Town of Kittery
Planning Board Meeting
June 9, 2016

Beatrice Lane –Major Subdivision; Final Plan Review.
Action: Hold a Public Hearing, accept or deny preliminary plan. Owner Operation Blessing LP, and applicant Richard Sparkowich, propose a five lot subdivision on remaining land from the previously approved 3-lot subdivision located between Highpoint Circle and Kittree Lane. The site is identified as Map 61 Lot 08, in the Residential - Rural (R-RL) Zone. Agent is Ken Markley, Easterly Survey Inc.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Review	Scheduled 6-12-14	APPROVED
NO	Site Visit		HELD
YES	Determination of Completeness/Acceptance	Scheduled 12-11-14	GRANTED
	Waiver Request:		TBD
YES	Public Hearing	Scheduled for 2-12-15	HELD
YES	Preliminary Plan Review and Approval	Scheduled for 2-12-15,3/12/2015	APPROVED
YES	Final Plan Review and Approval		

Applicant: Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and, when applicable, recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

Background

Operation Blessing LP, represented by Richard Sparkowich, received subdivision approval in August 2008 for three lots. The remaining 58 acres (with existing access from Old Farm Road) maintains 78 feet of frontage along a right-of-way that formerly was owned by Goodhouse Construction (Highpoint Circle developer) and currently co-owned by abutters Hanson and Gasbarro.

Through numerous iterations that included an amended subdivision plan, a cluster Sketch Plan, and a Right-Of-Way plan, the Planning Board granted approval of the conventional subdivision concept June 12, 2014. Subsequently, on March 12, 2015, the Board approved with conditions a preliminary plan application for a conventional subdivision including a Request for Special Exception as required for non-clustered subdivision. For context the minutes and the plan review notes from 3/12/15 meeting are attached for your reference. The applicant, after several extensions, has submitted a somewhat complete final plan application for the Board's review.

Review to date

Preliminary Plan conditions of approval

The applicant's submission includes an organized address (see letter dated 5/19 and associated attachments) of how the preliminary plan conditions of approval have been met. The conditions include the following:

1. Resolution of open space issue
   The subdivision plan submitted, (Attachment 1) has been revised to locate open space abutting both of the adjacent development's open space (Fuller Brook and Lewis Farm subdivisions). The entire parcel is 57.58 acres. Required open space is 15%, 8.63 acres. The open space shown totals 8.61 acres.

2. Include stone wall closure of 'woods road' on the plan
   The subdivision plan now has a note and graphic that denotes a "Proposed Stonewall" on both ends of the old woods road adjacent to the parcel located at 11 Highpointe Circle. The Board may want to consider that the stonewall needs to be installed prior to the issuance of any building permits.

3. Receipt of boundary plan
   A Standard Boundary Survey has been prepared and a signed and stamped plan was submitted June 1, 2015.

4. Road acceptance petition application *{2008 approved street between Highpointe Circle and Kittree, Lane currently referenced on tax maps as Kittree Lane}*
   The applicant has made an effort to complete petition for public street acceptance and corresponding street naming application, however, no abutters having rights to the existing private street (created as part of the 2008 3-lot subdivision) have signed off as required.

   Staff has made an effort to facilitate the applicant and the abutters to discuss the issues around this matter, meeting at town hall in January of this year and a follow-up meeting on site in March. The Commissioner of Public Works attended as well and has stated that his review and recommendation to the Town Council will include the addition of sidewalks that are consistent with the current Highpointe Circle public street.

5. Include net residential acreage and density calculations on plan
   The subdivision plan submitted, (Attachment 1) has been revised to include the net residential acreage, however, it appears it still has the previously designed cul-de-sac square area.

6. Re-delineation of wetland area
   The subdivision plan has been revised to include those portions of the wetland closest to proposed building envelope as required at the Board's April 23, 2015 meeting.

7. Include plan note to state 'driveways no longer than 500 feet serving a maximum of two dwellings are permitted'
   The subdivision plan submitted, (Attachment 1) has been revised to include a note to this effect. Attached is an opinion from the Town Attorney in response to the applicant's attorney's opinion that staff had misinterpreted the driveway definition. The Town Attorney supports staff's interpretation.

   The applicant has made an attempt to address this issue (driveway proposed for Parcel A measures longer than 500 feet between the proposed location of the garage and the proposed street ROW) by revising the shape of the cul-de-sac as shown in the recently submitted subdivision plan (attachment 1) The Staff had suggested the applicant simply extend the street and ROW to a point that still limited impact to the existing stream. The applicant was not agreeable due to incurring increased engineering costs. Staff suggested that possibly elongating

the cul-de-sac property line alone might work, however, it appears to be a very unconventional solution. It is evident with this latest revision that a large amount of land is being encumbered by the street ROW that would never be intended for use towards constructing a street. Two thirds of the proposed cul-de-sac is taken up by a shared driveway to benefit two dwellings rather than the terminus of the proposed private street.

Staff recommends the applicant engage the engineer to re-design the roadway to fit in a more conventionally shaped cul-de-sac. (See attached ASHTO standards for cul-de-sacs and dead end streets)

8. Road association and back parcel covenant for open space maintenance
The applicant has submitted draft documents that attempt to address the matter of having an accountable party identified for not only the maintenance of the private street but for the maintenance and protection of the open space. The documents (attachments 4 and 5) appear to fall short of what needs to be addressed.

The "Common Roadway Agreement" appears not to include the related stormwater structures. In addition, if the stream crossing is to be included in the ROW, their maintenance should be identified. The "Back Parcel Covenant for Reserved Open Space Maintenance" includes items that don't seem appropriate for the presumable goal of protecting vernal pool habitat. Permitted activities include agriculture, out-door recreation and timber harvesting. Staff recommends the deeded restrictions should simply be a no-cut and no disturb area with procedures on how to address encroachment issues, removal of dangerous trees, the manner of how the boundaries are marked, etc…It is also not clear who is the accountable party and owner, is it the lot owner of Parcel A or is it held in common by the lot owners of the development. The latter is what is typical and likely to make most sense.

Staff recommends the Board request review of these documents by the Town Attorney. The Board has required this in similar situations.

9. Wetland alteration application
Attar Engineering has prepared a wetland alteration application. CMA, peer-review engineer, has not completed their review.

Recommendation / Board Action

The applicant has submitted information in a peace-meal fashion making it difficult for staff to do a thorough and comprehensive review. Staff has not completed the review of the "final" plan set due to, in part, a final subdivision plan set and submittal information, per Title 16.10.7.2, has not been provided. The applicant has not provided any information that aids in determining if all plan revisions requested have been addressed. The application remains to have outstanding items that need to be addressed prior to final plan approval. Staff recommends the Board move to continue Operation Blessing LP's Beatrice Lane Major Subdivision Plan application not to exceed 90 days…

Move to continue the final plan application for the Beatrice Lane Subdivision prepared for Operation Blessing LP. not to exceed 90 days….

~~ITEM 2~~

March 12, 2015
M61 L8

Town of Kittery
Planning Board Meeting
March 12, 2015

Beatrice Way – Preliminary Major Subdivision Plan.
Action: Hold a Public Hearing, accept or deny preliminary plan. Owner Operation Blessing LP, and applicant Richard Sparkowich, propose a five lot subdivision on remaining land from the previously approved 3-lot subdivision located between Highpoint Circle and Kittree Lane. The site is identified as Map 61 Lot 08, in the Residential - Rural (R-RL) Zone. Agent is Ken Markley, Easterly Survey Inc.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
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YES	Determination of Completeness/Acceptance	Scheduled 12-11-14	GRANTED
	Waiver Request:		TBD
YES	Public Hearing	Scheduled for 2-12-15	HELD
YES	Preliminary Plan Review and Approval	Scheduled for 2-12-15, continued	PENDING
YES	Final Plan Review and Approval		

Applicant: Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and, when applicable, recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

PLEASE REFER TO PACKET INFO FROM 12/11 &2/26 MTGS

Background

Operation Blessing LP, represented by Richard Sparkowich, received subdivision approval in August 2008 for three lots. The remaining 58 acres (with existing access from Old Farm Road) maintains 78 feet of frontage along a right-of-way that formerly was owned by Goodhouse Construction (Highpoint Circle developer) and currently co-owned by abutters Hanson and Gasbarro.

Through numerous iterations that included an amended subdivision plan, a cluster Sketch Plan, and a Right-Of-Way plan, the Board granted approval of the conventional subdivision concept June 12, 2014. The Applicant has submitted a preliminary plan application for a conventional subdivision including a Request for Special Exception as required for non-clustered subdivision. A site walk and public hearing have been held.

Minutes from the last meeting and past meetings for context are attached for your reference.

Review to date

CMA, the Peer Review Engineer, made their initial review on 1/21/2015 (provided in the 2/26 packet). The applicant's agent, NorthEasterly Survey has responded to their comments (attached) and CMA has provided their comments on the revised plans and submission (attached email dated 3/4/15). The applicant has submitted a waiver request for the review by the York County Soil and Water Conservation

District, however, it appears that a waiver for the hammer-head rather than a cul-de-sac would be required for a Class II street. A narrative addressing the Special Exception Request and answers to questions raised at the December site walk have been submitted by the agent for the Board's consideration.
The applicant's agent has responded to Staff's 2/12/15 comments (in italics) below in the attached letter dated 2/19/2015. The following are updated staff comments.

1) *Open space. 16.3.2.1.D.3.b.i Minimum percentage of Common Open Space, 15%. The current plan does not accommodate any open space. Staff recommends that the applicant designates land for this purpose at the rear of the property in the vicinity of the vernal pools. When considering the vernal pools, it may make sense to have the minimum required 8.6 ± acres designated in the far most northwestern corner. See attached Exhibit 1. In addition the Board may want to consider placing additional restrictions on the wetland setbacks that are adjacent to the vernal pool locations.*

   UPDATE: NorthEasterly Survey states that the open space shown on their revised plan is more diverse in habitat than the location staff suggested in the 2/12 PRN. It is also stated that vernal pools are protected by the Maine DEP. The latter, however, is only true if the property development triggers state and federal regulation, and even with that, valuable uplands can be altered. Attached is a document from the U.S Army Corps of Engineers, New England District's website regarding Vernal Pool Directional Buffer Guidance (ATT. 1). It is clear that the circular zones that are typically used in regulation are deficient at times depending on the site's specifics. The narrative helps explain the importance to uplands associated with vernal pools and the need to link other habitats that often don't fall within the circular setback. Staff suggests that the open space requirement for the subdivision is an important opportunity to strategically preserve critical habitat that would benefit the identified vernal pools on the site.

   It is evident from the attached plan exhibits (ATT. 2) that the vernal pool associated uplands abut other protected lands designated as open space, Fuller Brook and Lewis Farms subdivisions. The location proposed by the applicant, along the small stream that bisects the property (See Subdv. Plan), is not leveraging any other protected tracts of land. In addition, the location includes wetlands, floodplain and wetland setback area that is protected to a large degree by current regulations, unlike the habitat that is associated with the vernal pools. It is also important to recognize that given the proximity of the vernal pool uplands to existing development, the development pressure for this area is a great deal higher than for the open space location that is being proposed by the applicant. Parsonage Way abuts the vernal pool uplands where the open space location proposed by the applicant is not near to existing streets.

   When considering the location of open space the Board should consider the objective of the open space, in this case conservation of natural resources, and determine where the best opportunity is to achieve the objective. Staff suggests the ultimate objective is to conserve the most valuable habitat and not simply require the minimum acreage.

   Given that the property has valuable habitat on site, more significant and critical than the small brook and associated wetlands that is proposed on the revised plan, and that there are two important existing open space areas abutting the property that can be connected to, Staff recommends the Board require uplands associated with the vernal pools to be preserved within the required open space.

2) *Boundary between proposed Lot H and abutting property Map 61-Lot 9-8 (Gasbarro). Attached is an email from the Gasbarros. It is not clear from the Subdivision Plan the old woods road that abuts their property is to be discontinued as indicated by the applicant, this needs to be clarified. Further, Staff recommends it should be entirely removed and a vegetated/fence buffer should be established and maintained in the same locale as discussed during Sketch Plan Review.*

   UPDATE: It is stated that the "woods road" is the only access to the wood lot to support "wood lot" activities. What activities are currently taking place that are permitted? There should be no more timber harvesting, which is not allowed in the R-RL zone. Staff continues to recommend that the Board requires a more substantive effort in mitigating the impact of the proposed development on the Gasbarro's lot. Due to perpetuating the "woods road" it appears the vegetation within the setback of the proposed lot (H) that would provide is limited in the amount of screening it would provide, where under more normal conditions when developing wooded lots existing vegetation is available to be maintained along the property line.. Left for nature to regenerate within a very well compacted gravel roadbed would undoubtedly be a slow process and not conducive to establishing any significant screen.

3) *The street acceptance for the Highpointe Circle extension. When the applicant was before the Planning Board for Sketch Plan Review, the Board requested that the issue around the street naming of the section of roadway that is between the public street Highpointe Circle and the terminus of Kittree Lane. The Applicant will need to provide the necessary documentation to demonstrate that this portion of roadway, constructed by the Applicant as part of the 2008 three-lot subdivision, and to petition the Town to accept this length of roadway as public street and a part of the existing Highpointe Circle.*

   UPDATE: It may have not been clear from the original comment, however, at the March 13, 2014 planning board public hearing when the applicant was requesting approval for a Right-Of-Way plan, the Board outlined some of their expectations for the review and approval of this property which included the status of the street that the proposed Beatrice Lane is connecting to. The minutes are attached of your reference.

   The agent's response that this issue will not be resolved prior to the approval of the current subdivision application is not acceptable and is counter to what the expectation was a year ago. Further, this portion of street between Kittree Lane and Highpointe Circle is and has been crucial for the development of the applicant's 2008 3-lot subdivision and the current 5-lot subdivision. The Board should note that the applicant has an easement along the now street, formerly a shared driveway, that provides the access required for their past and current development. With this in mind Staff recommends that the applicant prepare and submit the necessary applications for the street naming and street acceptance petition to the Town as part of the current application review and approval.

4) *Boundary Plan. It is not clear from the plans submitted that the entire boundary of the subject parcel is part of a 'Boundary Survey' that Northeasterly Survey has performed and/or certifies.*

   UPDATE: The agent states that the survey is pending and anticipates completing it prior to final approval. The Boundary Survey is a preliminary plan submittal requirement, 16.10.5.2.B.4. If the Board grants preliminary approval it should be conditioned that a Boundary Plan is submitted prior to the Final Plan application.

5) *Net Residential Density. 16.3.2.1.D.2 Minimum Land Area per Dwelling Unit requires the deduction of land area per 16.2.2 Net Residential Acreage. These calculations need to be placed on the Subdivision Plan.*

   UPDATE: The agent states that the calculations are on the plan. They don't appear to be.

6) *The Subdivision Plan references wetland delineation from a Sketch Plan prepared in 2007 and undocumented information from the applicant. Staff recommends that the wetlands that in part determine building envelopes be delineated or re-certified by a wetland scientist.*
   UPDATE: Delineation of wetland areas is, in part, required to calculate the net residential acreage. Passing this requirement of subdivision review to a building permit is not appropriate. The Board voted at the 2/12/15 meeting to require both the wetlands and soil reports and maps re-certified.

New Staff Comments:

7) The shared driveway proposed for parcels A and I is shown on the plan as located within a "60' wide R.O.W". Staff recommends this encumbrance on parcel I for the benefit of parcel A should be noted as an easement for utilities and access and not as a R.O.W. The latter can be construed as an extension of the proposed street which it is not. In addition, a plan note that specifies the constraint on the length and the number of dwellings it can serve should be provided. It is also recommended that the Applicant complete a Wetland Alteration application for the proposed fill because: 1) the access to Lots A and I is an intrinsic part of the subdivision plan to be approved; and 2) it makes good logistical sense since wetland fills require Planning Board approval.

8) Sidewalk. It is stated in the agent's 2/19/2015 letter responding to the Peer Review comments "that no sidewalks should be installed since there is no sidewalk network to attach to…" The Board should consider the existing sidewalk that currently terminates at the beginning of Highpointe Circle's hammer-head. From this point to the entrance of the proposed Beatrice Lane is approximately 350 feet. In addition, the corridor (formerly a shared driveway for lots 61-9-7 and 61-9-8) where most of this 350 feet is located was part of the applicant's 2008 approved 3-lot subdivision. With regard to the potential number of dwellings that may benefit from a sidewalk, the number appears to be 13 rather than the 4 stated by the agent. There are 2 existing duplexes (4 units), 1 existing dwelling (61-8F) and 2 vacant lots (8E & 8D) from the 2008 three-lot subdivision, and 2 existing homes east of the proposed Beatrice Lane (lots 61-L9-7 and 61-9-8), yields 9 existing dwellings. This added to the 4 proposed lots provides a total of 11 dwellings that can benefit from a sidewalk.

9) The Board should consider requiring a homeowner's association for the development. Such an entity would be accountable for ensuring the integrity of the open space and provide a legal frame work for the maintenance and repair of the street. The latter is especially important to the Town to aid in ensuring there is an accountable party for snow removal allowing the unrestricted passage of public safety vehicles.

10) The Board should consider a condition to final approval that no further division of land is allowed without prior review and approval by the Planning Board.

Recommendation / Board Action

The application remains to have outstanding items that may need to be addressed prior to preliminary plan approval. Staff recommends the Board move to continue Operation Blessing LP's Beatrice Way Major Subdivision Plan application not to exceed 90 days, or the Board may want to grant conditional approval for the preliminary plan.

Conditions for Preliminary Approval (Suggested).

1) Resolution of the unnamed roadway between Kittree Lane and Highpointe Circle. Complete a Street Naming Application and Petition for Street Acceptance form and associated legal documents for Staff review prior to Final Plan application. (item 3 above)
2) The recertification of soils and wetland reports prepared in 2006.
3) A finalized Boundary Survey (item 4 above)
4) Required open space to include uplands associated with the vernal pools that abut the open space areas for Fuller Brook and Lewis Farm subdivisions, as shown on ATT. 2. (item 1 above)
5) All other recommendations by Staff, CMA and board members that the Board concurs with. (to be itemized)

Move to grant final preliminary approval with conditions for the Beatrice Lane Subdivision, plans prepared by NorthEasterly Survey with a revision date of February 19, 2015 prepared for Operation Blessing LP. Conditions include….

McEachern & Thornhill
Attorneys at Law

September 23, 2015

Via e-mail

Mr. Chris Di Matteo
Kittery Town Planner
200 Rogers Road
Kittery, ME 03904

Re: Beatrice Lane Subdivision/driveway definition

Dear Chris:

You asked me to reply to the position taken by Attorney Jeffery Clark in his letter of July 15, 2015 concerning our Ordinance definition of a "driveway," a copy of this letter which you have. Attorney Clark, on behalf of his client, Operation Blessing, addresses this definition which states:

> **Driveway** means a vehicular access way less than five hundred (500) feet in length serving two lots or less. [Emphasis added]

The issue raised by Attorney Clark is the manner in which the Town determines the length of a driveway within the meaning and context of this Ordinance definition. He states that the Ordinance definition "specifies that the driveway is to be measured from the road to the lot(s) which it services." [Emphasis added by me] In other words, he believes the length of a driveway is measured from the edge of the public right of way, planning board approved roadway, or other road easement to the lot that it serves. Attorney Clark goes on to state:

Duncan A. McEachern & Dan W. Thornhill
10 Walker Street, P.O. Box 360
Kittery, Maine 03904-0360
Telephone: 207/439-4881 Fax: 207/439-8893

> Had the definition of driveway been written to require the measurement of the driveway from the private or public road to the house or other out-building on the property, then the Town Planner would certainly be correct in his interpretation. However, that is not what the Zoning Ordinance says. It specifically states that the measurement is to the Lot, not a structure on the Lot.

I can't agree with Attorney Clark's conclusion that the Town "driveway" as defined in our Ordinance "states that <u>the measurement is to the Lot</u>, not a structure on the Lot." The Ordinance definition does not say "to the Lot." The Ordinance definition defines a driveway as being a vehicle access way "less than five hundred (500) feet in length <u>serving two lots or less</u>." [Emphasis added.] In other words, our Ordinance merely states that the driveway <u>serves</u> the lot(s) rather than as being measured from the public way <u>to</u> the lot at issue.

If a driveway under our Ordinance were defined as Attorney Clark suggests as that area from the edge of the public way to the lot line, then there would be very few driveways in the Town of Kittery. Most lots in Kittery have a lot line that abuts a public way, a subdivision road, or some other road or way. If one were to measure the driveway as the area between the edge of

the public way and the lot line, in most cases there would be no driveway at all because the lot line directly abuts the edge of the roadway. The distance between the two boundary lines would be zero. This, of course, would make little sense because it would defy common acceptance of a driveway on virtually all lots within the Town.

I interpret the term "driveway" as used in our Ordinance the same as I understand your interpretation to be, namely, as measured from point of entry along the lot line used for vehicular access to the garage or defined access way if no garage exists on the property as long as this access way measures less than 500 feet.

Should you have any questions with regard to this opinion or wish discuss it at all, don't hesitate to give me a call.

Best regards,

Duncan A. McEachern

DAMcE/cn

\K-ltrs\Driveway.def
23794[492]

Conditions of Approval (to be included on the final plan):

1. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated with site and building construction to ensure adequate erosion control and slope stabilization.
3. Prior to the commencement of grading and/or construction within a building envelope, as shown on the Plan, the owner and/or developer must stake all corners of the envelope. These markers must remain in place until the Code Enforcement Officer determines construction is completed and there is no danger of damage to areas that are, per Planning Board approval, to remain undisturbed.
4. All Notices to Applicant contained in the Findings of Fact (dated: March 12, 2015).

