KITTERY TOWN PLANNING BOARD MEETING

Council Chambers – Kittery Town Hall 200 Rogers Road, Kittery, Maine 03904

Phone: 207-475-1323 - Fax: 207-439-6806 - www.kittery.org

AGENDA for Thursday, May 8, 2014
6:00 P.M. to 10:00 P.M.

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE – APPROVAL OF MINUTES – 4/24/2014

PUBLIC COMMENTS - Public comment and opinion are welcome during this open session. However, comments and opinions related to development projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate. Those providing comment must state clearly their name and address and record it in writing at the podium.

OLD BUSINESS

ITEM 1 – (30 min.) **– Watts Cluster Subdivision – Brave Boat Harbor Road — Sketch Plan Review**
Action: Review, schedule site walk if warranted, approve concept if in compliance with Town Code and provide direction to Applicant Owner and Applicant Jonathon & Kathleen Watts is requesting consideration of their plans for a 4-lot cluster subdivision at 143 Brave Boat Harbor Road, Tax Map 63, Lot 19, Residential Rural Zone, with a portion in the Shoreland Overlay Zone. Agents are Ken Markley, Easterly Surveying, Inc., and Scott Anderson, Verrill Dana, LLP.

ITEM 2 – (15 minutes) - **Board Member Items / Discussion**

ITEM 3 – (15 minutes) – **Town Planner Items**: A. MS4 Stormwater; B. Town Code Quality Improvement Overlay Zone; C. Memorial Circle Plan – Status; D. Kittery Foreside; E. Signs / Seapoint/Crescent Beach Signs; F. FEMA – Flood Insurance Risk Maps Status; G. Library Location; H. Capital Improvement Program Projects; I. Town Code Outdoor Seating Program Extension; and J. Other

NEW BUSINESS

ITEM 4 – (15 min.)**–Pearson Meadow Cluster Subdivision** – **Completeness Review of Final Plan Application.**
Action: Accept or Deny Final Plan Application, Owner Gail Beverly Burns and applicant Chinburg Builders, Inc, is requesting requesting consideration of their plans for a cluster subdivision to include nine new lots and one reserved lot on a 24.5 acre parcel located at 60 Wilson Road., Tax Map 54, Lot 14, within the Residential-Rural Zone and Resource Protection Overlay Zone. Agent is Jeff Clifford, P.E., Altus Engineering, Inc.

ITEM 5 – (30 min.) **– Old Armory Way Mixed Use Development — Sketch Plan Review**
Action: Review, schedule site walk if warranted, approve concept if in compliance with Town Code and provide direction to Applicant Owner and Applicant Ken McDavitt is requesting consideration for plans to construct a 3-unit residential condominium with 12 commercial boat slips at the shorefront located at 15 Old Armory Way, Tax Map 4, Lot 51, and within the Mixed Use Kittery Foreside Zone and the Shoreland and Commercial Fisheries/Maritime Activities Overlay Zones. Agent is Edward Brake, Attar Engineering, Inc., Eliot, Maine.

ITEM 6 – (10 min.)**–Shepard's Cove Subdivision – Modification to an Approved Plan – Completeness Review.**
Action: Accept or Deny Plan Application, schedule a Public Hearing. Owner and applicant DLJ Corp., is requesting consideration of their plans to amend the previously approved 2004 subdivision plan, replacing a proposed 24 unit building with detached 5 single unit buildings at their Elderly Housing Facility located off Rogers Road, Tax Map 22, Lot 21, Residential-Urban Zone and Shoreland Overlay Zone. Agent is Lewis Chamberlain, P.E., Attar Engineering, Inc.

ITEM 7 – (15 min.)**–Pine Tree Plaza Site Plan – Modification to an Approved Plan – Completeness Review.**
Action: Accept or Deny Plan Application, schedule a Public Hearing. Kenneth Lemont, owner and applicant (for Harrison E. Lemont Management Co., Inc.), requests approval to amend a previously approved Site Plan in order to replace an existing building (Curtis House) and attached ell with a new 2,450 sf building and increase the existing garage (by 364 sf). The property is located at 435 US Route 1 in the Mixed Use zone, Tax Map 50, Lot 8.

ITEM 8 – (15 min.) **– State Road Mixed Use Development —– Sketch Plan Review**
Action: Review, schedule site walk if warranted, approve Sketch Plan concept if in compliance with Town Code and provide direction to Applicant Owner HGL, LLC and Applicant Doug Greene, Building Works Company are requesting consideration of their plans for a mixed residential and commercial development at 42 State Road, Tax Map 3, Lots 5, 6 & 7 in the Business Local 1 Zone.

ADJOURNMENT - ***(by 10:00 PM unless extended by motion and vote)***

NOTE: ACTION LISTED IN ABOVE AGENDA ITEMS IS FOR REFERENCE ONLY AND THE BOARD MAY DETERMINE A DIFFERENT ACTION.
DISCLAIMER: ALL AGENDAS ARE SUBJECT TO REVISION ONE WEEK PRIOR TO THE SCHEDULED TOWN PLANNING BOARD MEETING.
TO REQUEST A REASONABLE ACCOMMODATION FOR THIS MEETING PLEASE CONTACT STAFF AT (207) 475-1323 OR (207) 475-1307.

TOWN OF KITTERY, MAINE UNAPPROVED
PLANNING BOARD MEETING April 24, 2014
Council Chambers

Meeting called to order at 6:03 p.m.
Board Members Present: Tom Emerson, Karen Kalmar, Deborah Driscoll Davis Davis, Susan Tuveson, Mark Alesse, Bob Melanson
Members absent: Ann Grinnell
Staff: Gerald R. Mylroie, AICP, Town Planner

Pledge of Allegiance

Minutes:
Ms. Kalmar moved to continue the minutes of April 10, 2014 to the next meeting
Ms. Driscoll Davis seconded
Motion carried unanimously by all members present

Public Comment: There was no public comment.

Public Hearing:

ITEM 1 – Town Code Amendment – Chapter 2, Definitions, Chapter 3, Article 2, Section 17 Shoreland Overlay Zone, Chapter 7, Article 3 Nonconformance and Chapter 8, Article 28 Single and Duplex Family Dwellings in the Shoreland Overlay Zones in Title 16 Land Use Development Code. Action: hold public hearing, review amendment and make recommendation to Town Council for adoption. Amendment includes changes to the town's Shoreland zoning to comply with the Maine Department of Environmental Protection 2000 and 2010 conditional approvals.
Earldean Wells, Conservation Commission, questioned why the language "through no fault or action by the owner" is proposed to be stricken from Title 16.7.3.5.6.D, referencing properties should not be neglected or left in disrepair and then allowed to be torn down. Title 16.8.28.1.B *The lot on which the structure is proposed is undeveloped as was established and recorded in the York County Registry of Deeds before inclusion in the Shoreland or Resource Protection Overlay Zones* should include a date, rather than the existing phrase.
There was no further testimony. The public hearing closed at 6:12 p.m.
Board members discussed the issue of neglect and reconstruction pertaining.
Ms. Tuveson asked about the inclusion of mobile homes in the definition of dwelling unit in the Shoreland and Resource Protection Overlay Zones. Mr. Mylroie stated this is a definition provided by the DEP as part of the 2010 conditional approval. Discussion followed noting there is a conflict with the town's definition of dwelling unit (does not include a trailer). Ms. Kalmar noted there is a difference in the code's definitions of mobile home and trailer. Discussion followed regarding recreational vehicles as dwelling/residential units and policing of recreational vehicles used as dwelling units. Mr. Emerson asked for clarification of the DEP definition of dwelling unit in the shoreland zone and the state mandate for changes; change 'residential' to 'dwelling' in definition; inclusion of a date in section 16.8.28.1.B, miscellaneous formatting edits, retain strike-through in 16.7.3.5.6.D. and return to the Board with changes prior to recommendation to Council.

OLD BUSINESS

ITEM 2 – Town Code Amendment – Title 16.7.8 Land Not Suitable for Development.
Action: review amendment and make recommendation to joint workshop with Town Council, An amendment to the Town Code to address the applicability of the *Soil Suitability Guide for Land Use Planning in the State of Maine* referenced in Title 16.7.8.1 Locations of Sewage, item 5, which pertains to soils related to septic sewage. The proposed amendment also includes changes to the net residential area calculations and associated definitions, Title 16.2.2.
Ms. Kalmar stated the amendment is ready to go to workshop with Council, and believes it should be included with the septic/sewer and soils code amendments. The enactment language has some errors that need to be corrected prior to final Council submittal. The Thron-Arris amendment is also ready for workshop discussion.

ITEM 3 – Estes Bulk Propane Storage/U.S. Route 1 –Preliminary Site Plan Review
Action: review and approve findings of fact, Owner M&T Realty, Applicant Estes Oil & Propane Company, propose a 60,000 gallon bulk propane storage facility at their property south of 506 U.S. Route 1, Tax Map 67, Lot 4, Mixed Use, Residential Rural and Shoreland and Resource Protection Overlay zones. Agent is Edward Brake, ATTAR Engineering.
Mr. Emerson asked for a motion to reconsider to incorporate the Findings.
Ms. Kalmar moved to reconsider the motion to approve the special exception use for Estes bulk propane storage facility U.S. Route 1 project after further articulating and finalizing the Findings of Fact related to the criteria for granting a special exception land use per Town Code Section 16.10.8.3.4.T.
Mr. Alesse seconded
Motion carried unanimously by all members present

Ms. Kalmar stated she reviewed the definition for Heavy Industry and special exception use, and prepared a list of facts for Board consideration and discussion.

1. Maine's title 30-A §4404 Review Criteria states that "the municipal reviewing authority may interpret ordinances and plans"
2. (The 16.3.2.13.A Purpose of the Mixed Use zone is "to provide opportunities for a mix of office, service and limited residential and retail uses…"
3. The proposed use is a heavy industry by 16.2.2 definition, as it is "a use engaged in storage of… flammable or explosive materials" and it is also "storage that potentially involve(s) hazardous conditions".
4. Among the 49 permitted and special exception uses listed for the Mixed Use zone there are no heavy industries. And because,
5. The special exception uses for the Mixed Use zone include "light industry" and "storage" but do not include "heavy industry".

CONCLUSION:
The Mixed-Use special exception list does not include heavy industrial storage such as the storage of 60,000 gallons of flammable, explosive material.

Mr. Mylroie explained staff considered the use as Warehousing and storage, 'where goods or materials are stored in an enclosed structure or in specific outdoor areas'. The definition for Heavy industry is 'a facility and/or site used in the basic processing and manufacturing of materials or products predominately from extracted or raw materials...' and Light industry is a 'facility used in the manufacture, predominantly from previously prepared materials, of finished products or parts including processing, fabrication, assembly...' The proposal does not include processing or manufacturing, only storage.

Ms. Kalmar noted the definition of Heavy industry also includes, '... a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions'. Heavy industry is not a special exception use in this zone. Mr. Alesse concurred.
Mr. Mylroie stated since this is not a permitted or special exception use, the Findings regarding special exception use are moot.
Mr. Melanson stated it is regrettable the applicant has had this project before the Board for over a year and a half only to now be told the Board may consider the use is not permitted in the zone and should have never come before the Board. The Board has an obligation and responsibility to do a better job.
Ms. Kalmar concurred, noting Board concerns should be conveyed at sketch plan for special exception use requests, and apologized.
Ms. Tuveson stated the project was heard based on the special exception use of Warehousing and storage, not Heavy industrial, and the findings and previous decision were based on that review.
Mr. Emerson stated the Board accepted the plan as a special exception and it was denied on that basis. The Board needs to move forward with the findings.
Ms. Kalmar noted since the motion to re-consider was moved, the heavy industry definition could be included in the findings.
Discussion followed regarding developing a findings to include the definition of heavy industry; what constitutes the record of a project and what is included in the findings; the need for factual, not anecdotal, information in developing findings.

Findings of Fact:

Whereas, Owner M & T Realty, LLC, and Applicant Estes Oil & Propane Company plan to construct a 60,000 gallon bulk propane storage facility at their property south of 506 U.S. Route One, located on Tax Map 67, Lot 4, within the Mixed Use Zone, with a portion in the Residential Rural and Shoreland and Resource Protection Overlay zones, Hereinafter the "Site", and Pursuant to the Plan Review meetings conducted by the Planning Board as noted below; and pursuant to the Project Application, Plan and other documents, the following is considered to be a part of the approval by the Planning Board in this finding, Hereinafter the "Plan": Application and supporting documents:

1. Preliminary Plan Application and supporting information (11/7/2013,
2. Supplemental information submitted (11/20/2013, 1/22/14, and 3/19/14)
3. Preliminary Site Plan and associated plans submitted, prepared by ATTAR Engineering, Inc. (11/7//2013 REV date: 3/19/14)
4. Fire Safety Analysis report prepared by Jody Pratt Ameden Energy Consulting LLC, dated 11/26/13.

Now therefore, based on the entire record before the Planning Board and pursuant to the applicable standards in the Land Use and Development Code, the Planning Board makes the following factual findings:

1) Planning Board meetings held include: Sketch Plan Review: 3/14/13, 5/9/13 and 4/11/13; Preliminary Plan Completeness Review: 11/7/13, 12/12/13; Preliminary Plan Review: 1/9/14 (Public Hearing), 2/20/14, and 4/10/14.
2) The Site is located. A portion of the property is also located in the Shoreland Overlay Zone and the Residential Rural Zone.
3) *Warehousing/storage* as defined in Title 16.2 "Warehousing and storage means premises where goods or materials are stored in an enclosed structure or in specific outdoor areas."
4) *Industry, Heavy* as defined in Title 16.2 *means a facility and/or site used in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or*

explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

5). Special Exception Use is defined in Title 16.2 as "…a use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as special exceptions, if specific provision for such special exceptions is made in Chapter 16.3."

6) Permitted uses in the M-U zone (16.3.2.13.B)

1. Agricultural uses and practices, except a piggery or the raising of poultry for commercial purposes;
2. Art studio/gallery;
3. Boat yard;
4. Building materials and garden supplies;
5. Business and professional offices;
6. Church or institution of religion;
7. Commercial parking lot or garage;
8. Day care facility;
9. Dwellings, limited to the following:
   a. Single-family dwellings on lots of record as of April 1, 2004,
   b. Dwelling units on the upper floors of a mixed-use building that is served by public sewerage;
10. Funeral home;
11. Grocery store, food store, convenience store or neighborhood grocery;
12. Hospital;
13. Inn;
14. Institution of education, which is not used for residential or overnight occupancy;
15. Mass transit station;
16. Municipal or state building or use;
17. Convalescent care facility, long-term nursing care facility;
18. Institution of philanthropic, fraternal, political, or social nature, which is not used for residential or overnight occupancy;
19. Personal services;
20. Public open space or recreation;
21. Restaurant;
22. Research and development;
23. Repair service;
24. Retail use, a single use not to exceed fifty thousand (50,000) square feet in gross floor area;
25. Selected commercial recreation;
26. Theater;
27. Timber harvesting;
28. Veterinary hospital;
29. Accessory buildings and uses including minor or major home occupations;
30. Eldercare facility;
31. Accessory dwelling units; and
32. Specialty food and/or beverage facility.

Special Exception uses in the M-U zone (16.3.2.13.C)

1. Campground or trailer park;
2. Commercial kennel;
3. Commercial greenhouses;
4. Drive-in theater;
5. Gas service station;
6. Housing for elderly as part of a mixed use project;
7. Industry, light;
8. Mechanical service;
9. Motel or hotel;
10. New motor vehicle sales;
11. Public utility facilities including substations, pumping stations, and sewage treatment facilities;
12. Repair garage;
13. A single retail use greater than fifty thousand (50,000) square feet in gross floor area and less than one hundred fifty thousand (150,000) square feet in gross floor area;
14. Shop in pursuit of trades;
15. Transportation terminal;
16. Warehousing/storage;
17. Wholesale business; and
18. Construction services.

7) Title 16.6.4.4 Special Exception Request requires "The Planning Board will review, decide and may approve an applicant's Special Exception Use request where the proposed project requires Planning Board review as defined in Section 16.10.3.2, or is located in a Shoreland or Resource Protection Overlay Zone.

Based upon the foregoing Findings of Fact, the Board makes the following Conclusion:

The Applicant's proposed plan to construct two 30,000 gallon propane tanks to be used in the development of a bulk propane storage facility does not meet the definition of *Warehousing/storage*, but rather meets the definition of *Industry, Heavy*, which is not included as a Special Exception Use in the Mixed Use zone.

Now therefore the Kittery Planning Board adopts each of the foregoing Findings of Fact and Conclusions, and based thereon determines the proposed development does not meet the criteria for a permitted or special exception use within the zones, and the Kittery Planning Board hereby votes to DENY approval of the preliminary plan for the above referenced property.

Vote: 6 in favor; 0 against; 0 abstaining

Break

ITEM 4 – Board Member Items / Discussion

A. Action List: Earldean Wells asked the Board to consider the 500-foot driveway vs. the Class II road standard. Ms. Kalmar explained the committee is working with MMA on this issue.
B. Code Amendments for May 5th Joint Workshop with Town Council; Discussed earlier.
C. Committee Updates:

- Comp Plan will be completed as a final draft and shared with Town committees and departments.

- Mr. Melanson noted the utilities installed in Bellamy Lane will eliminate the dependence upon Captain and Patty's for utility services. Ms. Driscoll Davis asked about the boat launch. Mr. Melanson stated this is in mediation handled by Attorney McEachern. He also noted a new harbormaster website has been developed by Charles Denault (kitteryharbormaster.com).

D. Other.

ITEM 5 – Town Planner Items:

A. Town Code amendment related to Quality Improvement Overlay Zone.

B. Town Code amendment related to off-site right-of-way improvements. Amendment would allow the Board to require improvements in a ROW, as well as mitigation of off-site development impacts. He noted this need is urgent and asked the amendment be scheduled for a public hearing. Discussion followed regarding design standards (Handbook).

C. Town Code amendment related to standards for sign character and appearance. Amendment would require all signs meet design standards (Handbook) for acceptable materials and design styles.

Mr. Melanson moved to public hearing the proposed code amendments to 16.10.8.2 and 16.8.10.1.
Ms. Tuveson seconded
Ms. Kalmar asked Mr. Mylroie to revised the long sentence as proposed in 16.10.8.2.1
Ms. Driscoll Davis asked about signs left up after businesses change hands. Mr. Mylroie suggested there are other issues regarding signage the staff can address. This amendment regarding design is time-sensitive. Ms. Kalmar noted her concern about signage not reflecting individual businesses if they're all the same. Board asked that the statement "reflect Kittery's historic seacoast past" be removed from the proposed language.
Motion carried unanimously by all members present

D. Other

- a program will be offered at Rice library for business entrepreneurship (date not yet set);
- an economic development website link is available on the Town's website;
- overlay zone committee of the Board needs to be established;
- Bypass working group to reconvene re: branding;
- received a $20,000 grant to develop a Route 1 By-Pass plan (bridge to KTP) for pedestrian, bicycle and streetscape improvements;
- Board agreed to provide the Briefing Book to aid in Council discussion, re: budget.
- Conference call scheduled for 4/25 with MDOT regarding Memorial Circle. Mr. Mylroie will provide a summary of the call.
- Council authorized application for a $650,000 MDOT CIP Grant for signalization, sidewalk, and paving improvements at Gate 1 (intersection of Walker, Government and Wentworth Streets) and Route 103 pavement improvements in the Tenney Hill section. Town participation is 10%. Ms. Driscoll Davis asked a traffic study in the area be conducted for best use of funds if awarded.

NEW BUSINESS

ITEM 6 – Quality Improvement Plan for Kittery Shore and Harbors <u>Action: review and schedule a public hearing,</u> Town advisory committee is transmitting draft plan for Town Planning Board review, hearings and recommendation to Town Council for adoption. The QIP Plan is a specific plan that includes goals/policies and implementation strategies for improving/protecting the Town’s shores and harbors. Town Planner, Gerald R. Mylroie, ACIP and consultant, Jonathan C. Edgerton, PE, Wright-Pierce will make a presentation.

Mr. Edgerton summarized the process and the plan goals and strategies for the Board, acknowledging participation by Board members Driscoll Davis and Melanson. He briefly summarized the implementation strategies for numerous areas in Kittery, including [for example] Kittery Point Village and Foreside, Rice Avenue, Forts McClary and Foster, beaches, Wood Island, and Spinney, Spruce and Chauncey Creek; policy-related enhancements, such as public access, clean beaches, clam flats and aquaculture, mitigation of shoreline erosion and water pollution.
Mr. Melanson thanked Peter Walsh, DPW, Mr. Edgerton and the Shore and Harbor Committee for their efforts in developing this report. Mr. Mylroie explained the next step is to conduct a public hearing.
Ms. Tuveson asked about holding tanks. Mr. Melanson explained one tank has been replaced at Pepperrell Cove, but the ordinance precludes the installation of an additional tank, though the Infrastructure Grant included it and the DEP and MDOT recommends installation.
Ms. Tuveson moved to accept the plan and schedule a public hearing
Ms. Kalmar seconded
Motion carried unanimously by all members present

A public hearing will be scheduled for May 22, 2014.

ITEM 7 –Sarah Mildred Long Bridge Plan <u>Action: review and forward comments to Town Council / MDOT.</u> MDOT has completed the 60% phase of the final construction plans for the SML Bridge. The plan includes the site improvements on the Kittery side of the bridge including a new signalized intersection at Bridge Street and related Route 1 By Pass and neighborhood street improvements. Town Planner, Gerald R. Mylroie, AICIP will describe the plan.
Mr. Mylroie explained the state has completed 60% of the design, provided to the Board, and summarized the proposed improvements, including landscaping and maintenance. Ms. Driscoll Davis noted the old railroad bridge running under the By-Pass should be either redeveloped or secured for safety. Mr. Melanson added that MDOT will be constructing a pier for the bridge construction that could be retained for future use. Discussion followed regarding providing sidewalks and landscaping in the bridge area leading onto Route 1. No action was taken.

Ms. Tuveson moved to adjourn
Ms. Driscoll Davis seconded
Motion carried by all members present

The Kittery Planning Board meeting of April 24, 2014 adjourned at 9:04 p.m.
Submitted by Jan Fisk, Recorder, April 30, 2014

Town of Kittery
Planning Board Meeting
May 8, 2014

Watts Cluster Subdivision – Brave Boat Harbor Road — Sketch Plan Review
Owner and Applicant Jonathon & Kathleen Watts is requesting consideration of their plans for a 4-lot cluster subdivision at 143 Brave Boat Harbor Road, Tax Map 63, Lot 19, Residential Rural Zone, with a portion in the Shoreland Overlay Zone. Agent is Ken Markley, Easterly Surveying, Inc.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
	Sketch Plan Review	Reviewed and not excepted on 12/12/2013, Scheduled for 5/8/14	
NO	Site Visit		
Yes	Preliminary Plan Review Completeness/Acceptance		
Yes	Public Hearing		
Yes	Final Plan Review		

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.

REFER TO 12/12/13 PACKET FOR SOILS REPORT AND OTHER INFO

Background:

Jonathon & Kathleen Watts are requesting to create a cluster subdivision on a parcel off Brave Boat Harbor Road while preserving the original homestead built in the 1930's. A large portion of the property is wetland and not directly accessible. Access for the proposed four lots is planned via a new Right-Of-Way in the vicinity of the existing driveway. The existing dwelling is located on one of the four lots. The Sketch Plan along with a plan depicting soils found on the site was initially submitted for the Board's consideration at the 12/12/2013 meeting, where a motion to accept the sketch plan failed. The Applicant, represented by attorney Scott Anderson with Verrill Dana, has submitted a letter and revised sketch plan for the Board's consideration. The Applicant requested the Town Attorney's input. Staff consulted with the Chair prior to accepting ASA funds by the Applicant to cover legal expenses incurred by the Town Attorney.

Review:

Staff has reviewed the most recent sketch plan submitted, REV date 4/3/14 and has revised the comments prepared for the 12/12/13 meeting. The concept shows the proposed development clustered in close proximity to the planned right-of-way in lots less than the base zone requirement of 40,000 SF in size but not less than 20,000 SF, the minimum state standard for lots on septic. Building envelopes are shown with setbacks and it appears that the 100 foot wetland setback can be maintained as a no-cut/no-disturb buffer. The following issues, however, need to be addressed:

1) **Shoreland Overlay Zone**. The Plan shows the Shoreland Overlay Zone boundary in a location that is in conflict with the Town's adopted Land Use Zoning Map. It appears that the boundary shown is from the Town's GIS website. The Land Use Zoning Map (LUZM) is the official source for zoning information. The LUZM shows the great majority of the subject property within the Shoreland Zone (see Exhibit A). This needs to be addressed early on since there may be implications for the proposed lots in meeting Shoreland Zoning minimum lot size and shore frontage. Determining if the protected resource in question is regulated by the State or not, a "freshwater wetland" as defined by the State,

would be important to accomplish prior to Preliminary Plan application. The State's definition of a "freshwater wetland" does not include "forested wetlands" and is a minimum of 10 contiguous acres in size, including land area outside of the subject site.

2) **Soils.** Staff previously concluded that after deducting wetlands and floodplains and then applying the *Soil Suitability Guide* referenced in Title 16.7.8.1.5 to the remaining soils would result in a net residential area of 0. Staff assumed that any soil series name that included 'Lyman' listed in the *Guide* with a rating of Poor or Very Poor would constitute non-suitable land, to be deducted from the gross parcel area.

   There is a more conservative approach that is not necessarily being suggested by the Applicant that would result in more than zero net residential acreage. The Guide lists only two of the seven soil series identified on the site, *Lyman –Rock Outcrop Complex* and *Scantic*. The latter appears to be within the Site's delineated wetlands. *Lyman –Rock Outcrop Complex* is listed only once with a slope designation of *C*, designated on the soil map as *LrC*. The site includes this soil series with a slope class of C as well as B and D, which are not listed in the *Guide*. A more straight forward application of the *Guide* per Title 16.7.8.1.5 would be to subtract only those soil series that are specifically named.

   The above approach is likely to yield more than zero net residential acreage, however, the actual amount is still to be determined, presumably by the applicant.

   The applicant is currently referencing poorly or very poorly *drained* soils to determine unsuitable land to be subtracted. Though this interpretation has been used in the past the current methodology supported by the Code is based on the very poor and poor ratings of the *Soil Suitability Guide* not soil drainage class. A portion of the *Guide* that includes the soils specific to septic use and other pertinent sections for the Board's reference have been attached.

3) **Dimensional Standards**. The Applicant is requesting modifications to the dimensional standards, as allowed under cluster development, for lot size and yard setbacks.

4) **Open Space.** From the wetland delineation report, the property appears to include valuable wildlife habitat with respect to the likely amphibian breeding area identified in the northwestern portion of the parcel. This area, which consists of both wetland and upland, is included in the proposed reserved open space.

<u>Recommendation/Action</u>

Unlike Preliminary Plan Application, Title 16.10.5.3.1, where the Board actually is required to act on the acceptance of the application, Sketch Plan Application, 16.10.4.2.1, includes only the "approval" of the <u>concept</u> not the "acceptance" of the application.

With this in mind Staff recommends the Board considers the direction outlined in Title *16.10.4.2.1 Process - Planning Board Review and Decision*, and determine if the concept "complies" with applicable standards of the current Code. If the Board finds the concept does comply they can vote to grant approval of the Sketch Plan. Alternatively, if the Board finds the concept does not comply, the Board should identify what is not in conformance and deny approval or continue the application for additional information that may resolve the issues. In the same manner the Board can continue the application if they find required information (16.10.4.2.2) missing or not adequately addressed by applicant.

NEW BUSINESS

ITEM 2 – Estes Bulk Propane Storage/U.S. Route 1 –Preliminary Plan Completeness Review.
Action: accept or deny preliminary plan application, schedule site walk and/or public hearing. Owner M&T Realty, Applicant Estes Oil & Propane Company, propose a 60,000 gallon bulk propane storage facility at their property south of 506 U.S. Route 1, Tax Map 67, Lot 4, Mixed Use, Residential Rural and Shoreland Overlay zones. Agent is Edward Brake, ATTAR Engineering.
Ed Brake, ATTAR Engineering, introduced Mike Estes, owner, and Jody Ameden, providing the propane safety study. Mr. Brake summarized the proposal for a 60,000 gallon propane storage facility, a 1,300 foot long access road, and a wetland fill of approximately 12,000 sf. He noted the DEP NRPA permit has been received.
Jody Ameden explained she will be providing a Fire Safety Analysis (FSA) which is required for any propane storage facility exceeding 4,000 gallons. The FSA format was developed by the National Propane Gas Association and the National Fire Protection Agency and is followed nationally, to assess site safety. She met with Chief O'Brien regarding fire protection at the site and his input is included in the analysis. The analysis will be provided. The Chief requested that an 8" water main be provided, and the applicant will do so. She noted the safety controls, including safety devices on the trucks and at the tanks; emergency safety valves; internal safety valves to eliminate discharge; relief valves on top of the tanks. The area will be surrounded by 6-foot fencing, as required by the state. Mr. Mylroie asked about the durability of the tanks, should there be a gunshot. Ms. Ameden stated the steel is 5/8" thick and rounded, and was told because the tanks are rounded a bullet would glance off. She could find no documentation of penetration. Mr. DiMatteo suggested Ms. Ameden attend the public hearing when more substantive review will take place.
Mr. Emerson summarized remaining issues to address include: potential vernal pools; wildlife habitat; additional development on the parcel; floodplain re-mapping; and Conservation Commission issues. Ms. Kalmar asked that the overlay zones on the parcel be verified. Mr. Mylroie noted the natural resource overlays are guides that are more accurately identified through ground survey and analysis by soil or wildlife scientists during specific site review. Discussion followed as to the accuracy of the GIS overlays.

Ms. Kalmar moved to accept the plan
Ms. Tuveson seconded
Motion carried unanimously by all members present

Ms. Kalmar moved to schedule a site walk and public hearing
Ms. Driscoll seconded
Motion carried unanimously by all members present
The site walk was scheduled for Tuesday, January 7 at 11:00 p.m.

ITEM 3 – Watts Cluster Development – Sketch Plan Review
Action: review application and schedule a site walk. Owner and Applicant Jonathon & Kathleen Watts propose a 4-lot cluster subdivision at 143 Brave Boat Harbor Road, Tax Map 63, Lot 19, Residential Rural and Shoreland Overlay zones. Agent is Ken Markley, Easterly Surveying, Inc.
Ken Markley summarized the application and site conditions: 200-foot long road; 11.75 acre parcel; 3 new lots, retaining existing lot and home; homes would not be visible from Brave Boat Harbor Road; primarily wooded; test pits have been identified to support the proposed dwellings; shoreland and resource protection zones; DEP protected stream on site; waivers will be requested; wetland in flood zone, but this is questionable; wetlands have been flagged and a high intensity soil survey conducted. In determining net residential area, they removed the wetlands and half the upland area. Following the soil suitability meeting, a revised calculation will be submitted. Discussion followed regarding road width and emergency turnaround for fire trucks.

Ms. Tuveson moved to accept the sketch plan
Ms. Kalmar seconded
Ms. Driscoll asked about the location of the open space from the housing area. Mr. DiMatteo stated an abutter submitted a letter of concern regarding buffers. Ms. Kalmar believes this property has zero net residential acreage based on the existing code and is not comfortable with this project. The way the code is now written, the proposal cannot be supported. Mr. DiMatteo stated the Board is not bound by the acceptance of the sketch plan. Ms. Tuveson stated she feels that accepting the sketch plan is providing the applicant with an acceptance of the concept before them. Mr. DiMatteo stated this would be true at the preliminary plan stage. Ms. Kalmar stated the application of the existing code establishes the fundamental basis for the net residential density, and this cannot be waived. Mr. Markley stated the existing code reference to the discontinued guide is a disservice to the public and should be amended in fairness to property owners. Ms. Tuveson agreed. Ms. Driscoll felt in fairness to the applicant, the Board should not accept something now that is contrary to the code with an amendment pending in the future.
Motion failed, with 0 in favor; 4 against; 0 abstaining

ITEM 4 – Board Member Items / Discussion

A. Election of Officers;
   Ms. Driscoll moved to postpone election of officers to January 9, 2014 when a full Board is present
   Ms. Kalmar seconded
   Motion carried by all members present
B. Board By-Laws: Ms. Tuveson suggested all 'shall's should be returned to the document; general discussion followed regarding meeting dates, method of contact. Ms. Tuveson will create a draft of the by-laws for Board review at the January meeting.
C. Review punch list update from 11/14/13: Members discussed:
   - Abutters notices;
   - Amendment notices;
   - Chairman will meet with Staff to discuss Highpointe Circle issue
   - Soil Suitability amendment will be included on 1/9/14 agenda.
   - Add: Structure replacement requiring excavations in the shoreland zone
   - Consider: Continuation of use limitation
D. Set Time for Board Retreat/Workshop: Rescheduled to January 24 at Community Center. To be confirmed with absent Board members.
E. Comprehensive Update Committee Report – Ms. Driscoll noted the new format will make the new report much easier to use and update in the future, without negatively impacting the existing plan.
F. Shore and Harbor Plan Report – Ms. Driscoll reported on the Public Works Department meeting. Topics discussed included the BIG project, wave attenuation, Traip boat launch, Rogers Park, John Paul Jones Park, shoreland tree cutting ordinance, beach cleanup, non-point source pollution, Navy Yard activities, working waterfront, clam flats, public access to the water, and a Foreside TIF. Mr. Mylroie state a draft of the plan will be prepared by Wright-Pierce.
G. Mr. Emerson mentioned need for pedestrian-bike paths to the bridge along JPJ Park.

ITEM 5 – Town Planner Items:

A. Foreside Listening Session on January 6 at 7:30 with Council members.
B. Sustain Southern Maine initiative in the area of the water district parcel; Kittery is a project community highlighted on the www.sustainsouthernmaine.org site.
C. Sarah Long Bridge Preliminary Plan; Findings and Recommendations: Strong attendance at MDOT meeting. Mr. Emerson stated landscaping, trees, etc. around the landing is of concern to the Board, as well as pedestrian access. Ms. Driscoll suggested working with Portsmouth to develop a joint

Chris DiMatteo

From: Burke, Gabrielle [redacted]
Sent: Thursday, December 12, 2013 5:14 PM
To: Chris DiMatteo
Cc: v_trickett@ymail.com; dmorin17@maine.rr.com; Gmylroie; Jan Fisk
Subject: Re: Concerns/Questions Regarding Development Behind My House

Chris
I have a few initial concerns regarding the plans for the land behind 139 Brave Boat Harbor.
1) Has the council done a site visit. There is a lot of wetlands and wildlife in the area. Also a lot of ledge. It seems like it should be viewed before granting permission to erode it.
2) My house already has flooding issues. I am downhill from the adjacent land and I am concerned that I will experience an increase in flooding if the land is developed.
3) I worry that there is not enough of a buffer between the existing houses (3 abutting properties including mine). I feel like there will be a house right in my backyard.

I hope the planning board and Mr Watts will take these concerns into consideration.

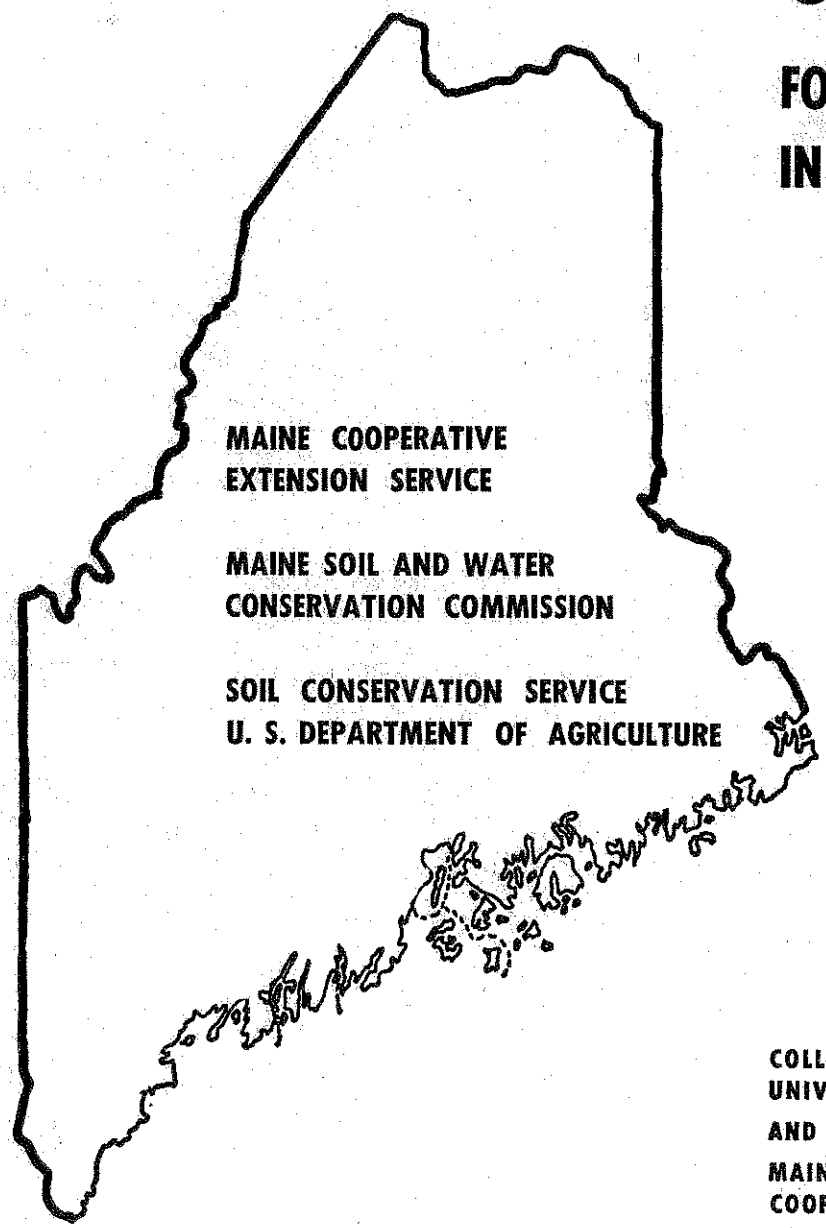
Thank you,
Gabrielle Burke

COOPERATIVE EXTENSION SERVICE
UNIVERSITY OF MAINE AT ORONO

SOIL SUITABILITY GUIDE

FOR LAND USE PLANNING IN MAINE

AGRICULTURE
URBAN
INDUSTRIAL
RECREATION
FOREST
WILDLIFE HABITAT



MAINE COOPERATIVE EXTENSION SERVICE

MAINE SOIL AND WATER CONSERVATION COMMISSION

SOIL CONSERVATION SERVICE
U. S. DEPARTMENT OF AGRICULTURE

COLLEGE OF LIFE SCIENCES and AGRICULTURE
UNIVERSITY OF MAINE
AND
MAINE AGRICULTURE EXPERIMENT STATION
COOPERATING

Revised February, 1975
February, 1967

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MISCELLANEOUS PUBLICATION 667 (REV.)

SECTION II
SOIL SUITABILITY FOR URBAN AND INDUSTRIAL USES

This section of the guide contains soil suitability ratings for a variety of land uses associated with urban and industrial development. Each land use is defined below, and the factors involved in the development of the ratings are listed. The manner in which each factor is treated in the rating of soils is shown in the tables of the Appendix.

Following the title of each land use is the abbreviation of the title as used in the headings of the suitability tables.

Soil Suitability for Septic Sewage Disposal (SEPTIC)

The suitability ratings for septic sewage disposal apply to soils in which septic systems are in use continuously. Additional emphasis has been given to the environmental hazards of sewage disposal on rapidly permeable soils.

The following factors are used to determine the ratings: drainage, depth to bedrock, rooting depth, slope, flooding, permeability, surface stoniness, and surface rockiness.

Soil Suitability for Sewage Lagoons (LAGOON)

The ratings are based on the soil's ability to contain effluent without special sealing. It is assumed that the lagoons are for year around use and are of sufficient size to handle the volumes directed into them.

The following factors are used to determine the ratings: permeability, slope, depth to bedrock, flooding, and coarse fragments.

Soil Suitability for Sanitary Landfill - Area Type (FIL AR)

The ratings are based on the soil's ability to safely accept refuse placed on the ground surface in successive layers. The daily and final cover material generally must be imported. A final cover of soil material at least two feet thick is placed over the fill when it is completed.

The following factors are used to determine the ratings: slope, permeability, drainage, flooding, and depth to bedrock.

Soil Suitability as a Source of Cover Material for Area Type Sanitary Landfill (COVER)

The ratings are based on the use of soils as a cover material for area type sanitary landfills. The soil's workability, ease of digging, spreading

thickness, and other properties favoring reclamation of the borrow area are considered to be important.

Factors used to determine ratings are: subsoil texture, slope, depth to bedrock, coarse fragments, surface stoniness, and drainage.

Soil Suitability for Sanitary Landfill - Trench Type (FIL TR)

For this land use, the soil is rated for its ability to safely accept refuse when trenches are dug and the spoil used for backfill. Soils that present a ground water or surface water pollution hazard are rated poor or very poor depending on the degree of the hazard.

Permeability, slope, drainage, depth to bedrock, flooding, subsoil texture, surface stoniness, and surface rockiness are factors used to determine the ratings.

Soil Suitability for Houses with Basements (HOUSES)

These ratings are intended for single family dwellings or other structures with similar foundation requirements and that are three stories or less. The ratings do not consider soil suitability for on-site waste disposal. The suitability of soil for on-site waste disposal is a separate consideration and is not part of this rating.

Ratings are determined using the following factors: potential frost action, drainage, slope, depth to bedrock, flooding, surface stoniness, surface rockiness, and textural stability classes.

Soil Suitability for Pipe and Sewer Lines (PIPES)

The soils have been rated for installation and maintenance of underground pipes and sewer lines. It is assumed the installation is below the frost line. Corrosivity is not considered in the rating.

The following factors are used to formulate the ratings: drainage, slope, depth to bedrock, textural stability classes, flooding, surface stoniness, and surface rockiness.

Soil Suitability for Commercial Buildings - Less Than 3 Stories (BUILD)

The ratings are based on suitability for construction and maintenance of commercial and industrial buildings without basements, and whose foundation requirements do not exceed those of ordinary three-story dwellings.

Factors used in determining ratings are: slope, drainage, potential frost action, depth to bedrock, flooding, surface stoniness, surface rockiness, and textural stability classes.

Soil Suitability for Cemeteries (GRAVES)

The ratings are based on soil suitability for burial to a six-foot minimum depth. An on-site check is essential especially for bedrock and water table determinations.

Factors used in the ratings are: drainage, depth to bedrock, surface texture, flooding, slope, surface stoniness, and surface rockiness.

Soil Suitability for Location of Roads - Earth, Sand, and Gravel Surface (RD LOC)

The ratings are based on the suitability of soils as material on which roads having earth, sand, or gravel surfaces are built and maintained.

The factors used in the establishment of ratings are: flooding, drainage, textural stability classes, slope, surface stoniness, surface rockiness, potential frost action, and depth to bedrock.

Soil Suitability as a Source of Road Fill (RD FIL)

The ratings are based on the suitability of the soils to serve as a source for road fill.

Factors used to establish the ratings are: textural stability classes, shrink-swell potential, potential frost action, surface stoniness, surface rockiness, depth to bedrock, and drainage.

Other Suitability Ratings

In cases where on-site waste disposal is not by conventional septic systems but rather is by use of privies, the reader should refer to the tables for "Soil Suitability for Privy - Unsealed" listed under the section "Soil Suitability for Recreation Uses."

For homes being constructed without full basements, the reader should refer to the tables for "Soil Suitability for Recreation Cottages - No Basements" also listed in the section "Soil Suitability for Recreation Uses."

FEBRUARY 1,1975 URBAN AND INDUSTRIAL USES

MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FILAR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RDLOC	RDFIL
ADAMS LS	B	V	V	V	V	V	G	V	F	P	G	P
ADAMS LS	C	V	V	V	V	V	F	V	P	P	F	P
ADAMS LS	D	V	V	V	V	V	P	V	V	P	P	P
ADAMS LS	E	V	V	V	V	V	V	V	V	V	P	P
ADAMS VSTLS	D	V	V	V	V	V	P	V	V	P	P	P
AGAWAM FSL	A	F	V	V	F	V	G	V	G	G	G	P
AGAWAM FSL	B	F	V	V	F	V	G	V	F	G	G	P
AGAWAM FSL	C	F	V	V	F	V	F	V	P	F	F	P
AGAWAM FSL	D	V	V	V	P	V	P	V	V	P	P	P
ALLAGASH FSL	A	F	V	V	F	V	G	V	G	G	G	P
ALLAGASH FSL	B	F	V	V	F	V	G	V	F	G	G	P
ALLAGASH FSL	C	F	V	V	F	V	F	V	P	F	F	P
ALLAGASH FSL	D	V	V	V	P	V	P	V	V	P	P	P
ALLUVIAL SOIL	A	V	V	V	V	V	V	V	V	V	V	V
AUGRES LS	A	V	V	V	V	V	V	V	P	V	P	V
AUGRES LS	B	V	V	V	V	V	V	V	P	V	P	V
BANGOR SIL	A	G	F	F	F	G	F	G	F	G	F	F
BANGOR SIL	B	G	F	F	F	G	F	G	F	G	F	F
BANGOR SIL	C	F	V	F	F	F	F	F	P	F	F	F
BANGOR SIL	D	V	V	P	P	P	P	P	V	P	P	F
BANGOR VSTSIL	B	F	F	F	F	F	F	F	F	P	F	F

FEBRUARY 1,1975 URBAN AND INDUSTRIAL USES

MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FILAR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RDLOC	RDFIL
BANGOR VSTSIL	C	F	V	F	F	F	F	F	P	P	F	F
BANGOR VSTSIL	D	V	V	P	P	P	P	P	V	P	P	F
BANGOR VSTSIL HEAVY SUBSOIL	B	P	F	G	F	F	F	F	F	P	F	F
BANGOR VSTSIL HEAVY SUBSOIL	C	P	V	F	F	F	F	F	P	P	F	F
BANGOR VSTSIL HEAVY SUBSOIL	D	V	V	P	P	P	P	P	V	P	P	F
BANGOR SIL MODERATELY DEEP	B	F	P	F	F	V	P	P	F	V	F	V
BANGOR SIL MODERATELY DEEP	C	F	V	F	F	V	P	P	P	V	F	V
BANGOR SIL MODERATELY DEEP	D	V	V	P	P	V	P	P	V	V	P	V
BEACHES	B	V	V	V	V	V	V	V	V	V	V	V
BECKET FSL	B	P	F	G	F	F	F	G	F	G	F	F
BECKET FSL	C	P	V	F	F	F	F	F	P	F	F	F
BECKET FSL	D	V	V	P	P	P	P	P	V	P	P	F
BECKET VSTFSL	B	P	F	G	F	F	F	F	F	P	F	F
BECKET VSTFSL	C	P	V	F	F	F	F	F	P	P	F	F
BECKET VSTFSL	D	V	V	P	P	P	P	P	V	P	P	F
BELGRADE SIL	B	P	F	G	F	F	P	F	P	F	P	P
BELGRADE SIL	C	P	V	F	F	F	P	F	P	F	P	P
BELGRADE VFSL	B	P	F	G	F	F	P	F	P	F	P	P
BELGRADE VFSL	C	P	V	F	F	F	P	F	P	F	P	P
BENSON SIL	B	P	V	V	V	V	V	V	P	V	P	V
BENSON SIL	C	P	V	V	V	V	V	V	P	V	P	V

FEBRUARY 1,1975 URBAN AND INDUSTRIAL USES

MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FILAR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RDLOC	RDFIL
BENSON SIL	D	V	V	V	V	V	V	V	V	V	P	V
BERKSHIRE ESTFSL	B	P	F	F	V	V	F	P	F	V	F	P
BERKSHIRE ESTFSL	C	P	V	F	V	V	F	P	P	V	F	P
BERKSHIRE ESTFSL	E	V	V	V	V	V	V	V	V	V	P	P
BERKSHIRE FSL	B	G	F	F	F	G	F	G	F	G	F	F
BERKSHIRE FSL	C	F	V	F	F	F	F	F	P	F	F	F
BERKSHIRE FSL	D	V	V	P	P	P	P	P	V	P	P	F
BERKSHIRE L	B	G	F	F	F	G	F	G	F	G	F	F
BERKSHIRE L	C	F	V	F	F	F	F	F	P	F	F	F
BERKSHIRE VSTFSL	B	F	F	F	F	F	F	F	F	P	F	F
BERKSHIRE VSTFSL	C	F	V	F	F	F	F	F	P	P	F	F
BERKSHIRE VSTFSL	D	V	V	P	P	P	P	P	V	P	P	F
BERKSHIRE VSTFSL	E	V	V	V	V	V	V	V	V	V	P	F
BERKSHIRE VSTL	B	F	F	F	F	F	F	F	F	P	F	F
BERKSHIRE VSTL	C	F	V	F	F	F	F	F	P	P	F	F
BERKSHIRE VSTL	E	V	V	V	V	V	V	V	V	V	P	F
BIDDEFORD SICL	A	V	G	V	V	V	V	V	V	V	V	V
BIDDEFORD SIL	A	V	G	V	V	V	V	V	V	V	V	V
BURNHAM SIL	A	V	F	V	V	V	V	V	V	V	V	V
BURNHAM VSTSIL	A	V	F	V	V	V	V	V	V	V	V	V
BUXTON SCANTIC BIDDEFORD STSIL	B	V	F	V	V	V	V	V	V	V	V	V

FEBRUARY 1,1975 URBAN AND INDUSTRIAL USES

MAPPING UNIT		SLOPE	SEPTIC	LAGOON	FILAR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RDLOC	RDFIL
BUXTON	SIL	A	V	G	F	F	P	P	P	P	P	P	V
BUXTON	SIL	B	V	F	G	F	F	P	F	P	F	P	V
BUXTON	SIL	C	V	V	F	F	F	P	F	P	F	P	V
BUXTON	SIL	D	V	V	P	P	P	P	P	V	P	P	V
BUXTON	SIL	E	V	V	V	V	V	V	V	V	V	P	V
BUXTON	VSTSIL	B	V	F	G	F	F	P	F	P	P	P	V
BUXTON	VSTSIL	C	V	V	F	F	F	P	F	P	P	P	V
CANAAN	ERSL	C	V	V	V	V	V	V	V	P	V	P	V
CANAAN	ERSL	E	V	V	V	V	V	V	V	V	V	P	V
CANAAN	SL	B	V	V	V	V	V	V	V	P	V	P	V
CANAAN	SL	C	V	V	V	V	V	V	V	P	V	P	V
CANAAN	VRSL	B	V	V	V	V	V	V	V	P	V	P	V
CANAAN	VRSL	C	V	V	V	V	V	V	V	P	V	P	V
CANAAN	VRSL	E	V	V	V	V	V	V	V	V	V	P	V
CANANDAIGUA	SIL THIN SOLUM	B	V	F	V	V	V	V	V	P	V	P	V
CANTON	ESTFSL	B	P	V	V	V	V	F	P	F	V	F	P
CANTON	ESTFSL	C	P	V	V	V	V	F	P	P	V	F	P
CANTON	ESTFSL	E	V	V	V	V	V	V	V	V	V	P	P
CANTON	FSL	B	F	V	V	F	V	G	G	F	G	G	G
CANTON	FSL	C	F	V	V	F	V	F	F	P	F	F	G
CANTON	FSL	D	V	V	V	P	V	P	P	V	P	P	G

FEBRUARY 1,1975 URBAN AND INDUSTRIAL USES

MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FILAR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RDLOC	RDFIL
CANTON VSTFSL	B	F	V	V	F	V	F	F	F	P	G	F
CANTON VSTFSL	C	F	V	V	F	V	F	F	P	P	F	F
CANTON VSTFSL	D	V	V	V	P	V	P	P	V	P	P	F
CARIBOU GL	A	G	F	F	F	G	F	G	F	G	F	F
CARIBOU GL	B	G	F	F	F	G	F	G	F	G	F	F
CARIBOU GL	C	F	V	F	F	F	F	F	P	F	F	F
CARIBOU GL	D	V	V	P	P	P	P	P	V	P	P	F
CARIBOU GL	E	V	V	V	V	V	V	V	V	V	P	F
CHARLTON ESTFSL	B	P	V	P	V	V	F	P	F	V	F	P
CHARLTON ESTFSL	C	P	V	P	V	V	F	P	P	V	F	P
CHARLTON ESTFSL	E	V	V	V	V	V	V	V	V	V	P	P
CHARLTON FSL	B	G	V	P	F	P	G	G	F	G	F	F
CHARLTON FSL	C	F	V	P	F	P	F	F	P	F	F	F
CHARLTON FSL	D	V	V	P	P	P	P	P	V	P	P	F
CHARLTON VSTFSL	B	F	V	P	F	P	F	F	F	P	F	F
CHARLTON VSTFSL	C	F	V	P	F	P	F	F	P	P	F	F
CHARLTON VSTFSL	D	V	V	P	P	P	P	P	V	P	P	F
CHARLTON VSTFSL	E	V	V	V	V	V	V	V	V	V	P	F
COASTAL BEACH	B	V	V	V	V	V	V	V	V	V	V	V
COLTON CBSL DARK MATERIALS	B	V	V	V	V	V	G	V	F	G	G	G
COLTON CBSL DARK MATERIALS	C	V	V	V	V	V	F	V	P	F	F	G

FEBRUARY 1,1975 URBAN AND INDUSTRIAL USES

MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FILAR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RDLOC	RDFIL
COLTON CBSL DARK MATERIALS	D	V	V	V	V	V	P	V	V	P	P	G
COLTON CBSL DARK MATERIALS	E	V	V	V	V	V	V	V	V	V	P	G
COLTON ESTSL	C	V	V	V	V	V	F	V	P	V	F	P
COLTON GLS	B	V	V	V	V	V	G	V	F	P	G	G
COLTON GLS	C	V	V	V	V	V	F	V	P	P	F	G
COLTON GLS	D	V	V	V	V	V	P	V	V	P	P	G
COLTON GLS	E	V	V	V	V	V	V	V	V	V	P	G
COLTON GSL	B	V	V	V	V	V	G	V	F	G	G	G
COLTON GSL	C	V	V	V	V	V	F	V	P	F	F	G
COLTON GSL	D	V	V	V	V	V	P	V	V	P	P	G
COLTON GSL DARK MATERIALS	A	V	V	V	V	V	G	V	G	G	G	G
COLTON GSL DARK MATERIALS	B	V	V	V	V	V	G	V	F	G	G	G
COLTON GSL DARK MATERIALS	C	V	V	V	V	V	F	V	P	F	F	G
COLTON GSL DARK MATERIALS	D	V	V	V	V	V	P	V	V	P	P	G
COLTON GSL DARK MATERIALS	E	V	V	V	V	V	V	V	V	V	P	G
COLTON LFS DARK MATERIALS	A	V	V	V	V	V	G	V	G	F	G	G
COLTON LFS DARK MATERIALS	B	V	V	V	V	V	G	V	F	F	G	G
COLTON LFS DARK MATERIALS	C	V	V	V	V	V	F	V	P	F	F	G
COLTON LFS DARK MATERIALS	D	V	V	V	V	V	P	V	V	P	P	G
COLTON SL	B	V	V	V	V	V	G	V	F	G	G	G
COLTON SL	C	V	V	V	V	V	F	V	P	F	F	G

FEBRUARY 1,1975 URBAN AND INDUSTRIAL USES

MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FILAR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RD LOC	RD FIL
COLTON SL	E	V	V	V	V	V	V	V	V	V	P	G
COLTON VSTSL	B	V	V	V	V	V	F	V	F	P	G	F
COLTON VSTSL	C	V	V	V	V	V	F	V	P	P	F	F
COLTON VSTSL	E	V	V	V	V	V	V	V	V	V	P	F
CONANT SIL	A	P	F	G	F	F	P	F	P	F	P	P
CONANT SIL	B	P	F	G	F	F	P	F	P	F	P	P
CONANT SIL	C	P	V	F	F	F	P	F	P	F	P	P
CRARY FSL	B	P	F	G	F	F	F	F	F	F	F	F
CROGHAN LS	A	V	V	V	V	V	F	V	F	P	F	P
CROGHAN LS	B	V	V	V	V	V	F	V	F	P	F	P
DAIGLE SIL	A	V	F	F	F	P	P	P	P	P	P	P
DAIGLE SIL	B	V	F	F	F	P	P	P	P	P	P	P
DAIGLE SIL	C	V	V	F	F	P	P	P	P	P	P	P
DAIGLE STSIL	A	V	F	F	F	P	P	P	P	P	P	P
DAIGLE STSIL	B	V	F	F	F	P	P	P	P	P	P	P
DAIGLE STSIL	C	V	V	F	F	P	P	P	P	P	P	P
DAIGLE VSTSIL	B	V	F	F	F	P	P	P	P	P	P	P
DAIGLE VSTSIL	C	V	V	F	F	P	P	P	P	P	P	P
DEERFIELD LFS	B	V	V	V	V	V	F	V	F	F	F	P
DEERFIELD LS	A	V	V	V	V	V	F	V	F	P	F	P
DEERFIELD LS	B	V	V	V	V	V	F	V	F	P	F	P

FEBRUARY 1,1975 URBAN AND INDUSTRIAL USES

MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FILAR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RDLOC	RDFIL
DEERFIELD SL	B	V	V	V	V	V	F	V	F	F	F	P
DIXMONT SIL	A	P	F	G	F	F	P	F	P	F	P	P
DIXMONT SIL	B	P	F	G	F	F	P	F	P	F	P	P
DIXMONT SIL	C	P	V	F	F	F	P	F	P	F	P	P
DIXMONT VSTSIL	A	P	F	G	F	F	P	F	P	P	P	P
DIXMONT VSTSIL	B	P	F	G	F	F	P	F	P	P	P	P
DIXMONT VSTSIL	C	P	V	F	F	F	P	F	P	P	P	P
DIXMONT VSTSIL	D	V	V	P	P	P	P	P	V	P	P	P
DIXMONT VSTSIL HEAVY SUBSOIL	B	P	F	G	F	F	P	F	P	P	P	P
DIXMONT VSTSIL HEAVY SUBSOIL	C	P	V	F	F	F	P	F	P	P	P	P
DIXMONT VSTSIL HEAVY SUBSOIL	D	V	V	P	P	P	P	P	V	P	P	P
DUANE SL	B	V	V	V	V	V	F	V	F	F	F	F
DUNE LAND	D	V	V	V	V	V	V	V	V	P	V	V
DUNE LAND AND COASTAL BEACH	D	V	V	V	V	V	V	V	V	P	V	V
EASTON AND WASHBURN SIL	A	V	F	V	V	V	V	V	P	V	P	V
EASTON AND WASHBURN SIL	B	V	F	V	V	V	V	V	P	V	P	V
EASTON AND WASHBURN STSIL	B	V	F	V	V	V	V	V	P	V	P	V
ELMWOOD FSL	A	V	G	G	F	F	P	F	P	F	P	V
ELMWOOD FSL	B	V	F	G	F	F	P	F	P	F	P	V
ELMWOOD FSL	C	V	V	F	F	F	P	F	P	F	P	V
ELMWOOD VSTSL	B	V	F	G	F	F	P	F	P	P	P	V

FEBRUARY 1,1975 URBAN AND INDUSTRIAL USES

MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FILAR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RDLOC	RDFIL
ELMWOOD VSTSL	C	V	V	F	F	F	P	F	P	P	P	V
FIBRISTS AND HEMISTS SOILS	A	V	V	V	V	V	V	V	V	V	V	V
FIBRISTS AND SAPRISTS SOILS	A	V	V	V	V	V	V	V	V	V	V	V
FREDON AND HALSEY SIL	A	V	V	V	V	V	V	V	P	V	P	V
FREDON AND HALSEY SIL	B	V	V	V	V	V	V	V	P	V	P	V
FRESH WATER MARSH	A	V	V	V	V	V	V	V	V	V	V	V
GLOUCESTER ESTSL	B	P	V	V	V	V	F	P	F	V	F	P
GLOUCESTER ESTSL	C	P	V	V	V	V	F	P	P	V	F	P
GLOUCESTER ESTSL	E	V	V	V	V	V	V	V	V	V	P	P
GLOUCESTER VSTSL	B	F	V	V	V	V	F	F	F	P	G	F
GLOUCESTER VSTSL	C	F	V	V	V	V	F	F	P	P	F	F
GLOUCESTER VSTSL	D	V	V	V	V	V	P	P	V	P	P	F
HADLEY SIL	A	V	V	V	G	V	V	P	V	V	V	P
HADLEY SIL	B	V	V	V	G	V	V	P	V	V	P	P
HARTLAND SIL	B	G	F	F	G	G	P	F	P	G	P	P
HARTLAND SIL	C	F	V	F	F	F	P	F	P	F	P	P
HARTLAND SIL	D	V	V	P	P	P	P	P	V	P	P	P
HARTLAND VFSL	B	G	F	F	G	G	P	F	P	G	P	P
HARTLAND VFSL	C	F	V	F	F	F	P	F	P	F	P	P
HARTLAND VFSL	D	V	V	P	P	P	P	P	V	P	P	P
HERMON ESTSL	B	P	V	V	V	V	F	P	F	V	F	P

