



City of Gardiner
Site Plan Review Application

Project Name: Oak Grove Cemetery - Crematory Project Number: _____
Date of submission _____ Received by: _____

Proposal: Operate a crematory in an existing building (Tomb) within the cemetery

Anticipated beginning/completion dates of construction: Oct 2009 / Jan 2009

1. General Information:

Name of Property Owner: Oak Grove Cemetery Association

Address: 45 Dunbar St

Phone/Fax No: _____

Applicant Name: Oak Grove Crematory / Russell Greenleaf

Address: 148 Collessee Ave Gardiner

Phone/Fax No 582-5160, 624-6481 Fax 582-9035

Design Consultant(s): Surveyor Engineer Architect Planner

@ Name: Don Zattin Steve McGee Construction

Address: 537 High St West Gardiner

Phone/Fax No 582-8810

@ Name: E.S. Coffin / Ben Murray

Address: 432 Long Rd Augusta, Me 04330

Phone/Fax No 623-9475 623-0010

Name: Steve McGee Construction Greg Stewart

Address: 537 High St West Gardiner

Phone/Fax No 582-8810

Signature: Dwight Stumbo Date: 8-10-09

2.) Property Information:

A. Location of Property: Oak Grove Cemetery 45 Danforth St
B. Deed Ref. Book 145 Page 446 C. City Tax Map(s) 31 Lot(s) 150
D. Property Size/Frontage: Acres .27 Sq. Ft. 1,176,120 Road _____ Shore _____
E. Zoning District(s): HDR

Include copies of the following as attachments:

- det F. Names/addresses of property owners w/in 300' of property lines
- G. Deed for property, option to buy or other documentation to demonstrate right, title or interest in property on the part of the applicant)
- det H. Sketch map showing the general location of the site w/in the City Of Gardiner
- I. Location map showing boundaries of contiguous property under the control of owner/applicant, if any

3. Development Information:

A. Describe existing use of property to be developed and adjacent properties to the N, S, E & W of property: (i.e. S= Residential; E= Vacant Lot, etc.)

currently a cemetery; a receiving tomb and an office - N, S, E, W = Residual

B. Describe the proposed use of the property:

continue as a cemetery; the receiving tomb will house the cemetery and the office will be used as an office

C. Describe any covenants, restrictions, easement to be placed on deed:

Easement (included)

D. Describe proposed buildings/structures to be developed:

only remodeling existing buildings, no new structures

E. Describe existing/proposed infrastructure: (i.e. City, private, etc.)

Water: City

Sewage Disposal: City

Road/Street/Driveway: plummer st to existing private Rd in cemetery

Electricity: CMP to be installed + McFarland Electric

Solid Waste: trash receptacle

Other: _____

F. List applicable state/local permits-approvals associated w/project (include copies):

DITHS permit, air Bureau permit (have not received yet)

G. Submit approval letters from Fire Chief; Police Chief and Director of Public Works

SITE PLAN REVIEW CRITERIA:

Describe the potential impact your project may or may not have in association with the following Site Plan Review Criteria Standards found in Gardiner's Land Use Ordinance, Section 5 Q. Include visual depictions on the Site Plan. If standard is not applicable to this project, write N/A and explain.

1. **General:** Planning Board determines based on Site Plan information
2. **Compliance with City Ordinances/Codes:** Planning Board determines based on Site Plan
3. **Utilization of the Site** - Describe how the proposed development will reflect the natural capabilities of site. Include appropriate measures for protecting environmentally sensitive and natural areas.

Not changing anything - making use of existing road, + buildings

4. **Traffic Access** - Describe adequacy of the road system, access into the site, access way location and spacing, internal vehicular circulation and estimate of daily traffic to be generated by the project.

Plummer St would be the entrance used into the cemetery and then the private road in the cemetery total 6-8 vehicles per day Maximum
Some days more = 12-16 vehicle trips per day Max.

5. **Pedestrian Access** - Describe pedestrian ways within the development connecting major building entrances/exits with parking areas & existing sidewalks:

N/A - only several homes will drop off deceased and leave

6. **Buildings** - Describe building placement, setback & alignment, entrances & drop-off and drive-through facilities, if any. Show on Site Plan

Re-using existing buildings - will add new entrance to each building

7. **Storage of Materials** - Describe setbacks, screening and visual buffers for nonresidential storage. Show on Site Plan.

Leave tree line in fact that now exists - only storage will be inside the buildings

8. **Storm water Management:** Provide a drainage system and maintenance plan that describes provisions made for the collection and disposal of all storm water that runs off from proposed streets, parking areas, roofs and other surfaces.