Conditions of Approval (Not to be included on the final plan):

5. Revise the site plan (C-2) to reflect the minor plan changes staff recommended in the 3-12-15 Plan Review Notes, including removal of plan reference to snow storage at the front of the property.
6. Revise the site plan (C-2) to include additional tall shrubs and small trees in the area adjacent to the property to the east (M60-L22, Henry VIII Carvery), approximately 50 feet in from Route One, to aid in screening the proposed parking from view.

The Planning Board authorizes the Planning Board Chairperson to sign the Final Plan and the Findings of Fact upon confirmation of compliance with any conditions of approval.

Vote of 5 in favor 0 against 1 abstaining (Lincoln)

Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.

ITEM 2 – Beatrice Way –Major Subdivision Plan - Preliminary Plan Review.
Action: grant or deny preliminary plan approval. Owner Operation Blessing LP, and applicant Richard Sparkowich, propose a five lot subdivision on remaining land from the previously approved 3-lot subdivision located between Highpoint Circle and Kittree Lane. The site is identified as Map 61 Lot 08, in the Residential - Rural (R-RL) Zone. Agent is Ken Markley, Easterly Survey Inc.
Ken Markley: Addressed the CMA Review, noting many of the issues have been addressed. Suggested holding off on the wetland crossing issue at this time.
Mrs. Sparkowich: [Attached]
Mr. Markley: Suggests a road association rather than a homeowner's association; a condition of approval could be included that no further land division would be allowed without Board approval; addressed Preliminary Plan approval requirements including addressing Highpoint Circle and Kittree Lane; recertification of wetlands, as soils has already been done; finalization of boundary survey; required open space is as proposed.

Break

Ms. Kalmar suggested the Board proceed with voting on the special exception request that a conventional subdivision was appropriate for this development versus a cluster subdivision to avoid pushing the development to the rear of the property where the valuable habitat is located. A conventional subdivision requires a special exception.

Ms. Kalmar moved to grant a special exception for a conventional subdivision for the Beatrice Way subdivision.
Seconded by Mr. Harris
Mr. Lincoln: Where will this special exception be shown?
Mr. DiMatteo: In the final Findings of Fact.
Motion carried: 6-0-0

Ms. Kalmar moved to grant the request for a waiver from a cul-de-sac to a hammerhead.
Mr. Lincoln seconded
Ms. Davis: We seem to have issues regarding hammerheads vs. paper cul-de-sacs, which leads to more development.
Mr. DiMatteo: This is a reasonable request, as a standard cul-de-sac takes up more space and a hammerhead has less impact. The paper cul-de-sac allows for a more reasonable layout of lots.
Ms. Kalmar: I see the logic of less impervious surface, but the frontage is still there, it just isn't paved. We're benefitting the natural resources.
Discussion followed regarding driveways onto the hammerhead, parking in the hammerhead area that could impede emergency vehicles.
Motion carried: 6-0-0

Ms. Kalmar moved to waive review by the York County Soil and Water Conservation District (16.9.1.3.C).
Ms. Davis seconded
Motion carried: 6-0-0

Ms. Kalmar moved to waive the requirements for sidewalks on Beatrice Lane.
Mr. Harris seconded
Ms. Davis: Requests that further development of the rear acreage would require sidewalks.
Ms. Kalmar: When waiving a required improvement, the objective must be met. Given the size of the proposed project, the roadway and shoulder would provide a safe place to walk. Less pavement the better.
Ms. Davis: Concerned about future 'woodlot management' and trucks on the road.
Ms. Kalmar: Timber harvesting is not a permitted use in the Rural zone.
Mr. Markley: There has been no timber harvesting since 2010. Woodlot management would be to remove damaged and diseased trees and for personal firewood use.
Motion carried: 6-0-0

Board discussion of Plan Review Notes:

1. Vernal Pools/Wetlands: Protection of the vernal pool areas with other wetland, forested wetland and open space areas, avoiding fragmentation. Mr. Markley: The proposed open space area meets the concerns of the Conservation Commission and ACOE. Brett Taylor, Potential Buyer: Would like to retain property value and conserve the land, and this proposal meets those objectives. It is not my intention to develop beyond my single family home, but doesn't want to diminish his future property value, perhaps for his children. Discussion followed regarding locations of protected open space areas.
2. 'woods road': Road will become part of proposed parcel H and blocked at both ends following recording at YCRD. Plan will illustrate blocked areas. Buffer of trees need not be included.
3. Highpointe Circle extension acceptance: Discussion followed regarding the history of this road area, whether the town would accept the extension to the hammerhead at Kittree Lane. Mr. Sparkowich agrees the town should take it over. The Board requested the applicant to submit the necessary applications for street acceptance and naming to the town.

4. Boundary Plan: Agent will submit a boundary plan.
5. Density calculations: Will be addressed.
6. Wetland delineation: A re-certified delineation will be prepared for the area to the south and west of proposed parcel I.
7. ROW/Easement for parcel A and I: Reference will be made as an 'easement'. Include plan note to state 'driveway no longer than 500 feet serving two dwellings are permitted'. Submittal of a wetland alteration application is needed.
8. Sidewalk: Previously addressed.
9. Homeowner's association: In lieu of a homeowner's association, establish a road association and a deed covenant for the parcel where the open space area is located.
10. Condition of final approval restricting further division of land without receiving Board approval.

Mr. Markley: Owner would like a waiver to place a driveway longer than 500 feet.
Discussion followed regarding the authority to grant such a waiver. No decision was made.

Discussion returned to the open space location.

Break

Brett Taylor: I am spending a lot of money for this property and don't want to give up my rights as my heirs may want, in 50 years, to be able to access the rear of the property.
Discussion followed regarding code requirements to establish contiguous open space as well as a reduction in required open space for conventional subdivisions; review process of various development scenarios.
Ms. Grinnell: Asked for a Board consensus regarding the applicant's open space design. The Board did not reach a consensus (2 consenting; 4 not consenting).

Ms. Kalmar moved to grant preliminary subdivision approval to the Beatrice Lane subdivision plan as revised February 19, 2015 with conditions: resolution of open space issue; include stone wall closure of 'woods road' on the plan; receipt of boundary plan; road acceptance petition application; include net residential acreage and density calculations on plan; re-delineation of wetland area; include plan note to state 'driveways no longer than 500 feet serving a maximum of two dwellings are permitted'; road association and back parcel covenant for open space maintenance; wetland alteration application.
Ms. Davis seconded
Motion carried: 6-0-0

Members agreed to review Item 5A out of agenda order.

Ms. Kalmar moved to extend the meeting 15 minutes
Ms. Grinnell seconded
Motion carried: 6-0-0

ITEM 3 – Town Code Amendment - Title 16.4.4.1 Inspection of Required Improvements; 16.10.3.7 Independent Review/Inspection Consultant Review; 16.10.3.8 Independent Review Applicant Funding; 16.10.8.2.2 Performance Guaranty Conditions; and 16.10.9.1 Post Approval Actions Required.
Action: review amendment and schedule a public hearing. Proposed amendment: codifies the need to hold a pre-construction meeting; updates provisions associated with inspections; and provides clarity through minor changes where needed.
Mr. Harris: Read from a prepared statement regarding the proposed amendment language.
Discussion followed regarding rewording of the proposal.

Curbs

Streets normally are designed with curbs to allow greater use of available width and for control of drainage, protection of pedestrians, and delineation. The curb should be 100 to 150 mm [4 to 6 in] high, depending on drainage considerations, traffic control, and safety.

On divided streets the type of median curbs should be compatible with the width of the median and the type of turning movement control to be effected.

Vertical curbs with heights of 150 mm [6 in] or more adjacent to the traveled way should be offset at least 0.3 m [1 ft]. Where a curb-and-gutter section is provided, the gutter pan width, normally 0.6 m [2 ft], should be used as the offset distance. For additional information regarding curbs, see Chapter 4.

Drainage

Drainage is an important consideration in urban areas because of high runoff and flood potential. Surface flow from adjacent tributary areas may be intercepted by the street system, where it is collected within the roadway by curbs, gutters, and ditches, and conveyed to an appropriate drainage system. Where drains are available under or near the roadway, the flow is transferred at frequent intervals from the street cross section by gratings or curb-opening inlets to basins and from there by connectors to drainage channels or underground drains.

Economic considerations usually dictate that maximum practical use be made of the street sections for surface drainage. To avoid undesirable flowline conditions, the minimum gutter grade should be 0.30 percent. However, in very flat terrain and where no drainage outlet is available, gutter grades as low as 0.20 percent may be used. Where a drainage system is available, the inlets should be spaced to provide a high level of drainage protection in areas of high pedestrian use or where adjacent property has an unusually important public or community purpose (e.g., schools and churches). For further details, see the drainage section in Chapter 3.

Cul-De-Sacs and Turnarounds

A local street open at one end only should have a special turning area at the closed end. This turning area desirably should be circular and have a radius appropriate to the vehicle types expected. Minimum outside radii of 10 m [30 ft] in residential areas and 15 m [50 ft] in commercial and industrial areas are commonly used.

A dead-end street narrower than 12 m [40 ft] usually should be widened to enable passenger vehicles, and preferably delivery trucks, to make U-turns or at least turn around by backing only once. The design commonly used is a circular pavement symmetrical about the centerline of the street sometimes with a central island, as shown in Exhibit 5-8C, which also shows minimum dimensions for the design vehicles. Although this type of cul-de-sac operates satisfactorily and

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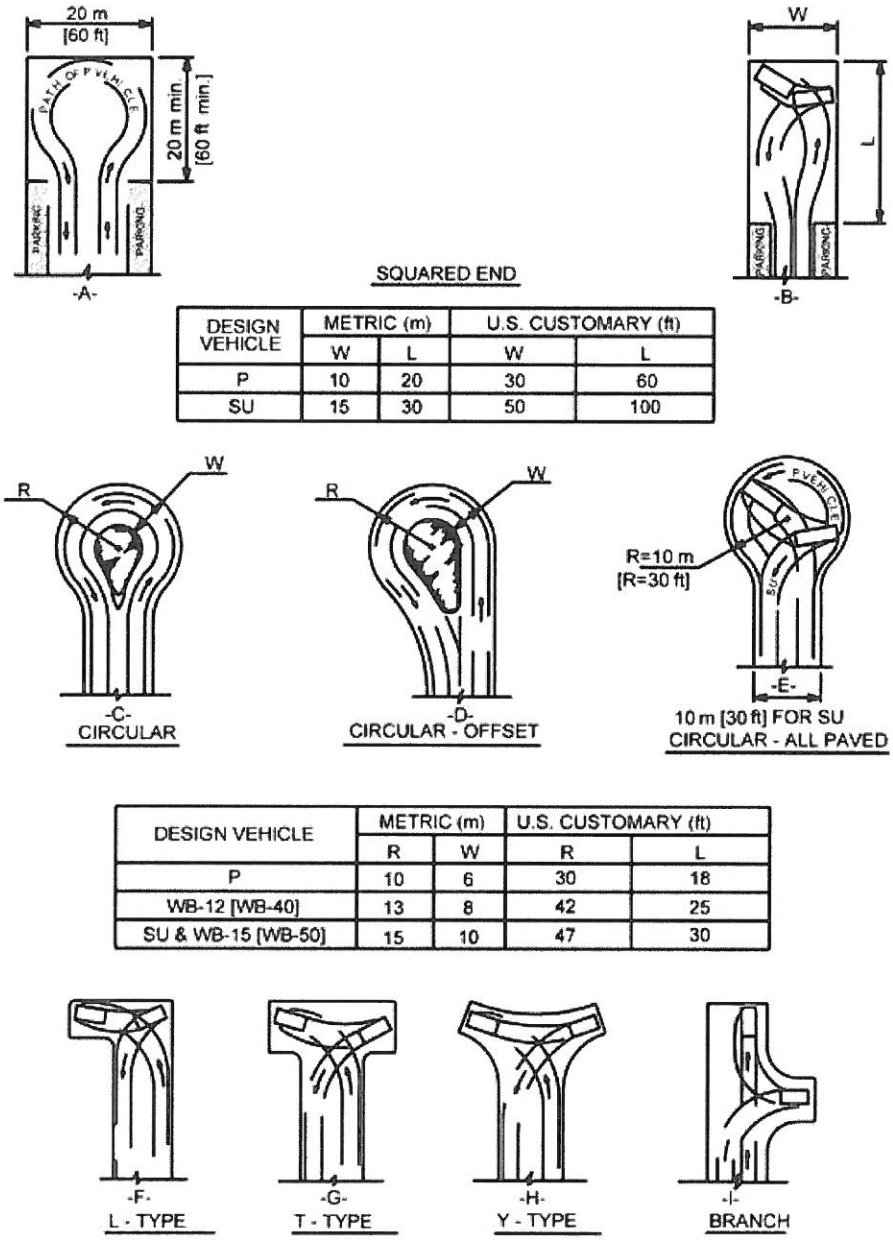

DESIGN VEHICLE	METRIC (m)		U.S. CUSTOMARY (ft)	
	W	L	W	L
P	10	20	30	60
SU	15	30	50	100

DESIGN VEHICLE	METRIC (m)		U.S. CUSTOMARY (ft)	
	R	W	R	L
P	10	6	30	18
WB-12 [WB-40]	13	8	42	25
SU & WB-15 [WB-50]	15	10	47	30

Exhibit 5-8. Types of Cul-de-Sacs and Dead-End Streets

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looks well, better operation is obtained if the design is offset so that the entrance-half of the pavement is in line with the approach-half of the street, as shown in Exhibit 5-8D. One steering reversal is avoided on this design. Where a radius of less than 15 m [50 ft] is used, the island should be bordered by sloping curbs to permit the maneuvering of an occasional oversized vehicle.

An all-paved plan, as opposed to an island configuration, with a 10-m [30-ft] outer radius, shown in Exhibit 5-8E, requires little additional paving. If the approach pavement is at least 10 m [30 ft] wide, the result is a cul-de-sac on which passenger vehicles can make the customary U-turn and SU design trucks can turn by backing only once. A radius of about 12 m [40 ft] will enable a WB-15 [WB-50] vehicle to turn around by maneuvering back and forth.

Other variations or shapes of cul-de-sacs that include right-of-way and site controls may be provided to permit vehicles to turn around by backing only once. Several types (Exhibit 5-8F, 5-8G, 5-8H, and 5-8I) may also be suitable for alleys. The geometry of a cul-de-sac should be altered if adjoining residences also use the area for parking.

Alleys

Alleys provide access to the side or rear of individual land parcels. They are characterized by a narrow right-of-way and range in width from 5 to 6 m [16 to 20 ft] in residential areas and up to 10 m [30 ft] in industrial areas.

Alleys should be aligned parallel to, or concentric with, the street property lines. It is desirable to situate alleys in such a manner that both ends of the alley are connected either to streets or to other alleys. Where two alleys intersect, a triangular corner cutoff of not less than 3 m [10 ft] along each alley property line should be provided. Dead-end alleys should include a turning area in accordance with Exhibit 5-9. This dead-end turning area design may be suitable for application on some very low-volume roads.

Curb return radii at street intersections may range from 1.5 m [5 ft] in residentially zoned areas to 3 m [10 ft] in industrial and commercial areas where large numbers of trucks are expected. Alleys should have grades established to meet as closely as possible the existing grades of the abutting land parcels. The longitudinal grade should not be less than 2 percent.

Alley cross sections may be V-shaped with transverse slopes of 2.5 percent toward a center V gutter. Runoff is thereby directed to a catch basin in the alley or to connecting street gutters.

Sidewalks

Sidewalks used for pedestrian access to schools, parks, shopping areas, and transit stops and placed along all streets in commercial areas should be provided along both sides of the street.

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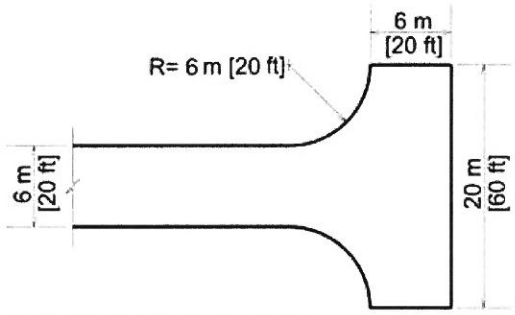
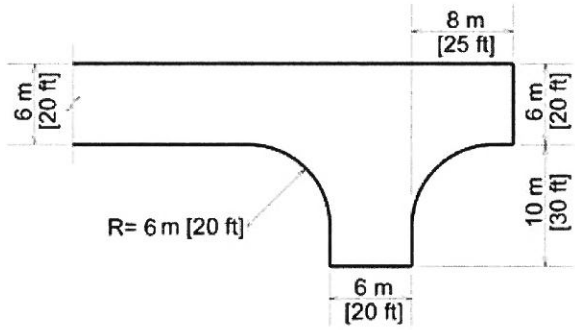
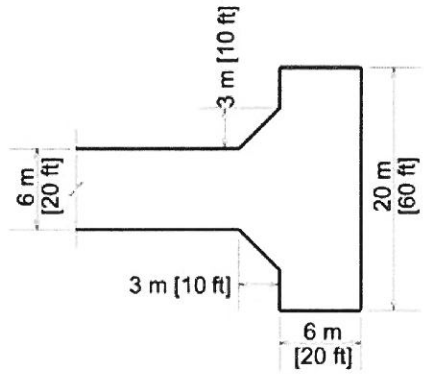


STANDARD TURNING AREA



TURNING AREA



STANDARD CUT CORNERS

Exhibit 5-9. Alley Turnarounds

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Duplication is a violation of applicable law.

CLARK & HOWELL

Jeffery J. Clark
jclark@clarkandhowell.com
Phone (207) 363-5208
Fax (207) 363-5322

16A Woodbridge Road
PO Box 545
York, ME 03909-0545

July 15, 2015

Duncan Mceachern, Esq.
Mceachern & Thornhill
10 Walker Street
Kittery, ME 03904

RE: Operation Blessing/Beatrice Lane Subdivision

Dear Duncan:

I have been asked by my client, Operation Blessing, LLC to write you concerning an issue which has arisen between my client and the Town Planner concerning the interpretation of the Kittery Zoning Ordinance, and, specifically, the definition of ***"driveway".***

For your information I am enclosing a copy (Exhibit 1) of a portion of the Beatrice Lane Subdivision Plan which shows the cul-de-sac at the end of Beatrice Lane (highlighted in blue). Extending from the hammer head turn-around at the cul de sac is a gravel way (highlighted in yellow) which services two lots labeled a ***Proposed Parcel 1*** (highlighted in red) and ***Proposed Parcel A*** (highlighted in green) on Exhibit 1.

I have also shown and delineated on Exhibit 1 the proposed location of two homes (highlighted in pink) situated on ***Proposed Parcel 1*** as well as ***Proposed Parcel A***. The length of this gravel way to the structure on ***Proposed Parcel 1*** is approximately 450 feet; and approximately 750 feet to the structure on ***Proposed Parcel A.***

Herein lies the difficulties: The Town of Kittery defines a driveway as follows: Driveway means a vehicular access way less than five hundred feet (500) in length ***serving two lots or less.*** (Emphasis added).

By way of analysis, this definition can be broken into three requirements: First, a driveway by definition services no more than 2 lots. Secondly, a driveway cannot be more than 500 feet in length. Lastly, the definition specifies that the driveway is to be measured from the road to the lot(s) which it services. The definition does NOT suggest that the measurement for determining the length is from the road to the dwelling or structure (e.g., a garage); rather, it specifically says that the measurement is to the lot being serviced. Although I understand that this may not be the common meaning of a driveway, it is the way the Town

has defined the term. If you examine Exhibit 1, it is quite clear that the length of the "driveway" from the paved hammerhead to ***Proposed Parcel A*** (highlighted in green) is approximately 50-75 feet; and approximately 400 feet to the entrance to ***Proposed Parcel 1.***

The Town Planner has chosen to interpret the term "driveway" differently than as set forth in the Town of Kittery Zoning Ordinance. He interprets the term "driveway" to mean the vehicular access way ***servicing the house*** on the Lot rather than simply ***servicing a lot.*** I think that we both can agree that because the Town of Kittery has created this ordinance, the Courts would strictly construe the terms of the Zoning Ordinance against the drafter, i.e. the Town of Kittery. Had the definition of driveway been written to require the measurement of the driveway from the private or public road to the house or other out-building on the property, then the Town Planner would certainly be correct in his interpretation. However, that is not what the Zoning Ordinance says. It specifically states that the measurement is to the Lot, not a structure on the Lot. The Town Planner does not have the authority to arbitrarily change the definition that is set forth in the ordinance to accommodate his own understanding as to how a driveway is defined.

I do understand that if a term is ambiguous, the courts have looked at. A common meaning of a term. However, here there is absolutely no ambiguity in the Town's definition of driveway. And therefore there is no "wiggle room" to adjust the term "driveway" as used in the Ordinance.

If you would like to discuss this further, please don't hesitate to give me a call. However, I think it would be worthwhile to have a conversation with your Town Planner to suggest to him that further delay in presenting this plan for final subdivision approval based on his arbitrary definition of driveway is inappropriate and will undoubtedly result in litigation and the likelihood that the Superior Court would over-turn the decision of the Board/Town Planner.

Thank you.