FEBRUARY 1,1975 URBAN AND INDUSTRIAL USES

MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FILAR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RDLOC	RDFIL
HERMON ESTSL	C	P	V	V	V	V	F	P	P	V	F	P
HERMON ESTSL	E	V	V	V	V	V	V	V	V	V	P	P
HERMON SL	B	F	V	V	V	V	G	G	F	G	G	G
HERMON SL	C	F	V	V	V	V	F	F	P	F	F	G
HERMON SL	D	V	V	V	V	V	P	P	V	P	P	G
HERMON SL MODERATELY DEEP	B	F	V	V	V	V	P	P	F	V	F	V
HERMON SL MODERATELY DEEP	C	F	V	V	V	V	P	P	P	V	F	V
HERMON VSTSL	B	F	V	V	V	V	F	F	F	P	G	F
HERMON VSTSL	C	F	V	V	V	V	F	F	P	P	F	F
HERMON VSTSL	D	V	V	V	V	V	P	P	V	P	P	F
HERMON VSTSL	E	V	V	V	V	V	V	V	V	V	P	F
HINCKLEY GSL	B	V	V	V	V	V	G	V	F	G	G	G
HINCKLEY GSL	C	V	V	V	V	V	F	V	P	F	F	G
HINCKLEY GSL	D	V	V	V	V	V	P	V	V	P	P	G
HINCKLEY GSL	E	V	V	V	V	V	V	V	V	V	P	G
HINCKLEY-SUFFIELD COMPLEX	B	V	V	V	V	V	G	V	F	G	G	G
HINCKLEY-SUFFIELD COMPLEX	C	V	V	V	V	V	F	V	P	F	F	G
HINCKLEY-SUFFIELD COMPLEX	D	V	V	V	V	V	P	V	V	P	P	G
HIRAM MUCKY PEAT	A	V	V	V	V	V	V	V	V	V	V	V
HOLLIS FSL	B	P	V	V	V	V	V	V	P	V	P	V
HOLLIS FSL	C	P	V	V	V	V	V	V	P	V	P	V

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MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FIL AR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RD LOC	RD FIL
HOLLIS FSL	D	V	V	V	V	V	V	V	V	V	P	V
HOLLIS L	B	P	V	V	V	V	V	V	P	V	P	V
HOLLIS L	C	P	V	V	V	V	V	V	P	V	P	V
HOLLIS L	D	V	V	V	V	V	V	V	V	V	P	V
HOLLIS ROCK OUTCROP COMPLEX	B	V	V	V	V	V	V	V	P	V	P	V
HOLLIS ROCK OUTCROP COMPLEX	C	V	V	V	V	V	V	V	P	V	P	V
HOLLIS ROCK OUTCROP COMPLEX	D	V	V	V	V	V	V	V	V	V	P	V
HOLLIS VRFSL	B	V	V	V	V	V	V	V	P	V	P	V
HOLLIS VRFSL	C	V	V	V	V	V	V	V	P	V	P	V
HOLLIS VRFSL	D	V	V	V	V	V	V	V	V	V	P	V
HOLLIS VRFSL	E	V	V	V	V	V	V	V	V	V	P	V
HOLLIS VRL	B	V	V	V	V	V	V	V	P	V	P	V
HOLLIS VRL	C	V	V	V	V	V	V	V	P	V	P	V
HOLLIS VRL	E	V	V	V	V	V	V	V	V	V	P	V
HOWLAND GL	A	V	F	G	F	F	P	F	P	F	P	P
HOWLAND GL	B	V	F	G	F	F	P	F	P	F	P	P
HOWLAND GL	C	V	V	F	F	F	P	F	P	F	P	P
HOWLAND L	B	V	F	G	F	F	P	F	P	F	P	P
HOWLAND L	C	V	V	F	F	F	P	F	P	F	P	P
HOWLAND VSTL	B	V	F	G	F	F	P	F	P	P	P	P
HOWLAND VSTL	C	V	V	F	F	F	P	F	P	P	P	P

FEBRUARY 1,1975 URBAN AND INDUSTRIAL USES

MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FILAR	COVER	FIITR	HOUSES	PIPES	BUILD	GRAVES	RDLOC	RDFIL
HOWLAND VSTL	D	V	V	P	P	P	P	P	V	P	P	P
LEICESTER FSL	A	V	F	V	V	V	V	V	P	V	P	V
LEICESTER FSL	B	V	F	V	V	V	V	V	P	V	P	V
LEICESTER L	B	V	F	V	V	V	V	V	P	V	P	V
LEICESTER VSTFSL	B	V	F	V	V	V	V	V	P	V	P	V
LEICESTER VSTL	B	V	F	V	V	V	V	V	P	V	P	V
LIMERICK SACO SIL	A	V	V	V	V	V	V	V	V	V	V	V
LIMERICK SIL	A	V	V	V	V	V	V	V	V	V	V	V
LINNEUS SIL	B	F	P	F	F	V	P	P	P	V	F	V
LINNEUS SIL	C	F	V	F	F	V	P	P	P	V	F	V
LINNEUS SIL	D	V	V	P	P	V	P	P	V	V	P	V
LYMAN-BERKSHIRE VSTFSL	B	P	V	V	V	V	V	V	P	V	P	V
LYMAN-BERKSHIRE VSTFSL	C	P	V	V	V	V	V	V	P	V	P	V
LYMAN-BERKSHIRE VSTFSL	D	V	V	V	V	V	V	V	V	V	P	V
LYMAN FSL	B	P	V	V	V	V	V	V	P	V	P	V
LYMAN FSL	C	P	V	V	V	V	V	V	P	V	P	V
LYMAN FSL	D	V	V	V	V	V	V	V	V	V	P	V
LYMAN L	B	P	V	V	V	V	V	V	P	V	P	V
LYMAN L	C	P	V	V	V	V	V	V	P	V	P	V
LYMAN L	D	V	V	V	V	V	V	V	V	V	P	V
LYMAN-ROCK OUTCROP COMPLEX	C	V	V	V	V	V	V	V	P	V	P	V

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MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FILAR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RDLOC	RDFIL
LYMAN VRFSL	B	V	V	V	V	V	V	V	P	V	P	V
LYMAN VRFSL	C	V	V	V	V	V	V	V	P	V	P	V
LYMAN VRFSL	D	V	V	V	V	V	V	V	V	V	P	V
LYMAN VRFSL	E	V	V	V	V	V	V	V	V	V	P	V
LYMAN VRL	C	V	V	V	V	V	V	V	P	V	P	V
LYMAN VRL	E	V	V	V	V	V	V	V	V	V	P	V
MACHAIS FSL	B	V	V	V	V	V	F	V	F	F	F	F
MACHAIS GFSL	B	V	V	V	V	V	F	V	F	F	F	F
MACHAIS GL	A	V	V	V	V	V	F	V	F	F	F	F
MACHAIS GL	B	V	V	V	V	V	F	V	F	F	F	F
MACHAIS GL	C	V	V	V	V	V	F	V	P	F	F	F
MADAWASKA FSL	A	P	V	V	V	V	P	V	P	F	P	P
MADAWASKA FSL	B	P	V	V	V	V	P	V	P	F	P	P
MADAWASKA FSL	C	P	V	V	V	V	P	V	P	F	P	P
MADAWASKA VFSL	B	P	V	V	V	V	P	V	P	F	P	P
MAPLETON SHSIL	B	P	V	V	V	V	V	V	P	V	P	V
MAPLETON SHSIL	C	P	V	V	V	V	V	V	P	V	P	V
MAPLETON SHSIL	D	V	V	V	V	V	V	V	V	V	P	V
MAPLETON VRSIL	C	V	V	V	V	V	V	V	P	V	P	V
MAPLETON VRSIL	D	V	V	V	V	V	V	V	V	V	P	V
MARLOW ESTFSL	C	P	V	F	V	V	F	P	P	V	F	P

FEBRUARY 1,1975 URBAN AND INDUSTRIAL USES

MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FILAR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RDLOC	RDFIL
MARLOW ESTFSL	E	V	V	V	V	V	V	V	V	V	P	P
MARLOW FSL	B	P	F	G	F	G	F	G	F	G	F	F
MARLOW FSL	C	P	V	F	F	F	F	F	P	F	F	F
MARLOW FSL	D	V	V	P	P	P	P	P	V	P	P	F
MARLOW VSTFSL	B	P	F	G	F	F	F	F	F	P	F	F
MARLOW VSTFSL	C	P	V	F	F	F	F	F	P	P	F	F
MARLOW VSTFSL	D	V	V	P	P	P	P	P	V	P	P	F
MARLOW VSTFSL	E	V	V	V	V	V	V	V	V	V	P	F
MARLOW VSTL	B	P	F	G	F	F	F	F	F	P	F	F
MARLOW VSTL	C	P	V	F	F	F	F	F	P	P	F	F
MARLOW VSTL	D	V	V	P	P	P	P	P	V	P	P	F
MARSH FRESH WATER	A	V	V	V	V	V	V	V	V	V	V	V
MELROSE FSL	A	V	G	G	F	F	F	F	F	G	P	V
MELROSE FSL	B	V	F	G	F	F	F	F	F	G	P	V
MELROSE FSL	C	V	V	F	F	F	F	F	P	F	P	V
MERRIMAC FSL	B	V	V	V	V	V	G	V	F	G	G	G
MERRIMAC FSL	C	V	V	V	V	V	F	V	P	F	F	G
MERRIMAC FSL	D	V	V	V	V	V	P	V	V	P	P	G
MIXED ALLUVIAL LAND	A	V	V	V	V	V	V	V	V	V	V	V
MONARDA AND BURNHAM ESTSIL	C	V	V	V	V	V	V	V	P	V	P	V
MONARDA AND BURNHAM SIL	A	V	G	V	V	V	V	V	P	V	P	V

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MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FILAR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RDLOC	RDFIL
MONARDA AND BURNHAM SIL	B	V	F	V	V	V	V	V	P	V	P	V
MONARDA AND BURNHAM VSTSIL	B	V	F	V	V	V	V	V	P	V	P	V
MONARDA SIL	A	V	G	V	V	V	V	V	P	V	P	V
MONARDA SIL	B	V	F	V	V	V	V	V	P	V	P	V
MONARDA VSTSIL	A	V	G	V	V	V	V	V	P	V	P	V
MONARDA VSTSIL	B	V	F	V	V	V	V	V	P	V	P	V
MUCK	A	V	V	V	V	V	V	V	V	V	V	V
NICHOLVILLE SIL	A	P	F	F	F	F	P	F	P	F	P	P
NICHOLVILLE SIL	B	P	F	F	F	F	P	F	P	F	P	P
NICHOLVILLE SIL	C	P	V	F	F	F	P	F	P	F	P	P
NICHOLVILLE VFSL	B	P	F	F	F	F	P	F	P	F	P	P
NINIGRET FSL	B	P	V	V	F	V	P	V	P	F	P	P
ONDAWA FSL	A	V	V	V	F	V	V	V	V	V	V	P
PAXTON FSL	B	P	F	G	F	G	F	G	F	G	F	F
PAXTON FSL	C	P	V	F	F	F	F	F	P	F	F	F
PAXTON FSL	D	V	V	P	P	P	P	P	V	P	P	F
PAXTON L	B	P	F	G	F	G	F	G	F	G	F	F
PAXTON L	C	P	V	F	F	F	F	F	P	F	F	F
PAXTON L	D	V	V	P	P	P	P	P	V	P	P	F
PAXTON VSTFSL	B	P	F	G	F	F	F	F	F	P	F	F
PAXTON VSTFSL	C	P	V	F	F	F	F	F	P	P	F	F

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MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FILL AR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RD LOC	RD FIL
PAXTON VSTFSL	D	V	V	P	P	P	P	P	V	P	P	F
PAXTON VSTL	B	P	F	G	F	F	F	F	F	P	F	F
PAXTON VSTL	C	P	V	F	F	F	F	F	P	P	F	F
PAXTON VSTL	D	V	V	P	P	P	P	P	V	P	P	F
PAXTON CHARLTON FSL	B	P	F	G	F	G	F	G	F	G	F	F
PAXTON CHARLTON FSL	C	P	V	F	F	F	F	F	P	F	F	F
PAXTON CHARLTON FSL	D	V	V	P	P	P	P	P	V	P	P	F
PAXTON CHARLTON VSTFSL	B	P	F	G	F	F	F	F	F	P	F	F
PAXTON CHARLTON VSTFSL	C	P	V	F	F	F	F	F	P	P	F	F
PAXTON CHARLTON VSTFSL	D	V	V	P	P	P	P	P	V	P	P	F
PEAT AND MUCK	A	V	V	V	V	V	V	V	V	V	V	V
PEAT COARSELY FIBROUS	A	V	V	V	V	V	V	V	V	V	V	V
PEAT MODERATELY FIBROUS	A	V	V	V	V	V	V	V	V	V	V	V
PEAT SPHAGNUM	A	V	V	V	V	V	V	V	V	V	V	V
PERHAM GSIL	A	V	F	G	F	F	P	G	P	G	P	P
PERHAM GSIL	B	V	F	G	F	F	P	G	P	G	P	P
PERHAM GSIL	C	V	V	F	F	F	P	F	P	F	P	P
PERHAM GSIL	D	V	V	P	P	P	P	P	V	P	P	P
PERHAM SIL	B	V	F	G	F	F	P	G	P	G	P	P
PERHAM SIL	C	V	V	F	F	F	P	F	P	F	P	P
PERHAM SIL	D	V	V	P	P	P	P	P	V	P	P	P

FEBRUARY 1,1975 URBAN AND INDUSTRIAL USES

MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FILAR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RDLOC	RDFIL
PERHAM STSIL	B	V	F	G	F	F	P	G	P	F	P	P
PERHAM STSIL	C	V	V	F	F	F	P	F	P	F	P	P
PERU FSL	B	V	F	G	F	F	P	F	P	F	P	P
PERU FSL	C	V	V	F	F	F	P	F	P	F	P	P
PERU L	B	V	F	G	F	F	P	F	P	F	P	P
PERU L	C	V	V	F	F	F	P	F	P	F	P	P
PERU VSTFSL	B	V	F	G	F	F	P	F	P	P	P	P
PERU VSTFSL	C	V	V	F	F	F	P	F	P	P	P	P
PERU VSTL	B	V	F	G	F	F	P	F	P	P	P	P
PERU VSTL	C	V	V	F	F	F	P	F	P	P	P	P
PLAISTED ESTL	C	P	V	F	V	V	F	P	P	V	F	P
PLAISTED AND HOWLAND VSTL	B	P	F	G	F	F	F	F	F	P	F	F
PLAISTED AND HOWLAND VSTL	C	P	V	F	F	F	F	F	P	P	F	F
PLAISTED GL	A	P	F	G	F	G	F	G	F	G	F	F
PLAISTED GL	B	P	F	G	F	G	F	G	F	G	F	F
PLAISTED GL	C	P	V	F	F	F	F	F	P	F	F	F
PLAISTED GL	D	V	V	P	P	P	P	P	V	P	P	F
PLAISTED GL	E	V	V	V	V	V	V	V	V	V	P	F
PLAISTED VSTL	B	P	F	G	F	F	F	F	F	P	F	F
PLAISTED VSTL	C	P	V	F	F	F	F	F	P	P	F	F
PLAISTED VSTL	D	V	V	P	P	P	P	P	V	P	P	F

FEBRUARY 1,1975 URBAN AND INDUSTRIAL USES

MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FILAR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RDLOC	RDFIL
PLAISTED VSTL	E	V	V	V	V	V	V	V	V	V	P	F
PODUNK FSL	A	V	V	V	F	V	V	V	V	V	V	P
POTSDAM FSL	B	P	F	G	F	G	P	G	P	G	P	P
POTSDAM FSL	C	P	V	F	F	F	P	F	P	F	P	P
RAYNHAM SIL	A	V	G	V	V	V	V	V	P	V	P	V
REDHOOK AND ATHERTON FSL	B	V	V	V	V	V	V	V	P	V	P	V
REDHOOK AND ATHERTON SIL	A	V	V	V	V	V	V	V	P	V	P	V
REDHOOK AND ATHERTON SIL	B	V	V	V	V	V	V	V	P	V	P	V
REDHOOK FSL	A	V	V	V	V	V	V	V	P	V	P	V
REDHOOK L	A	V	V	V	V	V	V	V	P	V	P	V
RIDGEBURY ESTL	A	V	F	V	V	V	V	V	P	V	P	V
RIDGEBURY FSL	A	V	F	V	V	V	V	V	P	V	P	V
RIDGEBURY FSL	B	V	F	V	V	V	V	V	P	V	P	V
RIDGEBURY L	A	V	F	V	V	V	V	V	P	V	P	V
RIDGEBURY VSTFSL	A	V	F	V	V	V	V	V	P	V	P	V
RIDGEBURY VSTFSL	B	V	F	V	V	V	V	V	P	V	P	V
RIDGEBURY VSTL	A	V	F	V	V	V	V	V	P	V	P	V
RIFLE MUCKY PEAT	A	V	V	V	V	V	V	V	V	V	V	V
ROCK LAND	C	V	V	V	V	V	V	V	V	V	V	V
ROCK LAND	E	V	V	V	V	V	V	V	V	V	V	V
ROCK LAND CANAAN MAT	C	V	V	V	V	V	V	V	V	V	V	V

FEBRUARY 1,1975 URBAN AND INDUSTRIAL USES

MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FILAR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RDLOC	RDFIL
ROCK LAND CANAAN MAT	D	V	V	V	V	V	V	V	V	V	V	V
ROCK LAND HOLLIS MAT	C	V	V	V	V	V	V	V	V	V	V	V
ROCK LAND HOLLIS MAT	D	V	V	V	V	V	V	V	V	V	V	V
ROCK LAND THORNDIKE AND LYMAN MAT	C	V	V	V	V	V	V	V	V	V	V	V
ROCK LAND THORNDIKE AND LYMAN MAT	E	V	V	V	V	V	V	V	V	V	V	V
ROCK LAND THORNDIKE MAT	C	V	V	V	V	V	V	V	V	V	V	V
ROCK LAND THORNDIKE MAT	D	V	V	V	V	V	V	V	V	V	V	V
ROCK LAND THORNDIKE MAT	E	V	V	V	V	V	V	V	V	V	V	V
ROCK OUTCROP	E	V	V	V	V	V	V	V	V	V	V	V
RUBBLE LAND	E	V	V	V	V	V	V	V	V	V	V	V
RUMNEY FSL	A	V	V	V	V	V	V	V	V	V	V	V
SACO SIL	A	V	V	V	V	V	V	V	V	V	V	V
SACO SOILS	A	V	V	V	V	V	V	V	V	V	V	V
SALMON SIL	A	G	F	F	G	G	P	F	P	G	P	P
SALMON SIL	B	G	F	F	G	G	P	F	P	G	P	P
SALMON SIL	C	F	V	F	F	F	P	F	P	F	P	P
SAPRISTS AND HEMISTS SOILS	A	V	V	V	V	V	V	V	V	V	V	V
SAUGATUCK LS	A	V	V	V	V	V	V	V	P	V	P	V
SCANTIC SIL	A	V	G	V	V	V	V	V	P	V	P	V
SCANTIC SIL	B	V	F	V	V	V	V	V	P	V	P	V
SCANTIC VSTSIL	A	V	G	V	V	V	V	V	P	V	P	V

FEBRUARY 1,1975 URBAN AND INDUSTRIAL USES

MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FILAR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RD LOC	RD FIL
SCARBORO FSL	A	V	V	V	V	V	V	V	V	V	V	V
SCARBORO LFS	A	V	V	V	V	V	V	V	V	V	V	V
SCARBORO SL	A	V	V	V	V	V	V	V	V	V	V	V
SEBAGO MUCKY PEAT	A	V	V	V	V	V	V	V	V	V	V	V
SKERRY FSL	B	V	F	G	F	F	P	F	P	F	P	P
SKERRY FSL	C	V	V	F	F	F	P	F	P	F	P	P
SKERRY SL	B	V	F	G	F	F	P	F	P	F	P	P
SKERRY VSTFSL	B	V	F	G	F	F	P	F	P	P	P	P
SKERRY VSTFSL	C	V	V	F	F	F	P	F	P	P	P	P
SKERRY VSTSL	B	V	F	G	F	F	P	F	P	P	P	P
SKERRY VSTSL	C	V	V	F	F	F	P	F	P	P	P	P
SKOWHEGAN LFS	A	V	V	V	F	V	F	V	F	F	F	P
SKOWHEGAN LFS	B	V	V	V	F	V	F	V	F	F	F	P
STEEP ROCKLAND THORNDIKE MAT	E	V	V	V	V	V	V	V	V	V	V	V
STETSON GL	A	V	V	V	V	V	G	V	G	G	G	G
STETSON GL	B	V	V	V	V	V	G	V	F	G	G	G
STETSON GL	C	V	V	V	V	V	F	V	P	F	F	G
STETSON GL	D	V	V	V	V	V	P	V	V	P	P	G
STETSON GL	E	V	V	V	V	V	V	V	V	V	P	G
STETSON FSL	A	V	V	V	V	V	G	V	G	G	G	G
STETSON FSL	B	V	V	V	V	V	G	V	F	G	G	G

FEBRUARY 1,1975 URBAN AND INDUSTRIAL USES

MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FILAR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RDLOC	RDFIL
STETSON FSL	C	V	V	V	V	V	F	V	P	F	F	G
STETSON FSL	D	V	V	V	V	V	P	V	V	P	P	G
STETSON SL	B	V	V	V	V	V	G	V	F	G	G	G
STETSON SUFFIELD COMPLEX	C	V	V	V	V	V	F	V	P	F	F	G
STETSON SUFFIELD COMPLEX	E	V	V	V	V	V	V	V	V	V	P	G
STONY LAND HERMON MAT	C	V	V	V	V	V	V	V	P	V	P	V
STONY LAND HERMON MAT	D	V	V	V	V	V	V	V	V	V	P	V
STONY LAND HERMON MAT	E	V	V	V	V	V	V	V	V	V	P	V
STONY LAND PLAISTED MAT	D	V	V	P	V	V	V	V	V	V	P	V
STONY LAND POORLY DRAINED	A	V	V	V	V	V	V	V	P	V	P	V
STONY LAND WELL DRAINED	C	V	V	P	V	V	V	V	P	V	P	V
STONY LAND WELL DRAINED	E	V	V	V	V	V	V	V	V	V	P	V
SUDBURY SL	A	V	V	V	V	V	F	V	F	F	F	F
SUDBURY FSL	A	V	V	V	V	V	F	V	F	F	F	F
SUFFIELD SIL	A	V	G	G	F	F	P	F	P	F	P	V
SUFFIELD SIL	B	V	F	G	F	F	P	F	P	F	P	V
SUFFIELD SIL	C	V	V	F	F	F	P	F	P	F	P	V
SUFFIELD SIL	D	V	V	P	P	P	P	P	V	P	P	V
SUFFIELD SIL	E	V	V	V	V	V	V	V	V	V	P	V
SUFFIELD VFSL	A	V	G	G	F	F	P	F	P	F	P	V
SUFFIELD VFSL	B	V	F	G	F	F	P	F	P	F	P	V

FEBRUARY 1,1975 URBAN AND INDUSTRIAL USES

MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FILLAR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RD LOC	RD FIL
SUFFIELD VFSL	C	V	V	F	F	F	P	F	P	P	P	V
SUFFIELD VFSL	D	V	V	P	P	P	P	P	V	P	P	V
SUNCOOK LS	A	V	V	V	F	V	V	V	V	V	V	P
SUTTON FSL	A	V	F	G	F	F	P	F	P	F	P	P
SUTTON FSL	B	V	F	G	F	F	P	F	P	F	P	P
SUTTON FSL	C	V	V	F	F	F	P	F	P	F	P	P
SUTTON L	B	V	F	G	F	F	P	F	P	F	P	P
SUTTON L	C	V	V	F	F	F	P	F	P	F	P	P
SUTTON VSTFSL	B	V	F	G	F	F	P	F	P	P	P	P
SUTTON VSTFSL	C	V	V	F	F	F	P	F	P	P	P	P
SUTTON VSTL	B	V	F	G	F	F	P	F	P	P	P	P
SUTTON VSTL	C	V	V	F	F	F	P	F	P	P	P	P
SWANTON FSL	A	V	G	V	V	V	V	V	P	V	P	V
TERRIC BOROHEMISTS SOILS	A	V	V	V	V	V	V	V	V	V	V	V
TERRIC BOROSAPRISTS SOILS	A	V	V	V	V	V	V	V	V	V	V	V
THORNDIKE BANGOR SIL	B	F	V	F	V	V	P	P	F	V	F	V
THORNDIKE BANGOR SIL	C	F	V	F	V	V	P	P	P	V	F	V
THORNDIKE BANGOR SIL	D	V	V	P	P	V	P	P	V	V	P	V
THORNDIKE ERSIL	E	V	V	V	V	V	V	V	V	V	P	V
THORNDIKE AND HOWLAND SOILS	B	P	V	V	V	V	V	V	P	V	P	V
THORNDIKE AND HOWLAND SOILS	C	P	V	V	V	V	V	V	P	V	P	V

FEBRUARY 1,1975 URBAN AND INDUSTRIAL USES

MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FILAR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RDLOC	RDFIL
THORNDIKE PLAISTED L	B	P	V	V	V	V	V	V	P	V	P	V
THORNDIKE PLAISTED L	C	P	V	V	V	V	V	V	P	V	P	V
THORNDIKE PLAISTED L	D	V	V	V	V	V	V	V	V	V	P	V
THORNDIKE SHSIL	B	P	V	V	V	V	V	V	P	V	P	V
THORNDIKE SHSIL	C	P	V	V	V	V	V	V	P	V	P	V
THORNDIKE SHSIL	D	V	V	V	V	V	V	V	V	V	P	V
THORNDIKE SHSIL	E	V	V	V	V	V	V	V	V	V	P	V
THORNDIKE SIL	B	P	V	V	V	V	V	V	P	V	P	V
THORNDIKE SIL	C	P	V	V	V	V	V	V	P	V	P	V
THORNDIKE SIL	D	V	V	V	V	V	V	V	V	V	P	V
THORNDIKE VRSHSIL	B	V	V	V	V	V	V	V	P	V	P	V
THORNDIKE VRSHSIL	C	V	V	V	V	V	V	V	P	V	P	V
THORNDIKE VRSHSIL	E	V	V	V	V	V	V	V	V	V	P	V
THORNDIKE VRSIL	B	V	V	V	V	V	V	V	P	V	P	V
THORNDIKE VRSIL	C	V	V	V	V	V	V	V	P	V	P	V
THORNDIKE VRSIL	D	V	V	V	V	V	V	V	V	V	P	V
THORNDIKE VRSIL	E	V	V	V	V	V	V	V	V	V	P	V
THORNDIKE VSTSIL	B	P	V	V	V	V	V	V	P	V	P	V
THORNDIKE VSTSIL	C	P	V	V	V	V	V	V	P	V	P	V
THORNDIKE VSTSIL	D	V	V	V	V	V	V	V	V	V	P	V
TIDAL MARSH	A	V	V	V	V	V	V	V	V	V	V	V

FEBRUARY 1,1975 URBAN AND INDUSTRIAL USES

MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FILAR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RDLOC	RDFIL
TOGUS FIBROUS PEAT	A	V	V	V	V	V	V	V	V	V	V	V
TYPIC SPHAGNOFIBRISTS SOILS	A	V	V	V	V	V	V	V	V	V	V	V
TYPIC SULFIHEMISTS SOILS	A	V	V	V	V	V	V	V	V	V	V	V
VASSALBORO FIBROUS PEAT	A	V	V	V	V	V	V	V	V	V	V	V
WALPOLE SL	A	V	V	V	V	V	V	V	P	V	P	V
WALPOLE FSL	A	V	V	V	V	V	V	V	P	V	P	V
WAUMBEK SL	B	P	V	P	F	P	P	F	P	F	P	P
WAUMBEK SL	C	P	V	P	F	P	P	F	P	F	P	P
WAUMBEK VSTSL	B	P	V	P	F	P	P	F	P	P	P	P
WAUMBEK VSTSL	C	P	V	P	F	P	P	F	P-	P	P	P
WHATELY FSL	A	V	G	V	V	V	V	V	V	V	V	V
WHITMAN FSL	A	V	G	V	V	V	V	V	V	V	V	V
WHITMAN L	A	V	G	V	V	V	V	V	V	V	V	V
WINDSOR LS	B	V	V	V	V	V	G	V	F	P	G	P
WINDSOR LS	C	V	V	V	V	V	F	V	P	P	F	P
WINDSOR LS	D	V	V	V	V	V	P	V	V	P	P	P
WINOOSKI SIL	A	V	V	V	F	V	V	P	V	V	V	P
WOODBRIDGE ESTL	B	V	F	G	V	V	P	P	P	V	P	P
WOODBRIDGE ESTL	C	V	V	F	V	V	P	P	P	V	P	P
WOODBRIDGE ESTL	E	V	V	V	V	V	V	V	V	V	P	P
WOODBRIDGE FSL	B	V	F	G	F	F	P	F	P	F	P	P

FEBRUARY 1,1975 URBAN AND INDUSTRIAL USES

MAPPING UNIT	SLOPE	SEPTIC	LAGOON	FILAR	COVER	FILTR	HOUSES	PIPES	BUILD	GRAVES	RDLOC	RDFIL
WOODBRIDGE FSL	C	V	V	F	F	F	P	F	P	F	P	P
WOODBRIDGE L	B	V	F	G	F	F	P	F	P	F	P	P
WOODBRIDGE L	C	V	V	F	F	F	P	F	P	F	P	P
WOODBRIDGE VSTFSL	B	V	F	G	F	F	P	F	P	P	P	P
WOODBRIDGE VSTFSL	C	V	V	F	F	F	P	F	P	P	P	P
WOODBRIDGE VSTL	B	V	F	G	F	F	P	F	P	P	P	P
WOODBRIDGE VSTL	C	V	V	F	F	F	P	F	P	P	P	P

APPENDIX A

GLOSSARY

Available Water is the amount of water in inches that can be held available for plant use in the soil from the surface to a layer that restricts rooting or to 40 inches, whichever is shallower. The available water classes used in this guide are:

1. More than 4 inches
2. 4 to 3 inches
3. 3 to 2 inches
4. Less than 2 inches

Bedrock is the solid rock underlying or protruding through soils. Bedrock is synonymous with the commonly used term "ledge".

Coarse Fragment is the percent by volume of rock fragments in the soil that range in size from 2mm to 25cm (10 inches). Coarse fragment classes used in this guide are:

1. None
2. 0-5 percent by volume
3. 5-10 percent by volume
4. 10-20 percent by volume
5. 20-35 percent by volume
6. More than 35 percent by volume

Depth to Bedrock is the depth of the soil to underlying solid rock or ledge. The depth to bedrock classes used in this guide are:

1. More than 60 inches
2. 60 to 40 inches
3. 40 to 20 inches
4. Less than 20 inches

Drainage refers to the natural frequency and duration of periods when the soil is free of water saturation or partial water saturation. The drainage classes used for Maine soils are:

1. Excessively drained - Water is removed from the soil very rapidly and little is retained within the soil.

2. Somewhat excessively drained - Water is removed from the soil rapidly. Generally the water table is below 4 or 5 feet.

3. Well drained - Water is removed from the soil readily but not rapidly. A seasonal water table may exist at depths of more than 40 inches for indefinite periods of time.

4. Moderately well drained - Water is removed from the soil somewhat slowly. The soil is wet for short but significant periods, usually in the spring and during periods of extended rainfall in the fall. These soils commonly have either a slowly permeable layer near the surface, a relatively high water table, additions of water through seepage, or some combination of these conditions.

5. Somewhat poorly drained - Water is removed from the soil slowly enough to keep it wet for significant periods normally 5 to 7 months each year. These soils have a slowly permeable layer near the surface, a high water table, seepage from higher land or a combination of these conditions.

6. Poorly drained - Water is removed so slowly that the soil remains wet for a long time. The water table is commonly at or near the surface 7 to 9 months of the year. Wetness is caused by a high water table, slowly permeable layer near the surface, seepage and runoff from higher land or a combination of these conditions.

7. Very poorly drained - Water is removed from the soil so slowly that the water table is at or near the surface most of the time, generally more than 10 months of the year. These soils are generally on level or depressional sites and are frequently ponded.

Flooding is inundation by stream overflow. Flooding classes used in this guide are:

1. None or never flooded
2. None to occasional or less than once in 5 years
3. Occasional or less than once in 2 years
4. Frequent or more than once in 2 years
5. Annual or once or more each year

K Values are indicators of the rate at which a soil will erode based on a scale of 0.0 (nonerodible) to 1.0 (extremely erodible). The K value classes used in this guide are:

0. - No value assigned
1. .17
2. .20
3. .24
4. .28
5. .32
6. .37
7. .43
8. .49

Permeability is the quality of the soil that enables it to transmit water and air. That quality is the saturated hydraulic conductivity as defined by soil physicists. Permeability can be measured quantitatively in terms of rate of flow of water through a unit cross section of saturated soil in unit time, specified temperature and condition. The estimates used in this guide are based on a ½-inch hydraulic head. The permeability classes used in this

guide are as follows:

1. Very slow - <0.06 inches/hour
2. Slow - 0.06-0.2 inches/hour
3. Moderately slow - 0.2-0.6 inches/hour
4. Moderate - 0.6-2.0 inches/hour
5. Moderately rapid - 2.0-6.0 inches/hour
6. Rapid - 6.0-20 inches/hour
7. Very rapid - >20 inches/hour

Potential Frost Action is the likelihood of upward or lateral expansion (frost heave) because of the formation of segregated ice lenses and the subsequent loss of strength and collapse upon thawing. The potential frost action classes used in this guide are:

1. Low - Soils slightly susceptible to the formation of ice lenses
2. Moderate - Soils susceptible to the formation of ice lenses, resulting in frost heave and subsequent loss of strength
3. High - Soils highly susceptible to the formation of ice lenses, resulting in frost heaves and subsequent loss of strength

Potential Shrink-Swell is that quality of the soil that determines its volume change with change in moisture content. A quantitative measurement of shrink-swell is the coefficient of linear extensibility of COLE. The following potential shrink-swell classes are used in this guide:

1. Very low - Soils that have a COLE of 0.01 or less and potential volume change of 1.0 or less.
2. Low - Soils that have a COLE of 0.01 to 0.03, and a potential volume change of 1 to 2
3. Moderate - Soils that have a COLE of 0.03 to 0.06, and a potential volume change of 2 to 4
4. High - Soils that have a COLE of 0.06 to 0.09, and a potential volume change of 4 to 6
5. Very high - Soils that have a COLE of more than 0.09 and a potential volume change of more than 6

Rooting Depth is the depth roots of native plants or the commonly grown crops normally grow in the soil. Root growth is commonly restricted by an impermeable layer, bedrock, or a water table. The rooting depth classes which are used in this guide are:

1. More than 40 inches
2. 40 to 20 inches
3. 20 to 15 inches
4. 15 to 10 inches
5. Less than 10 inches

Slope is the vertical rise or fall of the soil surface from a horizontal plane. It is expressed as percent gradient (feet vertical/feet horizontal x 100). The slope classes for Maine soils are as follows:

1. A slope - 0-3 percent gradient
2. B slope - 3-8 percent gradient
3. C slope - 8-15 percent gradient
4. D slope - 15-25 percent gradient
5. E slope - 25-35 percent gradient
6. F slope - 35+ percent gradient

Soil Reaction is the degree of acidity or alkalinity of a soil expressed as a pH value. The soil reaction classes used in this guide are:

1. pH <4.5
2. pH 4.5-5.0
3. pH 5.1-5.5
4. pH 5.6-6.0
5. pH 6.1-6.5
6. pH 6.6-7.3
7. pH >7.3

Stones are rock fragments greater than 10 inches diameter if rounded and greater than 15 inches along the greater axis if flat.

Subsoil Texture is the texture of the soil between the surface layer and the parent material, commonly the texture of the soil between a depth of 10 and 40 inches. See "Texture" for classes used.

Surface Rockiness is the relative proportion of outcrop of bedrock (ledge) through the soil surface. The phases of surface rockiness for Maine soils are:

1. Non rocky - less than 2% of the surface has outcrops of rock
2. Rocky - 2 to 10% of the surface has outcrops of rock
3. Very rocky - 10 to 25% of the surface has outcrops of rock
4. Extremely rocky - 25 to 50% of the surface has outcrops of rock
5. Rock land - more than 50% of the surface has outcrops of rock

Surface Stoniness is the relative proportion of stones on the soil surface. The phases of surface stoniness used for Maine soils are:

1. Non stony - less than 0.1% of surface has stone cover
2. Stony - 0.1 to 1.0% of surface has stone cover
3. Very stony - 1.0 to 3% of surface has stone cover
4. Extremely stony - 3 to 15% of surface has stone cover
5. Stony land - 15 to 90% of surface has stone cover
6. Rubble land - greater than 90% of surface has stone cover

The stony and very stony phases in published soil survey reports for Penobscot and Aroostook Counties overlap because of the way these phases have been defined.

Surface Texture is the texture of the uppermost part of the soil ordinarily disturbed in tillage, or its equivalent in uncultivated soils and ranging in depth from 6 to 10 inches. It is the texture of the commonly referred to plow layer. See "Texture" for classes used.

Texture is the relative proportion of sand, silt and clay in a mass of soil. A soil mass high in clay has clayey textures and a soil high in sand has sandy textures.

Texture classes:

1. coarse sand
2. sand
3. fine sand
4. very fine sand
5. loamy coarse sand
6. loamy sand
7. loamy fine sand
8. loamy very fine sand
9. coarse sandy loam
10. sandy loam
11. fine sandy loam
12. very fine sandy loam
13. loam
14. silt loam
15. silt
16. sandy clay loam
17. clay loam
18. silty clay loam
19. sandy clay
20. silty clay
21. clay
22. organic.

ABBREVIATIONS

C	Clay
CBSL	Cobbly sandy loam
CL	Clay loam
COS	Coarse sand
COSL	Coarse sandy loam
ERSIL	Extremely rocky silt loam
ESTFSL	Extremely stony fine sandy loam
ESTL	Extremely stony loam
ESTSL	Extremely stony sandy loam
ERSL	Extremely rocky sandy loam
FS	Fine sand
FSL	Fine sandy loam
GFSL	Gravelly fine sandy loam
GL	Gravelly loam
GLS	Gravelly loamy sand
GSIL	Gravelly silt loam
GSL	Gravelly sandy loam
L	Loam
LCOS	Loamy coarse sand
LFS	Loamy fine sand
LS	Loamy sand
LVFS	Loamy very fine sand
MAT	Materials
S	Sand
SC	Sand Clay
SCL	Sandy clay loam
SHSIL	Shaly silt loam
SI	Silt
SIC	Silty clay
SICL	Silty clay loam
SIL	Silt loam
SL	Sandy loam
STSIL	Stony silt loam
VFS	Very fine sand
VFSL	Very fine sandy loam
VRFSL	Very rocky fine sandy loam

VRL	Very rocky loam
VRSHSIL	Very rocky shaly silt loam
VRSIL	Very rocky silt loam
VRSL	Very rocky sandy loam
VSTFSL	Very stony fine sandy loam
VSTL	Very stony loam
VSTLS	Very stony loamy sand
VSTSIL	Very stony silt loam
VSTSL	Very stony sandy loam

1. Soil - The collection of natural bodies of unconsolidated mineral or organic material on the surface of the earth that is biologically weathered and serves as the natural medium for the growth of land plants. It generally extends to at least a depth of 1 to 2 meters or to bedrock if bedrock is within 2 meters.

2. National Cooperative Soil Survey - The soil survey program in the United States in which the Soil Conservation Service has leadership and in which state and other federal agencies cooperate. In Maine the Maine Agricultural Experiment Station and the Maine Soil and Water Conservation Commission are cooperators.

   The National Cooperative Soil Survey makes three kinds of soil surveys: (1) Detailed; (2) Reconnaissance; (3) Exploratory.

   (1) Detailed Soil Survey - A soil survey in which mapping units are dominantly phases of soil series. The soils are identified by direct field examination and the soil boundaries plotted from direct observations throughout their course.

   (2) Reconnaissance Soil Surveys - A soil survey in which most of the mapping units are phases of taxonomic units at a level above soil series. Identification is made by field examination but soil boundaries are not plotted in the field throughout their course but do follow major topographic features.

   (3) Exploratory Soil Surveys - Major topographic features and soils are identified.

3. Detailed soil surveys are made at various scales and intensities.

   The commonly used mapping intensities for detailed soil survey are:

   (1) Low Intensity - A detailed soil survey generally at a scale of 3" to 4" = 1 mile in which the mapping units consist of one or more phases of a soil series, or phases of similar series. Contrasting soils of 5 to 10 acres are delineated on the soil map.

   (2) Medium Intensity - A detailed soil survey generally at a scale of 3" to 4" = 1 mile in which the mapping units are commonly a single phase of a soil series. At this intensity of mapping contrasting soils of 3 to 5 acres extent are delineated on the map.

   (3) High Intensity - A detailed soil survey at a scale greater than 4" = 1 mile in which the mapping units are phases of soil series. Contrasting soils down to areas of 1/10 acre and less (depending on scale) can be delineated. An on-site soil investigation for a specific use is a "high intensity" soil survey for that specific site.

4. General Soil Map - A small scale map (commonly at 2, 3, or 4 miles = 1 inch) in which the mapping units are associations of soils and are called soil associations.

5. Soil Association - A group of soils that occur together in an individual and characteristic pattern over a geographic region. The soils may have like or unlike properties.

6. Soil Association Map - Synonymous with General Soil Map as defined in 4.

APPENDIX B

CRITERIA TABLES FOR LAND USES RATED IN THE SUITABILITY GUIDE

AGRICULTURAL USES

Cultivated Crops

Potatoes

Group I Forage Crops

Group II Forage Crops

Spray Irrigation

Apple Orchards

Excavated Ponds

URBAN AND INDUSTRIAL USES

Septic Sewage Disposal

Sewage Lagoon

Sanitary Landfill - Area Type

Cover Material for Sanitary Landfill

Sanitary Landfill - Trench Type

Houses with Basements

Pipe and Sewer Lines

Commercial Buildings - Less than 3 Stories

Cemeteries

Road Location

Source of Road Fill

RECREATION USES

Wilderness Tent Sites

Highly Developed Camping Areas

Privies - Unsealed

Recreation Cottages - No Basements

Playing Fields

Golf Course Fairways

Source of Material for Pond Embankment Construction

Excavated Ponds - Water Contact Recreation

Ski Slopes

FOREST USES

Production of White Pine

Production of Red Pine

Production of Spruce-Fir

Production of Northern Hardwoods

Skid Trails

WILDLIFE HABITAT ELEMENTS

Grain and Seed Crops

Domestic Grasses and Legumes

Deciduous Plants

Coniferous Plants

Dryland Wild Herbaceous Plants

Wetland Plants

February 1, 1975

Septic Sewage Disposal (SEPTIC)

Factors	Good	Fair	Poor	Very Poor
Drainage	Excessively Somewhat excessive Well	Moderately well	Somewhat poorly	Poorly Very poorly
Depth to Bedrock	More than 40"	40-20"	Less than 20"	—
Rooting Depth	More than 20"	—	20-15"	Less than 15"
Slope	0-8%	8-15%	—	More than 15%
Flooding	None	—	None to occasional	Occasional Frequent Annual
Permeability	0.6-2.0" 2.0-6.0"	6.0-20"	0.2-0.6"	Less than 0.2" More than 20"
Surface Stoniness	Non stony Stony	Very stony	Extremely stony	Stony land Rubble land
Surface Rockiness	Non rocky	—	Rocky	Very rocky Extremely rocky Rock land

Verrill Dana LLP
Attorneys at Law

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Direct: 207-253-4540

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207-774-4000 • FAX 207-774-7499
www.verrilldana.com

RECEIVED
APR 03 2014
BY: 5:10pm

April 3, 2014

Via Hand Delivery

Town of Kittery Planning Board
c/o Tom Emerson, Chair
200 Rogers Road
Kittery, ME 03904

Re: Pending Sketch Plan Application/143 Brave Boat Harbor Road

Dear Chairman Emerson and Members of the Board:

On behalf of the applicant, John Watts, I respectfully request that the Planning Board place Mr. Watt's sketch plan application on the agenda for the April 10, 2014 Planning Board meeting.

As you know, last Fall Mr. Watts submitted a complete sketch plan application to the Board for review. On December 12, 2013, the Planning Board reviewed the sketch plan and voted not to proceed due to concern about the status of a soils guidebook entitled "Soil Suitability Guide for Land Use Planning in the State of Maine" (the "Soils Guide") and referenced in Section 16.7.8.1 in the Kittery Land Use and Development Code (the "Code"). For the following reasons, the status of the Soils Guide is not a basis for refusing to act or for denying approval of Mr. Watts' sketch plan, and we ask that the Board reinitiate discussion of the application at its meeting on April 10th.

RELEVANCE OF SOILS GUIDE

My understanding is that the Board was concerned that because the Soils Guide may no longer be in publication or otherwise in effect, Article VIII cannot be interpreted or applied to subdivision applications, or that an amendment is necessary in order for the Board to consider any further applications. This is not the case.

Article VIII prohibits the Planning Board from authorizing construction of subsurface wastewater treatment systems on soils that drain poorly or very poorly. The reference in the Code to the Soils Guide is intended to provide guidance to the Board as to what constitutes "soils rated poor or very poor." The Soils Guide is not an independent standard, but instead is a reference source to assist the Board in determining how to identify these poor or very poor soils. Assuming that the Soils Guide is no longer the authority on this issue, that simply means that

there is some ambiguity in the Code. This does not mean the Code cannot be applied, but instead the Planning Board must use another reference for interpreting the standard.

As noted by the Maine Municipal Association ("MMA") in its guide for planning boards, in the event of ambiguity in an ordinance, the Board interprets an ordinance in a manner that is consistent with the general structure of the ordinance as a whole and the purpose and intent of the provision at issue.[1] Section 16.7.8.1(5) was enacted so that the Planning Board would identify those areas on a parcel where installation of a "septic sewage disposal system" would be inappropriate. The purpose of this provision is not to govern the location of houses or other dwellings, but to restrict the location of sewage treatment systems in soil areas that would not permit the system from operating properly.

As noted in the minutes of the September 26, 2013 Planning Board meeting, several Planning Board members asked how, in the absence of the Soils Guide, the Board might identify "how poorly or very poorly drained soils are determined."[2] In response, Mr. Mylroie and Mr. DiMatteo stated that these terms are common and are interpreted regularly by soil scientists in siting subsurface wastewater treatment systems and that reasonable resources included the York County Soil and Water Conservation District.[3]

As shown on the enclosed sketch plan, Mr. Watts' engineer has identified areas that constitute poorly or very poorly draining areas based on a high intensity soil survey, which is an appropriate way to identify such areas. As such, the Planning Board can reasonably interpret Section 16.7.8.1(5) of the Code and may make any calculations necessary in order to confirm Mr. Watts' compliance with the cluster development regulations.

As noted above, the Town staff and the applicant have identified resources to permit the Board to interpret and apply Article VIII, and no amendment to the Code is necessary for the Board to act.

Rules Regarding Cluster Subdivision Review

Mr. Watts has submitted an application for a cluster subdivision in the Residential-Rural zoning district (R-RL). For the following reasons Mr. Watts sketch plan complies with all of the existing requirements for such a development.

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[1] MMA Planning Board Manual p. 79. Further, the MMA has concluded that any ambiguity is to be construed in Mr. Watts' favor, as land use ordinances "run counter to the common law MMA Planning Board Manual p. 80.

[2] Board Minutes, 9/26/2013 Meeting p. 4 of 6.

[3] Further, the Code is clear that in the event some portion of the regulations are no longer valid, the remaining provisions in the Code are "declared to be severable" and continue in effect. Code § 16.1.8. Although the severability clause contemplates a judicial determination, such a determination is not necessary, as the Board has already determined that the Soil Suitability Guide for Land Use Planning in Maine is no longer a legal reference. As such, this reference should be, in effect, struck from the Code and the remaining language is still valid and must be interpreted and applied by the Board to the best of its ability.

First, even if the "net residential acreage" calculation applies to determining how many lots Mr. Watts may develop in this project, his sketch plan complies with the Code requirements. As shown on the sketch plan, the parcel is 11.75 acres. After deducting areas "unsuitable for development" identified in Article VIII, the total net residential acreage is 5.71 acres. Even for a traditional subdivision, the "minimum land area requirement per dwelling unit" is 40,000 square feet, and Mr. Watts could develop six lots. As shown on the sketch plan, however, Mr. Watts is only proposing four lots, well within the requirements for even a traditional subdivision.

Further, Mr. Watts open space allocation is greatly in excess of what is required for cluster developments. The Code requires an open space set aside that is equal to at least 50% of the entire parcel. Mr. Watts is setting aside 76%. The Code also requires that open space is at least 30% of the total net residential acreage calculation. Mr. Watts is setting aside 91% of the buildable area. These amounts so vastly exceeds the requirement for cluster developments that under any interpretation of Section 16.7.8.1(5) Mr. Watts complies with the Code.

NET RESIDENTIAL ACREAGE CALCULATION IS LIMITED TO OPEN SPACE CALCULATIONS FOR CLUSTER DEVELOPMENTS

Although as noted above Mr. Watts' sketch plan complies with minimum land area per dwelling unit requirements for the R-RL zone, this provision does not apply to cluster developments. As the Board is aware, in a traditional subdivision in this district, the "minimum land area per dwelling unit" is 40,000 square feet, and this figure is calculated according to the formula set forth in the definition of "net residential density" in Section 16.2 of the Code.[4] Net residential density requires a calculation of "net residential acreage," which further requires the Board to deduct from this calculation areas that are "unsuitable for development as outlined in Article VIII of Chapter 16.7." Thus, for a traditional subdivision the Board must consider Article VIII in determining whether the applicant can meet the minimum land area requirements per dwelling unit.

For a cluster development, however, the Code expressly exempts this calculation, stating that:

> In a cluster residential development, the above standards may be modified in accordance with the special provisions of Article XI of Chapter 16.8, including that there is no minimum land area requirement per dwelling unit...[5]

As there is no minimum land area requirement per dwelling unit, there is no need to calculate net residential density or net residential acreage. Instead, the Code provides that for cluster developments "no lot may be smaller than twenty thousand (20,000) square feet per single family residence."[6]

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[4] Code §16.3.2.1(D)(2).
[5] Code § 16.3.2.1(D)(3)(a).
[6] Code § 16.8.11.6. It is important to note that although the Planning Board "may" modify the standards for cluster developments it is prohibited from imposing the minimum land area requirement per dwelling unit because the Code expressly exempts that calculation for cluster developments. This is because, due

As noted above, the calculation of net residential acreage, along with the consideration of Article VIII, is relevant to confirming Mr. Watts' compliance with the open space requirements. Given the large amount of land being set aside as open space, however, Mr. Watts complies with this requirement under any reasonable interpretation of the Code.

POTENTIAL BIAS OR CONFLICT OF INTEREST

Prior to any further review of Mr. Watts sketch plan we ask Planning Board members to consider, and disclose, any potential bias or conflict of interest in reviewing this application. Although we do not believe any Board member has a statutory conflict, it may be that one or more Board members may have a conflict of interest due to their proximity to the site, relationship with non-governmental organizations, or participation in prior subdivision proceedings along Brave Boat Harbor Road.

As noted by the MMA and in numerous court decisions, a planning board member should recuse him or herself "if that board member is so biased against the applicant or the project that he or she could not make an impartial decision, thereby depriving the applicant of his or her due process right to a fair and objective hearing."[7] MMA further counsels that in order to maintain the "public's confidence in the board's work," planning board members "would be well advised to avoid even the appearance of a conflict by abstaining from the board's discussion and vote."[8]

We respectfully request that at the start of the Board's meeting that any Board member with even the appearance of a conflict or predisposition to disclose any such conflict, decide whether such Board member should recuse him or herself, and for the Board to make an independent determination on whether any member should be recused.[9]

CONCLUSION

For the reasons set forth above, Mr. Watts respectfully requests that, in accordance with Section 16.10.4.2.1 of the Code, the Planning Board approve Mr. Watts' October 23, 2013 sketch plan.

Please do not hesitate to contact me if you need any further information. Thank you for your time and attention and we look forward to meeting with you on April 10th.

Very truly yours,

Scott D. Anderson

---

to the significant open space requirements for cluster developments, the minimum lot size limits do not require, and should not require, a further deduction for the areas identified in Article VIII in calculating the number of developable lots.

[7] MMA Planning Board Manual p. 21 (citing Walsh v. Town of Millinocket, 2011 ME 99, 28 A.3d 610; Pelkey v. City of Presque Isle, 577 A.2d 341 (Me. 1990); Gashi v. Board of Registration in Medicine, 390 A.2d 1080 (Me. 1978)).

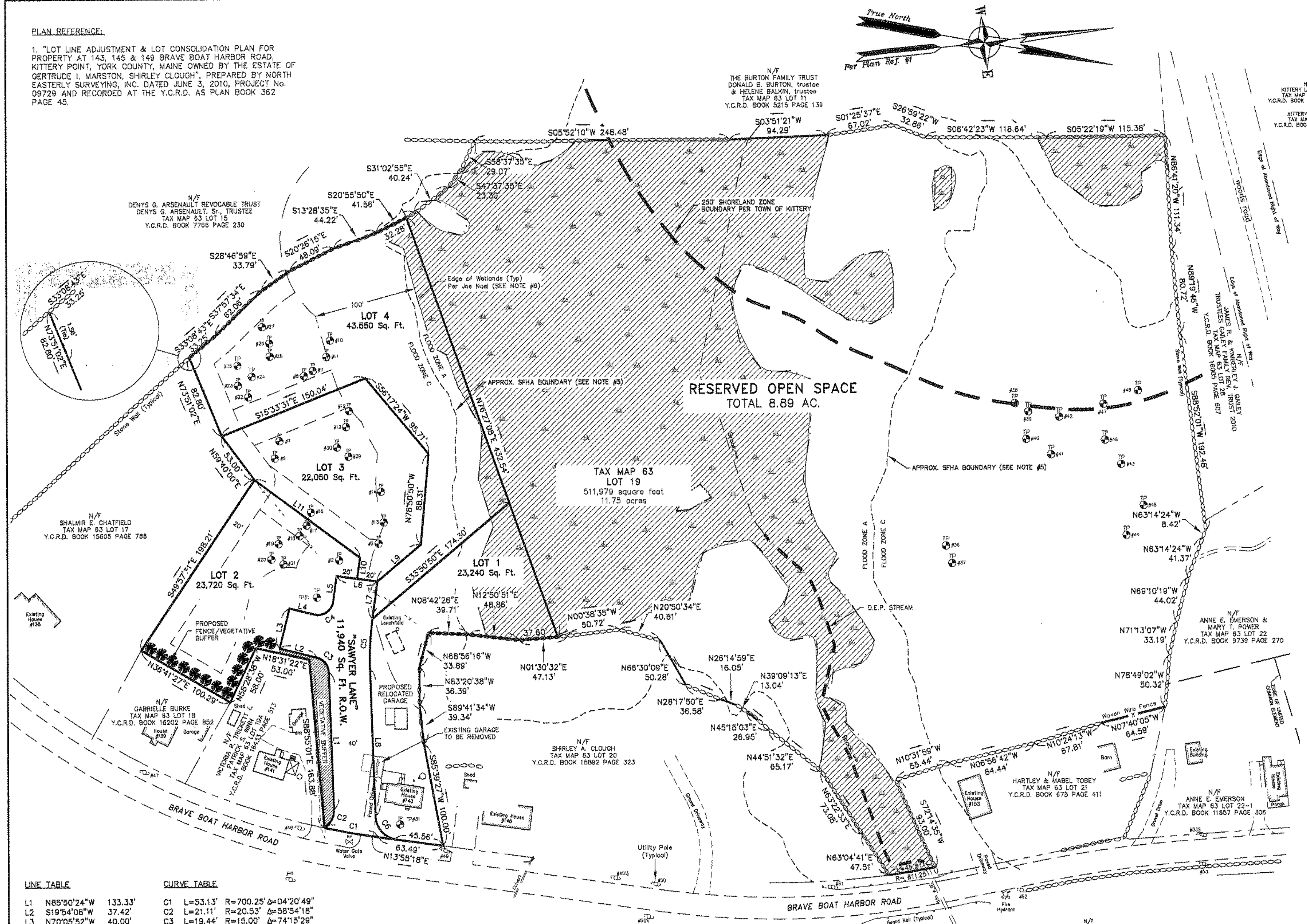
[8] MMA Planning Board Manual p. 20.

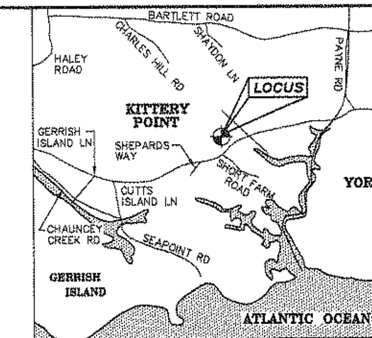
[9] See Adelman v. Town of Baldwin, 2000 ME 91, 750 A.2d 577.

SDA/mtr
Enclosures
cc: John Watts
Gerry Mylroie, Planner
Chris DiMatteo, Assistant Planner

PLAN REFERENCE:

1. "LOT LINE ADJUSTMENT & LOT CONSOLIDATION PLAN FOR PROPERTY AT 143, 145 & 149 BRAVE BOAT HARBOR ROAD, KITTERY POINT, YORK COUNTY, MAINE OWNED BY THE ESTATE OF GERTRUDE I. MARSTON, SHIRLEY CLOUGH", PREPARED BY NORTH EASTERLY SURVEYING, INC. DATED JUNE 3, 2010, PROJECT No. 09729 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 362 PAGE 45.





LOCATION MAP
(not to scale)

NET RESIDENTIAL AREA CALCULATION:

TOTAL SUBDIVISION AREA:	11.75± Ac.
LESS ROAD R.O.W.:	−0.27± Ac.
LESS 100 YEAR FLOODPLAIN AREAS:	−5.77± Ac.
LESS POOR OR VERY POORLY DRAINED AREAS OUTSIDE OF FLOODPLAIN:	−0.00± Ac.
TOTAL NET RESIDENTIAL AREA:	5.71± Ac.

ALLOWABLE LOTS PER NET RESIDENTIAL DENSITY

(5.71 Ac. * 43,560 s.f./Ac.) = 248,727 s.f/40,000 s.f/Lot) = (6) LOTS ALLOWED (4 PROPOSED)

CLUSTER RESIDENTIAL DEVELOPMENT	REQUIRED	PROPOSED
OPEN SPACE TOTAL (50% OF LOT AREA) (0.50 * 11.75 Ac.)	5.88 Ac. (50%)	8.89 Ac. (76%)
OPEN SPACE UPLANDS (30% OF NET RESIDENTIAL AREA) (0.30 * 5.71 Ac)	1.71 Ac. (30%)	5.18 Ac. (91%)

DIMENSIONAL STANDARDS (R-RL)	STANDARD	AS PROPOSED
MINIMUM LAND AREA	40,000 Sq. Ft.	>22,000 Sq. Ft.
ROAD FRONTAGE	150 Ft.	20 Ft.
FRONT YARD	40 Ft.	9.3 Ft.
SIDE YARD	20 Ft.	>20 Ft.
REAR YARD	20 Ft.	>20 Ft.

AREAS OF POORLY & VERY POORLY DRAINED SOILS PER HIGH INTENSITY SOIL SURVEY BY JOSEPH W. NOEL

NOTES:

1. OWNERS OF RECORD:

   TAX MAP 63 LOT 19:
   JONATHAN & KATHLEEN E. WATTS
   Y.C.R.D. BOOK 16666 PAGE 120
   DATED JULY 31, 2013

2. TOTAL EXISTING PARCEL AREA:

   TAX MAP 63 LOT 19:
   511,979 Square Feet
   11.75 Acres

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

4. BRAVE BOAT HARBOR ROAD IS ASSUMED TO BE A VARIABLE WIDTH RIGHT OF WAY. THE AREA ADJACENT TO THE SUBJECT PARCELS WAS BASED UPON 24.75' FROM THE CENTERLINE OF THE EXISTING ROADWAY. SEE PLAN REFERENCE #1 FOR BOUNDARY INFORMATION.

