Survey Documents for Deer Creek Crossing

George Thebarge <townplanner@durhammaine.gov>

Wed 8/31/2022 8:59 AM

To: Planning Board < PlanningBoard@durhammaine.gov>

Cc: Alan Plummer <aplummer@durhammaine.gov>;Charles Burnham <edwinburnham@gmail.com>;Jack Doughty <jacktdoughty@gmail.com>;Jonny Snell <jonny.m.snell@gmail.com>

1 attachments (8 MB)

Survey Documents 8-30-2022.pdf;

Planning Board Members,

Late yesterday afternoon, after the posting of the agenda packet, the applicant for Deer Creek Crossing submitted the attached survey information. Hard copies of the documents are available in the Code/Assessing Office on top of the files for Deer Creek Crossing to the right of the Assessor's work station.

The cover letter from the surveyor explains the details of the boundary line and corner discrepancies discussed at your meetings and calculates the questionable area between remnants of a fence referenced in early deeds and monuments used to establish the property line. That area was calculated to be 1145 sq. ft. The surveyor points out that if that area were determined by a court to be part of an abutting lot, there would likely be an offsetting transfer between the parcels based on the fence remnants.

The surveyor's cover letter also explored and explained the differences in the survey between the location of a corner pin of the adjoining Timber Oaks subdivision plan. The difference per the surveyor is less than one foot and does not materially affect the proposed subdivision plan.

Finally, the surveyor has clarified the CMP easement on the property for the utility poles serving the home that is under construction on the abutting lot of Jonathan Snell.

The Planning Board does not have responsibility or authority to settle boundary disputes. The three questions for the Board in reviewing an application for subdivision approval are:

- 1. Has the applicant met the submission requirements of Section 6.7.C.2,3,and 4?
- 2. Has the applicant demonstrated sufficient right, title, or interest in the land proposed for subdivision based on the submitted documents?
- 3. Has the applicant demonstrated that the proposed dedicated open space will meet the area requirements of Section 6.33.5 (50 percent of entire parcel or tract)?

Please note that the applicant is still asking the Planning Board to waive the requirement of Section 6.7.C.3 that the corners of the parcel be marked by monuments. The applicant has asked for permission to set those monuments when the rest of the monuments are installed on the individual lots after final subdivision approval.

George

Durham Town Planner 630 Hallowell Rd Durham, ME 04222 townplanner@durhammaine.gov 207-353-2561



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Website: www.cornerstoneprofessionallandsurveying.com

August 23, 2022

Jonathan M. Snell, Jr. 735 Hallowell Road Durham, Maine 04222

Jonathan,

Attached please find 7 signed and sealed prints of our revised boundary survey plan of your and Dean Smith's land on the Hallowell Road in Durham that we created for you. I've also attached to a previous email to you copies of the recorded Timber Oakes plan and the deed of the Timber Oaks Association, as well as a copy of Easement of Record #1 on our plan, which is for the 2 utility poles entering Dean's parcel along the 50' right of way to your lot.

I thought I would take a minute and review some of revisions, and the questions and concerns that you mentioned the Durham Planning Board has had. In terms of the boundaries of Dean's parcel running along lands now or formerly of Herling and Pruzansky, I've added some notes and reworded others to help clarify the information on those bounds.

The boundary shown on our plan as running along the land now or formerly of Herling is recommended for agreement since it follows a line of iron pipes and pins, as noted, that appear to have been set to replace an old barbed wire fence line that formerly ran along that line (which is called for in a 1924 deed). The date at which the pipes and pins were installed is unknown. We were only able to locate a few random pieces of that old fence line as shown on the plan, the remainder apparently having been removed at some unknown date. The pieces of fence line located on the locus side of the boundary shown, lie between two to four feet off that boundary. The estimated area of land on the locus side of the boundary line shown, lying between that boundary and the pieces of wire fence found and located, would be approximately 1,145 square feet (if the pieces of fence found are connected by straight lines). This would mean that if a court decided that the remains of wire fence were the boundary rather than the pipes and pins found, that it appears likely that the locus parcel would loose at most approximately 1,145 square feet of land. However, the Herling parcel would also loose some land as well since the remains of wire fence also meander over the boundary shown onto the Herling parcel, as indicated on our plan, and that area would be added to the locus parcel.