Sincerely,

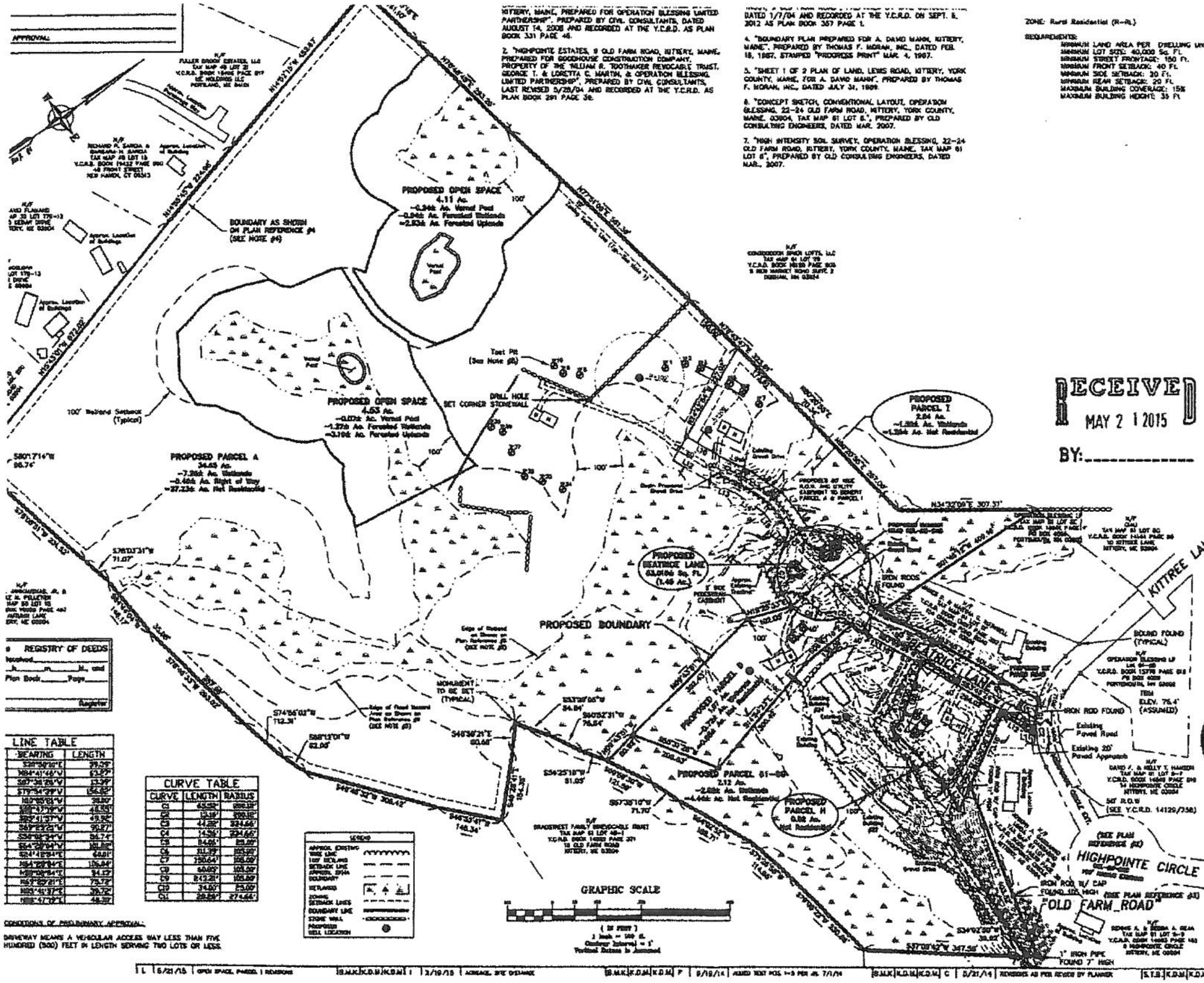
Clark & Howell, LLC

Jeffery J. Clark

JJC.vmt

Enclosure

Cc: Operation Blessing



1. ... KITTERY, MAINE, PREPARED FOR OPERATION BLESSING LIMITED PARTNERSHIP". PREPARED BY CIVIL CONSULTANTS, DATED AUGUST 14, 2008 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 331 PAGE 46.

2. "HIGHPOINTE ESTATES, 9 OLD FARM ROAD, KITTERY, MAINE, PREPARED FOR GOODHOUSE CONSTRUCTION COMPANY, PROPERTY OF THE WILLIAM R. TOOTHAKER REVOCABLE TRUST, GEORGE T. & LORETTA C. MARTIN, & OPERATION BLESSING LIMITED PARTNERSHIP", PREPARED BY CIVIL CONSULTANTS, LAST REVISED 5/28/04 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 291 PAGE 38.

3. ... DATED 1/7/04 AND RECORDED AT THE Y.C.R.D. ON SEPT. 8, 2012 AS PLAN BOOK 357 PAGE 1.

4. "BOUNDARY PLAN PREPARED FOR A. DAVID MANN, KITTERY, MAINE", PREPARED BY THOMAS F. MORAN, INC., DATED FEB. 18, 1987, STAMPED "PROGRESS PRINT" MAR. 4, 1987.

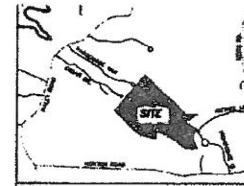
5. "SHEET 1 OF 2 PLAN OF LAND, LEWIS ROAD, KITTERY, YORK COUNTY, MAINE, FOR A. DAVID MANN", PREPARED BY THOMAS F. MORAN, INC., DATED JULY 31, 1989.

6. "CONCEPT SKETCH, CONVENTIONAL LAYOUT, OPERATION BLESSING, 22-24 OLD FARM ROAD, KITTERY, YORK COUNTY, MAINE, 03904, TAX MAP 61 LOT 8.", PREPARED BY CLD CONSULTING ENGINEERS, DATED MAR. 2007.

7. "HIGH INTENSITY SOIL SURVEY, OPERATION BLESSING, 22-24 OLD FARM ROAD, KITTERY, YORK COUNTY, MAINE, TAX MAP 61 LOT 8", PREPARED BY CLD CONSULTING ENGINEERS, DATED MAR., 2007.

ZONE: Rural Residential (R-RL)

REQUIREMENTS:
MINIMUM LAND AREA PER DWELLING UNIT: 40,000 Sq. Ft.
MINIMUM LOT SIZE: 40,000 Sq. Ft.
MINIMUM STREET FRONTAGE: 150 Ft.
MINIMUM FRONT SETBACK: 40 Ft.
MINIMUM SIDE SETBACK: 20 Ft.
MINIMUM REAR SETBACK: 20 Ft.
MAXIMUM BUILDING COVERAGE: 15%
MAXIMUM BUILDING HEIGHT: 35 Ft.



LOCATION MAP
(not to scale)

PURPOSE OF PLAN:

THE PURPOSE OF THIS PLAN IS TO PROPOSE A SUBDIVISION OF A 57.58± AC. PARCEL OF RECORD INTO FIVE LOTS. THIS PLAN ALSO PROPOSES A 50' WIDE RIGHT OF WAY TO BE KNOWN AS "BEATRICE LANE".

NOTES:

1. OWNERS OF RECORD:

TAX MAP 61 LOT 8
57.60± Acres (Based on Record Surveys)
OPERATION BLESSING, LP
Y.C.R.D. BOOK 14123 PAGE 908
DATED JUNE 8, 2004

2. BASIS OF BEARING IS PER PLAN REFERENCE #1.

3. APPROXIMATE ABUTTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.

4. THE EXTERIOR BOUNDARY SHOWN HEREON IS PER RECORD PLAN REFERENCES RECOVERED AT THE TIME OF SURVEY. SEE REFERENCED PLANS FOR FURTHER INFORMATION.

5. FLOOD HAZARD AREAS SHOWN HEREON ARE BASED ON PLAN REFERENCE #6.

6. EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.

7. DIMENSIONAL REQUIREMENTS SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY. CONFIRM CURRENT ZONING REQUIREMENTS WITH THE TOWN OF KITTERY PRIOR TO DESIGN OR DEVELOPMENT.

8. TEST PIT LOCATIONS AND RESULTS FOR PROPOSED PARCELS A AND I ARE PER PLAN REFERENCE 7. SEE SAID PLAN AND REPORT BY MICHAEL CUOMO, SOIL SCIENTIST. TEST PIT LOCATIONS AND RESULTS FOR PROPOSED PARCELS B AND H WERE PROVIDED BY JOE NOEL, SOIL SCIENTIST.

9. FOR STORM WATER MANAGEMENT BEST MANAGEMENT PRACTICES SEE REPORT AND PLANS (SHEETS 1 OF 2 AND 2 OF 2) BY ATTAR ENGINEERING FOR BEATRICE LANE.

10. FOR PLAN AND PROFILE, EROSION AND SEDIMENT CONTROL DETAILS AND SITE DETAILS SEE SHEET C1, C2, C3 AND C4 PREPARED BY ATTAR ENGINEERING DATED 10/20/14.

11. HOUSE AND GARAGE LOCATIONS SHOWN ARE APPROXIMATE FOR DEMONSTRATION PURPOSES ONLY. ACTUAL LOCATIONS WILL DEPEND ON INDIVIDUAL LOT OWNERS PREFERENCES AND ADHERE WITH KITTERY TOWN CODES.

12. WETLANDS ON THE EAST SIDE OF THE STREAM WERE DELINEATED BY MAINE CERTIFIED SOIL SCIENTIST JOE NOEL IN 2014. WETLANDS ON THE WEST SIDE OF THE STREAM WERE DELINEATED BY WOOD LOT ALTERNATIVES IN 2006 AND PORTIONS CLOSE TO THE PROPOSED DEVELOPMENT WERE REDELINEATED BY SOIL SCIENTIST JOE NOEL IN 2015 (SEE LETTER DATED MAY 5, 2015) WITH NO SIGNIFICANT CHANGES OBSERVED.

13. SEE HIGH INTENSITY SOIL SURVEY DATED SEPTEMBER 2006 AND RE-CERTIFIED IN 2015, BY CERTIFIED SOIL SCIENTIST MIKE CUOMO.

RECEIVED
MAY 21 2015
BY: ____________

FOR REVIEW

-PRELIMINARY-

LINE TABLE

BEARING	LENGTH
S20°50'10"E	39.39'
N84°41'46"W	63.27'
S07°38'28"W	13.39'
S79°54'39"W	156.82'
N10°05'21"W	38.00'
S[illegible]°47'39"W	48.55'
S85°41'57"W	49.92'
S69°29'25"W	90.87'
S56°08'34"W	86.74'
S54°29'04"W	181.82'
S24°41'54"E	60.01'
N54°29'04"E	106.04'
N38°08'84"E	34.13'
N69°29'21"E	73.72'
N85°41'57"E	39.72'
N[illegible]°47'19"E	48.39'

CURVE TABLE

CURVE	LENGTH	RADIUS
C1	45.52'	209.18'
C2	13.18'	209.18'
C3	44.22'	324.66'
C4	14.56'	324.66'
C5	84.66'	25.00'
C6	111.39'	105.00'
C7	150.64'	105.00'
C8	60.05'	105.00'
C9	842.21'	105.00'
C10	34.00'	25.00'
C11	29.89'	274.66'

CONDITIONS OF PRELIMINARY APPROVAL:

DRIVEWAY MEANS A VEHICULAR ACCESS WAY LESS THAN FIVE HUNDRED (500) FEET IN LENGTH SERVING TWO LOTS OR LESS.

L	5/21/15	OPEN SPACE, PARCEL I REVISIONS			
			S.M.K.	K.D.M.	K.D.M.
I	3/19/15	ACREAGE, SITE DISTANCE			
			S.M.K.	K.D.M.	K.D.M.
F	9/19/14	ADDED TEST PITS 1-3 PER ... 7/1/14			
			S.M.K.	K.D.M.	K.D.M.
C	5/21/14	REVISIONS AS PER REVIEW BY PLANNER			
			S.T.B.	K.D.M.	K.D.M.

SUBDIVISION PLAN
BEATRICE LANE
FOR PROPERTY AT
22/24 Old Farm Road/Highpointe Circle/Kittree Lane
Kittery, York County, Maine
OWNED BY
Operation Blessing, LP
c/o Richard D. Sparkowich
PO Box 4086, Portsmouth, NH 03802

EASTERLY SURVEYING, Inc.
SURVEYORS IN N.H. & MAINE
(207) 439-6333
191 STATE ROAD, SUITE #1
KITTERY, MAINE 03904

May, 19 2016

Kittery Planning Board
Chris DiMatteo – Town Planner
200 Rogers Rd.
Kittery, ME

Operation Blessing Limited Partnership (OBLP) submits the following package of information for Kittery Planning Board (KPB) Final Review of the proposed Beatrice Lane 5 Lot Conventional Subdivision. With Preliminary Review behind us, and taking into consideration comments made by the KPB, OBLP has addressed each Condition in the order listed on Page 7 of the KPB Approved Minutes of March 12, 2015:

1. **Resolution of open space issue** (see Final Subdivision Plan, Attachment 1)

   A. THE RESERVED OPEN SPACE on proposed PARCEL A has been significantly reconfigured. This open space now abuts OPEN SPACE on two large parcels, Lewis Farm II Subdivision (to the North) and Fuller Brook Estates Subdivision (to the West).

   B. The 60 foot wide gap between the two proposed RESERVED OPEN SPACES is now only 20 feet in width.

2. **Include stone wall closure of 'woods road' on both ends (see Attachment 1)**

   A. The Subdivision Site Plan now shows proposed stone walls, blocking the 'woods road' on both ends.

3. **Receipt of boundary plan (see Attachment 2)**

   A. A 'STANDARD BOUNDRY SURVEY' PLAN, dated 1/26/16 is furnished.

4. **Road acceptance petition application including street naming application (see Attachments 3A through 3F)**

   A. A meeting was held at the Kittery Town Hall on 1/27/16 involving input from: Town Planner, Commissioner of Public Works, CMA, OBLP and concerned abutters. A site walk was held on 3/30/16 at the prospective road area involved, with all concerned parties in attendance (total of 10).

   B. A package of pertinent info is furnished, including:

      1) STREET NAMING APPLICATION (see Attachment 3A)

      2) PETITION FOR ACCEPTANCE OF A PUBLIC STREET. (see Attachment 3B)
         a.) Deed description of R.O.W. to be conveyed to the Town. (see Attachment 3C)

b.) CMA Road Completion Report. (see attachment 3D)

c.) "As built" Profile And Cross Section Road Plans. (see Attachment 3E, Plans R1 & R2

d.) Final OBLP 3 Lot Subdivision Plan at YCRD. (see attachment 3F)

C. A consensus has been reached by abutters, but all signatures have not yet been obtained.

5. Include net residential acreage and density calculations on plan

A. Subdivision Plan now includes NET RESIDENTIAL CALCULATION and ALLOWABLE UNITS PER NET RESIDENTIAL DENSITY tables.

6. Redelineation of wetland area.

A. On May 4, 2015 soil scientist Joseph Noel reflagged the wetlands in the areas suggested by the Planner and supported by the Planning Board

B. On May 5, 2015 soil scientist Joe Noel wrote a letter stating that the old wetland flagging done by others were still visible, and "the wetland flagging does not deviate from the original delineation in these areas of concern."

C. Wetland boundary locations remain unchanged on the plans.

7. Include plan note to state 'driveways' no longer than 500 feet serving a maximum of two dwellings are permitted

A. A note has been added to the plan I.A.W. "Definitions" in the TOWN CODE i.e. "DRIVEWAY MEANS A VEHICULAR ACCESS WAY LESS THAN FIVE HUNDRED (500) FEET IN LENGTH SERVICING TWO LOTS OR LESS" At the request of the Town Planner during a meeting on 3/7/16 OBLP was asked to move the perimeter of our cul-de-sac approx. 190 feet West, to be within 500 feet of the planned dwelling on Proposed Parcel A. This has been done.

B. The boundary between PROPOSED PARCEL A and PROPOSED PARCEL I have been changed, so that the 60 foot wide right of way is now on PROPOSED PARCEL A.

C. A driveway has been added to PROPOSED PARCEL A.

8. Road association

A. Road Association documents were furnished, to the Town Planner on the week of 2/22/16 (see Attachment 4)

9. Back parcel covenant for open space maintenance (see Attachment 5)

A. All the RESERVED OPEN SPACE (8.61 Acres) is located on PROPOSED PARCEL A and will be owned by one lot owner. The prospective owner has no interest in developing the property and wants to keep it in its natural state. There may be a need for cleanup of storm damaged and downed trees as appropriate. Buffer signs may also be needed.

10. Wetland alteration application (see Attachment 6)

A. Attar Engineering has prepared a Wetland Alteration Application for a 12 foot wide gravel driveway, crossing Hill Creek Stream.

Sincerely,

Rick Sparkowich 5/19/16

Rick Sparkowich (Applicant)

and Gen. Partner for OBLP

APPROVED: TOWN OF KITTERY

DATE OF APPROVAL:

PLAN REFERENCES:

1. "MINOR SUBDIVISION OF LAND OF OPERATION BLESSING LIMITED PARTNERSHIP, HIGHPOINTE CIRCLE & KITTREE LANE, KITTERY, MAINE, PREPARED FOR OPERATION BLESSING LIMITED PARTNERSHIP", PREPARED BY CIVIL CONSULTANTS, DATED AUGUST 14, 2008 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 331 PAGE 46.

2. "HIGHPOINTE ESTATES, 9 OLD FARM ROAD, KITTERY, MAINE, PREPARED FOR GOODHOUSE CONSTRUCTION COMPANY, PROPERTY OF THE WILLIAM R. TOOTHAKER REVOCABLE TRUST, GEORGE T. & LORETTA C. MARTIN, & OPERATION BLESSING, LIMITED PARTNERSHIP", PREPARED BY CIVIL CONSULTANTS, LAST REVISED 5/28/04 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 291 PAGE 39.

CON'D:

3. "PLAN OF LAND OF THE WILLIAM R. TOOTHAKER REVOCABLE TRUST, 9 OLD FARM ROAD", PREPARED BY CIVIL CONSULTANTS, DATED 1/7/04 AND RECORDED AT THE Y.C.R.D. ON SEPT. 6, 2012 AS PLAN BOOK 357 PAGE 1.

4. "BOUNDARY PLAN PREPARED FOR A. DAVID MANN, KITTERY, MAINE", PREPARED BY THOMAS F. MORAN, INC., DATED FEB. 16, 1987, STAMPED "PROGRESS PRINT" MAR. 4, 1987.

5. "SHEET 1 OF 2 PLAN OF LAND, LEWIS ROAD, KITTERY, YORK COUNTY, MAINE, FOR A. DAVID MANN", PREPARED BY THOMAS F. MORAN, INC., DATED JULY 31, 1989.

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CONDITIONS OF PRELIMINARY APPROVAL:

DRIVEWAY MEANS A VEHICULAR ACCESS WAY LESS THAN FIVE HUNDRED (500) FEET IN LENGTH SERVING TWO LOTS OR LESS.

ZONING DATA PER TOWN OF KITTERY LAND USE AND DEVELOPMENT CODE 16.3.2.1 (SEE NOTE #7):

ZONE: Rural Residential (R-RL)

REQUIREMENTS:

MINIMUM LAND AREA PER DWELLING UNIT: 40,000 Sq. Ft.
MINIMUM LOT SIZE: 40,000 Sq. Ft.
MINIMUM STREET FRONTAGE: 150 Ft.
MINIMUM FRONT SETBACK: 40 Ft.
MINIMUM SIDE SETBACK: 20 Ft.
MINIMUM REAR SETBACK: 20 Ft.
MAXIMUM BUILDING COVERAGE: 15%
MAXIMUM BUILDING HEIGHT: 35 Ft

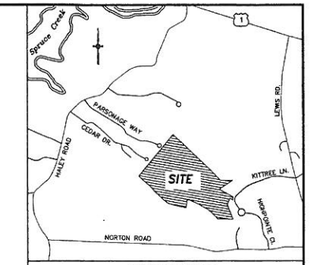
NET RESIDENTIAL CALCULATION:

TOTAL LOT AREA:	57.58 AC.
LESS R.O.W.:	1.45 AC.
LESS EASEMENT:	0.46 AC.
LESS V.P.D., P.D. SOILS:	31.96 AC.
TOTAL NET RESIDENTIAL ACRES:	23.71± AC.

ALLOWABLE UNITS PER NET RESIDENTIAL DENSITY:

(23.71 AC. = 43,560 SQ. FT. / AC. / 40,000 SQ. FT. / UNIT)

25 UNITS (8 UNITS PROPOSED)



LOCATION MAP
(not to scale)

PURPOSE OF PLAN:

THE PURPOSE OF THIS PLAN IS TO PROPOSE A SUBDIVISION OF A 57.58± AC. PARCEL OF RECORD INTO FIVE LOTS. THIS PLAN ALSO PROPOSES A 60' WIDE RIGHT OF WAY TO BE KNOWN AS "BEATRICE LANE".

NOTES:

1. OWNERS OF RECORD:

TAX MAP 61 LOT 8
57.58± Acres (Based on Record Surveys)
OPERATION BLESSING, LP
Y.C.R.D. BOOK 14125 PAGE 908
DATED JUNE 8, 2004

2. BASIS OF BEARING IS PER PLAN REFERENCE #1.

3. APPROXIMATE ABUTTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.

4. THE EXTERIOR BOUNDARY SHOWN HEREON IS PER RECORD PLAN REFERENCES RECOVERED AT THE TIME OF SURVEY. SEE REFERENCED PLANS FOR FURTHER INFORMATION.