5. REFERENCE IS MADE TO SPECIAL FLOOD HAZARD AREA (SFHA) BOUNDARY AS SHOWN ON FEMA FIRM COMMUNITY-PANEL NUMBER 230171 0002 C, JULY 5, 1984. SFHA BOUNDARY SHOWN IS ADJUSTED TO FIT CONTOURS.

LINE TABLE

L1	N85°50'24"W	133.33'
L2	S19°54'08"W	37.42'
L3	N70°05'52"W	40.00'
L4	N19°54'08"E	25.00'
L5	N75°56'55"W	25.00'
L6	N14°03'05"E	40.00'
L7	S75°56'55"E	36.58'
L8	S85°50'24"E	142.55'
L9	N33°50'50"W	55.34'
L10	S75°56'55"E	20.53'
L11	N42°44'01"E	127.20'

CURVE TABLE

C1	L=53.13'	R=700.25'	Δ=04°20'49"
C2	L=21.11'	R=20.53'	Δ=58°54'18"
C3	L=19.44'	R=15.00'	Δ=74°15'29"
C4	L=25.09'	R=15.00'	Δ=95°51'02"
C5	L=49.12'	R=283.54'	Δ=09°55'34"
C6	L=33.24'	R=23.74'	Δ=80°13'47"

NOTES (CONT.):

6. The wetland boundary as depicted on this plan was delineated/flagged by Joseph W. Noel, Maine Certified Soil Scientist #209, on September 3, 2013. The flags were survey located by North Easterly Surveying, Inc. using a Topcon Total Station. The delineation was conducted in accordance with the U.S. Army Corps of Engineers document Corps of Engineers Wetlands Delineation Manual, (1987) along with the required Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, (Version 2, January 2012).

Hydric soil determinations were conducted in accordance with the United States Department of Agriculture, Natural Resources Conservation Service document Field Indicators of Hydric Soils in the United States, Version 7.0 (2010) along with the manual Field Indicators for Identifying Hydric Soils in New England (Version 3, April 2004).

Plant species indicator status was based on the U.S. Army Corps of Engineers publication The National Wetland Plant List (2013).

Test Pits also performed by Joseph W. Noel, Maine Certified Soil Scientist #209.

7. ALL DISTURBED SOILS WILL BE SUPPLEMENTED WITH COMPOST TO ACHIEVE ORGANIC MATTER BETWEEN 10%-15% TO PREVENT EROSION AND AID IN NUTRIENT RETENTION, THEREFORE PROTECTING NATURAL RESOURCES.

8. FILTERED ON-SITE WASTEWATER DISPOSAL SYSTEMS ARE BEING PROPOSED.

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

APPROVED: TOWN OF KITTERY

____

____

DATE OF APPROVAL: ________

FOR REVIEW

GRAPHIC SCALE
50 0 25 50 100 200
(IN FEET)
1 inch = 50 ft.

REV.	DATE	STATUS	BY	CHKD	APPD.
D	04/03/14	REVISE LOT AREAS / CALCS. / TITLE	A.M.P.	K.D.M.	K.D.M.
C	12/04/13	REVISE AREA CALCULATIONS	S.T.B.	K.D.M.	K.D.M.
B	11/21/13	REVISE LOT AREAS 1-4	S.T.B.	K.D.M.	K.D.M.
A	11/19/13	ADD TEST PITS #22-31	S.T.B.	K.D.M.	K.D.M.

BRAVE BOAT CONSERVATION AT SAWYER LANE

FOR PROPERTY AT

143 Brave Boat Harbor Road
Kittery Point, York County, Maine

OWNED BY

Jonathan & Kathleen Watts

143 Brave Boat Harbor Road
Kittery Point, Maine 03905

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" = 50'	13696	10/23/13	1 OF 1	A.M.P.	K.D.M.

DRAWING No: 13696 CONCEPT2
FIELD BOOK No: "Kittery Point #29"

Tax Map 63 Lot 19

CAPITAL IMPROVEMENT PLAN (CIP)

Established in 2008, the Town is in its sixth year of a formal Capital Improvement Plan. Appointed by town Council, the CIP Committee is charged with evaluating all capital (>$25,000 in value with an useful life exceeding 5 years) and replacement of assets ($5-25,000+) project requests and developing a five-year plan to recommend to the Town Manager for incorporation into the fiscal year budget request.

This year, the CIP Committee was comprised of:

- Town Councilor Charles Denault
- School Committee Member, Patti Ayer
- Citizen Representative, Jeff Clifford
- Citizen Representative, Chris Perkins
- Town Planner, Gerry Mylroie
- Finance Director, Cindy Saklad
- Town Manager, Nancy Colbert Puff

The Committee met six times from December – March to consider over $3 million in requested funding for FY 2015. At its initial budget workshop in December, the Council directed the Committee recommend a program not to exceed $1.2 million for the annual budget, which is the same level of funding it has recommended for the past five years. The Committee divides its recommendation into three categories: 1) Capital Holding Dedicated Reserve, 2) Department Dedicated Reserve, and 3) 5-Year Program Dedicated Reserve.

The Committee carefully considered its recommendation, and voted by consensus in adopting the FY 2015 plan. In its discussions, the Committee expressed concern over deferring projects due to the limitation of the annual appropriation amount. As a result, the Committee committed to meeting throughout the course of the year to evaluate financing options for high priority/high cost items that have not received funding through the annual program. The Committee will examine the Town's debt, and its retirement schedule as it seeks to moderate the impact of capital expenses on Kittery's taxpayers while also considering possible bonding opportunities.

In addition, the Committee will focus on the format and content of the CIP, with a goal of producing a report next year that is a clear, illustrated summary of the Town's capital needs.

The CIP report, with recommendations, is appended to the end of this document.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	Q	R
1	FUND	YEAR	Project Name	Department	Balance in Acct	Prior	FY13	FY14	FY15	FY16	FY17	FY18	FY19	Totals	FY15	Variance
2	CODE	EST	CAPITAL HOLDING DEDICATED RESERVE		as of 2/26/14	Years	Approved	Approved	Request	Plan	Plan	Plan	Plan		CIP Recom	Dept - Ctte
3	2069		Pier Maintenance Reserve (BIG)	PA	67,589	343,766	90,000	Grant						433,766	0	$ -
4	SCH		Traip HVAC Replacement (Perf)	ED - Traip - Optg		$ 537,755	$ 119,551	ED - Opn Bud	$ -	$ -	$ -	$ -		$ 657,306	ED - Opn Bud	
5	4037	2013	SCBA's (FY13 $150K) (Reimb)	FD	$ (88,007)	$ -	$ 30,000	$ 30,000	$ 30,000	$ 30,000	$ 30,000	$ -	$ -	$ 150,000	$ 30,000	$ -
6	4033	2013	Firefighter Protective Clothing	FD	$ 10,826	$ 50,000	$ 50,000	$ 10,000	$ 10,000	$ -	$ -	$ -	$ -	$ 120,000	$ -	$ (10,000)
7	4033	2013	FD 10-Year Equipt replacement	FD		$ -	$ -	$ -	$ 38,000	$ 43,000	$ 43,000	$ 43,000	$ 43,000	$ 210,000	$ 18,000	$ (20,000)
8	4026		Town Hall Records Preservation	GG - TC	$ 12,348	$ 59,400	$ 10,000	$ 10,000	$ 10,000	$ 11,000	$ 11,000	$ 11,000	$ 11,000	$ 133,400	$ 6,000	$ (4,000)
9	2053		Frisbee Wharf Town Pier (Reimb)	PA	$ (174,466)	$ 353,231	$ 70,646	$ 35,646	$ 35,646	$ 35,646	$ 35,646	$ 31,792	$ -	$ 598,253	$ 35,646	$ -
10	2057		Open Space Reserve	TW	$ 84,047	$ 50,000	$ 46,047	$ 38,000	$ 50,000	$ 62,500	$ 62,500	$ 62,500	$ 62,500	$ 434,047	$ -	$ (50,000)
11	4027		Roof Maintenance Reserve**	TW		TO TRAIP ROOF	TO TRAIP ROOF	$ 60,538	$ 250,000	$ 185,000	$ 50,000	$ 50,000	$ 50,000	$ 645,538	$ 240,000	$ (10,000)
12				subTOTAL	$ (87,662.76)	$ 1,394,152.00	$ 416,244.20	$ 184,184.00	$ 423,646	$ 367,146.00	$ 232,146.00	$ 198,292.00	$ 166,500.00	$ 3,382,310.20	$ 329,646.00	$ (94,000.00)
13														Totals	FY15	Variance
14			DEPARTMENT DEDICATED RESERVE	Department		FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19		CIP Recom	Dept - Ctte
15	SCH		Fleet - Maintenance Utility Truck	ED	School	$ -	$ 18,000	$ 17,000	$ 3,000	$ 3,750	$ 3,750	$ 3,750	$ 3,750	$ 53,000	$ -	$ (3,000)
16	4013		Apparatus - Fire Reserve (Reimb)	FD	$ 93,050	$ 79,000	$ 79,000	$ 100,000	$ 125,000	$ 144,750	$ 144,750	$ 144,750	$ 144,750	$ 962,000	$ 46,000	$ (79,000)
17	4055	2014	Equipment - Harbormaster Reserve	PA	$ 35,000	$ -	$ -	$ 35,000	$ 35,000	$ 41,250	$ 41,250	$ 41,250	$ 41,250	$ 235,000	$ 10,000	$ (25,000)
18	4022		Equipment - Police Reserve	PD	$ -	$ 20,000	$ 29,000	$ 20,000	$ 45,000	$ 24,500	$ 24,500	$ 24,500	$ 24,500	$ 212,000	$ 35,000	$ (10,000)
19		NEW FUND	Fleet Depreciation Reserve	PD	$ 33,621	$ 45,000	$ -	$ 23,000	$ 17,000	$ 45,000	$ 45,000	$ 45,000	$ 45,000	$ 265,000	$ 17,000	$ -
20	4017		GIS/MS4 - Mapping	PW - Highway	$ 48,642	$ 10,000	$ 30,000	$ 30,000	$ 30,000	$ 35,000	$ 35,000	$ 35,000	$ 35,000	$ 240,000	$ 10,000	$ (20,000)
21	4012		Equipment - Central Facilities Mgmt Reserve	PW - CFM		$ -	$ -	$ -	$ 135,900	$ 137,375	$ 137,375	$ 137,375	$ 137,375	$ 685,400	$ 130,000	$ (5,900)
22	4002		Drainage Improvement Program	PW - Highway	$ 67,366	$ 8,000	$ 70,000	$ 67,500	$ 50,000	$ 57,500	$ 57,500	$ 57,500	$ 57,500	$ 425,500	$ 20,000	$ (30,000)
23	4012		Fleet Depreciation Reserve	PW - Highway	$ 259,972	$ 86,216	$ 108,150	$ 108,150	$ 114,736	$ 118,178	$ 121,724	$ 125,375	$ 130,000	$ 912,529	$ 114,736	$ -
24	4015		New Equipment - Hwy Fuel Pump	PW - Highway	$ 15,914	$ -	$ -	$ 15,914	$ 16,391	$ 16,883	$ 16,883	$ 16,883	$ 16,883	$ 99,835	$ 16,391	$ 0
25	4006		Sidewalk Replacement & Installation	PW - Highway	$ 6,132	$ 10,000	$ 10,000	$ -	$ 25,000	$ 190,000	$ 175,000	$ 175,000	$ 175,000	$ 760,000	$ 10,000	$ (15,000)
26	4001		State Aid to Roads	PW - Highway	$ 712,172	$ 159,344	$ 164,124	$ -	$ -	$ -	$ -	$ -	$ -	$ 323,468	$ -	$ -
27	4014		Fleet Depreciation Reserve	PW - Parks	$ 56,738	$ 12,983	$ 15,450	$ 12,983	$ 26,040	$ 26,504	$ 16,391	$ 16,883	$ 16,883	$ 144,116	$ 26,040	$ -
28	4043		Improvements to Buildings & Grounds	PW - Parks	$ 12,616	$ 15,000	$ 15,000	$ 15,000	$ 15,000	$ 17,500	$ 17,500	$ 17,500	$ 17,500	$ 130,000	$ 5,000	$ (10,000)
29	4009		Equipment - SWF Reserve	PW - SWF	$ 130,810	$ 16,267	$ 30,900	$ 15,000	$ 15,000	$ 15,000	$ 15,000	$ 15,000	$ 15,000	$ 137,167	$ 15,000	$ -
30	4009		Fleet Depreciation Reserve	PW - SWF	see above	$ 13,350	$ 15,000	$ 13,350	$ 30,900	$ 35,644	$ 36,713	$ 37,815	$ 37,815	$ 220,587	$ 30,900	$ -
31	4008		Road Maintenance	PW - SWF	$ 7,649	$ 7,500	$ 7,500	$ -	$ -	$ -	$ -	$ -	$ -	$ 15,000	$ -	$ -
32	4019	2014	KCC Fitness Ctr Equip Reserve Fund	RD	$ 2,955	$ -	$ -	$ 5,000	$ 5,000	$ 5,750	$ 5,750	$ 5,750	$ 5,750	$ 33,000	$ 2,000	$ (3,000)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	Q	R
1	FUND	YEAR	Project Name	Department	Balance in Acct	Prior	FY13	FY14	FY15	FY16	FY17	FY18	FY19	Totals	FY15	Variance
2	CODE	EST	CAPITAL HOLDING DEDICATED RESERVE		as of 2/26/14	Years	Approved	Approved	Request	Plan	Plan	Plan	Plan		CIP Recom	Dept - Ctte
33	4011	2014	Fleet Depreciation Reserve	RD	$ -	$ 23,000	$ 20,000	$ 3,000	$ 3,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 69,000	$ 3,000	$ -
34			Equipment - Library Reserve	RL		$ -	$ -	$ -	$ 6,000	$ 7,500	$ 7,500	$ 7,500	$ 7,500	$ 36,000	$ -	$ (6,000)
35				subTOTAL	$ 1,482,637	$ 505,660	$ 612,124	$ 480,897	$ 697,967	$ 927,084	$ 906,586	$ 911,830	$ 916,455	$ 5,958,602	$ 491,067	$ (206,900)
36			CAPITAL-DEPT RESERVE	TOTAL	$ 1,394,974	$ 1,899,812	$ 1,028,369	$ 665,081	$ 1,121,613	$ 1,294,230	$ 1,138,732	$ 1,110,122	$ 1,082,955	$ 9,340,913	$ 820,713	$ (300,900)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	Q	R
1	FUND	YEAR	Project Name	Department	Balance in Acct	Prior	FY13	FY14	FY15	FY16	FY17	FY18	FY19	Totals	FY15	Variance
2	CODE	EST	CAPITAL HOLDING DEDICATED RESERVE		as of 2/26/14	Years	Approved	Approved	Request	Plan	Plan	Plan	Plan		CIP Recom	Dept - Ctte
37																
38			Project Name	Department	Balance in Acct	Prior	FY13	FY14	FY15	FY16	FY17	FY18	FY19	Totals	FY15	Variance
39			5-YR PROGRAM - DEDICATED RESERVE		as of 2/26/14	Years	Approved	Approved	Request	Plan	Plan	Plan	Plan		CIP Recom	Dept - Ctte
40		2015	Computer Hardware & Software Upgrades	All Depts		$ -	$ -	$ -	$ 40,000	$ -	$ -	$ -	$ -	$ 40,000	$ 35,000	$ (5,000)
41	SCH		School Facility Reserve	ED		$ -	$ -	$ 50,000	$ 50,000	$ 62,500	$ 62,500	$ 62,500	$ 62,500	$ 350,000	$ -	$ (50,000)
42	SCH		School Equipment Reserve	ED				$ 50,000	$ 50,000	$ 62,500	$ 62,500	$ 62,500	$ 62,500	$ 350,000	$ -	$ (50,000)
43	SCH		Mitchell - Movable Partitions	ED - Mitchell		$ -	$ -	$ 5,000	$ -	$ -	$ -	$ -	$ -	$ 5,000	$ -	$ -
45	SCH		Heating Boiler to LP Gas	ED - Mitchell		$ -	$ -	$ -	$ 148,500	$ 148,500	$ -	$ -	$ -	$ 297,000	$ -	$ (148,500)
48	SCH		Cafeteria Floors and Racks	ED - Shapleigh		$ -	$ -	$ -	$ 14,320	$ -	$ -	$ -	$ -	$ 14,320	$ 14,320	$ -
49	SCH		Restrooms Shapleigh - Sect. A	ED - Shapleigh		$ -	$ -	$ -	$ 14,320	$ 14,320	$ -	$ -	$ -	$ 28,640	$ -	$ (14,320)
51	SCH		Traip Restroom Renovations	ED - Traip		$ -	$ -	$ 32,000	$ 62,000	$ -	$ -	$ -	$ -	$ 94,000	$ 62,000	$ -
52	SCH		Admin Area Air Conditioning	ED - Traip		$ -	$ -	$ -	$ 23,450	$ 23,450	$ -	$ -	$ -	$ 46,900	$ -	$ (23,450)
53	SCH		Atrium Lighting	ED - Traip		$ -	$ -	$ -	$ 5,700	$ 5,700	$ -	$ -	$ -	$ 11,400	$ -	$ (5,700)
54	SCH		Traip Flooring	ED - Traip		$ -	$ -	$ -	$ 80,733	$ 80,733	$ -	$ -	$ -	$ 161,466	$ -	$ (80,733)
55	SCH		Traip Generator - IT Related	ED - Traip		$ -	$ -	$ -	$ 50,000	$ 100,000	$ -	$ -	$ -	$ 150,000	$ -	$ (50,000)
58	NEW	2015	SNP Technology Upgrade	EDC		$ -	$ -	$ -	$ 10,060	$ -	$ -	$ -	$ -	$ 10,060	$ 10,060	$ -
59	NEW	2015	SNP Equipment: DW & Stove	EDC		$ -	$ -	$ -	$ 28,935	$ -	$ -	$ -	$ -	$ 28,935	$ 28,935	$ -
60	NEW	2015	Security Entrances - Final Phase	ED-Traip/Shap		$ -	$ -	$ -	$ 36,500	$ -	$ -	$ -	$ -	$ 36,500	$ 36,500	$ -
61	4033	2014	Firefighter Helmets	FD	see above	$ -	$ -	$ 6,225	$ -	$ -	$ -	$ -	$ -	$ 6,225	$ -	$ -
62	4033	2015	Firefighter Boots	FD	see above				$ -	$ -	$ -	$ -	$ -	$ -		$ -
63	NEW	2015	Hose Replacement	FD		$ -	$ -	$ -	$ 15,630	$ -	$ -	$ -	$ -	$ 15,630	$ 15,630	$ -
64			Brush Truck	FD		$ -	$ -	$ -	$ -	$ 43,000	$ -	$ -	$ -	$ 43,000	$ -	$ -
65			Central Generator - Muni Complex	GG - TM		$ -	$ -	$ -	$ 75,000	$ 150,000	$ -	$ -	$ -	$ 225,000	$ -	$ (75,000)
66	NEW	2015	Outboard Motor for Harbormaster Skiff	PA		$ -	$ -	$ -	$ 5,600	$ 5,600	$ -	$ -	$ -	$ 11,200	$ -	$ (5,600)
67	NEW	2015	Dinghy Berthing System-Frisbee Wharf	PA		$ -	$ -	$ -	$ -	$ 25,000	$ -	$ -	$ -	$ 25,000	$ -	$ -
68	NEW	2015	Rice AveBoat Launch & Racks	PA		$ -	$ -	$ -		$ 25,000	$ -	$ -	$ -	$ 25,000	$ -	$ (25,000)
69	NEW	2015	Gov't St Rails/Ramp/Float	PA		$ -	$ -	$ -	$ 25,000	$ 25,000	$ -	$ -	$ -	$ 50,000	$ -	$ (25,000)
70	NEW	2015	Frisbee Wharf & Pepperrell Pier Amenities'	PA		$ -	$ -	$ -	$ 50,000	$ 50,000	$ -	$ -	$ -	$ 100,000	$ -	$ (50,000)
71	4052	2014	Float and Ramp Program	PA	$ 20,000	$ -	$ -	$ 20,000	$ 10,000	$ 20,500	$ 20,500	$ 20,500	$ 20,500	$ 112,000	$ 8,000	$ (2,000)
72	4018	2014	Harbormaster Boat	PA	$ 36,685	$ -	$ -	$ 20,000	$ -	$ -	$ -	$ -	$ -	$ 20,000	$ -	$ -

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	Q	R
1	FUND	YEAR	Project Name	Department	Balance in Acct	Prior	FY13	FY14	FY15	FY16	FY17	FY18	FY19	Totals	FY15	Variance
2	CODE	EST	CAPITAL HOLDING DEDICATED RESERVE		as of 2/26/14	Years	Approved	Approved	Request	Plan	Plan	Plan	Plan		CIP Recom	Dept - Ctte
73	4018	2013	Harbormaster Tender	PA	see above	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
74	4053	2014	Pepperrell Cove Paving	PA	$ 14,000	$ -	$ -	$ 14,000	$ 36,000	$ 36,000	$ -	$ -	$ -	$ 86,000	$ -	$ (36,000)
75	4054	2014	Pepperrell Cove Wharf	PA	$ 14,000	$ -	$ -	$ 14,000	$ 36,000	$ 36,000	$ -	$ -	$ -	$ 86,000	$ -	$ (36,000)
76			Dredge Project	PA		$ -	$ -	$ -	$ -	$ 100,000	$ -	$ -	$ -	$ 100,000	$ -	$ -
77			Rogers Park Launch	PA		$ -	$ -	$ -	$ 40,000	$ 40,000	$ -	$ -	$ -	$ 80,000	$ -	$ (40,000)
78	NEW	2015	Interior Police Station Dispatch Upgrade	PD		$ -	$ -	$ -	$ 300,000	$ 300,000	$ -	$ -	$ -	$ 600,000	$ -	$ (300,000)
79	NEW	2015	Cruiser In Car Video Systems	PD		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
80	NEW	2015	Cruiser In Car Computers	PD		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
81	NEW	2015	Cruiser Radar Upgrades	PD		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
82	NEW	2015	Town Museum Courtyard Entrance Imp	PLNG		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
83	NEW	2015	Town Hall/Rogers Rd Crossing & Steps	PLNG		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
84	NEW	2015	Memorial Circle Tree Lighting	PLNG		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
85	NEW	2015	Town Welcome Signs	PLNG		$ -	$ -	$ -	$ -	$ 7,000	$ 7,000	$ -	$ -	$ 14,000	$ -	$ -
86	NEW	2015	Rt 1 ByPass & Rt 1 Two Way Plan	PLNG		$ -	$ -	$ -	$ 2,500	$ 50,000	$ -	$ -	$ -	$ 52,500	$ 2,500	$ -
87	4031	2014	P.S. Base Station Radio Rplmnt	PS	$ 45,319	$ -	$ -	$ 45,319	$ 45,319	$ 45,319	$ -	$ -	$ -	$ 135,957	$ 45,317	$ (2)
88	NEW	2015	Highway Equipment - Sander Stands	PW- Highway		$ -	$ -	$ -	$ 50,000	$ -	$ -	$ -	$ -	$ 50,000	$ 49,000	$ (1,000)
89	NEW	2015	Overhead Crane	PW-Highway		$ -	$ -	$ -	$ 50,000	$ -	$ -	$ -	$ -	$ 50,000	$ 49,000	$ (1,000)
90	NEW	2015	JPJ Town Dock Design Review	PA		$ -	$ -	$ -	$ -	$ 25,000	$ -	$ -	$ -	$ 25,000	$ -	$ -
91		2015	Local Streets & Parking Lots	PW-Highway		$ -	$ -	$ -	$ 100,000	$ 10,000	$ 100,000	$ 100,000	$ 100,000	$ 410,000	$ -	$ (100,000)
92	4016	2014	Fort Foster Pier	PW - Parks	$ 25,000	$ -	$ -	$ 25,000	$ 300,000	$ 300,000	$ -	$ -	$ -	$ 625,000	$ -	$ (300,000)
93	4051	2014	KCC East Wing (Annex) 5 year plan	RD	$ 25,000	$ -	$ -	$ 25,000	$ 180,268	$ 223,268	$ 75,000	$ 75,000	$ 75,000	$ 653,536	$ 32,000	$ (148,268)
94	4051	2014	Included Above	RD					$ -	$ 75,000	$ 75,000	$ 75,000	$ 75,000	$ 300,000	$ -	$ -
95	4023	2014	Baler	PWC-SWF	$ 298,648	$ -	$ -	$ 225,000	$ -	$ -	$ -	$ -	$ -	$ 225,000	$ -	$ -
96			Community Center Playground	RD	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 125,000	$ 125,000	$ -	$ -
97			Community Center Land Purchase	GG-PLNG	$ -	$ -	$ -	$ -	$ -	$ -	$ 400,000	$ -	$ -	$ 400,000	$ -	$ -
98			Community Center Site Improvements	GG-PLNG	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 125,000	$ -	$ 125,000	$ -	$ -
99			Shapleigh School Land Purchase	GG-PLNG	$ -	$ -	$ -	$ -	$ -	$ -	$ 300,000	$ -	$ -	$ 300,000	$ -	$ -
100			ALL FY14 DEDICATED RESERVE	TOTAL	$ 478,652	$ -		$ 543,894	$ 1,935,835	$ 2,089,390	$ 1,102,500	$ 520,500	$ 520,500	$ 6,712,619	$ 388,262	$ (1,572,573)
101																
102			TOTAL RESV-PROJ - FY 14	TOTAL	$ 1,394,974	$ 1,899,812	$ 1,028,369	$ 1,208,975	$ 3,057,448	$ 3,383,620	$ 2,241,232	$ 1,630,622	$ 1,603,455	$ 16,053,532	$ 1,208,975	$ (1,873,473)

	C	D	E	F	S	T	U	V
1	**Project Name**	**Department**	**Balance in Acct**	**Prior**	**FY15**	**FY15**		1
2	**CAPITAL HOLDING DEDICATED RESERVE**		**as of 2/26/14**	**Years**	**TM Request**	**FUNDING**	**COMMENTS**	2
3	Pier Maintenance Reserve (BIG)	PA	67,589	343,756	0	n/a		3
4	Traip HVAC Replacement (Perf)	ED - Traip - Optg		$ 537,755	ED - Opn Bud	ED-Budget		4
5	SCBA's (FY13 $150K) (Reimb)	FD	$ (88,007)	$ -	$ 30,000	Town		5
6	Firefighter Protective Clothing	FD	$ 10,826	$ 50,000	$ -	Town		6
7	FD 10-Year Equipt replacement	FD		$ -	$ 18,000	Town		7
8	Town Hall Records Preservation	GG - TC	$ 12,348	$ 59,400	$ 6,000	Town		8
9	Frisbee Wharf Town Pier (Reimb)	PA	$ (174,466)	$ 353,231	$ 35,646	Port		9
10	Open Space Reserve	TW	$ 84,047	$ 50,000	$ -	Town		10
11	Roof Maintenance Reserve**	TW		*TO TRAIP ROOF*	$ 240,000	Town		11
12		**subTOTAL**	**$ (87,662.76)**	**$ 1,394,152.00**	**$ 329,646.00**			12
13					**FY15**	**FY15**		13
14	**DEPARTMENT DEDICATED RESERVE**	**Department**		**FY12**	**TM Request**	**FUNDING**		14
15	Fleet - Maintenance Utility Truck	ED	**School**	$ -	$ -	School		15
16	Apparatus - Fire Reserve (Reimb)	FD	$ 93,050	$ 79,000	$ 46,000	Town		16
17	Equipment - Harbormaster Reserve	PA	$ 35,000	$ -	$ 10,000	Port		17
18	Equipment - Police Reserve	PD	$ -	$ 20,000	$ 35,000	Town	**Cruiser related equipment**	18
19	**Fleet Depreciation Reserve**	**PD**	$ 33,621	$ 45,000	$ 17,000	Town		19
20	GIS/MS4 - Mapping	PW - Highway	$ 48,642	$ 10,000	$ 10,000	Town		20
21	Equipment - Central Facilities Mgmt Reserve	PW - CFM		$ -	$ 130,000	Town		21
22	Drainage Improvement Program	PW - Highway	$ 67,366	$ 8,000	$ 20,000	Town	Town wide storm water management per Norm. $50k needed in all years	22
23	Fleet Depreciation Reserve	PW - Highway	$ 259,972	$ 86,216	$ 114,736	Town		23
24	New Equipment - Hwy Fuel Pump	PW - Highway	$ 15,914	$ -	$ 16,391	Town		24
25	Sidewalk Replacement & Installation	PW - Highway	$ 6,132	$ 10,000	$ 10,000	Town	Town Crew projects: Lewis/Haley/Wentworth	25
26	State Aid to Roads	PW - Highway	$ 712,172	$ 159,344	$ -	Town		26
27	Fleet Depreciation Reserve	PW - Parks	$ 56,738	$ 12,983	$ 26,040	Town		27
28	Improvements to Buildings & Grounds	PW - Parks	$ 12,616	$ 15,000	$ 5,000	Town		28
29	Equipment - SWF Reserve	PW - SWF	$ 130,810	$ 16,267	$ 15,000	Town		29
30	Fleet Depreciation Reserve	PW - SWF	**see above**	$ 13,350	$ 30,900	Town		30
31	Road Maintenance	PW - SWF	$ 7,649	$ 7,500	$ -	Town	to Hwy operating budget	31
32	KCC Fitness Ctr Equip Reserve Fund	RD	$ 2,955	$ -	$ 2,000	Town	Fitness Ctr equipment	32

	C	D	E	F	S	T	U	V
1	**Project Name**	**Department**	**Balance in Acct**	**Prior**	**FY15**	**FY15**		1
2	**CAPITAL HOLDING DEDICATED RESERVE**		**as of 2/26/14**	**Years**	**TM Request**	**FUNDING**	**COMMENTS**	2
33	Fleet Depreciation Reserve	RD	$ -	$ 23,000	$ 3,000	Town	Truck	33
34	Equipment - Library Reserve	RL		$ -	$ -	Library		34
35		**subTOTAL**	**$ 1,482,637**	**$ 505,660**	**$ 491,067**			35
36	**CAPITAL-DEPT RESERVE**	**TOTAL**	**$ 1,394,974**	**$ 1,899,812**	**$ 820,713**			36

	C	D	E	F	S	T	U	V
1	Project Name	Department	Balance in Acct	Prior	FY15	FY15		1
2	CAPITAL HOLDING DEDICATED RESERVE		as of 2/26/14	Years	TM Request	FUNDING	COMMENTS	2
37								37
38	Project Name	Department	Balance in Acct	Prior	FY15	FY15		38
39	5-YR PROGRAM - DEDICATED RESERVE		as of 2/26/14	Years	TM Request	FUNDING		39
40	Computer Hardware & Software Upgrades	All Depts		$ -	$ 35,000	*Town*		40
41	School Facility Reserve	ED		$ -	$ -	Town		41
42	School Equipment Reserve	ED			$ -	Town		42
43	Mitchell - Movable Partitions	ED - Mitchell		$ -	$ -	Town		43
45	Heating Boiler to LP Gas	ED - Mitchell		$ -	$ -	Town	2/6/14: new quotes & updated info to come	45
48	Cafeteria Floors and Racks	ED - Shapleigh		$ -	$ 14,320	Town		48
49	Restrooms Shapleigh - Sect. A	ED - Shapleigh		$ -	$ -	Town		49
51	Traip Restroom Renovations	ED - Traip		$ -	$ 62,000	Town		51
52	Admin Area Air Conditioning	ED - Traip		$ -	$ -	Town		####
53	Atrium Lighting	ED - Traip		$ -	$ -	Town		####
54	Traip Flooring	ED - Traip		$ -	$ -	Town	2/6/14: Combine Library carpet, Music Rm Floor, Traip Flooring into 1 line; low priority except Music Rm	####
55	Traip Generator - IT Related	ED - Traip		$ -	$ -	Town		####
58	**SNP Technology Upgrade**	**EDC**		$ -	$ 10,060		2/6/14: Major Priority	####
59	**SNP Equipment: DW & Stove**	**EDC**		$ -	$ 28,935		2/6/14: Major Priority	####
60	**Security Entrances - Final Phase**	**ED-Traip/Shap**		$ -	$ 36,500			####
61	Firefighter Helmets	FD	see above	$ -	$ -	Town		####
62	**Firefighter Boots**	**FD**	**see above**					####
63	**Hose Replacement**	**FD**		$ -	$ 15,630	Town		####
64	Brush Truck	FD		$ -	$ -	Town	Kittery Point Station	####
65	Central Generator - Muni Complex	GG - TM		$ -	$ -	Town		####
66	**Outboard Motor for Harbormaster Skiff**	**PA**		$ -	$ -	*Bond?*	**Move to FY16 - can be paid out of operating budget if necessary**	####
67	**Dinghy Berthing System-Frisbee Wharf**	**PA**		$ -	$ -	*Bond?*	*Place holder*	####
68	**Rice AveBoat Launch & Racks**	**PA**		$ -	$ -	Town	**Place holder**	####
69	**Gov't St Rails/Ramp/Float**	**PA**		$ -	$ -	Town	**To add handicap access**	####
70	**Frisbee Wharf & Pepperrell Pier Amenities'**	**PA**		$ -	$ -	Town		####
71	Float and Ramp Program	PA	$ 20,000	$ -	$ 8,000	Town	$10k-$20k needed each year if grants are not available	####
72	Harbormaster Boat	PA	$ 36,685	$ -	$ -	Town		####

	C	D	E	F	S	T	U	V
1	Project Name	Department	Balance in Acct	Prior	FY15	FY15		1
2	CAPITAL HOLDING DEDICATED RESERVE		as of 2/26/14	Years	TM Request	FUNDING	COMMENTS	2
73	Harbormaster Tender	PA	see above	$ -	$ -	Town		####
74	Pepperrell Cove Paving	PA	$ 14,000	$ -	$ -	Town	Bal in Acct will be used for re-purposing to BIG project.	####
75	Pepperrell Cove Wharf	PA	$ 14,000	$ -	$ -	Town		####
76	Dredge Project	PA		$ -	$ -	Town	2/6/14: Can't locate proposal / 2/10/14: Ok to remove per B Melanson	####
77	Rogers Park Launch	PA		$ -	$ -	Town	Place holder	####
78	Interior Police Station Dispatch Upgrade	PD		$ -	$ -	Town		####
79	Cruiser In Car Video Systems	PD		$ -	$ -	Town		####
80	Cruiser In Car Computers	PD		$ -	$ -	Town	moved to Police Vehicle/Equip Line 18	####
81	Cruiser Radar Upgrades	PD		$ -	$ -	Town		####
82	Town Museum Courtyard Entrance Imp	PLNG		$ -	$ -	Town		####
83	Town Hall/Rogers Rd Crossing & Steps	PLNG		$ -	$ -	Town		####
84	Memorial Circle Tree Lighting	PLNG		$ -	$ -	Town	2/6/14: can be bundled (Gerry & Nancy)	####
85	Town Welcome Signs	PLNG		$ -	$ -	Town		####
86	Rt 1 ByPass & Rt 1 Two Way Plan	PLNG		$ -	$ 2,500	Town	2/6/14: can be bundled (Gerry & Nancy)	####
87	P.S. Base Station Radio Rplmnt	PS	$ 45,319	$ -	$ 45,317	Town		####
88	Highway Equipment - Sander Stands	PW- Highway		$ -	$ 49,000	Town	2/6/14: Required for Safety Audit	####
89	Overhead Crane	PW-Highway		$ -	$ 49,000	Town	2/6/14: Required for Safety Audit	####
90	JPJ Town Dock Design Review	PA		$ -	$ -	Town	Design work doesn't fall under CIP - ask Nancy for strate	####
91	Local Streets & Parking Lots	PW-Highway		$ -	$ -	Town		####
92	Fort Foster Pier	PW - Parks	$ 25,000	$ -	$ -	Town		####
93	KCC East Wing (Annex) 5 year plan	RD	$ 25,000	$ -	$ 32,000	*Bond?*		####
94	Included Above	RD			$ -	Town		####
95	Baler	PWC-SWF	$ 298,648	$ -	$ -	Town		
96	Community Center Playground	RD	$ -	$ -	$ -			
97	Community Center Land Purchase	GG-PLNG	$ -	$ -	$ -			
98	Community Center Site Improvements	GG-PLNG	$ -	$ -	$ -			
99	Shapleigh School Land Purchase	GG-PLNG	$ -	$ -	$ -			####
100	ALL FY14 DEDICATED RESERVE	TOTAL	$ 478,652	$ -	$ 388,262	$ -		####
101								####
102	TOTAL RESV-PROJ - FY 14	TOTAL	$ 1,394,974	$ 1,899,812	$ 1,208,975	$ -		####

ITEM 4

Town of Kittery
Planning Board Meeting
May 8, 2014

Pearson Meadow Cluster Subdivision – Completeness Review of Final Plan Application.
Owner Gail Beverly Burns and applicant Chinburg Builders, Inc, is requesting consideration of their plans for a cluster subdivision, nine new lots and one reserved lot on a 24.5 acre parcel at 60 Wilson Road., Tax Map 54, Lot 14, Residential-Rural, with and Resource Protection Overlay zones. Agent is Jeff Clifford, Altus Engineering, Inc.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
Yes	Sketch Plan Review and Acceptance	March 14, 2013; May 9, 2013	APPRVD
Yes	Site Visit	Title 16.10.5.1.3; April 16, 2013	HELD
Yes	Preliminary Plan Review Completeness/Acceptance	August 8, 2013	GRANTED
	Waiver Requests: (March 2013)	16.8.5.1.3.a/b: Scale 1"=60' Existing Conditions & Topo Scale 1"=50' Horizontal & 1" = 10' Vertical for Subdivision /Lot/ and Plan & Profile Plans 16.8.11.6.G: Separate subdivision access road	
Yes	Public Hearing	Scheduled September 12, 2013	HELD
Yes	Preliminary Plan Approval	September 12, 2013	APPROVED
Yes	Final Plan Review		
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.			

Staff Comments

General

The Board granted preliminary approval at the 9/12/2013 meeting. Since then the Applicant has received permits from the Maine DEP and Army Corps of Engineers. The final plans submitted reflect changes from their involvement with the MDEP and ACOE. The changes are summarized in the Applicant's submittal, most significant include: 1) the elimination of one lot, 2) addition of a 40-foot wide no-cut easement along Wilson Road; 3) addition of buffers along the rear of lots 3 through 6; and 4) the addition of a fence and trees along proposed Right-Of-Way to mitigate proximity of proposed roadway and existing abutting properties along Kings Court.

Previous Issues

1. Street Length: The proposed street length to the beginning of the cul-de-sac is 1,050 linear feet, which conforms to the Class III (and Minor Streets) maximum length of 1,200 linear feet The proposed street meets Town standards, with the exception of the minor requested modifications of the street design standards.

2. Fire Hydrants/Fire Suppression: Fire Chief during preliminary plan review did not have an issue anticipating that the proposed roadway section is equal to what was approved for Devon Woods, which would allow for the use of tanker trucks to provide adequate water to the site. Staff plans to have Fire, Police and DPW review the final plans submitted next week and will report their comments at the planning board meeting.

3. Entrances: Using the Burn's driveway for the subdivision road will not meet the 100 foot setback from the vernal pool. The U.S. Army Corps of Engineers (ACOE) has granted approval of the Applicant's submitted final plans and support the street location to the north (where the applicant has proposed it) rather than the south, along the existing driveway, for reasons that favor wood frog habitat.

   The Applicant is also proposing to maintain the existing entrance to the existing dwelling. The Board will need to address this issue by:

a) considering a waiver from the standard in Title 16.8.11.6.G *In cluster residential developments, no individual lot or dwelling unit may have direct vehicular access onto a public road existing at the time of development.* or;
b) directing the applicant to provide a new driveway to the existing dwelling that connects to the proposed street and remove vehicular access from Wilson Road; or
c) same as b) above though maintain vehicular access to the existing Barn and designate the remaining gravel drive a walk.

   With regard to item a), the provision Title 16.7.4.1 Waiver Authorization,

   Where the Planning Board finds, due to special circumstances of a particular plan, certain required improvements do not promote the interest of public health, safety and general welfare, or are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed development, upon written request, it may waive or modify such requirements, subject to appropriate conditions as determined by the Planning Board.

   The Board might consider the significant habitat identified associated with the vernal pool and that preventing unnecessary disturbance to the habitat (upland associated with the wetland on reserved lot for the existing dwelling) is a benefit and may be considered as a positive contribution to the general welfare of the Town.

4. Open Space: The applicant has addressed some of staff's previous comments regarding open space and additional buffers/easements along the rear lot-lines of lots 3 through 6. As previously suggested, preserving some of the existing woods on lots 3, 4 and 5 would benefit the preservation of plant/wildlife habitat connections between the Devon Woods open space to the north and the proposed open space to the south. Regarding the Maine DEP Stormwater buffer to the north of lots 1, 2 and 3, the Applicant should address the proposed placement of wells in these areas as shown on the plan (C-1) and the potential to include the area of the Wetland Setback within this easement which would make monitoring compliance easier have a single boundary.

   In addition, in light of the ACOE's interest in the preservation of and access to wooded upland habitat, Staff recommends the Board to consider more of the "reserved lot" be included in the open space (the vernal pool and a reasonable portion of the 100-foot setback and upland north of lot 9). The applicant has revised to plan to designate open space behind lot 9. The goal is to provide more contiguous protected area between what has been identified as important habitat to the wood frog, in this case the vernal pool and the forested upland to the south, where the majority of the open space is located.

5. Net Residential Acreage Calculations: The calculations have been revised and are shown on the revised subdivision plan prepared by Easterly Surveying, Inc. The Applicant has applied the *Soil Suitability Guide* per Title 16.7.8.1.5 and subtracted land area that consists of soils rated poor or very poor. In this case the only soils listed are *Elmwood*. Soils Plan G-1 shows the location and the area is labeled *EmB*.

   The other soils identified on site are not listed in the *Guide*, with the exception of *Scantic*, which is already included in the subtracted wetlands land area. The calculations appear to be in order.

The Revised Plan

1. Title 16.10.7.2.P Performance Guaranty needs to be addressed prior to final approval.
2. Subdivision plans entitled 'Pearson Meadow' need to be titled 'Subdivision Plan' preceding the name of the subdivision.
3. The plan needs to reflect graphically and in note 9 that the wetland setback is a no-disturb/no-cut buffer per Title 16.8.11.6.I.5 Development Setbacks.
4. Staff suggests extending the proposed *40-foot wide town no-cut easement* located along Wilson Road to the edge of the existing gravel drive.
5. A Street Naming Application needs to be prepared and submitted prior to final plan approval.
6. The applicant needs to address the applicable provisions of the Code related to wetland alteration and mitigation. There has been no information submitted pertaining to the amount of wetland fill and the impact is only noted on the profile, Sheet C-2.

Attached is a memo from CMA, the Town's Peer-Review Engineer. Staff has included the criteria (draft findings) the Board uses in reviewing/approving subdivisions.

Recommendation

After hearing testimony from the Applicant, the Board should provide the applicant direction on any code conformance issues the final plan has. The Board discuss the location of the proposed street and the related ACOE approval and the requested waiver and modifications to dimensional standards. The Board can move to continue the review to another meeting at a later date, not to exceed 90 days.

KITTERY PLANNING BOARD
FINDINGS OF FACT -
for

WHEREAS: Owner Gail Beverly Burns and applicant Chinburg Builders, Inc, is requesting consideration of their plan for a cluster subdivision, ten new lots and one reserved lot on a 24.5 acre parcel at 60 Wilson Road., Tax Map 54, Lot 14, Residential-Rural and Resource Protection Overlay zones. Agent is Jeff Clifford, Altus Engineering, Inc.

Hereinafter the "Development".

Pursuant to the Plan Review meetings conducted by the Planning Board as duly noted; and pursuant to the Project Application and Plan and other documents considered to be a part of the approval by the Planning Board in this finding consist of the following (Hereinafter the "Plan"):

S1 - Standard Boundary (Northeasterly Survey, Inc. (NES))	7/15/13	C-2 – Road Plan & Profile	7/18/13
S2 – Existing Conditions (NES)	7/15/13	C-3 – Stormwater Management (Preliminary)	7/18/13
S3A – Pearson Meadow, North (NES)	7/15/13	C-4 – BMP Maintenance Schedule	7/18/13
S3B – Pearson Meadow, South (NES)	7/15/13	C-5 – Erosion Control Notes	7/18/13
G-1 – Soils Plan	7/18/13	C-6 – Erosion Control Detail	7/18/13
G-2 – Soils Plan	7/18/13	C-7 – Temporary Erosion Control Details	7/18/13
G-3 – Legend & General Notes	7/18/13	C-8 – Detail Sheet	7/18/13
C-1 – Lot Plan	7/18/13		

FINDINGS OF FACT

Action by the board shall be based upon findings of fact which certify or waive compliance with all the required standards of this title, and which certify that the development satisfies the following requirements:

A. Development Conforms to Local Ordinances.
The proposed development conforms to a duly adopted comprehensive plan as per adopted provisions in the Town Code, zoning ordinance, subdivision regulation or ordinance, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

R-Rural:

Minimum lot size	40,000 square feet
Minimum street frontage	150 feet
Minimum front yard	40 feet
Minimum rear and side yards	20 feet

CMA Review:
The proposed use (dwellings) is a permitted use, and cluster residential development is specifically included as a permitted uses.
Land area: Public water and sewer are not available. The minimum land area per dwelling unit is 40,000 sf for un-sewered lots. In using the residential cluster format for the subdivision, the applicant may reduce the lot size from 40,000 sf to 20,000 sf. for un-sewered lots.
There are 10 residential units proposed (one existing, nine proposed). This is satisfactory and meets the clustered subdivision requirements for density and open space.

Lot size and configuration, dimensional changes due to cluster: Other dimensional requirements in the section are proposed to be modified by application of the Cluster Residential Provisions in Article XI Section 16.8.11.3 including:

- 16.3.2.1.D2: Minimum lot area: 20,150 sf vs 40,000 sf.
- 16.3.2.1.D2: Street frontage 25.22 ft vs 150 ft.
- 16.3.2.1.D2: Front yard setback 20 ft. vs 40 ft
- 16.3.2.1.D2: Side and rear yard setback 10 ft vs 20 ft
- 16.8.4,4: Minor Street ROWwidth 50 ft. vs 60 ft
- 16.8.4,4: Minor Street tangent between reverse curves 86.25 vs 100 ft
- 16.8.4,4: Minor Street side slope 2:1 vs 3:1
- 16.8.4,4: Minor Street Paved shoulder: None vs 2 ft at walk side and 8 ft opposite side

In addition, it appears that an addition modification is necessary regarding the proposed dimensions of the cul-de-sac: a 60 ft radius, and 50 ft paved radius are required, and it appears a 55 ft radius and 40-45 ft paved radius are proposed.

All dimensional changes are consistent with the cluster subdivision concept, and precedence in Kittery. The low volume road, low speeds and other factors support these modifications.

16.3.2.17 Shoreland Overlay Zone (OZ-SL)
A portion of the lot falls within the shoreland overlay zone is at the southern boundary of the property in the portion of the parcel designated as open space. The proposed use (open space) is a permitted use in the overlay zone. No development or disturbance is proposed within the shoreland overlay zone so the other standards in this section do not apply.

16.3.2.19 Resource Protection Overlay Zone (OZ-RP)
A portion of the lot falls within the resource protection overlay zone is at the northern boundary of the property. A section of the proposed roadway is located in this overlay zone.

In accordance with section 16.8.4.14A, *the Planning Board may grant a permit to construct a roadway in the Resource Protection Overlay Zone that provides access to a permitted use (such as residential units in this case) upon a finding that no reasonable alternative route or location is available outside the zone…… and that the road be set back as far as practicable from…. upland edge of a wetland.*

Other requirements include all roadway drainage being directed to an un-scarified buffer strip, for diffuse flow to undisturbed land. The applicant has modified the design to accomplish this through "super-elevation" of the roadway to the south throughout the affected area.

The applicant has presented the rationale that the proposed roadway route is the only feasible route and that road design minimizes impacts (by reductions in ROW width, pavement width, and side slopes). The applicant wishes to retain an existing driveway to the existing house and barn for historical reasons and consistency with the character of the site and land. (See also waiver/modification request to 16.8.11.6.G below regarding the direct access of one lot to the public roadway). If this existing driveway is maintained as proposed, then the route of the proposed roadway is the only reasonable alternative. A small impact to wetlands, and routing through the Resource Protection Overlay Zone is necessary with this alignment.

To permit the project as designed, the Planning Board needs to determine that the proposed roadway meets the criterion outlined in 16.8.4.14A.

Applicant: The plan conforms to Article XI Cluster Residential Development, Section 16.8.11 which is eligible for modified dimensional, design and performance standards.

CMA: The applicant proposes several measures for landscape and buffering, including plantings and a fence along the roadway near the abutting King's Court, a berm and plantings behind lots 3 and 4, and plantings along the proposed drainage easements behind lots 6, 7, 8, and 9. The applicant should clarify the specifications for the proposed plantings, including species, caliper and maintenance (Planting List).

Vote of ___ in favor 0 against 0 abstaining

B. Freshwater Wetlands Identified.

All freshwater wetlands within the project area have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.

Applicant: The wetlands boundaries were delineated and flagged by Joseph W. Noel, Maine Certified Soil Scientist (#209) during June 2011 and October 2012, and surveyed and shown on the Existing Conditions Plan prepared by North Easterly Survey, Inc. The delineation was conducted in accordance with the U.S. Army Corps of Engineers (ACOE) Wetlands Delineation Manual (1987) along with the required regional supplement manual, North central and Northeast Region (Version 2, January 2012).
CMA: Dimensional modification to 16.8.11.6.1.5 – Disturbance within 100 of wetlands buffer. This disturbance is associated with grassed swales and underdrained soil filters for BMP stormwater treatment and management. These have been designed and approved in accordance with the MDEP site development permitting. The disturbance enhances water quality, and can be seen to be consistent with wetlands protection.

Vote of ___ in favor 0 against 0 abstaining

C. River, Stream or Brook Identified.

Any river, stream or brook within or abutting the proposed project area has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in 38 M.R.S. §480-B, Subsection 9.

There are no rivers, streams, or brooks on the site.

Vote of ___ in favor 0 against 0 abstaining

D. Water Supply Sufficient.

The proposed development has sufficient water available for the reasonably foreseeable needs of the development.

CMA: The project includes individual water supply wells and septic systems for each lot. Well setbacks have been illustrated on the proposed plan.
Applicant: Private wells are proposed for each lot. Domestic water use is conservatively estimated to be 270 gallons per day per dwelling for each of the 9 lots. The total water consumption is estimated to be 2,430 gallons per day for the project.

Vote of ___ in favor 0 against 0 abstaining

E. Municipal Water Supply Available.

The proposed development will not cause an unreasonable burden on an existing water supply, if one is to be used.

Proposal is to utilize on-site wells for each dwelling unit. This standard is not applicable to this development

Vote of ___ in favor 0 against 0 abstaining

F. Sewage Disposal Adequate.

The proposed development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.

Applicant: Individual septic and leach field systems are proposed for each lot. A minimum of two required test pit locations have been located on each lot by Joseph W. Noel, Maine Certified Site Evaluator, indicating the lot can support a septic system. Test pits were also performed at the proposed reserve areas.

Vote of ___ in favor 0 against 0 abstaining

G. Municipal Solid Waste Disposal Available.

The proposed development will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be used.

Applicant: The subdivision does not require any changes to municipal solid waste services.

Vote of ___ in favor 0 against 0 abstaining

H. Water Body Quality and Shoreline Protected.

Whenever situated entirely or partially within two hundred fifty (250) feet of any wetland, the proposed development will

not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

Applicant: Portions of the development are located within 250 feet of shoreland wetlands at the southerly end of the project. There will be no disturbance within 500 feet of this overlay zone. The development should not adversely affect the quality of the water body.

Vote of ___ in favor 0 against 0 abstaining

I. Groundwater Protected.

The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

Applicant: Individual septic and leach field systems are proposed for each lot. A minimum of two required test pit locations have been located on each lot by Joseph W. Noel, Maine Certified Site Evaluator, indicating the lot can support a septic system. Test pits were also performed at the proposed reserve areas. The proposed development should not adversely affect the quality or quantity of groundwater

Vote of ___ in favor 0 against 0 abstaining

J. Flood Areas Identified and Development Conditioned.

All flood-prone areas within the project area have been identified on maps submitted as part of the application based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the proposed development, or any part of it, is in such an area, the applicant must determine the one hundred (100) year flood elevation and flood hazard boundaries within the project area. The proposed plan must include a condition of plan approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least one foot above the one hundred (100) year flood elevation.

Applicant: Zone A2 has a defined 100-year flood elevation of 9 feet. Zone B is listed as areas of moderate flood hazard, usually the area between the 100-year and 500-year floods. Zone lines are shown on the Existing Conditions Plan prepared by North Easterly Surveying, Inc. No buildings will be constructed within these zones.

Vote of ___ in favor 0 against 0 abstaining

K. Stormwater Managed.

Stormwater Managed. The proposed development will provide for adequate stormwater management

Applicant: Stormwater from impervious and disturbed areas on the site will be treated by the use of stormwater BMPs designed to remove fine particulates an suspended sediments. Wooded buffers, swales, level spreaders, riprap protection and stormwater management are utilized to obtain the required stormwater permit.
Declaration of Covenants outlines the protection of natural resources via long term maintenance of stormwater practices.
CMA: A detailed drainage report addressing the management of stormwater and the inclusion of best management practices (BMPs) was submitted. The plan is sound, incorporates appropriate BMPs and has obtained state MDEP approval. This standard appears to be met.

Vote of ___ in favor 0 against 0 abstaining

L. Erosion Controlled.

The proposed development will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

Applicant: Runoff is primarily maintained as sheet flow and minimized concentrated flow. Other best management practices include the use of undisturbed wooded buffers, reduction of flow velocities, rip rap protection, minimization of pavement widths, stabilized construction entrance and site barriers. BMPs for erosion control were reviewed as part of the approved MDEP Stormwater Permit.
This standard appears to be met.

Vote of ___ in favor 0 against 0 abstaining

M. Traffic Managed.

The proposed development will:

1. Not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed; and

2. Provide adequate traffic circulation, both on-site and off-site.

CMA: In a cluster development, no lot is to have direct access to a public roadway. In the proposal, the lot that will retain the existing house and barn will retain direct access to Wilson Road, separate from the proposed new roadway.
Applicant: A Traffic Generator Summary for the development and the average daily trip peak hour and peak day is appropriate for Maine Route 101, Wilson Road.
This standard appears to be met.

Vote of ___ in favor 0 against 0 abstaining

N. Water and Air Pollution Minimized.

The proposed development will not result in undue water or air pollution. In making this determination, the following must be considered:

1. *Elevation of the land above sea level and its relation to the floodplains;*
2. *Nature of soils and sub-soils and their ability to adequately support waste disposal;*
3. *Slope of the land and its effect on effluents;*
4. *Availability of streams for disposal of effluents;*
5. *Applicable state and local health and water resource rules and regulations; and*
6. *Safe transportation, disposal and storage of hazardous materials.*

1. No filling or development is proposed within the 100 year floodplain.
2. Applicant has provided a Class A High Intensity Soil Survey, test pit logs, proposed subsurface disposal area and reserve locations.
3. Proposed leach fields are located outside steep slope areas.
4. There are no streams on the site.
5. The applicant has received the MDEP Stormwater License and ACOE Permit
6. There will be no handling of hazardous materials.

This standard appears to be met.

Vote of ___ in favor 0 against 0 abstaining

O. Aesthetic, Cultural and Natural Values Protected.

The proposed development will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

CMA: In a cluster development, no lot is to have direct access to a public roadway. In the proposal, the lot that will retain the existing house and barn will retain direct access to Wilson Road, separate from the proposed new roadway. The waiver/modification requested is to maintain the historical nature of the house and barn and the historic and scenic nature of the surroundings.
Applicant: The proposed development is maintaining 13.27 acres of protected open space. No development is proposed within 100 feet of vernal pool #1 (not a significant vernal pool per MDEP standards).
The Proposed wetland crossing is located at a narrow section of stream where an existing woods road is reported to have exist. A partially buried sided culvert is proposed to allow for passage of wildlife below the road on a mineral bottom.
Plan Sheet C-1 includes a corridor for migration of amphibians from the vernal pool to woodlands; a proposed fence is included in addition to proposed trees providing a visual barrier to the northerly abutters.

Vote of ___ in favor 0 against 0 abstaining

P. Developer Financially and Technically Capable.

Developer is financially and technically capable to meet the standards of this section.

16.10.7.2.P. Performance Guaranty and Town Acceptance to secure completion of all improvements required by the Planning Board and written evidence the Town manager is satisfied with the sufficiency of such guaranty.
This is required prior to final approval.

Vote of __ in favor 0 against 0 abstaining

WETLAND ALTERATION FINDINGS OF FACT: *A wetlands application has been prepared and submitted to the Town. The application appears to meet the requirements of the ordinance. The applicant makes the case for meeting the requirements of 16.9.3.9 (Mitigation Plan).* CMA January, 2012.

16.9.3.7 Wetlands Alteration Approval Criteria

A. In making the final determination as to whether a wetland application should be approved, the Planning Board will consider existing wetland destruction and the cumulative effect of reasonably anticipated future uses similar to the one proposed. *Preference will be given to activities that meet wetland setbacks, have a reasonable stormwater management plan (subject to Planning Board review and approval), and that dedicate easements for the purposes of maintaining the wetland and the associated drainage system. Approval to alter a wetland will not be granted for dredging or ditching solely for the purpose of draining wetlands and creating dry buildable land areas. An application for a wetlands alteration will not be approved for the purpose of creating a sedimentation or retention basin in the wetland. Increased peak runoff rates resulting from an increase in impermeable surfaces from development activities are not allowed.*

Vote of _ in favor_ against __ abstaining

B. It is the responsibility and burden of the applicant to show that the proposed use meets the purposes of this Code and the specific standards listed below to gain Planning Board approval to alter a wetland. *The Planning Board will not approve a wetlands alteration unless the applicant provides clear and convincing evidence of compliance with the Code.*

Vote of _ in favor_ against _ abstaining

C. In evaluating the proposed activity, the Planning Board may need to acquire expert advisory opinions. *The applicant must be notified in writing, by the Town Planner at the Planning Board's request, that the applicant will bear the expenses incurred for the expert persons or agencies. The Planning Board will consider the advisory opinion, including any recommendations and conditions, provided by the Conservation Commission.*

Vote of _ in favor_ against _ abstaining

D. *When the Planning Board finds the demonstrated public benefits of the project as proposed, or modified, clearly outweigh the detrimental environmental impacts, the Planning Board may approve such development, but not prior to granting approval of a reasonable and* ***practicable mitigation plan****, (see Section 16.9.3.9) and not prior to the completion of all performance guaranties for the project, (see Section 16.10.8.2.2).*

Applicant has not provided total wetland fill area.

Vote of _ in favor_ against _ abstaining

E. The applicant must submit applicable documentation that demonstrates there is no practicable alternative to the proposed alteration of the wetland. *In determining if no practicable alternative exists, the Board will consider the following:*
The proposed use:
1. Uses, manages or expands one or more other areas of the site that will avoid or reduce the wetland impact;
2. Reduces the size, scope, configuration or density of the project as proposed, thereby avoiding or reducing the wetland impact;
3. Provides alternative project designs, such as cluster development, roof gardens, bridges, etc., that avoid or lessen the wetland impact; and

4. Demonstrates that the proposed development meets or exceeds best management practices for stormwater management in the wetland areas.
Vote of __ in favor__ against _ abstaining
F. In determining if the proposed development plan affects no more wetland than is necessary the Planning Board will consider if the alternatives discussed above in subsection A of this section accomplish the following project objectives: *The proposed use will not:* *1. Unreasonably impair or diminish the wetland's existing capacity to absorb, store, and slowly release stormwater and surface water runoff;* *2. Unreasonably increase the flow of surface waters through the wetland;* *3. Result in a measurable increase in the discharge of surface waters from the wetland;* *4. Unreasonably impair or diminish the wetland's capacity for retention and absorption of silt, organic matter, and nutrients;* *5. Result in an unreasonable loss of important feeding, nesting, breeding or wintering habitat for wildlife or aquatic life; all crossings must be designed to provide a moist soil bed in culvert inverts and to not significantly impede the natural migration of wildlife across the filled area;* *6. Result in a measurable increase of the existing seasonal temperature of surface waters in the wetland or surface waters discharged from the wetlands.* *7. Result in a measurable alteration or destruction of a vernal pool.*
Vote of __ in favor_ against _0_ abstaining

NOW THEREFORE the Kittery Planning Board adopts each of the foregoing Findings of Fact and based on these Findings determines the proposed Development will have no significant detrimental impact, and the Kittery Planning Board hereby grants Final Approval for the Development at the above referenced property, including any waivers/modifications granted or conditions as noted.