Continue to use existing storm drains now in place

9. **Erosion Control** - Describe erosion control measures to be used.

Hay will be placed in upper road way as it is now to control spring snow melt

10. **Water Supply** – Describe water supply system, provide information that shows that it will adequately meet the needs of the proposal without resulting in an undue burden on the source or distribution system, and if new, that it will conform to applicable construction standards.

New Water line will be installed where existing line is run but
down below the float line

11. **Sewage Disposal** - Describe method of disposing of sewage, which is in compliance with the State Plumbing Code. If City sewer, obtain and include a letter from Gardiner's Wastewater Treatment Plant indicating that facility has capacity to adequately serve the proposed use.

Continue to use existing city sewer services

12. **Utilities** – Describe utilities provided, electrical, telephone, telecommunication service and natural gas, where available.

Power supply CND, dump elec. service, phone line
Power + phone underground once on cemetery property

13. **Natural Features** - Describe plan to preserve the landscape in its natural state insofar as practical.

Not changing any landscape - to remain as it currently
is

14. **Groundwater Protection** – Provide information demonstrating that the proposed site development or use will not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems and will comply with the standards for safe drinking water as established by the State of Maine.

Existing storm drains to remain as they are

15. **Water Quality Protection** – Provide plan to ensure that groundwater is protected. Include information showing compliance with the State Fire Marshal's Office and the Maine Department of Environmental Protection (MDEP) regulations and permits, if applicable.

N/A

16. **Hazardous, Special and Radioactive Materials** – Identify any hazardous, special and radioactive materials and the plan to ensure compliance with state and federal standards.

~~SEE DEP LICENSING~~

17. **Shoreland Relationship** – Describe plan to ensure that the development will not adversely affect the water quality or Shoreland of any adjacent water body, that it fits harmoniously into the visual environment as viewed from the water body.

N/A

18. **Capacity of the Applicant** – Provide documentation demonstrating that you have the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

See commitment letter from Financial institution

19. **Solid Waste Management** – Describe method for adequate disposal of solid wastes by a licensed disposal facility.

waste system company to be contracted

20. **Historic and Archaeological Resources** - If any portion of the site has been identified as containing historic or archaeological resources, provide plan describing appropriate measures for protecting these resources.

N/A

21. **Floodplain Management** – If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, provide information showing that the use and development of that portion of the site is consistent with the City's Floodplain management provisions.

N/A

The proposed plan must meet all applicable Performance Standards found in Section 3 of Gardiner's Land Use Ordinance.

WAIVERS

List waivers to be considered by the Planning Board:

5.H.5.e. – The ground floor elevations of all existing buildings on the site.

5.H.5.r. – Location and type of existing trees of 12-inch caliper DBH (4.5 feet above ground) or over existing fences and hedges.

5.H.6.b. – The location, dimensions, including heights and ground floor elevations of all proposed buildings on the site and proposed use thereof. No new buildings proposed. *- don't need*

shsb *waves for all other property boundaries not around project portion of that requirement*

SITE PLAN

5. SITE PLAN:

A drawing of the proposed development or use and the surrounding area must be included. (Samples are attached) Identify new development vs. existing. Plans must be at least 11"x17" and large enough to be easily read. A full size copy of the plan, 24"x36" with Planning Board signature/date block, must also be submitted.

The following information must be included on the site plan regarding existing conditions:

- Zoning classifications(s) of the property and the location of zoning district boundaries if the property is located in more than one (1) zoning district or abuts a different district;
- The bearings and distances of all property lines of the property to be developed and the source of this information, prepared by a registered land surveyor as a Standard Boundary Survey;
- Location and size of any existing sewer and water mains, fire hydrants, other water supplies, culverts, and drains on the property to be developed and of any that will serve the development from abutting streets or land;
- Location, names, and present widths of existing streets and rights-of-way within or adjacent to the proposed development;
- The location, dimensions, and ground floor elevations of all existing buildings on the site;
- The location of buildings on abutting properties and within 100 feet of the property line of the proposed development.
- The location and dimensions of existing driveways, streets, parking and loading areas, and walkways on the site;
- Location of existing roads or driveways within two hundred (200) feet of the site; *None*
- Topography of the site at an appropriate contour interval (1', 2', or 5') depending on the nature of the use and character of the site;
- Major natural features on the site and including within two hundred fifty feet (250') beyond the boundaries of the site, wetlands, streams, ponds, flood plains, groundwater aquifers, significant wildlife habitats including deer wintering areas identified in the Comprehensive Plan, scenic areas identified in the Comprehensive Plan, archaeological resources or other important natural features;
- Soils information if on-site sewage disposal is proposed. This information should be detailed enough to allow those portions of the site not suitable for on-site disposal systems to be identified;
- Location of existing natural drainage-ways, storm drainage facilities, including dimensions of culverts, pipes, etc., open drainage courses, wetlands, significant stands of trees, and other important natural features, with a description of such features to be retained;
- The direction of existing surface water drainage flow across the site;
- The location and dimensions of existing signs; *on buildings only*