5. FLOOD HAZARD AREAS SHOWN HEREON ARE BASED ON PLAN REFERENCE #6.

6. EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.

7. DIMENSIONAL REQUIREMENTS SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY. CONFIRM CURRENT ZONING REQUIREMENTS WITH THE TOWN OF KITTERY PRIOR TO DESIGN OR DEVELOPMENT.

8. TEST PIT LOCATIONS AND RESULTS FOR PROPOSED PARCELS A AND I ARE PER PLAN REFERENCE 7. SEE SAID PLAN AND REPORT BY MICHAEL CUOMO, SOIL SCIENTIST. TEST PIT LOCATIONS AND RESULTS FOR PROPOSED PARCELS B AND H WERE PROVIDED BY JOE NOEL, SOIL SCIENTIST.

9. FOR STORM WATER MANAGEMENT BEST MANAGEMENT PRACTICES SEE REPORT AND PLANS (SHEETS 1 OF 2 AND 2 OF 2) BY ATTAR ENGINEERING FOR BEATRICE LANE.

10. FOR PLAN AND PROFILE, EROSION AND SEDIMENT CONTROL DETAILS AND SITE DETAILS SEE SHEET C1, C2, C3 AND C4 PREPARED BY ATTAR ENGINEERING.

11. HOUSE AND GARAGE LOCATIONS SHOWN ARE APPROXIMATE FOR DEMONSTRATION PURPOSES ONLY. ACTUAL LOCATIONS WILL DEPEND ON INDIVIDUAL LOT OWNERS PREFERENCES AND ADHERE WITH KITTERY TOWN CODES.

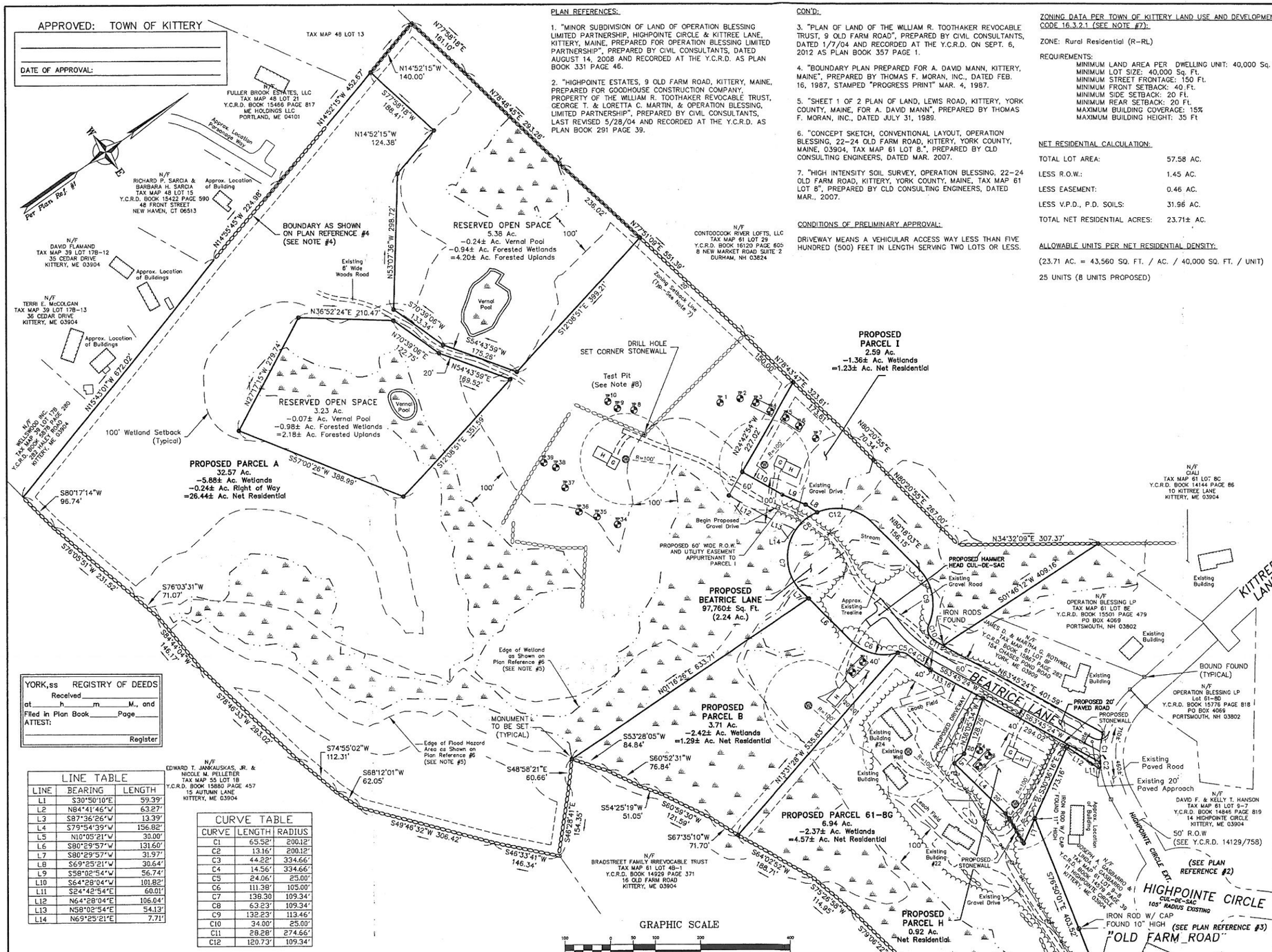
12. WETLANDS ON THE EAST SIDE OF THE STREAM WERE DELINEATED BY MAINE CERTIFIED SOIL SCIENTIST JOE NOEL IN 2014. WETLANDS ON THE WEST SIDE OF THE STREAM WERE DELINEATED BY WOOD LOT ALTERNATIVES IN 2006 AND PORTIONS CLOSE TO THE PROPOSED DEVELOPMENT WERE REDELINEATED BY SOIL SCIENTIST JOE NOEL IN 2015 (SEE LETTER DATED MAY 5, 2015) WITH NO SIGNIFICANT CHANGES OBSERVED.

13. SEE HIGH INTENSITY SOIL SURVEY DATED SEPTEMBER 2006 AND RE-CERTIFIED IN 2015, BY CERTIFIED SOIL SCIENTIST MIKE CUOMO.

Attachment 1

FOR REVIEW

-PRELIMINARY-



YORK,ss REGISTRY OF DEEDS
Received
at h m M., and
Filed in Plan Book Page
ATTEST:
Register

LINE TABLE		
LINE	BEARING	LENGTH
L1	S30°50'10"E	59.39'
L2	N84°41'46"W	63.27'
L3	S87°36'26"W	13.39'
L4	S79°54'39"W	156.82'
L5	N10°05'21"W	30.00'
L6	S80°29'57"W	131.60'
L7	S80°29'57"W	31.97'
L8	S69°25'21"W	30.64'
L9	S58°02'54"W	56.74'
L10	S64°28'04"W	101.82'
L11	S24°42'54"E	60.01'
L12	N64°28'04"E	106.04'
L13	N58°02'54"E	54.13'
L14	N69°25'21"E	7.71'

CURVE TABLE		
CURVE	LENGTH	RADIUS
C1	65.52'	200.12'
C2	13.16'	200.12'
C3	44.22'	334.66'
C4	14.56'	334.66'
C5	24.06'	25.00'
C6	111.38'	105.00'
C7	138.30	109.34'
C8	63.23'	109.34'
C9	132.23'	113.46'
C10	34.00'	25.00'
C11	28.28'	274.66'
C12	120.73'	109.34'

REV.	DATE	STATUS	BY	CHKD	APPD.
P	5/23/16	REVISE PARCEL B & 61-8G	A.M.P.	K.D.M.	K.D.M.
O	5/19/16	REVISE R.O.W., PARCEL A, B, I & 61-8G	A.M.P.	K.D.M.	K.D.M.
N	2/18/16	OPEN SPACE, PARCEL A, B & 61-8G REVISIONS	A.M.P.	K.D.M.	K.D.M.
M	5/21/15	OPEN SPACE, PARCEL B & 61-8G REVISIONS	B.M.K.	K.D.M.	K.D.M.
L	5/21/15	OPEN SPACE, PARCEL I REVISIONS	B.M.K.	K.D.M.	K.D.M.
K	4/22/15	REVISIONS, ADDED TEST PITS	B.M.K.	K.D.M.	K.D.M.
J	3/12/15	OPEN SPACE	B.M.K.	K.D.M.	K.D.M.
I	2/19/15	ACREAGE, SITE DISTANCE	B.M.K.	K.D.M.	K.D.M.
H	2/12/15	OPEN SPACE	B.M.K.	K.D.M.	K.D.M.
G	10/26/14	REVISIONS FOR PLAN SUBMITTAL	B.M.K.	K.D.M.	K.D.M.
F	9/19/14	ADDED TEST PITS 1-5 PER JN. 7/1/14	B.M.K.	K.D.M.	K.D.M.
E	6/11/14	REVISE SETBACKS / AREAS	A.M.P.	K.D.M.	K.D.M.
D	5/27/14	REVISION OF PROPOSED LOT LINES	A.M.P.	K.D.M.	K.D.M.
C	5/21/14	REVISIONS AS PER REVIEW BY PLANNER	S.T.B.	K.D.M.	K.D.M.
B	5/9/14	ADD SURVEYED WETLANDS	A.M.P.	K.D.M.	K.D.M.
A	2/27/14	REVISIONS AS PER REVIEW BY PLANNER	A.M.P.	K.D.M.	K.D.M.

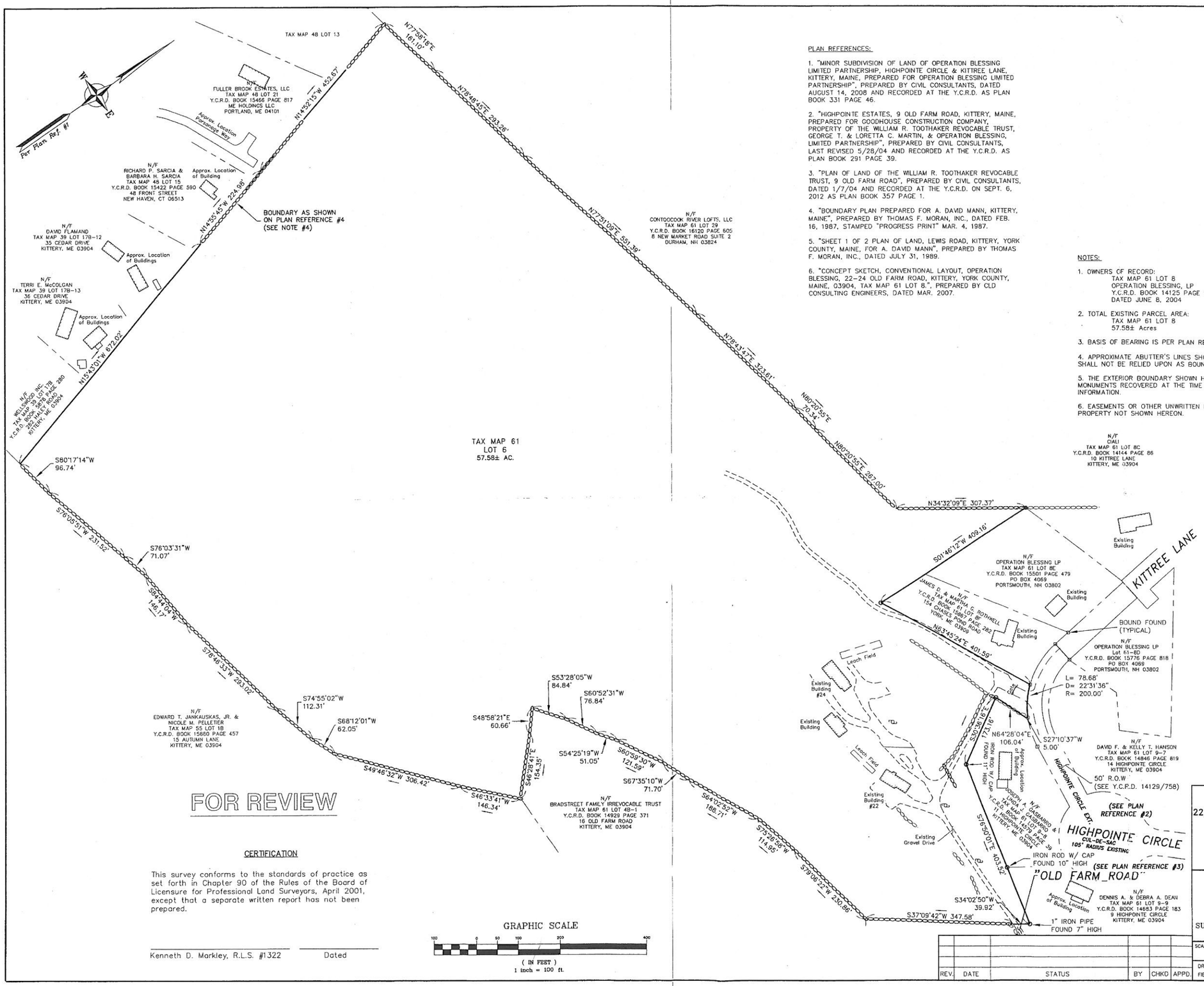
SUBDIVISION PLAN
BEATRICE LANE
FOR PROPERTY AT
22/24 Old Farm Road/Highpointe Circle/Kittree Lane
Kittery, York County, Maine
OWNED BY
Operation Blessing, LP
c/o Richard D. Sparkowich
PO Box 4069, Portsmouth, NH 03802

North
W EASTERLY
SURVEYING, Inc.
SURVEYORS IN N.H. & MAINE
(207) 439-6333
191 STATE ROAD, SUITE #1
KITTERY, MAINE 03904

SCALE:	PROJECT NO.	DATE:	SHEET:	DRAWN BY:	CHECKED BY:
1" = 100'	12726	2/5/14	S-1	A.M.P.	K.D.M.

DRAWING No: 12726_DIVISION_REV_DEC_2015
FIELD BOOK No: "Kittery #27"

Tax Map 61 Lot 8



PLAN REFERENCES:

1. "MINOR SUBDIVISION OF LAND OF OPERATION BLESSING LIMITED PARTNERSHIP, HIGHPOINTE CIRCLE & KITTREE LANE, KITTERY, MAINE, PREPARED FOR OPERATION BLESSING LIMITED PARTNERSHIP", PREPARED BY CIVIL CONSULTANTS, DATED AUGUST 14, 2008 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 331 PAGE 46.

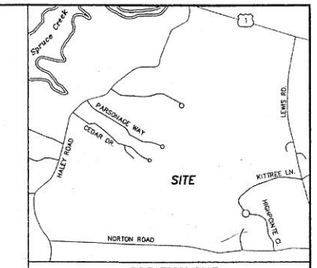
2. "HIGHPOINTE ESTATES, 9 OLD FARM ROAD, KITTERY, MAINE, PREPARED FOR GOODHOUSE CONSTRUCTION COMPANY, PROPERTY OF THE WILLIAM R. TOOTHAKER REVOCABLE TRUST, GEORGE T. & LORETTA C. MARTIN, & OPERATION BLESSING, LIMITED PARTNERSHIP", PREPARED BY CIVIL CONSULTANTS, LAST REVISED 5/28/04 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 291 PAGE 39.

3. "PLAN OF LAND OF THE WILLIAM R. TOOTHAKER REVOCABLE TRUST, 9 OLD FARM ROAD", PREPARED BY CIVIL CONSULTANTS, DATED 1/7/04 AND RECORDED AT THE Y.C.R.D. ON SEPT. 6, 2012 AS PLAN BOOK 357 PAGE 1.

4. "BOUNDARY PLAN PREPARED FOR A. DAVID MANN, KITTERY, MAINE", PREPARED BY THOMAS F. MORAN, INC., DATED FEB. 16, 1987, STAMPED "PROGRESS PRINT" MAR. 4, 1987.

5. "SHEET 1 OF 2 PLAN OF LAND, LEWIS ROAD, KITTERY, YORK COUNTY, MAINE, FOR A. DAVID MANN", PREPARED BY THOMAS F. MORAN, INC., DATED JULY 31, 1989.

6. "CONCEPT SKETCH, CONVENTIONAL LAYOUT, OPERATION BLESSING, 22-24 OLD FARM ROAD, KITTERY, YORK COUNTY, MAINE, 03904, TAX MAP 61 LOT 8.", PREPARED BY OLD CONSULTING ENGINEERS, DATED MAR. 2007.



LOCATION MAP
(not to scale)

NOTES:

1. OWNERS OF RECORD:
   TAX MAP 61 LOT 8
   OPERATION BLESSING, LP
   Y.C.R.D. BOOK 14125 PAGE 908
   DATED JUNE 8, 2004

2. TOTAL EXISTING PARCEL AREA:
   TAX MAP 61 LOT 8
   57.58± Acres

3. BASIS OF BEARING IS PER PLAN REFERENCE #1.

4. APPROXIMATE ABUTTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.

5. THE EXTERIOR BOUNDARY SHOWN HEREON IS PER RECORD PLAN REFERENCES AND MONUMENTS RECOVERED AT THE TIME OF SURVEY. SEE REFERENCED PLANS FOR FURTHER INFORMATION.

6. EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.

N/F
CIALI
TAX MAP 61 LOT 8C
Y.C.R.D. BOOK 14144 PAGE 86
10 KITTREE LANE
KITTERY, ME 03904

Attachment 2

CERTIFICATION

This survey conforms to the standards of practice as set forth in Chapter 90 of the Rules of the Board of Licensure for Professional Land Surveyors, April 2001, except that a separate written report has not been prepared.

Kenneth D. Markley, R.L.S. #1322 Dated

YORK,ss REGISTRY OF DEEDS
Received _____
at ____h____m____M., and
Filed in Plan Book ____ Page ____
ATTEST:
_____
Register

REV.	DATE	STATUS	BY	CHKD	APPD.

STANDARD BOUNDARY SURVEY
FOR PROPERTY AT
22/24 Old Farm Road/Highpointe Circle/Kittree Lane
Kittery, York County, Maine
OWNED BY
Operation Blessing, LP
c/o Richard D. Sparkowich
PO Box 4069, Portsmouth, NH 03802

North
EASTERLY
SURVEYING, Inc.
SURVEYORS IN N.H. & MAINE
(207) 439-6333
191 STATE ROAD, SUITE #1
KITTERY, MAINE 03904

SCALE:	PROJECT NO.	DATE:	SHEET:	DRAWN BY:	CHECKED BY:
1" = 100'	12726	1/26/16	1 OF 1	A.M.P.	K.D.M.

DRAWING No: 12726 AMD_SUB
FIELD BOOK No: "Kittery #27"

Tax Map 61 Lot 8

Attachment 3

Public Works Commissioner
200 Rogers Road
Kittery, ME 03904

Subject: STREET NAMING APPLICATION for KPB Approved 3 Lot Subdivision in Aug. 2008
(w/ Operation Blessing Limited Partnership as Applicant)

PETITION FOR ACCEPTANCE OF A PUBLIC STREET
(for same stretch of road)

In conformance with the requirements of the Kittery Planning Board (KPB) and the Town Manager, Operation Blessing Limited Partnership (OPLP) is requesting your input on two matters of interest. The KPB has concurred with the applicant (Richard Sparkowich, representing OBLP) that the STREET NAMING APPLICATION be forwarded, together, with the PETITION FOR ACCEPTANCE OF A PUBLIC STREET. The STREET NAMING APPLICATION and the PETITION FOR ACCEPTANCE OF A PUBLIC STREET are hereby submitted and ready for KPB review, before being signed by the petitioners.

Although the aforementioned two items are geographically separate from OBLP's Beatrice Lane, 5-Lot Conventional Subdivision , the Planning Board has "piggy backed" them to our current 5-Lot Subdivision Application. Furthermore, OBLP received Preliminary Subdivision Approval on 3/12/15 w/conditions, and one of those conditions require that a **PETITION FOR ACCEPTANCE OF A PUBLIC STREET**, BE FILED FOR THE 3 Lot Subdivision that was completed on 11/8/2012. (See Attachments 3A through 3F)

The input of the Public Works Commissioner and other Department Heads, as appropriate, are also needed on the aforementioned documents.

Thank you for your consideration.

Respectfully,

Richard Sparkowich, Gen. Partner

Enclosed:
Attachment (3A) STREET NAMING APPLICATION
Attachment (3B PETITION FOR ACCEPTANCE OF A PUBLIC STREET
Attachment (3C) Deed description of R.O.W. to be conveyed to the Town
Attachment (3D) CMA Road Completion Report
Attachment (3E) (Plans R1 & R2) "As built". Profile and Cross Section Road Plans
Attachment (3F) FINAL OBLP 3 Lot Subdivision Plan at YCRD

TOWN OF KITTERY MAINE
TOWN PLANNING AND DEVELOPMENT DEPARTMENT

200 Rogers Road, Kittery, Maine 03904
Phone: (207) 475-1323
Fax: (207) 439-6806
www.kittery.org

Attachment 3A

APPLICATION: STREET NAMING

FOR YOUR SAFETY AND SERVICE, MUNICIPAL DEPARTMENT REVIEW AND TOWN PLANNING BOARD APPROVAL IS REQUIRED.	Fee for Review	☐ $20.00	Amount Paid: $_____ Date: _____

APPLICANT/S PROPERTY OWNER'S INFORMATION	Name	Operation Blessing LTD. Partnership	Mailing Address	22B Old Farm Road Kittery, ME. 03904
	Phone	207-439-6141		
	Email	rickspartkowich@gmail.com		
APPLICANT'S AGENT'S INFORMATION	Name	Richard Sparkowich	Name of Business	Operation Blessing Limited Partnership
	Phone	207-439-6141	Mailing Address	22B Old Farm Road Kittery, ME. 03904
	Fax	same (call first)		
	Email	rickspartkowich@gmail.com		

DESCRIPTION	
EXISTING STREET NAME:	Protested Name is Kittree Lane
PROPOSED STREET NAME:	Highpointe Circle
STREET LOCATION (e.g. off Haley Road, after # 157 between Norton and Bartlett Road "):	20 foot wide paved road, extending off Highpointe Circle after #9, and connecting to gravel portion of Kittree Lane at #10 Kittree Lane.

A Street Name application and departmental review and acceptance is required prior to Planning Board approval.
In the case of active developments before the Planning Board, this application fee is waived.

FOR YOUR INFORMATION – TOWN CODE TITLE 16.8 ARTICLE III. STREET SIGNS.

16.8.3.1 Names – Streets which join or are in alignment with streets of abutting or neighboring properties must bear the same name. Names of new streets may not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality and are subject to the approval of the Planning Board.

16.8.3.2 Signs Provided – Street name signs are to be furnished and installed by the developer; the type, size and location to be approved by the Commissioner of Public Works.

INSTRUCTIONS FOR SUBMITTING A COMPLETE STREET NAME APPLICATION

The following information must be provided when submitting a request for Planning Board review:

- A copy of the Town Tax Map indicating the location of the proposed private drive or right-of-way and the Tax Map Lots affected (abutters).
- A specific written description of where the private drive or right-of-way is located (i.e. "off Haley Road, after # 157 between Norton and Bartlett Road").
- A list of the Town Tax Map/Lot numbers and names of all abutters to the right-of-way and obtain their signatures on the street name application.

WE THE UNDERSIGNED PROPERTY OWNERS DO HEREBY REQUEST APPROVAL OF THE NAME Highpointe Circle FOR A STREET LOCATED OFF OF Highpointe Circle (STREET/RD/LN). UPON APPROVAL BY THE PLANNING BOARD, WE HEREIN ACKNOWLEDGE RESPONSIBILITY FOR EXPENSES INCURRED TO CHANGE OUR MAILING ADDRESS AS WELL AS TO PURCHASE AND INSTALL THE STREET SIGN(S).

APPLICANT MUST ACQUIRE SIGNATURES OF PROPERTY OWNERS ABUTTING THE STREET TO BE NAMED*

PRINTED NAME	SIGNATURE OF PROPERTY OWNER	MAILING ADDRESS	MAP & LOT NUMBER	TELEPHONE NUMBER
			MAP 61 LOT 8D	
			MAP 61 LOT 8E	
			MAP 61 LOT 8E	
			MAP 61 LOT 8F	
			MAP 61 LOT 8F	
			MAP 61 LOT 9-7	
			MAP 61 LOT 9-7	
			MAP 61 LOT 9-8	
			MAP 61 LOT 9-8	
			MAP 61 LOT 8C	

*If applicable. If undeveloped, current property owner's name. Please attach additional pages if necessary.

THIS SECTION FOR OFFICE USE ONLY:

DEPARTMENT	COMMENTS	APPROVED (A) OR DENIED (D)	SIGNATURE	DATE
FIRE DEPARTMENT		A D		
POLICE DEPARTMENT		A D		
PUBLIC WORKS		A D		
CODE ENFORCEMENT		A D		
PLANNING		A D		
ASSESSING		A D		
TOWN CLERK /VOTER REGISTRAR		A D		
PLANNING BOARD		A D		

TOWN OF KITTERY MAINE TOWN PLANNING DEPARTMENT

STREET NAME APPLICATION (continuation)

FOR YOUR INFORMATION - ALL APPLICANTS - PLEASE READ:

- Due to emergency (911) services, similar sounding names will not be acceptable (i.e. Maple Lane, Naple Lane, William Drive and Williams Drive, etc.).

- Streets which join or are in alignment with streets of abutting or neighboring properties will bear the same name, i.e. more than one street name on a continuous street is not acceptable.

- After review and acceptance of a street name by municipal departments, and approval by the Planning Board, the Assessor will assign new street address numbers for adjacent properties. Any costs incurred due to an address change are the responsibility of the individual applicant(s) / property owner(s).

- After approval of a street name by the Town Planning Board, the applicant(s) must notify the Director of Public Works (phone: 207-439-0333) regarding ordering street numbers and installing street signs. Any costs incurred for a street sign(s) is the responsibility of the individual applicant(s) / property owner(s).

THANK YOU.

Attachment 3B

PETITION FOR ACCEPTANCE OF A PUBLIC STREET

The undersigned petitioners, acting in accordance with the design standards, conditions and requirements for acceptance of a public street, pursuant to Article V, Section 16.8.5.1.3. of the Land Use and Development Code, Zoning Ordinance for the Town of Kittery, hereby petition the Kittery Town Council to accept the following street as a public street and way within the Town:

Name of Proposed Public Street: Highpointe Circle

Petitioners represent that the following requirements for street acceptance have been completed as of the date set forth:

1. Drafting of a deed from the property owner(s) conveying the property within the boundaries of the proposed street to the Town of Kittery. • SEE Attachment 3C.

Date Completed

2. Satisfactory report by a Maine Certified Engineer that the proposed street "as built" has been constructed in accordance with the standards and criteria established in Article IV., Section 16.8.4. Streets and Pedestrian Ways/Sidewalks Site Design Standards and the Design and Construction Standards for Streets and Pedestrian Ways, Table 1, Chapter 16.8, Article IV.
• SEE Attachment 3D. (CMA REPORT)

Date Completed

3. An "as built" plan, profile and cross section of the proposed street meeting the specifications set forth in Section 16.8.5.1.3.a. thru d.
• SEE Attachment 3E, Plans R1 & R2.
• SEE Attachment 3F, FINAL OBLP 3 Lot Subdivision Plan at YCRD.

Date Completed

4. Report that the Kittery Public Works Commissioner has reviewed the "as built" report, plans and documents submitted by the Maine Certified Engineer, and that the proposed street satisfies all conditions of acceptance as a public street and any other conditions imposed by the Commissioner.

Date Completed

5. Recommendation by the Kittery Planning Board to the Town Council recommending that the street proposed to be accepted as a public street meets all Planning Board review requirements for approval under the Ordinance.

DESCRIPTION OF "RIGHT-OF-WAY TO BE CONVEYED TO THE TOWN OF KITTERY"

(See EXHIBIT A on Attachment 3F – FINAL SUBDIVISION PLAN dated 14 AUGUST 2008 of: MINOR SUBDIVISION OF LAND OF OPERATION BLESSING LIMITED PARTNERSHIP HIGHPOINTE CIRCLE & KITTREE LANE KITTERY, MAINE)

A certain tract or parcel of land, located on the westerly end of Highpointe Circle, Town of Kittery, York County, Maine, depicted as "N/F Goodhouse Construction Existing 50' Right-Of-Way" on a Plan entitled "Minor Subdivision of Land of Operation Blessing Limited Partnership, Highpointe Circle & Kittree Lane, Kittery, Maine" , prepared for: Operation Blessing Limited Partnership, prepared by Civil Consultants, dated 14 August 2008, which is recorded in the York County Registry of Deeds in Plan Book 331 Page 46 and being more particularly described as follows:

Beginning at an iron pin on the westerly end of Highpointe Circle also being the southeast corner of land now or formerly of David & Kelly Hanson; thence running N 83°09'42" W along land of said Hanson a distance of 154.48 feet to a monument; thence running northwesterly by land of said Hanson along a tangent curve to the right having a radius of 150.00 feet a distance of 199.03 feet to a monument at the southerly end of land depicted as "New Right-Of-Way" proposed to be granted to the Town of Kittery; thence running S 82°51'46" W along the southerly end of said New Right-Of-Way a distance of 50.00 feet to a monument at land depicted as Lot 61-8F on said plan; thence running southeasterly by said Lot 61-8F along a curve to the left having a radius of 200.00 feet a distance of 144.54 feet to a monument at the northerly corner of land now or formerly of Operation Blessing Limited Partnership; thence continuing southeasterly by said land now or formerly of Operation Blessing Limited Partnership along a tangent curve to the left having a radius of 200.00 feet a distance of 78.18 feet to a monument at the corner of land now or formerly of Joseph & Linda Gasbarro; thence continuing southeasterly by land of said Gasbarro along a tangent curve to the left having a radius of 200.00 feet a distance of 72.15 feet to a monument thence running S 83°09'42" E along land of said Gasbarro a distance of 160.53 feet to an iron pipe at the westerly sideline of said Highpointe Circle; thence running northerly by the westerly sideline of said Highpointe Circle along a curve to the right having a radius of 105.00 feet a distance of 50.76 feet to the point of beginning.

(See EXHIBIT B on Attachment 3F)

A certain tract or parcel of land, located on the southerly end of Kittree Lane, Town of Kittery, York County, Maine, partially depicted as "New Right-Of-Way" on a plan entitled "Minor Subdivision of Land of Operation Blessing Limited Partnership, Highpointe Circle & Kittree Lane, Kittery, Maine", prepared for: Operation Blessing Limited Partnership, prepared by Civil Consultants, dated 14 August 2008, which is recorded in the York County Registry of Deeds in Plan Book 331 Page 46 and being more particularly described as follows:

Beginning at a monument at the northwest corner of land depicted as "N/F Goodhouse Construction Existing 50' Right-Of-Way" proposed to be granted to the Town of Kittery; thence Running N 82°51'46" E along the northerly end of said Goodhouse Right of Way a distance of 50.00 feet to a monument at the southwest corner of land depicted as Lot 61-8D on said plan;
thence running N 07°08'14" W along said Lot 61-8D a distance of 217.16 feet to a monument;
thence running N 82°51'44" E along said Lot 61-8D a distance of 35.00 feet to an iron pin;
thence running N 07°08'16" W along said Lot 61-8D a distance of 36.00 feet to an iron pin;
thence running S 82°51'44" W along said Lot 61-8D a distance of 30.00 feet to an iron pin;
thence running N 07°08'16" W along said Lot 61-8D a distance of 30.00 feet to an iron pin;
thence running S 82°51'44" W a distance of 60.00 feet to a point at land now or formerly of Mary-Ellen Ciali & Gayle Karukin; thence running S 07°08'16" W along land of said Ciali & Karukin a distance of 66.00 feet to an iron pin at land depicted as Lot 61-8E; thence running N 82°51'44" E along said Lot 61-8E a distance of 5.00 feet to a monument; thence running S 07°08'14" E a distance of 175.91 feet to a monument at the northeast corner of land depicted as Lot 61-8F on said plan; thence continuing S 07°08'14" E along said Lot 61-8F a distance of 41.25 feet to the point of beginning.

Gmail

Attachment 3D

Rick Sparkowich <ricksparkowich@gmail.com>

FW: Beatrice Lane

2 messages

William Straub <wstraub@cmaengineers.com> Mon, Aug 10, 2015 at 2:00 PM
To: Chris DiMatteo <CDiMatteo@kitteryme.org>
Cc: "ricksparkowich@gmail.com" <ricksparkowich@gmail.com>, Jodie Bray Strickland <jstrickland@cmaengineers.com>

Hi Chris,

I know you are up north this week in the wilds, but I wanted to get this off.

Rick Sparkowich of Operation Blessing called me last week regarding the 1st Beatrice Lane project. He is apparently seeking to get Town approval of the roadway, and wanted to know if we had documentation of our conclusion that the roadway was constructed in accordance with the PB –approved plans.

Below is an email that Jodie Strickland sent to you and others on November 13, 2012. It transmitted a final Field Report on the project (also attached), and included the statement: ***All construction is complete with respect to the approved plans.***

This is the documentation from our perspective of that completion.

If you have any questions, please let us know.

Best,

Bill

Bill Straub, PE

CMA ENGINEERS

(603) 431-6196

From: Jodie Bray Strickland
Sent: Tuesday, November 13, 2012 1:12 PM
To: Chris DiMatteo <CDiMatteo@kitteryme.org>
Cc: William Straub <wstraub@cmaengineers.com>; ricksparkowich@gmail.com; Gmylroie <gmylroie@kitteryme.org>; Jan Fisk <JFisk@kitteryme.org>
Subject: RE: Beatrice Lane

Chris-

Please find attached my field report for the site visit I made to Beatrice Lane subdivision on Thursday November 8th. All construction is complete with respect to the approved plans.

Please let me know if you have any questions.

Sincerely,

Jodie

Jodie Bray Strickland, PE

CMA ENGINEERS

35 Bow Street

Portsmouth, NH 03801

p: 603.431.6196

f: 603.431.5376

e: jstrickland@cmaengineers.com

FR20121108.pdf
185K

Rick Sparkowich <ricksparkowich@gmail.com>
To: William Straub <wstraub@cmaengineers.com>

Mon, Aug 10, 2015 at 2:02 P

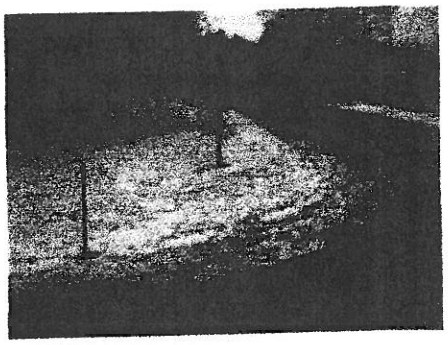
Field Report

CMA ENGINEERS, INC.
35 BOW STREET
PORTSMOUTH, NH 03801

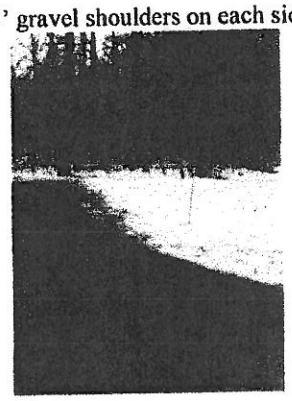
DATE: **Thursday** November 8, 2012

Project: **Beatrice Lane Subdivision (Operation Blessing)**
Kittery, ME 03904
CMA Project No: 591.22 Field Reports

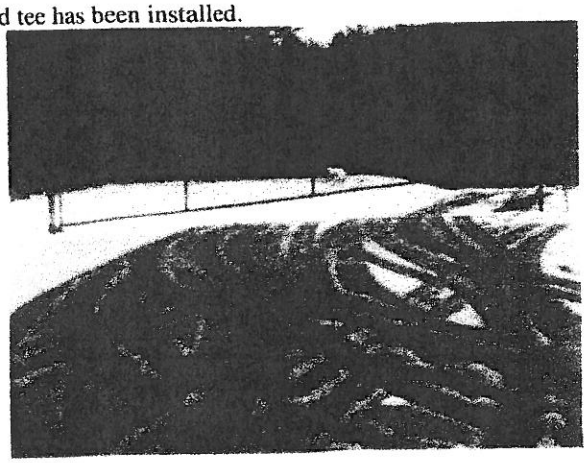
All signs and granite bounds and iron rods are installed in their correct locations.



The 1" wearing course of pavement has been installed and the 3' gravel shoulders on each side.

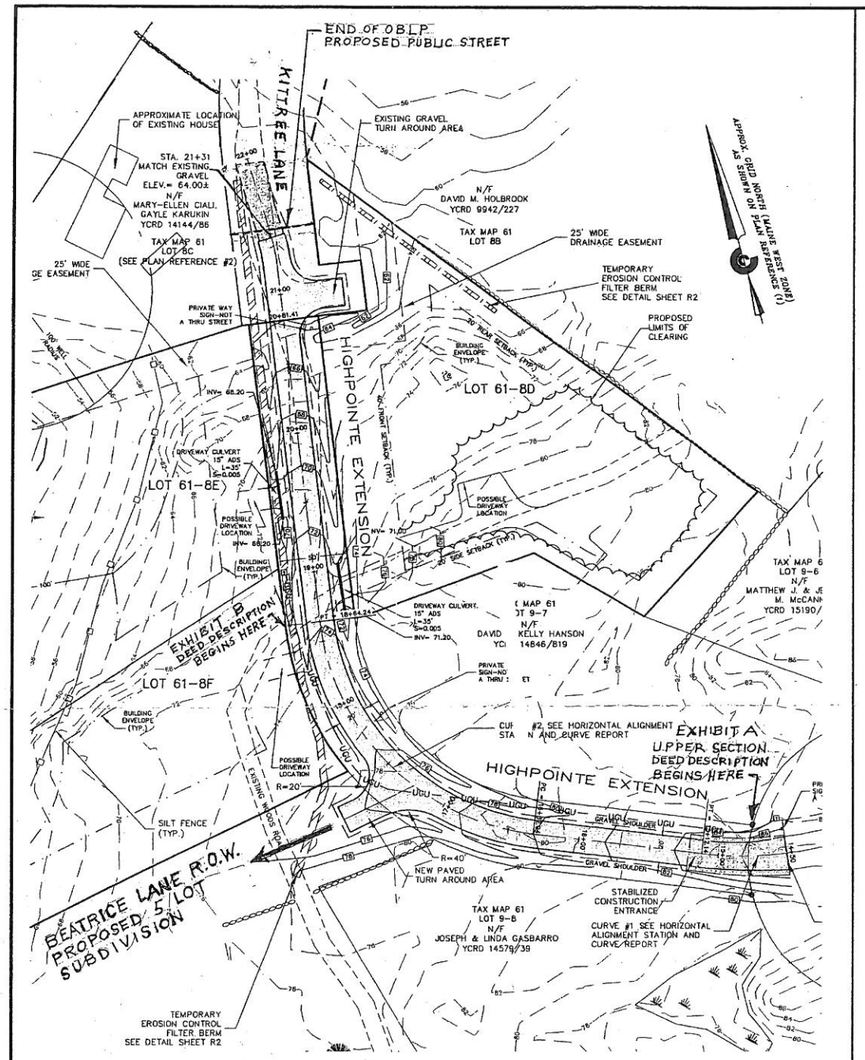


The gate at the turnaround tee has been installed.



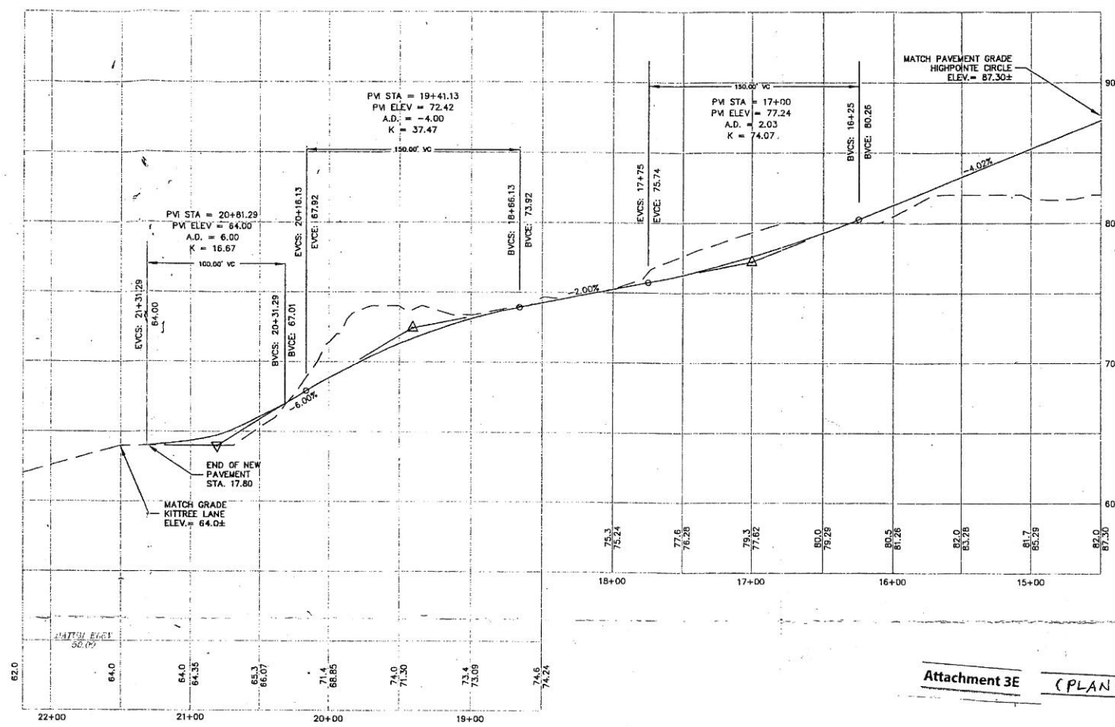
Construction of the subdivision roadway through the connection to Highpointe Circle is complete.

Submitted by: **J. Strickland**



HIGHPOINTE EXTENSION ROADWAY PLAN
SCALE 1" = 50'

0' 50' 100' 150'



HIGHPOINTE EXTENSION PROFILE
SCALE 1" = 50' HOR., 1" = 5' VERT.