Dimensional Standards Modifications (per Article XI Clustered Residential Development, 16.8.11.3)

1.	16.3.2.1.D2	Minimum lot are: 20,150 sf vs. 40,000 s.f.
2.	16.3.2.1.D2	Street frontage: 2522 feet vs. 105 feet minimum
3.	16.3.2.1.D2	Front yard setback: 20' vs. 40'
4.	16.3.2.1.D2	Side and rear yard setback: 10' s 20'
5.	16.8.4.4	ROW width: 50' vs. 60' (Minor street standard)
6.	16.8.4.4	Tangent between reverse curves: 86.25' vs. 100' (Minor street standard)
7.	16.8.4.4	Side slope: 2:1 vs. 3:1 (Minor street standard)
8.	16.8.4.4	Paved shoulder: none vs. 2' at walk side and 8' opposite side (Minor street standard)
9.	16.8.5.1.3	Drawing scale: 1"-60' vs 1"=40'
10.	16.8.16.9.A.	Flag lots, Lot dimensional ratio
11.	16.8.11.6.G	Allow direct access to a public roadway for the existing owner's use.
12.	16.8.11.6.I.5	Disturbance within 100' of a wetlands buffer.

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

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 herein.

Notices to Applicant:

1. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with review, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
2. State law requires all subdivision and shoreland development plans, and any plans receiving waivers or variances, be recorded at the York County Registry of Deeds within 90 days of the final approval.
3. One (1) mylar copy and two (2) paper copies of the final plan (recorded plan if applicable) and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department. Date of Planning Board approval shall be included on the final plan in the Signature Block.
4. The owner and/or developer, in an amount and form acceptable to the town manager, must file with the municipal treasurer an instrument to cover the cost of all infrastructure and right-of-way improvements and site erosion and stormwater stabilization.
5. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating the Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

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

Vote of ___ in favor__ against ___ abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON _____

_____
Thomas Battcock-Emerson, Planning Board Chairman

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.

CMA ENGINEERS, INC.
CIVIL/ENVIRONMENTAL ENGINEERS

35 Bow Street
Portsmouth, New Hampshire
03801-3819

Phone: 603/431-6196
Fax: 603/431-5376
E-mail: info@cmaengineers.com
Web Site: www.cmaengineers.com

CMA ENGINEERS

April 30, 2014

Chris DiMatteo, Assistant Town Planner
Town of Kittery
200 Rogers Road Extension
Kittery, Maine 03904

RE: Town of Kittery, Planning Board Services
Pearson Meadow Subdivision - 2nd Review
60 Wilson Road, Tax Map 54, Lot 14
CMA #591.74

Dear Chris:

CMA Engineers has received the following information for Assignment #74, review of the Pearson Meadow Subdivision at 60 Wilson Road (Tax Map 54, Lot 14). We had completed an initial review of the project dated September 5, 2013.

1) Updated Plan Set dated April 4, 2014 for Pearson Meadow Subdivision, Tax Map 54, Lot 41, 60 Wilson Road Kittery, ME, prepared by Altus Engineering, Inc. of Portsmouth, NH.

2) Related material, including Drainage Analysis dated April 2014, DEP permit approval letter dated March, 2014, Draft declaration of covenants etc. for Pearson Meadow Subdivision Homeowners Association.

We have reviewed the information submitted for conformance with the Kittery Land Use and Development Code (LUDC) and general engineering practices, and offer the comments below that correspond directly to the Town's Ordinances.

The proposed project includes an 11-lot subdivision of a parcel with one existing house and barn. Nine new lots are proposed (reduced from ten), with the existing house lot, and a lot of common open space. Access to the property is proposed by a new roadway entrance from Wilson Road. Construction of the roadway includes a wetland crossing. The proposed subdivision is a cluster subdivision. The project is located in the rural residential zone and has portions in the resource protection overlay zone and shoreland overlay water body/wetland protection zone.

16.3 Zoning Regulations

16.3.2.1 Residential-Rural (R-RL)
The proposed use (dwellings) is a permitted use, and cluster residential development is specifically included in the permitted uses.

Land area: Public water and sewer are not available. The minimum land area per dwelling unit is 40,000 sf for un-sewered lots. In using the residential cluster format for the subdivision, the applicant may reduce the lot size from 40,000 sf to 20,000 sf. for un-sewered lots.
There are 10 residential units proposed (one existing, nine proposed). This is satisfactory and meets the clustered subdivision requirements for density and open space.

Lot size and configuration, dimensional changes due to cluster: Other dimensional requirements in the section are proposed to be modified by application of the Cluster Residential Provisions in Article XI Section 16.8.11.3 including:

- 16.3.2.1.D2: Minimum lot area: 20,150 sf vs 40,000 sf.
- 16.3.2.1.D2: Street frontage 25.22 ft. vs 150 ft.
- 16.3.2.1.D2: Front yard setback 20 ft. vs 40 ft.
- 16.3.2.1.D2: Side and rear yard setback 10 ft. vs 20 ft.
- 16.8.4,4: Minor Street ROW width 50 ft. vs 60 ft.
- 16.8.4,4: Minor Street tangent between reverse curves 86.25 vs 100 ft.
- 16.8.4,4: Minor Street side slope 2:1 vs 3:1
- 16.8.4,4: Minor Street Paved shoulder: None vs 2 ft. at walk side and 8 ft opposite side

In addition, it appears that an addition modification is necessary regarding the proposed dimensions of the cul-de-sac: a 60 ft radius, and 50 ft paved radius are required, and it appears a 55 ft radius and 40-45 ft paved radius are proposed.

All dimensional changes are consistent with the cluster subdivision concept, and precedence in Kittery. The low volume road, low speeds and other factors support these modifications.

16.3.2.17 Shoreland Overlay Zone (OZ-SL)
A portion of the lot falls within the shoreland overlay zone is at the southern boundary of the property in the portion of the parcel designated as open space. The proposed use (open space) is a permitted use in the overlay zone. No development or disturbance is proposed within the shoreland overlay zone so the other standards in this section do not apply.

16.3.2.19 Resource Protection Overlay Zone (OZ-RP)
A portion of the lot falls within the resource protection overlay zone is at the northern boundary of the property. A section of the proposed roadway is located in this overlay zone.

In accordance with section 16.8.4.14A, *the Planning Board may grant a permit to construct a roadway in the Resource Protection Overlay Zone that provides access to a permitted use (such as residential units in this case) upon a finding that no reasonable alternative route or location is available outside the zone…… and that the road be set back as far as practicable from…. upland edge of a wetland.*

Other requirements include all roadway drainage being directed to an un-scarified buffer strip, for diffuse flow to undisturbed land. The applicant has modified the design to accomplish this through "super-elevation" of the roadway to the south throughout the affected area.

The applicant has presented the rationale that the proposed roadway route is the only feasible route and that road design minimizes impacts (by reductions in ROW width, pavement width, and sideslopes). The applicant wishes to retain an existing driveway to the existing house and barn for historical reasons and consistency with the character of the site and land. (See also waiver request to 16.8.11.6.G below regarding the direct access of one lot to the public roadway). If this existing driveway is maintained as proposed, then the route of the proposed roadway is the only reasonable alternative. A small impact to wetlands, and routing through the Resource Protection Overlay Zone is necessary with this alignment.

To permit the project as designed, the Planning Board needs to determine that the proposed roadway meets the criterion outlined in 16.8.4.14A.

16.8 Design and Performance Standards-Built Environment

Article IV. Streets and Pedestrian Ways

16.8.4.2.C. Street Layout:

In addition to the dimensional modifications requested above associated with the cluster residential subdivision, the applicant requests waivers of the following provisions:

- 16.8.5.1.3: Drawing Scale (1"=60' vs 40"). This is reasonable and information is readily discernible with this modification.

- 16.8.11.6.G: In a cluster, no lot is to have direct access to a public roadway. In the proposal, the lot that will retain the existing house and barn are proposed to direct access to Wilson Road, separate from the proposed new roadway. This waiver is requested in order to maintain historical nature of the house and barn, and the historic nature of the surroundings.

- 16.8.11.6.I.5: Disturbance within 100 ft wetlands buffer. This disturbance is associated with grassed swales and underdrained soil filters for BMP stormwater treatment and management. These have been designed and approved in accordance with ME DEP site development permitting. The disturbance enhances water quality, and can be seen to be consistent with wetlands protection.

The Planning Board should consider each of these waivers, and if so chooses, can incorporate the waivers in accordance with Article IV Waivers (16.7.4.1 and 2.)

Article VI. Water Supply, and Article VII Sewage Disposal

The project includes individual water supply wells and septic systems for each lot. Well setbacks have been shown on the proposed plan. Reserve leach fields have been shown where required by existing soil conditions.

Article VIII. Surface Drainage

The Applicant has included a detailed drainage report addressing the management of stormwater and the inclusion of BMPs, and has applied for and received the ME DEP permit under the State

land use regulations. The plan is sound, incorporates appropriate BMPs, and has obtained State approval.

Article XVIII. Landscaping
The applicant proposes several measures for landscape and buffering, including plantings and a fence along the roadway near the abutting properties on King's Court, a berm and plantings behind lots 3 and 4, and plantings along the proposed drainage easements behind lots 6, 7, 8, and 9.

These seem reasonable, but the applicant should clarify the specifications for the plantings, including species, caliper, and maintenance.

16.9 Design and Performance Standards-Natural Environment

Article III. Conservation of Wetlands Including Vernal Pools

16.9.3.7 Wetlands Alteration Approval Criteria
The Applicant has completed ACOE and ME DEP wetlands permitting.

Has the Town of Kittery permit application process been completed (including but not limited to *16.9.3.9 Mitigation Plan)?*

Should you have any questions, please do not hesitate to call.

Very truly yours,
CMA ENGINEERS, INC.

William A Straub, P.E.
Project Engineer

cc: Jeff Clifford, PE, Altus Engineering

ALTUS
ENGINEERING, INC.

Civil
Site Planning
Environmental
Engineering

133 Court Street
Portsmouth, NH
03801-4413

April 3, 2014

Mr. Gerald Mylroie, Town Planner
Town of Kittery
200 Rogers Road
Kittery, Maine 03904

Re: **Pearson Meadow Subdivision**
Map 54, Lot 14
Kittery, Maine 03904
P-4353

Dear Mr. Mylroie:

The Planning Board voted to grant Preliminary Approval for the subject project at their September 12, 2013 meeting. The project was subsequently submitted to the Maine Department of Environmental Protection (MDEP) on December 23, 2013 for a permit under the *Stormwater Management Law*. With the issuance of MDEP approval #L-25865-NJ-B-N on March 27, 2014, we respectfully request that the project be considered for Final Approval at the May 8, 2014 Planning Board meeting.

The final plans reflect revisions from the preliminary drawings based on the stormwater management design and the MDEP review process. The road has been shortened, stormwater water management structures are provided, and one (1) less residential lot is proposed. As part of the final site analyses, deductions from the net residential acreage calculation include all wetland soils and any upland soils listed as poor or very poor in the 1975 *Soils Suitably Guide for Land Use Planning in State of Maine*. The net residential acreage provides for 14 residencies, whereas the project will only result in ten (10) residential lots; that being the nine (9) proposed lots and the one (1) remaining lot occupied by the Burns residence.

Enclosed are the following documents:

- updated plan set dated April 4, 2014
- list of revisions subsequent to preliminary approval
- DEP approval letter
- Declaration of Covenants, Conditions and Restrictions (incl. Open Space docs) *Draft 3/17/14*
- Declaration of Covenants, Conditions and Restrictions (for Remainder Lot) *Draft 3/17/14*
- Warranty Deed (for Lot 1, 2 & 3) *Draft 3/17/14*
- Waivers
- Modifications
- Drainage Analysis

Upon your initial review of the documents, we will provide additional copies for the Planning Board members as necessary.

Tel: (603) 433-2335 Fax: (603) 433-4194 E-mail: Altus@altus-eng.com

Please note that a proposed road name application was submitted as part of the Preliminary Plan Review Application.

Please call if you have any questions or require additional information.

Sincerely,

Jeffrey K. Clifford, P.E.
Vice President

JKC/RMB/jkc/4353.017.GM.final.approval.ltr.doc

Enclosures (1 set)

cc: Paul Kerrigan, w/ enclosures
e-copy: Scott Gove

LIST OF REVISIONS SUBSEQUENT TO PRELIMINARY APPROVAL
for
PEARSON MEADOW SUBDIVISION
WILSON ROAD, KITTERY, MAINE

Altus Project P4353

Sheet 3A & 3B – Subdivision Plan

- Updated net residential acreage calculations to include all wetlands and any upland soils listed as poor or very poor in the *1975 Soils Suitability Guide for Land Use Planning in State of Maine*. Elmwood was found to be the only upland soil listed.
- Eliminated one (1) proposed lot. Revised subdivision now includes nine (9) proposed single family lots with one (1) remainder lot (Burns' home) and one (1) lot for Common Open Space. The new layout provides a travel corridor between vernal pool and abutting woods; provides stormwater treatment of the development and reduces the overall road length.
- Reduced R.O.W. width from 60-feet to 50-feet.
- Increased roadside MDEP stormwater "wooded" buffer to 55-foot wide for stormwater treatment of roadway.
- Clearly identified MDEP "wooded" buffer vs. restricted buffer. While both buffers have the same limitations, the MDEP buffer provides treatment of runoff from the site, whereas restricted buffers are used to preserve natural features within a lot.
- In consideration of the waiver request to retain the Burns' existing driveway, a 40-foot wide "no-cut" easement is proposed to help preserve the rural character along Wilson Road.
- Added Note #15 – Future driveway access across road within "wooded" buffer is allowed per MDEP Stormwater Law.
- Added Note #16 – Access route to MDEP stormwater structures shall be preserved for future routine maintenance.

Sheet C-1 – Lot Plan

- Provided tree plantings along buffers as visual references for land owners.
- A proposed fence is provided in addition to the proposed trees for visual barrier. Installation will be coordinated with abutters.
- Provided a berm and drainage easement on Lots 3 & 4 to divert runoff to "wooded" buffer to meet MDEP Stormwater Law requirements for stormwater treatment.
- Provided an additional 20-wide buffer/easement along the rear of Lots 3 thru 6 to provide 30-foot wide perimeter buffer along the eastern property line.
- Provided a closed drainage system at cul-de-sac.
- Provided two (2) grassed underdrain soil filter basins for stormwater treatment within the existing meadow area, eliminating the need to cut existing woods. Proposed grassed swale within lots will direct runoff to the filter basins.
- Provided access route for future routine maintenance of stormwater filter basins.
- Added grass swale and drainage easement at rear of Lots 7, 8 & 9 to direct sheet flow runoff from lots to filter basins, meeting MDEP Stormwater Law requirements.
- Provided a corridor for migration of amphibians from the vernal pool to woodlands.

Sheet C-2 – Plan & Profile Sheet

- Added note to raise overhead wires at roadway entrance.
- Added roadway layout table.
- Reduced overall road length 72 linear feet to 1,096 linear feet total.
- Provided super-elevated roadway to direct runoff to "wooded" buffer for treatment and to reduce peak runoff onto the abutting development.
- Removed street lighting

Sheet C-2A – Enlargement Plan

- Added this new sheet depicting grading, grassed swales, and grassed underdrain soil filters.

Sheet C-3 – Stormwater Management Plan

- Updated stormwater buffers to meet MDEP Stormwater Law requirements.
- Increased buffer along eastern perimeter.

Sheet C-6, 7 & 9 – Detail Sheet

- Re-structured the layout of details per MDEP comments.

Sheet DS-1 & DS-2 – Pre- and Post-Development Stormwater Plan

- A copy of the drainage report is provided. As part of the Stormwater Law approval process, MDEP completed an extensive review of the drainage analysis and a copy of the Stormwater Permit is attached. The Declaration of Covenants, Conditions and Restriction (draft 3-17-14) is provided, which outlines the protection of the natural resources via long term maintenance of the stormwater practices.

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

March 2014

Eric Chinburg
Chinburg Builders, Inc.
3 Penstock Way
Newmarket, NH 13857

RE: Stormwater Management Law Application, Kittery, DEP #L-25865-NJ-B-N

Dear Mr. Chinburg:

Please find enclosed a signed copy of your Department of Environmental Protection land use permit. You will note that the permit includes a description of your project, findings of fact that relate to the approval criteria the Department used in evaluating your project, and conditions that are based on those findings and the particulars of your project. Please take several moments to read your permit carefully, paying particular attention to the conditions of the approval. The Department reviews every application thoroughly and strives to formulate reasonable conditions of approval within the context of the Department's environmental laws. You will also find attached some materials that describe the Department's appeal procedures for your information.

If you have any questions about the permit please contact me at (207) 615-6426 or at christine.woodruff@maine.gov.

Sincerely,

Chris Woodruff

Christine Woodruff, Project Manager
Division of Land Resource Regulation
Bureau of Land and Water Quality

pc: File
Ron Beal

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3413

web site: www.maine.gov/dep

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

CHINBURG BUILDERS, INC.	) STORMWATER MANAGEMENT LAW
Kittery, York County	)
PEARSON MEADOW SUBDIVISION	)
L-25865-NJ-B-N (Approval)	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Section 420-D, and Chapters 500 and 502 of the Department's Regulations, the Department of Environmental Protection has considered the application of CHINBURG BUILDERS, INC. with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History: In Department Order #L-25865-TA-A-N, dated March 25, 2013, the Department approved the alteration of 4,208 square feet of forested wetlands to construct the residential subdivision road that is the subject of this Order.

B. Summary: The applicant proposes to construct a stormwater management system for a residential subdivision on a 24.6-acre parcel of land with approximately 1,300 feet of roadway and eleven lots. The applicant has a purchase and sales agreement with the current owner. The current owner will retain an approximately five-acre lot which is labeled as Lot 10 on the project plans, and nine clustered residential lots and one open space lot are proposed for the remaining portion of the parcel. The project is depicted on a set of plans, the first of which is titled "Pearson Meadow for property at 60 Wilson Road, Kittery, York County, Maine owned by Gail Burns," prepared by Easterly Surveying and dated December 15, 2013, with a latest revision date on any of the sheets of March 20, 2014. The project site is located off Wilson Road in the Town of Kittery.

There is a vernal pool on the lot that will be retained by the current owner; it was examined to determine whether it meets the Natural Resources Protection Act Chapter 335 Significant Wildlife Habitat Significant Vernal Pool criteria. The vernal pool did not meet the criteria. There is mapped New England Cottontail (NEC) habitat on the parcel. NEC is listed as a state endangered species. The Maine Department of Inland Fisheries and Wildlife (MDIFW) has jurisdiction over projects with state endangered species habitat and reviewed the proposed project. MDIFW commented that there is marginally suitable NEC habitat in the forested wetland south of the proposed development area, and recommended retaining the vegetation in this area as much as possible and to use best management practices to assure this area is not affected. This area is included in an open space lot with no proposed development.

C. Current Use of the Site: The parcel currently contains a house, barn, driveway, and lawn area. An approximately 4.4-acre portion of the lot has been maintained as a hay field and the rest of the parcel is forested.

2. STORMWATER STANDARDS:

The proposed project includes approximately 1.47 acres of impervious area and 4.18 acres of developed area. It lies within the watershed of Spruce Creek. The applicant submitted a stormwater management plan based on the Basic and General Standards contained in Department Rules, Chapter 500. The proposed stormwater management system consists of two underdrained soil filter basins and forested stormwater buffers on lots 1, 2, 3, 10, and the northeast corner of the open space lot.

A. Basic Standards:

(1) Erosion and Sedimentation Control: The applicant submitted an Erosion and Sedimentation Control Plan that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine Erosion and Sediment Control BMPs, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of, the Division of Land Resource Regulation (DLRR) of the Bureau of Land and Water Quality (BLWQ).

Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor.

(2) Inspection and Maintenance: The applicant submitted a maintenance plan that addresses both short and long-term maintenance requirements. The maintenance plan is based on the standards contained in Appendix B of Chapter 500. This plan was reviewed by, and revised in response to the comments of, DLRR. A homeowners' association will be established that will be responsible for the maintenance of all common facilities including the stormwater management system. The Declaration of Covenants and Restrictions for the association was reviewed and found to meet Department requirements. Prior to the formation of the homeowners' association, the applicant will be responsible for all such maintenance.

(3) Housekeeping: The proposed project will comply with the performance standards outlined in Appendix C of Chapter 500.

Based on DLRR's review of the erosion and sedimentation control plan and the maintenance plan, the Department finds that the proposed project meets the Basic Standards contained in Chapter 500(4)(A).

B. General Standards:

The applicant's stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential thermal impacts. This mitigation is being achieved by using Best Management Practices that will treat runoff from 95% of the new non-linear impervious area and 92% of the new non-linear developed area. The proposed subdivision road meets the definition of "a linear portion of a project" in Chapter 500 and the applicant is proposing to treat runoff from 75% of the new linear impervious area and 65% of the new linear developed area.

The forested, no disturbance stormwater buffers will be protected from alteration through the execution of a deed restriction. The applicant submitted a draft deed restriction that meets Department standards. Prior to the start of construction, the location of the forested stormwater buffers must be permanently marked on the ground. The deed for each lot that contains any portion of the designated buffer must contain deed restrictions relative to the buffer and have attached to it a plot plan for the lot, drawn to scale, that specifies the location of the buffer on the lot. For Lots 1, 2 and 3, the applicant shall execute and record the required deed restriction, including the plot plan, prior to the start of construction on the lot; for Lot 10 and the open space lot the applicant shall execute and record the deed restriction, including the plot plan, prior to construction of the road. The applicant shall submit a copy of the recorded deed restrictions, including individual lot plot plans, to the BLWQ within 60 days of its recording.

The stormwater management system proposed by the applicant was reviewed by, and revised in response to comments from, DLRR. After a final review, DLRR commented that the proposed stormwater management system is designed in accordance with the Chapter 500 General Standards, and recommended that the applicant's design engineer, or other qualified professional, oversee the construction of the underdrained soil filter basins to insure that they are installed in accordance with the details and notes specified on the approved plans. Within 30 days of completion of the underdrained soil filter basins, the applicant must submit a log of inspection reports to the BLWQ for review that contains a list of the items inspected, photographs taken, and other relevant information.

Based on the stormwater system's design and DLRR's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500, Basic and General Standards. The Department further finds that the proposed project will meet the Chapter 500 standards for: (1) easements and covenants; (2) management of stormwater discharges; and (3) discharge to freshwater wetlands.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Section 420-D, and Chapters 500 and 502 of the Department's Regulations:

A. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 Basic Standards for: (1) erosion and sediment control; (2) inspection and maintenance; (3) housekeeping; and (4) grading and construction activity.

B. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 General Standards provided that the buffers are marked and protected and that the design engineer, or another qualified professional, oversees the construction of the underdrained soil filter basins stormwater infiltration areas and submits reports as described in Finding 2.

C. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 standards for: (1) easements and covenants; (2) management of stormwater discharges; and (3) discharge to freshwater wetlands.

THEREFORE, the Department APPROVES the above noted application of CHINBURG BUILDERS, INC. to construct a stormwater management system for Pearson Meadow Subdivision as described above in Kittery, Maine, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.

2. In addition to any specific erosion control measures described in this order, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.

3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

4. The applicant or other responsible party shall, within three months of the expiration of each five-year interval from the date of this Order, submit a report certifying that the items listed in Department Rules, Chapter 500, Appendix B(4) have been completed in accordance with the approved plans.

5. The applicant shall include in all conveyances of subdivision lots deed restrictions making the conveyance subject to all terms and conditions of this Department permit, particularly those conditions related to maintenance of the stormwater management system. These terms and conditions may be incorporated by specific and prominent reference to the permit in the deed. All conveyances required by this approval to contain restrictions shall include in the restrictions the requirement that any subsequent conveyance shall specifically include the same restrictions.

6. For Lots 1, 2 and 3, the applicant shall execute and record the required buffer deed restriction, including the plot plan, prior to the start of construction on the lot. The applicant shall submit a copy of the recorded deed restriction, including individual lot plot plans, to the BLWQ within 60 days of the recording.

7. For Lot 10 and the open space lot, the applicant shall execute and record the required buffer deed restriction, including the plot plan, prior to the start of construction on the lot. The applicant shall submit a copy of the recorded deed restriction, including individual lot plot plans, to the BLWQ within 60 days of the recording.

8. Prior to the start of construction of the road, the location of the stormwater forested buffers shall be permanently marked on the ground.

9. The applicant's design engineer, or other qualified professional, shall oversee the construction of the underdrained soil filter basins to insure that they are installed in accordance with the details and notes specified on the approved plans. Within 30 days of completion of these items, the applicant shall submit a log of inspection reports to the BLWQ for review that contains a list of the items inspected, photographs taken, and other relevant information.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 27th DAY OF March, 2014.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Filed
MAR 28 2014
State of Maine
Board of Environmental Protection

BY: Michael Kelm
For: Patricia W. Aho, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

CGW/L25865BN/ATS#77105

STORMWATER STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL

Standard conditions of approval. Unless otherwise specifically stated in the approval, a department approval is subject to the following standard conditions pursuant to Chapter 500 Stormwater Management Law.

(1) Approval of variations from plans. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S.A. §420-D(8) and is subject to penalties under 38 M.R.S.A. §349.

(2) Compliance with all terms and conditions of approval. The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.

(3) Advertising. Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.

(4) Transfer of project. Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.

(5) Time frame for approvals. If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.

(6) Certification. Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the developer, and the owner and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance

with the approval and conditions. Completed certification forms must be forwarded to the department.

(7) Maintenance. The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the department.

(8) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.

(a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.

(b) All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the facilities.

(c) The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the department, and the maintenance log is being maintained.

(9) Severability. The invalidity or unenforceability of any provision, or part thereof, of this permit shall not affect the remainder of the provision or any other provisions. This permit shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

November 16, 2005 (revised December 27, 2011)

DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012 **Contact: (207) 287-2811**

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.

Draft 2-17-2014, Revised 3-17-2014

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PEARSON MEADOW SUBDIVISION

This Declaration of Covenants, Conditions and Restrictions (the "Declaration") is made this ____ day of ____ 2014, by Chinburg Builders, Inc., a New Hampshire corporation registered as a foreign entity in the state of Maine, its successors and assigns (the "Declarant") of 3 Penstock Way, Newmarket, NH 03857, being the current owner of a portion of the real property identified as Map 54 Lot 41 and located at 60 Wilson Road, Kittery, York County, Maine (the "Property") as shown on the plan entitled, "Pearson Meadow Subdivision Map 54 Lot 41 60 Wilson Road Kittery, Maine Subdivision Plan", prepared by North Easterly Survey, Inc., dated February 14, 2014, as revised through _____, 2014 (Sheets S-3A and 3B) and recorded in the York County Registry of Deeds on _____, 2013 at Plan Book ____, Page _____ (the "Plan"). The Declarant hereby adopts the following covenants, conditions and restrictions applicable to the Property, inclusive of Lots 1-9, the common open space and the roadway in the subdivision.

This Declaration is made for the purposes of ensuring the most appropriate development of the lots; to protect owners of the lots against the improper use of lots so as to preserve the values of their property; to reserve, so far as practical, the natural beauty and open space of the subdivision; to guard against the erection of poorly designed or proportioned dwellings and structures built of unsuitable or improper materials and in general, to provide adequately for a predictable quality of improvement within the development and thereby increase the value of investments made in homes within the subdivision. The Declaration is also made for the purpose of maintaining the stormwater management system, maintaining the common open space and maintaining and plowing the roadway and lighting in the subdivision and allocating the costs.

1. **Homeowners' Association.**

1.1 Upon the sale of the last lot, or sooner if the Declarant so decides, the Declarant shall establish a homeowners' association designated as the Pearson Meadow Homeowners' Association (the "Association"). The Association shall be governed in accordance with this Declaration. Membership in the Association shall be mandatory for all owners of lots within the subdivision. Until all lots are sold, or sooner if the Declarant gives voluntary written notice in an acceptable form to the then owners of record that the Declarant has relinquished its powers hereunder, control of the Association shall be vested with the Declarant subject to this Declaration. Until such time the Association is formed, the Declarant shall maintain the common area open space, roadway and such other items deemed necessary for the proper operation of the subdivision, and shall have the right to establish an annual budget for the management these items and to assess each lot owner an equal share of the cost. At closing each lot owner will pay its pro-rata share of its annual fee and contribute $_____ toward the capital reserve fund to be held in reserve by the Declarant and turned over to the Association once

formed. The Declarant shall not be obligated to make the $___00 capital reserve fund contribution.

1.2 After the Association has been formed and the Declarant has relinquished all control to the homeowners, there shall be a meeting of the Association, at which time one lot owner shall be elected President, who shall be a member of the Board of Directors. The members will also elect at least two other members to serve on the Board of Directors. Each lot shall have one vote regardless of the number of owners of the lot. The Board of Directors shall prepare an annual budget and assess one hundred percent (100%) of the cost of maintaining the common open space, roadway, stormwater management system and such other items deemed necessary to the proper operation of the Association to each lot owner. The Board of Directors shall determine the method of payment and may record a lien against any lot owner whose assessment is not paid within thirty (30) days of due date for the amount unpaid as well as all costs associated with collection of such expense including reasonable attorney's fees. Failure of the owner to pay the expense within thirty (30) days shall result in the owner being responsible for payment of an interest rate of 1-1/2 percent per month on the unpaid balance until the balance is paid in full. No annual meetings shall be held until such time as Declarant has relinquished control of the Association. Each owner shall pay 1/9th of the common expenses.

2. **Drainage Easements; Stormwater Maintenance Requirements and Expenses; Septic Systems.**

2.1 Upon conveyance of the first lot, drainage easement area(s), culvert easements, buffer areas, basin easements and other easements as depicted on the Plans shall automatically be reserved for the benefit of the Declarant and the Association once formed. The Declarant or the Association shall maintain the easement(s) in accordance with Stormwater Facility Maintenance Requirements set forth on Sheet C-3 of the complete set of approved subdivision plans filed with the Town of Kittery and in accordance with the Stormwater Management Facility Operation and Maintenance Manual (the "O & M Manual") attached hereto as Schedule A. The management of these easements shall be further subject to the By-Laws of the Association.

2.2 As required by the Stormwater Facility Maintenance Requirements, the Declarant, and the Association once formed shall have the stormwater facilities inspected by a qualified individual at a minimum of once per year in accordance with the O & M Manual for the specific type of facility. The persons conducting the inspection activities shall complete the appropriate inspection report and file it with the Town and other agencies if required.

2.3 Any lots owners who own a lot with a MDEP Stormwater "Wooded" Buffer Easement (limited disturbance) shall maintain the area in accordance with Maine Department of Environmental Protection ("MDEP") Permit Nos. L-25865-NJ-B-N, dated _____ __ 2014 and recorded with the York County Registry of Deeds at _____, Page ____, and in accordance with Stormwater Management Law, 38 M.R.S.A. Section 420-D and Chapter 500 of the rules promulgated by the Maine Board of Environmental Protections attached hereto as Schedule B. The Declarant, the Association, the Town of Kittery and MDEP shall have the right, upon advance notice, to cure any default by any lot owner to ensure compliance with MDEP Permit

and Stormwater Management Law. Any costs and expenses incurred by the Declaration, the Association, the Town or MDEP to insure compliance can be recovered against the lot owner.

2.4 Septic system disposal fields for each lot shall be installed at the locations shown on Sheets C-1 of the complete set of approved subdivision plans filed with the Town of Kittery.

2.5 The cost to maintain and inspect the stormwater management systems shall be a common expense and assessed equally against each lot in accordance with Section 1.2

3. **Land Use and Structure Type; Zoning and Land Use Laws.**

3.1 No building or other structure of any kind shall be erected, placed or allowed to stand on any individual building lot, except one detached dwelling house for the use of one family and one garage/barn structure adapted for the storage of not more than four (4) automobiles. There will not be any back lots permitted within the subdivision. No fences will be allowed within the subdivision unless approved by the Declarant or the Association. An "in-law" apartment is permissible if allowed by zoning. No bed and breakfast, food service, kennel, or pet breeder shall be conducted from any dwelling erected on any lot. Business and commercial enterprises shall not be conducted from any dwelling erected on any lot except as permitted by the then existing zoning ordinance and regulations for the Town of Kittery without application for any variance therefrom; and further provided that not more than one (1) additional person be employed and that such use does not require any client/patient/customer contact at the dwelling. No such home business may display external evidence of the business, e.g., signage, nor shall any client/patient/customer/employee be allowed to park on the street.

3.2 No structure, other than the principal dwelling referred to above (other than a moveable trailer or shelter, incidental to construction), shall be used even temporarily as a place of habitation. All house locations and other structures, construction, excavation, sewage disposal and water supply, and stormwater drainage must otherwise be in compliance with the Kittery Zoning Ordinance and applicable local, federal and state laws, codes, ordinances and regulations. In addition to the foregoing, each lot shall be and hereby is made subject to all applicable "notes" and other matters as shown on the complete set of approved subdivision plans filed with the Town of Kittery.

4. **Dwelling Size; Approval by Developer**.

4.1 Each dwelling shall have a minimum of _____ square feet of finished living area, exclusive of any garage, deck, porch, patio, basement, and attic. No carports shall be erected, placed or allowed to stand on said lots without prior approval of the Declarant. All improvements, including driveways, must be determined to: (i) meet all the terms and conditions of these covenants; (ii) ensure the optimal use of a lot with the least intrusion upon the privacy and views of neighboring lot owners; and (iii) ensure harmony of scale of dwellings with the subdivision.

4.2 Prior to seeking construction approval from Declarant, each owner shall submit plans, including building plans, specifications and plot plan showing the precise location and setback of all improvements, including driveways. Plans shall also specify the nature, kind, shape, height, orientation, color, composition, and material for all such improvements as well as showing finish grade elevations in relation to existing elevations. All plans must be agreed upon and approved by the Declarant and owner prior to commencement of construction. Said approval shall not be unreasonably withheld or delayed.

4.3 No dwelling, building, structure, alteration, addition or improvement of any sort, other than interior alterations not affecting the external appearance of the dwelling, building or structure, shall be placed, erected or constructed upon any lot until such plans shall have been approved in writing by the Declarant, which plans, the Declarant shall have the right to approve or disapprove. Notwithstanding the foregoing, Declarant shall have no liability or responsibility for the enforcement of the within covenants and restrictions nor for the exercise of its discretion in approving or in disapproving any plans submitted as a consequence hereof.

4.4 Once the Declarant no longer owns a lot in the subdivision, no prior approval is required unless the Board of Directors establishes an Architectural Committee as permitted under the By-Laws of the Association to review the plans.

5. **Building and Landscaping Requirements.**

All structures shall have exterior wall surfaces covered with redwood or cedar clapboards or shingles, composition clapboards (HardiPlank or equivalent), brick or stone, vinyl, or a combination of any of the aforesaid, painted or natural sealed and must be maintained in a first class condition. The use of simulated or artificial brick or stone or aluminum siding or any similar materials shall not be allowed, unless specifically agreed to by Declarant. All dwellings shall be constructed on poured concrete foundations with a maximum of 24 inches of exposure unless approved by Declarant. All foundations shall be treated with waterproofing. Daylight or sump well foundation drain systems shall be used.

6. **Use and Occupancy Restrictions.**

6.1 Further subdivision of the lots is expressly prohibited. Notwithstanding the expressed prohibition for further subdivision of lots, lot line revisions between lots may be allowed.

6.2 Any owner may lease his lot for a period of not less than twelve (12) months and shall be responsible to ensure compliance with these covenants by his/her tenant.

6.3 Certain lots in the subdivision may be subject to easements or restrictions, as shown on the Plan. Acceptance of a deed to any such lot by an owner shall be subject to such easements whether or not referenced in such deed and each lot owner agrees not to utilize the lot in a manner which will interfere with the reasonable intent of the easement as referenced on the Plan.

6.4 The following are prohibited:

a. Clotheslines, unless they are in back of the house and not visible from the road or other lot(s);

b. Antennas or satellite dishes with diameters larger than 24 inches unless approved by the Declarant or Association;

c. Additions or outbuildings or appurtenances unless prior approval from Declarant or the Association, if required, has been obtained;

d. Use of pesticides unless by professional application in limited quantity;

e. Fuel tanks or similar storage receptacles that are visible from the road unless prior approval from Declarant or the Association, if required, has been obtained.

f. No open fires shall be permitted, except as allowed by Town Ordinance.

g. No sign shall be displayed for the public view on any lot except one sign of not more than 6" in height and 24" in length denoting the lot owner's name and address. Temporary real estate agency signs indicating a dwelling for sale shall be permitted. The restriction shall not apply to any sign erected by Declarant at the entrance or within the subdivision.

h. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except domestic household pets, which shall be maintained and cared for in accordance with Town Ordinances. All dogs shall be leashed when outside the boundary of an owner's lot.

i. Household trash disposal will be the responsibility of the individual homeowners.

j. No unregistered vehicles, junk cars or trucks or part thereof, shall be permitted on any lot unless garaged. No campers, trailers or boats are to be stored outside of dwelling or garage permanently for more than seven (7) days, unless approved by Declarant or Association in writing.

k. No loam, sand or gravel, or other such material, except that resulting from landscaping or from construction permitted under this paragraph, shall be removed from a building lot.

l. No hunting or trapping is allowed on any lot or other portion of the subdivision. No noxious, unlawful, or offensive activity shall be carried on in any dwelling nor shall anything be done therein, whether willfully or negligently. No owner shall make or permit any disturbing noises by himself, his family, servants, employees, agents, visitors and permitted occupants and guests, nor do or permit anything by

such persons that will interfere with the peaceful possession and rights or other property owned by the Declarant or his successors and assigns.

m. Lot grades shall not be changed in such a way as to divert the natural flow of water onto adjoining lots or the subdivision streets or rights-of-way, if any.

n. All driveways, dwellings, or other structures built on a lot shall be constructed to provide for proper water runoff and to prevent the formation of any unnatural accumulation or discharge of water and/or ice onto any other lot, except for such approved drainage as may be shown on the complete set of approved subdivision plans.

o. No dwelling or structure shall be left with an unfinished exterior. The exterior of every structure on the lot shall be kept in a proper state of repair, appearance and maintenance. Oil tanks or propane tanks for domestic uses must be stored underground, shielded from view in the rear, or in the cellar of the residential dwelling.

p. Construction of a dwelling or any other approved structure on a lot, including finished landscaping, shall be completed within twelve (12) months from the commencement of said construction. Commencement shall be on the date on which a building permit is issued for the construction of a dwelling on a lot.

7. **Common Open Space.**

7.1 Declarant hereby places certain restrictions, under the terms and conditions herein, over portions of the Property depicted on the Plan as Common Open Space. These restrictions shall run with the Common Open Space and shall be binding on all parties having any right, title, or interest in and to the Common Open Space, or any portion thereof, and their heirs, personal representatives, successors, and assigns and shall survive any dissolution of the Association created herein. The Common Open Space will be deeded to the Association within twelve (12) months of substantial completion of all construction, including house lots, roadway and infrastructure in the subdivision or earlier at the option of the Declarant.

7.2 Except as otherwise provided below, Common Open Space shall remain undeveloped in perpetuity. Common Open Space is subject to additional restrictions as set forth below.

7.3. Common Open Space shall be used and designated as shown on the complete set of approved subdivision plans. All structures including the signage and landscaping, shall belong to the Declarant or the Association. All costs associated with the maintenance of the signage and landscaping on Common Open Space, including water and electrical charges, shall be common expense and each lot owner shall pay 1/9th of the cost as provided for in Section 1.2 of this Declaration.

7.4. Common Open Space is subject to certain MDEP Stormwater "Wooded" Buffer (limited restrictions) Easement, as shown on the Plan and as further noted on MDEP Permit No. L-25865-NJ-B-N dated _____ __, 2014. The Common Open Space shall be used for stormwater management and to preserve natural landscape (as set forth in Section 2), and such other items as shown on the Plan and which may be later amended and approved by the MDEP and Town of Kittery. The Town of Kittery and MDEP shall have the right, upon advance notice, to cure any default against the Declarant or Association, once formed, to ensure compliance with MDEP Permit. Any costs and expenses incurred by the Town of Kittery or MDEP to insure compliance can be recovered against the Developer, or Association, once formed. Any activity on or use of the Common Open Space inconsistent with the purpose of the restrictions in this section is prohibited. The Declarant or Association may approve such alterations and changes in use if such alterations and uses do not impede the stormwater control and treatment capability of the Common Open Space or if adequate and appropriate alternative means of stormwater control and treatment are provided; provided the necessary permits are obtained from the Town of Kittery and MDEP.

7.5 The restrictions set forth herein shall be binding on any present or future owner of the Common Open.

7.6 Each provision of this Declaration, and any agreement, promise, covenant, and undertaking to comply with each provision of this Declaration, shall be deemed a land use restriction running with the land as a burden and upon the title to the Common Open Space.

8. **Roadway and Maintenance, Plowing and Lighting Expenses**.

Pearson Place, the roadway identified on the Plan, shall remain private and shall be owned by the Declarant until such time as the roadway is deeded to the Association. The Declarant shall build, maintain and plow the roadway and maintain associated lighting, if any, until such time as the roadway is deeded to the Association. The roadway will be deeded to the Association within twelve (12) months of substantial completion of all construction, including house lots, roadway and infrastructure in the Subdivision or earlier at the option of the developer. Once deeded, the Association shall own the roadway and be obligated to maintain and plow the roadway and maintain the lighting, if any, and pay for the electrical use. The cost of maintaining and plowing the roadway and maintaining the lighting, if any, shall be a common expense and each lot owner shall pay 1/9th of the cost as provided for in Section 1.2

9. **Erosion Control.**

9.1 To implement effective and adequate erosion control and protect the beauty of the subdivision, the Declarant or the Association shall have the right to enter upon any property before or after a building or structure has been constructed for the purpose of performing corrective grading or landscaping work necessary to protect adjoining properties or alleviate any unsightly condition or construction or maintaining erosion prevention devices.

9.2 Prior to exercising its right to enter upon the property, Declarant or the Association shall give the owner the opportunity to take corrective action by giving the owner written notice indicating what type of corrective action is required and specifying in that notice that immediate corrective action must be taken by such owner. If the owner fails to take the corrective action specified within fifteen (15) days after having been notified, the Declarant or the Association may exercise its right to enter upon the property in order to take the necessary corrective action.

9.3 The cost of such corrective action or erosion prevention measures shall be paid by the owner within thirty (30) days after receipt by owner of an invoice for the cost of such work. Any expense incurred in taking the above action shall be considered a common expense assessed to the lot owner for which Declarant or the Association shall be entitled to record a lien upon the lot for such common expense as well as all costs associated with collection of such expense including reasonable attorney's fees. Failure of the owner to pay the expense within thirty (30) days shall result in the owner being responsible for payment of an interest rate of 1-1/2 percent per month on the unpaid balance until the balance is paid in full.

10. **Reservations and Easements.**

There is hereby excepted and reserved for the benefit of the Declarant, for so long as it owns any portion of the lots, and thereafter to the Association the following:

a. A right of way for all purposes over, across and through the roads, together with the right to install and maintain utilities within or under the traveled portion of said roads.

b. The right to grant easements for utility purposes to enter onto any lot within fifteen (15) feet of the road lot line for the purpose of constructing, reconstructing, installing, replacing, and maintaining an underground or an aboveground utility therein and to extent, connect to, and use in common any previously installed utility by the lot owner providing that promptly after such entry, the surface of the ground shall be restored to substantially the same condition as it was in prior to such entry.

c. A non-exclusive easement is reserved for the Declarant, its successors and assigns, in, upon, over, under, across, and through the subdivision for the purpose of installation, maintenance, repair and replacement of all utility lines and any other equipment and machinery necessary or incidental for the proper function of any utility systems serving the subdivision, which easements may be specifically conveyed to a public utility or municipality supplying the service. The easements created by this section shall include, without limitation, rights of the Declarant or the appropriate utility or service company or governmental agency or authority to install, lay, maintain, repair, relocate and replace gas lines, pipes and conduits, water mains and pipes, sewer and drain lines, drainage ditches and pump stations, telephone wires and equipment, television equipment and facilities (cable or otherwise), electrical wires, conduits, equipment, ducts and vents over, tinder, through, along and on the lots and common open spaces and roadways. Notwithstanding the foregoing, any such easement shall not be exercised as to materially interfere with the use or occupancy of any residence on a lot.

d. A non-exclusive easement is reserved for the Declarant, its successors and assigns, in, upon, over, under, across, and through the subdivision for the purpose of installation, maintenance, repair and replacement of all drainage and any other equipment and machinery necessary or incidental for the proper function of any drainage systems serving the subdivision.

e. A non-exclusive easement is reserved for the Declarant, its successors and assigns, in, upon, over, under, through and across the Development as long as the Declarant, its successors and assigns, shall be engaged in the construction, development and sale of lots and units within the subdivision and on any contiguous land now or hereafter owned by the Declarant, for the purpose of construction, installation, maintenance and repair of existing and future building and related activities, including extension of and connection with subdivision roads and utility system for such development.

f. Any easement reserved for the benefit to the Town or Declarant or Association or as otherwise designated on the Plan shall be deemed automatically granted without the need of an additional document.

11. **Enforcement**.

Proceedings may be maintained irrespective of the waiver of any prior violation or attempt by the same or other owners, and the failure to enforce on any one occasion shall in no event be deemed to be a waiver of the right to do so thereafter as to the original breach or as to any breach subsequent thereto. The violation or attempted violations of any covenant or restriction in this Declaration is hereby declared a nuisance, which may be remedied by any appropriated legal proceeding. If any owner shall attempt to violate, shall violate or shall permit on his lot any violation of any of the covenants, restrictions or reservations described herein, the Declarant or Association once formed or any lot owner may commence proceedings at law or in equity to recover damages or other awards for such attempts, violations or permitting of the same, or to enjoin the furtherance or continuation of such attempts or violations, or both.

12. **Severability.**

Invalidation of any covenant by court order or judgment shall not affect any of the other covenants or provisions herein, all of which shall remain in full force and effect.

13. **Notice of Covenant, Conditions and Restrictions.**

A copy of these covenants, conditions and restrictions shall be recorded in the York County Registry of Deeds.

14. **Term.**

These covenants, conditions and restrictions shall run with the land and shall be for the benefit of the premises and shown on the Plan and shall be binding on the lots and purchasers of said Lots for a period of twenty (20) years from the date of this Declaration and shall automatically extend for successive periods of ten (10) years. Failure to specifically refer to and/or incorporate these covenants, conditions and restrictions in deeds to the lots shall not in any manner affect the validity and effectiveness of these covenants, conditions and restrictions upon any such lot.

15. **Amendment, Modification or Waiver by Declarant.**

The Declarant may alter, modify, waive or amend the provisions of this Declaration at any time so long as Declarant owns a lot and such amendments shall be binding on any and all owners purchasing a lot from the Declarant after such amendments had been duly made and recorded. After Declarant no longer owns a lot, these covenants, conditions and restrictions may be amended, at any time, by the then two thirds vote of the lot owners. Any amendment must be recorded at the York Country Registry of Deeds. Provided however, no amendment may remove, revoke or modify any right or privilege of the Declarant without the written consent of the Declarant or the assignee of such right or privilege; nor shall any amendment alter Sections 2, 7 and 8 without the written consent of the Town of Kittery or MDEP. Any waiver by the Declarant on any one occasion or for any individual lot shall not be deemed to constitute a waiver on any future occasion with respect to any lot.

16. **Title Reference.**

For Declarant's title reference see deed from Gail Burns to Declarant, dated _____, and recorded at York Country Registry of Deeds at Book ___, Page ___.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the day and year first above written.

DECLARANT
Chinburg Builders, Inc.

Dated: ____, 2014

By:_____
Eric J. Chinburg, President

STATE OF NEW HAMPSHIRE
STRAFFORD, SS

Dated: ____, 2014

The instrument was acknowledged before me on ____, 2014, by Eric J. Chinburg, President of Chinburg Builders, Inc. for the purposes herein contained.

_____
Notary Public
My Commission Expires

SCHEDULE A

Stormwater Management Facility Operation and Maintenance Manual

Stormwater Management Facility Operation and Maintenance (O&M) Manual

For:

PEARSON MEADOWS

Located at:

Wilson Road
Kittery, ME

Prepared for:

Chinburg Builders, Inc.
3 Penstock Way
Newmarket, NH 03857

Prepared by:

Altus Engineering, Inc.
133 Court Street
Portsmouth, NH 03801-4413

Compliance with Stormwater Facility Maintenance Requirements

The property owner is the responsible party for ensuring that stormwater facilities installed on their property are properly maintained and that they function as designed. In some cases, this maintenance responsibility may be assigned to others through special agreements. The maintenance responsibility for a stormwater facility may be designated within a maintenance agreement for the property. Property owners shall be aware of their responsibilities regarding stormwater facility maintenance.

Long term inspection, maintenance, and repair are key elements in maintaining a successful stormwater management program on the developed property. Routine inspections will ensure permit compliance; will reduce the potential for deterioration of infrastructure and the high cost to repair/replace, and will reduced the degradation of water quality.

Inspection & Maintenance – Annual Reporting

Requirements for the long term inspection and maintenance of stormwater facilities, as well as reporting requirements are included in this Stormwater Management Facility Operation and Maintenance (O&M) Manual.

Preventative Measures to Reduce Maintenance Costs

The most effective way to maintain the water quality facility is to prevent the pollutants from entering the facility in the first place. Common pollutants include sediment, trash & debris, chemicals, dog wastes, runoff from stored materials, illicit discharges into the storm drainage system and many others. The maintenance program includes measures to address these potential contaminants, and will save money and time in the long run. Key of the maintenance program include:

- Educate property owners, staff and patrons to be aware of how their actions affect water quality, and how they can help reduce maintenance costs.
- Keep the property, driveway, gutters and parking lots free of trash and debris
- Ensure the proper disposal of hazardous wastes and chemicals.
- Lawn care shall be planned to minimize the use of chemicals and pesticides.
- Be aware of automobiles leaking fluids. Use absorbents such as cat litter to soak up drippings – dispose of properly.
- Sweep paved surfaces of sediment and lawn clippings; dispose of offsite or in upland areas at least 25 feet from wetlands. Mulching mowers are encouraged.
- Re-vegetate disturbed and bare areas to maintain vegetative stabilization.
- Clean out the all components of the storm drainage system, including inlets, storm sewer and outfalls. Dispose of catch basin cleanings offsite.
- Do not store materials outdoors (including landscaping materials) unless properly protected from runoff and erosion.

Safety

Keep safety considerations at the forefront of inspection procedures at all times. Likely hazards should be anticipated and avoided. Never enter a confined space (outlet structure, manhole, etc) without proper training or equipment. A confined space should never be entered without at least one additional person present.

Inspecting Stormwater Management Facilities

The quality of stormwater entering the waters of the state relies heavily on the proper operation and maintenance of permanent best management practices. Stormwater management facilities must be periodically inspected to ensure that they function as designed. The inspection will determine the appropriate maintenance that is required for the facility.

A. Inspection Procedures

All stormwater management facilities are required to be inspected by a qualified individual at a minimum of once per year. Inspections should follow the inspection guidance found in O&M manual for the specific type of facility.

B. Inspection Report

The person(s) conducting the inspection activities shall complete the appropriate inspection report for the specific facility. An Inspection and maintenance report is provided.

General Information

This section identifies the facility location, person conducting the inspection, the date and time the facility was inspected, and approximate days since the last rainfall. The reason for the inspection is also identified on the form depending on the nature of the inspection. All facilities should be inspected on an annual basis at a minimum. In addition, all facilities should be inspected after a significant precipitation event to ensure the facility is draining appropriately and to identify any damage that occurred as a result of the increased runoff. For the purpose of this Stormwater Management Program, a significant rainfall event is considered an event of three (3) inches in a 24-hour period or 0.5 inches in a one-hour period. It is anticipated that a short, intense event is likely to have a higher potential of erosion for this site than a longer, high volume event.

Inspection Scoring

For each inspection item, a score must be given to identify the urgency of required maintenance. The scoring is as follows:

0 = No deficiencies identified.

1 = Monitor – Although maintenance may not be required at this time, a potential problem exists that will most likely need to be addressed in the future. This can include items like minor erosion, concrete cracks/spalling, or minor sediment accumulation. This item should be revisited at the next inspection.

2 = Routine Maintenance Required – Some inspection items can be addressed through the routine maintenance program (See SOP in appendix A). This can include items like vegetation management or debris/trash removal.

3 = Immediate Repair Necessary – This item needs immediate attention because failure is imminent or has already occurred. This could include items such as structural failure of a feature (outlet works, forebay, etc), significant erosion, or significant sediment accumulation. This score should be given to an item that can significantly affect the function of the facility.

Inspection Summary/Additional Comments

Additional explanations to inspection items, and observations about the facility not covered by the form, are recorded in this section.

C. Verification of Inspection and Form Submittal

The Stormwater Management Facility Inspection Form provides a record of inspection of the facility. The verification and the inspection form(s) shall be reviewed and maintained by the property owner or property manager. Any transfer in ownership shall be documented in writing to MDEP.

Maintaining Stormwater Management Facilities

Stormwater management facilities must be properly maintained to ensure that they operate correctly and provide the water quality treatment for which they were designed. Routine maintenance performed on a frequently scheduled basis, can help avoid more costly rehabilitative maintenance that results when facilities are not adequately maintained. Maintenance personnel must be qualified to properly maintain stormwater management facilities. Inadequately trained personnel can cause additional problems resulting in additional maintenance costs.

The following provides a list of recommendations and guidelines for managing the stormwater facilities.

SILT FENCE/ SEDIMENT BARRIER

Straw/hay bale barriers, silt fence and filter barriers shall be inspected immediately after each rainfall and daily during prolonged rainfall events. These structures shall be inspected for signs of erosion or sedimentation regularly. Any required repairs shall be made immediately. If there are signs of undercutting at the center or the edges, or impounding of large volumes of water, sediment barriers shall be replaced with a temporary stone check dam.

Should the fabric of a silt fence or filter barrier decompose or become ineffective prior to the end of its expected usable life and the barrier is still necessary, the fabric shall be replaced promptly.

Sediment deposits must be removed when deposits reach approximately one third (1/3) the height of the barrier. Any sediment deposits remaining in place after the silt fence or filter barrier is no longer required shall be dressed to conform to the existing grade, then prepared, loamed and seeded.

ROAD DITCH TURNOUT

After construction, ditch turnouts need to be carefully inspected for any signs of channelization and immediately repaired. The structure will fail if water exits from it in channelized flow. It will be necessary to remove sediment from the ditch turnout trench when the structure is no longer functioning properly (i.e. distributing the runoff uniformly across the trench).

VEGETATED SWALE

Timely maintenance is important to keep the vegetation in the swale in good condition. Mowing shall be done frequently enough to keep the vegetation in vigorous condition and to control encroachment of weeds and woody vegetation, however it shall not be mowed too closely to reduce the filtering effect. Fertilize on an "as needed" basis to keep the grass healthy, however, over-fertilization can result in the swale becoming a source of pollution and must be avoided.

The swale should be inspected periodically and after every major storm to determine the condition of the swale. Rills and damaged areas shall be promptly repaired and re-vegetated as necessary to prevent further deterioration.

TEMPORARY CHECK DAMS

Regular inspections must be made to insure that the center of the dam is lower than the edges. Erosion caused by high flows around the edges of the dam must be corrected immediately. If evidence of siltation in the water is apparent downstream from the check dam, the check dam must be inspected and adjusted immediately.

Check dams must be checked for sediment accumulation after each significant rainfall. Sediment must be removed when it reaches one third (1/3) the original height of the silt fence.

PIPE INLET AND OUTLET PROTECTION

Periodically check all aprons, plunge pools, pipe inlet and outlet protection (riprap) for damage and repair as needed. If any evidence of erosion or scouring is apparent, modify the design as needed to provide long-term protection.

LEVEL SPREADERS

The proposed site plan includes a level spreader at locations of concentrated flows. Level spreaders are six feet or more in width and designed as four feet (4') of length per one (1) c.f.s. of flow, with a minimum length of 10 feet. Level spreaders enable run-off directed towards them to be spread evenly into sheet flow prior to discharge into wetlands or treatment by a filter strip, thus allowing for better filter strip efficiency and a lesser potential for erosion.

After construction, level spreaders shall be carefully inspected for any signs of channelization and immediately repaired. The structure will fail if water exits from it in channelized flow. Vegetated level spreaders may require periodic mowing. Spreaders constructed of wood, asphalt, stone or concrete curbing also require periodic inspection to check for damage and repair as needed.

INFILTRATION TRENCH

An infiltration trench is proposed to collect and treat runoff from an individual house lot. To maintain these structures, periodically remove accumulated debris and weeds from the surface. The non-woven geotextile fabric will extend the BMP life, but they will clog over time and the stone should be removed and washed to clean out the accumulated sediment and debris.

UNDERDRAIN FILTER BASIN

Underdrain soil filters control stormwater quality by capturing and retaining runoff and passing it through a filter bed comprised of a specific media. They shall be periodically inspected for evidence of erosion, clogging or of bypass conditions.

Maintenance

- Mulch shall be replenished or the area re-graded to direct runoff as designed, if necessary.
- Debris and sediment buildup shall be removed from basin, as needed.
- Grass shall be mowed semi-annually to a height no less than 6 inches.
- Bare areas or erosion rills shall be repaired with new media or sandy loam then seeded and mulched.
- If ponding exceeds 48 hours, bed shall be rototilled to reestablish the soil's filtration capacity.

DROP INLET STRUCTURE

Function – The drop inlet structure is used as an overflow structure for the infiltration basin.

Maintenance

- Inspect inlet and outlet of the drop inlet structure semi-annually and after major storm events to ensure that flow structures are not blocked by debris.
- The drop inlet structure and adjacent area shall be inspected annually for erosion, destabilization of side slopes, embankment settling and other signs of structural failure.

CONTRACTOR'S GENERAL CLEAN UP

Upon completion of the site and permanent stabilization is attained, the contractor shall remove all temporary stormwater structures (i.e., temporary stone check dams, silt fence, temporary diversion swales, etc.). Any sediment deposits remaining in place after the silt fence or filter barrier is no longer required shall be dressed to conform to the existing grade, prepared and seeded. Remove any sediment in catch basins and clean drain pipes that may have accumulated during construction.

