



April 4, 2023

Emily Prescott, Saco City Planner  
Allysa Bouthot, Chairperson, Saco Planning Board  
Members of Planning Board  
Saco City Hall  
300 Main Street  
Saco, ME 04072

RE: Lincoln Village located at 321 Lincoln Street, Saco

Dear Ms. Prescott, Chairperson Bouthot and Members of the Planning Board

My name is Kelley Archer. I live at 185 Bradley Street in Saco. I would like to address Lincoln Village and its failure to satisfy some of the review criteria in your ordinances.

Albert Einstein defined insanity as “Doing the same thing over and over again and expecting different results.” Two years ago this same Board (three of you were on the Board) heard the proposal of the Flatley Company to construct 336 units on this same property. While the buildings were taller and larger, the number of units was basically the same and the impacts were essentially identical.

On March 2, 2021 this Board voted:

**Peter Scontras moved to find that the information was not available to satisfy the requirements of 230-416(F)5(d), as the master plan does not demonstrate that the street system can accommodate the traffic generated by the development or improvements can be reasonably made to address the traffic because there would be an increase of traffic from the development onto Bradley Street, the proposed two speed signs were not adequate to address the traffic increase, the traffic analysis does not address Garfield Street, and because there are intersections noted on the traffic study which would drop below a level of service D. Joyce Leary Clark seconded. The motion carried unanimously, by roll call vote.**

At the same meeting this Board voted:

**Peter Scontras moved that the Master Plan does not ensure that the treatment of areas adjacent to neighboring public streets create an attractive urban streetscape that is compatible with the adjacent neighborhood, and results in a transition of the development into the existing neighborhood because the proposed buildings are not compatible with the patterns of the neighborhood, since the bulk and scale of the four-story multi-family buildings are not consistent with the adjacent neighborhood's one and two-story single-family homes, and the streetscape from Skyline, Lincoln, and Forest Streets does not meet this standard – the transition is inadequate and the bulk of the buildings is too great as viewed from the public streets and the existing neighborhood, and so the requirements of H(3) have not been met. Shawn Nicholas seconded. The motion carried 6-1 by roll call vote, with Joyce Leary Clark voting in the negative.**

Finally this Board voted at that meeting:

**Jeff Brochu find the approval criteria found in 230-416(F)5(d) and the additional standards of approval found in subsection H(3) have not been adequately satisfied, and therefore moves to deny the site inventory & analysis and Master Planned Development application and to make findings of fact to that effect. Shawn Nicholas seconded.** Discussion occurred on the motion. **The motion carried unanimously, by roll call vote.**

Two years later you have a proposal on the same land for 332 units with 288 of those units in multi-unit buildings. This proposal actually includes 61 more parking spaces than the Flatley project and 5.2 more acres of impervious surface than the Flatley project. It is the creation of a small city in the midst of established neighborhoods made up primarily of single and two family homes. While you are not reviewing this as a Master Plan Development, the current applicable zoning dictates the same findings and conclusions relative to the Lincoln Village project, and any other conclusion, to paraphrase Einstein, would be crazy.

Your Conditional Use Permit provisions require any proposed Conditional Use to meet the following criteria:

- Will not impede vehicular and pedestrian circulation, or access for emergency responders, nor create hazards onsite or on adjacent streets.
- Will not have a significant detrimental effect on abutting properties.
- Will not have a significant detrimental effect on value of adjacent properties.
- Will not cause safety hazards for pedestrians, cyclist, and operators of motor vehicles.

Your Site Plan Criteria includes the following:

- Continuity, connectivity, and compatibility. Building scale and massing should reflect and complement existing development. .. Transition between old and new structures through setbacks, buffers, landscaping, and other screening shall preserve residential privacy and sense of light and air between buildings.
- Height. The height of a building shall be visually compatible with the heights of structures on neighboring sites and minimize shading and other negative impacts on neighboring properties and on the street.
- Compatibility with neighboring buildings. The bulk, location and height of proposed structures are compatible with neighboring properties.
- Lighting. The proposed exterior lighting does not create glare or hazards to motorists, is adequate for safety, and does not damage the value or diminish the usability of adjacent properties.
- Traffic. The proposed development will not cause safety hazards and will be consistent with generally accepted complete street standards.
- Wildlife, scenery, and unique and critical areas. The proposed development will not have an adverse impact on significant scenic vistas, significant wildlife habitats, or unique natural areas that could be avoided with reasonable modification to the plan.
- Audio-visual buffer. Setbacks and screening provide a robust audio/visual buffer so as to minimize adverse impacts on nearby properties.

Nothing has changed in two years relative this property. The only change is that more and more people are moving into the area, including Biddeford, and based on our Comprehensive Plan analysis most people in the area have their own car and drive alone. Therefore, the traffic issues did not change because we have a new applicant. There are 4 less units in Lincoln Village. That is not enough to make a difference.

The Conditional Use Permit and Site Plan conditions also look for compatibility with the area. Our Comprehensive Plan requires consistency and compatibility. Like the Flatley development, Lincoln Village is a small city with densely packed large buildings that are inconsistent with the surrounding neighborhoods. Perhaps a smaller, less impactful development might be compatible with the area, but Lincoln Village, as proposed, fails to meet the same criteria which resulted in a 6-1 vote by the Saco Planning Board rejecting the Flatley project. Gorrill Palmer's latest submission regarding compatibility is not persuasive at all. It depicts six multi-unit apartment buildings or condominium projects all about a half mile from the Lincoln Village site. Their submission shows none of the hundreds of single family and duplex structures all located closer to the development site or which are actual neighboring properties. All of the facts show that nothing has changed except the applicant and the elimination of 4 units. The vote should remain the same.

I do wish to draw your attention to the Maine Supreme Judicial Court decision of Hill v. Town of Wells, 254 A.3d 1161 (Me. 2021). While that case dealt with the issue of variance requests, it addressed, in part, the questions of would the granting of a variance alter the essential character of the locality? That is essentially the same analysis that this Planning Board wrestled with when reviewing the Flatley proposal, and it is the same review this Board needs to do with this project when looking at compatibility. While the Court in Hill v. Town of Wells acknowledged that the terms of the zoning in the area at issue help define the essential character of the locality, it stated: "Finally, key in determining the essential characteristics of a locality are the uses, structures, and dimensions of setbacks and other features already existing in that area." *Id.* at 26.

In assessing essentially the same question of whether granting a variance would be detrimental to an area, the Appellate Division of the Supreme Court of New York, Second Department supported a Zoning Board's conclusion that deviating from certain code requirements "would detrimentally impact upon the adjoining properties and adversely affect the light, air and ventilation of the surrounding properties." Krausteuber v. Scheyer, 176 A.D.2d 724, 726, 574 N.Y.S.2d 968, 970 (1991), *aff'd*, 80 N.Y.2d 783, 599 N.E.2d 676 (1992). To be clear, I recognize that the proposed project may meet the zoning requirements of the zone in which it is located, but it is not compatible with the existing uses, and it would be detrimental to those existing uses. These variance tests provide a way for this Board to assess whether the Conditional Use and Site Plan Review standards have been satisfied, and that determination cannot be made based just on whether the Lincoln Village buildings meet the setback, height and density requirements under Saco's ordinance.

We all must keep in mind that the developer of Lincoln Village knew that the Flatley project had been rejected when it took the risk of buying this land and proposing essentially the same project. It would seem in common parlance that this developer has decided to "double down" clearly hoping for a different result.

Again, a project of this magnitude does not fit into this area of the City, and therefore, like the Flatley project, it should not be approved by this Board until its size and scope are reduced.

Sincerely,

Kelley Archer

## KEN STUDEMANN COMMENTS

45 FOREST ST.

1) PHOTO REPRESENTATION ON PAGE 39 NOT AN ACCURATE VISUAL ANALYSIS OF THE PROJECT. THE RENDERING NEEDS TO SHOW CONTEXT - PARKING LOTS, PARTICULARLY BEHIND RYAN + NICOLE'S HOME @ 38(?) THE PARKING LOT IS AT THE PROPERTY LINE & ONLY 6-7 TREES AS THE SCREEN.

WHAT DO THE RETENTION PONDS LOOK LIKE?