HORIZONTAL ALIGNMENT STATION AND CURVE REPORT.
Alignment: ROAD-B
Desc: ROAD ALIGNMENT 08-29-07

Desc.	Station	Spiral/Curve Data		Northing	Easting
PI	14+50			102571	2808722
	Length:	31.23	Course:	S 82-35-47 W	
PI	14+81.23			102567	2808691
	Length:	287.91	Course:	N 83-09-42 W	
	Delta:	14-14-31			
		CIRCULAR CURVE 1 DATA			
PC	14+50			102571	2808722
CC				102819	2808690
PT	15+12.14			102571	2808660
	Delta:	14-14-31	Type:	RIGHT	
	Radius:	250.00	DOC:	22-55-06	
	Length:	62.14	Tangent:	31.23	
	Mid-Ord:	1.93	External:	1.94	
	Chord:	61.98	Course:	S 89-43-03 W	
	Es:	1.94			
PI	17+68.82			102601	2808405
	Length:	353.95	Course:	N 07-08-14 W	
	Delta:	76-01-28			
		Tangent Data			
	15+12.14			102571	2808660
	16+32.04			102585	2808541
	Length:	119.90	Course:	N 83-09-42 W	
		CIRCULAR CURVE 2 DATA			
PC	16+32.04			102585	2808541
CC				102759	2808562
PT	18+64.24			102737	2808388
	Delta:	76-01-28	Type:	RIGHT	
	Radius:	175.00	DOC:	32-44-26	
	Length:	232.20	Tangent:	136.78	
	Mid-Ord:	37.12	External:	47.12	
	Chord:	215.54	Course:	N 45-08-58 W	
	Es:	47.12			
PI	20+81.41			102952	2808361
		Tangent Data			
	18+64.24			102737	2808388
	20+81.41			102952	2808361
	Length:	217.18	Course:	N 07-08-14 W	

Attachment 3E (PLAN #1)

TAX MAP 61 LOT 8

STATE OF MAINE
CARL V. BEAL
No. 5013
LICENSED
PROFESSIONAL ENGINEER

© CIVIL CONSULTANTS

CIVIL CONSULTANTS
Engineers
Planners
Surveyors
P.O. Box 100
South Berwick
Maine
03908
207-384-2550
civcon@civcon.com

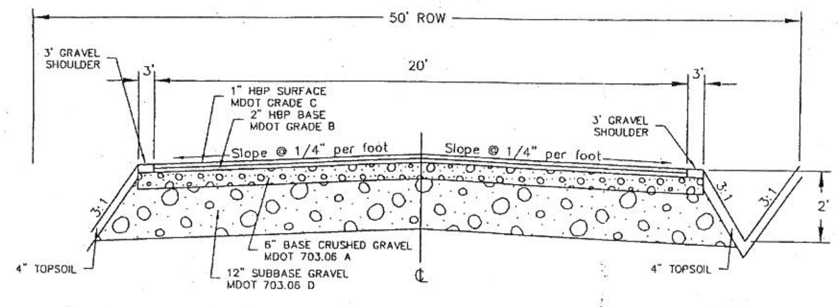
NO.	REVISIONS	INT.	DATE
2	REVISED PRIVATE WAY NAME	DHO	7-09-08
1	PER TOWN OF KITTERY REVIEW	DHO	3-31-08

SUBDIVISION OF LAND OF OPERATION BLESSING LIMITED PARTNERSHIP
HIGHPOINTE CIRCLE & KITTREE LANE
KITTERY, MAINE
PREPARED FOR:
OPERATION BLESSING LIMITED PART.
MAILING ADDRESS: P.O. BOX 4069 PORTSMOUTH, NH 03802-4069

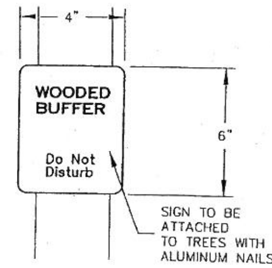
CIVIL CONSULTANTS

DRAWN JAA	CALC. CVB
DATE 07 JANUARY 2008	
CHECKED	
APPROVED	
SCALE AS NOTED	
SHEET TITLE: • ROADWAY PLAN & PROFILE	
SHEET NUMBER: R1	
SHEET 1 OF 3	
PROJECT # 00-410.01	

DWG NAME: 0041001E-RP-2C
DIRECTORY: \0041001\CARLSON\ENGINEERING\DRAWING
DATE: 01\07\2008



TYPICAL SECTION HIGHPOINTE EXTENSION (PRIVATE WAY)
NOT TO SCALE

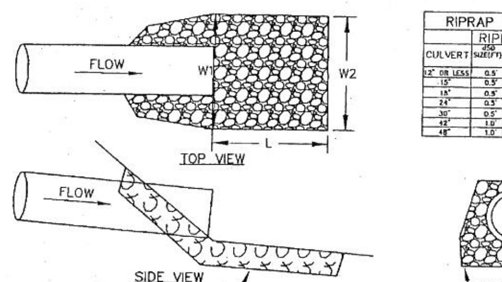


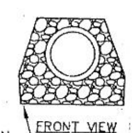
WOODED BUFFER SIGN
NOT TO SCALE

SIGN MATERIAL EQUAL OR EQUIVALENT TO BERTSEN INTERNATIONAL, INC. YELLOW SURVEY MARKER (ITEM # POLY4X6B) POLYETHYLENE SIGN 4"x 6" (.125 GAUGE). SIGNS TO PLACED ALONG PERIMETER OF WOODED BUFFER. APPROXIMATELY 50' TO 75' SPACING (5' HEIGHT)

PRIVATE WAY SIGN
NOT TO SCALE

NOTE:
PRIVATE WAY SIGNS TO BE PLACED AT LOCATIONS SHOWN ON SHEET C2

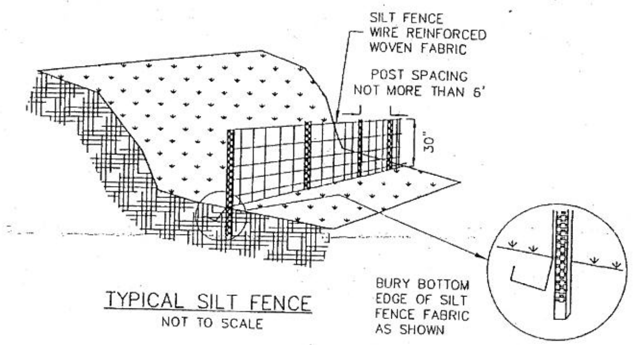




RIPRAP APRON SCHEDULE

	RIPRAP		APRON		
CULVERT	d50 SIZE(FT)	THICKNESS t (INCHES)	LENGTH L (FT) (MIN)	WIDTH W1 (FT)	WIDTH W2 (FT)
12" OR LESS	0.5'	15"	10'	3.0'	12'
15"	0.5'	15"	10'	3.75'	12'
18"	0.5'	15"	10'	4.5'	12'
24"	0.5'	15"	14'	6.0'	16'
30"	0.5'	15"	18'	7.5'	19'
42"	1.0'	24"	32'	10.5'	36'
48"	1.0'	24"	34'	12'	38'

RIPRAP APRON PIPE OUTLET DETAIL
NOT TO SCALE



TYPICAL SILT FENCE
NOT TO SCALE

DETAIL OF SILT FENCE INSTALLATION AT UPSLOPE SIDE FROM BARRIER

EROSION AND SEDIMENT CONTROL PRACTICES

1. NO SOIL SHALL BE DISTURBED DURING THE PERIOD OF MARCH 1 THROUGH APRIL 15, NOR DURING ANY OTHER PERIOD WHEN SOILS ARE SATURATED DUE TO RAIN OR SNOW MELT.
2. DISTURBED SOILS SHALL BE STABILIZED WITHIN ONE (1) WEEK FROM THE TIME IT WAS LAST ACTIVELY WORKED USING TEMPORARY OR PERMANENT MEASURES SUCH AS PLACEMENT OF RIPRAP, MULCH OR OTHER EROSION CONTROL BLANKET, OR OTHER COMPARABLE MEASURES.
3. HAY OR STRAW MULCH, WHERE USED, SHALL BE APPLIED AT A RATE OF AT LEAST ONE (1) BALE PER 500 SQUARE FEET (1-2 TONS PER ACRE).
4. IF MULCH IS LIKELY TO BE REMOVED DUE TO TO STEEP SLOPES OR WIND, IT SHALL BE ANCHORED WITH NETTING, PEG OR TWINE, OR OTHER SUITABLE METHOD AND SHALL BE MAINTAINED UNTIL A CATCH OF VEGETATION IS ESTABLISHED OVER THE ENTIRE DISTURBED AREA.
5. IN ADDITION TO PLACEMENT OF RIPRAP, MULCH OR EROSION CONTROL BLANKETS, ADDITIONAL STEPS SHALL BE TAKEN WHERE NECESSARY, IN ORDER TO PREVENT SEDIMENTATION OF THE WATER. EVIDENCE OF SEDIMENTATION INCLUDES VISIBLE GULLY EROSION, DISCOLORATION OF WATER BY SUSPENDED PARTICLES AND SLUMPING OF BANKS. SILT FENCES, STAKED HAY BALES AND OTHER SEDIMENTATION CONTROL MEASURES, WHERE PLANNED FOR, SHALL BE IN PLACE PRIOR TO COMMENCEMENT OF WORK, BUT SHALL ALSO BE INSTALLED WHEREVER NECESSARY DUE TO SEDIMENTATION.
6. MULCH OR OTHER TEMPORARY MEASURES SHALL BE MAINTAINED UNTIL THE SITE IS PERMANENTLY STABILIZED WITH VEGETATION OR OTHER PERMANENT CONTROL MEASURES AFTER WHICH TEMPORARY MEASURES WILL BE REMOVED.
7. PERMANENT RE-VEGETATION OF ALL DISTURBED AREAS, USING NATIVE PLANT MATERIAL WHEN POSSIBLE, SHALL OCCUR WITHIN 30 DAYS FROM THE TIME THE AREAS WERE LAST ACTIVELY WORKED, OR FOR FALL AND WINTER ACTIVITIES, BY JUNE 15, EXCEPT WHERE PRECLUDED BY THE TYPE OF ACTIVITY (E.G. RIRRAP, ROAD SURFACES, ETC.). THE VEGETATIVE COVER SHALL BE MAINTAINED.
8. DISPOSAL OF COLLECTED DEBRIS MUST BE IN CONFORMANCE WITH MAINE SOLID WASTE LAW, TITLE 38 MRSA SECTION 1301 ET. SEQ.

LIME AND FERTILIZER APPLICATION RATES SHALL NOT EXCEED THE FOLLOWING:

GROUND LIMESTONE: 3 TONS/ACRE (130 LBS./1000 S.F.)
FERTILIZER, 10-10-10 OF EQUIVALENT: 600 LBS./ACRE (14 LBS./1000 S.F.)

FERTILIZER SHALL NOT BE APPLIED BEFORE START OF THE GROWING SEASON NOR AFTER SEPTEMBER 30. FERTILIZED AREAS SHALL BE MULCHED TO REDUCE OFF-SITE TRANSPORT OF NUTRIENTS UNTIL USED BY VEGETATIVE GROWTH.

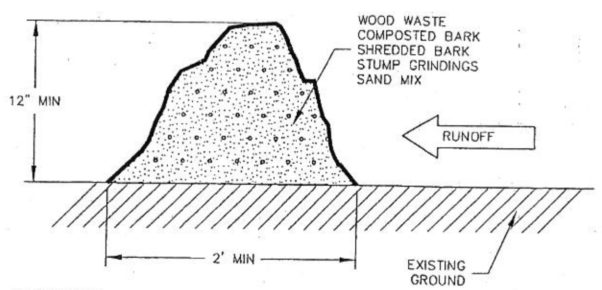
SEEDING MIXTURE AND SCHEDULE:

SPREAD TOPSOIL UNIFORMLY 6" DEEP OVER AREAS TO BE RECLAIMED. THE FOLLOWING SEED MIXTURE SHALL BE USED:

LAWNS:

KENTUCKY BLUEGRASS	0.46 LBS./1000 S.F.
CREEPING RED FESCUE	0.46 LBS./1000 S.F.
PERENNIAL RYE GRASS	0.11 LBS./1000 S.F.
TOTAL	1.03 LBS./1000 S.F.

APPLY LIME AND FERTILIZER AS SPECIFIED UNDER THE EROSION AND SEDIMENTATION CONTROL NOTES. WORK INTO THE TOP (4) INCHES OF SOIL PRIOR TO SEEDING. AFTER SEEDING, APPLY MULCH HAY AS SPECIFIED. ON FLAT AREAS AND NOT EXPOSED TO WIND, THE MULCH WILL BE ANCHORED BY WETTING DOWN. IN OTHER AREAS, JUTE NETTING SHALL BE USED FOR ANCHORAGE. THE ABOVE SEEDING SCHEDULE IS APPLICABLE IF SEEDING DURING THE GROWING SEASON (APRIL 15 TO JUNE 15 AND AUGUST 30 TO SEPTEMBER 30). BETWEEN JUNE 15 AND AUGUST 30, SEEDING WILL BE DELAYED UNTIL AUGUST 30. IF SOIL IS DISTURBED BETWEEN OCTOBER 1 AND NOVEMBER 1, DELAY SEEDING UNTIL NOVEMBER 1. AFTER NOVEMBER 1 AND BEFORE A SNOW COVER FORMS, THE SAME PROCEDURE WILL BE FOLLOWED EXCEPT THE SEED RATE WILL BE DOUBLED. AFTER SNOW COVER AND BEFORE APRIL 15, SEEDING WILL BE DELAYED UNTIL APRIL 15. HAY MULCH WILL BE APPLIED AT A RATE OF 150 LBS./1000 SQUARE FEET. THIS WILL BE ANCHORED BY NON-ASPHALTIC TACKIFIER SPRAYED ON LAWNS AND JUTE NETTING IN DRAINAGE WAYS AND OTHER AREAS.

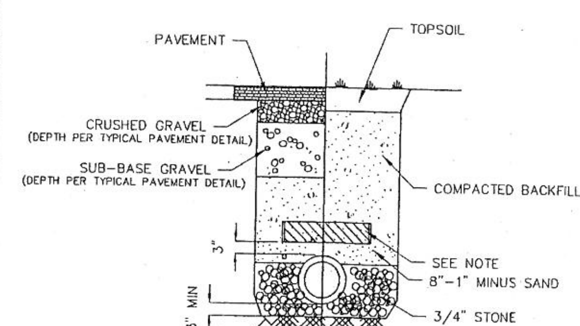


FILTER BERM
THIS BERM MAY BE USED IN PLACE OF FILTER FENCE WHERE APPLICABLE. THE MIXTURE OF THE BERM MATERIAL NEEDS TO BE A WELL-GRADED BLEND OF ORGANIC & MINERAL SUBSTANCE CONFORMING TO THE FOLLOWING STANDARDS:

ORGANIC MATTER CONTENT: BETWEEN 80% AND 100%
MOISTURE CONTENT: 30%-60%
PH: BETWEEN 5.0 AND 8.0
PARTICLE SIZE BY WEIGHT SHALL BE 100% PASSING A 5" SCREEN AND A MINIMUM OF 70% MAXIMUM OF 85%, PASSING A 0.75" SCREEN.
LARGE PORTION OF SILTS, CLAYS OR FINE SANDS ARE NOT ACCEPTABLE MIX.

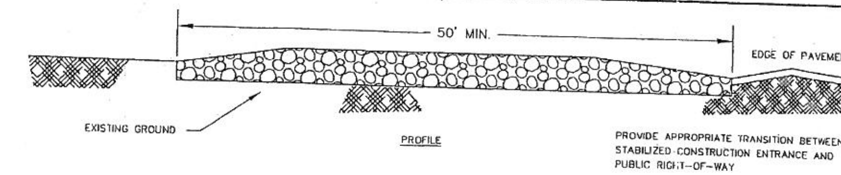
THE BERM SHALL BE PLACED ALONG A RELATIVELY LEVEL CONTOUR. WHERE EVER POSSIBLE THE EXISTING SURFACE MUST BE SCOURED AND THE MIXTURE KEYED IN LIKE ANY OTHER SEDIMENT CONTROL MEASURE.

FILTER BERM DETAIL
NOT TO SCALE

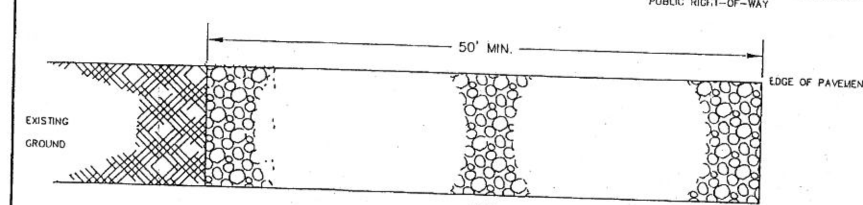


TYPICAL DRAINLINE TRENCH DETAIL
NOT TO SCALE

NOTE:
2"x2' STYROFOAM INSULATION BOARD SHALL BE PLACED IN AREAS WHERE COVER OVER LINE IS LESS THAN 2.5', OR WHERE SHOWN.



PROVIDE APPROPRIATE TRANSITION BETWEEN STABILIZED CONSTRUCTION ENTRANCE AND PUBLIC RIGHT-OF-WAY

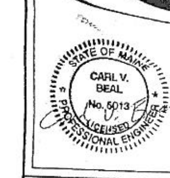


CONSTRUCTION SPECIFICATIONS

1. STONE SIZE – AASHTO DESIGNATION M43, SIZE NO 2 (2-1/2" TO 1-1/2"). USE CRUSHED STONE.
2. LENGTH – AS EFFECTIVE, BUT NOT LESS THAT 50 FEET.
3. THICKNESS – NOT LESS THAN EIGHT (8) INCHES.
4. WIDTH – NOT LESS THAN FULL WIDTH OF ALL POINTS OF INGRESS OR EGRESS.
5. WASHING – WHEN NECESSARY, WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC RIGHT-OF-WAY. WHEN WASHING IS REQUIRED IT SHALL BE DONE ON AN AREA STABILIZED WITH CRUSHED STONE WHICH DRAINS INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BASIN. ALL SEDIMENT SHALL BE PREVENTED FROM ENTERING ANY STORM DRAIN, DITCH, OR WATER COURSE THROUGH USE OF SAND BAGS, GRAVEL, BOARDS, OR OTHER APPROVED METHODS.
6. MAINTENANCE – THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED, ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.

STABILIZED CONSTRUCTION ENTRANCE
NOT TO SCALE

TAX MAP 61 LOT 8



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Engineers
Planners
Surveyors
P.O. Box 100
South Berwick
Maine
03908
207-384-2550
civcon@civcon.com

NO.	REVISIONS	INT.	DATE
1	PER TOWN OF KITTERY REVIEW	DHO	3-31-08
2	REVISED PRIVATE WAY NAME	DHO	7-09-08

SUBDIVISION OF LAND OF OPERATION BLESSING LIMITED PARTNERSHIP
HIGHPOINTE CIRCLE & KITTREE LANE
KITTERY, MAINE
PREPARED FOR:
OPERATION BLESSING LIMITED PART.
MAILING ADDRESS: P.O. BOX 4069 PORTSMOUTH, NH 03802-4069

CIVIL CONSULTANTS

DRAWN JAA	CALC. CVB
DATE 07 JANUARY 2008	
CHECKED	
APPROVED	
SCALE AS NOTED	

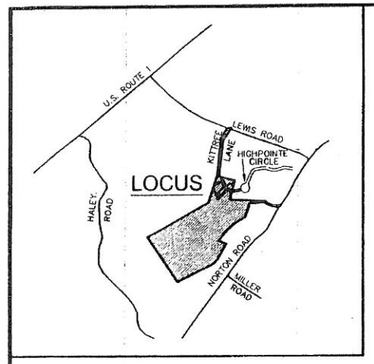
SHEET TITLE:
- CONSTRUCTION DETAILS

SHEET NUMBER:
R2

SHEET 2 OF 3
PROJECT # 00-410.01

DWG NAME: 0041001E-RP-2C
DIRECTORY: \0041001\CARLSON\ENGINEERING\DRAWING
DATE: 01\07\2008

Attachment 3E (PLAN # 2)



LOCATION PLAN

(NOT TO SCALE)

NOTES:

1. ASSESSOR'S INFORMATION: TOWN OF KITTERY
   ASSESSOR'S MAP 61
   LOT 3 (PARTIAL)
2. RECORD OWNER: OPERATION BLESSING, L.P.
   P.O. BOX 4069
   PORTSMOUTH, NH 03802-4069
3. DEED REFERENCE: YCRD 14125/908
   YCRD 14129/755
4. ZONING INFORMATION: (RR)

LOT SIZE:	40,000 SQ. FT.
LOT WIDTH:	150'
MINIMUM FRONTAGE:	150'
SETBACKS	
FRONT YARD:	40'
SIDE/REAR YARD:	20'
MAXIMUM BUILDING HEIGHT:	35'
MAXIMUM LOT COVERAGE:	15%

5. A PORTION OF PROPOSED LOTS 61-8E AND 61-8F ARE LOCATED WITHIN THE 100 YEAR FLOOD ZONE A AS SHOWN ON THE LETTER OF MAP REVISION TO THE FLOOD INSURANCE RATE MAP FOR THE TOWN OF KITTERY, COMMUNITY PANEL No. 230171 0002C AND 230171 0005D, REVISED EFFECTIVE DATE: JULY 19, 2007.
6. APPROVAL OF THIS PLAN IS BASED ON INFORMATION PRESENTED TO AND ON FILE WITH THE TOWN OF KITTERY PLANNING BOARD.
7. LOCUS PARCEL CONTAINS 65 ACRES MORE OR LESS.
8. WETLAND BOUNDARIES DEPICTED HEREON WERE DELINEATED ON NOV. 14, 2005 BY WOODLOT ALTERNATIVES, INC OF TOPSHAM, MAINE.