Long Term Inspection & Maintenance Schedule				
	Spring	Fall or Yearly	After Major Storm	Every 2-5 Years
Buffers				
Inspect treatment buffers for evidence of erosion, concentrated flow, or encroachment by development		x		
Manage the buffer's vegetation with the requirements in deed restrictions in accordance with Schedule B		x		
Mow vegetation in non-wooded buffers no shorter than six inches and less than three times per year		x		
Repair any sign of erosion within a buffer		x		
Inspect and repair down-slope of all level spreaders and ditch turn-outs		x		
Install more level spreaders and/or ditch turn-outs if needed for better distribution of flow		x		
Clean out any accumulation of sediment within spreader bays or turn-out pools		x		
Vegetated Areas				
Inspect all slopes and embankments	x		x	
Replant bare areas or areas with sparse growth	x		x	
Armor areas with rill erosion with an appropriate lining or divert the erosive flows to on-site areas able to withstand concentrated flows.	x		x	
Stormwater Channels				
Inspect ditches, swales and other open stormwater channels	x	x	x	
Remove any obstructions and accumulated sediments or debris	x	x		
Control vegetated growth and woody vegetation		x		
Repair any erosion of the ditch lining		x		
Mow vegetated ditches		x		
Remove woody vegetation growing through riprap		x		
Repair any slumping side slopes		x		
Replace riprap where underlying filter fabric or underdrain gravel is exposed or where stones have been dislodged		x		
Culverts				
Remove accumulated sediments and debris at inlet, outlet and within the conduit	x	x	x	
Repair any erosion damage at the culvert's inlet and outlet	x	x	x	
Inspect Structure for clogging and excess sediment	x	x	x	
Roadways and Parking Surfaces				
Remove accumulated winter sand along roadways	x			
Sweep pavement to remove sediment	x			

Grade road shoulders and remove excess sand either manually or by a front-end loader	x			
Grade gravel roads and gravel shoulders	x			
Clean out sediment contained in water bars or open-top culverts	x			
Ensure that stormwater is not impeded by accumulations of material or false ditches in the roadway shoulder	x			
Underdrain Filter Basin				
Mow grassed basin		x		
Provide for the removal and disposal of accumulated sediments within the filtration area		x		
Renew the infiltration measure if it fails to drain within 72 hours after a rainfall of one-half inch or more				x
Till and replant the soil of vegetated infiltration basins				x
Drainage Easements				
Remove any obstructions and accumulated sediments or debris	x	x		
Control vegetated growth and woody vegetation		x		
Repair any erosion within easement corridor		x		
Drop Inlet Structure				
Inspect inlet and outlet for blockage and remove debris	x	x	x	
Inspect structure and adjacent area for structural damage		x		
Infiltration Trench				
Remove any obstructions and accumulated sediments or debris	x	x		
Remove and wash stone to remove accumulated sediment and debris				x

SCHEDULE B

Stormwater Management Law, 38 M.R.S.A. Section 420-D and Chapter 500 of the rules promulgated by the Maine Board of Environmental Protection

1. Restrictions on Restricted Buffer Area. Unless the owner of the Restricted Buffer Area, or any successors or assigns, obtains the prior written approval of the MDEP, the Restricted Buffer Area must remain undeveloped in perpetuity. To maintain the ability of the Restricted Buffer Area to filter and absorb stormwater, and to maintain compliance with the Stormwater Management Law and the permit issued thereunder to the Declarant, the use of the Restricted Buffer Area is hereinafter limited as follows.

a. No soil, loam, peat, sand, gravel, concrete, rock or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris, junk waste, pollutants or other fill material may be placed, stored or dumped on the Restricted Buffer Area, nor may the topography of the area be altered or manipulated in any way;

b. Any removal of trees or other vegetation within the Restricted Buffer Area must be limited to the following:

(i) No purposefully cleared openings may be created and an evenly distributed stand of trees and other vegetation must be maintained. An "evenly distributed stand of trees" is defined as maintaining a minimum rating score of 24 points in any 25 foot by 50 foot square (2500 square feet) area, as determined by the following rating scheme:

Diameter of tree at 4½ feet above ground level	Points
2 - 4 inches	1
4 - 8 inches	2
8 - 12 inches	4
>12 inches	8

Where existing trees and other vegetation result in a rating score less than 24 points, no trees may be cut or sprayed with biocides except for the normal maintenance of dead, windblown or damaged trees and for pruning of tree branches below a height of 12 feet provided two thirds of the tree's canopy is maintained;

(ii) No undergrowth, ground cover vegetation, leaf litter, organic duff layer or mineral soil may be disturbed except that one winding path, that is no wider than six feet and that does not provide a downhill channel for runoff, is allowed through the area;

c. No building or other temporary or permanent structure may be constructed, placed or permitted to remain on the Restricted Buffer Area, except for a sign, utility pole or fence;

d. No trucks, cars, dirt bikes, ATVs, bulldozers, backhoes, or other motorized vehicles or mechanical equipment may be permitted on the Restricted Buffer Area;

e. Any level lip spreader directing flow to the Restricted Buffer Area must be regularly inspected and adequately maintained to preserve the function of the level spreader.

Any activity on or use of the Restricted Buffer Area inconsistent with the purpose of these Restrictions is prohibited. Any future alterations or changes in use of the Restricted Buffer Area must receive prior approval in writing from the MDEP. The MDEP may approve such alterations and changes in use if such alterations and uses do not impede the stormwater control and treatment capability of the Restricted Buffer Area or if adequate and appropriate alternative means of stormwater control and treatment are provided.

2. Enforcement. The MDEP may enforce any of the Restrictions set forth herein.

3. The restrictions set forth herein shall be binding on any present or future owner of the Restricted Buffer Area. If the Restricted Buffer Area is at any time owned by more than one owner, each owner shall be bound by the foregoing restrictions to the extent that any of the Restricted Buffer Area is included within such owner's property.

4. Amendment. Any provision contained herein may be amended or revoked only by the recording of a written instrument or instruments specifying the amendment or the revocation signed by the owner or owners of the Restricted Buffer Area and by the MDEP.

Draft 3-4-2014, Revised 3-17-2014

DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS

This Declaration of Conditions, Covenants, and Restrictions (this "Declaration") is dated March __, 2014 and made by Gail Burns, having a mailing address of 60 Wilson Road, Kittery, Maine.

Whereas, Gail Burns (the "Owner") is the owner of the parcel of Land identified as the Remainder of Lot (Lot 10) on a plan entitled "Pearson Meadow Subdivision Map 54 Lot 41, 60 Wilson Road Kittery, Maine Subdivision Plan," prepared by North Easterly Survey, Inc., dated February 14, 2014, as revised through _____, 2014 (Sheets S-3A and 3B) and recorded in the York County Registry of Deeds on _____, 2013 at Plan Book ____, Page _____ (the "Plan").

Whereas, the Kittery Planning Board granted approval of the subdivision of Tax Map 54, Lot 41 as shown on the Plan provided certain "Wooden" Buffer Easement (limited disturbance) is recorded against Lot 10 in accordance with Maine Department of Environmental Protection ("MDEP") Permit No. _____for stormwater management purposes as shown on the plot plan attached hereto as **Exhibit A**.

Whereas, the Owner hereby intends to create and dedicate a certain "Wooded" Buffer Easement on Lot 10 for the benefit of the Pearson Meadow Homeowners Association.

NOW, THEREFORE, the Owner hereby declares and creates the following easements:

1 "Wooded" Buffer Easement ("limited disturbance"). Lot 10 is hereby encumbered by a MDEP Stormwater "Wooded" Buffer Easement (limited disturbance) as shown on the plot plan attached hereto as **Exhibit A**. The "Wooded" Buffer Easement is subject to the restrictions set forth in the MDEP Permit and this Declaration and as set forth in **Exhibit B** attached hereto. The "Wooded" Buffer Easement shall be marked by approved disks mounted on trees to provide a line of sight delineation of buffer limits. The Wooded Buffer Easement shall remain in its natural state and used for the stormwater management of the adjacent subdivision known as Pearson Meadow as shown on the Plan.

2 Severability. Invalidation of any provision in this Declaration by court order or judgment shall not affect any of the other provisions herein, all of which shall remain in full force and effect.

3 Enforcement. The Pearson Meadow Homeowners Association, the Town of Kittery or MDEP shall have the right, upon advance notice, to cure any default to ensure compliance with this Declaration, Kittery Planning Board approval and the MDEP Permit. Any

costs and expenses incurred by the Association, Town of Kittery or MDEP to insure compliance can be recovered against the Owner.

4 Notice of Covenant, Conditions and Restrictions. This Declaration shall be recorded in the York County Registry of Deeds. The restrictions set forth herein shall be binding on any present or future owners of Lot 10.

5 Term. This Declaration shall run in perpetuity.

6 Amendment, Modification or Waiver by Declarant. This Declaration may only be altered or modified with the approval of the Town of Pearson Meadow Homeowners Association, Town of Kittery and/or the MDEP. Any amendment shall be recorded at the York Country Registry of Deeds.

7 Title Reference. For Owner's title reference see deed, dated April 24, 1974, recorded at York Country Registry of Deeds at Book 2033, Page 574.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the day and year first above written.

OWNER:

_____
Gail Burns

STATE OF MAINE
YORK, SS

Dated: March __, 2014

The instrument was acknowledged before me on March ___, 2014, by Gail Burns.

_____
Notary Public
My Commission Expires

Exhibit A

See attached Plot Plan

Exhibit B

Stormwater Management Law, 38 M.R.S.A. Section 420-D and Chapter 500 of the rules promulgated by the Maine Board of Environmental Protection

1. Restrictions on Restricted Buffer Area. Unless the owner of the Restricted Buffer Area, or any successors or assigns, obtains the prior written approval of the MDEP, the Restricted Buffer Area must remain undeveloped in perpetuity. To maintain the ability of the Restricted Buffer Area to filter and absorb stormwater, and to maintain compliance with the Stormwater Management Law and the permit issued thereunder to the Declarant, the use of the Restricted Buffer Area is hereinafter limited as follows.

a. No soil, loam, peat, sand, gravel, concrete, rock or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris, junk waste, pollutants or other fill material may be placed, stored or dumped on the Restricted Buffer Area, nor may the topography of the area be altered or manipulated in any way;

b. Any removal of trees or other vegetation within the Restricted Buffer Area must be limited to the following:

(i) No purposefully cleared openings may be created and an evenly distributed stand of trees and other vegetation must be maintained. An "evenly distributed stand of trees" is defined as maintaining a minimum rating score of 24 points in any 25 foot by 50 foot square (2500 square feet) area, as determined by the following rating scheme:

Diameter of tree at 4½ feet above ground level	Points
2 - 4 inches	1
4 - 8 inches	2
8 - 12 inches	4
>12 inches	8

Where existing trees and other vegetation result in a rating score less than 24 points, no trees may be cut or sprayed with biocides except for the normal maintenance of dead, windblown or damaged trees and for pruning of tree branches below a height of 12 feet provided two thirds of the tree's canopy is maintained;

(ii) No undergrowth, ground cover vegetation, leaf litter, organic duff layer or mineral soil may be disturbed except that one winding path, that is no wider than six feet and that does not provide a downhill channel for runoff, is allowed through the area;

c. No building or other temporary or permanent structure may be constructed, placed or permitted to remain on the Restricted Buffer Area, except for a sign, utility pole or fence;

d. No trucks, cars, dirt bikes, ATVs, bulldozers, backhoes, or other motorized vehicles or mechanical equipment may be permitted on the Restricted Buffer Area;

e. Any level lip spreader directing flow to the Restricted Buffer Area must be regularly inspected and adequately maintained to preserve the function of the level spreader.

Any activity on or use of the Restricted Buffer Area inconsistent with the purpose of these Restrictions is prohibited. Any future alterations or changes in use of the Restricted Buffer Area must receive prior approval in writing from the MDEP. The MDEP may approve such alterations and changes in use if such alterations and uses do not impede the stormwater control and treatment capability of the Restricted Buffer Area or if adequate and appropriate alternative means of stormwater control and treatment are provided.

2. Enforcement. The MDEP may enforce any of the Restrictions set forth herein.

3. The restrictions set forth herein shall be binding on any present or future owner of the Restricted Buffer Area. If the Restricted Buffer Area is at any time owned by more than one owner, each owner shall be bound by the foregoing restrictions to the extent that any of the Restricted Buffer Area is included within such owner's property.

4. Amendment. Any provision contained herein may be amended or revoked only by the recording of a written instrument or instruments specifying the amendment or the revocation signed by the owner or owners of the Restricted Buffer Area and by the MDEP.

After recording return to:

***Draft 2-17-2014**, Revised 3-17-2014*

_____Space Above This Line For Recording Data_____

WARRANTY DEED (for Lots 1, 2 & 3)

KNOW ALL PERSONS BY THESE PRESENTS, that **Chinburg Builders, Inc.**, a New Hampshire corporation registered as a foreign entity in the State of Maine, with an address of 3 Penstock Way, Newmarket, NH 03857, FOR CONSIDERATION PAID, hereby grants to _____, as _____, with an address of _____,

WITH WARRANTY COVENANTS, the following described property:

A certain parcel or tract of land with buildings and improvements thereon, situated in the State of Maine, County of York, Town of Kittery, located on the easterly side of Wilson Road (Route 101), but not adjacent thereto, being **Lot**____ as depicted on a plan entitled "Pearson Meadow Subdivision – Map 54 Lot 41 – Owner/Applicant: Chinburg Builders, Inc.," by North Easterly Survey, Inc., dated February 14, 2014, as revised through _____, 2014 (Sheets S-3A + 3B), recorded in the York County Registry of Deeds at Book ____, Page __, (hereinafter the "Plan"), and being more particularly described as follows:

[Insert legal description.]

Together with and subject to the following:

A. All notes, matters and easements, including drainage easements, shown on the Plan.

B. Declaration of Covenants, Conditions and Restrictions of ~~Clover Landing~~ Pearson Meadow (the "Declaration") and the By-Laws of the ~~Clover Landing~~ Pearson Meadow Homeowners' Association (the "By-Laws") dated ____ __, 2014 and recorded with the York Registry of Deeds at Book _____, Page ___ and Book ____, Page ___, respectively.

C. Reservation by Grantor of fee interest in the streets and ways shown on the Plan. There is conveyed herewith the right to pass and re-pass and use the streets shown on the Plan for all purposes for which streets and ways are commonly used in the Town of Kittery in common with all others entitled thereto. The roadways will be deeded to the Association within twelve (12) months of substantial completion of all construction, including house lots, in the subdivision or earlier at the option of the developer. The maintenance and plowing costs shall be a common expense as set forth in the Declaration.

D. Reservation by Grantor of the fee interest in the Common Open Space as shown on the Plan. There is conveyed herewith the right to use the Common Open Space for non-motorized recreational uses and for the limited uses as set forth in the Declaration. The Common Open

will be deeded to the Association within twelve (12) months of substantial completion of all construction, including house lots, in the subdivision or earlier at the option of the developer.

E. The Maine Department of Environmental Protection Stormwater Management and Alteration of Wetland Permits Nos. L-25865-NJ-B-N, dated _____ (the "MDEP Permit) recorded with the York County Registry of Deeds at Book _____, Page ____. The conditions of the MDEP Permit are set forth in the Declaration.

F. ~~Restricted Buffer Area(s)~~ MDEP Stormwater "Wooded" Buffer (limited disturbance) as shown on the plot plan attached hereto as **Exhibit A**. The Restricted Buffer Area(s) is limited to the restrictions set forth in the MDEP Permit and the Declaration and as set forth in **Exhibit B** attached hereto.

G. Drainage easements for the benefit of the Declarant, as its successors, as reserved in the Declaration and as shown on the Plan.

H. All easements, covenants and agreements of record.

Said Lot is a portion of the same premises described in the deed to Chinburg Builders, Inc., dated _____ and recorded with York County Registry of Deeds at Book ____, Page _____.

The Grantee, by accepting and recording this deed, agrees to be bound by and to observe and enforce the provisions hereof and assumes the rights and responsibilities herein granted to and incumbent upon the Grantee, all in the furtherance of the conservation purposes for which this deed is delivered.

IN WITNESS WHEREOF, Chinburg Builders, Inc. has caused this instrument to be executed by Eric J. Chinburg, Manager, thereunto duly authorized as of this ____ day of _____, 2014.

Chinburg Builders, Inc.

_____ By:_____

WITNESS Eric J. Chinburg, President
thereunto duly authorized

STATE OF NEW HAMPSHIRE
ROCKINGHAM COUNTY _____ ____, 2014

Personally appeared the above-named Eric J. Chinburg, President of Chinburg Builders, Inc., and acknowledged the foregoing instrument to be his free act and deed duly authorized in said capacity.

Before me,

_____
Attorney at Law/Notary Public

Exhibit A

See attached Plot Plan

Exhibit B

Stormwater Management Law, 38 M.R.S.A. Section 420-D and Chapter 500 of the rules promulgated by the Maine Board of Environmental Protection

1. Restrictions on Restricted Buffer Area. Unless the owner of the Restricted Buffer Area, or any successors or assigns, obtains the prior written approval of the MDEP, the Restricted Buffer Area must remain undeveloped in perpetuity. To maintain the ability of the Restricted Buffer Area to filter and absorb stormwater, and to maintain compliance with the Stormwater Management Law and the permit issued thereunder to the Declarant, the use of the Restricted Buffer Area is hereinafter limited as follows.

a. No soil, loam, peat, sand, gravel, concrete, rock or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris, junk waste, pollutants or other fill material may be placed, stored or dumped on the Restricted Buffer Area, nor may the topography of the area be altered or manipulated in any way;

b. Any removal of trees or other vegetation within the Restricted Buffer Area must be limited to the following:

(i) No purposefully cleared openings may be created and an evenly distributed stand of trees and other vegetation must be maintained. An "evenly distributed stand of trees" is defined as maintaining a minimum rating score of 24 points in any 25 foot by 50 foot square (2500 square feet) area, as determined by the following rating scheme:

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8 - 12 inches	4
>12 inches	8

Where existing trees and other vegetation result in a rating score less than 24 points, no trees may be cut or sprayed with biocides except for the normal maintenance of dead, windblown or damaged trees and for pruning of tree branches below a height of 12 feet provided two thirds of the tree's canopy is maintained;

(ii) No undergrowth, ground cover vegetation, leaf litter, organic duff layer or mineral soil may be disturbed except that one winding path, that is no wider than six feet and that does not provide a downhill channel for runoff, is allowed through the area;

c. No building or other temporary or permanent structure may be constructed, placed or permitted to remain on the Restricted Buffer Area, except for a sign, utility pole or fence;

d. No trucks, cars, dirt bikes, ATVs, bulldozers, backhoes, or other motorized vehicles or mechanical equipment may be permitted on the Restricted Buffer Area;

e. Any level lip spreader directing flow to the Restricted Buffer Area must be regularly inspected and adequately maintained to preserve the function of the level spreader.

Any activity on or use of the Restricted Buffer Area inconsistent with the purpose of these Restrictions is prohibited. Any future alterations or changes in use of the Restricted Buffer Area must receive prior approval in writing from the MDEP. The MDEP may approve such alterations and changes in use if such alterations and uses do not impede

the stormwater control and treatment capability of the Restricted Buffer Area or if adequate and appropriate alternative means of stormwater control and treatment are provided.

2. Enforcement. The MDEP may enforce any of the Restrictions set forth herein.

3. The restrictions set forth herein shall be binding on any present or future owner of the Restricted Buffer Area. If the Restricted Buffer Area is at any time owned by more than one owner, each owner shall be bound by the foregoing restrictions to the extent that any of the Restricted Buffer Area is included within such owner's property.

4. Amendment. Any provision contained herein may be amended or revoked only by the recording of a written instrument or instruments specifying the amendment or the revocation signed by the owner or owners of the Restricted Buffer Area and by the MDEP.

Title 16.7.4.1:	In granting modifications or waivers, the Planning Board must require such conditions as will, in its judgment, substantially meet the objectives of the requirements so waived or modified.
Ordinance Section	**Describe why this request is being made.**
****EXAMPLE**** 16.32.560 (B)- OFFSTREET PARKING.	****EXAMPLE**** Requesting a waiver of this ordinance since the proposed professional offices have a written agreement with the abutting Church owned property to share parking.
16.8.5.1.3 (a & b) Roadway plan & profile drawing scale	Drawing scale 1"=60' for Existing Conditions and Topographic plans; 1"=50' horizontal and 1"=10' vertical for Subdivision Plan, Lot Plan and Plan and Profile Plan. The larger scale reduces the numbers of sheets and coincides with the Subdivision and Lot Plans, while having a scale that is easily readable.
16.8.11.6.G Cluster subdivision access onto a public road	The proposed 9 cluster lots will have access only onto the proposed roadway. The current property owner is retaining a 5+ acre lot for their existing dwelling and seeks to retain their existing gravel driveway onto Wilson Road providing access to the historic barn and their dwelling on the property. Reference is made to Exhibit 1, a historical narrative prepared by Gale Burns included in this application. Retaining the unique character of the barn and driveway is in harmony with the intent of the cluster objectives
	of 16.8.11.1.H preservation of historic, archeological and cultural features. Retention of the existing driveway will not present a safety hazard. Since the owner has ample room for turning vehicles within the property, vehicles do not need to back into the public road.
16.8.11.6.I.5 - Disturbance within 100-foot wetlands buffer	Grassed swales and grassed underdrained soil filters are proposed within existing meadowlands. There will be no cutting of trees to construct stormwater practices. The runoff sheet flows to the grassed swales and is directed to the soil filter. The soil filter treats, cools and detains runoff before exiting to the wetlands. The location of the stormwater practices were chosen to preserve natural features to the extent possible and to meet MDEP Stormwater Law requirements.

REQUESTED WAIVERS

☒ *ABUTTER NOTIFICATION*

16.10.5.1.1. Preliminary Plan Application Filing and Completeness Review. The application must be accompanied by a Plan and the required fee together with a certification the applicant has notified abutters by mail of the filing of the Plan application for approval.

Submitted Applications must include a list of the names and addresses of the abutters and date notification mailed. The abutter Notice of Filing must include the owner/applicant name, address and description of the proposed project.

Applications will not be accepted without submittal of all plan requirements as specified herein, and without a complete, signed application page (page 5).

Town of Kittery, Maine

Planning Office

P.O. Box 808, Kittery, Maine 03904
Phone 439-0452

PEARSON MEADOW

LIST OF DIMENSIONAL STANDARDS MODIFICATIONS

Proposed Dimensional Modifications per Article XIII, Clustered Residential Development, Section 16.8.11.3

16.3.2.1.D2	Minimum lot area: 20,150 s.f. vs. 40,000 s.f.
16.3.2.1.D2	Street frontage: 25.22' vs. 150' minimum
16.3.2.1.D2	Front yard setback: 20' vs. 40'
16.3.2.1.D2	Side and rear yard setback: 10' vs. 20'
16.8.4.4	(Minor street std.) Right-of-way width: 50' vs. 60'
16.8.4.4	(Minor street std.) Tangent between reverse curves: 86.25' vs. 100'
16.8.4.4	(Minor street std.) Side slope: 2:1 vs. 3:1
16.8.4.4	(Minor street std.) Paved shoulder: none vs. 2' at walk side and 8' opp. side
16.8.16.9.A	Flag lots, Lot dimensional ratio

PEARSON MEADOW	Agent: Altus Engineering, Inc.	
Name of Development	~~Owner or~~ Agent	Jeffrey K. Clifford, P.E.

PEARSON MEADOW SUBDIVISION

MAP 54 LOT 14

60 WILSON ROAD

KITTERY, MAINE

Issued:

July 18, 2013	Preliminary Submission
December 18, 2013	M.D.E.P. Submission
February 10, 2014	M.D.E.P. Comments
April 4, 2014	Final P.B. Approval

Owner:

GAIL BURNS
60 WILSON ROAD
KITTERY, ME 03904

Applicant:

CHINBURG BUILDER, INC.
3 PENSTOCK WAY
NEWMARKET, NH 03857

Civil Engineer:

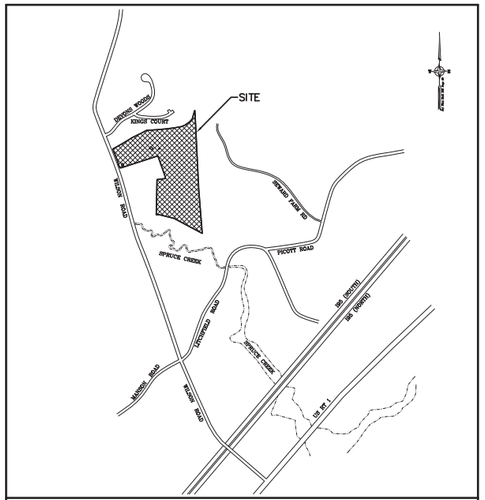
ALTUS ENGINEERING, INC.
133 COURT STREET PORTSMOUTH, NH 03801
(603) 433-2335 www.ALTUS-ENG.com

Surveyor:

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

Soils/Wetland Scientist:

Joseph W. Noel, CPSS
P.O. Box 174
South Berwick, Maine 03908

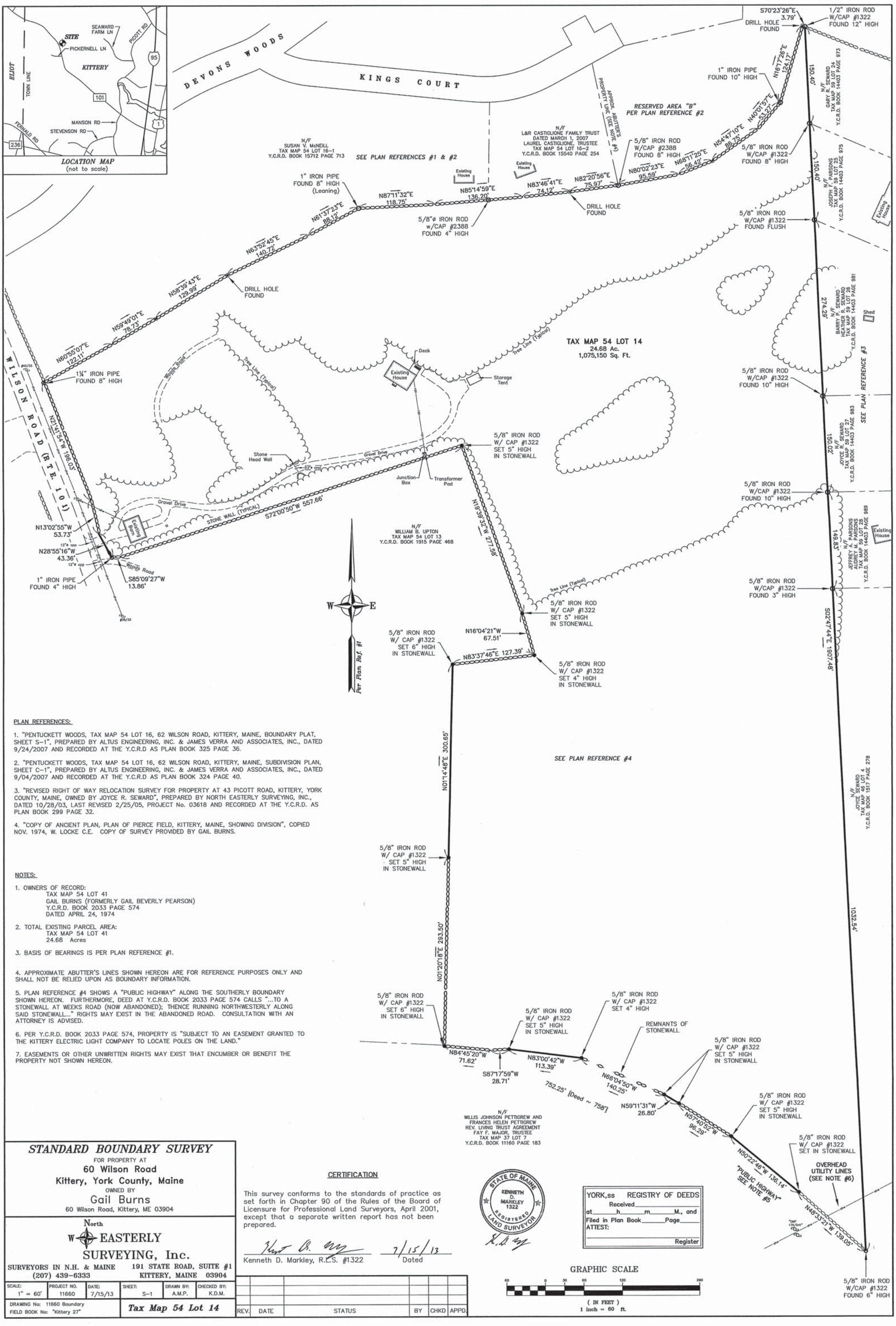


LOCATION MAP
SCALE: 1" = 1000' (+/-)

Sheet Index

Title	Sheet No.:	Rev.
Standard Boundary (North Easterly Survey, Inc.)	S1	–
Existing Conditions (North Easterly Survey, Inc.)	S2	–
Pearson Meadow – North (North Easterly Survey, Inc.)	S3A	D
Pearson Meadow – South (North Easterly Survey, Inc.)	S3B	D
Soils Plan	G–1	1
Soils Plan	G–2	1
Legend & General Notes	G–3	2
Lot Plan	C–1	5
Plan & Profile – Sta. 0+00 to Sta. 13+02	C–2	5
Enlargement Plan	C–2A	4
Stormwater Management Plan – Preliminary	C–3	5
BMP Maintenance Schedule	C–4	3
Erosion Control Notes	C–5	2
Erosion Control Detail	C–6	4
Temporary Erosion Control Details	C–7	3
Detail Sheet	C–8	2
Detail Sheet	C–9	3

P4498



PLAN REFERENCES:

1. "PENTUCKETT WOODS, TAX MAP 54 LOT 16, 62 WILSON ROAD, KITTERY, MAINE, BOUNDARY PLAT, SHEET S-1", PREPARED BY ALTUS ENGINEERING, INC. & JAMES VERRA AND ASSOCIATES, INC., DATED 9/24/2007 AND RECORDED AT THE Y.C.R.D AS PLAN BOOK 325 PAGE 36.

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3. "REVISED RIGHT OF WAY RELOCATION SURVEY FOR PROPERTY AT 43 PICOTT ROAD, KITTERY, YORK COUNTY, MAINE, OWNED BY JOYCE R. SEWARD", PREPARED BY NORTH EASTERLY SURVEYING, INC., DATED 10/28/03, LAST REVISED 2/25/05, PROJECT No. 03618 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 299 PAGE 32.

4. "COPY OF ANCIENT PLAN, PLAN OF PIERCE FIELD, KITTERY, MAINE, SHOWING DIVISION", COPIED NOV. 1974, W. LOCKE C.E. COPY OF SURVEY PROVIDED BY GAIL BURNS.

NOTES:

1. OWNERS OF RECORD:
   TAX MAP 54 LOT 41
   GAIL BURNS (FORMERLY GAIL BEVERLY PEARSON)
   Y.C.R.D. BOOK 2033 PAGE 574
   DATED APRIL 24, 1974

2. TOTAL EXISTING PARCEL AREA:
   TAX MAP 54 LOT 41
   24.68 Acres

3. BASIS OF BEARINGS 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. PLAN REFERENCE #4 SHOWS A "PUBLIC HIGHWAY" ALONG THE SOUTHERLY BOUNDARY SHOWN HEREON. FURTHERMORE, DEED AT Y.C.R.D. BOOK 2033 PAGE 574 CALLS "...TO A STONEWALL AT WEEKS ROAD (NOW ABANDONED); THENCE RUNNING NORTHWESTERLY ALONG SAID STONEWALL..." RIGHTS MAY EXIST IN THE ABANDONED ROAD. CONSULTATION WITH AN ATTORNEY IS ADVISED.

6. PER Y.C.R.D. BOOK 2033 PAGE 574, PROPERTY IS "SUBJECT TO AN EASEMENT GRANTED TO THE KITTERY ELECTRIC LIGHT COMPANY TO LOCATE POLES ON THE LAND."

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

STANDARD BOUNDARY SURVEY

FOR PROPERTY AT

60 Wilson Road

Kittery, York County, Maine

OWNED BY

Gail Burns

60 Wilson Road, Kittery, ME 03904

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" = 60'	11660	7/15/13	S-1	A.M.P.	K.D.M.

DRAWING No: 11660 Boundary
FIELD BOOK No: "Kittery 27"

Tax Map 54 Lot 14

REV.	DATE	STATUS	BY	CHKD	APPD.

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 — 7/15/13 Dated

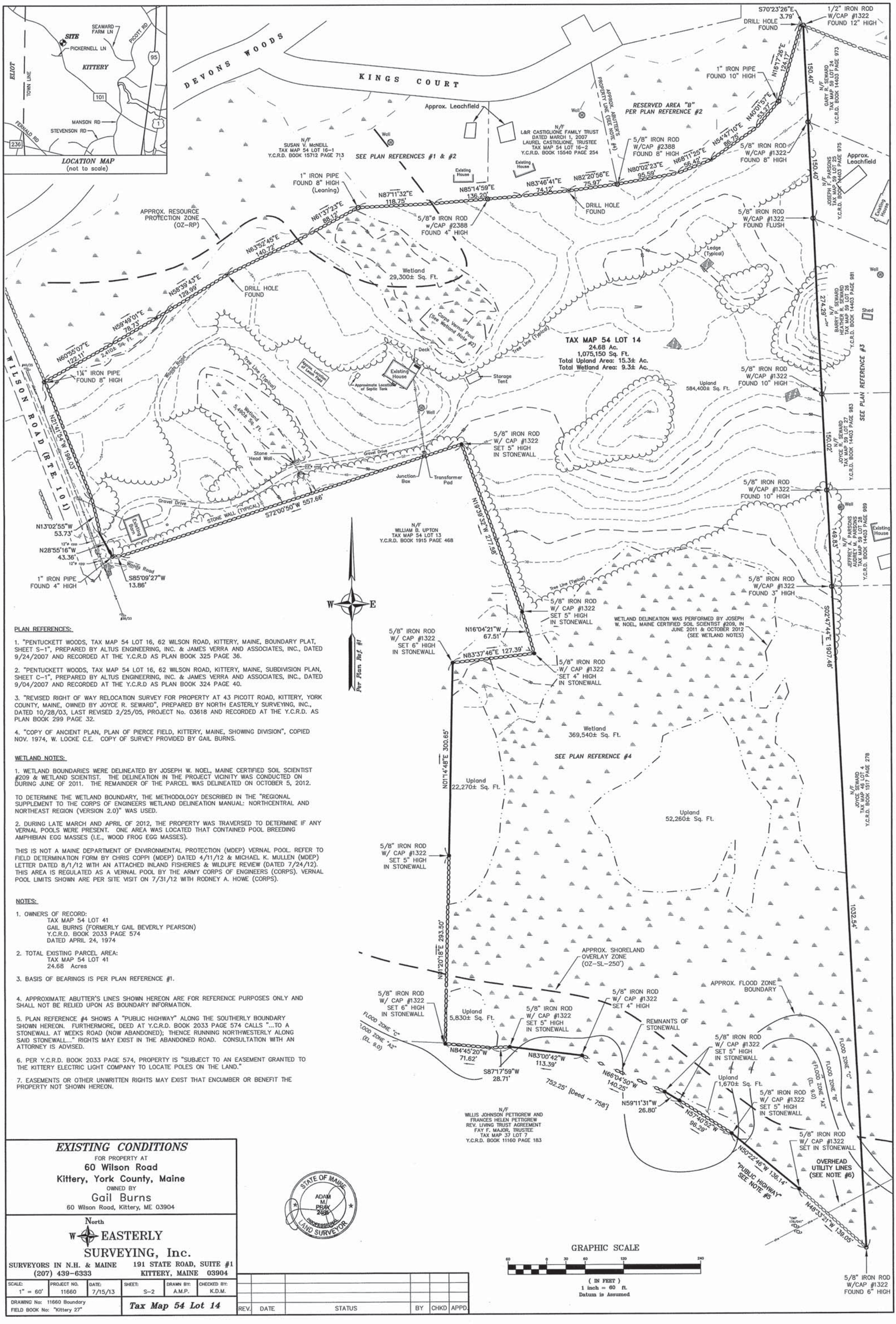
STATE OF MAINE
KENNETH D. MARKLEY
1322
REGISTERED LAND SURVEYOR

YORK,ss REGISTRY OF DEEDS
Received _____
at ____h ____m ____M., and
Filed in Plan Book _____ Page _____
ATTEST:
_____ Register

GRAPHIC SCALE

60 0 30 60 120 240

(IN FEET)
1 inch = 60 ft.



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WETLAND NOTES:

1. WETLAND BOUNDARIES WERE DELINEATED BY JOSEPH W. NOEL, MAINE CERTIFIED SOIL SCIENTIST #209 & WETLAND SCIENTIST. THE DELINEATION IN THE PROJECT VICINITY WAS CONDUCTED ON DURING JUNE OF 2011. THE REMAINDER OF THE PARCEL WAS DELINEATED ON OCTOBER 5, 2012.

TO DETERMINE THE WETLAND BOUNDARY, THE METHODOLOGY DESCRIBED IN THE "REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION (VERSION 2.0)" WAS USED.

2. DURING LATE MARCH AND APRIL OF 2012, THE PROPERTY WAS TRAVERSED TO DETERMINE IF ANY VERNAL POOLS WERE PRESENT. ONE AREA WAS LOCATED THAT CONTAINED POOL BREEDING AMPHIBIAN EGG MASSES (I.E., WOOD FROG EGG MASSES).

THIS IS NOT A MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION (MDEP) VERNAL POOL. REFER TO FIELD DETERMINATION FORM BY CHRIS COPPI (MDEP) DATED 4/11/12 & MICHAEL K. MULLEN (MDEP) LETTER DATED 8/1/12 WITH AN ATTACHED INLAND FISHERIES & WILDLIFE REVIEW (DATED 7/24/12). THIS AREA IS REGULATED AS A VERNAL POOL BY THE ARMY CORPS OF ENGINEERS (CORPS). VERNAL POOL LIMITS SHOWN ARE PER SITE VISIT ON 7/31/12 WITH RODNEY A. HOWE (CORPS).

NOTES:

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   TAX MAP 54 LOT 41
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EXISTING CONDITIONS

FOR PROPERTY AT

60 Wilson Road

Kittery, York County, Maine

OWNED BY

Gail Burns

60 Wilson Road, Kittery, ME 03904

North EASTERLY SURVEYING, Inc.

SURVEYORS IN N.H. & MAINE
(207) 439-6333

191 STATE ROAD, SUITE #1
KITTERY, MAINE 03904

STATE OF MAINE
ADAM M. PRAY
2496
PROFESSIONAL LAND SURVEYOR

SCALE:	PROJECT NO.	DATE:	SHEET:	DRAWN BY:	CHECKED BY:
1" = 60'	11660	7/15/13	S-2	A.M.P.	K.D.M.

DRAWING No: 11660 Boundary
FIELD BOOK No: "Kittery 27"

Tax Map 54 Lot 14

REV.	DATE	STATUS	BY	CHKD	APPD

ZONING SUMMARY:

ZONE: RESIDENTIAL RURAL (R-RL)

TOTAL SUBDIVISION AREA:	24.6± Ac.
TOTAL WETLANDS AREA:	9.3± Ac.
TOTAL UPLANDS AREA:	15.3± Ac.

NET RESIDENTIAL AREA CALCULATED

TOTAL SUBDIVISION AREA:	24.6 Ac.
LESS ROAD R.O.W.:	1.5 Ac.
LESS WETLANDS:	9.3 Ac.
LESS NON-WETLANDS SOILS*	0.5 Ac.
TOTAL	13.3 Ac.

*Noted poor or very poorl by 1975 Soil Suitability Guide

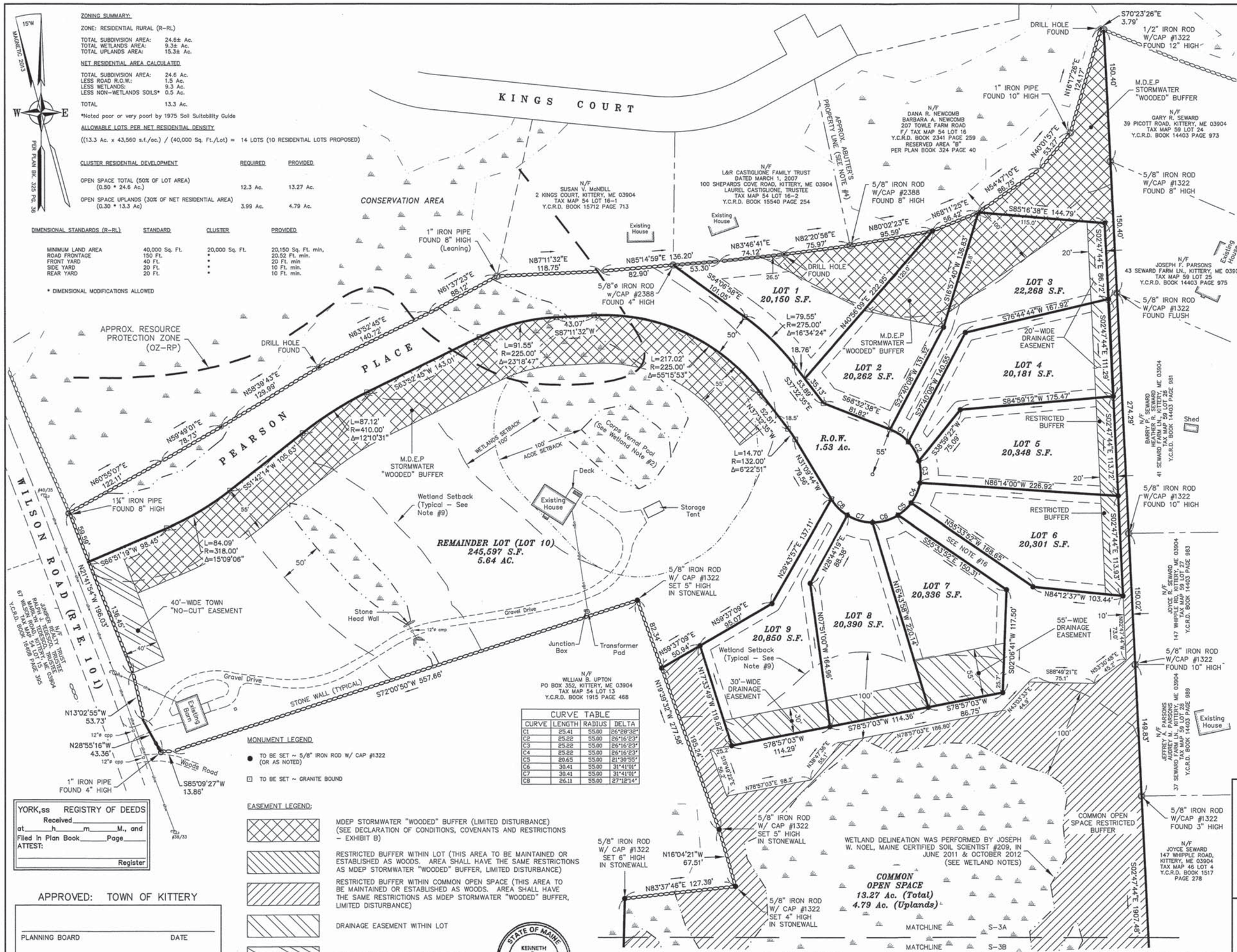
ALLOWABLE LOTS PER NET RESIDENTIAL DENSITY

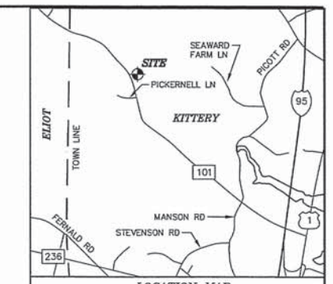
((13.3 Ac. x 43,560 s.f./ac.) / (40,000 Sq. Ft./Lot) = 14 LOTS (10 RESIDENTIAL LOTS PROPOSED)

CLUSTER RESIDENTIAL DEVELOPMENT	REQUIRED	PROVIDED
OPEN SPACE TOTAL (50% OF LOT AREA) (0.50 * 24.6 Ac.)	12.3 Ac.	13.27 Ac.
OPEN SPACE UPLANDS (30% OF NET RESIDENTIAL AREA) (0.30 * 13.3 Ac)	3.99 Ac.	4.79 Ac.

DIMENSIONAL STANDARDS (R-RL)	STANDARD	CLUSTER	PROVIDED
MINIMUM LAND AREA	40,000 Sq. Ft.	20,000 Sq. Ft.	20,150 Sq. Ft. min.
ROAD FRONTAGE	150 Ft.	*	20.52 Ft. min.
FRONT YARD	40 Ft.	*	20 Ft. min
SIDE YARD	20 Ft.	*	10 Ft. min.
REAR YARD	20 Ft.	*	10 Ft. min.

* DIMENSIONAL MODIFICATIONS ALLOWED





LOCATION MAP
(not to scale)

PLAN REFERENCE:

1. "STANDARD BOUNDARY SURVEY FOR PROPERTY AT 60 WILSON ROAD, KITTERY, YORK COUNTY, MAINE, OWNED BY GAIL BURNS", PREPARED BY NORTH EASTERLY SURVEYING, INC., DATED 7/12/13, PROJECT No. 11660.

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7. PARENT TRACT AND PERIMETER BOUNDARY BASED ON PLAN REFERENCE #1. REFER TO SAID PLAN FOR OTHER BOUNDARY NOTES AND PLAN REFERENCES.

8. REFERENCE IS MADE TO FEMA FIRM PANEL 2301710004C, EFFECTIVE JULY 5, 1984.

9. CONFIRM DEVELOPMENT RESTRICTIONS WITHIN WETLAND SETBACKS WITH THE TOWN OF KITTERY PRIOR TO CONSTRUCTION.

10. SEE SHEET S3-B FOR WETLAND NOTES.

11. "BUFFER EASEMENTS" AS REQUIRED BY MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, STORMWATER MANAGEMENT LAW, SHALL BE MAINTAINED PER THE PERMIT CONDITIONS AND HOMEOWNER ASSOCIATION DOCUMENTS.

12. STORMWATER MANAGEMENT BMPS SHALL BE MAINTAINED LONG-TERM IN ACCORDANCE WITH THE HOMEOWNER ASSOCIATION DOCUMENTS AND C-4.

13. COMMON OPEN SPACE SHALL BE OWNED BY A HOMEOWNER ASSOCIATION, MAINTAINED IN ACCORDANCE WITH THE BYLAWS OF THE ASSOCIATION AND SHALL NOT BE USED FOR FUTURE BUILDING LOTS.

14. BUFFER AREAS WITHIN EACH LOT SHALL BE CLEARLY DELINEATED AND PROTECTED DURING CONSTRUCTION. TOWN APPROVED DISKS SHALL BE MOUNTED ON TREES OR BY OTHER SUITABLE MEANS TO PROVIDE LINE OF SIGHT DELINEATION OF BUFFER LIMITS.

15. FUTURE DRIVEWAY ACCESS ACROSS THE ROAD SIDE "WOODED" BUFFER IS ALLOWED PER MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION STORMWATER LAW.

16. ACCESS ROUTE TO M.D.E.P. STORMWATER STRUCTURES SHALL BE PRESERVED FOR ROUTINE MAINTENANCE.

APPROVAL NOTES:

ALL WORK SHALL CONFORM TO THE CONDITIONS OF THE FOLLOWING:

1) MDEP-NATURAL RESOURCES PROTECTION ACT, #L-25865-TA-A-N, DATED MARCH 25, 2013

2) KITTERY PLANNING BOARD-PRELIMINARY SITE PLAN APPROVAL, DATED SEPTEMBER 12, 2013

3) MDEP-STORMWATER MANAGEMENT LAW, PERMIT #L-25865-NJ-B-N, DATED MARCH 27, 2014.

4) KITTERY PLANNING BOARD-FINAL APPROVAL, DATED _____

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA
C1	25.41	55.00	26°28'32"
C2	25.22	55.00	26°16'23"
C3	25.22	55.00	26°16'23"
C4	25.22	55.00	26°16'23"
C5	20.65	55.00	21°39'55"
C6	30.41	55.00	31°41'01"
C7	30.41	55.00	31°41'01"
C8	26.11	55.00	27°12'14"

MONUMENT LEGEND

● TO BE SET ~ 5/8" IRON ROD W/ CAP #1322 (OR AS NOTED)

⊡ TO BE SET ~ GRANITE BOUND

EASEMENT LEGEND:

- MDEP STORMWATER "WOODED" BUFFER (LIMITED DISTURBANCE) (SEE DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS - EXHIBIT B)
- RESTRICTED BUFFER WITHIN LOT (THIS AREA TO BE MAINTAINED OR ESTABLISHED AS WOODS. AREA SHALL HAVE THE SAME RESTRICTIONS AS MDEP STORMWATER "WOODED" BUFFER, LIMITED DISTURBANCE)
- RESTRICTED BUFFER WITHIN COMMON OPEN SPACE (THIS AREA TO BE MAINTAINED OR ESTABLISHED AS WOODS. AREA SHALL HAVE THE SAME RESTRICTIONS AS MDEP STORMWATER "WOODED" BUFFER, LIMITED DISTURBANCE)
- DRAINAGE EASEMENT WITHIN LOT
- 40'-WIDE TOWN "NO CUT" EASEMENT

YORK,ss REGISTRY OF DEEDS
Received_____
at____h____m____M., and
Filed in Plan Book_____Page_____
ATTEST:
_____
Register

APPROVED: TOWN OF KITTERY

PLANNING BOARD _____ DATE

OWNER/APPLICANT _____ DATE

STATE OF MAINE
KENNETH D. MARKLEY 1322
REGISTERED LAND SURVEYOR

GRAPHIC SCALE
50 0 25 50 100 200
(IN FEET)
1 inch = 50 ft.

REV.	DATE	STATUS	BY	CHKD	APPD.
D	4/3/14	ADD MDEP PERMIT # / LOT SETBACKS / REV. CALCS	A.M.P.	R.B.	K.D.M.
C	3/20/14	REVISE EASEMENTS & EASEMENT LEGEND	A.M.P.	R.B.	K.D.M.
B	3/12/14	EASEMENT REVISIONS / ADD NOTE 15 & 16	A.M.P.	R.B.	K.D.M.
A	2/14/14	EASEMENT REVISIONS / ADD NOTES 10-14	A.M.P.	R.B.	K.D.M.

"PEARSON MEADOW"

FOR PROPERTY AT
60 Wilson Road
Kittery, York County, Maine

OWNED BY
Gail Burns
60 Wilson Road, Kittery, ME 03904

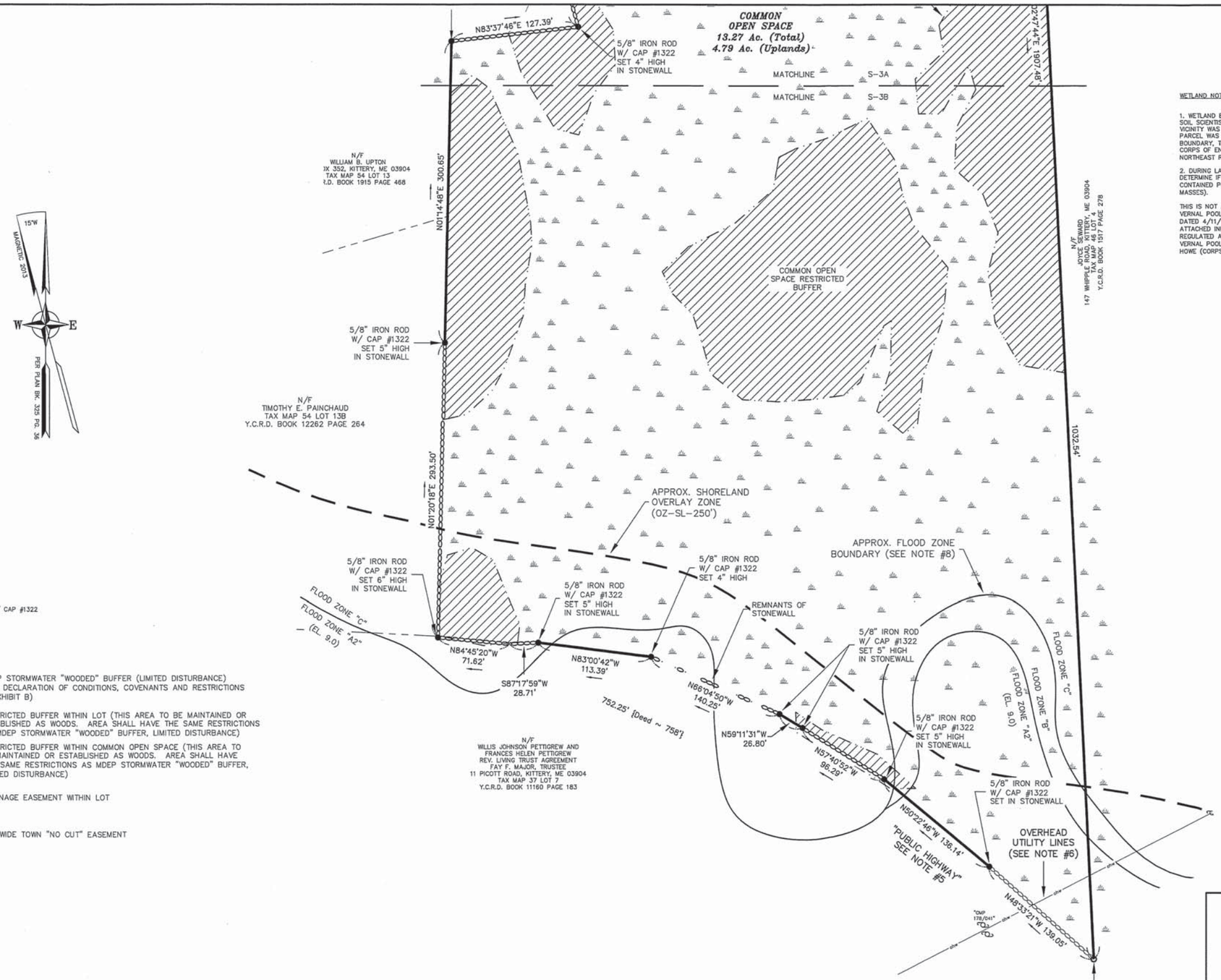
APPLICANT
Chinburg Builders, Inc.
3 Penstock Way, Newmarket, NH 03857

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" = 50'	11660	12/16/13	S-3A	A.M.P.	K.D.M.

DRAWING No: 11660 Boundary
FIELD BOOK No: "Kittery 27"

Tax Map 54 Lot 14



WETLAND NOTES:

1. WETLAND BOUNDARIES WERE DELINEATED BY JOSEPH W. NOEL, MAINE CERTIFIED SOIL SCIENTIST #209 & WETLAND SCIENTIST. THE DELINEATION IN THE PROJECT VICINITY WAS CONDUCTED ON DURING JUNE OF 2011. THE REMAINDER OF THE PARCEL WAS DELINEATED ON OCTOBER 5, 2012. TO DETERMINE THE WETLAND BOUNDARY, THE METHODOLOGY DESCRIBED IN THE "REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION (VERSION 2.0)" WAS USED.

2. DURING LATE MARCH AND APRIL OF 2012, THE PROPERTY WAS TRAVERSED TO DETERMINE IF ANY VERNAL POOLS WERE PRESENT. ONE AREA WAS LOCATED THAT CONTAINED POOL BREEDING AMPHIBIAN EGG MASSES (I.E., WOOD FROG EGG MASSES).

THIS IS NOT A MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION (MDEP) VERNAL POOL. REFER TO FIELD DETERMINATION FORM BY CHRIS COPPI (MDEP) DATED 4/11/12 & MICHAEL K. MULLEN (MDEP) LETTER DATED 8/1/12 WITH AN ATTACHED INLAND FISHERIES & WILDLIFE REVIEW (DATED 7/24/12). THIS AREA IS REGULATED AS A VERNAL POOL BY THE ARMY CORPS OF ENGINEERS (CORPS). VERNAL POOL LIMITS SHOWN ARE PER SITE VISIT ON 7/31/12 WITH RODNEY A. HOWE (CORPS).

MONUMENT LEGEND

- ● TO BE SET ~ 5/8" IRON ROD W/ CAP #1322 (OR AS NOTED)
- ⊡ TO BE SET ~ GRANITE BOUND

EASEMENT LEGEND:

- MDEP STORMWATER "WOODED" BUFFER (LIMITED DISTURBANCE) (SEE DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS – EXHIBIT B)
- RESTRICTED BUFFER WITHIN LOT (THIS AREA TO BE MAINTAINED OR ESTABLISHED AS WOODS. AREA SHALL HAVE THE SAME RESTRICTIONS AS MDEP STORMWATER "WOODED" BUFFER, LIMITED DISTURBANCE)
- RESTRICTED BUFFER WITHIN COMMON OPEN SPACE (THIS AREA TO BE MAINTAINED OR ESTABLISHED AS WOODS. AREA SHALL HAVE THE SAME RESTRICTIONS AS MDEP STORMWATER "WOODED" BUFFER, LIMITED DISTURBANCE)
- DRAINAGE EASEMENT WITHIN LOT
- 40'-WIDE TOWN "NO CUT" EASEMENT

APPROVED: TOWN OF KITTERY

PLANNING BOARD DATE

OWNER/APPLICANT DATE

YORK,ss REGISTRY OF DEEDS
Received
at___h___m___M., and
Filed in Plan Book___Page___
ATTEST:
Register

GRAPHIC SCALE
50 0 25 50 100 200
(IN FEET)
1 inch = 50 ft.

STATE OF MAINE KENNETH D. MARKLEY 1322 REGISTERED LAND SURVEYOR

REV.	DATE	STATUS	BY	CHKD	APPD.
D	4/3/14	ADD MDEP PERMIT # / LOT SETBACKS / REV. CALCS	A.M.P.	R.B.	K.D.M.
C	3/20/14	REVISE EASEMENTS & EASEMENT LEGEND	A.M.P.	R.B.	K.D.M.
B	3/12/14	EASEMENT REVISIONS / ADD NOTE 15 & 16	A.M.P.	R.B.	K.D.M.
A	2/14/14	EASEMENT REVISIONS / ADD NOTES 10-14	A.M.P.	R.B.	K.D.M.

"PEARSON MEADOW"

FOR PROPERTY AT
60 Wilson Road
Kittery, York County, Maine
OWNED BY
Gail Burns
60 Wilson Road, Kittery, ME 03904
APPLICANT
Chinburg Builders, Inc.
3 Penstock Way, Newmarket, NH 03857

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" = 50'	11660	12/16/13	S-3B	A.M.P.	K.D.M.

DRAWING No: 11660 Boundary
FIELD BOOK No: "Kittery 27"

Tax Map 54 Lot 14

CLASS A HIGH INTENSITY SOIL SURVEY

I HEREBY CERTIFY THAT THIS CLASS A HIGH INTENSITY SOIL SURVEY WAS CONDUCTED IN CONFORMANCE WITH THE STANDARDS ADOPTED BY THE MAINE ASSOCIATION OF PROFESSIONAL SOIL SCIENTISTS.

NAME	M.C.S.S.	DATE
John W. Hall	#209	11/21/13

STATE OF MAINE — CERTIFIED SOIL SCIENTIST

SOIL LEGEND

Symbol	Soil Type	Hydrologic Group	Hydrologic Drainage
Co	Colonel	C	(S.P.D.)
Dx	Dixfield	C	(M.W.D.)
Dx*	Dixfield Variant (20"–40" moderately deep bedrock)	C	(M.W.D.)
Em	Elmwood	C	(M.W.D. & S.P.D.)
La	Lamoine	D	(S.P.D.)
Rd	Roundabout	C	(P.D.)
Sc	Scantic	D	(P.D.)
Tl	Tunbridge–Lyman Complex	C & C/D	(W.D. & S.E.D.)

Rd and Sc are hydric soil types and indicative of wetland conditions.

Slopes

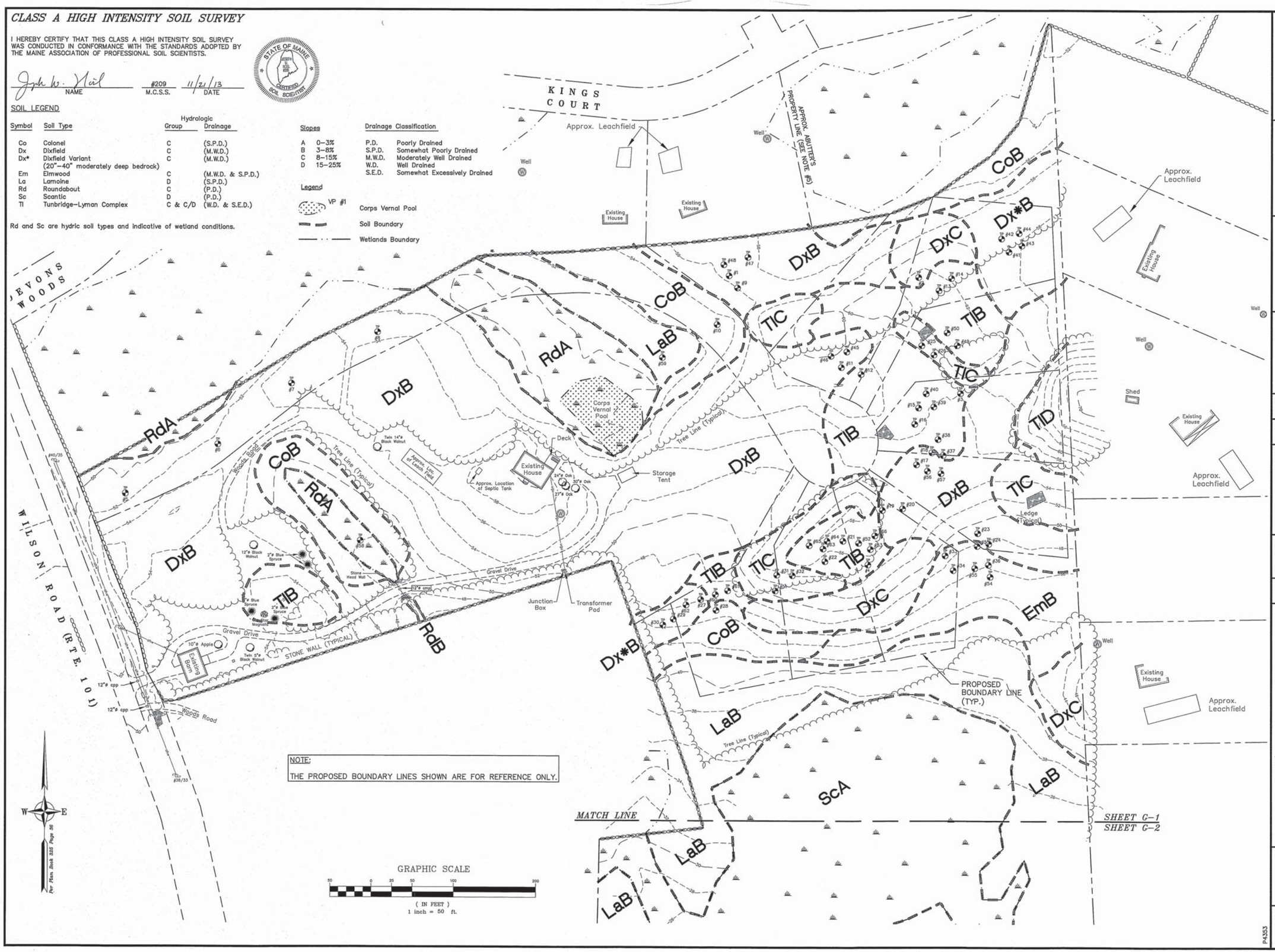
A	0–3%
B	3–8%
C	8–15%
D	15–25%

Drainage Classification

P.D.	Poorly Drained
S.P.D.	Somewhat Poorly Drained
M.W.D.	Moderately Well Drained
W.D.	Well Drained
S.E.D.	Somewhat Excessively Drained

Legend

- VP #1 — Corps Vernal Pool
- Soil Boundary
- Wetlands Boundary



ALTUS ENGINEERING, INC.