2) AS A LANDSCAPE ARCHITECT, THE RENDERINGS ON PG. 48 + 49 SHOW THE SITE AS FLAT, WHICH LEADS US TO SUSPECT THE LAND WILL BE LEVELLED AND THEN ~~PLANTS~~ PLANTS + BERMS WILL BE ADDED AS THEY WISH = NOT THE NATURAL FLOW OF THE PROPERTY

3) WITH THE APPROVED RENTAL UNITS IN BIDDSFORD + SACO RENTAL UNITS WILL SATURATE OUR COMMUNITY CREATING A TRANSIENT COMMUNITY WHICH US HOME-OWNERS DO NOT WANT TO SEE OUR ~~CITY~~ CITY TO BECOME. THIS WILL IMPACT THE VALUE OF THE 2 UNIT + HOMES CURRENTLY ABOUTS THIS PROJECTS

THE GRADING PLAN CUTS OFF ALL THE NATURAL WETLANDS

THE WHOLE PLAN IS COMPLETELY AN ENGINEERED PROJECT.

LANDSCAPE BUFFERING ALONG FOREST ST + SKYLINE DRIVE ARE SCANT AT BEST.

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RE: Lincoln Village located at 321 Lincoln Street, Saco

Dear Ms. Prescott, Chairperson Bouthot and Members of the Planning Board:

The following is a summary of the positions taken by many of the neighbors who are opposed to Lincoln Village as proposed. We are cognizant of the volume of documents each member of the Planning Board must review associated with a project of this unprecedented size and complexity, and we hope this summary will be helpful.

1. The applicant has failed to comply with the submission requirements of Section 188-602 by failing to provide adequate proof of financial and technical capacity to fund the entire project (See Attorney Murphy's opinion). The letter provided by Gorham Savings is inadequate to provide the required information and the applicant cannot establish its ability to maintain the development and its sophisticated drainage system after it is turned over to a volunteer run condominium association.
2. Lincoln Village includes 332 total units. The prior Flatley project was a proposal to construct 336 units with 61 less parking spaces than Lincoln Village on the property. The two projects are essentially the same, and nothing has changed about the property or the areas surrounding that property other than nearby developments in Biddeford will only intensify traffic on the small streets near the proposed development. This Planning Board rejected the Flatley project because of the traffic it would generate and because it was not compatible with the surrounding residential neighborhoods. Lincoln Village will create equivalent, if not greater traffic, and it is as incompatible with the area as the Flatley project, and as a result, approval of Lincoln Village must also be denied in its present configuration.
3. A number of the draft findings of the staff related to the Lincoln Village are premature and not supported by the record, and maintaining them is prejudicial to the process. Such findings include:
  - a. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline. Staff's proposed finding essentially says that the developments meets the zoning requirement so no such undue adverse effects will occur. Such a finding ignores the fact that this approval element is an independent approval criteria and not one calling for affirmation that the project meets the zoning minimums. It also ignores the testimony of members of the City's own Conservation Commission who identified the forest which will be destroyed by this project as a "significant" forest lot; one with "greater longevity and quite big diversity" compared to other typical land parcels in Maine that have been routinely harvested. This one has not. Professor Tom Klak directly stated to the planning board on 3/21 that the key factor for the decline of important birds like the rapidly declining Wood

Thrush and amphibians is caused when mature forests “get parceled, cleared, and cut down.” The project ignores the wetlands in the forest which will be replaced with condominiums and parking lots. The finding also concludes that the proposed development is compatible with nearby uses because they are all residential. Such a finding of compatibility fails to take into consideration the gigantic, unprecedented size of the proposed multi-unit large building development as compared to surrounding single family and two family homes in established quiet neighborhoods. This small city of a project will replace trees with buildings, parking lots, and a maze of high-glare LED lights where large pines, undergrowth and darkness now prevail.

- b. The findings under subdivision Design Standards analyzed this project under the 2018 and 2022 Comprehensive Plans. The Staff’s ultimate proposed finding related to the 2022 Comprehensive Plan is: “The proposed mix of housing types in close proximity to downtown helps assure that existing neighborhoods surrounding downtown remain desirable places to live by providing housing to a wider variety of residents, as encouraged by housing policies.” However, a complete review of the 2022 Comprehensive Plan shows that this project is not completely compatible with the directives of the new Comprehensive Plan including, but not limited to, the lack of affordable housing, the failure to address traffic issues to be generated by the hundreds of cars from this development located in an area which will also be impacted by 100’s of new units just over the river in Biddeford, the destruction of forests and wetlands by this project instead of the preservation thereof, the failure of this project to facilitate pedestrian and cycling resources.
- c. Conditional Use Review finding Number 4 states: “Will not have a significant detrimental effect on abutting properties” and the staff finding that this criteria is satisfied because the project meets the zoning requirements. Such logic ignores the fact that the Conditional Use Standard in question is itself a separate standard to be satisfied. The draft finding ignores the fact that this proposed use includes dropping 332 units and over 700 parking spaces into the middle of established residential neighborhoods comprised of single and two family homes, 332 units, 228 of which will be located in large multi-unit buildings. This small city is being constructed on an exceptionally wet parcel of land that is so wet it prevented the City from constructing a new school there in 2015. The 332 units will feed about 700 cars onto exceptionally small streets leading into areas already congested with traffic. This finding must be based on more than the fact that this project meets some other zoning standards.
- d. Conditional Use Review finding Number 5 states: “Will not have a significant detrimental effect on value of adjacent properties”. The conclusory staff finding is that the project will not have such a detrimental impact. No such evidence is contained within the submissions. Vastly increasing the density of the area, adding 700 cars to a small neighborhood with already busy streets, changing the nature of the area by constructing a huge condominium project, eliminating an enormous natural drainage area serving the entire proximity, and flooding the area with harmful LED light pollution can and will have a detrimental effect on the value of adjacent properties.

- e. Conditional Use Review Finding Number 8 states: “Will not have an adverse impact on significant scenic vistas or wildlife habitat.” Staff cited the Natural Resources Protection Act Permit and some unidentified site location of development review responses in concluding: “No adverse impact on significant scenic vistas or wildlife habitat have been identified. “ Such a finding ignores the testimony of the Conservation Commission members.
  - f. Under the Site Plan Review Approval Criteria related to “Compatibility with Neighboring Buildings. The bulk, location and height of proposed structures are compatible with neighboring properties”. Staff wrote: “The proposed building designs comply with dimensional standards of MDR Zoning. Compatibility with neighboring properties is achieved by limiting the height and bulk of proposed buildings, spacing buildings apart throughout the developed area of the site, and separating buildings from neighboring properties.” Simply because buildings meet zoning specifications does not make a project compatible. That is why there is this separate Approval Criteria. Compatibility is also determined by the overall size and bulk of the whole project. Nothing about this small city is compatible with and consistent with the surrounding properties and the buildings thereon. The lack of compatibility was one of the primary reasons why the substantially similar Flatley proposal on this same parcel was rejected.
4. This development fails to meet the standard in City Code Site Plan Review §179-6.01 Q Criteria for Site Plan Approval’s “minimum requirements for approval” that the “proposed development will not cause safety hazards and will be consistent with generally accepted Complete Streets standards.” Other approval conditions related to Complete Streets since 2017 in Saco include the use of many design objectives including sidewalk expansions, traffic signals, street trees, bicycle lanes, pedestrian crossings, pedestrian refuges, streetscape aesthetics, bus stops, and lighting.
- a. Complete Streets is the planning, designing, and building of streets that enables safe access for all users, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities. This approach also emphasizes the needs of those who have experienced systemic underinvestment, or those whose needs have not been met through a traditional transportation approach. (*National Complete Streets Coalition*).
  - b. In ongoing discussions with various City leaders since at least April 2022, community members and the City’s own survey results have demonstrated current traffic conditions on rights-of-way surrounding this project and throughout the City for vehicles, cyclists, and pedestrians and other ROW users as unsafe and unnavigable for current residents, discouraging residents of and visitors to Saco from enjoying the outdoors or accessing needed services via transport other than personal vehicle.
  - c. The roadway design and engineering around this proposed development site, including developer’s proposed offsite improvements, is inadequate and therefore unsafe. The introduction of thousands of more trips per day by this proposed development’s scale, without significant and immediate roadway design upgrades and regardless of the proposed partial offsite improvements by the developer, would be negligent by the City if allowed to go forward. Even if the development did not go forward, the current roadway conditions are unsafe and not in line with the Complete Streets framework.



- d. Under its own code, the City *must not* allow this development's Site Plan Review to go forward until it can ensure proactive and comprehensive Complete Streets design metrics for additional traffic impacts related to this and other developments, particularly the thousands of new units being built just 3,400 feet away in Biddeford, whose new residents will seek to access the Turnpike through Ward 5.
- e. Maine Department of Transportation has encouraged the City of Saco and its third-party engineering firm to consider the Traffic Movement Plan as the "minimum mitigation for traffic safety and mobility." The Traffic Impact Study and its subsequent analysis, as well as the Traffic Movement Permit does not meet the City's codified criteria for site plan approval of the Complete Streets standards. Maine Department of Transportation and the current third-party engineering firm have admitted to utilizing outdated methodologies in the analysis of traffic – methodologies which do not include updated quality of service and level of service for multimodal roadway users such as walkers, runners, cyclists, and individuals with accessibility needs such as those using wheeled mobility devices or other assistive devices. In this developer's application and subsequent Traffic Impact Study, the only right-of-way users considered in any capacity were vehicles. In other words, the City has a responsibility to look beyond the bare minimum that our citizens deserve, and follow its own City Code and Comprehensive Plan to ensure safety and quality of life on our neighborhood streets for all. This Site Plan does not satisfy these requirements.

The complete submissions and oral testimony of the residents of Saco who do not support the approval of Lincoln Village because of its size and impacts on the area contain more detail regarding our positions, and we urge you to consider all of that information in your deliberations. We live in the homes that surround this property. We use the streets and sidewalks where they exist. We worry about our children, grandchildren and pets as cars and trucks speed by on our narrow streets. We very much value this beautiful piece of land and worry about its impacts on the area from traffic, to stormwater, to detrimental light pollution and the addition of large buildings which simply are not compatible with what exists there today.

While unfortunate, we recognize that some form of development may occur on this property. We hope, however, that it will be more commensurate with our neighbors, streets and infrastructure than the 332 unit proposal before you.

Sincerely,

Save Saco's Neighborhoods

*"Smart Growth Together"*

Comprehensive Plan / Site Review Plan Alignment Review Checklist

Question	Yes	No	Unk.
This proposed development guarantees a variety of housing options to meet the budgets and needs of Saco residents including aging Baby Boomers, young people, low-to-moderate income residents, first-time homebuyers, and new residents. (Policy 3.1)			
This proposed development guarantees affordable senior housing in walkable, transit-accessible locations to allow aging residents to remain in Saco. (Policy 3.1)			
This is a mixed-income housing development within a transit-accessible, amenity-rich location near jobs, schools, groceries, healthcare and childcare, parks, and other daily services. (Policy 3.3)			
10% of the proposed housing units in this proposed development are provided at or below 80% of area median income. (Policy 3.3)			
This proposed development includes units targeted at residents earning 30-60% of area median income. (Policy 3.3)			
This proposed development guarantees streetscape improvements for walkability including sidewalks and crossings as well as design improvements to slow vehicle traffic on residential streets. (Policy 3.3)			
This proposed development includes guarantees for bicycle and transit improvements for increased accessibility and lower-cost transportation options. (Policy 3.3)			
This proposed development guarantees parks, playgrounds, and other community amenities for all ages. (Policy 3.3)			
This proposed development improves local walking networks, including those using assistive mobility devices, to amenities such as health centers, parks, the library, schools, and grocery stores. (p. 41)			
This proposed development enhances and supports safe vehicle flows with continued traffic calming efforts to reduce speeding on neighborhood streets through pavement markings, corner curb extensions, /bulb-outs, driver feedback signs, etc. (Policy 4.1)			
This proposed development improves first/last mile connections near transit stops with particular emphasis on accessibility – sidewalks, crosswalks, lighting. (Policy 4.3)			
This proposed development expands community transportation options via BSOOB, including coordination with proposed community management with major community providers service scheduling, such as hospitals, clinics, social service organizations – including those in Biddeford and OOB. (Policy 4.3)			
This proposed development includes accessibility upgrades such as detectable curb ramps, audible crosswalk signals, and impediment-free sidewalks. (Policy 4.4)			
This proposed development’s stormwater runoff performance standards are considered “low impact development”, protects aquifer recharge areas, requires water quality protection practices in construction. (Policy 5.1)			

# Proposed Annex A

## Comprehensive Plan / Site Review Plan Alignment Review Checklist

Question, continued	Yes	No	Unk.
The Planning Board has reviewed pertinent Beginning with Habitat (BwH) natural resource maps during the subdivision and site plan review processes for this proposed development. (Policy 5.2)			
This proposed development guarantees extension and maintenance of trail networks and connects with regional trail systems where possible. (Policy 6.1)			
This proposed development considers the “Age Friendly Community Action Plan” and its identification of needs for housing for older adults. (Policy 6.5)			
This proposed development has coordinated with Maine Water and Saco’s Public Works and Water Resource Recovery Department to promote a “One Water” approach and implementation of its construction project. (Policy 7.3)			
This proposed development promotes green stormwater management strategies. (Policy 7.3)			
This proposed development guarantees open space that will serve multiple functions including stormwater mitigation, native habitat, recreation, and climate resilience. (Policy 7.3)			
This proposed development meets or exceeds green building standards. (Policy 7.4)			
The management organization of this proposed development guarantees it will provide educational resources to building owners about energy efficiency benefits. (Policy 7.4)			
This proposed development is solar-ready. (Policy 7.4)			
This proposed development is guaranteed to implement sustainable road design standards for interior rights-of-way. (7.10)			
The Planning Board has performed a fiscal cost/benefit analysis for this proposed development over a specific threshold value to identify the full scope of direct and indirect costs and benefits to City finances (Policy 9.5)			

Responses other than “Yes” to any question within Annex A indicate the Proposed Development under consideration is not in alignment with the 2022 -2023 Saco Comprehensive Plan and its application should be reevaluated and updated by applicant to better align with and support the City of Saco’s Vision and Principles.

Deviations from these Policies should be justified and documented in a publicly-accessible Development/Land Use risk register for consistency, future applicability, and fairness.

### OUR VISION FOR SACO

#### Saco—a community for a lifetime.

Saco is known as a welcoming small city committed to managing its growth to build a better community for all and for a lifetime. As we grow, we continue to preserve our rich historic and natural legacy while celebrating our defining assets—a vibrant downtown, cherished beaches, the Saco River, and natural open spaces.

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300 Main Street  
Saco, ME 04072

RE: Lincoln Village located at 321 Lincoln Street, Saco

Dear Ms. Prescott, Chairperson Bouthot and Members of the Planning Board:

My name is Bill Kany. I live at 3 Blackberry Lane in Saco. I would like to address the developer's obligation to establish that it has both the financial and technical capacity to meet all the subdivision standards pursuant to Section 188-602 of Saco's Subdivision Ordinance including the ability to construct, operate and maintain the development.

Section 188-602(A)(1) requires evidence of the developer's prior conduct. In the materials submitted to the Board there is no such evidence of the developer's prior developments. Certainly, the Gorham Savings Bank's October 25, 2022 letter does not satisfy that requirement.

Section 188-602(B) requires evidence of financial capacity in the form of a financial institution letter stating it knows the developer and it has sufficient funds or committed access to sufficient funds to undertake the project. The letter has to reference the cost of the project and include a corresponding cost estimate. The Gorham Savings Bank letter references an estimated infrastructure cost of \$27,439,863.00. There was no cost estimate attached to the letter which is required under the ordinance. Such an estimate would provide verification regarding the bank's statement of cost.

More importantly, that cost reference does not satisfy the ordinance. The requirement is a cost of the project, not just the infrastructure. Infrastructure costs may be the project cost for subdivisions from which only lots will be sold. However, this project includes building 288 condominiums, along with duplexes and single family homes. That is this project and that appears to be this developers' normal course of business. The figure of \$27,439,863.00 has none of the required backup, and it is not the cost of the project. The cost of this project includes completing the units. If one assumes each unit is on average 1,200 square feet, and conservatively construction costs are \$225.00 per square foot, then the cost of building the structures totals \$89,640,000.00. Add the infrastructure costs to that number totals \$117,079,863.00 excluding acquisition costs, impact fees and perhaps other unknown costs.

Gorham Savings has not said this developer has the financial capacity to fund a \$118,000,000.00 project, and frankly, I am not sure there are many developers in this state with such financial capacity. In addition, Gorham Savings did not commit to loan this developer any money to do this project, never mind committing to loan \$27,000,000.00 or over \$100,000,000.00 to "undertake the project." In fact, if one reviews the Gorham Savings letter you will see that the bank is not committing to loan the

developer any money, and it “believes” the developer has the experience and capacity, based on the bank’s preliminary scope of the project, which we know does not include the total cost of the project.