The boundary shown on our plan as running along the land now or formerly of Seth L. Pruzansky runs from an iron pin set in the remains of the stone wall that runs along the southeasterly line of land now or formerly of Robert E. Marstaller, southeasterly following a line of large uncut stones that we found to the last stone found and labeled Point "A" on our plan. It then continues on a straight line that runs between that last stone found at Point "A," and the last granite fence post found in a line of posts running northwesterly from the Hallowell Road at Point "B", to Point "C" at its intersection with the northwesterly line of the Timber Oaks subdivision as shown on the recorded plan of that project in Reference #1 of our plan.

The Timber Oakes plan appears to hold a line fit through the cut granite fence posts and a short section of stone-wall as shown on that plan, for its southwesterly boundary. The boundaries shown on our plan running along the Timber Oaks subdivision are in the same location as the lines shown on that plan (based upon the iron pins found for that project and shown on our plan). The only difference is the distance of 914.51' that our plan shows versus the distance of 915.54' that the Timber Oaks plan shows along the

northwesterly line of the Timber Oaks plan (both distances are noted on our plan). The shorter distance of 914.51' is the calculated distance from the iron pin that we set at the northerly corner of the Timber Oaks subdivision, to the iron pin we set (Point "C") at the intersection of the northwesterly line of that subdivision, with the straight line run from the last uncut stone found at Point "A," to the last cut granite fence post found at Point "B." The Timber Oaks plan distance of 915.54' (0.93' longer) is the distance from that same pin set at the northerly corner of the Timber Oaks subdivision, run down the northwesterly line of that subdivision to its intersection with a calculated fit line through the same granite fence posts and the short section of remains of stone wall as shown Timber Oaks plan for the southwesterly line of that project. However, they did not apparently locate or hold either the remains of wire fence or line of stones that we found and show on our plan. The difference of 0.93' in the distances along the northwesterly line of the Timber Oaks subdivision is solely the difference in the way in which the location of the southwesterly line of the Timber Oaks subdivision was calculated as just noted, and the way that we calculated the southwesterly line of the locus parcel. The result is a different terminus of the calculated southwesterly end of the northwesterly line of the Timber Oaks boundary. This difference does not affect the location of the Timber Oaks boundaries as shown on the plan nor the deeds in that project referring to that plan. The difference is only that we believe the location of the corner of the locus parcel lies 0.93' northeasterly of the corner shown on the Timber Oaks plan, as measured along the northwesterly subdivision line shown on the Timber Oaks plan.

Other revisions to our plan include updated abutter title references, as well as the updated title reference of your tax map 7 lot 32L (and deletion of former Note 7 referring to the need for boundary agreements that were performed after the original plan date of 1/31/2018), creation of a new Note #7 related to revisions, addition of Reference #6 for the 1/31/2018 plan, correction of some typographical errors, removal of the former shed and trailer that have since been removed from your lot and addition of utility pole numbers and a note referencing that utility line as being described in Easement of Record #1 on our plan. I have also attached a copy of this utility easement which gives the details of what rights were granted to the utility company(s). This easement is not dimensioned (these minor distribution lines are never dimensioned on survey plans, only major cross country lines which are well defined) since the easement grants rights that cannot be specifically dimensioned, such as the right of entry to maintain and repair structures etc. The specific easement language is referenced in the easement deed, and the location of the poles with numbers is shown for reference on our plan.

We have added symbols (see our plan legend) for iron pins to be set for your parcel, that we can set when we set the pins for the subdivision you are currently proposing to the town, should you be granted approval. We have also added another detail (Detail "B") showing information on the southerly corner of your lot. The new survey certification block and Note #7 indicate that no additional field-work was performed for this revision, and the record review shows that the lines for the locus parcel(s) have not been altered from those shown on the original 1/31/2018 plan. Any additional information that you might be required to show on the final subdivision plan we will be producing for you, that would require field location work, can be located and added to that plan as your review by the Planning Board progresses.

desident/PLS 2069

Let me know if you have any other questions or concerns.

Corrective Release Deed

Know All By These Presents:

That: Norway Savings Bank of 261 Main Street, Norway, County of Oxford and State of Maine 04268, as successor to Coastal Savings Bank

Releases Unto:

Timber Oak Association a Maine non-profit corporation with a mailing address of 17Timber Oaks Drive, Durham, State of Maine 04222

Certain lots or parcels of land situated in the Town of Durham, County of Androscoggin and State of Maine, more particularly described as follows:

Being the three common areas depicted on a Plan entitled "Final Plan - Revised of Timber Oaks, Route 9, Durham, Maine" dated July 25th, 1988 recorded Androscoggin County Registry of Deeds Plan Book 34, Page 32, said parcels being shown as Lots 32K, 33BB and 32JJ on Durham Tax Map 7.