- The location and type of all existing exterior lighting; and
- Covenants or deed restrictions shall be referenced on the plan.
- The location of recreational trails (including, but not limited to snowmobile, cross country, ski and biking trails); and
- Location and type of existing trees of 12-inch caliper DBH (4.5 feet above ground) or over existing fences and hedges.

The following information must be included on the site plan regarding proposed development activity:

- The location of all building setbacks, yards, and buffers required by this Ordinance;
- The location, dimensions, including heights, and ground floor elevations of all proposed buildings on the site and proposed use thereof;
- The location and dimensions and materials to be used in the construction of proposed access drives and curb cuts to the lot from public streets;
- Location, dimensions and materials to be used in the construction of proposed pedestrian walkways;
- Location and arrangement of proposed off-street parking and loading areas and their appurtenant drives and maneuvering areas;
- Location and dimensions of all proposed utilities and easements including sanitary sewerage, water, electricity and fire protection systems;
- Location of proposed screening of any on-site collection or storage facilities;
- Location, intensity, type, size and direction of all existing and proposed outdoor lighting;
- Location, front view, dimensions, materials, and size of all existing and proposed signs, together with the material for securing the signs, and all permanent outdoor fixtures;
- The direction of proposed surface water drainage flow across the site and from the site, with an assessment of impacts on downstream properties such as changes in volume, location or quality of flows;
- Proposed landscaping and buffering to include types of vegetation;
- Approval block. Space shall be provided on the plan drawing for the signatures of the Gardiner Planning Board and date, together with the words, "Approved City of Gardiner Planning Board."

WAIVERS

List waivers to be considered by the Planning Board:

Rusty

Site Plan Application Completeness Checklist

Classification: Major Minor

1. Yes No A fully executed and signed copy of the application form;
2. Yes No Waiver Fees paid
3. Yes No Twelve (12) copies of written materials plus ten (10) sets of maps or drawings containing the information listed below. The written materials shall be contained in a bound report or a three-ring notebook. The maps or drawings shall be at a scale sufficient to allow review of the items listed under the criteria for approval.
4. General Information
 - a. Yes No Waiver Name of owner of record and address;
 - b. Yes No Waiver Name of the applicant and address if different;
 - c. Yes No Waiver The name of the proposed development;
 - d. Yes No Waiver Names and addresses of all property owners within three hundred (300) feet of the property lines;
 - e. Yes No Waiver Sketch map showing general location of the site within the City;
 - f. Yes No Waiver Location map showing the boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time;
 - g. Yes No Waiver The tax map(s) and lot number(s) of the parcel or parcels;
 - h. Yes No Waiver A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title, or interest in the property on the part of the applicant; and
 - i. Yes No Waiver The name(s), registration number(s), and seal(s) of the land surveyor, architect, engineer, and/or similar professionals assisting with the preparation of the plan.
5. Information Regarding Existing Conditions
 - a. Yes No Waiver Zoning classifications(s) of the property and the location of zoning district boundaries if the property is located in more than one (1) zoning district or abuts a different district;
 - b. Yes No Waiver The bearings and distances of all property lines of the property to be developed and the source of this information, prepared by a registered land surveyor as a Standard Boundary Survey;

- c. Yes No Waiver Location and size of any existing sewer and water mains, fire hydrants, other water supplies, culverts, and drains on the property to be developed and of any that will serve the development from abutting streets or land;
- d. Yes No Waiver Location, names, and present widths of existing streets and rights-of-way within or adjacent to the proposed development;
- e. Yes No Waiver The location, dimensions, and ground floor elevations of all existing buildings on the site;
- f. Yes No Waiver The location of buildings on abutting properties and within 100 feet of the property line of the proposed development.
- g. Yes No Waiver The location and dimensions of existing driveways, streets, parking and loading areas, and walkways on the site;
- h. Yes No Waiver Location of existing roads or driveways within two hundred (200) feet of the site;
- i. Yes No Waiver Topography of the site at an appropriate contour interval (1', 2', or 5') depending on the nature of the use and character of the site;
- j. Yes No Waiver Major natural features on the site and including within two hundred fifty feet (250') beyond the boundaries of the site, wetlands, streams, ponds, flood plains, groundwater aquifers, significant wildlife habitats including deer wintering areas identified in the Comprehensive Plan, scenic areas identified in the Comprehensive Plan, archaeological resources or other important natural features;
- k. Yes No Waiver Soils information if on-site sewage disposal is proposed. This information should be detailed enough to allow those portions of the site not suitable for on-site disposal systems to be identified;
- l. Yes No Waiver Location of existing natural drainage-ways, storm drainage facilities, including dimensions of culverts, pipes, etc., open drainage courses, wetlands, significant stands of trees, and other important natural features, with a description of such features to be retained;
- m. Yes No Waiver The direction of existing surface water drainage flow across the site;
- n. Yes No Waiver The location and dimensions of existing signs;
- o. Yes No Waiver The location and type of all existing exterior lighting; and
- p. Yes No Waiver A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the tract. Such covenants or deed restrictions shall be referenced on the plan.
- q. Yes No Waiver The location of recreational trails (including, but not limited to snowmobile, cross country, ski and biking trails); and
- r. Yes No Waiver Location and type of existing trees of 12-inch caliper DBH (4.5 feet above ground) or over existing fences and hedges.

6. Information Regarding Proposed Development Activity

- a. Yes No Waiver The location of all building setbacks, yards, and buffers required by this Ordinance;
- b. Yes No Waiver The location, dimensions, including heights, and ground floor elevations of all proposed buildings on the site and proposed use thereof;
- c. Yes No Waiver The location and dimensions and materials to be used in the construction of proposed access drives and curb cuts to the lot from public streets;
- d. Yes No Waiver Location, dimensions and materials to be used in the construction of proposed pedestrian walkways;
- e. Yes No Waiver Location and arrangement of proposed off-street parking and loading areas and their appurtenant drives and maneuvering areas;
- f. Yes No Waiver Location and dimensions of all proposed utilities and easements including sanitary sewerage, water, electricity and fire protection systems;
- g. Yes No Waiver Evidence that the City's facilities have the wastewater collection and treatment capacity to adequately serve the proposed use, documented by a letter from the Gardiner Water Pollution Control Facility. The applicant shall provide the Superintendent of said facilities with sufficient information to enable the Superintendent to render an opinion.
- h. Yes No Waiver Soils test pit data if on-site sewage disposal is proposed.
- i. Yes No Waiver Evidence that the water Company's facilities have the distribution, supply and water treatment capacity to adequately serve the proposed use, documented by a letter from the Gardiner Water District. The applicant shall provide the Superintendent of said facilities with sufficient information to enable the Superintendent to render an opinion.
- j. Yes No Waiver Provisions for handling all solid wastes, including hazardous and special wastes and the location and proposed screening of any on-site collection or storage facilities;
- k. Yes No Waiver Location, intensity, type, size and direction of all existing and proposed outdoor lighting;
- l. Yes No Waiver Location, front view, dimensions, materials, and size of all existing and proposed signs, together with the material for securing the signs, and all permanent outdoor fixtures;
- m. Yes No Waiver The direction of proposed surface water drainage flow across the site and from the site, with an assessment of impacts on downstream properties such as changes in volume, location or quality of flows;
- n. Yes No Waiver Proposed landscaping and buffering to include types of vegetation;
- o. Yes No Waiver The anticipated beginning and completion dates of construction.

- p. Yes No Waiver An estimate of the daily traffic to be generated by the project; and
- q. Yes No Waiver Approval block. Space shall be provided on the plan drawing for the signatures of the Gardiner Planning Board and date, together with the words, "Approved City of Gardiner Planning Board."

I. Additional Information Required of Major Developments

1. Yes No Waiver Existing and proposed topography of the site at one (1), two (2), or five (5) foot contour intervals, or such closer intervals as the Planning Board may determine;
2. Yes No Waiver A storm water drainage and erosion control program showing:
- a. Yes No Waiver The existing and proposed method of handling storm water run-offs;
- b. Yes No Waiver The direction flow of the run-off through the use of arrows;
- c. Yes No Waiver The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers;
- d. Yes No Waiver Engineering calculations used to determine drainage requirements based upon the 25-year 24-hour storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed; and
- e. Yes No Waiver Methods of controlling erosion and sedimentation during and after construction.
3. Yes No Waiver A groundwater impact analysis prepared by a groundwater hydrologist for projects involving common on-site water supply or sewage disposal facilities with a capacity of two thousand (2,000) gallons or more per day.
4. Yes No Waiver A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, and any other utility services to be installed on the site.
5. Yes No Waiver A planting plan and schedule keyed to the site plan and indicating the general species and sizes of trees, shrubs, and other plants to be planted on the site.
6. Yes No Waiver A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets.
7. Yes No Waiver A written statement from a professional engineer as to the adequacy of the water supply in terms of quantity and pressure for both domestic and fire flows, if public water supply is to be utilized.
8. Yes No Waiver The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks.

9. Yes No Waiver Construction drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by a professional engineer registered in the State of Maine.
10. Yes No Waiver The location of any pedestrian ways, lots, easements, open spaces, and other areas to be reserved for or dedicated to public use and/or ownership. For any proposed easement, the developer shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. In the case of any streets or other ways dedicated to public ownership, the developer shall submit a signed statement that he will maintain such streets or ways year-round until such time as they may be accepted by the City.
11. Yes No Waiver Written offers of dedication or conveyance to the municipality, in a form satisfactory to the City Attorney, of all land included in the streets, highways, easements, parks, or other open space dedicated for public use, and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the developer, are to be maintained.
12. Yes No Waiver Cost of the proposed development and evidence of financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed, and their interest in financing the project.
13. Yes No Waiver An assessment of the impact of the development on wetlands, streams, ponds, flood plains, archaeological resources and significant wildlife habitats, including review letters from appropriate officials.

Additional Information Required of Major Developments:

- Existing and proposed topography of the site at one (1), two (2), or five (5) foot contour intervals, or such closer intervals as the Planning Board may determine;
- A storm water drainage and erosion control program showing:
 - The existing and proposed method of handling storm water run-offs;
 - The direction flow of the run-off through the use of arrows;
 - The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers;
 - Engineering calculations used to determine drainage requirements based upon the 25-year 24-hour storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed; and
- Methods of controlling erosion and sedimentation during and after construction.
- A groundwater impact analysis prepared by a groundwater hydrologist for projects involving common on-site water supply or sewage disposal facilities with a capacity of two thousand (2,000) gallons or more per day.
- A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, and any other utility services to be installed on the site.
- A planting plan and schedule keyed to the site plan and indicating the general species and sizes of trees, shrubs, and other plants to be planted on the site.
- A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets.
- A written statement from a professional engineer as to the adequacy of the water supply in terms of quantity and pressure for both domestic and fire flows, if public water supply is to be utilized.
- The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks.
- Construction drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by a professional engineer registered in the State of Maine.
- The location of any pedestrian ways, lots, easements, open spaces, and other areas to be reserved for or dedicated to public use and/or ownership. For any proposed easement, the developer shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. In the case of any streets or other ways dedicated to public ownership, the developer shall submit a signed statement that he will maintain such streets or ways year-round until such time as they may be accepted by the City.
- Written offers of dedication or conveyance to the municipality, in a form satisfactory to the City Attorney, of all land included in the streets, highways, easements, parks, or other open space dedicated for public use, and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the developer, are to be maintained.

- Cost of the proposed development and evidence of financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed, and their interest in financing the project.
- An assessment of the impact of the development on wetlands, streams, ponds, flood plains, archaeological resources and significant wildlife habitats, including review letters from appropriate officials.

Additional information:

- 1.) Street widths
Northern Av, Western Av, Second Av-gravel section/private roads w/in cemetery 12'
Heselton St 33'
Plummer St & Freemont St 49.5'
- 2.) Buildings setbacks
Both buildings 6' from property line
- 3.) Parking -Existing/Proposed
Existing 24'x30' (2 spaces)
Proposed 36'x30' (4 spaces 9' wide)
The parking lot will be expanded (see plan) to accommodate 4 vehicles with additional parking available in front of the buildings.
- 4.) Employees
There will be a maximum of 5 employees available by appointment only.
- 5.) Building renovations
The existing buildings will be renovated on the interior to accommodate the business. A new foundation for the office building will be the same height as exists and will not raise the height of the building. The stone building will be cleaned and the wooden building painted as well as replacement windows installed. A new entrance on the existing receiving tomb will be constructed between the buildings. The smoke stack will be 18' (see DEP license plan).
- 6.) Hours of operation
8:00 AM – 5:00 PM by appointment only.
- 7.) Employees
A maximum of 5 employees – on sight by appointment.
- 8.) Vehicle trips per day
7 – 8 vehicles per day equaling 12 – 16 vehicle trips per day.
- 9.) Lighting
Existing – none. Proposed photo eye, dusk to dawn, 60 watt low, shielded lights that project downward (see plan for placement)

- 10.) Buffers/Vegetation for Parking Areas
Buildings and parking area (between buildings) buffered from abutters by existing tree line and other vegetation. (See pictures). No new vegetation planned. Abutting land is farmland.
- 11.) Signs
Existing signs are 1 engraved in stone building and 1 sign attached to office building. (See pictures) No new signs planned.
12. Noise
There will be no noise beyond the operation of a cemetery which exists today.
13. Odor
No odor (see DEP Application)
14. Other attachments
Zoning map showing lot and surrounding properties
Topography map at 10' intervals
Google Earth map showing, if any, natural features within 250 ' of the site boundaries or recreational trails.
DEP license and documentation explaining emissions, hazards, operation, etc.
Letters from Fire Chief, Police Chief, Water Dist, Sewer Dist, Public Works, Financial institution
Easement Deed
Waiver List (5.H.5.e, 5.H.5.r, 5.H.6.b.)

AGREEMENT FOR GRANT OF EASEMENT AND
DEVELOPMENT OF A CREMATORY AT OAK GROVE CEMETERY

THIS AGREEMENT is made this ___ day of _____, 2009, by and between the OAK GROVE CEMETERY ASSOCIATION, INC., a non-profit corporation duly organized and existing under and by virtue of the laws of the State of Maine, and having its principal offices at _____, Gardiner, Maine 04345 (hereinafter "Cemetery Association"), and OAK GROVE CREMATORY, a non-profit corporation organized and existing under and by virtue of the laws of the State of Maine having a mailing address of _____, Gardiner, Maine 04345 (hereinafter "Developer").

WITNESSETH:

WHEREAS, the Cemetery Association is the owner of certain lots or parcels of real property located in Gardiner, Maine, being more particularly described in Exhibit A-1 and depicted on Exhibit A-2, both attached hereto and incorporated herein by reference, which are presently operated by the Cemetery Association as a cemetery known as Oak Grove Cemetery (hereinafter "Oak Grove Cemetery");

WHEREAS, the Developer wishes to construct and to operate a crematory and ancillary improvements and structures including, but not limited to, a family room, administrative, and storage spaces (collectively, "the Crematory") on that portion of the Oak Grove Cemetery as is more particularly described in Exhibit B-1 and depicted on Exhibit B-2, both attached hereto and incorporated herein by reference (hereinafter "the Premises");

WHEREAS, the Cemetery Association has determined that the Developer's construction and operation of the Crematory on the Premises as part of the Oak Grove Cemetery would best serve the interests of the citizens of the City of Gardiner; and

WHEREAS, the Cemetery Association wishes to grant to the Developer certain development and easement rights in order to facilitate the construction and operation of the Crematory on the Premises.

NOW, THEREFORE, in accordance with the mutual conditions and covenants contained herein, the parties agree as follows:

SECTION A: GRANT OF EASEMENT

Except as otherwise provided herein, the Cemetery Association shall grant to the Developer an exclusive, transferable easement for the operation of the Crematory on the Premises subject to the following terms and conditions (the "Easement"):

1. Consideration. In consideration for the grant of the Easement, Developer shall pay to the Cemetery Association the amount of () per month beginning on the Fee Commencement Date (as hereafter described) and continuing for a period of five (5) years. The "Fee Commencement Date" shall mean the first day of the first calendar month following the date on which Developer has (a) received all necessary permits and approvals as may be required by any governmental authority of competent jurisdiction for the construction and operation of the Crematory on the Premises; (b) substantially completed construction of the Crematory; and (c) received the Certificate of Occupancy for the Crematory.

2. Grant of Easement. The Cemetery Association shall grant and the Developer shall accept a transferable easement granting to Developer, *inter alia*, (i) the right to construct, to maintain, and to operate the Crematory on the Premises; (ii) the right to demolish or to renovate any structures or fixtures presently existing on the Premises; (iii) the right to install utility services on the Premises; (iv) the right to construct, maintain, repair, replace and pave a driveway or road of sufficient width, grade and quality as may be required by the City of Gardiner, the Maine Department of Transportation, or any other governmental body of competent jurisdiction, to access the Premises; and (v) the right to enter upon the Premises and the Oak Grove Cemetery with such men and equipment as reasonably shall be necessary to effectuate any or all of the foregoing. Said easement shall be in accordance with the terms and conditions of this Agreement. The easement deed shall be in substantially the form as attached hereto as Exhibit C. Developer reserves the right, however, to substitute a metes and bounds description prepared by a licensed surveyor in place of the description contained in Exhibit C in order to effectuate the intent of the parties as contemplated by this Agreement.

