

APPENDIX 1

**Maintenance Agreement for
Stormwater Management Facilities**

This Maintenance Agreement is made this day of _____ 20__ by and between _____ (“Applicant”) and the Town of Scarborough, Maine (the “Town”).

The project name is _____.

The location is: _____, Scarborough, Maine.

The project’s Tax Map and Lot Numbers are Tax Map Lot _____

The project is shown on a plan entitled " _____ " dated _____ and most recently revised on _____, approved by the _____ [Municipal Permitting Board] on _____.

The last recorded deed in the chain of title for the property within the Project is recorded in the Cumberland County Registry of Deeds at Book _____, Page _____.

WHEREAS, the approval of the Project includes Stormwater Management Facilities which requires periodic maintenance; and

WHEREAS, in consideration of the approval of the Project the Town of Scarborough requires that periodic maintenance be performed on the Stormwater Management Facilities;

NOW, THEREFORE, in consideration of the mutual benefits accruing from the approval of the Project by the Town and the agreement of Applicant to maintain the Stormwater Management Facilities, the parties hereby agree as follows:

1. Applicant, for itself, and its successors and assigns, agrees to the following:
 - (a) To inspect, clean, maintain, and repair the Stormwater Management Facilities, which includes, to the extent they exist, parking areas, catch basins, stormwater treatment and detention facilities, drainage swales, pipes and related structures, at least annually, to prevent the build up and storage of sediment and debris in the system;
 - (b) To repair any deficiencies in the Stormwater Management Facilities noted during the annual inspection;
 - (c) To provide a summary report on the inspection, maintenance, and repair activities performed annually on the Stormwater Management Facilities to the Town Code Enforcement Officer on or before June 1st annually;
 - (d) To allow access by Town personnel or the Town’s designee for inspecting the Stormwater Management Facilities for conformance with these requirements.

(e) If lots or units will be sold separately, to create an association of lot or unit owners (the "Association") for the purpose of maintaining the Stormwater Management Facilities.

2. Upon creation of the Association, the Association shall become responsible for compliance with the terms of this Agreement.

3. This Agreement shall constitute a covenant running with the land, and Applicant shall reference this Agreement in all deeds conveying any interest in real estate within the Project.

Witness

By: _____
Its: _____

TOWN OF SCARBOROUGH

Witness

By: _____
Its: _____

STATE OF MAINE

_____, ss.

_____, 20__

Personally appeared the above-named _____, the _____ of _____, and acknowledged the foregoing Agreement to be said person's free act and deed in said capacity.

Before me,

Notary Public / Attorney at Law

Print Name:

STATE OF MAINE

_____, ss.

_____, 20__

Personally appeared the above-named _____, the _____ of the Town of Scarborough, and acknowledged the foregoing Agreement to be said his/her free act and deed in said capacity.

Before me,

Notary Public / Attorney at Law

Print Name:
