

# Town of Arundel, Maine

## PRIVATE WAY APPLICATION

received  
4/12/19  
incomplete

### APPLICANT INFORMATION

1. **Project Name:** Bergeron Drive Extension
2. **Owner Name:** Donald + Karen Holbrook  
Mail Address: 332 Mountain Rd  
Town, State, ZIP Code Arundel ME 04046  
Telephone #: 207-468-7154  
Email: karenh@jrc-transportation.com
3. **Applicant Name** (if different): \_\_\_\_\_  
Mail Address: \_\_\_\_\_  
Town, State, ZIP Code \_\_\_\_\_  
Telephone #: \_\_\_\_\_  
Email: \_\_\_\_\_
4. **Authorized Agent** (person(s) who will be responsible for all communication with the Staff Review Committee):  
Name: Don Holbrook  
Mail Address: 332 Mountain Rd  
Town, State, ZIP Code Arundel ME 04046  
Telephone #: 207-468-7154  
Email: don.holbrooksproperty@gmail.com
5. **Design Consultants** (Surveyor/ Engineer)  
Name: Wayne Desper  
Mail Address: PO Box 296 West Kibunk ME 04094  
Telephone # 207-590-3643 Email wdesper@roadrunner.com  
  
Name: \_\_\_\_\_  
Mail Address: \_\_\_\_\_  
Telephone # \_\_\_\_\_ Email \_\_\_\_\_

### GENERAL INFORMATION

6. **Project Location** Bergeron Lane Arundel Tax Map 10 Lot 6A
7. Private Way proposed to serve 2 lots and 2 dwelling or commercial units.

**SITE INFORMATION**

9. Please describe the existing use of the property to be developed and neighboring properties.

\_\_\_\_\_  
\_\_\_\_\_

Please describe the proposed use of the property.

build two dwellings  
\_\_\_\_\_  
\_\_\_\_\_

10. Total Acreage of Site: \_\_\_\_\_ Proposed Development Area: \_\_\_\_\_  
Proposed Road/driveway Length: \_\_\_\_\_

11. Proposed Infrastructure Improvements (List Facility Type & Public/Private Ownership)

Sewer: Private Water: Private  
Road: Private Utilities: \_\_\_\_\_

12. Application Fee:

- Pre-Application: \$25  
 \$250 for new applications and revisions

*Application fee is doubled if work has started prior to application*

13. Waiver Requests? (Submit in writing) Yes  No

14. Please complete the attached Private Way Checklist to assure your application and site plan are complete.

**To the best of my knowledge, all of the above stated information is true and correct.**

*Don Allen*

Applicant's Signature

4-12-19

Date

## Town of Arundel Private Way Application Checklist

Project Name extension of Bergeron Drive

This checklist has been prepared to assist applicants develop their applications. It should be used as a guide. The checklist does not substitute for following the requirements of section 2.0 of the *Street Design and Construction Ordinance*. The Committee will also be using the checklist to make sure your application is complete. Indicate in the first and third columns if the information has been submitted or if you request it to be waived. If you feel the information is not applicable to your project please indicate so in the second column.