SECTION B: CONDITIONS SUBSEQUENT TO THE
CEMETERY ASSOCIATION'S GRANT OF AN EASEMENT TO THE DEVELOPER.

Except as otherwise provided herein, the following express conditions, covenants, and restrictions shall be incorporated into the Cemetery Association's grant to the Developer of an easement for the operation of the Crematory on the Premises:

1. Submission of Plans. The Developer shall submit plans for development and use of the Premises for review and approval by the Cemetery Association, as set forth below. The Cemetery Association's approval of the plans for development and use of the Premises shall not be unreasonably withheld, conditioned, or delayed.

Developer's plans submitted in accordance with this provision shall in all respects comply with all applicable Codes and Ordinances of the City of Gardiner.

Plans shall additionally conform to and be submitted in accordance with the provisions of paragraph 2 of this Section B, below.

2. Approval of Plans. No construction shall occur without the prior submission and approval of the plans and specifications by the municipal body authorized to provide such approval.
3. Amendment to Final Plans. If the Developer desires to make any substantial alterations in the plans after their approval, the Developer shall submit the proposed change in writing to the Cemetery Association and to the appropriate municipal authority for approval. If the plans, as modified by the proposed change, still conform to the requirements of the applicable codes and ordinances of the City of Gardiner, the Cemetery Association shall not unreasonably withhold approval of the proposed change.
4. Permit Requirement. Prior to completion of construction, Developer shall obtain, and shall provided satisfactory evidence thereof to the Cemetery Association, every permit, license, and governmental approval necessary for the commencement and completion of the construction of the Crematory.
5. Use Restrictions. The Developer agrees that the Easement shall contain express restrictions that the Premises and any improvements which may become located thereon shall be used for the operation and maintenance of the Crematory and the same shall be used, constructed, developed, occupied and maintained in accordance with the laws, ordinances, or regulations of the State of Maine or the City of Gardiner, as the same may be in effect now or hereafter. In the event that the State or City government has law(s), ordinances, or regulations governing the same subject matter, Developer agrees that the Premises and any improvements which may be or may become located thereon shall be governed by the most restrictive of these law(s).
6. Permit Approval Contingency. This Agreement is subject to Developer obtaining all required regulatory approvals for the operation and maintenance of the Crematory. If, despite due diligence, the Developer is not able to obtain all regulatory approvals for such operation, Developer shall give reasonable notice of non-approval to the Cemetery Association. Upon giving such notice, this Agreement shall terminate and shall be of no further

effect, the Consideration shall be returned to the Developer, and the parties hereto shall have no further obligations hereunder.

7. Certificate of Occupancy. The City of Gardiner's issuance of the Certificate of Occupancy will constitute conclusive proof of the satisfaction and termination of the express conditions, covenants and restrictions contained in this Agreement.

SECTION C: MISCELLANEOUS

1. Notice. Any notice under this Agreement by either party to the other shall be sufficiently given or delivered if it is dispatched by registered or certified mail, postage prepaid, return receipt requested, or delivered personally, to the following addresses, or to such other addresses as the parties may designate in writing:

If to the Cemetery Association: Oak Grove Cemetery Association, Inc.

Gardiner, Maine 04345

With a copy to:

If to the Developer:

Russell Greenleaf, President
Oak Grove Crematory

Gardiner, Maine 04345

With a Copy to:

P. Andrew Hamilton, Esq.
EATON PEABODY
P.O. Box 1210
Bangor, ME 04401

2. Severability. In the event any one or more of the provisions of this Agreement shall, for any reason, be held illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement, and this Agreement shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