The letter falls far short of the required evidence of financial capacity. In support of that assertion please see the attached June 7, 2018 email from Saco City Attorney, Timothy Murphy, to former City Planner, Bob Hamblen, analyzing a substantially similar letter submitted on behalf of the Ecology School associated with its Simpson Road project. Attorney Murphy describes these vague financial capacity letters as “merely a statement of well wishes for the project.” Attorney Murphy goes on in describing a letter similar to the Gorham Savings letter: “It makes no promise to fund, and it shares no background that could offer comfort that this applicant is adequately capitalized or funded such to complete a large scale project.” Attorney Murphy goes on to say the following: “Like it or not, the Ecology School project is significant in size, cost and scope. It is no mere 4 lot subdivision. Instead the School proposes up to 8 million dollars in new construction, including 2 dormitories and a dining hall/commons .... However, these undertakings are also significant in scope and in cost, much larger in scale than typical projects seen herein Saco, and it is certainly fair for the Planning Board to ask of the School’s financial capacity to complete this project as promised.”

Lincoln Village is the largest project ever proposed in Saco. It dwarfs the Ecology School in cost and scope. Proof of technical and financial capacity necessitates more than a one page letter of “well wishes”.

As stated at the outset, Section 188-602 also requires “relevant evidence that the developer is able to construct, operate, and maintain the development.” To date, I have seen no evidence of such capacity or ability. It is no secret that this is an extremely wet site which requires a very sophisticated drainage system working properly to prevent acres of impervious surface causing groundwater to flow onto neighboring properties.

If one even assumes that such a system can be designed and built, such systems must be maintained, and the developer has to prove its ability to maintain the system (See Section 188-602). However, we all know this is a condominium. At some point the project will be turned over to a volunteer board of the condominium and the developer will be off to work on other projects. What assurance can be provided that a condo board will have the expertise and the funding to maintain such a drainage system, detention ponds, etc.? The answer is that it is impossible to provide such assurances once the developer finishes and walks away.

Section 188-602(C) says: “The Planning Board shall not approve a plan if the applicant has not proven the financial and technical capacity to implement the plan.” This applicant has failed to satisfy the requirements of Section 188-602 and I would respectfully suggest it will never be able to do so with a project of this magnitude and cost and with an unknown condominium association taking on the huge responsibility of maintaining the development once the applicant is gone.

Sincerely,

  
William S. Kany

**From:** Tim Murphy [<mailto:tmurphy@padzilla.com>]  
**Sent:** Thursday, June 07, 2018 1:42 PM  
**To:** Bob Hamblen <[BHamblen@sacomaine.org](mailto:BHamblen@sacomaine.org)>  
**Subject:** Financial Capacity Ecology School Project

Hello Bob:

You asked me, on behalf of the Saco Planning Board, if a certain project applicant (The Ecology School) has established sufficient basis for a finding of “financial capacity” as it looks to build out a project on the former Mary Merrill Farm off Simpson Road. As you and the Board know, project applicants are often required to show both technical capacity to build out a project and its supporting infrastructure, as well as sufficient financial support/ability to finalize all construction. The purposes of such provisions governing financial and technical capacity are certainly well understood: to assure that a proposed project actually comes to completion, and that projects do not go half built.

As regards the Ecology School project, the requirement to establish financial and technical capacity is set out in Section II, R of the Amended Contract Zone Agreement dated January 29, 2018. The Ecology School has sought to meet that requirement, at least as regards the financial strength element, by forwarding a letter from Bryan Christoforo of Saco Biddeford Savings Institution regarding the proposed project, which letter notes the Bank’s inclination to fund the project. It is reported the project may cost approximately 8 Million Dollars to complete according to documents submitted by the Ecology School. The Board asks if the Letter submitted from Saco Biddeford Savings is sufficient to establish financial capacity to complete an 8 million dollar project.

For the reasons more fully detailed below, my answer would be no. Let me explain.

First, the Bank letter is neither a firm commitment to lend any funds, nor is it an explanation or accounting of the financial assets/accounts of the customer which could be called upon to support a project. Standing alone, without any other documentation, the Bank’s April 25, 2018 letter is merely a statement of well wishes for the

project. It makes no promise to fund, and it shares no background that could offer comfort that this applicant is adequately capitalized or funded such to complete a large scale project.

As you may know, there is a significant difference between a "Letter of Commitment" from a Bank and a less formal expression of support which is what we have here from S&B. A Commitment letter expresses a fixed promise of the financial institution to loan funds or credit provided an applicant can meet express conditions for lending set by a bank or other lender. A letter of support, as we have here, does not bind a lender in any way. It provides no assurances that funding will be found for a project, it sets no terms or contractual commitments as would typically exist in a Commitment Letter.

Further, and as you will note, a letter of support typically includes a good deal of "hedging" verbiage, meaning words that actually denote a non-commitment to lend. In fact, you see that in Saco Biddeford's letter of April 25, 2018 particularly in the final paragraph. It's clear that the Bank is not promising any funds, but is instead only expressing interest in and hope in a project. This is not to say the Letter betrays an intention not to loan, and as you know (and as the Board has seen in the past) these sorts of expression of interest letters are commonly sent out by banks. See the four exemplar's you sent to me on 4 other projects, all of which are essentially similar versions the Saco Biddeford letter here.

In effect, these letters of interest provide a sign of bank interest only, but no measure or indication of Bank intentions or any form of financial commitment. Thus, it is impossible to gain any assurances as to financial capacity from one.

Second, that the Planning Board has previously relied upon letters of interest in the past as evidence of financial capacity means little here for several reasons. First, in any other circumstances this office was not asked to opine if the submitted documentation was sufficient. Second, if the Staff or Planning Board erroneously relaxed zoning standards or requirements on one or more occasions is not reason or cause to continue a practice. Lastly, and most importantly, all projects stand on their own merits. The nature, scale and scope of a project can elevate or mitigate against the level of inquiry and expectations surrounding issues like financial and technical capacity. In other words, the builder of a 4 lot subdivision may be fairly held to provide one set of financial data or guarantee, while the developer of a multi-million dollar hotel project might be obligated to produce a bit more evidence of financial backing. That is not an application of disparate treatment between projects, but rather the sound application of judgment in light off the facts, and of the risk, presented by different undertakings. No Court would find us at fault for expecting more evidence of financial strength for projects of greater size, and greater risk of failure.

This leads me to the third argument. Like it or not, the Ecology School project is significant in size, cost and scope. It is no mere 4 lot subdivision. Instead, the School proposes up to 8 million dollars in new construction, including 2 dormitories and a dining hall/commons, facilities that may serve over a hundred individuals each day. In fact, the School describes creating a "campus" for its programming, all of which sounds interesting and admirable. However, these undertakings are also significant in scope and in cost, much larger in scale than typical projects seen here in Saco, and it is certainly fair for the Planning Board to ask of

the School's financial capacity to complete the project as promised. In this light, you can see it's entirely reasonable to conclude that the Bank's April 25, 2018 letter actually offers no guidance to the question: how does a small non-profit afford such a project, can they "pull it off" successfully.

Past practices are informative, but only to a point. Here, the substantial scale of the project gives pause, and it is merely prudent, not unfair, to expect that this applicant will come forward with significant evidence of its own financial strength, and of the project's level of available funding. How much equity does Ecology School have and hold for this project, and what have plans been made to borrow/secure the rest of the 8 million required. The answers are not known. And, I would opine that the Bank's letter of April 25, 2018 does not help the Board answer these inquiries.

For all these reasons, I would opine that the issue of financial capacity is not resolved. That said, the final decision as to how much weight should be afforded to the April 25<sup>th</sup> letter rests with the Board, in its judgment, not with this office.

Let me know if I can be of any further help.

Tim Murphy



Correspondence Received after Planning Packet Distribution:

Date Received	Project	Description
4/3/2023	Lincoln Village	Email from Mike Eon; Discussing School impacts, sidewalks, and school bus stops
4/2/2023	9 Fides Drive	Email from Rose Plourde (2 Fides Drive); Discussing increased traffic generated by Childcare Facility in neighborhood and no fencing at 9 Fides Drive
4/2/2023	9 Fides Drive	Letter from Ashley Day and Brian Day (3 Fides Drive); Discussing Deed Restrictions, EMS Limitations, and Traffic Safety Concerns regarding Childcare Facility
3/29/2023	9 Fides Drive	Letter from Ainsworth, Thelin & Raftice, P.A.; Sent to the Alolwan Family to indicate that the private deed restrictions on their home prevent the establishment of a Childcare Facility and civil action will be taken if the Childcare Facility continues to be pursued

# Mike Eon Email

**From:** [Emily C. Prescott](mailto:Emily.C.Prescott)  
**To:** [Shannon Chisholm](mailto:Shannon.Chisholm)  
**Subject:** FW: 321 Lincoln Street  
**Date:** Monday, April 3, 2023 6:01:06 PM  
**Attachments:** [bus stop images.pdf](#)

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Shannon,

Please add this to the correspondence list you started.