Private Way Plan Requirements	Submitted by Applicant	Does Not Apply	Applicant Requests to be Waived	Received by Town Planner	Comments
1. Perimeter survey prepared and sealed by a Land Surveyor licensed to practice in the state of Maine showing the dedicated right of-way for the proposed Private way and any abutting properties to the proposed private way.					
2. Plan view prepared and sealed by a Land Surveyor or civil engineer licensed to practice in the State of Maine, showing horizontal layout of the proposed right of way and travelway including relevant horizontal curve data, and may contain the following information:					
<ul style="list-style-type: none"> <li>• Existing and proposed topographic contours</li> </ul>					
<ul style="list-style-type: none"> <li>• Existing and proposed drainage facilities and discharge areas for drainage facilities</li> </ul>					
<ul style="list-style-type: none"> <li>• Invert elevations for all existing and proposed curbing, culverts, catch basins and other drainage structures</li> </ul>					
<ul style="list-style-type: none"> <li>• Location of all natural features including but not limited to wetlands, streams, rock outcrops, well as built structures including fences, signs, lighting, walls, and buildings;</li> </ul>					
<ul style="list-style-type: none"> <li>• Location and identification of all existing and proposed utilities including water, sewer, electric service, gas lines, telephone, and cable TV, street lighting,</li> </ul>					
<ul style="list-style-type: none"> <li>• Sight distances of all intersections of the private way with own streets and other private ways shall also be provided</li> </ul>					
<ul style="list-style-type: none"> <li>• Title Block containing applicant and surveyor/engineer information, scale and north arrow</li> </ul>					
<ul style="list-style-type: none"> <li>• Staff Review Committee signature block;</li> </ul>					
<ul style="list-style-type: none"> <li>• Site Data summary including length of roadway, road width, construction specifications, and number of lots / units served;</li> </ul>					
<ul style="list-style-type: none"> <li>• Typical road construction crosssection</li> </ul>					
<ul style="list-style-type: none"> <li>• Location and identification of test pits used for soil investigation or confirmation of installed materials in existing roads</li> </ul>					
<ul style="list-style-type: none"> <li>• Location of sedimentation and soil erosion control devices;</li> </ul>					
3. If required by the Staff Review Committee, profile of the proposed roadway drawn at a scale not less than 1" = 40 feet horizontal and a vertical scale of 1" = 4 feet vertical, stationed in 50 foot horizontal increments, showing					

centerline and left and right side profiles of the road, vertical curves, culverts, underground utilities, and stream beds					
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4. Detail sheet containing detail drawings of drainage and utility structures, soil erosion control devices, schedule of soil erosion control practices on the site; planting schedules and specifications.					
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<b>WRITTEN SUBMISSION REQUIREMENTS</b>					
1. Complete Application Form					
2. Name, mailing addresses, and Map/Lot number of all abutters within 200 feet of the subject property printed on Avery 5160 labels.					
3. Evidence of applicant's right, title or interest (deed, lease agreement, purchase & sale, or letter of authorization) in the property and any deed restrictions or easements on the property					
4. If required by the Staff Review Committee, drainage calculations for 5, 10, and 25-year frequency storm prepared and sealed by a civil engineer licensed to practice in the State of Maine					
5. Private Way Maintenance Agreement					
6. Copies of proposed temporary and or permanent easements including utility, construction, access, and drainage easements;					
7. Written copies of all required state and federal approvals. Relevant state and federal laws include, but are not limited to Stormwater, Site Location, Natural Resources Protection Act, and Sec. 404 Clean Water Act (federal), and all Maine Department of Transportation permits.					

**For Staff Review Committee Review:** Submit five (5) copies of this application and supporting documentation showing or accompanied by the information required by Section 2.0 of the *Street Design & Construction Ordinance* (2019).

Applications will not be placed upon a Staff Review Committee agenda until the Town Planner receives all the plans, fees, written submissions or waiver requests to be considered complete. After receipt of all the necessary information, the Town Planner shall place the application on the next available agenda.

**BERGERON WAY EXTENSION, ARUNDEL, MAINE  
ROAD MAINTENANCE AGREEMENT**

Private Way Known as Bergeron Way Extension

AGREEMENT made by and among the owners, now or hereafter, of the lots accessed by the private way known as Bergeron Way Extension, situated on the north and northeasterly side of Bergeron Way, Arundel, York County, Maine (hereinafter collectively referred to as "Owners" and individually as "Owner" and Bergeron Way Extension hereinafter being referred to as the "Road"). Said Road and the lots accessed by said Road are shown on "Plan Showing a Division of Land of Donald A. Holbrook, Jr. and Karen M. Holbrook on Bergeron Way in the Town of Arundel, County of York and State of Maine," prepared by Wayne A. Desper, Maine PLS No. 1279 and dated November 1, 2018 ("The Plan").

