIONS SUBSEQUENT) AND SHALL BE FOR THE BENEFIT OF ALL OTHER LOTS IN PONDVIEW ESTATES, PHASE II SUBDIVISION AND THE REMAINING LAND OF THE DEVELOPER LYING ADJACENT THERETO, AND SHALL RUN WITH THE LAND. INVALIDATION OF ANY ONE PROVISION BY COURT DECREE OR OTHERWISE SHALL NOT AFFECT ANY OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

THE COVENANTS AND RESTRICTIONS CONTAINED IN THIS DECLARATION SHALL RUN WITH AND BE APPURTENANT TO THE PROPERTIES HEREIN ABOVE DESCRIBED AND SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE OWNER OF ANY LAND SUBJECT TO THIS DECLARATION, THEIR RESPECTIVE LEGAL REPRESENTATIVES, HEIRS, SUCCESSORS AND ASSIGNS.

ENFORCEMENT OF THE COVENANTS AND RESTRICTIONS CONTAINED IN THIS DECLARATION SHALL BE BY PROCEEDING AT LAW OR IN EQUITY AGAINST ANY PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE THE SAME EITHER TO RESTRAIN VIOLATION OR TO RECOVER DAMAGES AGAINST THE LAND TO ENFORCE ANY LIEN CREATED BY THESE COVENANTS AND RESTRICTIONS.

14. ALL ROADS IN THIS SUBDIVISION SHALL REMAIN PRIVATE ROADS TO BE MAINTAINED BY THE DEVELOPER OR THE LOT OWNERS AND SHALL NOT BE ACCEPTED OR MAINTAINED BY THE CITY OF ELLSWORTH EVEN IF THEY MEET THE CITY STREET DESIGN AND CONSTRUCTION STANDARDS.

AMENDMED RESTRICTION:

1. SUBDIVIDER IS PROHIBITED FROM FUTURE DEVELOPMENT ALONG PATTEN WAY UNLESS AN ADDITIONAL ROADWAY IS CONSTRUCTED TO ROUTE 1 OR UNLESS PATTEN WAY IS BUILT TO STANDARDS AS DEFINED BY THE CITY OF ELLSWORTH.

AMENDED
PONDVIEW ESTATES PHASE TWO
FINAL SUBDIVISION PLAN
BUCKSPORT ROAD, ELLSWORTH, HANCOCK COUNTY, MAINE

RECORD OWNER:

PONDVIEW ESTATES LIMITED PARTNERSHIP
31 WEST 47TH STREET
NEW YORK, NY 10036

GRAPHIC SCALE

200 0 100 200 400 800

(IN FEET)
1 inch = 200 ft.

CES, INC.
ENGINEERS • SURVEYORS
145 So. Main Street, P.O. Box 1500, Southwest Harbor, ME 04679 Tel. 207-244-0456 Fax 207-244-4599
9 Apple Lane, P.O. Box 1500, Southwest Harbor, ME 04679 Tel. 207-244-0456 Fax 207-244-4599
232 Main Street, P.O. Box 906, Fort Fairfield, ME 04742 tel. 207-472-3008 Fax 207-472-3015

JOB TITLE: AMENDED PONDVIEW ESTATES PHASE II
CITY OF ELLSWORTH, HANCOCK COUNTY, MAINE
SHEET TITLE: FINAL SUBDIVISION PLAN

REV	DESCRIPTION	DATE	CHECKED BY	DRAWN BY

HORIZONTAL SCALE: 1" = 200'
VERTICAL SCALE: none
DATE: FEBRUARY 20, 2007
DRAWN BY: JAT
DESIGNED BY:
CHECKED BY:
APPROVED BY:
DWG TITLE:
JOB NUMBER: 2747.2
DRAWING NUMBER
1 OF 1