LEGEND

●	IRON PIN TO BE SET
○	IRON PIN FOUND
	MONUMENT TO BE SET
	WETLAND SYMBOL
	EXISTING TREELINE
	STONE WALL
N/F	NOW OR FORMERLY
YCRD	YORK COUNTY REGISTRY OF DEEDS
1908/194	VOLUME/PAGE
	WOODED BUFFER

PLAN REFERENCES:

1. "FINAL SUBDIVISION PLAN-HIGHPOINTE ESTATES-SITE LOCATION: 9 OLD FARM ROAD KITTERY, MAINE PREPARED FOR GOODHOUSE CONSTRUCTION COMPANY 7 SHAGBARK LANE ELIOT, MAINE 03903" BY CIVIL CONSULTANTS. DATED JANUARY 21, 2004. PLAN RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 288 PAGE 50.
2. "DIVISION OF LAND & RIGHT OF WAY EXTENSION PLAN FOR PROPERTY OFF KITTREE LANE KITTERY, YORK COUNTY, MAINE OWNED BY OPERATION BLESSING LIMITED PARTNERSHIP" BY EASTERLY SURVEYING, DATED: 8/11/03, LAST REVISION DATED: 4/07/04; RECORDED AT YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 291, PAGE 11.
3. "BOUNDARY PLAN PREPARED FOR A. DAVID MANN KITTERY MAINE", BY THOMAS F. MORAN INC., DATED: FEB. 16, 1987.
4. "SUBDIVISION PLAN OF LEWIS FARM SUBDIVISION PHASE II PREPARED FOR LEWIS FARM, LLC, 37 ROUTE 236 SUITE 115, KITTERY, MAINE", BY ALTUS ENGINEERING, INC. DATED OCTOBER 30, 2006.
5. "PLAN SHOWING LANDS OF RICHARD & WENDY LACAPRA, PRISCILLA GAVEL AND CHARLOTTE FREED, CHRISTOPHER A. STEVENS & MARY T. GIBBONS AND A PORTION OF LAND OF LEWIS FARM LLC, SHOWING PROPOSED LOT LINE ADJUSTMENT" BY CIVIL CONSULTANTS. DATED:6/09/2006, SHEET 2 OF 2 - IN HOUSE RECORDS.

CONDITIONS OF APPROVAL:

1. WAIVERS GRANTED:
   ARTICLE 16.32.33: HYDROGEOLOGICAL SURVEY
   ARTICLE 16.32.50: HIGH INTENSITY SOIL SURVEY
2. ALL LOTS SHALL BE SERVED BY ON-SITE WELLS AND SEPTIC SYSTEMS. SEPTIC SYSTEMS SHALL BE INSTALLED IN THE LOCATIONS INDICATED ON SHEET C2, UNLESS ALTERNATE LOCATIONS ARE APPROVED BY THE KITTERY PLANNING BOARD. ALL WELLS SHALL BE DRILLED AND CASED TO BEDROCK.
3. LOTS 61-8D AND 61-8E SHALL BE ENCUMBERED BY DRAINAGE EASEMENTS IN FAVOR OF OPERATION BLESSING LIMITED PARTNERSHIP FOR MAINTENANCE OF STORMWATER STRUCTURES WITHIN THE EASEMENTS. OPERATION BLESSING LIMITED PARTNERSHIP SHALL BE GRANTED ACCESS TO THESE STRUCTURES. NO LOT SHALL IMPEDE DRAINAGE SO AS TO IMPACT ABUTTING PROPERTIES.
4. NO WETLANDS SHALL BE ALTERED WITHOUT REVIEW AND APPROVAL OF THE KITTERY PLANNING BOARD AND MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION.
5. ANY FUTURE DIVISION OF THE LOTS SHALL CONSTITUTE A REVISION TO THIS PLAN AND SHALL REQUIRE APPROVAL FROM THE KITTERY PLANNING BOARD, SUBJECT TO THE CRITERIA OF THE STATE SUBDIVISION STATUTE, THE STANDARDS OF THE TOWN OF KITTERY SUBDIVISION ORDINANCE, AND CONDITIONS PLACED ON THE ORIGINAL APPROVAL.
6. WOODED BUFFERS:
   LOT 61-8E AND LOT 61-8F SHALL CONTAIN DEED RESTRICTIONS FOR MAINTENANCE OF QUALITY STORMWATER WOODED BUFFERS. WOODED BUFFERS SHALL BE MARKED AND SIGNED PRIOR TO LOT DEVELOPMENT. DISTURBANCE TO THE BUFFERS SHALL BE IN ACCORDANCE WITH MDEP REGULATIONS. WOODED BUFFERS SHALL BE MAINTAINED BY INDIVIDUAL LOT OWNERS.
7. PRIOR TO COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER'S CONTRACTOR SHALL TAPE OFF BUILDING ENVELOPES AS INDICATED ON THE APPROVED PLANS. AREAS OUTSIDE THE BUILDING ENVELOPE, WITH THE EXCEPTION OF DRIVEWAY ENTRANCES, SHALL REMAIN UNDISTURBED. BUILDING ENVELOPES SHALL REMAIN TAPED OFF UNTIL SITE CONSTRUCTION IS COMPLETED.
8. UPON ACCEPTANCE OF THIS PLAN, OPERATION BLESSING LIMITED PARTNERSHIP WILL RELINQUISH ANY RIGHT IT MAY HAVE IN THAT PORTION OF THE EXISTING WOODS ROAD BEING NORTHERLY AND EASTERLY OF LINE A-B.

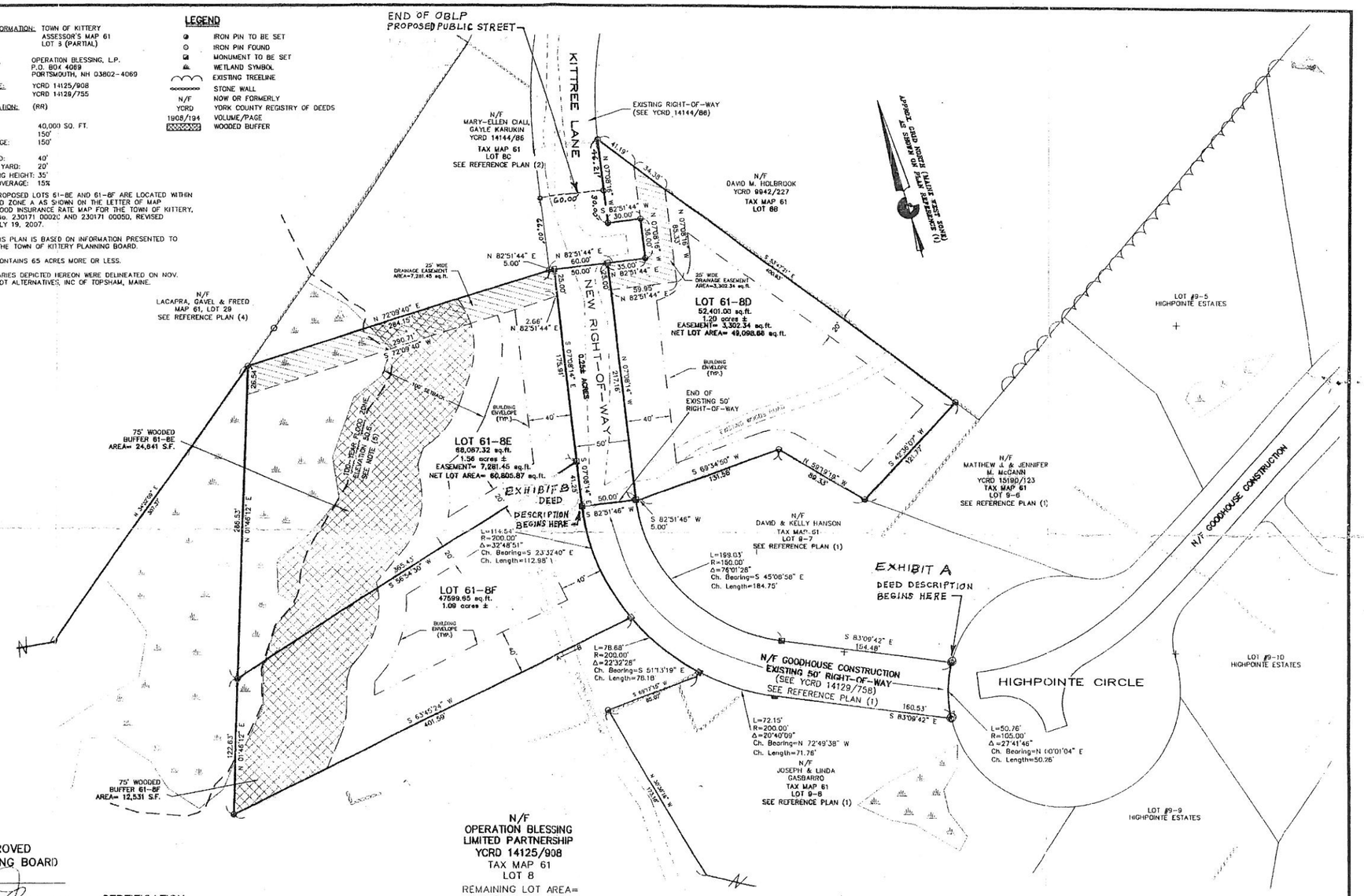
PLAN APPROVED
KITTERY PLANNING BOARD

August 28, 2008

DATE

STATE OF MAINE
YORK COUNTY ss. REGISTRY OF DEEDS
RECEIVED 9-8, 2008
AT 11H 33M AND RECORDED IN
PLAN BOOK 291 PAGE 46

ATTEST _____ REGISTER



CERTIFICATION

I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH CHAPTER 90, PART 1 (PROFESSIONAL STANDARDS OF PRACTICE) AND PART 2 (TECHNICAL STANDARDS OF PRACTICE) OF THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS.

Linda M. Langley 8/14/08

LINDA M. LANGLEY, ME. REG.L.S. 2372 DATE

TAX MAP 61 LOT 8

STATE OF MAINE LINDA M. LANGLEY 2372 PROFESSIONAL LAND SURVEYOR

CIVIL CONSULTANTS

CIVIL CONSULTANTS
Engineers
Planners
Surveyors
P.O. Box 100
South Berwick
Maine
03908
207-384-2550
civcon@civcon.com

NO.	REVISIONS	INT.	DATE
8			
7			
6			
5			
4			
3			
2			
1			

DRAWN JAA CALC. LML
DATE 14 AUGUST 2008
CHECKED
APPROVED
SCALE 1"=50'

SHEET TITLE: • FINAL SUBDIVISION PLAN

MINOR SUBDIVISION OF LAND OF
OPERATION BLESSING LIMITED PARTNERSHIP
HIGHPOINTE CIRCLE & KITTREE LANE
KITTERY, MAINE
PREPARED FOR:
OPERATION BLESSING LIMITED PARTNERSHIP
MAILING ADDRESS: P.O. BOX 4069 PORTSMOUTH,NH 03802-4069

SHEET NUMBER: 1
SHEET 1 of 1
PROJECT # 00-410.01

DWG NAME: 0341001E-SD-2C

Attachment 3F

Attachment 4

BEATRICE LANE ROAD ASSOCIATION

COMMON ROADWAY AGREEMENT

Agreement made this _____ day of _____ 2016 by and between

hereinafter collectively known as the Lot Owners.

RECITALS

WHEREAS, the above-named Lot Owners are all owners of lots situated on the private way known as **Beatrice Lane**, Kittery, Maine; and

WHEREAS, the above-named Lot Owners all utilize **Beatrice Lane** (hereinafter called the **Roadway**); and

WHEREAS, the Lot Owners hereto are desirous of providing for the common maintenance and repair of the Roadway;

NOW, THEREFORE, in consideration of the above noted recital and the mutual covenant and conditions contained herein, it is agreed by all the Lot Owners as follows:

A. STATEMENT OF PURPOSE: The Lot Owners hereto do hereby recognize that the Roadway may be used for all normal and reasonable purpose for which road and ways are commonly used in the Town of Kittery, including, but not by way of limitation, for egress and ingress to and from the public road by foot or motor vehicle and also for the purpose of installing, repairing and maintaining any and all utilities, e.g., cable, electricity, telephone, water and sewer, together with all appurtenances as may be required. Each Lot Owner hereto shall have an easement over the Roadway for the above-noted purposes.

B. ANNUAL MEETING: The Lot Owners hereto agree to meet annually on the first Saturday in October for the purpose of discussing the annual maintenance of the Roadway. At such meeting, the Lot Owners shall:

1) Establish an annual budget, taking into consideration the cost of snow removal and the need for annual maintenance and repair of the Roadway as well as other matters which might come before the meeting of the Lot Owners. The Lot Owners shall also discuss when the dues statements shall be sent.

2) Elect a Road Commissioner for the ensuing year. The Road Commissioner shall be elected annually. The Road Commissioner shall be charged with hiring, on behalf of the Lot Owners, a contractor to perform the operation of snow removal. The Road Commissioner shall be responsible for initiating contact and arranging for snow removal during the winter (for the purposes of this Agreement, winter shall be defined as December 1st through March 15th). Every attempt shall be made to utilize the same contractor from year to year and to have the snow removed from the Roadway in the early morning after each snowfall of three or more inches.

3) Elect a Treasurer. The Treasurer shall be elected annually. The Treasurer shall be charged with establishing a bank account at a local bank in the name of the Association formed by the Lot Owners. The Treasurer shall be charged with sending dues statements to, and collecting the same from all Lot Owners.

4) All decisions of the Lot Owners at the annual meeting shall be made by by majority vote of the Lot Owners present at the meeting. A Lot Owner may vote by proxy. (Joint title holders shall have a single vote)

   a. Each Lot Owner shall have one vote, to be exercised by any owner of the Lot.

   b. All notices and voting may be done by email with agreement of the receiving party as long as the email includes the current address and telephone number of the sender for purposes of verification

   c. All notices of meetings shall contain a warrant or agenda of matters to be discussed.

   d. A quorum for a meeting is a majority of the Lot Owners present in person, by proxy or conference telephone.

   e. Action taken at a meeting shall require a majority vote of all Lot Owners, whether present, voting by email, teleconference or proxy.

Attachment 5

BACK PARCEL COVENANT FOR RESERVED OPEN SPACE MAINTENANCE

The above-described Lot is conveyed SUBJECT TO the following restrictions, which shall apply only to those areas identified on the approved subdivision plan as "RESERVED OPEN SPACE:"

A. The Reserved Open Space may only be used for conservation, agriculture, low-impact, outdoor recreation, nature trails, nature observation and study that does not adversely affect its ecological character;
B. Within the Reserved Open Space, no residential, industrial, quarrying, mining or other extractive activities are permitted;
C. Within the Reserved Open Space, no commercial activities are permitted, with the exception of limited timber harvesting done for land management purposes;
D. Within the Reserved Open Space, no towers and other structures for the transmission or reception of radio, television, cell phones or other communication may be constructed or placed;
E. Within the Reserved Open Space, the land will be protected in its natural condition. The Ecological Integrity and wild character of the land are to be preserved and protected in perpetuity. The Reserved Open Space shall be as free from human manipulation and disturbance as possible, with management actions, if any, primarily limited to ecological restoration or to preservation of natural communities and wildlife. Natural occurrences such as floods, weather events, and fire and native insect outbrakes should continue to influence the land over time, creating times, areas of downed dead wood or early successional habitat:
F. With the Reserve Open Space existing stone walls and wire fences will be preserved, provided that the stone walls may not be removed or deconstructed, except temporarily for educational purposes and to provide access for permitted trails:
G. Reserve Open Space is NOT common open space, for the use of others;
H. Within the Reserved Open Space, the use of chemical herbicides, pesticides, fungicides, fertilizers, toxic or hazardous substances, and other agents that may have an adverse affect on wildlife, waters, and other important conservation interests to be protected, except if necessary, to control or eliminate Invasive Species;
I. Within the Reserve Open Space, the disposal of or storage of rubbish, garbage, unregistered vehicles, building debris, abandoned equipment, parts thereof or other unsightly or offensive waste material prohibited.

ATTAR
ENGINEERING, INC
CIVIL · STRUCTURAL · MARINE

Attachment 6

Chris Di Matteo
Town of Kittery
Planning Department
200 Rogers Road
Kittery, ME 03904

May 16, 2016
Project No.: C085-16

RE: Operation Blessing Ltd.
600A Lafayette Road
Portsmouth, NH 03801

Dear Mr. Di Matteo:

On behalf of Operation Blessing Ltd, I have enclosed, for your review and consideration, a Wetland Application for a driveway serving two lots and plan for Map 61, Lot 8 for the above referenced project

Thank you for your consideration. Please contact me for any additional information.

Sincerely;

Kenneth A. Wood, P.E.
President

cc: Rick Sparkowich

1284 State Road, Eliot, ME 03903 · tel (207) 439-6023 · fax (207) 439-2128

Rick Sparkowich
22B Old Farm Road
Kittery, ME 03904

May 16, 2016

Chris Di Matteo
Town of Kittery
Planning Department
200 Rogers Road
Kittery, ME 03904

To Whom it May Concern:

Please be informed that Kenneth A. Wood, P.E./ Nathan Amsden of Attar Engineering, Inc. and will be acting as my agent for the Wetland Alteration Plan Review.

Contact me if I can provide any additional information.

Sincerely;

Rick Sparkowich

cc: Kenneth A. Wood, P.E. Attar Engineering, Inc.

TOWN OF KITTERY, MAINE
TOWN PLANNING DEPARTMENT

200 Rogers Road, Kittery, Maine 03904
PHONE: (207) 475-1323
Fax: (207) 439-6806
www.kittery.org

APPLICATION: WETLAND ALTERATION PLAN REVIEW

MITIGATION FEE TO BE DETERMINED BY THE PLANNING BOARD DURING THE REVIEW PROCESS AND PAID WITH PERFORMANCE GUARANTY.	**Application Fee Paid:** $_____ **Date:** _____ **Escrow Fee Paid:** $_____ **Date:** _____

PROPERTY DESCRIPTION	**Parcel ID**	**Map**	61	**Lot**	8	**Zone(s):** **Base** **Overlay** **MS4**	RR _____ _____ ___ YES ___ NO	**Total Land Area**	58 Acres
	Physical Address	Access via a private way off Highpointe Circle							

PROPERTY OWNER'S INFORMATION	**Name**	Operation Blessing Ltd.	**Mailing Address**	600A Lafayette Rd. Portsmouth, NH 03801
	Phone	207-439-6141		
	Fax	same (call first)		
	Email	ricksparkowich@gmail.com		
APPLICANT'S AGENT INFORMATION	**Name**	Richard Sparkowich	**Name of Business**	Operation Blessing Ltd. Partnership
	Phone	207-439-6141	**Mailing Address**	22B Old Farm Road Kittery, ME 03904
	Fax	same (call first)		
	Email	ricksparkowich@gmail.com		

PROJECT DESCRIPTION

Existing parcel and wetlands: 7 acres occupied by 2 duplexes and a 3 bay garage that serves as Operation Blessing staff housing. The remaining 51 acres have been used for recreational use of Operation Blessing, some neighbors and as a source of firewood from fallen and damaged trees.

Project Name Beatrice Lane

Provide a brief summary of the proposed development, its impact on the existing wetlands and the proposed mitigation plan:

The existing cul - de - sac is to be revised and a 12' driveway extended to accommodate buildings at points A & B. This extension requires a 3003 S.F. wetland fill.

I certify, to the best of my knowledge, the information provided in this application is true and correct and will not deviate from the plans submitted without notifying the Kittery Planning Department of any changes.

Applicant's Signature:		**Owner's Signature:**	
Date:	5/16/16	**Date:**	5/16/16

Minimum Application Submission Requirements

☒ 15 COPIES OF THIS APPLICATION
☒ 1 PDF OF THE SITE PLAN SHOWING GPS COORDINATES
☒ 15 COPIES OF THE PLAN – 5 OF WHICH MUST BE 24"X 36"

IT IS THE RESPONSIBILITY OF THE APPLICANT TO PRESENT A CLEAR UNDERSTANDING OF THE PROJECT.

16.28.500 Submission requirements for a Request to Alter a Wetland.

Unless specifically waived by the planning board, all applications must contain the following information:

☐ A copy of the official documents showing legal interest of the applicant in the property to be affected;

A narrative describing:
☐ The purpose of the project,
☐ The type of alteration to the wetland (fill, culvert, dredge, etc.),
☐ Why there is no practicable alternative to impacting the wetland, and
☐ How the proposed activity has been designed to minimize the impact on the wetland

The block must contain:
☐ The name(s) and address(es) of the applicant or owner,
☐ The name and address of the preparer of the plan, with professional seal,
☐ name of plan, ☐ date of plan preparation,
☐ a revision number and date, if applicable,
☐ map and lot number(s) according to Kittery tax maps shown in the lower right-hand corner in bold lettering and ¼ inches high;

Site plan:
☐ minimum scale is 1" = 100' ☐ indicate the proposed activity
☐ location and size of all existing and proposed, structures, roads, parking areas, and sewage treatment facilities
☐ existing and proposed rights-of way, easements and parcels
☐ 2-foot contours ☐ wetland boundaries ☐ proposed buffers
☐ protective measures such as sediment control methods
☐ proposed boundaries and characteristics of the mitigation site, including elevation, sources of water, and proposed vegetation

Show the location (tied by measurement to identifiable structures or boundary points) of all proposed:
☐ property boundaries ☐ on site wetland boundaries
☐ offsite wetland areas significantly impacted by the project
☐ Sq Ft of Wetland areas (onsite area and offsite area, if applicable)
☐ shorelines ☐ flood plains ☐ vegetation removal
☐ drainage structures ☐ filling ☐ grading ☐ dredging,
☐ include specification for quantity of materials to be added or removed and procedures to be used

Show the direction of natural overland flow in the wetland, and in the proposed alteration area
☐ 100-year FEMA flood plain boundaries
☐ number of CY, and type of material to be used as fill
☐ method of handling, and the location of fill and spoil disposal area, If dredge material is involved
☐ all owners of property within 150 feet of the proposed alteration together with their mailing addresses and map and lot designations from the assessor's records.
☐ a vicinity map utilizing a topographic map at a scale no smaller than one inch equals 600 feet showing the boundary of the proposed activity;

Submit:
☐ one set of photographs, taken during the growing season if possible, showing the wetland, adjacent water bodies if applicable, and the alteration area before development begins.