WITNESSETH:

WHEREAS; the Owners each own lots accessed by said Bergeron Way Extension, which roadway is an existing private gravel road which is not plowed or otherwise maintained by the Town of Arundel; the Road being more particularly bounded and described and shown on the Plan;

WHEREAS; the Owners are desirous of entering into a formal agreement regarding the upkeep, maintenance and repair of the Road, and further wish to have the ability to enforce collection of contributions towards such upkeep, repair and maintenance; and

WHEREAS; the Owners as defined herein and the lots owned by them are as follows:

<b>Owner of Record</b>	<b>Recording Information (York Registry)</b>		<b>Street Address</b>	<b>Tax Map</b>	<b>Lot</b>
John C. Holbrook	Bk	P (TBD)	TBD	p/o 10	6A
Douglas A. Holbrook	Bk	P (TBD)	TBD	p/o 10	6A

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, the sufficiency of which consideration is hereby acknowledged, the parties hereto agree as follows:

1. Maintenance Costs. The parties agree that this Agreement pertains to the maintenance costs associated with Bergeron Way Extension, and that these costs shall include, but are not limited to, snow plowing, sanding and salting, grading, regrading and maintenance of ditches. The parties further agree that this Agreement does not pertain to the costs of construction of any additions to or paving of Bergeron Way Extension as it now exists and does not apply to culverts, if any, serving either of the lots.

2. Payment of Maintenance Expenses. The maintenance costs described above shall be borne equally by the Owners of lots upon which construction of a dwelling has begun or been completed. No Owner shall be obligated to pay any share of the maintenance costs until such time as a building permit for a house, or other residential structure has been issued by the Town of Arundel and construction

**WAYNE A. DESPER  
LAND SURVEYING SERVICES  
P.O. BOX 296  
WEST KENNEBUNK, MAINE 04094  
PHONE 207 590-3643**

**received**

November 5, 2018

Karen M. Holbrook,  
Donald A. Holbrook, Jr. and  
Douglas A. Holbrook  
332 Mountain Road  
Arundel, ME 04046

Re: Division of land on Bergeron Way in Arundel, Maine.

Dear Karen, Donald and Douglas,

Enclosed are four copies of a plan entitled Plan Showing a Division of Land of Donald A. Holbrook, Jr. and Karen M. Holbrook on Bergeron Way in the Town of Arundel, County of York and State of Maine, dated November 1, 2018 by Wayne A. Desper, Maine P.L.S. No. 1279, Plan No. 1618.

The plan was prepared to show a division of the land conveyed to you by the Inhabitants of the Town of Arundel and a proposed private road, over that land, to provide access to the two lots created. Doug said the current plan is for the northwesterly lot to be conveyed to John A. Holbrook and I have noted that proposed conveyance on the plan and included a written description for that parcel.

I had intended to show the two lots and private road on a plan showing your land off Mountain Road but, to do so would have required a plan scale of 1" = 100' which would have been too small a scale to show the proposed private road, dimensions and monuments, with any clarity.

Attached to this letter are written descriptions, intended to aid an attorney in deed preparation, for the lots to be conveyed to Douglas A. Holbrook and John C. Holbrook and for the proposed private way over your land.

I will prepare the plan showing the Karen & Donald Holbrook property off the Mountain Road in the near future and set iron rods at any corners of that land which are not presently marked. An invoice for the surveying work will be submitted when that work is completed.

If you have any questions on the enclosed plan or written descriptions, please let me know.

Sincerely,

  
Wayne A. Desper,  
Maine P.L.S. No. 1279



WRITTEN DESCRIPTION OF LAND TO BE CONVEYED BY DONALD A. HOLBROOK, JR. AND KAREN M. HOLBROOK TO DOUGLAS A. HOLBROOK ON BERGERON WAY AND A PRIVATE ROAD IN ARUNDEL, MAINE

A certain lot or parcel of land located on the easterly side of a private way known as Bergeron Way and along a private road in the Town of Arundel, County of York and State of Maine, bounded and described as follows:

Beginning at a 5/8" diameter iron rod, with R. Malmgren 1171 cap, found at the intersection of the southeasterly sideline of a private way known as Bergeron Way and the southeasterly sideline of a private road running from the lot herein conveyed to said Bergeron Way, at an angle point in the property lines of land now or formerly of Jessica Bougie and Jason J. Bougie and at the southwesterly corner of the parcel herein conveyed;

Thence North  $65^{\circ}-21'-35''$  East, along said land now or formerly of Jessica Bougie and Jason J. Bougie, 299.22 feet to an iron rod set;