133 COURT STREET PORTSMOUTH, NH 03801
(603) 433-2335 www.ALTUS-ENG.com

NOT FOR CONSTRUCTION

ISSUED FOR: M.D.E.P. APPROVAL

ISSUE DATE: NOVEMBER 25, 2013

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	PRELIMINARY SUBMISSION	JKC	7/18/13
1	M.D.E.P. SUBMISSION	JKC	11/25/13

DRAWN BY: RMB
APPROVED BY: JKC
DRAWING FILE: 4353SUB.DWG

SCALE: 1 " = 50'

OWNER:
GAIL BURNS
60 WILSON ROAD
KITTERY, MAINE 03904

APPLICANT:
CHINBURG BUILDERS, INC.
3 PENSTOCK WAY
NEWMARKET, NH 03857

PROJECT:
PEARSON MEADOW SUBDIVISION
MAP 54 LOT 14
60 WILSON ROAD
KITTERY, MAINE

TITLE:
SOILS PLAN

SHEET NUMBER:
G - 1

P4353

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MAP 54 LOT 14
60 WILSON ROAD
KITTERY, MAINE

TITLE:
SOILS PLAN

SHEET NUMBER:
G - 2

P4353

LEGEND:

	WETLANDS SYMBOL
	WETLANDS BOUNDARY
12	PROPOSED LOT NUMBER
W	PROPOSED WELL LOCATION
TP 25	TEST PIT LOCATION
LF	PROPOSED LEACH FIELD
RES	PROPOSED RESERVE AREA
	PROPOSED BUILDING SETBACK
PUGE	PROPOSED UNDERGROUND ELECTRIC, TELEPHONE & CABLE
BASIN	PROPOSED GRASSED FILTER BASIN
L.S.	PROPOSED LEVEL SPREADER
R.D.T.	PROPOSED ROAD DITCH TURN
	APPROX. RESOURCE PROTECTION OVERLAY ZONE (OZ-RP)

SITE NOTES:

1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH LOCAL, STATE, AND FEDERAL PERMITS OBTAINED FOR THIS PROJECT.
2. ALL ROADS AND UTILITIES WILL BE PRIVATELY OWNED AND MAINTAINED.
3. PROPOSED TELEPHONE, ELECTRIC AND CABLE SERVICES AND CONDUITS SHALL BE INSTALLED UNDERGROUND.
4. ALL LOT SHALL BE SERVED BY INDIVIDUAL WELL AND AND SUBSURFACE DISPOSAL SYSTEM. EACH LOT CONTAINS SUITABLE AREA FOR A SUBSURFACE DISPOSAL SYSTEM AND WELL ACCORDING TO MAINE SUBSURFACE WASTEWATER DISPOSAL RULES. RESERVE AREA ARE SHOWN WHERE REQUIRED.
5. THE ROAD SHALL HAVE A POSTED SPEED LIMIT OF 20 MPH. THE DEVELOPER SHALL CLEAR EXISTING VEGETATION AND TREES WITHIN SIGHT DISTANCE ENVELOPE.
6. DURING JUNE 2011 AND OCTOBER 2012, WETLANDS WERE DELINEATED BY JOSEPH W. NOEL, MAINE CERTIFIED SOIL SCIENTIST #209, IN ACCORDANCE WITH THE TECHNICAL CRITERIA OUTLINED IN BOTH THE CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL (DEPARTMENT OF THE ARMY CORPS, 1987) AND THE 1989 FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS (FEDERAL INTERAGENCY COMMITTEE FOR WETLAND DELINEATION). BOTH METHODOLOGIES YIELD THE SAME WETLAND LINE ON THIS SITE.
7. THE SOUTHERLY PORTION OF THE LOT IS WITH THE 100-YEAR FLOOD ZONE A2, AS SHOWN ON FIRM FOR THE TOWN OF KITTERY, PANEL NO. 2301710004C. THERE WILL BE NO PROPOSED LOTS OR DEVELOPMENT WITHIN THE FLOOD ZONE.
8. "BUFFER EASEMENTS" AS REQUIRED BY MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, STORMWATER MANAGEMENT LAW, SHALL BE MAINTAINED PER THE PERMIT CONDITIONS AND HOMEOWNER ASSOCIATION DOCUMENTS. PRIOR TO THE START OF CONSTRUCTION ON INDIVIDUAL LOTS CONTAINING BUFFERS, THE LOCATION OF THE "WOODED" AND "MEADOW" BUFFERS SHALL BE PERMANENTLY MARKED ON THE GROUND.
9. ACCUMULATED SNOW WILL BE PLOWED TO AREAS ADJACENT TO PAVEMENT. SNOW WILL NOT BE DUMPED INTO WETLAND AREAS.
10. COMMON OPEN SPACE SHALL NOT BE USED FOR FUTURE BUILDING LOTS. COMMON OPEN SPACE SHALL BE OWNED BY A HOMEOWNER'S ASSOCIATION AND MAINTAINED IN ACCORDANCE WITH THE BYLAWS OF THE ASSOCIATION.
11. BOUNDARY SURVEY PERFORMED BY NORTH EASTERLY SURVEY, INC., KITTERY, MAINE.
12. MAILBOX LOCATIONS ARE SUBJECT TO APPROVAL OF U.S. POSTAL SERVICE.
13. ANY BUFFER AREAS WITHIN LOTS SHALL BE CLEARLY DELINEATED AND PROTECTED DURING CONSTRUCTION. TOWN APPROVED DISKS SHALL BE MOUNTED ON TREES OR BY OTHER SUITABLE MEANS TO PROVIDE LINE OF SIGHT DELINEATION OF BUFFER LIMITS.
14. ROADWAY MONUMENTATION SHALL BE A MINIMUM OF FOUR (4) INCHES SQUARE STONE MONUMENTS AND INSTALLED AS SHOWN ON SUBDIVISION PLAN AND PER TOWN STANDARDS.
15. ELEVATIONS ARE BASED ON ASSUMED DATUM.

WASTEWATER DISPOSAL NOTES

1. THE INTENT OF SHEET C-1, LOT PLAN IS TO SHOW THAT EACH LOT CAN SUPPORT A WELL AND A WASTEWATER DISPOSAL SYSTEM (I.E., SEPTIC SYSTEM). THE FINAL WELL AND SEPTIC SYSTEM LOCATIONS MAY DIFFER BASED ON HOUSE LOCATIONS AND SHALL MEET ALL STATE REGULATIONS. WELL AND SEPTIC LOCATIONS MUST NOT BE MOVED IN A MANNER THAT AFFECTS AN ABUTTING LOT'S SEPTIC SYSTEM OR WELL LOCATION.
2. TO DEPICT THE WASTEWATER DISPOSAL AREAS ON EACH LOT, AN ELJEN IN-DRAIN PROPRIETARY DEVICE WAS USED (I.E., GSF B43 MODULES).

   SINGLE-FAMILY RESIDENTIAL LOT
   EXAMPLE 3-BEDROOM HOME ON MEDIUM-LARGE DISPOSAL RATED SOILS
   270 GPD X 3.3 SQ. FT. / GPD = 891 SQUARE FEET REQUIRED
   891 / 48 = 18.56 ELJEN IN-DRAINS REQUIRED.

   USING 4 ROWS OF ELJEN IN-DRAINS (15 FEET WIDE) WITH 5 ELJEN IN-DRAINS PER ROW (20 FEET LONG) PROVIDES 20 ELJEN IN-DRAINS WITH A DISPOSAL AREA FOOTPRINT OF 15 FEET BY 20 FEET.

   LOT 7 SEPTIC SYSTEM MAY BE SITUATED ON SOILS RATED AS LARGE (4.1 SQ. FT. / GPD THAT WOULD REQUIRE 24 ELJEN IN-DRAINS AND THE SEPTIC FOOTPRINT OF 15 FEET BY 24 FEET IS DEPICTED ON THIS LOT.
3. ELJEN IN-DRAIN INFORMATION CAN BE OBTAINED:
   CONSTRUCTION CONSULTANTS, INC.
   483 ROOSEVELT TRAIL
   WINDHAM, MAINE 04062
   T 207-894-7141
   F 207-894-7143
   Toll Free 1-800-897-4072
   www.indrain.com

CONSTRUCTION NOTES:

1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL PERMITS OBTAINED FOR THE PROJECT. DO NOT BEGIN CONSTRUCTION UNTIL ALL PERMITS HAVE BEEN OBTAINED.
2. CONTRACTOR SHALL OBTAIN A "DIGSAFE NUMBER" AT LEAST 72 HOURS PRIOR TO COMMENCING CONSTRUCTION. THE LOCATION OF EXISTING UNDERGROUND UTILITIES IS APPROXIMATE AND THE LOCATIONS OR COMPLETENESS ARE NOT GUARANTEED BY THE ENGINEER, SURVEYOR OR OWNER/DEVELOPER. THE ABSENCE OF SUBSURFACE STRUCTURES, UTILITIES, ETC., FROM THESE PLANS, BUT IN EXISTENCE IS NOT INTENDED OR IMPLIED. IT IS THE SITE CONTRACTOR'S RESPONSIBILITY TO LOCATE ALL UTILITIES, ANTICIPATE CONFLICTS, REPAIR EXISTING UTILITIES AND RELOCATE EXISTING UTILITIES AT NO ADDITIONAL COST TO THE DEVELOPER/OWNER.
3. ALL CONSTRUCTION SHALL CONFORM TO THE MINIMUM CONSTRUCTION STANDARDS OF THE TOWN OF KITTERY AND THE M.D.O.T. STANDARD SPECIFICATIONS FOR ROAD CONSTRUCTION, LATEST EDITION.
4. ALL PAVEMENT MARKINGS AND SIGNS SHALL CONFORM TO ADA REQUIREMENTS AND THE MINIMUM REQUIREMENTS OF THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" AND "STANDARD ALPHABETS FOR HIGHWAY SIGNS AND PAVEMENT MARKINGS," LATEST EDITIONS.
5. CLEAN AND COAT VERTICAL FACE OF EXISTING PAVEMENT AT SAWCUT LINE WITH RS-1 IMMEDIATELY PRIOR TO PLACING NEW BITUMINOUS CONCRETE
6. CULVERTS SHALL BE CORRUGATED POLYETHYLENE PIPE (CPE), TYPE ADS N-12 OR HANCOR H1-Q, WITH METAL FLARED END SECTIONS, UNLESS INDICATED OTHERWISE.
7. UPON COMPLETION OF THE ROADWAY CONSTRUCTION, THE DRAINAGE INFRASTRUCTURE SHALL BE CLEANED OF ALL DEBRIS AND SEDIMENT.
8. INSTALL UNDERGROUND TELEPHONE, ELECTRIC AND CABLE SERVICES AND CONDUITS TO THE REQUIREMENTS OF THE RESPECTIVE UTILITY. ALL UNDERGROUND CONDUIT SHALL HAVE NYLON PULL ROPES TO FACILITATE PULLING OF CABLES.
9. GRIND STUMPS AND REUSE GRINDINGS FOR EROSION CONTROL WHERE POSSIBLE. NO STUMPS WILL BE BURIED ON SITE.
10. DISPOSE OF EXCESS ROCK AND BOULDERS BY BLASTING, CRUSHING OR BURYING IN APPROVED UPLAND AREAS, OR OFF-SITE DISPOSAL AREAS.
11. CONTRACTOR TO ESTABLISH AND MAINTAIN TEMPORARY BENCHMARKS (TBMS) AND PERFORM CONSTRUCTION LAYOUT.
12. CONTRACTOR SHALL MAINTAIN AND PROVIDE RECORD DRAWINGS TO THE OWNER/DEVELOPER. CONTRACTOR SHALL PROVIDE TIES FROM PROPERTY BOUNDS TO UTILITY LOCATIONS.
13. STORMWATER AND EROSION CONTROL BEST MANAGEMENT PRACTICES (BMPS) SHALL BE INCORPORATED AND MAINTAINED DURING ALL PHASES OF CONSTRUCTION.
14. ROADWAY CONSTRUCTION AND LOT DEVELOPMENT ARE SUBJECT THE REQUIREMENTS OF THE MAINE CONSTRUCTION GENERAL PERMIT. CONTRACTORS/OWNERS SHALL FILE A "NOTICE OF INTENT" WITH MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION PRIOR TO COMMENCEMENT OF CONSTRUCTION.
15. TEMPORARY EROSION CONTROL MEASURES TO CONTROL EROSION AND PREVENT SEDIMENT CONTAMINATION OF DOWN GRADIENT AREAS SHALL BE INSTALLED PRIOR TO ANY EARTH MOVING ACTIVITIES.
16. ALL AREAS OF THE SITE WHICH ARE DISTURBED SHALL BE LOAMED AND SEEDED WITH A MINIMUM OF 4" DEPTH OF TOPSOIL, UNLESS NOTED OTHERWISE.
17. BLASTING OPERATIONS, IF USED, SHALL MEET THE AIR BLAST STANDARDS OF THE MDEP RULES, CHAPTER 375.10(C)(4)(C), GROUND VIBRATION AT STRUCTURES NOT OWNED OR CONTROLLED BY THE DEVELOPER MUST BE NO GREATER THAN THE FREQUENCY-DEPENDENT LIMITS DEFINED IN FIGURE B-1 OF APPENDIX B, U.S. BUREAU OF MINES RI 8507, AND THAT FLYROCK MAY NOT LEAVE PROPERTY OWNED OR CONTROLLED BY THE DEVELOPER OR ENTER A PROTECTED RESOURCE.
18. THE LOCATION AND CONSTRUCTION OF EACH DRIVEWAY SHALL ENSURE THAT ADEQUATE DRAINAGE IS MAINTAINED. INSTALL CULVERT WHERE NECESSARY.
19. PROTECTION OF SUBGRADE: THE CONTRACTOR SHALL BE REQUIRED TO MAINTAIN STABLE, DEWATERED SUBGRADES FOR FOUNDATIONS, PAVEMENT AREAS, UTILITY TRENCHES, AND OTHER AREAS DURING CONSTRUCTION. SUBGRADE DISTURBANCE MAY BE INFLUENCED BY EXCAVATION METHODS, MOISTURE, PRECIPITATION, GROUNDWATER CONTROL, AND CONSTRUCTION ACTIVITIES. THE CONTRACTOR SHALL TAKE PRECAUTIONS TO PREVENT SUBGRADE DISTURBANCE. SUCH PRECAUTIONS MAY INCLUDE DIVERTING STORMWATER RUNOFF AWAY FROM CONSTRUCTION AREAS, REDUCING TRAFFIC IN SENSITIVE AREAS, AND MAINTAINING AN EFFECTIVE DEWATERING PROGRAM. SOILS EXHIBITING HEAVING OR INSTABILITY SHALL BE OVER EXCAVATED TO MORE COMPETENT BEARING SOIL AND REPLACED WITH FREE DRAINING STRUCTURAL FILL.
20. IF THE EARTHWORK IS PERFORMED DURING FREEZING WEATHER, EXPOSED SUBGRADES ARE SUSCEPTIBLE TO FROST. NO FILL OR UTILITIES SHALL BE PLACED ON FROZEN GROUND. THIS WILL LIKELY REQUIRE REMOVAL OF FROZEN SOIL CRUST AT THE COMMENCEMENT OF EACH DAY'S OPERATION. THE FINAL SUBGRADE ELEVATION WOULD ALSO REQUIRE AN APPROPRIATE DEGREE OF INSULATION AGAINST FREEZING.
21. EXCAVATED MATERIALS SHALL BE PLACED AS FILL MATERIALS WITHIN UPLAND AREAS ONLY AND SHALL NOT BE PLACED WITHIN THE 100-YEAR FLOOD ZONE OR BUFFER EASEMENTS.
22. CONTRACTOR SHALL REMOVE AND DISPOSE OF EXISTING ON-SITE STRUCTURES, BITUMINOUS CONCRETE, DEBRIS, AND CONSTRUCTION WASTE PRODUCTS WHICH ARE NOT AUTHORIZED TO BE USED AS PART OF CONSTRUCTION.
23. PLACEMENT OF BORROW MATERIALS SHALL BE PERFORMED IN A MANNER THAT PREVENTS LONG TERM DIFFERENTIAL SETTLEMENT. EXCESSIVELY WET MATERIALS SHALL BE STOCKPILED AND ALLOWED TO DRAIN BEFORE PLACEMENT. FROZEN MATERIAL SHALL NOT BE USED FOR CONSTRUCTION. VOIDS BETWEEN STONES AND CLUMPS OF MATERIAL SHALL BE FILLED WITH FINE MATERIALS.

LIGHTING NOTE:

LIGHTING SHALL BE NON-GLARE TYPE, WITH DIRECTIONAL SHIELDING, MOUNTED ON POLES WITH FIXTURE HEIGHT NO GREATER THAN 15 FEET HIGH.

PHASING NOTE:

THE PROJECT WILL BE CONSTRUCTED IN ONE PHASE.

P4353

ALTUS ENGINEERING, INC.
133 COURT STREET PORTSMOUTH, NH 03801
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STATE OF MAINE
JEFFREY K. CLIFFORD
No. 5987
LICENSED
PROFESSIONAL ENGINEER

NOT FOR CONSTRUCTION

ISSUED FOR: *FINAL APPROVAL*

ISSUE DATE: *APRIL 4, 2014*

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	PRELIMINARY SUBMISSION	JKC	7/18/13
1	M.D.E.P. SUBMISSION	JKC	12/18/13
2	FINAL APPROVAL	JKC	4/04/14

DRAWN BY: RMB
APPROVED BY: JKC
DRAWING FILE: 4353SUB.DWG

SCALE: N.T.S.

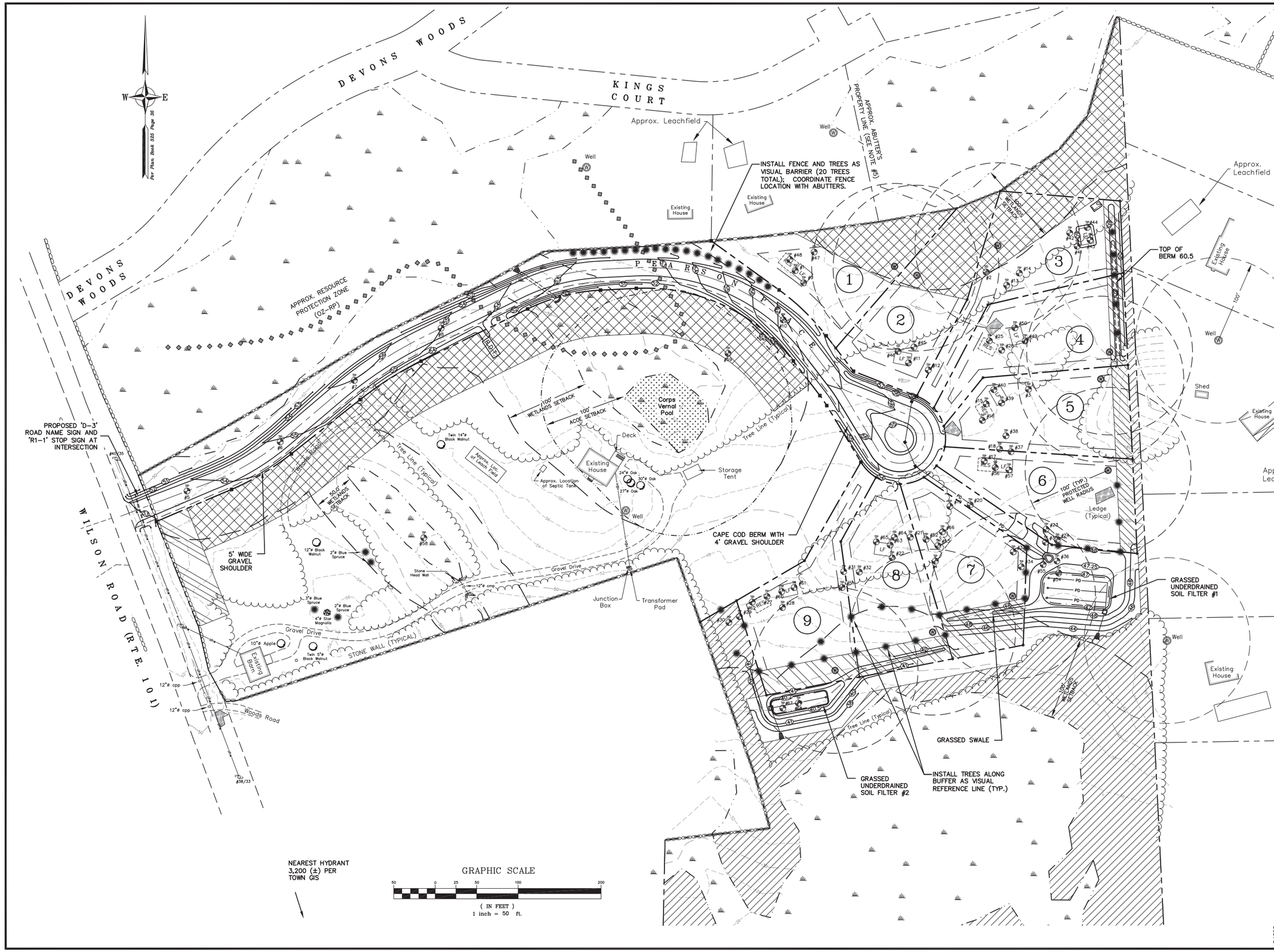
OWNER:
GAIL BURNS
60 WILSON ROAD
KITTERY, MAINE 03904

APPLICANT:
CHINBURG BUILDERS, INC.
3 PENSTOCK WAY
NEWMARKET, NH 03857

PROJECT:
PEARSON MEADOW SUBDIVISION
MAP 54 LOT 14
60 WILSON ROAD
KITTERY, MAINE

TITLE:
LEGEND & GENRAL NOTES

SHEET NUMBER:
G - 3



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ISSUED FOR: FINAL APPROVAL

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2	M.D.E.P. COMMENTS	JKC	2/10/14
3	M.D.E.P. COMMENTS	JKC	3/03/14
4	M.D.E.P. COMMENTS	JKC	3/18/14
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3 PENSTOCK WAY
NEWMARKET, NH 03857

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MAP 54 LOT 14
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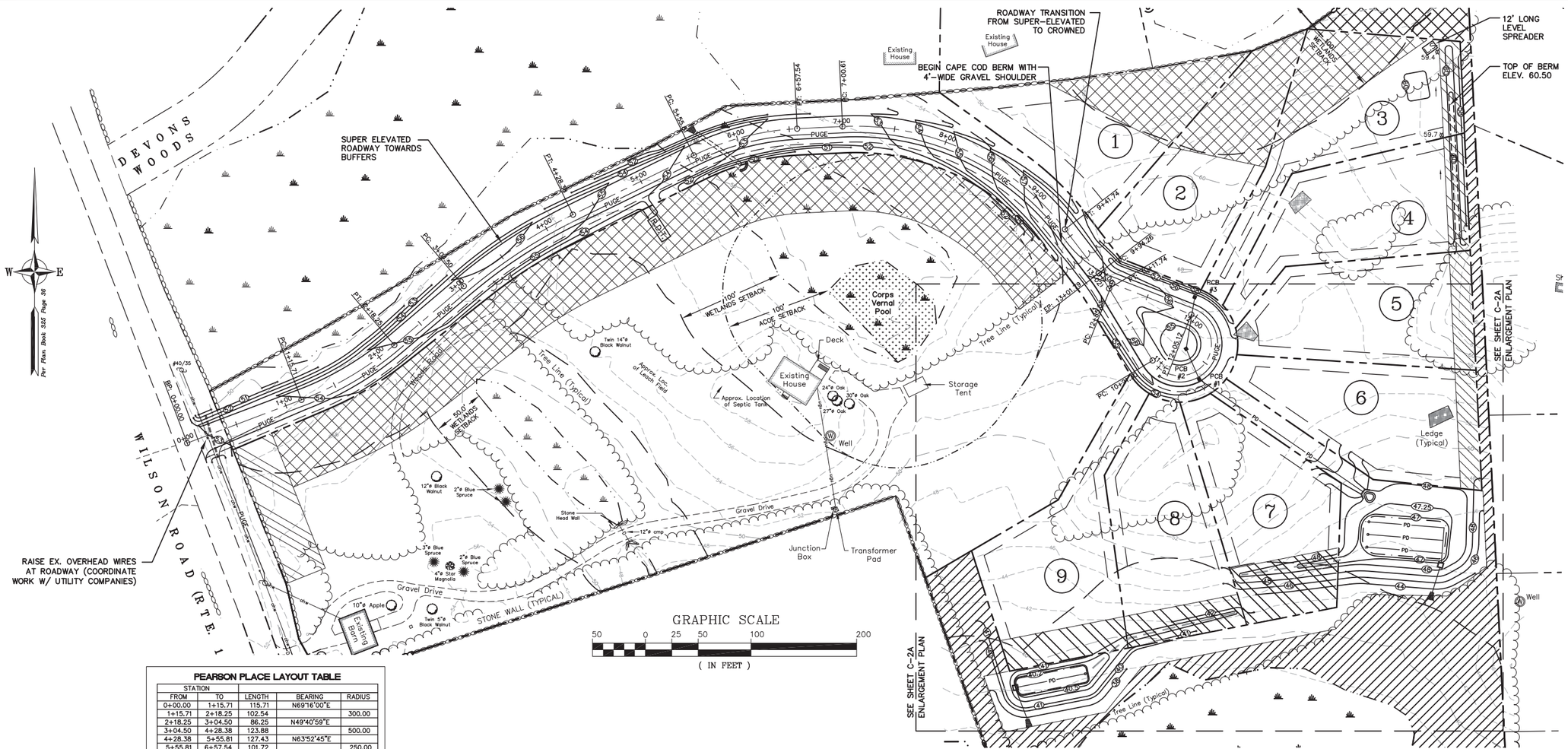
KITTERY, MAINE

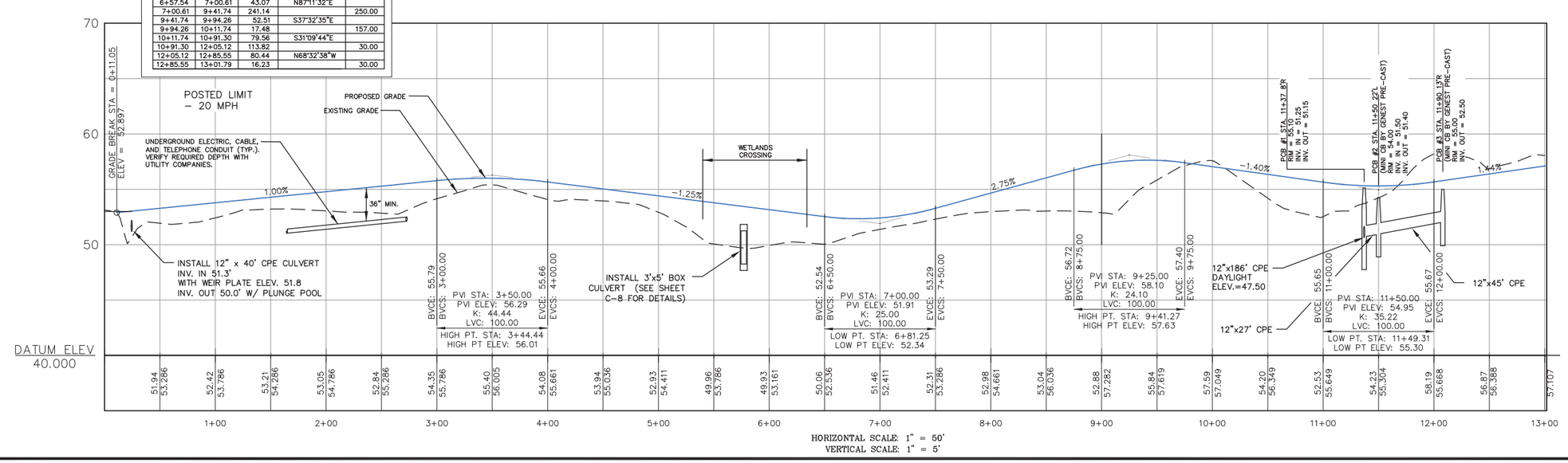
TITLE:
LOT PLAN

SHEET NUMBER:
C - 1



PEARSON PLACE LAYOUT TABLE

STATION FROM	STATION TO	LENGTH	BEARING	RADIUS
0+00.00	1+15.71	115.71	N69°16'00"E	
1+15.71	2+18.25	102.54		300.00
2+18.25	3+04.50	86.25	N49°40'59"E	
3+04.50	4+28.38	123.88		500.00
4+28.38	5+55.81	127.43	N63°52'45"E	
5+55.81	6+57.54	101.72		250.00
6+57.54	7+00.61	43.07	N87°11'32"E	
7+00.61	9+41.74	241.14		250.00
9+41.74	9+94.26	52.51	S37°32'35"E	
9+94.26	10+11.74	17.48		157.00
10+11.74	10+91.30	79.56	S31°09'44"E	
10+91.30	12+05.12	113.82		30.00
12+05.12	12+85.55	80.44	N68°32'38"W	
12+85.55	13+01.79	16.23		30.00



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STATE OF MAINE JEFFREY K. CLIFFORD No. 9987 LICENSED PROFESSIONAL ENGINEER

NOT FOR CONSTRUCTION

ISSUED FOR: FINAL APPROVAL

ISSUE DATE: APRIL 4, 2014

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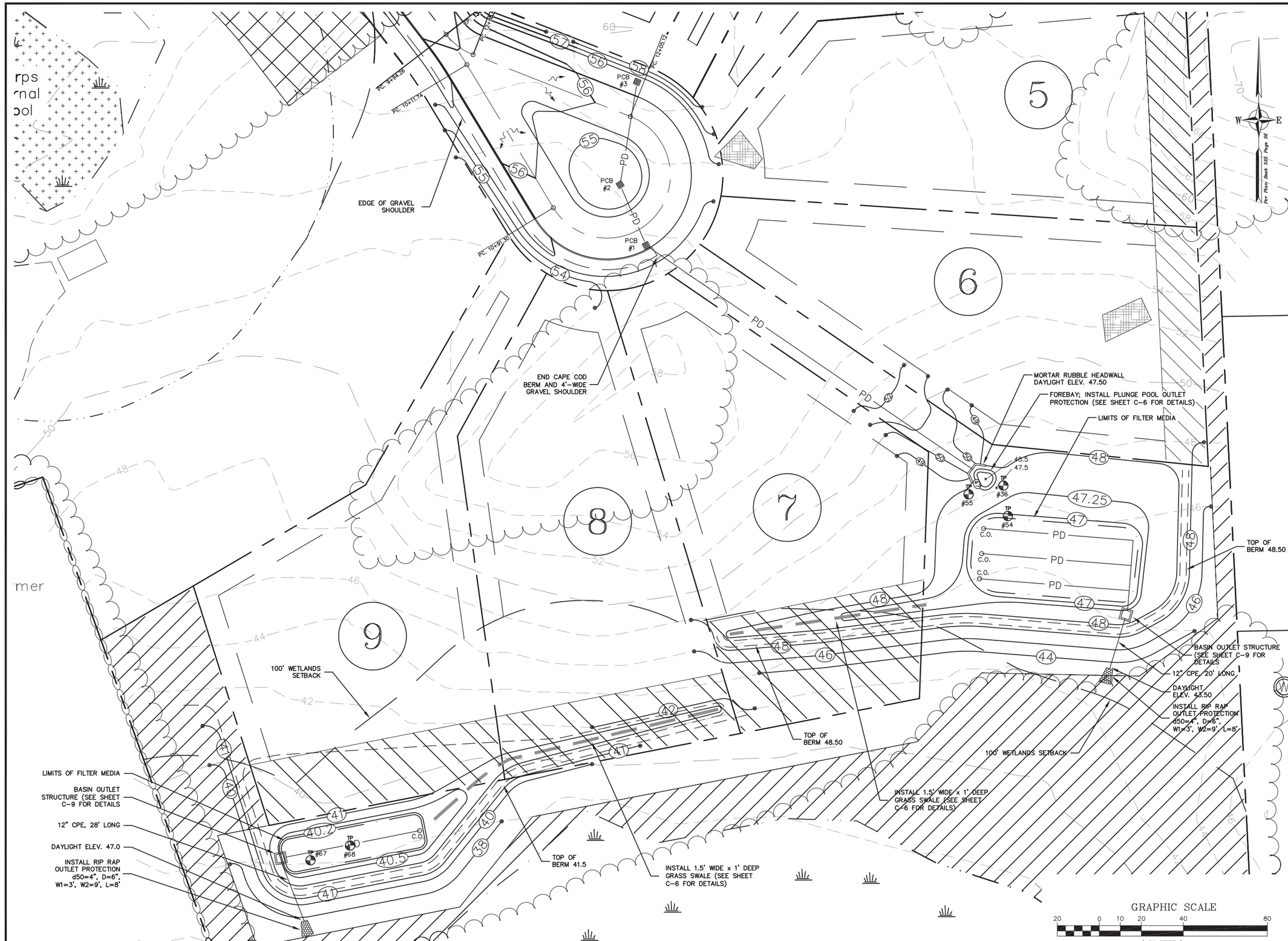
MAP 54 LOT 14
60 WILSON ROAD
KITTERY, MAINE

TITLE:
PEARSON PLACE PLAN & PROFILE STA 0+00 TO STA 13+02

SHEET NUMBER:
C - 2

P4353



ALTUS ENGINEERING, INC.

133 COURT STREET PORTSMOUTH, NH 03801
(603) 433-2335 www.ALTUS-ENG.com

STATE OF MAINE
JEFFREY K. CLIFFORD
No. 9987
LICENSED
PROFESSIONAL ENGINEER

NOT FOR CONSTRUCTION

ISSUED FOR: FINAL APPROVAL

ISSUE DATE: APRIL 4, 2014

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	M.D.E.P. SUBMISSION	JKC	12/18/13
1	M.D.E.P. COMMENTS	JKC	2/10/14
2	M.D.E.P. COMMENTS	JKC	3/03/14
3	M.D.E.P. COMMENTS	JKC	3/18/14
4	FINAL APPROVAL	JKC	4/04/14

DRAWN BY: RMB
APPROVED BY: JKC
DRAWING FILE: 4353SUB.DWG

SCALE: 1 " = 20'

OWNER:
GAIL BURNS
60 WILSON ROAD
KITTERY, MAINE 03904

APPLICANT:
CHINBURG BUILDERS, INC.
3 PENSTOCK WAY
NEWMARKET, NH 03857

PROJECT:
PEARSON MEADOW SUBDIVISION
MAP 54 LOT 14
60 WILSON ROAD
KITTERY, MAINE

TITLE:
ENLARGEMENT PLAN

SHEET NUMBER:
C - 2A

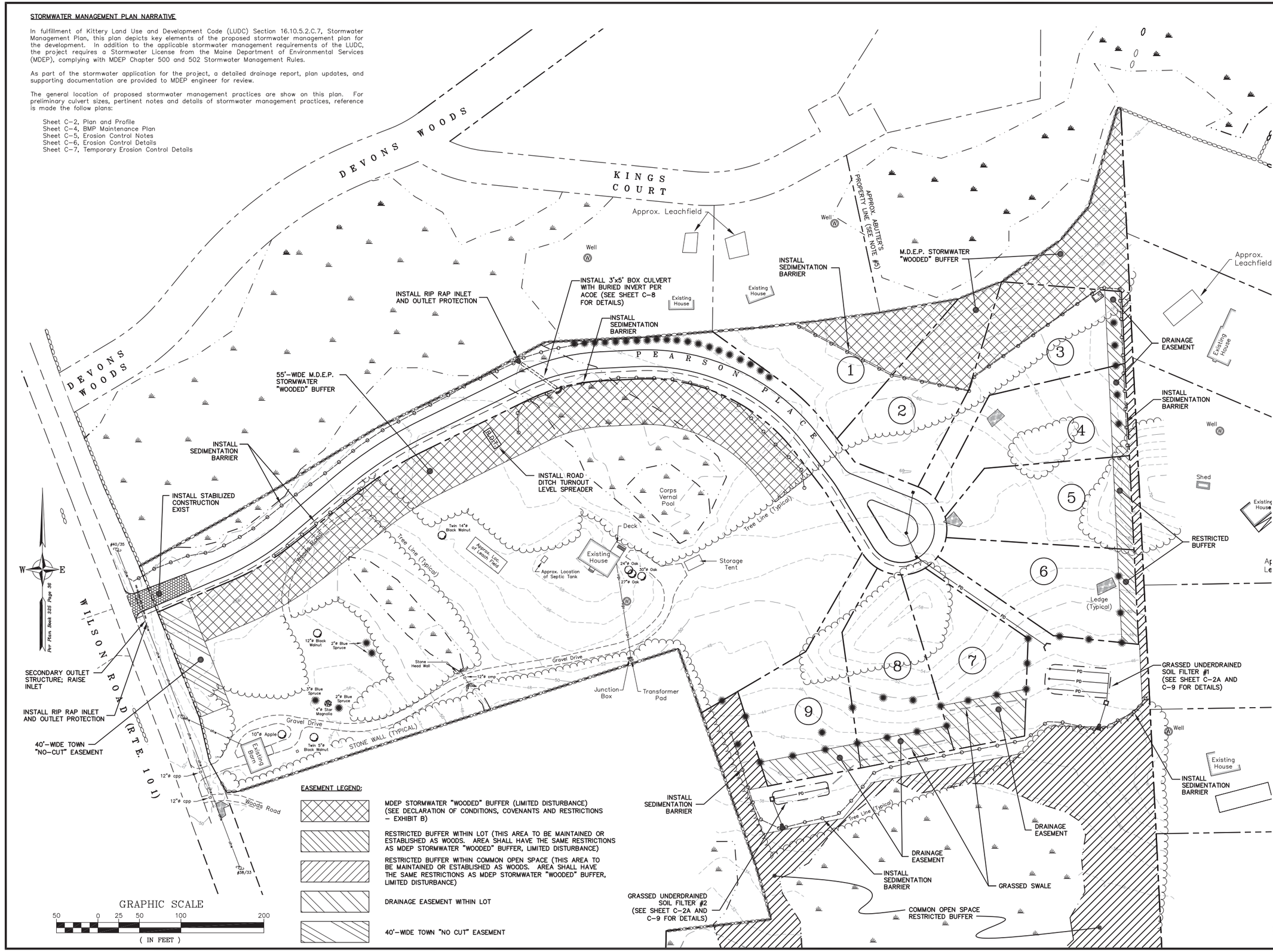
STORMWATER MANAGEMENT PLAN NARRATIVE

In fulfillment of Kittery Land Use and Development Code (LUDC) Section 16.10.5.2.C.7, Stormwater Management Plan, this plan depicts key elements of the proposed stormwater management plan for the development. In addition to the applicable stormwater management requirements of the LUDC, the project requires a Stormwater License from the Maine Department of Environmental Services (MDEP), complying with MDEP Chapter 500 and 502 Stormwater Management Rules.

As part of the stormwater application for the project, a detailed drainage report, plan updates, and supporting documentation are provided to MDEP engineer for review.

The general location of proposed stormwater management practices are show on this plan. For preliminary culvert sizes, pertinent notes and details of stormwater management practices, reference is made the follow plans:

- Sheet C–2, Plan and Profile
- Sheet C–4, BMP Maintenance Plan
- Sheet C–5, Erosion Control Notes
- Sheet C–6, Erosion Control Details
- Sheet C–7, Temporary Erosion Control Details



ALTUS ENGINEERING, INC.
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STATE OF MAINE JEFFREY K. CLIFFORD No. 9957 LICENSED PROFESSIONAL ENGINEER

NOT FOR CONSTRUCTION

ISSUED FOR: *FINAL APPROVAL*

ISSUE DATE: *APRIL 4, 2014*

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	PRELIMINARY SUBMISSION	JKC	7/18/13
1	M.D.E.P. SUBMISSION	JKC	12/18/13
2	M.D.E.P. COMMENTS	JKC	2/10/14
3	M.D.E.P. COMMENTS	JKC	3/03/14
4	M.D.E.P. COMMENTS	JKC	3/18/14
5	FINAL APPROVAL	JKC	4/04/14

DRAWN BY: RMB
APPROVED BY: JKC
DRAWING FILE: 4353SUB.DWG

SCALE: 1 " = 50'

OWNER:
GAIL BURNS
60 WILSON ROAD
KITTERY, MAINE 03904

APPLICANT:
CHINBURG BUILDERS, INC.
3 PENSTOCK WAY
NEWMARKET, NH 03857

PROJECT:
PEARSON MEADOW SUBDIVISION
MAP 54 LOT 14
60 WILSON ROAD
KITTERY, MAINE

TITLE:
STORMWATER MANAGEMENT PLAN

SHEET NUMBER:
C – 3

COMPLIANCE WITH STORMWATER FACILITY MAINTENANCE REQUIREMENTS

THE PROPERTY OWNER IS THE RESPONSIBLE PARTY FOR ENSURING THAT STORMWATER FACILITIES INSTALLED ON THEIR PROPERTY ARE PROPERLY MAINTAINED AND THAT THEY FUNCTION AS DESIGNED. IN SOME CASES, THIS MAINTENANCE RESPONSIBILITY MAY BE ASSIGNED TO OTHERS THROUGH SPECIAL AGREEMENTS. THE MAINTENANCE RESPONSIBILITY FOR A STORMWATER FACILITY MAY BE DESIGNATED WITHIN A MAINTENANCE AGREEMENT FOR THE PROPERTY. PROPERTY OWNERS SHALL BE AWARE OF THEIR RESPONSIBILITIES REGARDING STORMWATER FACILITY MAINTENANCE.

LONG TERM INSPECTION, MAINTENANCE, AND REPAIR ARE KEY ELEMENTS IN MAINTAINING A SUCCESSFUL STORMWATER MANAGEMENT PROGRAM ON THE DEVELOPED PROPERTY. ROUTINE INSPECTIONS WILL ENSURE PERMIT COMPLIANCE; WILL REDUCE THE POTENTIAL FOR DETERIORATION OF INFRASTRUCTURE AND THE HIGH COST TO REPAIR/REPLACE, AND WILL REDUCED THE DEGRADATION OF WATER QUALITY.

INSPECTION & MAINTENANCE – ANNUAL REPORTING

REQUIREMENTS FOR THE LONG TERM INSPECTION AND MAINTENANCE OF STORMWATER FACILITIES, AS WELL AS REPORTING REQUIREMENTS ARE INCLUDED IN THIS STORMWATER MANAGEMENT FACILITY OPERATION AND MAINTENANCE (O&M) MANUAL.

PREVENTATIVE MEASURES TO REDUCE MAINTENANCE COSTS

THE MOST EFFECTIVE WAY TO MAINTAIN THE WATER QUALITY FACILITY IS TO PREVENT THE POLLUTANTS FROM ENTERING THE FACILITY IN THE FIRST PLACE. COMMON POLLUTANTS INCLUDE SEDIMENT, TRASH & DEBRIS, CHEMICALS, DOG WASTES, RUNOFF FROM STORED MATERIALS, ILLICIT DISCHARGES INTO THE STORM DRAINAGE SYSTEM AND MANY OTHERS. THE MAINTENANCE PROGRAM INCLUDES MEASURES TO ADDRESS THESE POTENTIAL CONTAMINANTS, AND WILL SAVE MONEY AND TIME IN THE LONG RUN. KEY OF THE MAINTENANCE PROGRAM INCLUDE:

- EDUCATE PROPERTY OWNERS, STAFF AND PATRONS TO BE AWARE OF HOW THEIR ACTIONS AFFECT WATER QUALITY, AND HOW THEY CAN HELP REDUCE MAINTENANCE COSTS.
- KEEP THE PROPERTY, DRIVEWAY, GUTTERS AND PARKING LOTS FREE OF TRASH AND DEBRIS
- ENSURE THE PROPER DISPOSAL OF HAZARDOUS WASTES AND CHEMICALS.
- LAWN CARE SHALL BE PLANNED TO MINIMIZE THE USE OF CHEMICALS AND PESTICIDES.
- BE AWARE OF AUTOMOBILES LEAKING FLUIDS. USE ABSORBENTS SUCH AS CAT LITTER TO SOAK UP DRIPPINGS – DISPOSE OF PROPERLY.
- SWEEP PAVED SURFACES OF SEDIMENT AND LAWN CLIPPINGS; DISPOSE OF OFFSITE OR IN UPLAND AREAS AT LEAST 25 FEET FROM WETLANDS. MULCHING MOWERS ARE ENCOURAGED.
- RE–VEGETATE DISTURBED AND BARE AREAS TO MAINTAIN VEGETATIVE STABILIZATION.
- CLEAN OUT THE ALL COMPONENTS OF THE STORM DRAINAGE SYSTEM, INCLUDING INLETS, STORM SEWER AND OUTFALLS. DISPOSE OF CATCH BASIN CLEANINGS OFFSITE.
- DO NOT STORE MATERIALS OUTDOORS (INCLUDING LANDSCAPING MATERIALS) UNLESS PROPERLY PROTECTED FROM RUNOFF AND EROSION.

SAFETY

KEEP SAFETY CONSIDERATIONS AT THE FOREFRONT OF INSPECTION PROCEDURES AT ALL TIMES. LIKELY HAZARDS SHOULD BE ANTICIPATED AND AVOIDED. NEVER ENTER A CONFINED SPACE (OUTLET STRUCTURE, MANHOLE, ETC) WITHOUT PROPER TRAINING OR EQUIPMENT. A CONFINED SPACE SHOULD NEVER BE ENTERED WITHOUT AT LEAST ONE ADDITIONAL PERSON PRESENT.

INSPECTING STORMWATER MANAGEMENT FACILITIES

THE QUALITY OF STORMWATER ENTERING THE WATERS OF THE STATE RELIES HEAVILY ON THE PROPER OPERATION AND MAINTENANCE OF PERMANENT BEST MANAGEMENT PRACTICES. STORMWATER MANAGEMENT FACILITIES MUST BE PERIODICALLY INSPECTED TO ENSURE THAT THEY FUNCTION AS DESIGNED. THE INSPECTION WILL DETERMINE THE APPROPRIATE MAINTENANCE THAT IS REQUIRED FOR THE FACILITY.

A. INSPECTION PROCEDURES

ALL STORMWATER MANAGEMENT FACILITIES ARE REQUIRED TO BE INSPECTED BY A QUALIFIED INDIVIDUAL AT A MINIMUM OF ONCE PER YEAR. INSPECTIONS SHOULD FOLLOW THE INSPECTION GUIDANCE FOUND IN O&M MANUAL FOR THE SPECIFIC TYPE OF FACILITY.

B. INSPECTION REPORT

THE PERSON(S) CONDUCTING THE INSPECTION ACTIVITIES SHALL COMPLETE THE APPROPRIATE INSPECTION REPORT FOR THE SPECIFIC FACILITY. AN INSPECTION AND MAINTENANCE REPORT IS PROVIDED.

GENERAL INFORMATION

THIS SECTION IDENTIFIES THE FACILITY LOCATION, PERSON CONDUCTING THE INSPECTION, THE DATE AND TIME THE FACILITY WAS INSPECTED, AND APPROXIMATE DAYS SINCE THE LAST RAINFALL. THE REASON FOR THE INSPECTION IS ALSO IDENTIFIED ON THE FORM DEPENDING ON THE NATURE OF THE INSPECTION. ALL FACILITIES SHOULD BE INSPECTED ON AN ANNUAL BASIS AT A MINIMUM. IN ADDITION, ALL FACILITIES SHOULD BE INSPECTED AFTER A SIGNIFICANT PRECIPITATION EVENT TO ENSURE THE FACILITY IS DRAINING APPROPRIATELY AND TO IDENTIFY ANY DAMAGE THAT OCCURRED AS A RESULT OF THE INCREASED RUNOFF. FOR THE PURPOSE OF THIS STORMWATER MANAGEMENT PROGRAM, A SIGNIFICANT RAINFALL EVENT IS CONSIDERED AN EVENT OF THREE (3) INCHES IN A 24–HOUR PERIOD OR 0.5 INCHES IN A ONE–HOUR PERIOD. IT IS ANTICIPATED THAT A SHORT, INTENSE EVENT IS LIKELY TO HAVE A HIGHER POTENTIAL OF EROSION FOR THIS SITE THAN A LONGER, HIGH VOLUME EVENT.

INSPECTION SCORING

FOR EACH INSPECTION ITEM, A SCORE MUST BE GIVEN TO IDENTIFY THE URGENCY OF REQUIRED MAINTENANCE. THE SCORING IS AS FOLLOWS:

0 = NO DEFICIENCIES IDENTIFIED.

1 = MONITOR – ALTHOUGH MAINTENANCE MAY NOT BE REQUIRED AT THIS TIME, A POTENTIAL PROBLEM EXISTS THAT WILL MOST LIKELY NEED TO BE ADDRESSED IN THE FUTURE. THIS CAN INCLUDE ITEMS LIKE MINOR EROSION, CONCRETE CRACKS/SPALLING, OR MINOR SEDIMENT ACCUMULATION. THIS ITEM SHOULD BE REVISITED AT THE NEXT INSPECTION.

2 = ROUTINE MAINTENANCE REQUIRED – SOME INSPECTION ITEMS CAN BE ADDRESSED THROUGH THE ROUTINE MAINTENANCE PROGRAM (SEE SOP IN APPENDIX A). THIS CAN INCLUDE ITEMS LIKE VEGETATION MANAGEMENT OR DEBRIS/TRASH REMOVAL.

3 = IMMEDIATE REPAIR NECESSARY – THIS ITEM NEEDS IMMEDIATE ATTENTION BECAUSE FAILURE IS IMMINENT OR HAS ALREADY OCCURRED. THIS COULD INCLUDE ITEMS SUCH AS STRUCTURAL FAILURE OF A FEATURE (OUTLET WORKS, FOREBAY, ETC), SIGNIFICANT EROSION, OR SIGNIFICANT SEDIMENT ACCUMULATION. THIS SCORE SHOULD BE GIVEN TO AN ITEM THAT CAN SIGNIFICANTLY AFFECT THE FUNCTION OF THE FACILITY.

INSPECTION SUMMARY/ADDITIONAL COMMENTS

ADDITIONAL EXPLANATIONS TO INSPECTION ITEMS, AND OBSERVATIONS ABOUT THE FACILITY NOT COVERED BY THE FORM, ARE RECORDED IN THIS SECTION.

C. VERIFICATION OF INSPECTION AND FORM SUBMITTAL

THE STORMWATER MANAGEMENT FACILITY INSPECTION FORM PROVIDES A RECORD OF INSPECTION OF THE FACILITY. THE VERIFICATION AND THE INSPECTION FORM(S) SHALL BE REVIEWED AND MAINTAINED BY THE PROPERTY OWNER OR PROPERTY MANAGER. ANY TRANSFER IN OWNERSHIP SHALL BE DOCUMENTED IN WRITING TO MDEP.

MAINTAINING STORMWATER MANAGEMENT FACILITIES

STORMWATER MANAGEMENT FACILITIES MUST BE PROPERLY MAINTAINED TO ENSURE THAT THEY OPERATE CORRECTLY AND PROVIDE THE WATER QUALITY TREATMENT FOR WHICH THEY WERE DESIGNED. ROUTINE MAINTENANCE PERFORMED ON A FREQUENTLY SCHEDULED BASIS, CAN HELP AVOID MORE COSTLY REHABILITATIVE MAINTENANCE THAT RESULTS WHEN FACILITIES ARE NOT ADEQUATELY MAINTAINED. MAINTENANCE PERSONNEL MUST BE QUALIFIED TO PROPERLY MAINTAIN STORMWATER MANAGEMENT FACILITIES. INADEQUATELY TRAINED PERSONNEL CAN CAUSE ADDITIONAL PROBLEMS RESULTING IN ADDITIONAL MAINTENANCE COSTS.

THE FOLLOWING PROVIDES A LIST OF RECOMMENDATIONS AND GUIDELINES FOR MANAGING THE STORMWATER FACILITIES.

SILT FENCE/ SEDIMENT BARRIER

STRAW/HAY BALE BARRIERS, SILT FENCE AND FILTER BARRIERS SHALL BE INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND DAILY DURING PROLONGED RAINFALL EVENTS. THESE STRUCTURES SHALL BE INSPECTED FOR SIGNS OF EROSION OR SEDIMENTATION REGULARLY. ANY REQUIRED REPAIRS SHALL BE MADE IMMEDIATELY. IF THERE ARE SIGNS OF UNDERCUTTING AT THE CENTER OR THE EDGES, OR IMPOUNDING OF LARGE VOLUMES OF WATER, SEDIMENT BARRIERS SHALL BE REPLACED WITH A TEMPORARY STONE CHECK DAM.

SHOULD THE FABRIC OF A SILT FENCE OR FILTER BARRIER DECOMPOSE OR BECOME INEFFECTIVE PRIOR TO THE END OF ITS EXPECTED USABLE LIFE AND THE BARRIER IS STILL NECESSARY, THE FABRIC SHALL BE REPLACED PROMPTLY.

SEDIMENT DEPOSITS MUST BE REMOVED WHEN DEPOSITS REACH APPROXIMATELY ONE THIRD (1/3) THE HEIGHT OF THE BARRIER. ANY SEDIMENT DEPOSITS REMAINING IN PLACE AFTER THE SILT FENCE OR FILTER BARRIER IS NO LONGER REQUIRED SHALL BE DRESSED TO CONFORM TO THE EXISTING GRADE, THEN PREPARED, LOAMED AND SEEDED.

ROAD DITCH TURNOUT

AFTER CONSTRUCTION, DITCH TURNOUTS NEED TO BE CAREFULLY INSPECTED FOR ANY SIGNS OF CHANNELIZATION AND IMMEDIATELY REPAIRED. THE STRUCTURE WILL FAIL IF WATER EXITS FROM IT IN CHANNELIZED FLOW. IT WILL BE NECESSARY TO REMOVE SEDIMENT FROM THE DITCH TURNOUT TRENCH WHEN THE STRUCTURE IS NO LONGER FUNCTIONING PROPERLY (I.E. DISTRIBUTING THE RUNOFF UNIFORMLY ACROSS THE TRENCH).

VEGETATED SWALE

TIMELY MAINTENANCE IS IMPORTANT TO KEEP THE VEGETATION IN THE SWALE IN GOOD CONDITION. MOWING SHALL BE DONE FREQUENTLY ENOUGH TO KEEP THE VEGETATION IN VIGOROUS CONDITION AND TO CONTROL ENCROACHMENT OF WEEDS AND WOODY VEGETATION, HOWEVER IT SHALL NOT BE MOWED TOO CLOSELY TO REDUCE THE FILTERING EFFECT. FERTILIZE ON AN "AS NEEDED" BASIS TO KEEP THE GRASS HEALTHY, HOWEVER, OVER–FERTILIZATION CAN RESULT IN THE SWALE BECOMING A SOURCE OF POLLUTION AND MUST BE AVOIDED.

THE SWALE SHOULD BE INSPECTED PERIODICALLY AND AFTER EVERY MAJOR STORM TO DETERMINE THE CONDITION OF THE SWALE. RILLS AND DAMAGED AREAS SHALL BE PROMPTLY REPAIRED AND RE–VEGETATED AS NECESSARY TO PREVENT FURTHER DETERIORATION.

TEMPORARY CHECK DAMS

REGULAR INSPECTIONS MUST BE MADE TO INSURE THAT THE CENTER OF THE DAM IS LOWER THAN THE EDGES. EROSION CAUSED BY HIGH FLOWS AROUND THE EDGES OF THE DAM MUST BE CORRECTED IMMEDIATELY. IF EVIDENCE OF SILTATION IN THE WATER IS APPARENT DOWNSTREAM FROM THE CHECK DAM, THE CHECK DAM MUST BE INSPECTED AND ADJUSTED IMMEDIATELY.

CHECK DAMS MUST BE CHECKED FOR SEDIMENT ACCUMULATION AFTER EACH SIGNIFICANT RAINFALL. SEDIMENT MUST BE REMOVED WHEN IT REACHES ONE THIRD (1/3) THE ORIGINAL HEIGHT OF THE SILT FENCE.

PIPE INLET AND OUTLET PROTECTION

PERIODICALLY CHECK ALL APRONS, PLUNGE POOLS, PIPE INLET AND OUTLET PROTECTION (RIPRAP) FOR DAMAGE AND REPAIR AS NEEDED. IF ANY EVIDENCE OF EROSION OR SCOURING IS APPARENT, MODIFY THE DESIGN AS NEEDED TO PROVIDE LONG–TERM PROTECTION.

LEVEL SPREADERS

THE PROPOSED SITE PLAN INCLUDES A LEVEL SPREADER AT LOCATIONS OF CONCENTRATED FLOWS. LEVEL SPREADERS ARE SIX FEET OR MORE IN WIDTH AND DESIGNED AS FOUR FEET (4') OF LENGTH PER ONE (1) C.F.S. OF FLOW, WITH A MINIMUM LENGTH OF 10 FEET. LEVEL SPREADERS ENABLE RUN–OFF DIRECTED TOWARDS THEM TO BE SPREAD EVENLY INTO SHEET FLOW PRIOR TO DISCHARGE INTO WETLANDS OR TREATMENT BY A FILTER STRIP, THUS ALLOWING FOR BETTER FILTER STRIP EFFICIENCY AND A LESSER POTENTIAL FOR EROSION.

AFTER CONSTRUCTION, LEVEL SPREADERS SHALL BE CAREFULLY INSPECTED FOR ANY SIGNS OF CHANNELIZATION AND IMMEDIATELY REPAIRED. THE STRUCTURE WILL FAIL IF WATER EXITS FROM IT IN CHANNELIZED FLOW. VEGETATED LEVEL SPREADERS MAY REQUIRE PERIODIC MOWING. SPREADERS CONSTRUCTED OF WOOD, ASPHALT, STONE OR CONCRETE CURBING ALSO REQUIRE PERIODIC INSPECTION TO CHECK FOR DAMAGE AND REPAIR AS NEEDED.

UNDERDRAIN FILTER BASIN

VEGETATED UNDERDRAINED SOIL FILTERS CONTROL STORMWATER QUALITY BY CAPTURING AND RETAINING RUNOFF AND PASSING IT THROUGH A FILTER BED. THEY SHALL BE PERIODICALLY INSPECTED FOR EVIDENCE OF EROSION, BYPASS CONDITIONS OR CLOGGING. IF PONDING EXCEEDS 48 HOURS, THE SURFACE SHALL BE ROTOTILLED AND SEEDED TO REESTABLISH THE SOIL'S FILTRATION CAPACITY.

CONTRACTOR'S GENERAL CLEAN UP

UPON COMPLETION OF THE SITE AND PERMANENT STABILIZATION IS ATTAINED, THE CONTRACTOR SHALL REMOVE ALL TEMPORARY STORMWATER STRUCTURES (I.E., TEMPORARY STONE CHECK DAMS, SILT FENCE, TEMPORARY DIVERSION SWALES, ETC.). ANY SEDIMENT DEPOSITS REMAINING IN PLACE AFTER THE SILT FENCE OR FILTER BARRIER IS NO LONGER REQUIRED SHALL BE DRESSED TO CONFORM TO THE EXISTING GRADE, PREPARED AND SEEDED. REMOVE ANY SEDIMENT IN CATCH BASINS AND CLEAN DRAIN PIPES THAT MAY HAVE ACCUMULATED DURING CONSTRUCTION.