3. Recording. The parties agree that this Agreement shall not be recorded. Upon a request of either party, both parties shall execute, acknowledge, and deliver a Memorandum of Agreement, suitable for recording in place hereof.
4. Integration. This Agreement and all exhibits attached hereto and/or incorporated by reference constitute the full understanding of the parties with respect to the subject matter hereof; and any prior agreements or understandings of the parties, whether oral or written, with respect to this subject matter of this Agreement shall be void.
5. Amendments. This Agreement may be amended only with the written consent of all parties.
6. Counterparts. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but all such counterparts shall together constitute but one and the same Agreement.
7. Maine State Law Requirements. The Cemetery Association agrees to maintain the Oak Grove Cemetery in conformance with the minimum area requirements set forth in 13 M.R.S. § 1341.
8. Termination. In addition to other termination provisions contained herein, and notwithstanding any provisions herein to the contrary, the Developer may elect, at its sole discretion, to terminate this Agreement at any time by giving written notice to the Cemetery Association of such termination. In the event that this Agreement terminates for any reason, the Developer shall release to the Cemetery Association all rights acquired by virtue of the Easement, and the Cemetery Association shall purchase from the Developer the Crematory, to the extent that the same has been constructed, for a percentage of its Fair Market Value (as defined below) in accordance with the following schedule (the "Purchase Price"):

If Agreement is Terminated on or After	And Before	Then Purchase Price Equals
Agreement Effective Date	2 nd Anniversary of Fee Commencement Date	100% of Fair Market Value
2 nd Anniversary of Fee Commencement Date	4 th Anniversary of Fee Commencement Date	80% of Fair Market Value
4 th Anniversary of Fee Commencement Date	6 th Anniversary of Fee Commencement Date	60% of Fair Market Value
6 th Anniversary of Fee Commencement Date	8 th Anniversary of Fee Commencement Date	40% of Fair Market Value
8 th Anniversary of Fee Commencement Date	10 th Anniversary of Fee Commencement Date	20% of Fair Market Value
10 th Anniversary of Fee Commencement Date	12 th Anniversary of Fee Commencement Date	10% of Fair Market Value
12 th Anniversary of Fee Commencement Date		One Dollar (\$1.00)

The Fair Market Value of the Crematory as of the date of termination of this Agreement shall be determined by an independent appraiser selected by the Developer and approved by the Cemetery Association, which approval shall not be unreasonably withheld, conditioned, or delayed. Upon payment to the Developer of the Purchase Price, Developer shall execute documents as reasonably shall be required by the Town in order to transfer title to the Crematory to the Cemetery Association.

SIGNATURES APPEAR ON NEXT PAGE

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the day first written above.

Witness:

OAK GROVE CREMATORY ASSOCIATION, INC.

George Heselton

Thomas Staples

Lorimar Trafton

Mark Gosline

Patricia Martin

Carl Hubbard

Ronald Chase

Christopher Temple

Witness:

OAK GROVE CREMATORY

Russell Greenleaf, President

Exhibit A-1

[INSERT DESCRIPTION OF OAK GROVE CEMETERY PARCELS]

Exhibit A-2

[ATTACH SURVEY OF OAK GROVE CEMETERY]

Exhibit B-1

[INSERT DESCRIPTION OF CREMATORY PARCEL]

Exhibit B-2

[ATTACH SURVEY/SKETCH OF CREMATORY PARCEL]

Exhibit C

EASEMENT DEED

The OAK GROVE CEMETERY ASSOCIATION, INC., a non-profit corporation organized and existing under and by virtue of the laws of the State of Maine, grants to OAK GROVE CREMATORY, a non-profit corporation organized and existing under and by virtue of the laws of the State of Maine, with a place of business in Gardiner, Kennebec County, Maine, whose mailing address is _____, Gardiner, Maine 04345, and its successors and assigns, a perpetual easement in gross to construct, maintain, and operate a crematory and ancillary improvements and structures including, but not limited to, a family room, administrative, and storage spaces, on a certain lot or parcel of land being more particularly described as follows (the "Premises"):

[INSERT DESCRIPTION OF CREMATORY PARCEL]

The Premises are a portion of certain lots or parcels of real property located in Gardiner, Maine which are collectively owned and operated by the Grantor as a cemetery known as Oak Grove Cemetery (hereinafter "Oak Grove Cemetery"), said lots or parcels being more particularly described in the following instruments:

[insert descriptions]

Grantee shall also have the perpetual right to demolish or to renovate any structures or fixtures presently existing on the Premises.

Grantee shall also have the perpetual right to install, maintain, repair, and replace on the Premises, or portions of the Oak Grove Cemetery if necessary, such appurtenances as are reasonably required to provide utility services to the Premises, including facilities necessary for the transmission of electricity, gas, telephone communications, cable television, sewerage, water, or similar services which are currently or may in the future become available, which rights may be assigned in whole or in part by Grantee, without the need for the consent of the Grantor, to any public utility or public utilities providing such services.

Grantee shall also have the perpetual right to construct, maintain, repair, replace and pave on the Premises, or portions of the Oak Grove Cemetery if necessary, a driveway or road of sufficient width, grade and quality as may be required by the City