Thanks,  
Emily

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**From:** Mike Eon <[meon@mikeeonassoc.com](mailto:meon@mikeeonassoc.com)>  
**Sent:** Monday, April 3, 2023 5:55 PM  
**To:** Emily C. Prescott <[EPrescott@sacomaine.org](mailto:EPrescott@sacomaine.org)>  
**Cc:** Mike Garrity <[mgarrity@sacoschools.org](mailto:mgarrity@sacoschools.org)>; Joseph A. Laverriere <[JLaverriere@sacomaine.org](mailto:JLaverriere@sacomaine.org)>; Phil Hatch <[PHatchII@maine.rr.com](mailto:PHatchII@maine.rr.com)>; Mike Eon <[meon@mikeeonassoc.com](mailto:meon@mikeeonassoc.com)>  
**Subject:** 321 Lincoln Street

[CAUTION: THIS EMAIL ORIGINATED FROM OUTSIDE THE CITY OF SACO DOMAIN]

Hi Emily,

This is a follow up to our brief conversation recently about this project. Unfortunately I will be away for tomorrow's meeting. After taking a quick look at the Planning Board packets on this project and the schools workshop item, I wanted to follow up so that this could be part of the record.

My comments at the last meeting dealt with the lack of the project not connecting the sidewalk system to Evergreen Drive for the safety of our residents and especially the students at the bus stop on the corner of Skyline Drive and Lincoln Street. I have attached a copy of the pictures that I took during winter conditions on a dry day which shows that that area is already very dangerous without a sidewalk and a bus pick up area at the corner. This project if approved as submitted will add over 330 two and three bedroom units to the area.

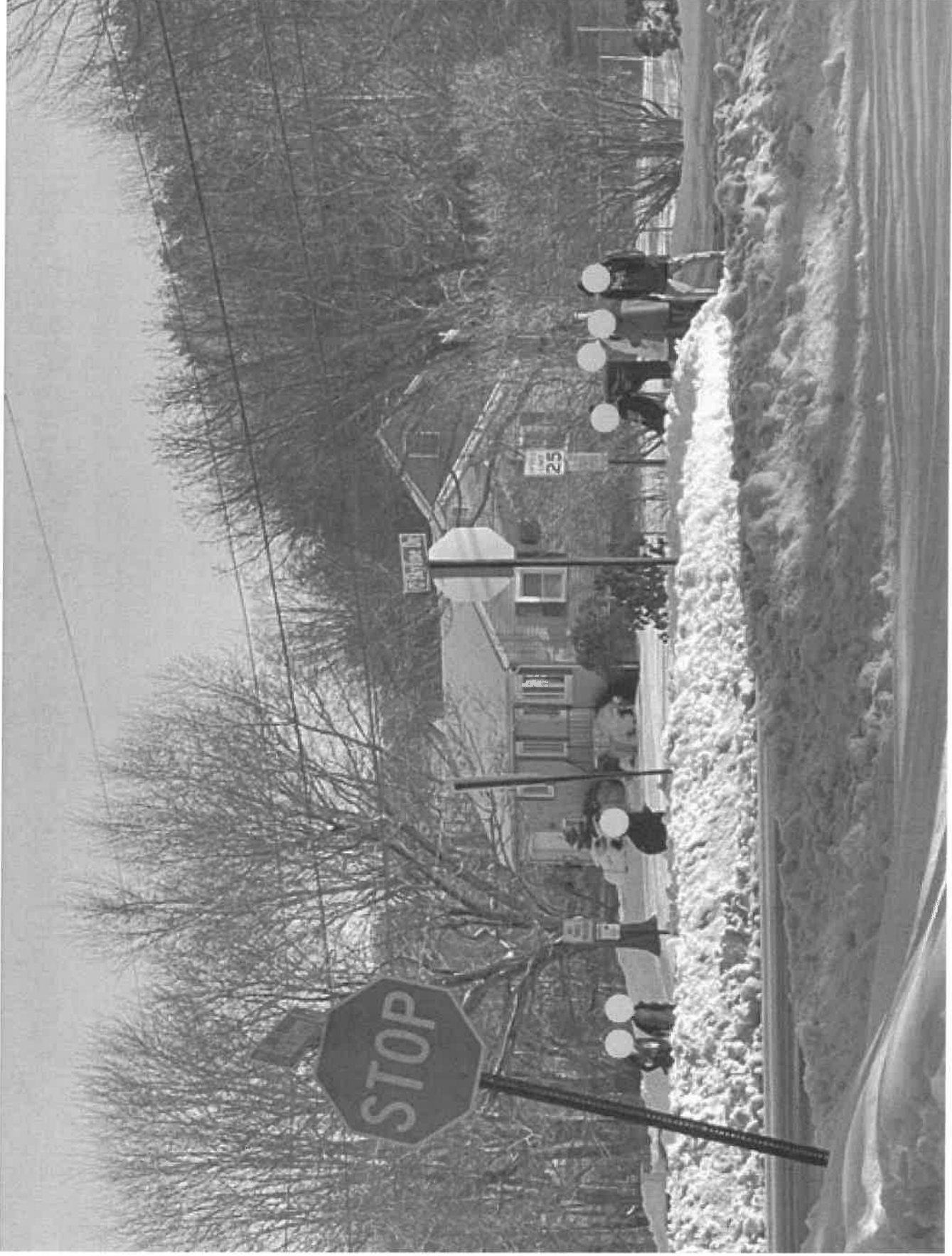
I believe that the traffic studies submitted were not required to figure in the several hundred units that were recently approved just into Biddeford on the river area that will only make the situation more dangerous. Our past planner Jason Garnham's memorandum to the Board stated that he would like to see the sidewalk extended to the sidewalk at Evergreen Drive which is about another 1,000 feet. For safety reasons this would make connections to the sidewalks at Bradley Street and completely surround the project which I agree with.

There are provisions in the current site plan review ordinance in Chapter 179-6.01-I and also in design standards in Article VII in the subdivision ordinance in Section 188-02 that gives the Planning Board the authority to require that this section of sidewalk be worked into the final approval.

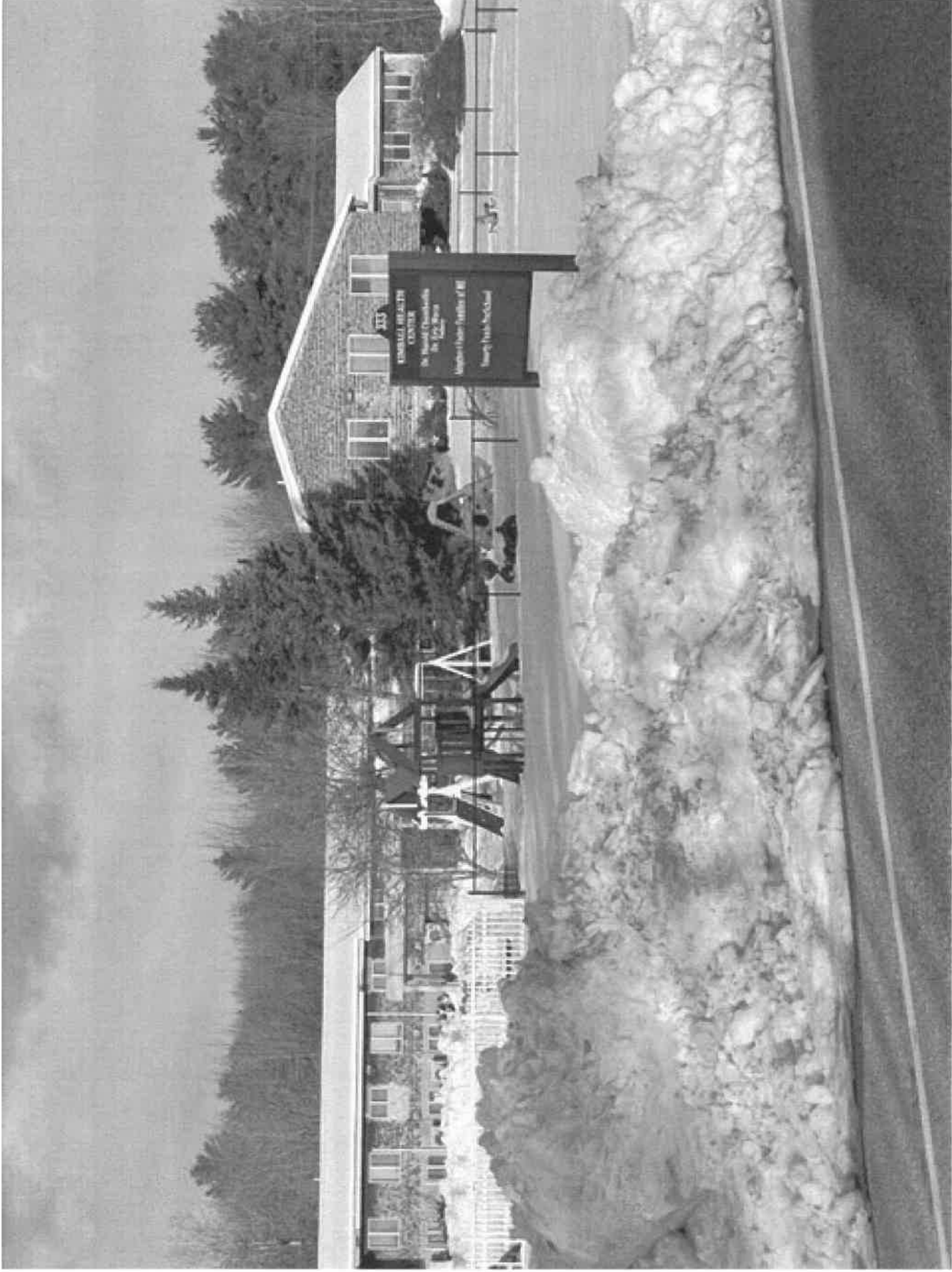
Although I am concerned with the magnitude of the project my other major concern is the applicant stating that there will be less than ten kids in the school system. I have seen a reasonable analysis that shows that it could be over ten times that amount. In the workshop packet with the Planning Board for the April 4th meeting it appears that a new K-5 school could be built if a referendum passes but it would not be on line until the fall of 2027. What happens and who pays for the additional space if the project is substantially built out by then and we have a lot more kids?