Thence South  $60^{\circ}-25'-15''$  East, along said land now or formerly of Jessica Bougie and Jason J. Bougie, 213.02 feet to an iron rod set in a stone wall at land now or formerly of Andrew T. Fitanides, Selena Fitanides and Ellen Fitanides;

Thence North  $50^{\circ}-41'-45''$  East running in part along said stone wall, by said land now or formerly of Andrew T. Fitanides, Selena Fitanides and Ellen Fitanides, 160.32 feet to a 5/8" diameter iron rod, with R. Malmgren 1171 cap, found at other land of Donald A. Holbrook, Jr. and Karen M. Holbrook;

Thence North  $37^{\circ}-02'-45''$  West, along said other land of Donald A. Holbrook, Jr. and Karen M. Holbrook, 372.00 feet to an iron rod set at land conveyed, or to be conveyed, by Donald A. Holbrook, Jr. and Karen M. Holbrook to John C. Holbrook;

Thence South  $47^{\circ}-20'-10''$  West, along said land conveyed, or to be conveyed, by Donald A. Holbrook, Jr. and Karen M. Holbrook to John C. Holbrook, 301.42 feet to an iron rod set at the sideline of a private road running from the lot herein conveyed to Bergeron Way;

Thence South  $7^{\circ}-18'-10''$  East, along the sideline of said private road, 50.00 feet to an iron rod set;

Thence North  $82^{\circ}-41'-50''$  East, along the sideline of said private road, 50.00 feet to an iron rod set at the easterly end of said road;

Thence South  $7^{\circ}-18'-10''$  East, along the easterly end of said private road, 50.00 feet to an iron rod set;

Thence South  $82^{\circ}-41'-50''$  West, along the sideline of said private road, 100.00 feet to an iron rod set at a point of curvature;

Thence in a general southwesterly direction by the sideline of said private road, 67.41 feet along the arc of a curve to the left, having a radius of 75.00 feet, to an iron rod set, the chord of said curve bears South  $56^{\circ}-56'-50''$  West a distance of 65.17 feet;

Thence South  $31^{\circ}-11'-50''$  West, along the sideline of said private road, 85.00 feet to the iron rod found at the point of beginning.

Said parcel contains 2.277 acres.

Bearings described above are based on an observation of magnetic north in December 2003. Iron rods, described above as set, are 5/8" diameter with W.A. Desper PLS 1279 caps.

The parcel described above is a portion of the premises described in a deed from the Inhabitants of the Municipality of Arundel to Donald A. Holbrook, Jr. and Karen M. Holbrook, dated July 25, 2017 and recorded at the York County Registry of Deeds in Book 17559 Page 783.

The parcel described above is shown on a plan entitled Plan Showing a Division of Land of Donald A. Holbrook, Jr. and Karen M. Holbrook on Bergeron Way in the Town of Arundel, County of York and State of Maine, dated November 1, 2018 by Wayne A. Desper, Maine P.L.S. No. 1279, Plan No. 1618. Reference is also made to a plan entitled Standard Boundary Survey of Lands Owned by Jeannette G. McCallum and David V. II & Lisa M. McCallum Located on Bergeron Way, Arundel, Maine, dated July 25, 1994 by Back Boundary Surveyors & Assoc. (Rodger E. Malmgren Maine P.L.S. No. 1171), recorded at the York County Registry of Deeds in Plan Book 218 Page 33.

WRITTEN DESCRIPTION OF LAND TO BE CONVEYED BY DONALD A. HOLBROOK, JR. AND KAREN M. HOLBROOK TO JOHN C. HOLBROOK ON BERGERON WAY AND A PRIVATE ROAD IN ARUNDEL, MAINE

A certain lot or parcel of land located on the easterly side of a private way known as Bergeron Way and the northerly side of a private road in the Town of Arundel, County of York and State of Maine, bounded and described as follows:

Beginning at an iron rod set at the intersection of the easterly sideline of a private way known as Bergeron Way and the northwesterly sideline of a private road running from the lot herein conveyed to said Bergeron Way, at the southerly corner of the parcel herein conveyed;