The purpose of this deed is to convey to the Timber Oak Association the common area in the Timber Oak Subdivision as contemplated by the original developer pursuant to the Declaration of Covenants, Conditions and Restrictions dated August 9th, 1988 recorded Androscoggin County Registry of Deeds Book 2295, Page 286.

Reference is made to a Quit-Claim Deed from Coastal Savings Bank to Coastal Savings Bank dated October 12th, 1990 recorded Androscoggin County Registry of Deeds Book 2618, Page 289.

In Witness Whereof the said Norway Savings Bank has caused this instrument to be signed in its name by Brian E. Shibles, its Vice President, thereunto duly authorized this 5th day of February, 2008.

Norway Savings Bank

Witness /

Brian E. Shibles, Vice President

State of Maine Oxford, ss.

February 5+ 2008

Then personally appeared the above named Brian E. Shibles, Vice President of said grantor corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed, in his said capacity, and the free act and deed of said corporation

Before me

David C. Dow - Attorney at Law

norway savings bank to timber oak association-common area-durham-release deed-feb.2008

ANDROSCOGGIN COUNTY
TINO A CHOWNORD
REGISTER OF DEEDS

DOW'S
LAW OFFICE, P. A
266 MAIN STREET
NORWAY, MAINS

Corporation Easement Deed

| Dewitt Building Inc., a Maine corporation with a mailing address CENTRAL MAINE POWER COMPANY, a Maine Corporation ENGLAND INC., A New York corporation with a mailing address (collectively 'Grantees'), with warranty covenants, the right and et other actions involving electric and communication distribution e together with all necessary fixtures and appurtenances over, across Androscoggin County, Maine. The said equipment and facilities extending to include Pole(s)/Pad(s) Poles 16.01 and 16.02 to serv in a deed from Decurity Conference of the rights granted he formulations registered with the Environmental Protection Agency vegetation or growth, in the judgement of Grantees, may interfere the construction of buildings, structures and improvements within its underground cables and other electrical equipment free from swith the proper operation or maintenance of said underground calculations. | with an office at 83 ss of 125 High Street assement to erect, but equipment and facilities and under the surface are attached to a line of Augustus and otted Augustus are include the righty or its successor to the with the operation in 15 feet of its equiptructures, improvements | Edison Drive, Augusta, Maine 0 et, Boston, MA 02110, and their ray, maintain, rebuild, respace, parties, consisting of wires, cables, face of the land of the Grantor(s) he commencing at Pole(s)/Pad(s) hers. This easement affects land 12001, and recorded in the Analt to cut down and trim trees and beliminate vegetation, and modifiand maintenance of its equipment of the properties and growth which, in the judical state of the state | 4336, and VERIZON NEW respective successors and assigns trol, operate, and remove and do all anchors, guywires or pushbraces, in the City/Town of Durham, 16, West Durham Rd., Durham and or rights conveyed to the Grantor(s), troscoggin County Registry of Deeds other vegetation and to use y the growth of trees, which t or facilities; and the right to restrict to keep the surface of ground above digment of the Grantees, may interfere |
|---|---|---|--|
| WITNESS the hand(s) and seal(s) of Grantor(s) duly author | rized representativ | ves on April 26. | 2004 |
| Signed, Sealed and Delivered in the presence of: | | | |
| Witness(es) | | Buildear Dewitt Building Inc. | |
| John 7. White | | Rosa Deni | 8, pr |
| Printed: John F White | • | Roy A. Dewitt President of Dewitt | hilding Inc. |
| | | | SER |
| State of <u>Maine</u> County of <u>NNONSCLAN</u> | | | |
| The above-named Roy A De a | foregoing instrum | personally appear nent to be their free act and de Motary Public/Atterney | ed before me this 26+h day of ed in their said capacity and the |
| | | Printed Name: My Commission Expires: | |
| | \$4.45.4772.4 | | |

ANDROSCOGGIN COUNTY WR# 0401423240
Tho M. Chaunard REGISTER OF DEEDS

WOW 01407784

AMAJNE 1. MAANN NOTICY POLLC, MAKE NY COMMININA SPINES MARCH 14, MAK