Hopefully the City and the applicant can continue to work on the concerns of the citizens and come up with some reasonable conditions to impose on the project to protect our children and pedestrians. Thanks for your attention in this matter.

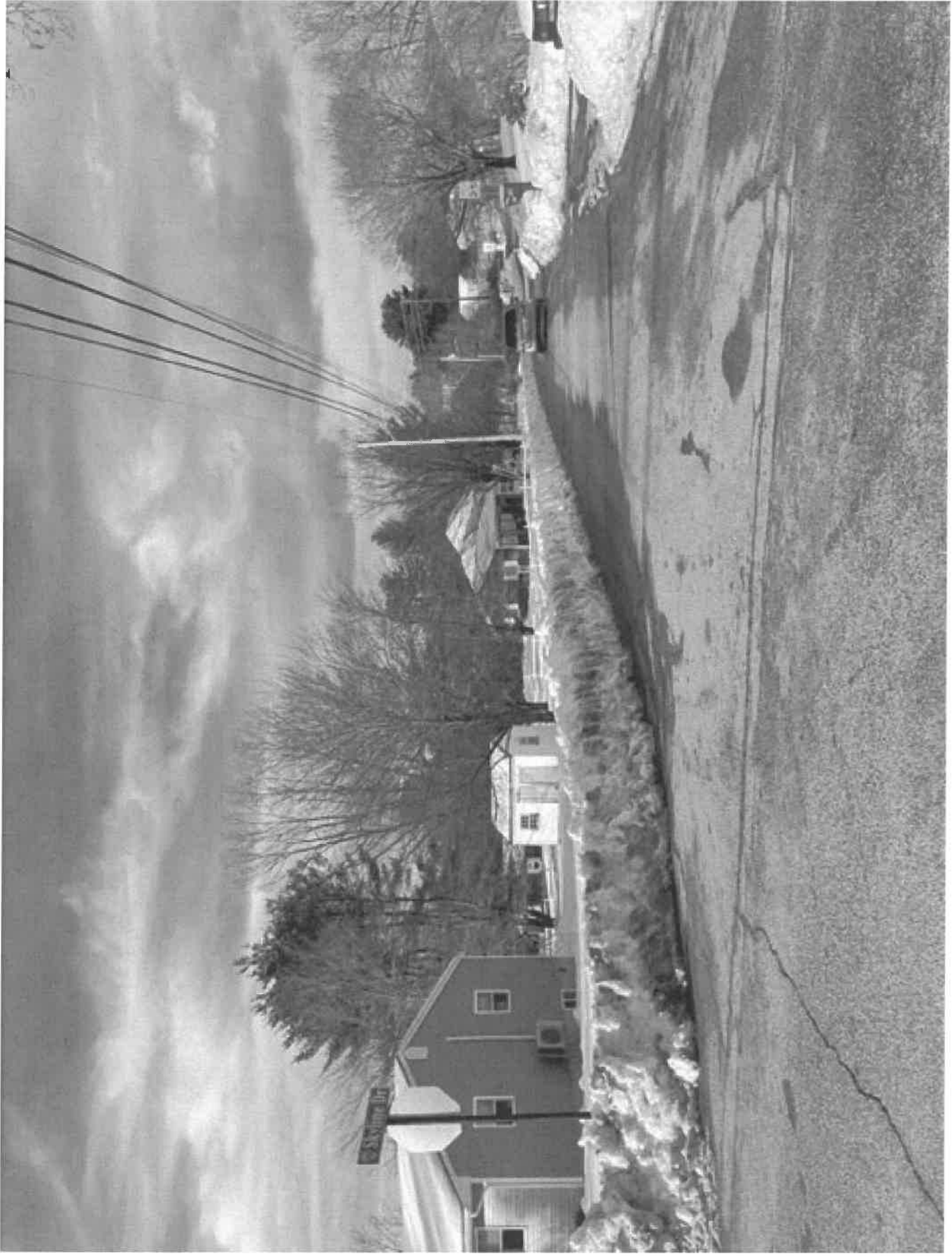
Mike



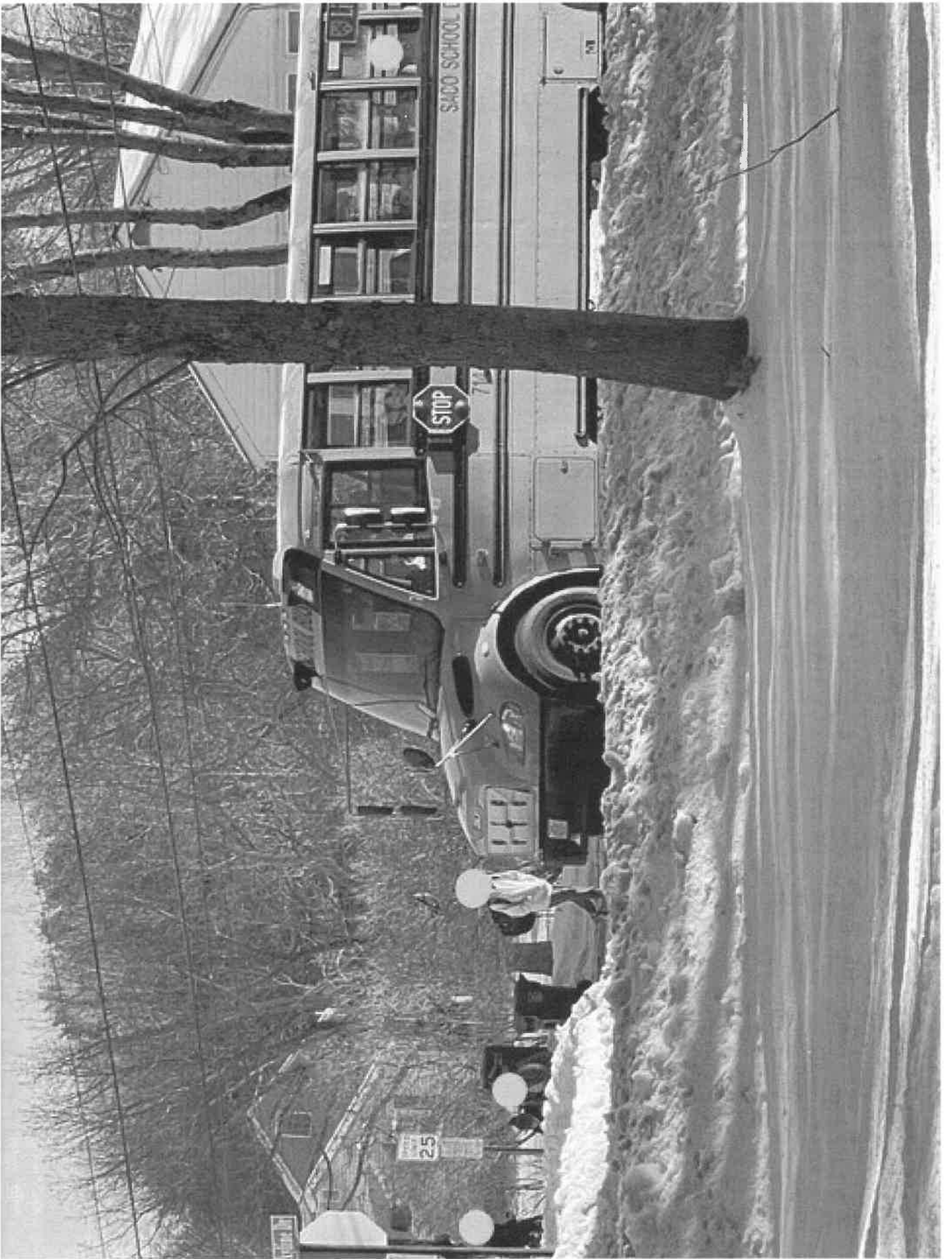
School Bus Stop Skyline Drive



Kimball Health Center Smarty Pants Preschool



Lincoln Street, Boom Road and Skyline Drive Intersection





Rose  
Plourde  
Email

**From:** frogana  
**To:** Planning  
**Subject:** Daycare Fides Dr  
**Date:** Sunday, April 2, 2023 11:14:57 AM

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**[CAUTION: THIS EMAIL  
ORIGINATED FROM OUTSIDE  
THE CITY OF SACO DOMAIN]**

My name is Rose Plourde, I reside at 2 Fides Dr Saco , Me. I have lived here for over 33 years, this is a quiet residential neighborhood and I want to keep it that way, alot of people including myself walk around the neighborhood, either for exercise or walking dogs, plus there are kids in the neighborhood, I feel if they were allowed to open a daycare with anywhere from 6 to 12 or more vehicles constantly coming in and out of our quiet neighborhood, it would be dangerous, it would also cause unnecessary traffic and congestion, this is not a big area, the road is not wide enough to accommodate people dropping off and picking up children, our quiet neighborhood would be ruined. It needs to stay residential, plus their front yard has a brick wall the children could fall off, the backyard is not flat, plus no fence around any of it. I would not let any child in my family go there. I ask you to keep our neighbor quiet, do not allow this to ruin our peaceful neighborhood, which is also why alot of people moved here because it is quiet.

Thanks  
Rose Plourde  
2 Fides dr

Sent from my Verizon, Samsung Gmy alaxy smartphone

Ashley and  
Brian Day  
Letter

To whom it may concern,

My name is Brian Day and I reside at 3 Fides Drive here in Saco. It has been brought to my attention that my fellow neighbors at 9 Fides Drive, have the intentions of opening a business out of their home. My fellow neighbors would like to open a small daycare out of the residence. I would like to formally voice my opinion in opposition to this daycare. Also, I am speaking on behalf of my wife Ashley Day for the record. My wife and I have discussed this extensively and both feel that a daycare/business should not be granted to proceed any further. There are many reasons why this daycare would be inappropriate on Fides Drive.

When my wife and I were in the market for a new home we chose to look in Saco. Saco is a beautiful community and a community that I have a strong connection to. In short, my mother grew up in Saco. The daughter of 28-year retired Navy Commander Paul P. Henri (deceased) formally of Wakefield Avenue. And as a child I spent many days assisting my mother caring for my elderly Papa. I have many fond memories looking forward leaving my childhood home in Westbrook and taking the turnpike to Saco. The charm of downtown, the clean city streets, the friendly passerby, and the excitement of the many playgrounds in this community.

With that being said, there are many great locations within the nearly fifty-three square mile city to open a successful daycare. Among the nearly 21,000 community members of this fine city, downtown would better serve a small childcare facility. A small residential neighborhood that is a quiet sanctuary to a small number of retirees and gainfully employed taxpayers; truly is not an ideal location on Fides Drive. There are many legitimate logistical needs/requirements that this neighborhood does not meet. The impact from the increased traffic flow throughout the day is unnecessary. Should medical assistance be required, the response time for the Fire Department and EMS to respond is longer. Granted there is a small engine company located in North Saco just a few miles away; but I don't believe that is an adequate station to respond should multiple people require triage/medical assistance. It is also my understanding from talking with my realtor when making the decision of purchasing 3 Fides Drive, was that no businesses shall be opened in the neighborhood. The exception was if a lawyer or doctor worked out of their homes, that was the realtor's understanding.

The road itself isn't designed to accommodate an increased volume of traffic. In the wintertime alone, the plow goes by intermittently due to us being the last development and is used as a turnaround. The plow tends to leave many high banks, they hardly put down sand/salt, and the road gets even more narrow when we have no place to put excess snow. This creates very slippery surfaces and a lot of blind spots creating pedestrian safety concerns. Therefore in this rural area specifically Fides Drive, has a lot of charm due to its location and less oversight from main street. For this reason, many people who work in various busy cities look forward to the retreat of this small cul-de-sac neighborhood. For a lot of people,

living on the outskirts of town is a turn off due to feeling isolated. For the folks that live on Fides Drive, we see this as a blessing to be left alone and self-govern our neighborhood by keeping an eye on one another. In the few years that I have been in the neighborhood, I can count on one hand (and still have fingers left) on how many times I have personally seen a Police cruiser in the neighborhood. I have security cameras all over my house, and they record on a loop and checking footage I've never seen a Police cruiser patrol the neighborhood. I support the Saco Police department and think they do a heck of a good job, but for a daycare you would need more of a Police/first responder presence.

There is also another concern regarding the parcel layout of 9 Fides Drive. There is a right of way adjacent to the property line that sits between the new neighbors and Mr. David Morton. Mr. Morton showed me the area where the new neighbors would like to cut down a section of trees (they are in the process now of cutting trees) to put in a turnaround that leads out onto the shared cul-de-sac. Having cars pull out from a private dirt drive into the cul-de-sac would require updating the road structure/design. The small dirt road that sits between the two parcels is way too narrow to have vehicles come out onto the cul-de-sac without redesigning the egress.

There are many valid concerns from the residence on Fides Drive. There are many people in this neighborhood who have been here either from the very beginning to newcomers like my wife and I. We are upstanding citizens, we pay our fair share in property tax, we are good people who contribute to society in a positive way. For us, Fides Drive is an escape from the grind of a post covid world. We look forward to the drive home and the sigh of relief of pulling in the driveway. In closing, the neighborhood doesn't want a daycare on our street and any neighbor would tell you. Please take into consideration of how we feel as a neighborhood and how we a unified group of neighbors, should have a big say as to what comes into our neighborhood. Thank you for your time.

Brian P. Day



4-1-2023

Ashley L. Day



4-1-2023

Letter from  
Ainsworth,  
Thelin &  
Raftice, P.A.

# Ainsworth, Thelin & Raftice, P.A.

Counselors and Attorneys at Law  
Seven Ocean Street  
South Portland, Maine 04106-2824

Robert M. Raftice, Jr.  
Jerome J. Gamache  
Michael F. Vaillancourt  
John A. Turcotte  
Jacob F. Bowie

Christopher P. Leddy  
Eleanor L. Dominguez  
Gian M. Wason

Albert G. Ayre, *Retired*  
Thomas G. Ainsworth, *Retired*



**John A. Turcotte\***

**E-Mail: JTurcotte@atriaw.pro**  
**Direct phone: 207-699-4808**

Telephone: (207) 767-4824  
Telefax: (207) 767-4829

Mailing Address:  
P O Box 2412  
So. Portland, ME 04116-2412

\*also admitted to practice in MA

March 29, 2023

**BY FIRST-CLASS MAIL, CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED & E-MAIL**

Tareq Alolwan & Tabarek Alolwan  
9 Fides Drive  
Saco, ME 04072  
[t.olwan06@gmail.com](mailto:t.olwan06@gmail.com)

RE: Notice of Deed Restrictions – 9 Fides Drive, Saco, Maine  
Our File No.: 230216

Dear Mr. and Mrs. Alolwan:

By way of introduction, I represent Ms. Melinda Gauthier and Mr. David Morton. Ms. Gauthier resides at, and owns, property commonly known as 7 Fides Drive, Saco, Maine which property is partially depicted as Lot 10 on the Plan<sup>1</sup> (the “Gauthier Property”); Mr. Morton resides at, and owns, property commonly known as 5 Fides Drive, Saco, Maine which property is depicted as Lot 8 on the Plan (the “Morton Property”). I understand you own property located at 9 Fides Drive, Saco, Maine which property is depicted as Lot 8 on the Plan (the “Alolwan Property” and alternately “your property”). I have had an opportunity to look into your deed, and the deeds and property interests of Ms. Gauthier and Mr. Morton related to their properties and restrictions on the lots of the Stonehedge Subdivision. I further understand you are in the process of seeking approval to operate, or allow operation of, an at-home business providing child-care services to the public at your property. The evidence demonstrates that your property is restricted and prohibited from operating a business of any kind, save select few, by the express restrictive covenants contained in your deed (*see generally*: Covenant, Condition and Restriction #8 in the enclosed copy of your deed). I am writing to you in an effort to resolve this matter amicably without the need for legal proceedings.