Long Term Inspection & Maintenance Schedule

	Spring	Fall or Yearly	After Major Storm	Every 2-5 Years
Buffers				
Inspect treatment buffers for evidence of erosion, concentrated flow, or encroachment by development		x		
Manage the buffer's vegetation with the requirements in deed restrictions		x		
Mow vegetation in non-wooded buffers no shorter than six inches and less than three times per year		x		
Repair any sign of erosion within a buffer		x		
Inspect and repair down-slope of all level spreaders and ditch turn-outs		x		
Install more level spreaders and/or ditch turn-outs if needed for better distribution of flow		x		
Clean out any accumulation of sediment within spreader bars or turn-out pools		x		
Vegetated Areas				
Inspect all slopes and embankments	x		x	
Replant bare areas or areas with sparse growth	x		x	
Armor areas with rill erosion with an appropriate lining or divert the erosive flows to on-site areas able to withstand concentrated flows.	x		x	
Stormwater Channels				
Inspect ditches, swales and other open stormwater channels	x	x	x	
Remove any obstructions and accumulated sediments or debris	x	x		
Control vegetated growth and woody vegetation		x		
Repair any erosion of the ditch lining		x		
Mow vegetated ditches		x		
Remove woody vegetation growing through riprap		x		
Repair any slumping side slopes		x		
Replace ripsap where underlying filter fabric or underdrain gravel is exposed or where stones have been dislodged		x		
Culverts				
Remove accumulated sediments and debris at inlet, outlet and within the conduit	x	x	x	
Repair any erosion damage at the culvert's inlet and outlet	x	x	x	
Inspect Structure for clogging and excess sediment	x	x	x	
Roadways and Parking Surfaces				
Remove accumulated winter sand along roadways	x			
Sweep pavement to remove sediment	x			
Grade road shoulders and remove excess sand either manually or by a front-end loader	x			
Grade gravel roads and gravel shoulders	x			
Clean out sediment contained in water bars or open-top culverts	x			
Ensure that stormwater is not impeded by accumulations of material or false ditches in the roadway shoulder	x			
Underdrain Filter Basin				
Mow grassed basin		x		
Provide for the removal and disposal of accumulated sediments within the filtration area		x		
Renew the infiltration measure if it fails to drain within 72 hours after a rainfall of one-half inch or more				x
Till and replant the soil of vegetated infiltration basins				x
Drainage Easements				
Remove any obstructions and accumulated sediments or debris	x	x		
Control vegetated growth and woody vegetation		x		
Repair any erosion within easement corridor		x		
Drop Inlet Structure				
Inspect inlet and outlet for blockage and remove debris	x	x	x	
Inspect structure and adjacent area for structural damage		x		

PER LUDC 16.8.8.2.3.D.1.c, A QUALIFIED POST–CONSTRUCTION STORMWATER INSPECTOR SHALL ANNUALLY PROVIDE A COMPLETED AND SIGNED CERTIFICATION TO THE CODE ENFORCEMENT OFFICER BY JULY 1ST, CERTIFYING THAT THEY HAVE INSPECTED THE STORMWATER MANAGEMENT FACILITIES AND THAT THEY ARE ADEQUATELY MAINTAINED AND FUNCTIONING AS INTENDED BY THE APPROVED STORMWATER MANAGEMENT PLAN, OR THAT THEY REQUIRE MAINTENANCE OR REPAIR, DESCRIBING CORRECTIVE ACTION REQUIRED FOR MAINTENANCE AND ANY DEFICIENCIES FOUND DURING INSPECTION.

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SCALE: N.T.S.

OWNER:
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APPLICANT:
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3 PENSTOCK WAY
NEWMARKET, NH 03857

PROJECT:
PEARSON MEADOW SUBDIVISION
MAP 54 LOT 14
60 WILSON ROAD
KITTERY, MAINE

TITLE:
BMP MAINTENANCE SCHEDULE

SHEET NUMBER:
C – 4

P4353

PROJECT NAME AND LOCATION

Pearson Meadow
60 Wilson Road
Kittery, Maine

LATITUDE: 043° 07' 25" N
LONGITUDE: 070° 44' 34" W

DESCRIPTION

The project is a one (1) phase subdivision. This project consists of a 9-lot new single family subdivision, a lot with existing residence and a common open space lot.

DISTURBED AREA

The total area to be disturbed is approximately 4.2 acres (including lot development).

SEQUENCE OF MAJOR ACTIVITIES

1. Contractor shall prepare an Erosion and Sediment Control Plan (E.S.C.). Prior to construction, the Contractor and Owner shall each file a Notice of Intent (N.O.I.) to the Maine Department of Environmental Protection (MDEP).
2. Install temporary erosion control measures, including silt fences and stabilized construction entrances.
3. Upon completion of items 1 through 2, clear and grub wooded areas, strip and stockpile loam. Stockpiles shall be temporarily stabilized with hay bales mulch and surrounded by a hay bale or silt fence barrier until material is removed and final grading is complete.
4. Construct ditches and stabilize prior to directing flow to them.
5. Construct drainage structures, swales & road base materials.
6. Ditches and swales with grades over 5% shall have sides and bottom reinforced with excelsior matting.
7. Grade and shape lots to finish elevations.
8. Stabilize disturbed areas.
9. When all construction activity is complete and site is stabilized, remove all hay bales, storm check dams, silt fences and sediment that has been trapped by these devices.
10. File a Notice of Termination (N.O.T.) with MDEP.

NAME OF RECEIVING WATER

Unnamed wetlands complex to Spruce Creek

TEMPORARY EROSION AND SEDIMENT CONTROLS AND STABILIZATION PRACTICES

All work shall be in accordance with state and local permits. Work shall conform to the practices described in the "Maine Erosion and Sediment Control BMPs, 2003" published by the Maine Department of Environmental Protection.

As indicated in the sequence of Major Activities, the hay bales and silt fences shall be installed prior to commencing any clearing or grading of the site. Structural controls shall be installed concurrently with the applicable activity. Once construction activity ceases permanently in an area, silt fences and hay bale barriers and any earth/dikes will be removed once permanent measures are established.

During construction, runoff will be diverted around the site with stabilized channels where possible channels where possible. Sheet runoff from the site will be filtered through hay bale barriers, stone check dams, and silt fences. All storm drain inlets shall be provided with hay bale filters or stone check dams. Stone rip rap shall be provided at the outlets of drain pipes and culverts where shown.

Temporary and permanent vegetation and mulching is an integral component of the erosion and sedimentation control plan. All areas shall be inspected and maintained until desires vegetative cover is established. These control measures are essential to erosion prevention and also reduce costly rework of graded and shaped areas.

Temporary vegetation shall be maintained in these areas until permanent seeding is applied. Additionally, erosion sedimentation measures shall be maintained until permanent vegetation is established.

INSTALLATION, MAINTENANCE AND INSPECTION PROCEDURES FOR TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES

A. GENERAL

These are the general inspection and maintenance practices that will be used to implement the plan.

1. The smallest practical portion of the site will be denuded at one time. All disturbed areas must be stabilized be temporary measures within 5 days of initial disturbance and stabilized by permanent measures immediately after final grading.
2. All control measures will be inspected at least once each week and following any storm event of 0.50 inches or greater. A maintenance inspection report will be made after each inspection and made available to the Town officials.
3. The Contractor's site superintendent will be responsible for inspections, maintenance and repair activities, and filling out the inspection and maintenance report.
4. Built up sediment will be removed from silt fence, stone check dams, or hay bale barriers when it has reached one third the height of the fence, check dam, or bale, or when "bulges" occur.
5. All diversion dikes will be inspected and any breaches promptly repaired.
6. Temporary seeding and planting will be inspected for bare spots, washouts, and unhealthy growth.
7. All measures will be maintained in good working order; if a repair is necessary, it will be initiated within 24 hours and completed within 72 hours.

B. MULCHING

Considerations

* In sensitive areas (within 100 ft of streams, wetlands and in lake watersheds) temporary mulch shall be applied within 7 days of exposing soil or prior to any storm event.
* Areas, which have been temporarily or permanently seeded, shall be mulched immediately following seeding.
* Areas which cannot be seeded within the growing season shall be mulched for over-winter protection and the area should be seeded at the beginning of the growing season.
* Mulch anchoring should be used on slopes greater than 5% in late fall (past September 15), and over-winter (September 15 – April 15).

Type of Mulch

Hay or Straw Mulches

Organic mulches, including hay and straw, shall be air-dried, free of undesirable seeds and coarse materials. Application rate shall be 2 bales (70-90 pounds) per 1000 SQ FT or 1.5 to 2 tons (90-100 bales) per acre to cover 75 to 90 % of the ground surface. Hay mulch subject to wind blowing shall be anchored via: netting; peg and twine or tracking.

Erosion Control Mix

Erosion control mix shall consist primarily of organic material and shall include any of the following: shredded bark, stump grindings, composted bark or other acceptable products based on a similar raw source. Wood or bark chips, ground construction debris or reprocessed wood products shall not be acceptable as the organic component of the mix.

It can be used as a stand-alone reinforcement:

* On slopes 2 horizontal to 1 vertical or less.
* On frozen ground or forested areas.
* At the edge of gravel parking areas and areas under construction.

Other reinforcement BMPs (i.e. riprap) should be used:

* On slopes with groundwater seepage;
* At low points with concentrated flows and in gullies;
* At the bottom of steep perimeter slopes exceeding 100 feet in length;
* Below culvert outlet aprons; and
* Around catch basins and closed storm systems.

Composition

Erosion control mix shall contain a well-graded mixture of particle sizes and may contain rocks less than 4" in diameter. Erosion control mix must be free of refuse, physical contaminants, and material toxic to plant growth. The mix composition shall meet the following standards:

* The organic matter content shall be between 80 and 100%, dry weight basis.
* Particle size by weight shall be 100 % passing a 6" screen and a minimum of 70 %, maximum of 85%, passing a 0.75" screen.
* The organic portion needs to be fibrous and elongated.
* Large portions of silts, clays or fine sands are not acceptable in the mix.

Installation

* Erosion control mix shall not be used on slopes steeper than 2:1.
* On slopes of 3:1 or less; 2 inches plus an additional 1/2 inch per 20 feet of slope up to 100 feet.
* On slopes between 3:1 and 2:1, 4 inch plus an additional 1/2 inch per 20 feet of slope up to 100 feet.

The thickness of the mulch at the bottom of the slope needs to be:

	< 3:1 slope	slopes between 3:1 and 2:1
< 20' of slope	2.0"	4.0'
< 60' of slope	3.0"	5.0'
< 100' of slope	4.0"	6.0'

* It shall be placed evenly and must provide 100 % soil coverage, with the soil totally invisible.

Any required repairs shall be made immediately, with additional erosion control mix placed on top of the mulch to reach the recommended thickness. When the mix is decomposed, clogged with sediment, eroded or ineffective, it shall be replaced or repaired. Erosion control mix mulch shall be left in place. If the mulch needs to be removed spread it out into the landscape.

Maintenance

All mulches must be inspected periodically, in particular after rainstorms, to check for rill erosion. If less than 90% of the soil surface is covered by mulch, additional mulch shall be immediately applied. Nets shall be inspected after rain events for dislocation or failure. If washouts or breakage occur, re-install the nets as necessary after repairing damage to the slope. Inspections shall take place until grasses are firmly established (95% soil surface covered with grass). Where mulch is used in conjunction with ornamental plantings, inspect periodically throughout the year to determine if mulch is maintaining coverage of the soil surface. Repair as needed.

C. TEMPORARY VEGETATION

Considerations

* Proper seedbed preparation and the use of quality seed are important in this practice just as in permanent seeding. Failure to carefully follow sound agronomic recommendations will often result in an inadequate stand of vegetation that provides little or no erosion control.
* Nutrients and pesticides used to establish and maintain a vegetation cover shall be managed to protect the surface and ground water quality.
* Temporary seeding shall be used extensively in sensitive areas (ponds and lake watersheds, steep slopes, streambanks, etc.).
* Late fall seeding may fail and cause water quality deterioration in spring runoff events, thus other measures such as mulching shall be implemented.

Specifications

Seedbed Preparation

Apply limestone and fertilizer according to soil test recommendations. If soil testing is not feasible on small or variable sites, or where timing is critical, fertilizer may be applied at the rate of 600 pounds per acre or 13.8 pounds per 1,000 square feet of 10-10-10 (N-P2OS-K20) or equivalent. Apply limestone (equivalent to 50 percent calcium plus magnesium oxide) at a rate of 3 tons per acre (138 lb. per 1,000 square feet).

Seeding

* Select seed from recommendations in enclosed table.
* Where the soil has been compacted by construction operations, loosen soil to a depth of 2 inches before applying fertilizer, lime and seed.
* Apply seed uniformly by hand, cyclone seeder, drill, cultipacker type seeder or hydroseeder (slurry including seed and fertilizer). Hydroseeding that includes mulch may be left on soil surface. Seeding rates must be increased 10% when hydroseeding.

Mulching

Apply mulch over seeded area according to the TEMPORARY MULCHING BMP.

Maintenance

Temporary seeding shall be periodically inspected. At a minimum, 95% of the soil surface should be covered by vegetation. If any evidence of erosion or sedimentation is apparent, repairs shall be made and other temporary measures used in the interim (mulch, filter barriers, check dams, etc.).

Temporary Seeding Rates and Dates

Seed	Lb./Ac	Seeding Depth	Recommended Seeding Dates	Remarks
Winter Rye	112 (2.0 bu)	1-1.5 in	8/15-10/1	Good for fall seeding. Select a hardy species, such as Aroostook Rye.
Oats	80 (2.5 bu)	1-1.5 in	4/1-7/1 8/15-9/15	Best for spring seeding. Early fall seeding will die when winter weather moved in, but mulch will provide protection.
Annual Ryegrass	40	.25 in	4/1-7/1	Grows quickly but is of short duration. Use where appearance is important. With mulch, seeding may be done throughout growing season.
Sudangrass	40 (1.0 bu)	.5-1 in	5/15-8/15	Good growth during hot summer periods.
Perennial	40 (2.0 bu)	.25 in	8/15-9/15	Good cover, longer lasting than Annual Ryegrass. Mulching will allow seeding throughout growing season.
Temporary mulch with or without dormant seeding			10/1-4/1	Refer to TEMPORARY MULCHING BMP and/or PERMANENT VEGETATION BMP.

D. FILTERS

Silt Fences

a. Synthetic filter fabric shall be a pervious sheet of propylene, nylon, polyester or ethylene yarn and shall be certified by the manufacturer or supplier as conforming to the following requirements:

Physical Property	Test	Requirements
Filtering Efficiency	VTM-51	75% minimum
Tensile Strength at 20% Maximum Elongation **	VTM-52	Extra Strength – 50 ib/lin in (min.) Standard Strength – 30 ib/lin in (min.)
Flow Rate	VTM-51	0.3 gal/sf/min

** Requirements reduced by 50% after 6 months on installations.

Synthetic filter fabric shall contain ultraviolet ray inhibitors and stabilizers to provide a minimum of six (6) months of expected usable construction life at a temperature range of 0 degrees F to 120° F.

b. Posts shall be spaced a maximum of ten (10) feet apart at the barrier location or as recommended by the manufacturer and driven securely into the ground (minimum of 16 inches).
c. A trench shall be excavated approximately six (6) inches wide and six (8) inches deep along the line of posts and upslope from the barrier.
d. When standard strength filter fabric is used, a wire mesh support fence shall be fastened securely to the upslope side of the posts using heavy duty wire staples at least one (1) inch long, tie wires or hog rings. The wire shall extend no more than 36 inches above the original ground surfaces.
e. The "standard strength" filter fabric shall be stapled or wired to the fence, and eight (8) inches of the fabric shall be extended into the trench. The fabric shall not extend more than 36 inches above the original ground surface. Filter fabric shall not be stapled to existing trees.
f. When extra strength filter fabric and closer post spacing are used, the wire mesh support fence may be eliminated. In such a case, the filter fabric is stapled or wired directly to the posts with all other provisions of item (g) applying.
g. The trench shall be backfilled and the soil compacted over the filter fabric.
h. Silt fences shall be removed when they have served their useful purpose but not before the upslope areas has been permanently stabilized.

Straw/Hay Bales

* Bales shall be placed in a single row, lengthwise on the contour, with ends of adjacent bales tightly abutting one another.
* All bales shall be either wire-bound or string-tied. Bales shall be installed so that bindings are oriented around the sides, parallel to the ground surface to prevent deterioration of the bindings.
* The barrier shall be entrenched and backfilled. A trench shall be excavated the width of a bale and the length of the proposed barrier to a minimum depth of 4 inches.
* After the bales are staked and chinked, the excavated soil shall be backfilled against the barrier. Backfill soil shall conform to the ground level on the downhill side and shall be build up to 4 inches against the uphill side of the barrier.
* At least two stakes or rebars driven through the bale shall securely anchor each bale. The first stake in each bale shall be driven toward the previously laid bale to force the bales together. Stakes or re-bars shall be driven deep enough into the ground to securely anchor the bales.
* The gaps between bales shall be chinked (filled by wedging) with hay to prevent water from escaping between the bales.

D. FILTERS (cont.)

Installation

* Sediment barriers shall be installed prior to any soil disturbance of the contributing drainage uplope of them.
* The barrier must be placed along a relatively level contour.

Maintenance

* Hay bale barriers, silt fences and filter berms shall be inspected immediately after each rainfall and at least daily during prolonged rainfall. They shall be repaired immediately if there are any signs of erosion or sedimentation below them. If there are signs of undercutting at the center or the edges of the barrier, or impounding of large volumes of water behind them, sediment barriers shall be replaced with a temporary check dam.
* Should the fabric on a silt fence or filter barrier decompose or become ineffective prior to the end of the expected usable life and the barrier still is necessary, the fabric shall be replaced promptly.
* Sediment deposits should be removed when deposits reach approximately one third (1/3) the height of the barrier.
* Filter berms should be reshaped as needed.
* Any sediment deposits remaining in place after the silt fence or filter barrier is no longer required shall be dressed or removed to conform to the existing grade, prepared and seeded.
* Additional stone may have to be added to the construction stabilized entrance, rock barriers, stone lined swales, etc., periodically to maintain proper function of the erosion control structure.

E. PERMANENT SEEDING

* Seeding shall be performed in accordance with USDA, Soil Conservation Service guidelines.
* Bedding – stones larger than 1 1/8", trash, roots, and other debris that will interfere with seeding and future maintenance of the area shall be removed. Where feasible, the soil should be tilled to a depth of 4" to prepare a seedbed and mix fertilizer into the soil.
* Fertilizer – lime and fertilizer should be applied evenly over the area prior to or at the time of seeding and incorporated into the soil. Kinds and amounts of lime and fertilizer shall be based on an evaluation of soil tests. When a soil test is not available, the following minimum amounts should be applied: Limestone @ 3 tons per acre
  10-20-20 fertilizer (N-P205-K201) @ 800 lbs. per acre
* Seed Mixture (recommended):

Rate:

Type	LBS. per Acre	LBS per 1,000 sf	Use
Kentucky Bluegrass	20	0.46	Lawn Areas / Loam Areas (non-slope work)
Creeping Red Fescue	20	0.46	
Perennial Ryegrass	5	0.11	
Total	45	1.03	
Tall Fescue	20	0.46	All Slope Work (3 : 1 or steeper)
Creeping Red Fescue	20	0.46	
Redtop	2	0.05	Drainage Swales
Total	42	0.97	

* Sodding – sodding is done where it is desirable to rapidly establish cover on a disturbed area. Sodding an area may be substituted for permanent seeding procedures anywhere on site. Bed preparation, fertilizing, and placement of sod shall be performed according to the Maine Erosion and Sediment Control BMPs. Sodding is recommended for steep sloped areas, areas immediately adjacent to sensitive water coursed, easily erodible soils (fine sand/silt) etc.

F. OVER WINTER STABILIZATION

a. If a construction site is not stabilized with pavement, a road gravel base, 75 % mature vegetation cover or riprap by November 15 then the site shall be protected with over-winter stabilization. An area considered open is any area not stabilized with pavement; vegetation, mulching, erosion control mix, erosion control mats, riprap or gravel base on a road. The winter construction period is from November I through April 15.
b. Winter excavation and earthwork shall be completed such that no more than 1 acre of the site is without stabilization at any one time. Limit the exposed area to those areas in which work is to occur during the following 15 days and that can be mulched in one day prior to any snow event.
c. During winter construction, a double row of sediment barriers (i.e. silt fence backed with hay bales or erosion control mix) shall be placed between any natural resource and the disturbed area.
d. During frozen conditions, sediment barriers shall consist of erosion control mix berms or any other recognized sediment barriers.
e. Hay and straw mulch shall be applied at a rate of 150 lb. per 1,000 square feet or 3 tons/acre (twice the normal accepted rate of 75-1bs./1,000 s.f. or 1.5 tons/acre) and shall be properly anchored. Erosion control mix shall be applied with a minimum 4 inch thickness. Mulch shall not be spread on top of snow.
f. Between the dates of November 1 and April 15, all mulch shall be anchored by either mulch netting, asphalt emulsion chemical, tracking or wood cellulose fiber. After November 1st, mulch and anchoring of all exposed soil shall occur at the end of each final grading workday.
g. Stockpiles of soil or subsoil will be mulched for over winter protection with hay or straw at twice the normal rate or with a four-inch layer of erosion control mix.
h. Seeding – Between the dates of October 15 and April 1st, loam or seed will not be required. If the date is after November 1st, and if the exposed area has been loamed, final graded with a uniform surface, then the area may be dormant seeded at a rate of 3 times higher than specified for permanent seed and then mulched. If dormant seeding is used for the site, all disturbed areas shall receive 4' of loam and seed at an application rate of 5lbs/1000 s.f. All areas seeded during the winter will be inspected in the spring for adequate catch. All areas insufficiently vegetated (less than 75 % catch) shall be revegetated by replacing loam, seed and mulch. If dormant seeding is not used for the site, all disturbed areas shall be revegetated in the spring.
i. All stone-lined ditches and channels shall be constructed and stabilized by November 15. All grass-lined ditches and channels shall be constructed and stabilized by September 1. If a ditch or channel is not grass-lined by September 1, then one of the following actions must be taken to stabilize the ditch for late fall and winter.
   Install a sod lining in the ditch: A ditch must be lined with properly installed sod by October 1.
   Install a stone lining in the ditch: A ditch must be lined with stone riprap by November 15.
j. All stone-covered slopes must be constructed and stabilized by November 15. And all slopes to be vegetated must be seeded and mulched by September 1. If a slope to be vegetated is not stabilized by September 1, then one of the following actions must be taken to stabilize the slope for late fall and winter.
   Stabilize the soil with temporary vegetation and erosion control mats: By October 1 the disturbed slope shall be seeded with winter rye at a seeding rate of 3 pounds per 1000 square feet and then install erosion control mats or anchored mulch over the seeding. If the rye fails to grow at least three inches or fails to cover at least 75% of the slope by November 1, then the contractor shall cover the slope with a layer of erosion control mix or with stone riprap as described in the following standards.
   Stabilize the soil with sod: The disturbed slope shall be stabilized with properly installed sod by October 1. Proper installation includes pinning the sod onto the slope with wire pins, rolling the sod to guarantee contact between the sod and underlying soil, and watering the sod to promote root growth into the disturbed soil. The contractor will not use late-season sod installation to stabilize slopes having a grade greater than 33% (3H:1V) or having groundwater seeps on the slope face.
   Stabilize the soil with erosion control mix: Erosion control mix shall be properly installed by November 15. The contractor shall not use erosion control mix to stabilize slopes having grades greater than 50% (2H:1V) or having groundwater seeps on the slope face.
   Stabilize the soil with stone riprap: Place a layer of stone riprap on the slope by November 15.
k. By September 15, all disturbed soils on areas having a slope less than 15% shall be seeded and mulched. If the disturbed areas are not stabilized by this date, then one of the following actions shall be taken to stabilize the soil for late fall and winter.
   Stabilize the soil with temporary vegetation: By October 1, seed the disturbed soil with winter rye at a seeding rate of 3 pounds per 1000 square feet, lightly mulch the seeded soil with hay or straw at 75 pounds per 1000 square feet, and anchor the mulch with plastic netting. Monitor growth of the rye over the next 30 days. If the rye fails to grow at least three inches or fails to cover at least 75% of the disturbed soil before November 1, then mulch the area for over-winter protection as described below.
   Stabilize the soil with sod: Stabilize the disturbed soil with properly installed sod by October 1. Proper installation includes pinning the sod onto the soil with wire pins, rolling by the sod to guarantee contact between the sod and underlying soil, and watering the sod to promote root growth into the disturbed soil.
   Stabilize the soil with mulch: By November 15, mulch the disturbed soil by spreading hay or straw at a rate of at least 150 pounds per 1000 square feet on the area so that no soil is visible through the mulch. Immediately after applying the mulch, anchor the mulch with plastic netting to prevent wind from moving the mulch off the disturbed soil.

Maintenance

Maintenance measures shall be applied as needed during the entire construction season. After each rainfall, snow storm or period of thawing and runoff, the site contractor shall perform a visual inspection of all installed erosion control measures and perform repairs as needed to insure their continuous function. Following the temporary and/or final seeding and mulching, the contractor shall, in the spring, inspect and repair any damages and/or bare spots. An established vegetative cover means a minimum of 85 to 90 % of areas vegetated with vigorous growth.

Stabilization Schedule before Winter

September 15	All disturbed areas shall be seeded and mulched. All slopes shall be stabilized, seeded and mulched. All grass-lined ditches and channels shall be stabilized with mulch or an erosion control blanket.
October 1	If the slope is stabilized with an erosion control blanket and seeded. All disturbed areas to be protected with an annual grass shall be seeded at a seeding rate of 3 pounds per 1000 square feet and mulched.
November 15	All stone-lined ditches and channels shall be constructed and stabilized. Slopes that are covered with riprap shall be constructed by that date.
December 1	All disturbed areas where the growth of vegetation fails to be at least three inches tall or at least 75% of the disturbed soil is covered by vegetation, shall be protected for over-winter.

P4353

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STATE OF MAINE JEFFREY K. CLIFFORD No. 9867 LICENSED PROFESSIONAL ENGINEER

NOT FOR CONSTRUCTION

ISSUED FOR: FINAL APPROVAL

ISSUE DATE: APRIL 4 2014

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	PRELIMINARY SUBMISSION	JKC	7/18/13
1	M.D.E.P. SUBMISSION	JKC	12/18/13
2	FINAL APPROVAL	JKC	4/04/14

DRAWN BY: RMB
APPROVED BY: JKC
DRAWING FILE: 4353DS.DWG

SCALE: N.T.S.

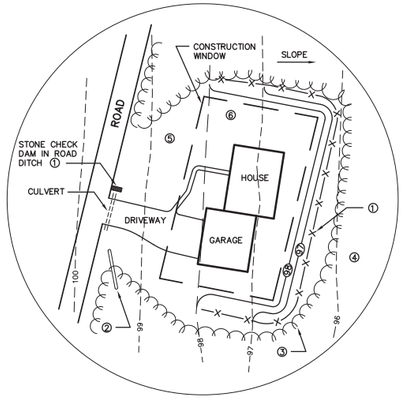
OWNER:
GAIL BURNS
60 WILSON ROAD
KITTERY, MAINE 03904

APPLICANT:
CHINBURG BUILDERS, INC.
3 PENSTOCK WAY
NEWMARKET, NH 03857

PROJECT:
PEARSON MEADOW SUBDIVISION
MAP 54 LOT 14
60 WILSON ROAD
KITTERY, MAINE

TITLE:
EROSION CONTROL NOTES

SHEET NUMBER:
C - 5



HOUSE LOT BMP

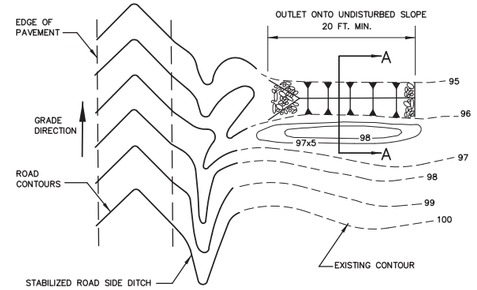
NOT TO SCALE

INSTALLATION

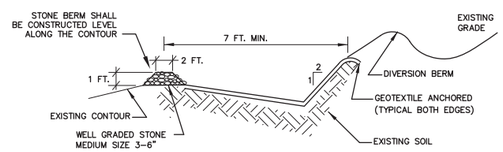
1. INSTALL SEDIMENT BARRIERS ON THE SITE BEFORE DISTURBING SOILS. SEE THE "SEDIMENT BARRIER" MEASURE FOR DETAILS ON INSTALLATION AND MAINTENANCE.
2. CONSTRUCT A DIVERSION DITCH TO KEEP UPSLOPE RUNOFF OUT OF WORK AREA.
3. MARK CLEARING LIMITS ON THE SITE TO KEEP EQUIPMENT OUT OF AREAS WITH STEEP SLOPES, CHANNELIZED FLOW, OR ADJACENT SURFACE WATERS AND WETLANDS.
4. PRESERVE BUFFERS BETWEEN THE WORK AREA AND ANY DOWNSTREAM SURFACE WATERS AND WETLANDS. SEE THE "BUFFERS" MEASURE FOR BUFFER PRESERVATION.
5. USE TEMPORARY MULCH AND RYE-SEED TO PROTECT DISTURBED SOILS OUTSIDE THE ACTIVE CONSTRUCTION AREA. SEE THE "MULCHING" MEASURE AND "VEGETATION" MEASURE FOR DETAILS AND SPECIFICATIONS FOR THESE CONTROLS.
6. PERMANENTLY SEED AREAS NOT TO BE PAVED WITHIN SEVEN DAYS OF COMPLETING FINAL GRADING. SEE "VEGETATION" MEASURE FOR INFORMATION ON PROPER SEEDING.

MAINTENANCE

EVERY MONTH THE FIRST YEAR AFTER CONSTRUCTION AND YEARLY THEREAFTER, INSPECT FOR AREAS SHOWING EROSION OR POOR VEGETATION GROWTH. FIX THESE PROBLEMS AS SOON AS POSSIBLE. EACH SPRING REMOVE ANY ACCUMULATION OF DEBRIS OR WINTER SAND THAT WOULD IMPEDE RUNOFF FROM ENTERING A BUFFER OR DITCH.



PLAN VIEW

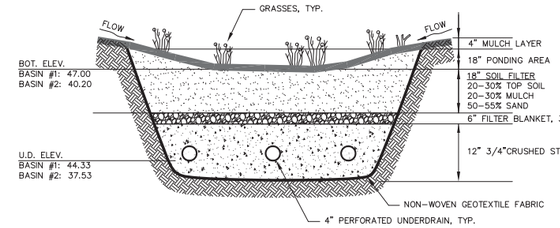


SECTION A-A

ROAD DITCH TURNOUTS SHALL BE CONSTRUCTED PER STORMWATER MANAGEMENT FOR MAINE, "VOLUME III BMPS TECHNICAL DESIGN MANUAL, CHAPTER 5.2.4, DITCH TURN OUT BUFFER", JANUARY 2006 SPECIFICATIONS.

ROAD DITCH TURNOUT

NOT TO SCALE



SOIL FILTER MEDIA

FILTER MEDIA	MIXUTRE BY VOLUME	SPECIFICATION
SAND	50-55%	MEDOT SPECICATION #703.01 FINE AGGREGATE FOR CONCRETE
TOPSOIL	20-30%	LOAMY SAND TOPSOIL WITH MINIMAL CLAY CONTENT AND BETWEEN 15 TO 25% FINES PASSING THE #200 SIEVE
MULCH	20-30%	MODERATELY FINE, SHREDDED BARK OR WOOD FIBER MULCH WITH LESS THAN 5% PASSING #200 SIEVE

MEDOT #703.01 AGGREGATE

SIEVE SIZE	% BY WEIGHT
3/8"	100
#4	95-100
#8	80-100
#16	50-85
#30	25-60
#60	10-30
#100	2-10
#200	0-5

SEEDING

Creeping red fescue	20 lb/acre
Tall fescue	20 lb/acre
Bird's foot treefoil	8 lb/acre
Annual Rye	20 lb/acre
Total	68 lb/acre

Straw mulch or erosion control blanket after seeding

GRASSED UNDERDRAINED SOIL FILTER (USF) NOTES:

1. USF CONSTRUCTION SHALL BE IN GENERAL CONFORMANCE OF MAINE DEP STORMWATER MANAGEMENT MANUAL, LATEST EDITION.
2. THE USF SUBGRADE SHALL BE EXCAVATED TO THE DESIGN DEPTH PLUS TWO (2) INCHES. AT THAT DEPTH FOUR (4) INCHES OF COMPOST SHALL BE TILLED INTO THE EXISTING SOILS SUCH THAT THE SOILS ARE WELL MIXED.
3. USF SHALL BE CONSTRUCTED AND REMAIN OFF-LINE UNTIL TURF IS ESTABLISHED AT 80% COVERAGE FOR CONTRIBUTING DRAINAGE AREA. DO NOT ALLOW SILTED RUNOFF TO ENTER THE USF.
4. DO NOT DRIVE CONSTRUCTION EQUIPMENT ON FILTER SUBGRADE NOR ON THE FILTER MATERIAL. INSTALL FILTER MATERIALS BY MEANS OF AN EXCAVATOR LOCATED ADJACENT TO THE FILTER AREA.
5. REFER TO SPECIFICATION FOR GRASS MIX. INITIAL ESTABLISHMENT: DURING THE FIRST 2-3 MONTHS OF ESTABLISHMENT WATER THE USF ON A WEEKLY BASIS (TO SUPPLEMENT RAINFALL FOR TOTAL OF 1-INCH PER WEEK).
6. ANNUAL MAINTENANCE: IN THE SPRING OF EACH YEAR, ANY DEAD VEGETATION SHALL BE REMOVED TO ALLOW FOR NEW GROWTH, AND ANY ACCUMULATED SEDIMENT (NORMALLY AT THE ENTRANCE TO THE USF) SHALL ALSO BE REMOVED. DURING THE GROWING SEASON TURF SHALL BE MOWED AS NEEDED. IF WATER PONDS ON THE SURFACE FOR MORE THAN 24 HOURS DURING THE FIRST YEAR OR 72 HOURS THEREAFTER, THE FILTER SURFACE SHALL BE AERATED WITH DEEP TINES OR THE SURFACE REPLACED.

GRASSED UNDERDRAINED SOIL FILTER

NOT TO SCALE

CONSTRUCTION OVERSIGHT

The applicant will retain the services of a professional engineer to inspect the construction and stabilization of all stormwater management structures. If necessary, the inspecting engineer will interpret the pond's construction plan for the contractor. Once all stormwater management structures are constructed and stabilized, the inspecting engineer will notify the department in writing within 30 days to state that the pond has been completed. Accompanying the engineer's notification must be a log of the engineer's inspections giving the date of each inspection, the time of each inspection, and the items inspected on each visit, and include any testing data or sieve analysis data of every mineral soil and soil media specified in the plans and used on site.

UNDERDRAINED FILTER BASIN

Construction Sequence: The soil filter media and vegetation must not be installed until the area that drains to the filter has been permanently stabilized with pavement or other structure, 90% vegetation cover, or other permanent stabilization unless the runoff from the contributing drainage area is diverted around the filter until stabilization is completed.
Compaction of Soil Filter: Filter soil media and underdrain bedding material must be compacted to between 90% and 92% standard proctor. The bed should be installed in at least 2 lifts of 9 inches to prevent pockets of loose media.
Construction Oversight: Inspection by a professional engineer will occur at a minimum:

- After the preliminary construction of the filter grades and once the underdrain pipes are installed but not backfilled,
- After the drainage layer is constructed and prior to the installation of the filter media,
- After the filter media has been installed and seeded. Bio-retention cells must be stabilized per the provided planting scheme and density for the canopy coverage of 30 and 50%.
- After one year to inspect health of the vegetation and make corrections, and
- All the material used for the construction of the filter basin must be confirmed as suitable by the design engineer. Testing must be done by a certified laboratory to show that they are passing DEP specifications.

Testing and Submittals: The contractor shall identify the location of the source of each component of the filter media. All results of field and laboratory testing shall be submitted to the project engineer for confirmation. The contractor shall:

- Select samples for sampling of each type of material to be blended for the mixed filter media and samples of the underdrain bedding material. Samples must be a composite of three different locations (grabs) from the stockpile or pit face. Sample size required will be determined by the testing laboratory.
- Perform a sieve analysis conforming to STM C136 (Standard Test Method for Sieve Analysis of fine and Course Aggregates 1996A) on each type of the sample material. The resulting soil filter media mixture must have 8% to 12% by weight passing the #200 sieve, a clay content of less than 2% (determined hydrometer grain size analysis) and have 10% dry weight of organic matter.
- Perform a permeability test on the soil filter media mixture conforming to ASTM D2434 with the mixture compacted to 90-92% of maximum dry density based on ASTM D698.

LOT GRADING AND DRIVEWAY LOCATION

Inspections a professional engineer will consist of a visit to the site prior to construction to consult with the earthwork contractor and a post construction meeting to confirm grading on lots and for all driveways to ensure runoff is directed according to plans and to oversee the re-stabilization of the lot into a vegetated cover.

BUFFERS - GENERAL

General forest use means that the land must be maintained with a forest cover and undisturbed soil, duff layer ground cover vegetation, and understory vegetation. Timber may be harvested on a selective basis provided that no more than 40% of the volume is harvested within any 10 year period.

ROAD DITCH TURNOUT

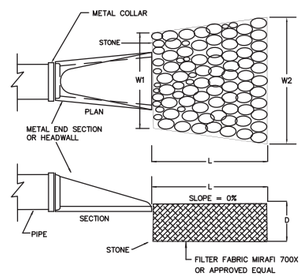
Inspections by a professional engineer shall consist of weekly visits to the site to inspect each turnout construction, turnout's stone berm material and placement, from initial ground disturbance to final stabilization of the level spreader.

DEWATERING

A dewatering plan is needed to address excavation de-watering following heavy rainfall events or where the excavation may intercept the groundwater table during construction. The collected water needs treatment and a discharge point that will not cause downgradient erosion and offsite sedimentation or within a resource. Please follow the details of such a plan.

BASIC STANDARDS - EROSION CONTROL MEASURES

Minimum erosion control measures will need to be implemented and the applicant will be responsible to maintain all components of the erosion control plan until the site is fully stabilized. However, based on site and weather conditions during construction, additional erosion control measures may need to be implemented. All areas of instability and erosion must be repaired immediately during construction and need to be maintained until the site is fully stabilized or vegetation is established. A construction log must be maintained for the erosion and sedimentation control inspections and maintenance

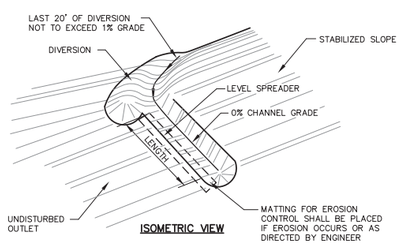


NOTES:

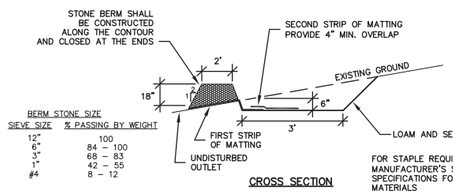
1. STONE SIZE AND MAT DIMENSIONS DETAILED ON GRADING, DRAINAGE & EROSION CONTROL PLAN
2. FIELD STONE, QUARRY STONE, OR ROCK FRAGMENTS SHALL BE SOUND, OF APPROVED QUALITY, AND FREE FROM STRUCTURAL DEFECTS. THE STONES SHALL BE ANGULAR AND APPROXIMATELY RECTANGULAR IN SHAPE. FLAT OR ROUND ROCKS ARE NOT ACCEPTABLE.
3. A WELL GRADED MIXTURE OF ROCK SIZES SHALL BE USED FOR STONE. FIFTY PERCENT BY WEIGHT OF THE STONE MIXTURE SHALL BE SMALLER THAN THE MEDIAN SIZE STONE (d50). THE LARGEST STONE SIZE IN THE MIXTURE SHALL BE 1.5 TIMES THE d50 SIZE.

RIP RAP OUTLET PROTECTION

NOT TO SCALE



ISOMETRIC VIEW



BERM STONE SIZE

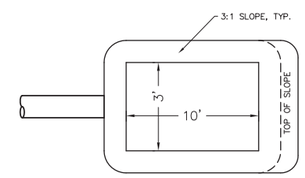
SIEVE SIZE	% PASSING BY WEIGHT
12"	100
6"	84 - 100
3"	68 - 83
1"	42 - 55
#4	8 - 12

CROSS SECTION

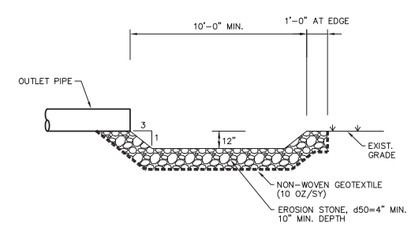
LEVEL SPREADERS SHALL BE CONSTRUCTED PER STORMWATER MANAGEMENT FOR MAINE, "VOLUME III BMPS TECHNICAL DESIGN MANUAL, CHAPTER 5.2.2, BUFFER WITH STONE BERMED LEVEL LIP SPREADER", JANUARY 2006 SPECIFICATIONS.

LEVEL SPREADER

NOT TO SCALE



PLAN VIEW

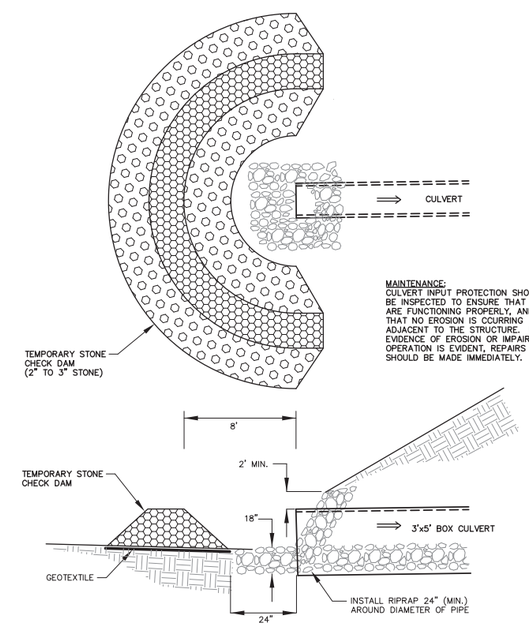


SECTION

1. CONSTRUCT PLUNGE POOL TO THE WIDTHS AND LENGTHS SHOWN ON THE PLAN.
2. THE SUBGRADE FOR THE GEOTEXTILE FABRIC AND RIPRAP SHALL BE PREPARED TO LINES AND GRADES SHOWN ON THE PLANS.
3. EROSION STONE USED FOR THE PLUNGE POOL SHALL MEET THE FOLLOWING GRADATION.
4. GEOTEXTILE FABRICS SHALL BE PROTECTED FROM PUNCTURE OR TEARING DURING THE PLACEMENT OF THE EROSION STONE. DAMAGED AREAS IN THE FABRIC SHALL BE REPAIRED BY PLACING A PIECE OF FABRIC OVER THE DAMAGED AREA OR BY COMPLETE REPLACEMENT OF THE FABRIC. ALL OVERLAPS REQUIRED FOR REPAIRS OR JOINING TWO PIECES OF FABRIC SHALL BE A MINIMUM OF 18 INCHES.
5. THE EROSION STONE MAY BE PLACED BY EQUIPMENT AND SHALL BE CONSTRUCTED TO THE FULL LAYER THICKNESS IN ONE OPERATION AND IN SUCH A MANNER AS TO PREVENT SEGREGATION OF THE STONE SIZES.

PLUNGE POOL DETAIL

NOT TO SCALE



MAINTENANCE:
CULVERT INPUT PROTECTION SHOULD BE INSPECTED TO ENSURE THAT THEY ARE FUNCTIONING PROPERLY, AND THAT NO EROSION IS CCURRING ADJACENT TO THE STRUCTURE. IF EVIDENCE OF EROSION OR IMPAIRED OPERATION IS EVIDENT, REPAIRS SHOULD BE MADE IMMEDIATELY.

PIPE INLET PROTECTION

NOT TO SCALE

P4353

ALTUS ENGINEERING, INC.
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STATE OF MAINE
JEFFREY K. CLIFFORD
No. 9867
LICENSED
PROFESSIONAL ENGINEER

NOT FOR CONSTRUCTION

ISSUED FOR: FINAL APPROVAL

ISSUE DATE: APRIL 4, 2014

REVISIONS

NO.	DESCRIPTION	BY	DATE
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3	M.D.E.P. COMMENTS	JKC	3/03/14
4	FINAL APPROVAL	JKC	4/04/14

DRAWN BY: RMB
APPROVED BY: JKC
DRAWING FILE: 4353DS.DWG

SCALE: N.T.S.

OWNER:
GAIL BURNS
60 WILSON ROAD
KITTERY, MAINE 03904

APPLICANT:
CHINBURG BUILDERS, INC.
3 PENSTOCK WAY
NEWMARKET, NH 03857

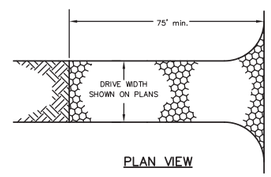
PROJECT:
PEARSON MEADOW SUBDIVISION
MAP 54 LOT 14
60 WILSON ROAD
KITTERY, MAINE

TITLE: DETAIL SHEET

SHEET NUMBER: C - 6

TEMPORARY EROSION CONTROL BMP's

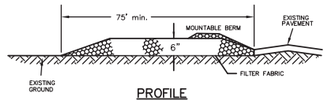
(USE TO CONTROL SEDIMENT AND EROSION AT TEMPORARY CONSTRUCTION LAYDOWN AND STOCKPILE AREAS, OR AS NEEDED TO COMPLY WITH MAINE CONSTRUCTION GENERAL PERMIT)



STONE GRADATION TABLE

SIEVE SIZE	% PASSING BY WEIGHT
2 inch	100
1 1/2 inch	90–100
1 inch	20–55
3/4 inch	0–15
3/8 inch	0–5

PLAN VIEW



PROFILE

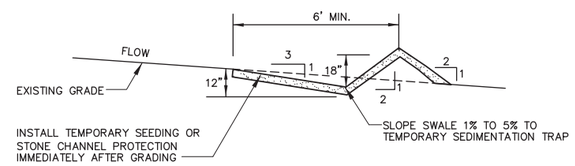
CONSTRUCTION SPECIFICATIONS

1. STONE SIZE – SEE GRADATION TABLE
2. LENGTH – DETAILED ON PLANS (75 FOOT MINIMUM).
3. THICKNESS – SIX (6) INCHES (MINIMUM).
4. WIDTH – FULL DRIVE WIDTH
5. FILTER FABRIC – MIRAFI 600X OR APPROVED EQUAL.
6. SURFACE WATER CONTROL – ALL SURFACE WATER THAT IS FLOWING TO OR DIVERTED TOWARD THE CONSTRUCTION EXIST SHALL BE PIPED BENEATH THE EXIST. IF PIPING IS IMPRACTICAL, A BERM WITH 5:1 SLOPES THAT CAN BE CROSSED BY VEHICLES MAY BE SUBSTITUTED FOR THE PIPE.
7. MAINTENANCE – THE EXIST SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS–OF–WAY. THIS WILL REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE OR ADDITIONAL LENGTH 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.
8. WHEELS SHALL BE CLEANED TO REMOVE MUD PRIOR TO ENTRANCE ONTO PUBLIC RIGHTS–OF–WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.

STABILIZED CONSTRUCTION EXIST

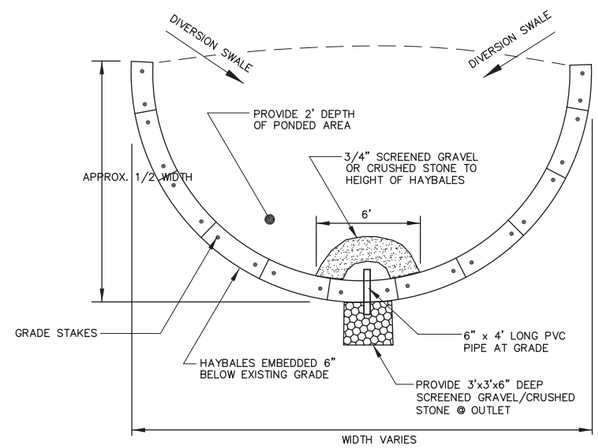
NOT TO SCALE

SWALE SHALL BE FREE OF IRREGULARITIES WHICH MAY CAUSE PONDING. COMPACT FILLS AS NECESSARY TO STABILIZE MATERIAL.



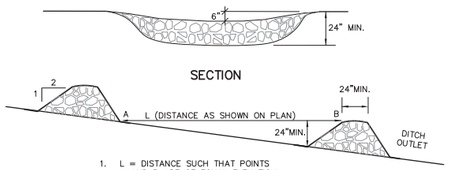
TEMPORARY DIVERSION SWALE

NOT TO SCALE



TYPICAL TEMPORARY SEDIMENT BASIN (TSB)

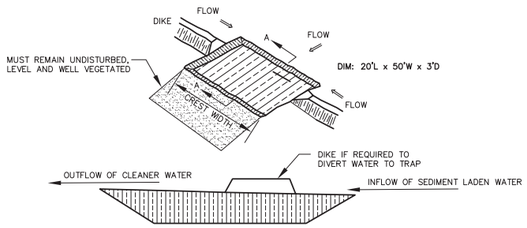
NOT TO SCALE



1. L = DISTANCE SUCH THAT POINTS A AND B ARE OF EQUAL ELEVATION
2. CHECK DAM SHALL BE CONSTRUCTED OF 2" TO 3" STONE WITH COMPLETE COVERAGE OF DITCH OR SWALE TO INSURE THAT THE CENTER OF THE STRUCTURE IS LOWER THAN THE EDGES.

STONE CHECK DAM DETAIL

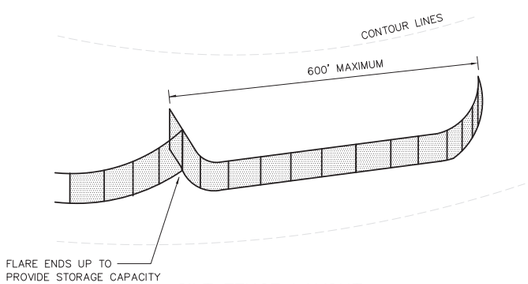
NOT TO SCALE



NOTE:
SEDIMENT SHALL BE REMOVED AND TRAP RESTORED TO ITS ORIGINAL DIMENSION WHEN SEDIMENT HAS ACCUMULATED TO 1/2 THE DESIGN DEPTH OF THE TRAP. REMOVED SEDIMENT SHALL BE DEPOSITED IN A SUITABLE AREA AND IN SUCH A MANNER THAT IT WILL NOT ERODE.

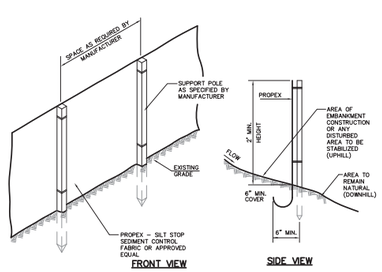
EXCAVATED GRASS OUTLET SEDIMENT TRAP

NOT TO SCALE



SILT FENCE LAYOUT

NOT TO SCALE



SILT FENCE DETAIL

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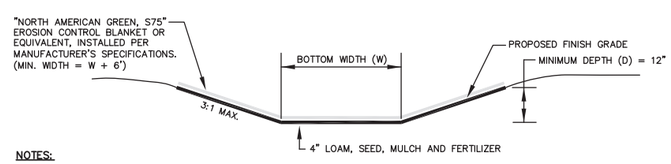
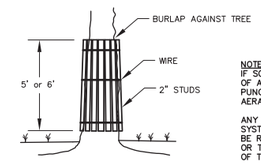


NOTES:

1. THE FOUNDATION AREA OF THE WATERWAY SHALL BE CLEARED AND GRUBBED OF ALL TREES, BRUSH, STUMPS, AND OTHER OBJECTIONABLE MATERAL. MATERIALS REMOVED SHALL BE DISPOSED OF SO THEY WILL NOT INTERFERE WITH THE CONSTRUCTION OR PROPER FUNCTIONING OF THE WATERWAY.
2. THE WATERWAY SHALL BE EXCAVATED OR SHAPED TO LINE, GRADE AND CROSS SECTION AS REQUIRED TO MEET THE DESIGN CRITERIA. THE WATERWAY SHALL BE FREE OF IRREGULARITIES WHICH WILL IMPEDE NORMAL FLOW.
3. EARTH FILLS REQUIRED TO MEET SUBGRADE REQUIREMENTS BECAUSE OF OVER EXCAVATION OR TOPOGRAPHY SHALL BE COMPACTED TO THE SAME DENSITY AS THE SURROUNDING SOIL TO PREVENT UNEQUAL SETTLEMENT THAT COULD CAUSE DAMAGE TO THE COMPLETED WATERWAY. EARTH REMOVED AND NOT NEEDED IN CONSTRUCTION SHALL BE SPREAD OR DISPOSED OF SO IT WILL NOT INTERFERE WITH THE FUNCTIONING OF THE WATERWAY.
4. CONSTRUCTION OPERATIONS SHALL BE CARRIED OUT IN SUCH A MANNER AS TO MINIMIZE EROSION AND AIR AND WATER POLLUTION. ALL APPROPRIATE STATE AND LOCAL LAWS AND REGULATIONS SHALL BE COMPLIED WITH FOR INSTALLATION.
5. VEGETATION SHALL BE ESTABLISHED IN THE SWALE OR AN EROSION CONTROL MATTING INSTALLED PRIOR TO ALLOWING STORMWATER RUNOFF TO FLOW THROUGH THE SWALE.
6. MAINTENANCE OF THE VEGETATION IN THE GRASSED WATERWAY IS EXTREMELY IMPORTANT IN ORDER TO PREVENT RILLING, EROSION, AND FAILURE OF THE WATERWAY. MOWING SHALL BE DONE FREQUENTLY ENOUGH TO CONTROL ENCROACHMENT OF WEEDS AND WOODY VEGETATION AND TO KEEP THE GRASSES IN A VIGOROUS CONDITION. THE VEGETATION SHALL NOT BE MOWED TOO CLOSELY SO AS TO REDUCE THE EROSION RESISTANCE IN THE WATERWAY.
7. THE WATERWAY SHOULD BE INSPECTED PERIODICALLY AND AFTER ANY STORM GREATER THAN 0.5" OF RAINFALL IN 24 HOURS TO DETERMINE THE CONDITION OF THE WATERWAY. RILLS AND DAMAGED AREAS SHOULD BE PROMPTLY REPAIRED AND REVEGETATED AS NECESSARY TO PREVENT FURTHER DETERIORATION.
8. APPLY LIME AND FERTILIZER AS NEEDED TO MAINTAIN VIGOROUS GROWTH.

GRASSED SWALE

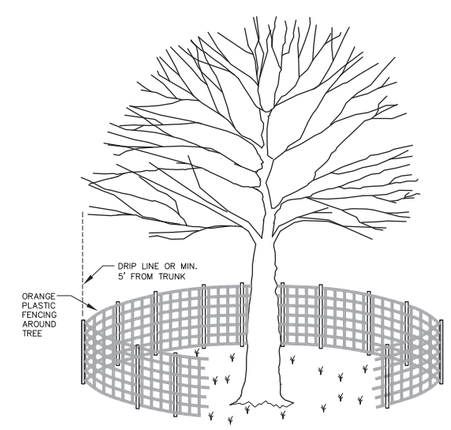
NOT TO SCALE



TRUNK ARMORING

NOTE:
IF SOIL BECOMES COMPATCED OVER THE ROOT ZONE OF ANY TREE, THE GROUND SHOULD BE AERATED BY PUNCHING SMALL HOLES IN IT WITH SUITABLE AERATING EQUIPMENT.

ANY DAMAGE TO THE CROWN, TRUNK OR ROOT SYSTEM OF ANY TREE RETAINED ON SITE SHOULD BE REPAIRED IMMEDIATELY. CONSULT A FORESTER OR TREE SPECIALIST FOR MORE SERIOUS DAMAGE OF TREES.



TREE PROTECTION

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STATE OF MAINE JEFFREY K. CLIFFORD No. 9867 LICENSED PROFESSIONAL ENGINEER

NOT FOR CONSTRUCTION

ISSUED FOR: FINAL APPROVAL

ISSUE DATE: APRIL 4, 2014

REVISIONS

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DRAWN BY: RMB
APPROVED BY: JKC
DRAWING FILE: 4353DS.DWG

SCALE: N.T.S.

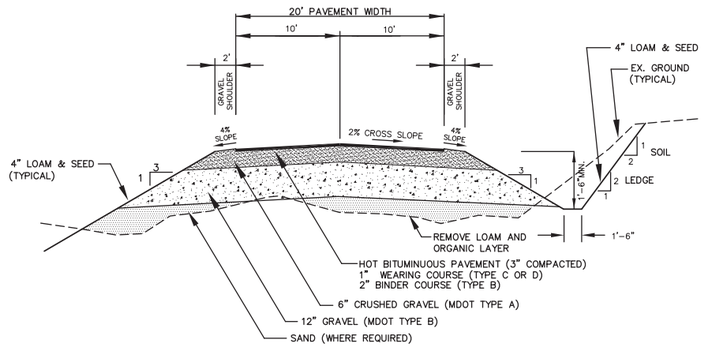
OWNER:
GAIL BURNS
60 WILSON ROAD
KITTERY, MAINE 03904

APPLICANT:
CHINBURG BUILDERS, INC.
3 PENSTOCK WAY
NEWMARKET, NH 03857

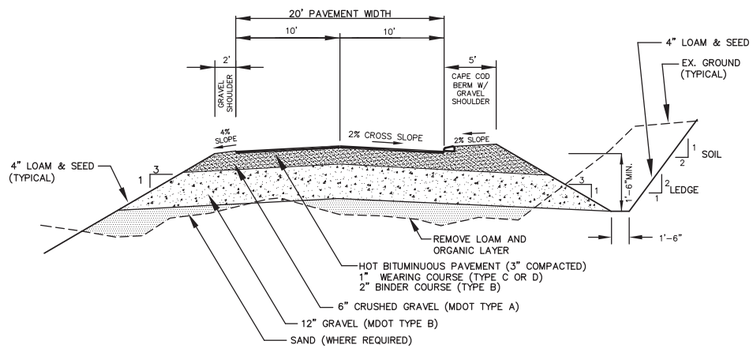
PROJECT:
PEARSON MEADOW SUBDIVISION
MAP 54 LOT 14
60 WILSON ROAD
KITTERY, MAINE

TITLE:
TEMPORARY EROSION CONTROL DETAILS

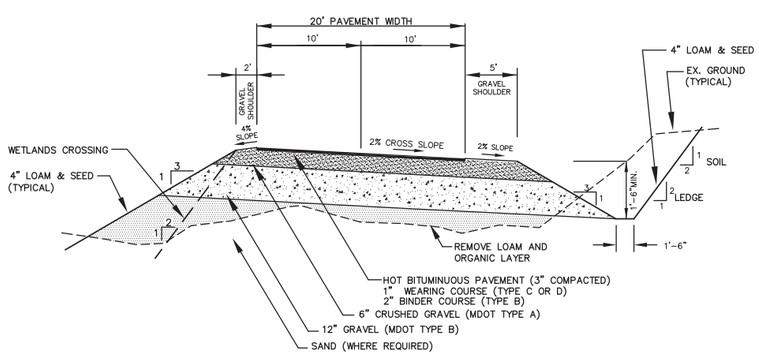
SHEET NUMBER:
C – 7



TYPICAL ROADWAY CROSS SECTION
STA. 11+39 TO STA. 13+02
NOT TO SCALE



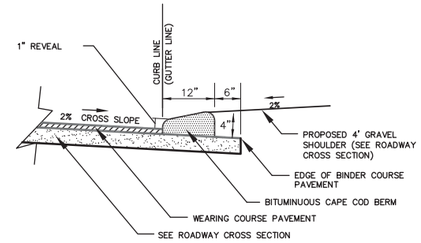
TYPICAL ROADWAY CROSS SECTION
STA. 9+42 TO STA. 11+39
NOT TO SCALE



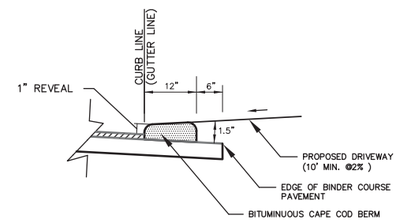
NOTES

1. EACH GRAVEL BASE COURSE TO BE CONSTRUCTED AT THE PAVEMENT CROSS SLOPE.
2. REMOVE ROCKS AND LEDGE 24" BELOW LOWEST WORK BEING INSTALLED.
3. COMPACT ALL MATERIALS TO 95% MAXIMUM PROTOR DENSITY.
4. REMOVE UNSTABLE MATERIAL BELOW THE LIMITS OF SHOULDER AND PAVEMENT.
5. REMOVE ALL STUMPS BELOW PAVED AREAS AND SHOULDERS.