Thence North  $31^{\circ}-11'-50''$  East, along the northwesterly sideline of said private road running from Bergeron Way, 16.40 feet to an iron rod set at the point of curvature of the sideline of said private road;

Thence in a general northeasterly direction by the sideline of said private road, 112.36 feet along the arc of a curve to the right, having a radius of 125.00 feet, to an iron rod set, the chord of said curve bears North  $56^{\circ}-56'-50''$  East a distance of 108.61 feet;

Thence North  $7^{\circ}-18'-10''$  West, along the sideline of said private road, 50.00 feet to an iron rod set;

Thence North  $82^{\circ}-41'-50''$  East, along the sideline of said private road, 50.00 feet to an iron rod set at land conveyed, or to be conveyed, by Donald A. Holbrook, Jr. and Karen M. Holbrook to Douglas A. Holbrook;

Thence North  $47^{\circ}-20'-10''$  East, along said land conveyed, or to be conveyed, by Donald A. Holbrook, Jr. and Karen M. Holbrook to Douglas A. Holbrook, 301.42 feet to an iron rod set at other land of Donald A. Holbrook, Jr. and Karen M. Holbrook;

Thence North  $37^{\circ}-02'-45''$  West, along said other land of Donald A. Holbrook, Jr. and Karen M. Holbrook, 302.87 feet to a  $\frac{1}{2}$ " diameter drill hole found in ledge at land now or formerly of the Inhabitants of the Town of Arundel;

Thence South  $36^{\circ}-56'-50''$  West, along said land now or formerly of the Inhabitants of the Town of Arundel, 415.47 feet to a point in a blazed 1.7' diameter hemlock tree at the easterly side of a private way known as Bergeron Way as shown on the plans referenced below;

Thence South  $15^{\circ}-34'-25''$  East, along the easterly sideline of said Bergeron Way, 252.46 feet to the iron rod set at the point of beginning.

Said parcel contains 2.640 acres.

Bearings described above are based on an observation of magnetic north in December 2003. Iron rods, described above as set, are  $\frac{5}{8}$ " diameter with W.A. Desper PLS 1279 caps.

The parcel described above is a portion of the premises described in a deed from the Inhabitants of the Municipality of Arundel to Donald A. Holbrook, Jr. and Karen M. Holbrook, dated July 25, 2017 and recorded at the York County Registry of Deeds in Book 17559 Page 783.

The parcel described above is shown on a plan entitled Plan Showing a Division of Land of Donald A. Holbrook, Jr. and Karen M. Holbrook on Bergeron Way in the Town of Arundel, County of York and State of Maine, dated November 1, 2018 by Wayne A. Desper, Maine P.L.S. No. 1279, Plan No. 1618. Reference is also made to a plan entitled Standard Boundary Survey of Lands Owned by Jeannette G. McCallum and David V. II & Lisa M. McCallum Located on Bergeron Way, Arundel, Maine, dated July 25, 1994 by Back Boundary Surveyors & Assoc. (Rodger E. Malmgren Maine P.L.S. No. 1171), recorded at the York County Registry of Deeds in Plan Book 218 Page 33.

WRITTEN DESCRIPTION OF A PRIVATE ROAD RUNNING NORTHEASTERLY FROM  
BERGERON WAY IN ARUNDEL, MAINE

A certain private road located on the easterly side of a private way known as Bergeron Way in the Town of Arundel, County of York and State of Maine, bounded and described as follows:

Beginning at a 5/8" diameter iron rod, with R. Malmgren 1171 cap, found at the intersection of the southeasterly sideline of a private way known as Bergeron Way and the southeasterly sideline of the private road described herein, at an angle point in the property line of land now or formerly of Jessica Bougie and Jason J. Bougie and at the southwesterly corner of land conveyed, or to be conveyed, by Donald A. Holbrook, Jr. and Karen M. Holbrook to Douglas A. Holbrook;

Thence North  $31^{\circ}-11'-50''$  East, along said land conveyed, or to be conveyed, by Donald A. Holbrook, Jr. and Karen M. Holbrook to Douglas A. Holbrook 85.00 feet to an iron rod set at a point of curvature;