Drainage:
☐ Submit a hydrologic analysis in accordance with the requirements of Article IX of Chapter 16.32

Wetlands mitigation plan and report. A wetlands mitigation plan and report is required for activities which, in total, affect or fill more than 500 square feet of wetlands. Wetland Mitigation Plan And Report must contain the following:
☐ a plan at a scale of 1" = 100' with 2-foot contour intervals, existing wetland boundaries, the area of wetland to be altered, project dimensions and all offsite wetlands, being extensions of the wetland to be altered
☐ existing wetland characteristics including water depth, vegetation and fauna
☐ a functional Assessment conducted and prepared by a qualified wetlands scientist or a Maine Certified Soils Scientists

Maintenance Agreement:
☐ The agreement must be approved by the board and recorded in the York County Registry of deeds and must meet, or exceed, the criteria listed in subsection 16.28.500.C.3. parts d through i.

Conservation Easement:
☐ (for projects involving preservation of wetlands or adjacent uplands) a conservation easement must be conveyed or deed restriction imposed so that the parcel will remain undeveloped in perpetuity.

Material not submitted in accordance with the above MUST acquire planning board approval of a Request for Waiver of the material per Section 16.28.180.

Other materials the board may require are:
☐ cross-section drawings showing the nature of the construction, the depth of excavation or height of fill, if applicable, and surface water and groundwater elevations

The board may require a **narrative** describing:
☐ the specific goals in terms of particular wetland functions and values. These goals must be related to those of the original wetland;
☐ the available literature or experience to date (if any) for carrying out the mitigation work;
☐ the proposed implementation and management procedures for the wetlands work;
☐ the short-term and long-term sources of water for this wetland, including the water quality of these sources;
☐ plans for re-planting, including a description of plant species, sizes and sources of plant material, as well as how, when and where seeding or planting will take place;
☐ plans for monitoring the–wetlands work, showing capability for mid-course corrections
☐ plans, if applicable, for control of non-indigenous plant species.
☐ wetlands work involving creation, restoration and or enhancement of degraded wetlands,

Section 16.28.440-E. Abutter Notice. Owners of property within one hundred and fifty (150) feet, horizontal distance, of the proposed alteration must be notified by first class U.S. mail of any public hearing on the Request for Wetland Alteration.

The applicant must provide 2 sets of mailing labels with the submission of this request.

APPLICATION SUBMITTALS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE FORWARDED TO THE PLANNING BOARD.

Doc# 2004036261

Doc# 2004036261
Book 14125 Page 908

connective Deed

NO R.E. TRANSFER TAX PAID

WARRANTY DEED

KNOW ALL BY THESE PRESENT that **RICHARD D. SPARKOWICH** and **RACHEL R. SPARKOWICH**, both with a mailing address of P.O. Box 4069, Portsmouth, New Hampshire 03802, for consideration paid, *grants* to, **OPERATION BLESSING LIMITED PARTNERSHIP** with a mailing address of P.O. Box 4069, Portsmouth, New Hampshire 03802 with *Warranty Covenants*, two certain tracts or parcels of land, situated in Kittery, County of York and State of Maine, and being more particularly bounded and described as follows:

Parcel 1: Bounded westerly by land now or formerly of Henry G. Lara and Theresa M. Lara; northerly by lands now or formerly of Calvin Lewis and Heirs of Jefferson T. Lewis; southerly by land now or formerly of A. Vance Woodworth and land now or formerly of Norman and Hollis Wilson and easterly by land of said Woodworth.

Parcel 2: Said parcel connected, and in common with, the above-described Parcel 1, containing one acre, more or less, and bounded and described as follows: Beginning on the Highway leading from "Post Road" to Norton Road", and land formerly owned by Prescott M. Pirington; thence running westerly by Pirington's land as the stone wall now stands about 29 rods; thence running northerly by land now or formerly of Levina J. Colby, et als., as the old wall foundation now is to land now or formerly of the Heirs of Jefferson T. Lewis; thence running easterly by said Lewis' Heirs land and the stone wall which comes southerly into said lot or parcel hereby conveyed about 30 rods to the highway aforesaid; thence running southerly by said highway 6 4/5 rods to the point of beginning; reserving to all persons rights of way or easements which they may have in, over and upon the said premises.

Excepting from the above-described tracts or parcel of land the property conveyed by Charles W. DeCoff and Dianne M. DeCoff to Robert W. Toothaker by deed dated June 11, 1971 and recorded in the York County Registry of Deeds at Book 1908, Page 194.

Also a tract of pasture land containing 30 acres, more or less, bounded northerly by land of the Heirs of Calvin Lewis; easterly by land of Claude R. Colby and Bradford P. Perkins; southerly by land formerly of Samuel Moulton and westerly by land now or formerly of the Heirs of Wesley Moulton, together with such right of way as now exists to said lot over land of Claude R. Colby.

Excepting from the above-described land those parcels conveyed to Wallis Brooks by Warranty Deed dated October 16, 1992 and Edward D. Hanson, et ux, dated October 14, 1992; to Charles and Gwen Ciali by deed dated July 31, 1998 and recorded in the York County Registry

of Deeds at Book 8949, Page 148; to David Holbrook by deed dated March 21, 2000 and recorded in the York County Registry of Deeds at Book 9942, Page 229 and Book 9942, page 231.

Meaning and intending to convey and hereby conveying the same premises conveyed to the Grantor by deed of Richard D. Sparkowich and Rachel R. Sparkowich, dated July 31, 1996 and recorded in the York County Registry of Deeds at Book 7943, Page 121.

***IN WITNESS WHEREOF*, RICHARD D. SPARKOWICH** and **RACHEL R. SPARKOWICH** have caused this instrument to be signed this 8TH day of June, 2004.

Witness

x Richard D. Sparkowich
RICHARD D. SPARKOWICH

Witness

x Rachel R Sparkowich
RACHEL R. SPARKOWICH

STATE OF New Hampshire
County of Rockingham

June 8, 2004

Then personally appeared the above-named, **RICHARD D. SPARKOCHICH** and **RACHEL R. SPARKOWICH**, and acknowledged the foregoing instrument to be their free act and deed.

Before me,

Attorney-at-Law/Notary Public
Jeffery J. Clark

Received York SS
06/16/2004 2:33PM
REGISTER OF DEEDS
Debra L. Anderson

2 pg →

List of Abutters

Project: Operation Blessing, Ltd.

Location: Map 61 Lot 8

Map	Lot	Property Owner	Mailing Address
61	29	**Contoocook River Lofts, LLC**	**8 Newmarket Rd, Suite Durham, NH 03824**
48	13	FULLER BROOK ESTATES LLC	MAIN HOLDINGS LLC PORTLAND, ME 04101
48	13	RICHARD P. & BARBARA H SARCIA	48 FRONT ST NEW HAVEN, CT 06513
39	17B-12	DAVID FLAMAND	35 CEDAR DR. KITTERY,ME 03904
39	17B-13	TERRI MCCOLGAN	36 CEDAR DR. KITTERY, ME 03904
39	17B	WELLSWOOD INC.	282 HALEY RD KITTERY, ME 03904
55	1B	EDWARD T. JANKAUSKAS JR & NICOLE M. PELLETIER	15 AUTUMN LN KITTERY, ME 03904
61	4B-1	BRADSTREET FAMILY IRREVOCABLE TRUST	16 OLD FARM RD KITTERY, ME 03904
61	9-8	JOSEPH & LINDA GASBARRO	11 HIGHPOINTE CR. KITTERY, ME 03904
61	8F	N/F JAMES & MARTHA ROTHWELL	154 CHASES POND RD. YORK, ME 03909
61	8E	DANIEL MORIN	12 KITTREE LN KITTERY, ME 03904
61	8E	GABRIELLE BURKE	12 KITTREE LN KITTERY, ME 03904
61	8D	RICHARD SPARKOWICH d/b/a O.B.L.P.	22 B OLD FARM RD. KITTERY, ME 03904
61	9-7	DAVID & KELLY HANSON	14 HIGHPOINTE CR. KITTERY,ME 03904
61	9-8	JOSEPH & LINDA GASBARRO	11 HIGHPOINTE CR. KITTERY, ME 03904
61	8C	MARY ELLEN CIALI	10 KITTREE LN KITTERY, ME 03904
61	8C	GAYLE KARUKIN	10 KITTREE LN. KITTERY, ME 03904

All 6 photos taken by Richard Sparkowhich
Date 12/15/2015
Property owner: Operation Blessing Limited Partnership

#1 View of project site, looking west, directly toward the planned culvert installation area. Photo taken 9 feet north of Parsonage Way Trail edge and 70 feet from Hill Creek Stream.

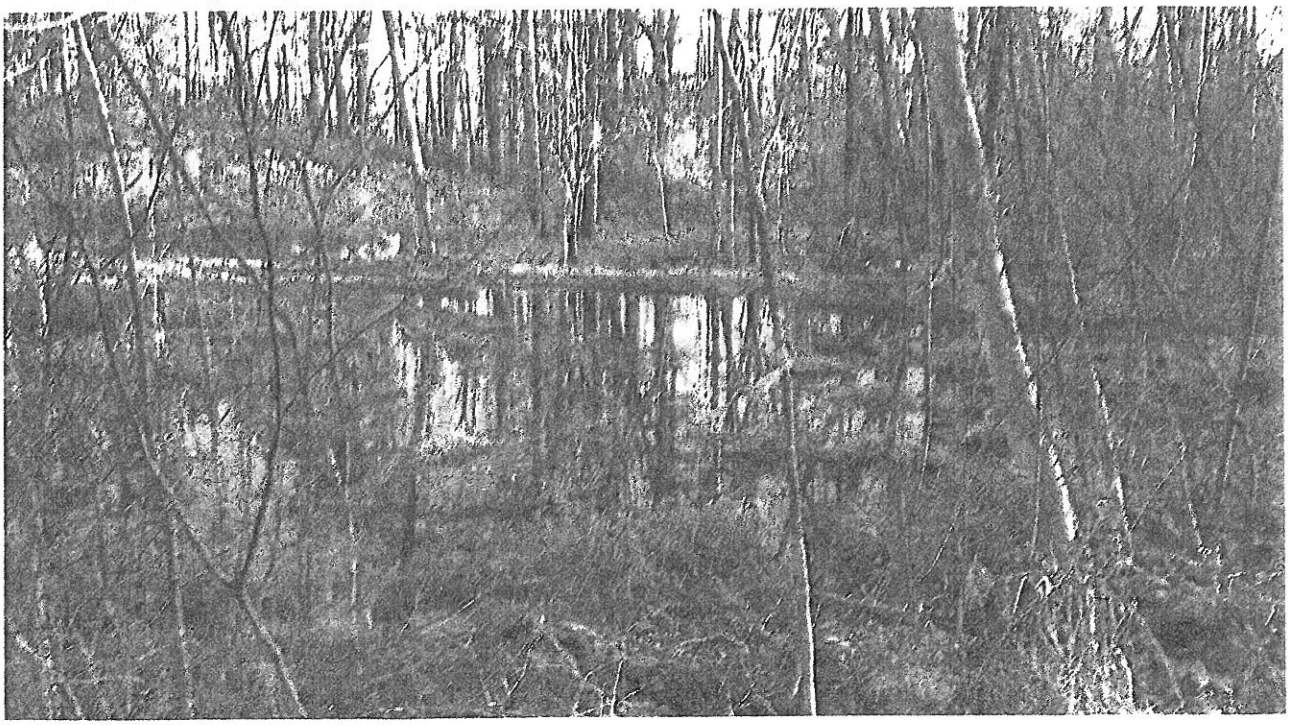
#2- View of project site, from the distant side of the stream, looking east. Photo taken on the northern edge of Parsonage Way Trail, 84 feet from the stream and planned culvert installation.

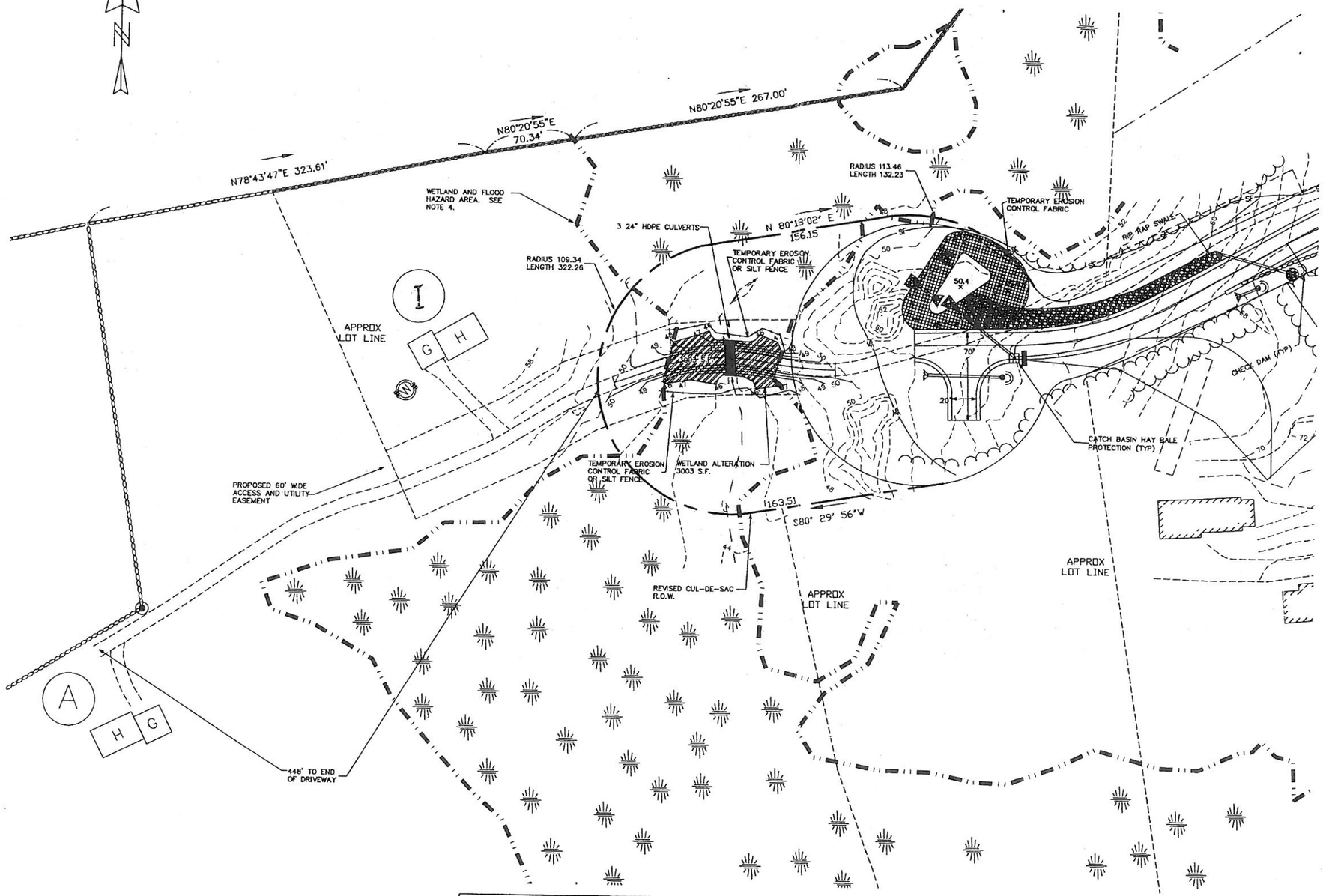
#3- View from 24 feet east of stream, looking northwest, upstream, at area of planned culvert installation. See orange flagged, 6 inch diameter ash tree that is 4 feet from stream.

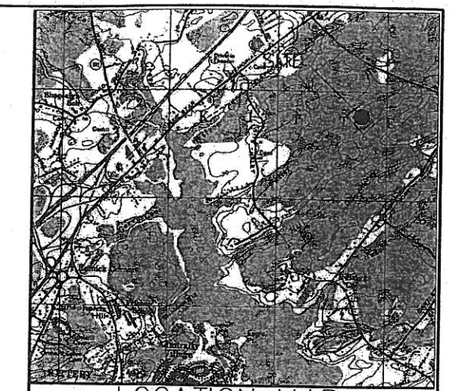
#4- View on east side of stream, looking southwest, downstream, at area of planned culvert installation. This view of stream is north of "impact area" and adjacent to Parsonage Way Trail. Note: Area appears to have been dredged many years ago, possibly for a farm pond.

#5- View looking upstream, northeast, at the planned culvert installation area. Photo taken 8 feet west of stream and 30 feet from where Parsonage Way Trail crosses stream.

#6- View from west side of stream, with photo taken 22 feet from edge, looking southeast, down stream, at planned culvert instalation area. See orange, flagged, 1 inch diameter sapling (center of photo) which is 8 feet from stream. Note: Area behind the orange flag was probably dredged many years ago, to possibly accomodate a farm pond.







LOCATION MAP

SCALE: 1" = 2,000'

NOTES

1. THIS PLAN SHOWS THE PROPOSED WETLAND ALTERATION FOR A SITE OFF KITTREE LANE AND HIGHPOINTE CIRCLE IN KITTERY, ME. THE ALTERED AREA IS A WOODED WETLAND.
2. THE PROPERTY IS IDENTIFIED ON THE TOWN OF KITTERY TAX MAPS AS MAP 61 LOT 8.
3. SEE YCRD PLANS BOOK 331 PAGE 46, BOOK 291 PAGE 39 FOR BOUNDARY AND SUBDIVISION RECORDS OF THE PROPERTY.
4. SEE "CONCEPT SKETCH OPERATION BLESSING" BY CLD CONSULTING ENGINEERS, DATED MAR. 2007.
5. SEE STORMWATER AND SITE PLANS BY ATTAR ENGINEERING DATED 10/20/14.
6. THIS PLAN PROPOSES REVISING THE CUL-DE-SAC AT THE END OF BEATRICE LANE, AND EXTENDING THE EXISTING 12' DRIVEWAY TO ACCESS BUILDING SITES AT POINTS A & B. THE EXTENSION OF THE DRIVEWAY WILL REQUIRE A WETLAND FILL OF 3003 S.F. AND THE INSTALLATION OF 3 24" HDPE CULVERTS.
7. MINIMUM COVER OVER THE CULVERTS IS TO BE 24" IN ORDER TO MINIMIZE THE FILL REQUIRED.
8. THE WETLAND CROSSING WILL REQUIRE 6976 CU. FT. OF FILL (258 CU.YD.)

Attachment 6

ROAD CONSTRUCTION NOTES

1. DRIVEWAYS TO BE CONSTRUCTED IN ACCORDANCE WITH THE APPROPRIATE CROSS SECTION DETAIL. GRAVEL FILL TO BE COMPACTED TO 95% MODIFIED PROCTOR IN ACCORDANCE WITH ASTM D 1557. LIFT THICKNESSES TO BE A MAXIMUM OF 6".
2. ALL STUMPS, ORGANIC MATERIAL, ROCKS AND BOULDERS TO BE REMOVED TO A MINIMUM DEPTH OF 24" BELOW SUBBASE.
3. ALL STUMPS, LEDGE AND LARGE BOULDERS TO BE REMOVED FROM THE CONSTRUCTION AREA. THE CONSTRUCTION AREA SHALL BE CLEARED AND ROUGH GRADED.
4. ALL CULVERTS TO BE ADS N-24 (HDPE) OR APPROVED EQUAL. CULVERT INLETS AND OUTLETS TO BE PROTECTED IN ACCORDANCE WITH THE CULVERT INLET/OUTLET PROTECTION DETAIL.
5. THE CONTRACTOR MUST CONTACT DIG SAFE AND ALL LOCAL UTILITIES PRIOR TO THE START OF CONSTRUCTION TO VERIFY THE LOCATION OF EXISTING SUBSURFACE UTILITIES AND CONDITIONS. LOCATING AND PROTECTING ANY UNDERGROUND OR ABOVE GROUND UTILITY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

LEGEND

PROP. LINE	
WETLAND BOUNDARY	
EXT. PAVEMENT	
PRP. PAVEMENT	
TREELINE	
WETLAND	
STONEWALL	

GRAPHIC SCALE

0 40 80 120 160 (FEET)

NO.	DESCRIPTION	DATE
	REVISIONS	

TAX MAP 61 LOT 8

WETLANDS ALTERATION PLAN
BEATRICE LANE
HIGHPOINTE CIRCLE AND KITTREE LANE
KITTERY, MAINE

FOR: RICHARD SPARKOWICH
OPERATION BLESSING, LP
P.O. BOX 4069
PORTSMOUTH, NH 03802

ATTAR ENGINEERING, INC.
CIVIL ◆ STRUCTURAL ◆ MARINE
1284 STATE ROAD – ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: 1" = 40'	APPROVED BY:	DRAWN BY: MMR
DATE: 5/16/16		REVISION : DATE – : –
JOB NO: C085-14	CAD FILE: BEATRICE WAY SITE-MR	SHEET 1