As a threshold matter, commercial activity of nearly any kind is prohibited at any of the lots of the Stonehedge subdivision, including yours. Specifically, recited in your deed is a restriction disallowing commercial activity at your property as follows:

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<sup>1</sup> The Plan as used herein means that plan entitled “Final Subdivision plan, Stonehedge, Sect. 1” dated June 20, 1978 and recorded in the York County Registry of Deeds in Plan Book 95, Page 46.

- “8. No business of any nature shall be conducted upon said property except that a lawyer, doctor, architect, engineer, accountant or real estate broker residing in the dwelling house may maintain therein an office for his professional use.”

As such, a child-care business is not permitted at your property pursuant to the restrictions placed on all lots in the subdivision by the developer, which are currently enforceable by the other owners of properties shown on the Plan/part of the Stonehedge subdivision. It is worth noting that this restriction is independent of any City zoning ordinance provisions, and even if the City were to permit a business by City regulation, the restrictions of the subdivision supersede that permission from the City and are enforceable notwithstanding any City approvals of such a business. As such, you must cease pursuit of approval for a child-care business, and not conduct any commercial activity at the your property pursuant to the deed restrictions contained in your deed and applicable to your property.

It has also come to my clients' attention you have cut trees and appear to be taking action that appears to be in furtherance of creating a second driveway to your property to tie into the 60' right of way area and existing driveway of Ms. Gauthier leading from Fides Drive to the Gauthier Property as shown on the Plan. As you already have a driveway, this action is not permitted pursuant to the restriction placed upon your property as to tree cutting, subject to the permitted clearing expressly permitted (*see generally*: Covenant, Condition and Restriction #7). Further, Covenant, Condition and Restriction #3 provides that driveways must come from only the cul de sac roads of Stonehedge Subdivision, which your existing driveway does; as such, connecting to the right of way existing to give access to the Gauthier Property is not a permitted area for your property to maintain driveway access, let alone a second driveway.

The restrictions of #3 and #8 clearly show an intent to minimize traffic in the neighborhood and off of McKenney Road accessing Fides Drive; an in-home child-care business is directly prohibited by the deed restriction, and the ancillary effects of increased traffic are also quite clearly intended to be controlled by the imposition of driveway location restrictions and the prohibition on commercial activity.

Please be aware that the deed restrictions are enforceable against you by any other subdivision property owners from the lots of the Stonehedge Subdivision, which my clients are. Further, the rights and interests to enforce the deed restrictions that run with the land and inure to my clients, provide that enforcement of the restrictions shall be “*at the expense of the owner of the premises violating any of the restrictions.*” As such, my clients respectfully request that you abide by the clear terms of the deed restrictions and abandon further pursuit of City approval for the business, and refrain from undertaking commercial activity in the future. Should you not, any further legal action will subject you to being responsible for the expenses incurred by my clients in enforcing the deed restrictions against you and your property.

If I do not hear from you within fourteen (14) days, or if you proceed with pursuing approval from the City of Saco for your business, my clients will have no choice but to pursue legal enforcement of the restrictive covenants and seek injunctive relief, as well as the recovery of costs and expenses, including reasonable attorney's fees, incurred in enforcing the deed

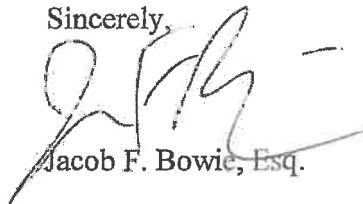


March 29, 2023  
Mr. and Mrs. Alolwan  
Page 3

restrictions as expressly permitted and mandated by the developers and their current successors and assigns, being the Stonehedge lot owners.

Please do not hesitate to reach out to me to discuss these matters, or have your retained counsel, should you have any, do the same.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Bowie', written over a horizontal line.

Jacob F. Bowie, Esq.

Encl.

cc: City of Saco Planning Board  
Clients (w/enc.)

(SPACE ABOVE RESERVED FOR RECORDING INFORMATION)

DLN1002240208297

**WARRANTY DEED**  
Maine Statutory Short Form

*KNOW ALL PERSONS BY THESE PRESENTS* that we, **Justin D. Normand and Amanda L. Normand** of Saco, County of York and State of Maine, for consideration paid, grant to **Tareq Ibrahim Alotwan**, having a mailing address of 516 Eight Rod Road, Augusta, ME 04330, with **WARRANTY COVENANTS**, a certain lot or parcel of land in Saco, County of York, and State of Maine, bounded and described as follows:

A certain lot or parcel of land, together with any improvements thereon, situated in the City of Saco, County of York and State of Maine, and being Lot 7 as shown on Final Subdivision Plan, Stonehedge, Sect. 1, dated June 20, 1978, and recorded in the York County Registry of Deeds in Plan Book 95, Page 46, together with all necessary rights of way and easements in and to ways, drives, and turning circles on said Plan.

This conveyance is made subject to a certain 30 foot right of way lying on the southeasterly boundary of said Lot as more fully depicted upon Plan above mentioned.

The above-described premises are subject to the following covenants, conditions and restrictions which shall run with the land and be included in the deed to each lot shown on said Plan as follows:

1. No structures except single family residences and structures ordinarily appurtenant thereto shall be built or erected on the lot or parcel herein conveyed.
2. Each lot shall be used for residential purposes only and shall be occupied by not more than one residential unit, said residential unit to include no buildings or structures other than the following, viz: one detached dwelling house designated as a residence for one family, one garage for private use constructed either as an integral part of the dwelling or as a detached building and adapted for the storage of not more than three (3) automobiles, swimming pool, suitable garden structures including a greenhouse, and such additional structures as shall from time to time be used in connection with single family dwelling houses situated in similar neighborhoods.
3. All driveways and other access to and from said premises shall be restricted to the cul de sac roads of Stonehedge Subdivision, as to provide only one access to present roads of the City of Saco.

Maine R.E. Transfer Tax Paid

4. No nuisance of unreasonable or unlicensed waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, or radiation, shall be generated on said premises.
5. Drainage swales and easements as shown on the final plan of Stonehedge Subdivision and recorded in the York County Registry of Deeds, shall not be altered in any way that would create insufficient control of storm water and runoff onto adjacent properties without the written approval of the abutting owners and the City of Saco.
6. Utility easements and rights of way shall be protected from any use which would negate their intended use.
7. No general clearing of trees is permitted or allowed except an area of sufficient size to accommodate a driveway, not to exceed twenty feet in width. All lots, parcels herein conveyed are to remain as much as is practicable, in the natural state, excepting clearing an area not to exceed four times the livable area of the residence for the use of a lawn, garden or other appurtenant use. No trees exceeding four inches in base diameter will be cut or removed for the purpose of thinning an area without specific permission from the Grantors, their heirs and assigns, provided that dead or diseased trees may be removed at any time with permission of the City of Saco.
8. No business of any nature shall be conducted upon said property except that a lawyer, doctor, architect, engineer, accountant or real estate broker residing in the dwelling house may maintain therein an office for his professional use.
9. No keeping of poultry, swine, dog kennels, or livestock other than household pets normally housed in a residence, shall be permitted on these premises.
10. No house trailer or similar vehicle shall be brought upon, or maintained or be permitted to remain on said property, unless it is completely enclosed within a structure permitted as hereinbefore stated, or stored in such a manner that the same is not observable from any street.

Being the same premises conveyed to Justin D. Normand and Amanda L. Normand, by virtue of a deed from Alan L. Peterson and Theresa L. Peterson dated June 11, 2020 and recorded in the York County Registry of Deeds in Book 18291, Page 186.

WITNESS our hands this 30<sup>th</sup> day of August, 2022.

Jim Thomas  
Witness

Justin D. Normand  
Justin D. Normand  
Amanda L. Normand  
Amanda L. Normand

STATE OF MAINE  
COUNTY OF York

August 30, 2022

Personally appeared the above-named Justin D. Normand and Amanda L. Normand and acknowledged the foregoing instrument to be their free act and deed.

Before me,

Joseph Marie Thomas  
Notary Public or Attorney at Law

After recording return to:  
Tareq Ibrahim Alshwan  
9 Fides Drive, Saco, ME 04072