Thence in a general northeasterly direction by said land conveyed, or to be conveyed, by Donald A. Holbrook, Jr. and Karen M. Holbrook to Douglas A. Holbrook, 67.41 feet along the arc of a curve to the right, having a radius of 75.00 feet, to an iron rod set, the chord of said curve bears North  $56^{\circ}-56'-50''$  East a distance of 65.17 feet;

Thence North  $82^{\circ}-41'-50''$  East, along said land conveyed, or to be conveyed, by Donald A. Holbrook, Jr. and Karen M. Holbrook to Douglas A. Holbrook 100.00 feet to an iron rod set;

Thence North  $7^{\circ}-18'-10''$  West, along said land conveyed, or to be conveyed, by Donald A. Holbrook, Jr. and Karen M. Holbrook to Douglas A. Holbrook 50.00 feet to an iron rod set;

Thence South  $82^{\circ}-41'-50''$  West, along said land conveyed, or to be conveyed, by Donald A. Holbrook, Jr. and Karen M. Holbrook to Douglas A. Holbrook 50.00 feet to an iron rod set;

Thence North  $7^{\circ}-18'-10''$  West, along said land conveyed, or to be conveyed, by Donald A. Holbrook, Jr. and Karen M. Holbrook to Douglas A. Holbrook 50.00 feet to an iron rod set at land conveyed, or to be conveyed by Donald A. Holbrook, Jr. and Karen M. Holbrook to John C. Holbrook;

Thence South  $82^{\circ}-41'-50''$  West, along said land conveyed, or to be conveyed, by Donald A. Holbrook, Jr. and Karen M. Holbrook to John C. Holbrook 50.00 feet to an iron rod set;

Thence South  $7^{\circ}-18'-10''$  East, along said land conveyed, or to be conveyed, by Donald A. Holbrook, Jr. and Karen M. Holbrook to John C. Holbrook 50.00 feet to an iron rod set at a point of curvature;

Thence in a general southwesterly direction by said land conveyed, or to be conveyed, by Donald A. Holbrook, Jr. and Karen M. Holbrook to John C. Holbrook, 112.36 feet along the arc of a curve to the left, having a radius of 125.00 feet, to an iron rod set, the chord of said curve bears South  $56^{\circ}-56'-50''$  West a distance of 108.61 feet;

Thence South  $31^{\circ}-11'-50''$  West, along said land conveyed, or to be conveyed, by Donald A. Holbrook, Jr. and Karen M. Holbrook to John C. Holbrook 16.40 feet to an iron rod set at the easterly sideline of the private way known as Bergeron Way;

Thence South 15°-34'-25" East, along the easterly sideline of said private way known as Bergeron Way, 46.91 feet to a point of curvature in the sideline of said Bergeron Way;

Thence in a general southwesterly direction by the easterly sideline of said private way known as Bergeron Way, 40.88 feet along the arc of a curve to the right, having a radius of 50.03 feet, to the iron rod set at the point of beginning, the chord of said curve bears South 7°-44'-45" West a distance of 39.75 feet;

The area of said private road is 0.323 of an acre.

Bearings described above are based on an observation of magnetic north in December 2003. Iron rods, described above as set, are 5/8" diameter with W.A. Desper PLS 1279 caps.

The private road described above is located over and across a portion of the premises described in a deed from the Inhabitants of the Municipality of Arundel to Donald A. Holbrook, Jr. and Karen M. Holbrook, dated July 25, 2017 and recorded at the York County Registry of Deeds in Book 17559 Page 783.

The private road described above is shown on a plan entitled Plan Showing a Division of Land of Donald A. Holbrook, Jr. and Karen M. Holbrook on Bergeron Way in the Town of Arundel, County of York and State of Maine, dated November 1, 2018 by Wayne A. Desper, Maine P.L.S. No. 1279, Plan No. 1618. Reference is also made to a plan entitled Standard Boundary Survey of Lands Owned by Jeannette G. McCallum and David V. II & Lisa M. McCallum Located on Bergeron Way, Arundel, Maine, dated July 25, 1994 by Back Boundary Surveyors & Assoc. (Rodger E. Malmgren Maine P.L.S. No. 1171), recorded at the York County Registry of Deeds in Plan Book 218 Page 33.