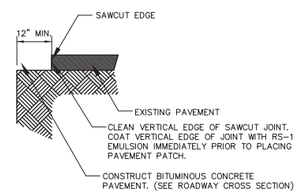
TYPICAL ROADWAY CROSS SECTION
STA. 0+00 TO STA. 9+42
NOT TO SCALE



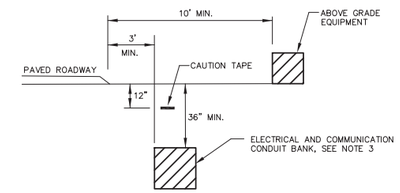
CAPE COD BERM DETAIL
NOT TO SCALE



DRIVEWAY CAPE COD BERM DETAIL
NOT TO SCALE



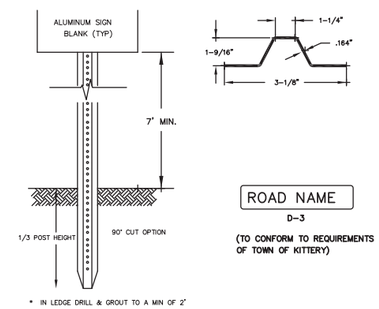
TYPICAL PAVEMENT SAWCUT DETAIL
NOT TO SCALE



NOTES:

1) ELECTRICAL AND COMMUNICATION CONDUIT SIZE, MATERIALS AND SPACING SHALL BE IN ACCORDANCE WITH THE APPLICABLE UTILITY COMPANY STANDARDS.
2) CONDUIT SHALL CROSS PAVED AREAS AT 90°.
3) BACKFILL NOTES:
   A) SELECTED SAND BACKFILL SHALL CONSIST OF A FINE GRANULAR MATERIAL OF WHICH 100% SHALL PASS THROUGH A 1/4" SIEVE.
   B) EXCEPTION: NATURALLY OCCURRING SMOOTH ROUND PEBBLES NO GREATER THAN 3/8" IN DIAMETER ARE PERMITTED AS LONG AS THEIR TOTAL VOLUME PER CUBIC FOOT OF SAND DOES NOT EXCEED 1%.
   C) THE SAND SHALL BE COMPLETELY FREE OF FROZEN LUMPS, ROCKS, STONES, DEBRIS AND RUBBISH.

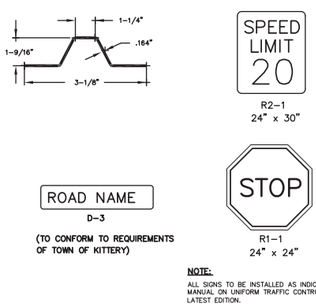
UNDERGROUND CONDUIT BANK DETAIL
NOT TO SCALE



* IN LEDGE DRILL & GROUT TO A MIN OF 2'

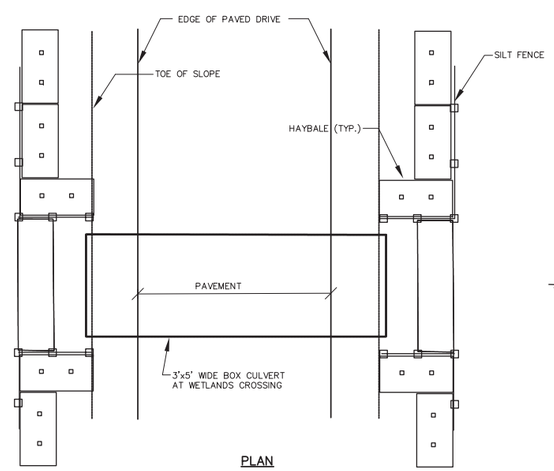
LENGTH: AS REQUIRED
WEIGHT PER LINEAR FOOT: 2.50 LBS (MIN.)
HOLES: 3/8" DIAMETER, 1" C-C FULL LENGTH
STEEL: SHALL CONFORM TO ASTM A-499 (GRADE 60) OR ASTM A-576 (GRADE 1070 – 1080)
FINIS' ...L BE PAINTED WITH TWO COATS OF AN APPROVEC ...* GREEN BAKED ON OR AIR DRIED, PAINT OF WEATHER RESISTANT QUALITY. ALL FABRICATION SHALL BE COMPLETE BEFORE PAINTING.

SIGN POST DETAIL
NOT TO SCALE

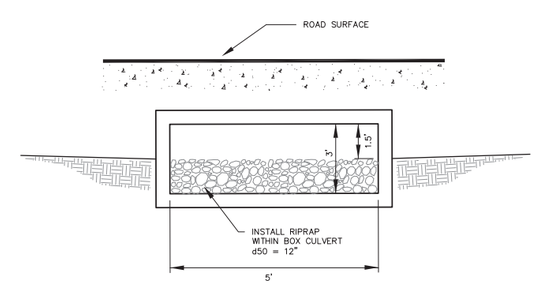


NOTE:
ALL SIGNS TO BE INSTALLED AS INDICATED IN THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.

SIGN LEGEND
NOT TO SCALE



PLAN



CULVERT DETAIL AT WETLANDS X-ING
NOT TO SCALE

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2	FINAL APPROVAL	JKC	4/04/14

DRAWN BY: RMB
APPROVED BY: JKC
DRAWING FILE: 4353DS.DWG

SCALE: N.T.S.

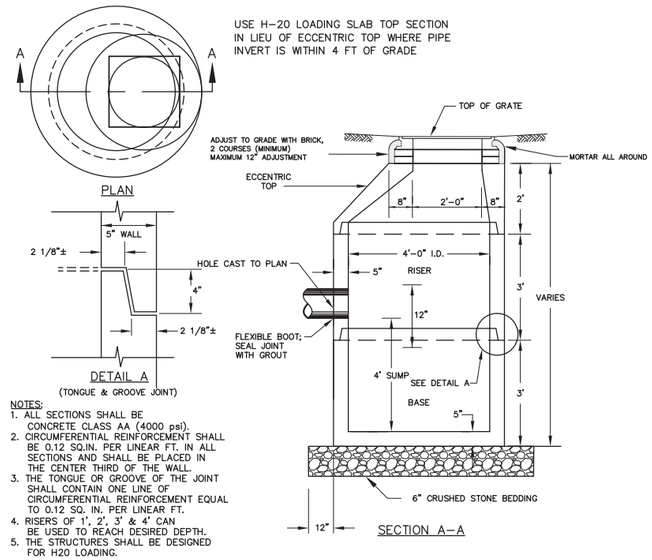
OWNER:
GAIL BURNS
60 WILSON ROAD
KITTERY, MAINE 03904

APPLICANT:
CHINBURG BUILDERS, INC.
3 PENSTOCK WAY
NEWMARKET, NH 03857

PROJECT:
PEARSON MEADOW SUBDIVISION
MAP 54 LOT 14
60 WILSON ROAD
KITTERY, MAINE

TITLE:
DETAIL SHEET

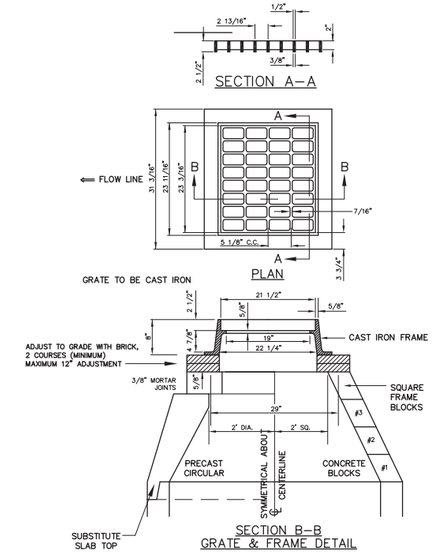
SHEET NUMBER:
C - 8



NOTES:
1. ALL SECTIONS SHALL BE CONCRETE CLASS AA (4000 psi).
2. CIRCUMFERENTIAL REINFORCEMENT SHALL BE 0.12 SQ.IN. PER LINEAR FT. IN ALL SECTIONS AND SHALL BE PLACED IN THE CENTER THIRD OF THE WALL.
3. THE TONGUE OR GROOVE OF THE JOINT SHALL CONTAIN ONE LINE OF CIRCUMFERENTIAL REINFORCEMENT EQUAL TO 0.12 SQ. IN. PER LINEAR FT.
4. RISERS OF 1', 2', 3' & 4' CAN BE USED TO REACH DESIRED DEPTH.
5. THE STRUCTURES SHALL BE DESIGNED FOR H20 LOADING.

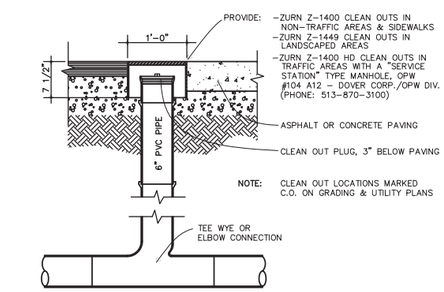
CATCH BASIN

NOT TO SCALE



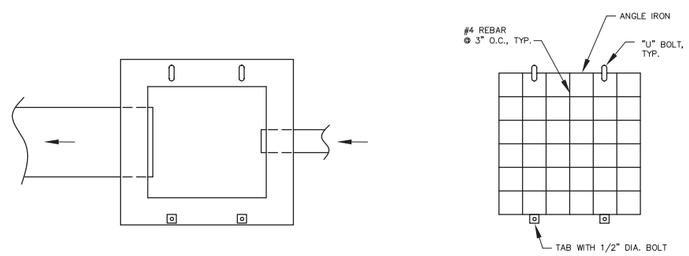
CATCH BASIN FRAME & GRATE

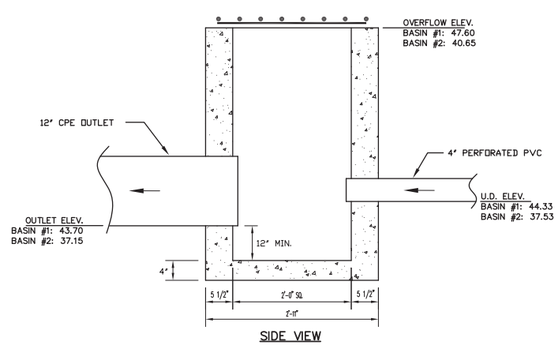
NOT TO SCALE



CLEANOUT DETAIL

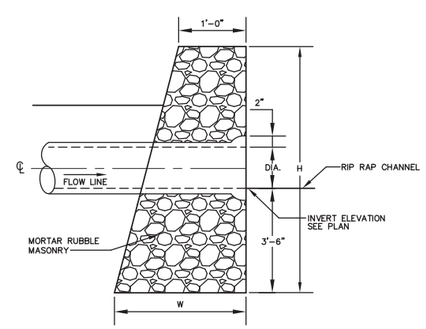
NOT TO SCALE





UNDERDRAIN FILTER BASIN OUTLET STRUCTURE

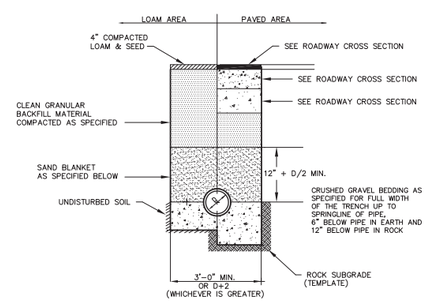
NOT TO SCALE



DIA. INCHES	AREA OF PIPE (SQ. FT.)	MASS PER FT. OF WALL (CU. YD.)	MASS PER HOLE (CU. FT.)	MASS PER STD. HDR. (CU. YD.)	STEEL PER STD. HDR. (LB)	LENGTH OF BARS	PIPE EXC. 1' DEPTH 1' LENGTH (CU. YD.)	HDR. EXC. 1' DEPTH (CU. YD.)	ITEM EXC. PER LIN. FT.	HDR. LENGTH L	HDR. HEIGHT H	WIDTH AT BOTTOM OF HDR. W	"L" HEADWALL MASS IN SURROUNDING SOIL (CU. YD.)	"L" HEADWALL HDR. EXC. PER HDR. DEPTH (CU. YD.)
6&8	—	0.186	1.08	0.61	9	3'-2"	0.111	0.789	0.30	3'-6"	3'-6"	0'-10.5"	0.28	1.037
12	0.79	0.186	1.08	0.61	9	3'-2"	0.111	0.789	0.30	3'-6"	3'-6"	0'-10.5"	0.28	1.037
15	1.23	0.202	1.73	0.85	11	3'-10"	0.120	0.947	0.35	4'-6"	3'-9"	1'-11.25"	0.31	1.232

MORTAR RUBBLE MASONRY HEADWALL DETAIL

NOT TO SCALE



SAND BLANKET

SIEVE SIZE	% FINER BY WEIGHT
1/2"	90 – 100
200	0 – 15

CRUSHED GRAVEL BEDDING

SIEVE SIZE	% PASSING BY WEIGHT
3"	100
2"	95 – 100
1"	55 – 85
# 4	27 – 52
# 200	0 – 12

MDOT TYPE A, CRUSHED GRAVEL

*(IN SAND PORTION) FRACTION PASSING THE #4 SIEVE.

BACKFILL MATERIAL BELOW PAVED OR CONCRETE AREAS, BEDDING MATERIAL, AND SAND BLANKET SHALL BE COMPACTED TO NOT LESS THAN 95% OF AASHTO T 99, METHOD C. SUITABLE BACKFILL MATERIAL BELOW LOAM AREAS SHALL BE COMPACTED TO NOT LESS THAN 90% OF AASHTO T 99, METHOD C.

TRENCH SECTION

NOT TO SCALE

P4353

ALTUS ENGINEERING, INC.
133 COURT STREET PORTSMOUTH, NH 03801
(603) 433-2335 www.ALTUS-ENG.com

STATE OF MAINE JEFFREY K. CLIFFORD No. 9867 LICENSED PROFESSIONAL ENGINEER

NOT FOR CONSTRUCTION

ISSUED FOR: FINAL APPROVAL

ISSUE DATE: APRIL 4, 2014

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	M.D.E.P. SUBMISSION	JKC	12/18/13
1	M.D.E.P. COMMENTS	JKC	2/10/14
2	M.D.E.P. COMMENTS	JKC	3/03/14
3	FINAL APPROVAL	JKC	4/04/14

DRAWN BY: RMB
APPROVED BY: JKC
DRAWING FILE: 4353DS.DWG

SCALE: N.T.S.

OWNER:
GAIL BURNS
60 WILSON ROAD
KITTERY, MAINE 03904

APPLICANT:
CHINBURG BUILDERS, INC.
3 PENSTOCK WAY
NEWMARKET, NH 03857

PROJECT:
PEARSON MEADOW SUBDIVISION
MAP 54 LOT 14
60 WILSON ROAD
KITTERY, MAINE

TITLE: DETAIL SHEET

SHEET NUMBER: C - 9

Town of Kittery
Planning Board Meeting
May 8, 2014

Old Armory Way Mixed Use Development — Sketch Plan Review

Action: Review, schedule site walk if warranted, approve Sketch Plan concept if in compliance with Town Code and provide direction to Applicant Owner and Applicant Ken McDavitt is requesting consideration of plans for a 3-unit residential condominium with 12 commercial boat slips at the shorefront located at 15 Old Armory Way, Tax Map 4, Lot 51, and within the Mixed Use Kittery Foreside Zone and the Shoreland and Comercial Fisheries/Maritime Activites overlay zones. Agent is Edward Brake, Attar Engineering, Inc., Eliot, Maine.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Review	Scheduled: 5/8/14	
NO	Site Visit		
Yes	Preliminary Plan Review Completeness/Acceptance		
Yes	Public Hearing		
Yes	Final Plan Review		

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:

Applicant began the process for parcel development in 2012, not proceeding beyond the sketch plan review level. Following further review and discussion with staff, the enclosed proposal is their latest submittal for sketch plan consideration.

General Requirements

MU-KF Zone (16.3.2.15):

As outlined in the General Notes on the Site Plan, the proposal appears to meet standard requirements found in 16.3.2.15.D for the MU-KF zone, with the following observations:

1. Proposal includes permitted uses in the MU-KF zone (dwelling units/parking lots/marinas).
2. GIS indicates public sewer and water is available to the site; there is no differentiation in standards regarding availability of sewer and water in this zone (note 4).
3. Plan indicates 5 parking spaces are provided for the 3 residential units (1.5 space per unit=4.5 spaces), with 4 spaces in unit garages and 1 exterior parking space.
4. Plan appears to meet minimum and maximum setbacks, building coverage, lot size, etc. (see Plan Notes).

upland edge of a wetland. The setback requirement for a parking area serving public boat launching facilities, in zones other than the Commercial, Business-Local, Residential-Urban Zones, and the Commercial Fisheries/Maritime Uses Overlay Zone, may be reduced to no less than fifty (50) feet from the normal high-water line or upland edge of a wetland if the Planning Board finds no other reasonable alternative exists.

Marine Related Development (16.11)

16.11.1.F. Where the Planning Board must review and approve a development plan involving a pier, ramp, flotation system or principal marine structure, and prior to Planning Board approval, the Port Authority must comment on the plan's conformance with Port Authority rules and regulations and navigational aspects of any proposed pier, ramp and float system or principal marine structure.

As a Sketch Plan, the applicant has submitted sufficient information for the Board to guide the applicant to Preliminary Plan review. At preliminary plan review, further development standards will be addressed including Design Review (16.3.2.15.F), as applicable.

ATTAR
ENGINEERING, INC
CIVIL STRUCTURAL MARINE

Gerry Mylroie, AICP, Town Planner
Town of Kittery
P.O. Box 808
Kittery, Maine 03904

April 15, 2014
Project No.: C093-14

Re: 15 Old Armory Way
Sketch Plan Application

Dear Mr. Mylroie:

On behalf of Ken McDavitt, I have enclosed a revised Sketch Plan and application for the referenced project for your review and consideration. The parcel is located at 15 Old Armory Way and is described by the Town of Kittery Assessor's Map 4 as Lot 51.

The owner proposes to remove the existing building, and construct two buildings containing 3 residential units total, along with a proposed dock and associated parking. The project is located in the Kittery Foreside Zone, the Shoreland Overlay Zone, and the Commercial Fisheries/Maritime Activities Overlay Zone.

This submittal revises a previous Sketch Plan, therefore no review fee is enclosed. Please schedule this project for the next available Planning Board meeting.

Please contact me for any additional information or clarifications required.

Sincerely,

Edward Brake

Edward Brake, E.I.T.

cc: Ken McDavitt

C093-14 Kittery Sketch Cover.doc

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

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

APPLICATION: SITE OR SUBDIVISION-SKETCH PLAN REVIEW

THIS REVIEW PROCESS REQUIRES APPROVAL FROM BOTH THE TOWN PLANNER AND THE CODE ENFORCEMENT OFFICER	FEE FOR REVIEW	☐ $300.00	Amount Paid: $_____ Date: _____

PROPERTY DESCRIPTION	Parcel ID	Map	4	Lot	51	Zone(s)- Base: Overlay: MS4	_Kittery Foreside _____ _XX_ YES ____ NO	Total Land Area	31,300
	Physical Address	15 Old Armory Way							

PROPERTY OWNER'S INFORMATION	Name	Kenneth & Sandra McDavitt	Mailing Address	POB 245 Sanbornville, NH 03872
	Phone	603-930-3259		
	Fax	888-810-6205		
	Email	ken@mcdavitt.com		
APPLICANT'S AGENT INFORMATION	Name	Ken Wood	Name of Business	Attar Engineering, Inc
	Phone	(207) 439-6023	Mailing Address	1284 State Road Eliot, ME 03903
	Fax	(207) 439-2128		
	Email	Ken@attarengineering.com		

PROJECT DESCRIPTION	
	See reverse side regarding information to be provided.
	Existing Land Use:
	3 family residential building, detached garage with workshop, pier with float
	Proposed Land Use and Development:
	Total of 3 dwelling units in 2 buildings, pier with 12 boat slips

PROJECT DECSCRIPTION	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)
	Property has 300 feet (+/-) on Piscataqua River and in Shoreland Overlay Zone

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

Applicant's Signature:		**Owner's Signature:**	
Date:	9/15/2014	**Date:**	9/15/2014

MINIMUM PLAN SUBMITTAL REQUIREMENTS

☑ **15 Copies of this Application, Vicinity Map, and the Sketch Plan - 5 of which must be 24"X 36"**

Sketch Plan format and content:

A) Paper Size; no less than 11" X 17" or greater than 24" X 36"

B) Plan Scale

☑ Under 10 acres: no greater than 1" = 30'

☐ 10 + acres: 1" = 50'

C) Title Block

☑ Applicant's name and address

☑ Name of preparer of plan with professional information

☑ Parcel's Kittery tax map identification (map – lot) in bottom right corner

NOTE TO APPLICANT: PRIOR TO A PLANNING BOARD SITE WALK, TEMPORARY MARKERS MUST BE ADEQUATELY PLACED THAT ENABLE THE PLANNING BOARD TO READILY LOCATE AND EVALUATE THE DEVELOPMENT'S DESIGN.

Vicinity Map – map or aerial photo showing 1,000 feet around the site.

Sketch Plan must include the following existing and proposed information:

Existing:

- ☑ Land Use Zone and boundary
- ☑ Topographic map (optional)
- ☑ Wetlands and flood plains
- ☑ Water bodies and water courses
- ☑ Parcel area
- ☑ Lot dimensions
- ☑ Utilities (Sewer/septic, water, electric, phone)
- ☑ Streets, driveways and rights-of-way
- ☑ Structures

Proposed: (Plan must show the lightened existing topography under the proposed plan for comparison.)

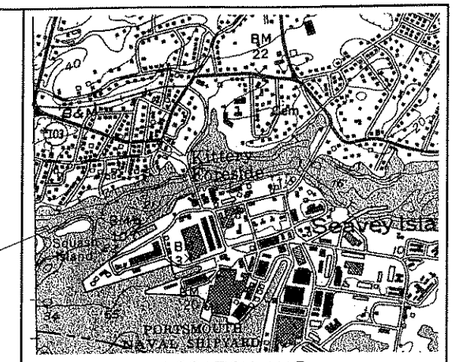
- ☐ Recreation areas and open space
- ☐ Number of lots and lot areas
- ☑ Setback lines and building envelopes
- ☑ Lot dimensions
- ☐ Utilities (Sewer/septic, water, electric, phone)
- ☑ Streets, driveways and rights-of-way
- ☑ Structures

Distance to:

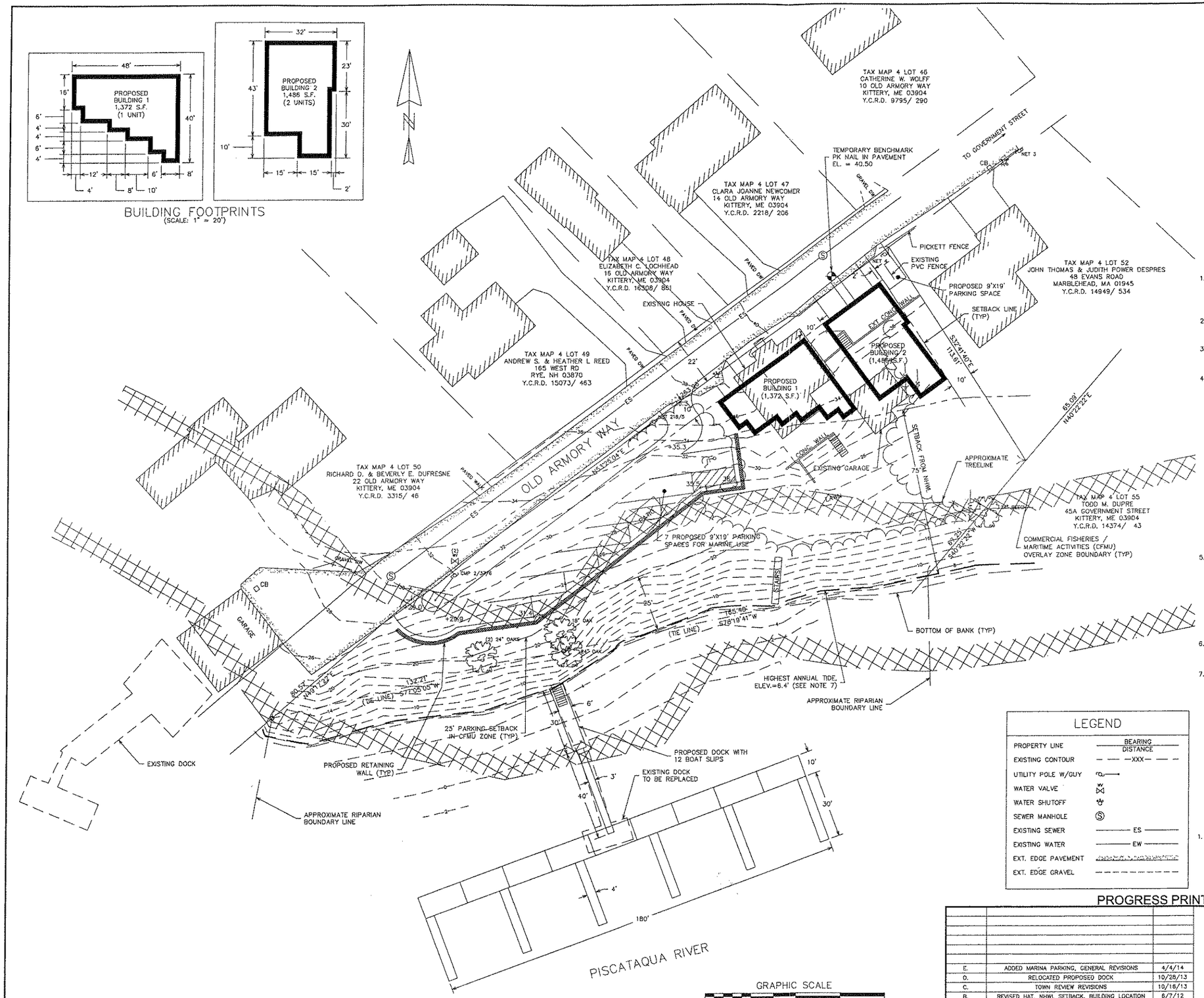
- ☑ Nearest driveways and intersections
- ☑ Nearest fire hydrant
- ☑ Nearest significant water body

AN APPLICATION THE TOWN PLANNER DEEMS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE SCHEDULED FOR PLANNING BOARD REVIEW.

BUILDING FOOTPRINTS
(SCALE: 1" = 20')



LOCATION MAP
(NTS)



GENERAL NOTES

1. THIS PLAN PROVIDES DETAILS FOR A TWO BUILDING DEVELOPMENT AND PROPOSED DOCK LOCATED ON OLD ARMORY WAY IN KITTERY, MAINE. BUILDING 1 CONTAINS 1 RESIDENTIAL UNIT, BUILDING 2 CONTAINS 2 RESIDENTIAL UNITS. THE PROPERTY IS IDENTIFIED ON THE TOWN OF KITTERY TAX ASSESSOR'S MAP 4, LOT 51. THE TOTAL AREA OF THE PARCEL IS 31,300 SQ. FT. OR 0.72 ACRES.

2. BOUNDARY INFORMATION IS BASED ON REFERENCE 1. AN EXISTING CONDITIONS AND TOPOGRAPHY SURVEY WAS PERFORMED BY ATTAR ENGINEERING IN JULY, 2004. BUILDINGS ON ABUTTING LOTS WERE TAKEN FROM KITTERY GIS AERIAL PHOTOGRAPHS AND ARE APPROXIMATE.

3. TOPOGRAPHY IS BASED ON A MAINE DEPARTMENT OF TRANSPORTATION DISK LOCATED IN THE FOUNDATION OF THE FORMER KITTERY POST OFFICE ON GOVERNMENT STREET. DISK STAMPING IS D-605 AND ELEVATION IS 33.42 (NGVD 29).

4. THE PROPERTY IS LOCATED IN THE KITTERY FORESIDE (MU-KF), SHORELAND OVERLAY (OZ-SL), AND COMMERCIAL FISHERIES/MARITIME ACTIVITIES OVERLAY (OZ-CFMU) ZONE. REQUIREMENTS FOR THE KITTERY FORESIDE (KF) DISTRICT ARE AS FOLLOWS (WITHOUT PUBLIC WATER AND SEWER):
   MINIMUM LAND AREA PER DWELLING UNIT: 5,000 S.F.
   MINIMUM LOT SIZE: 5,000 S.F.
   MINIMUM STREET FRONTAGE: 0'
   MINIMUM FRONT YARD SETBACK: 10'
   MINIMUM SIDE YARD SETBACK: 10'
   MINIMUM REAR YARD SETBACK: 10'
   MAXIMUM BUILDING COVERAGE: 60%
      ACTUAL BUILDING COVERAGE IS (2,858 S.F./ 31,300 S.F.) = 9.2%
   MINIMUM OPEN SPACE ON SITE: 40%
      ACTUAL OPEN SPACE IS (16,055 S.F. / 31,300 S.F.) = 51.3%
   MINIMUM SEPERATION DISTANCE BETWEEN PRINCIPAL BUILDINGS ON THE SAME LOT: 10'
   MAXIMUM BUILDING FOOTPRINT FOR ANY NEW BUILDING: 1,500 SQ. FT., UNLESS REPLACING A LARGER BUILDING.

   REQUIREMENTS FOR THE SHORELAND OVERLAY ZONE (OZ-SL) ARE AS FOLLOWS:
   MAXIMUM LOT COVERAGE IN THE MIXED USE KITTERY-FORESIDE (MU-KF) ZONE IS 60%.
      ACTUAL LOT COVERAGE IS (7,790 S.F. / 31,300 S.F.) = 24.9%
   NEW PRINCIPAL AND ACCESSORY STRUCTURES MUST BE SET BACK 75' FROM THE NORMAL HIGH WATER LINE OF ANY WATER BODY.

5. PARKING STANDARDS ARE AS FOLLOWS:
   DWELLING UNITS: 2 VEHICLE SPACES PER DWELLING UNIT. ACCORDING TO SECTION 16.3.2.15.E.1.b OF THE KITTERY TOWN CODE, PARKING REQUIREMENTS IN THE KITTERY FORESIDE DISTRICT MAY BE REDUCED TO 1.5 PARKING SPACES PER DWELLING UNIT.
   MARINAS WITHOUT LAUNCH FACILITIES: 1 SPACE PER SLIP OR MOORING

   THE REQUIRED NUMBER OF PARKING SPACES IS:
   DWELLING UNITS: 3 UNITS X 1.5 SPACES/UNIT = 5 SPACES REQUIRED.
   MARINAS: 7 BOAT SLIPS X 1 SPACE/SLIP = 7 SPACES
   A TOTAL OF 12 SPACES ARE PROVIDED, WITH 4 GARAGE SPACES, 1 OUTSIDE SPACE FOR UNITS, AND 7 SPACES FOR MARINE USE ASSOCIATED WITH THE BOAT SLIPS.

6. IN THE COMMERCIAL FISHERIES/MARITIME USES OVERLAY ZONE PARKING AREA MUST BE SET BACK AT LEAST TWENTY-FIVE (25) FEET FROM THE NORMAL HIGH-WATER LINE (SECTION 16.8.9.4.F)

7. THE 75' STRUCTURE SETBACK FROM THE NORMAL HIGH WATER LINE IN THE SHORELAND OVERLAY ZONE AS REQUIRED BY SECTION 16.3.2.17.D.2.A.I. OF THE TOWN OF KITTERY ORDINANCE IS BASED ON THE HIGHEST ANNUAL TIDE (HAT) OF 6.4 FEET (NGVD29). THE HAT OF 6.4 FEET WAS TAKEN FROM THE "MAINE DEP HIGHEST ANNUAL TIDE (HAT) LEVELS FOR YEAR 2013 MAINE COAST FROM EASTPORT TO PORTSMOUTH, NH" FOR THE PORTSMOUTH HARBOR - PORTSMOUTH LOCATION.

LEGEND

PROPERTY LINE	BEARING / DISTANCE
EXISTING CONTOUR	— — —XXX— — —
UTILITY POLE W/GUY	
WATER VALVE	W
WATER SHUTOFF	
SEWER MANHOLE	S
EXISTING SEWER	ES
EXISTING WATER	EW
EXT. EDGE PAVEMENT	
EXT. EDGE GRAVEL	

REFERENCES

1. "PLAN OF LAND PREPARED FOR THE ESTATE OF RALPH E. DENNETT, KITTERY, MAINE" PREPARED BY THOMAS F. MORAN, INC., DOVER, NH. DATED 11/6/85.

PROGRESS PRINT

NO.	DESCRIPTION	DATE
E.	ADDED MARINA PARKING, GENERAL REVISIONS	4/4/14
D.	RELOCATED PROPOSED DOCK	10/28/13
C.	TOWN REVIEW REVISIONS	10/18/13
B.	REVISED HAT, NHWL SETBACK, BUILDING LOCATION	6/7/12
A	REVISED DOCKS	3/12/12

REVISIONS

SITE PLAN
15 OLD ARMORY WAY
KITTERY, MAINE

FOR: KEN McDAVITT C/O TTLC
10 SECOND STREET
DOVER, NH 03820

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

SCALE: 1" = 20'	APPROVED BY:	DRAWN BY: EAB
DATE: 10/28/11		REVISION : DATE E : 4/4/14
JOB NO: C093-13	CAD FILE: OAW SITE	SHEET 1 OF 1

TAX MAP 4, LOT 51

Town of Kittery
Planning Board Meeting
May 8, 2014

Shepard's Cove Subdivision - Modification to an Approved Plan Review

Owner and applicant DLJ Corp., is requesting consideration of their plans to amend the previously approved 2004 subdivision plan, replacing a proposed 24 unit building with detached 5 single unit buildings at their Elderly Housing Facility located off Rogers Road, Tax Map 22, Lot 21, Residential-Urban Zone and Shoreland Overlay Zone. Agent is Lewis Chamberlain, P.E., Attar Engineering, Inc.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
No	Sketch Plan Review / Acceptance		
Yes	Site Visit	Title 16.10.5.1.3	
Yes	Preliminary Plan Review Completeness/Acceptance		
Yes	Public Hearing		
Yes	Preliminary Plan Approval		
Yes	Final Plan Review		

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.

Note to applicant/agent: Provide the map and lot number in 1/4" high letters at the lower right border of all plan sheets.

Staff Comments

The Shepard's Cove elderly housing subdivision was approved on April 8, 2004 for 115 dwelling units. See copy of this approved plan (Sheet C-1 in application package).

See General Notes (Sheet 1):
The current proposal is to reduce the 115 total units approved to 96 units by replacing the approved 24-unit building (B) with 5 single, detached units in the same area.

The following documentation has been submitted:
Site and Subdivision Plan Amendment, Sheets 1-5, 4/16/14
Subdivision Plan Amendment Application, 4/16/14
Shepards Cove Condominium Association & DLJ Corp. Agreement, re: Subdivision Amendment, January, 2013
Stormwater Management Amendment, 4/16/14
DEP SLD Permit Application, 4/21/14

The application has been forwarded to CMA for peer review.

Recommendation

The application appears to be complete. Staff recommends the Board accepts the application and schedules a public hearing. If it chooses the Board may schedule a site visit.

ATTAR
ENGINEERING, INC
CIVIL · STRUCTURAL · MARINE

Gerry Mylroie, AICP, Town Planner
Town of Kittery
200 Rogers Road Ext.
Kittery, Maine 03904

April 16, 2014
Project No.: C009-14

Re: Shepard's Cove
Subdivision Plan Amendment Application
Tax Map 22, Lot 21

Dear Mr. Mylroie:

On behalf of DLJ Corp., I have enclosed a Subdivision Plan Amendment Application and associated documents for your review and consideration. The site is located at 176 Rogers Road in the Residential-Urban (RU) District.

Shepard's Cove is an approved, partially constructed, 115 unit elderly housing facility. DLJ Corporation is proposing to replace a previously approved, but unconstructed, 24 unit building (identified on the previously approved plan as Building B) with 5 single, detached, units. The resulting project will have a total of 96 elderly housing units, a reduction of 19 units from the previously approved plan.

Please schedule this project for the next available Planning Board meeting. We look forward to discussing this project with the Board at the next available meeting.

Please contact me for any additional information or clarifications required.

Sincerely,

Lewis Chamberlain, P.E.

cc: DLJ Corp.

C009-14 Kittery Subd App Cover.doc

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

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: SUBDIVISION PLAN - AMENDMENT TO AN APPROVED PLAN

FEE FOR REVIEW	☑ $300. 00 FLAT FEE	Amount Paid: $ 300.00 Date: 4/17/14

PROPERTY DESCRIPTION	Parcel ID	Map	22	Lot	21	Zone(s): Base: Overlay: MS4	RU SL-250 X Yes ___ No	Total Land Area	43.0 AC.
	Physical Address	176 Rogers Road							

PROPERTY OWNER'S INFORMATION	Name	Shepard's Cove Condo Assn.	Mailing Address	3 Holland Way, Suite 201 Exeter, NH 03833
	Phone			
	Fax			
	Email			
APPLICANT'S AGENT INFORMATION	Name	Rob McKie	Name of Business	DLJ Corp.
	Phone	(207) 752-1268	Mailing Address	433 US Route 1 - Suite 101 York, ME 03909
	Fax			
	Email	rob.mckie@yahoo.com		

PROJECT DESCRIPTION

Number of Existing Lots	115	Subdivision Name	Shepard's Cove

USE: Elderly Housing

Number of Proposed Lots	96

Proposed Amendment (Please indicate if this project has a Home Owner's Association.)

USE: Elderly Housing (remove 24 unit Building B and add 5 single, detached, units).

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

Applicant's Signature:	Agent	Owner's Signature:	
Date:	4/17/14	Date:	

Minimum Plan Submission Requirements

- ☑ 15 COPIES OF THE APPROVED SUBDIVISION PLAN - 5 OF WHICH MUST BE 24"X 36"
- ☑ 15 COPIES OF THE PROPOSED AMENDMENT TO THE SUBDIVISION PLAN
- ☐ 1 PDF OF THE SITE PLAN SHOWING GPS COORDINATES

PRIOR TO COMMENCEMENT OF THE REVIEW PROCESS, THE PLANNING BOARD WILL DECIDE WHETHER SUFFICIENT INFORMATION HAS BEEN PROVIDED AND WILL VOTE ON *COMPLETENESS/ACCEPTANCE*.

THE APPLICATN IS RESPONSIBLE TO PRESENT A <u>CLEAR UNDERSTANDING OF THE PROJECT</u>.

A) Title block:
- ☐ Applicant's name and address
- ☐ Name of preparer of plans with professional information and professional seal
- ☐ Parcel's tax map identification (map – lot)
- ☐ Date of plan preparation

B) Clearly show on the plans how the subdivision (lots, parcels, tracts and or proposed development such as storm drain systems, pavement, landscaping etc.) will be amended.

C) Provide signature blocks for the Planning Board signatures.

D) Provide all associated reference material and or documentation that clarify and or supports the purpose of the proposed amendment.

E) Revisions to the boundary, internal lots and or parcels must be signed and sealed by a surveyor licensed in the State of Maine.

F) Revisions to the subdivision must be signed and sealed by a professional engineer licensed in the State of Maine.

<u>SUBMITTALS THE TOWN PLANNER DEEMS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE SCHEDULED FOR PLANNING BOARD REVIEW.</u>

1/1/2013

AGREEMENT BETWEEN SHEPARDS COVE CONDOMINIUM ASSOCIATION AND DLJ CORP

This Agreement is made by and between Shepard's Cove Condominium Association, a Maine not for profit corporation with a principal place of business at 3 Holland Way, Suite 201, Exeter, NH 03833, by and through its Board of Directors ("Shepard's Cove" or the "Association"), and DLJ Corp ("DLJ Corp "), with a mailing address of 433 U S Route 1, Suite 101, York, Maine 03909.

WITNESSETH

WHEREAS, Shepard's Cove Condominium (the "Condominium"), located at Kittery, Maine was created pursuant to a Declaration under the Maine Condominium Act of the Maine Revised Statutes Annotated, as amended, Title 33, Chapter 31, et seq. (the "Act"), which Declaration was dated May 14, 2004, and recorded in the York County Registry of Deeds in Book 14106, Page 579; and

WHEREAS, Shepard's Cove is attempting to obtain approval from unit owners of an amendment (the "Amendment") to the Declaration of Shepard's Cove Condominium creating up to five (5) additional units and associated Special Declarant Rights in the Board of Directors, with the Amendment being in substantially the same form set out in **Exhibit A** to this agreement; and

WHEREAS, DLJ Corp desires to purchase the Special Declarant Rights if the unit owners of the Condominium unit owners approve their creation;

NOW, THEREFORE, in consideration of One Dollar and other consideration, the parties agree as follows:

1. **Transfer of Special Declarant Rights.**

Shepard's Cove agrees to assign and DLJ Corp agrees to accept assignments of the interests described in this agreement within five (5) days after DLJ Corp's written notification that it is satisfied that the Amendment is validly enacted and in effect (the "Closing Date"). DLJ Corp shall be the sole owner of the Special Declarant Rights herein transferred and all improvements now or hereafter constructed pursuant to such transfer, shall be liable as owner for all obligations and liabilities relating to such transferred rights, and hereby waives, indemnifies and hold harmless Shepard's Cove against all actions which arise or may arise as a result of the exercise of such rights. Upon substantial completion of the buildings containing the units and the recording of the additional amendments required pursuant to the First Amendment, the improvements not declared as a unit shall for all purposes be treated as common elements and limited common elements of the Condominium, pursuant to the descriptions contained therein.

2. **Closing**: The parties agree that closing of this transaction shall take place within five business days after recording of an amendment to the Declaration of Shepard's Cove Condominium creating the Special Declarant Rights required to construct condominium units required under this agreement. At Closing:

A. DLJ Corp. shall produce a Certificate of Good Standing from the Maine Secretary of State's Office, a Certificate of Incumbency, a general legal opinion to the effect that DLJ Corp. has the requisite power and authority to execute all documents required for closing, that Duane Jellison is authorized to negotiate, execute and deliver any and all documents as may be necessary to complete the transaction.

B. The Association shall produce Certificate of Good Standing from the Maine Secretary of State's Office, a Certificate of Incumbency, a general legal opinion to the effect that the Association has the requisite power and authority to execute all documents required for closing, that John Convery, President of Shepard's Cove Condominium Association, or such board member designated by the Board of Directors, is authorized to negotiate, execute and deliver any and all documents as may be necessary to complete the transaction.

C. The Association and DLJ Corp shall each sign the "Limited Assignment of Special Declarant Rights" ("Limited Assignment") in substantially the same form set out in **Exhibit B** to this agreement. The Limited Assignment shall be recorded in the York County Registry of Deeds.

D. DLJ Corp shall execute documents which secure the obligations of DLJ Corp to The Association under this agreement. These documents are collectively called "Financing Documents". The Financing Documents shall contain the same lender protections commonly required by commercial lending institutions in similar circumstances. They shall be substantially in the same form set out in **Exhibit C** and **Exhibit D** attached to this Agreement and shall further be subject to reasonable approval by counsel for Shepard's Cove Condominium Association. Financing Documents shall consist of the following:

i. "Limited Collateral Assignment of Special Declarant Rights in Shepard's Cove Condominium and Acceptance of Special Declarant Rights" as set out in Exhibit C to this Agreement.

ii. "Collateral Assignment" of all rents, leases and profits, licenses, permits, approvals and contracts in connection with the transaction, as set out in Exhibit C to this Agreement.

iii. "Construction Agreement" as set out in Exhibit C to this Agreement.

iv. "Promissory Note" in the amount of $500,000, as set out in Exhibit C to this Agreement.

v. A security agreement on furniture, fixtures, equipment and supplies, perfected by an appropriate UCC filing with the Maine Secretary of State.

vi. "Guarantee Agreement" by the individuals required under this Agreement to provide same, as set out in Exhibit D.

3. **Subordination to construction lender.**

Shepard's Cove agrees to subordinate its security under the Financing Documents to a lending institution providing construction financing, under commercially reasonable terms, limited in amount to the sums reasonably necessary to complete construction of the units. All disbursements pursuant to this financing must be for payment of construction costs of the units, common areas, limited common areas and associated costs at Shepard's Cove. The form and content of Financing Documents are subject to the prior approval of Shepard's Cove and/or its counsel, which approval shall not be unreasonably withheld.

4. **Purchase price.**

The purchase price to be paid by DLJ Corp to Shepard's Cove Condominium Association for the assigned rights shall be One Hundred Thousand ($100,000) per condominium unit, as adjusted in this Agreement. Payment of the purchase price shall be paid in accordance with the following schedule:

A. Initial Deposit: Upon signing this agreement: $15,000;

B. Additional Deposit: Upon receipt of all necessary approvals from the condominium association, as well as State and local authorities (and the expiration of all appeals periods), to construct 5 additional condominium Units: $35,000;

C. If five (5) units are to be constructed according to this agreement:

$112,500.00 upon closing of sale to a third party of each of the first four units

D. In the event that the Town of Kittery approves the addition of only 4 Units, then, then the purchase price shall be paid as follows:
$116,667.00 upon closing of sale to a third party of each of the first three units.

5. **Adjustments to and allocations of the purchase price.**

If all permits and licenses necessary for the Project are finally obtained, the Association shall be responsible for one half of the cost of obtaining municipal and state approvals and permits (the "Permitting Cost"), but the Association's liability for such costs shall be limited to $25,000.00. The Permitting Cost shall consist of out of pocket expenditures for surveyors, engineers and other professionals required to obtain necessary permits and licenses necessary for project approval, but shall not include any of DLJ Corp's labor, administrative or "soft" costs, utility connection fees or legal expense. The Association shall credit DLJ Corp for Permitting Costs at the time of final payment by DLJ Corp to the Association under the terms of this Agreement.

If such permits and licenses are not obtained, or if such permits are obtained but DLJ defaults, the provisions of Section 9 and10-A shall apply, as applicable.

The parties agree that 15% of the purchase price shall be allocated as reimbursement to the Association's Capital Reserves for the decrease in useful life of roads, utilities and other

capital expenses, which the parties declare are incapable of exact determination.

6. **Upon completion of construction.**

The buildings shall be completely constructed before they may be incorporated into the Condominium as condominium units. Incorporation of the units as condominium units is contingent on compliance with all applicable building codes and construction industry standards. A Certificate of Occupancy by the Town of Kittery is also required, but such certificate is not conclusive evidence of compliance with the requirements of this section. The Association may, at its own expense, conduct an inspection for compliance with this section prior to incorporation into the condominium.

Upon approval by the Association, DLJ Corp. shall prepare plans, exhibits and amendments necessary to declare the units as condominium units in Shepard's Cove Condominium, submitting them to counsel for Shepard's Cove Condominium for review and approval, which shall not be unreasonably withheld.

The units will be declared within a reasonable length of time after completion of construction and inspection. The units shall not be occupied prior to the time they are legally created as condominium units.

7. **Contingencies.**

Shepard's Cove's obligations under this agreement are contingent on:

A. Credit reports and financial statements satisfactory to Shepard's Cove. DLJ Corp shall give whatever consents are required in order to obtain credit history and other financial information about DLJ Corp and Duane Jellison and/or other persons required by the financing bank to sign personal guarantees.

B. At time of Closing and prior to the start of construction, DLJ Corp shall have bona fide contracts for purchase of at least three (3) of the units being constructed. The contracts must require at least a 10% earnest money deposit with no unreasonable contingencies. Prior to the execution of the contracts by the purchaser, the prospective purchaser shall be provided with a copy of a Public Offering Statement, prepared by DLJ in conformance with the Maine Condominium Act and shall, by separate instrument, sign a document acknowledging receipt and review of the Public Offering Statement in accordance with Title 33, Section 1604-107 of the Maine Condominium Act. The Association shall be provided with a copy of the executed contracts and the acknowledgment of receipt and review of the Public Offering Statement within ten days of their execution.

DLJ Corp's obligations under this agreement are contingent on:

A. Either unanimous approval of the amendment to the Declaration creating Special Declarant Rights, or approval by at least 67% of unit owners and the passage of one year from the date of recording of the amendment

without legal challenge. The parties acknowledge that if the amendment is not adopted by unanimous vote of all unit owners, construction by DLJ Corp. may be suspended at the option of DLJ until one year after the recording of the amendment. DLJ CORP'S performance is contingent upon a satisfactory title examination, to be performed at the sole expense of DLJ CORP.

B. DLJ CORP'S performance of this Agreement is contingent upon DLJ CORP obtaining, all building permits, environmental and land use permits, and all other governmental licenses, permits and approvals that shall be necessary for the construction of the building and units described in this Agreement in connection with the Property by the time of closing. DLJ CORP shall be deemed to have "obtained" such permits only if (i) the same are in writing and contain no conditions or requirements unacceptable to DLJ CORP, in DLJ CORP'S reasonable discretion and (ii) the same are not subject to any challenge or appeal and all periods within which any such challenge or appeal may be made have expired.

8. **Construction requirements.**

A. All buildings must be constructed within one year of the commencement of construction of the first building, excepting landscaping, which will be completed as soon as possible after completion of the last unit.

B. Construction activities are limited to the hours between 7am and 4 pm, Monday through Saturday.

C. Shepard's Cove shall have the right to review and approve all architectural and engineering renderings for the building, limited common elements, and infrastructure to be completed by DLJ Corp, which approval shall prompt and shall not be unreasonably withheld, and shall be granted (if at all) in writing by Shepard's Cove prior to closing. Such architectural renderings shall include landscaping and driveways for the building to be constructed on the Property, or as otherwise acceptable to Shepard's Cove.

D. Shepard's Cove shall have the right to approve all substituted materials and design changes from those set out in the specifications attached to this agreement in Exhibit E, which such approval shall not be unreasonably withheld.

8-A. **Applications, appraisals documents and reports submitted to the Construction Lender.**

Shepard's Cove shall be entitled to copies of all applications, appraisals, documents,

reports, lien waivers submitted to the bank providing construction lending to DLJ Corp, or generated by the construction lender in connection with construction and financing of the units, upon request. By signing this agreement, DLJ Corp authorizes the construction lender to provide such copies directly to Shepard's Cove from time to time, specifically including, but not limited to, mechanic's liens and lien waivers obtained by the construction lender.

9. **Failure to obtain permits and approvals.**

Upon failure to obtain permits and approvals for the project or for construction at least four units, DLJ Corp may, but is not required to, pursue appeals at its own expense or, alternatively, to declare this Agreement null and void. In such case, DLJ shall be entitled to the return of its $15,000 deposit, adjusted as follows:

a. The Association's other costs, including its reasonable attorney's fees, shall be deducted from the amounts refunded to DLJ and shall become the property of the Association.

In addition, DLJ shall:

a. Reassign the Special Declarant Rights back to the Association;

b. Assign or reassign all licenses, permits and approvals obtained; and

c. Assign all building plans, specifications and all other documents in connection with the property to the Association.

To the extent that permits for less than five buildings is obtained, DLJ Corp may chose to continue with the purchase of four Unit but will be excused from paying the $100,000.00 purchase price for the fifth Unit.

10. **Default by the Association.**

Upon default by the Association of any provisions of this agreement, DLJ Corp shall have all remedies available by law.

10-A. Default by DLJ Corp

In the event that the building containing the units is not substantially completed within two years from the date all permits and approvals are obtained or in the event of default by DLJ Corp of any of the terms of this Agreement, then:

a. all Deposits paid by DLJ to the Association under Paragraph 4 of this Agreement shall be retained by the Association as liquidated damages; and

b. the Special Declarant Rights hereby transferred and assigned to DLJ Corp shall be considered to be, and by these presents shall be, reassigned to Shepard's Cove without the need for any further documentation of any kind whatsoever, subject only to any outstanding mortgages and encumbrances on the Property that may have arisen during the interim. Provided, however, that in order to accept such reassignment of the Development Rights, Shepard's Cove shall notify DLJ Corp in writing of its intention to do so, otherwise, and until such time, the Development Rights shall reside with DLJ Corp until such Rights may lapse pursuant to the terms hereof. Any notice of acceptance of reassignment by Shepard's Cove shall include the reasons for such reassignment and the manner in which DLJ Corp defaulted. Nothing contained in this paragraph shall be deemed to create a partnership or other joint venture between Shepard's Cove

and DLJ Corp.

11. **Survival.**

All representations and warranties of the parties, and all terms, provisions, conditions and agreements to be performed hereunder shall survive the execution and delivery of this Agreement.

12. **Cooperation.**

Shepard's Cove shall cooperate with DLJ Corp in any reasonable way to aid DLJ Corp. in obtaining necessary permits, but only as requested by DLJ Corp.

13. **Assignment.**

The rights of DLJ Corp pursuant to this Agreement shall not be assigned by DLJ Corp in any manner, except as may be necessary to obtain construction financing by a lender. Any other assignment shall be void, notwithstanding any contrary provision of this Agreement.

14. **Disputes.**

All claims, disputes and other matters in question between the parties herein, arising out of or relating to this agreement, shall be submitted to arbitration in accordance with the Maine Uniform Arbitration Act, 14 M.R.S.A §5927 et seq., unless waived by the parties in writing.

This agreement to arbitrate shall be specifically enforceable under the prevailing arbitration law. The award rendered by the arbitrators shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereon.

Notice of demand for arbitration shall be filed in writing with the other parties. The demand for arbitration shall be made within a reasonable time after the claim, dispute or other matter in question has arisen, and in no event shall it be made after the date when institution of legal or equitable proceedings based on such claim, dispute or other matter in question would be barred by the applicable statute of limitations or other principles of law and equity.

15. **Other**

A. This Agreement contains the entire agreement between Shepard's Cove and DLJ Corp, and there are no other terms, conditions, promises, undertakings, statements or representations, express or implied, concerning the assumption contemplated by the Agreement. All understandings, and agreements heretofore between the parties hereto are merged in this Agreement, which alone fully and completely expressed the agreement of the parties.

B. The terms of this Agreement may not be amended, waived or terminated orally, but only by an instrument in writing signed by both Shepard's Cove and DLJ Corp. A

waiver by any party to this Agreement shall constitute a waiver only for that one occasion and shall not be deemed a permanent waiver of same.

C. This Agreement shall inure to the benefit of and bind the parties hereto and their respective successors and assigns, except as otherwise provided for in this Agreement.

D. DLJ Corp shall defend, indemnify and hold harmless Shepards Cove, its employees, agents, officers and directors, from and against any and all claims, demands, penalties, fines, liabilities, settlements, damages, costs or expenses (including, without limit, attorney and consultant fees, investigation and laboratory fees, court costs and litigation expenses) of whatever kind or nature, known or unknown, contingent or otherwise, arising out of or in any way related to radon gas in the buildings constructed in accordance with this agreement. The provisions of this Paragraph shall survive any termination of this Agreement.

E. This Agreement shall be controlled, construed and enforced in accordance with the laws of the State of Maine.

In Witness whereof, the parties set their hands this 12th day of January, 2013.

DLJ Corp.

By _____

Shepard's Cove Condominium Association

By John Convery

DLJ Corp	Deposit for Land Rights Purchase	15,000.00

DLJ CORP DBA ATLANTIC CONSTRUCTION
Shepard's Cove Condominium Association 1/22/2013 11642

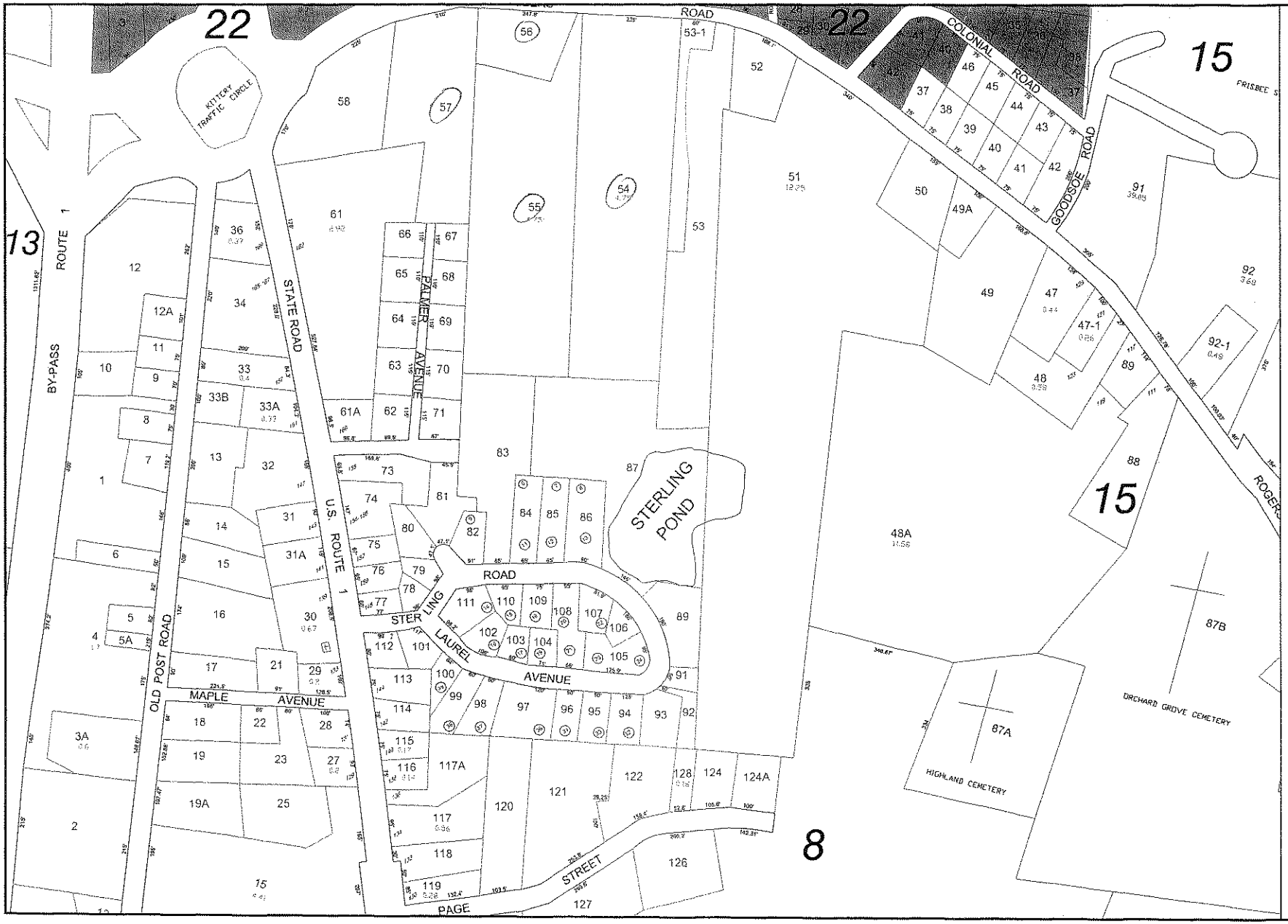
Deposit for Land Rights Purchase	15,000.00

DLJ Corp	Deposit for Land Rights Purchase	15,000.00

Form # 513272, (REV. 10/03)

THE CHECK DEPOT • REORDER ONLINE AT WWW.CHECKDEPOT.NET OR CALL 1-800-525-8117

PROPERTY MAP
KITTERY
MAINE
ASSESSOR'S MAP R11
PARCEL NUMBER 74
SUBDIVISION LOT NO. 4
STREET ADDRESS NO. 4
REVISED TO APRIL 1, 2011
FOR ASSESSORS PURPOSES ONLY
NOT FOR PROPERTY TRANSFER USE
LOT DIMENSION
ROADWAY ROWS
WORK BY WOOT
EASEMENT
SCALE IN FEET
0 100 200
John E. O'Donnell & Associates
632 Bald Hill Road
New Gloucester, Maine 04260
(207) 926-4044
www.jeodonnell.com
22
16
14
15
31
BY-PASS ROUTE 1
BY-PASS ROUTE 1
STATE ROAD
(U.S. ROUTE 1)
KITTERY TRAFFIC CIRCLE
ADAMS DRIVE
GERRY CREEK
SHEPARDS COVE
PROJECT SITE
SHEPARDS COVE
SANDPIPER LANE
ROAD
ROGERS ROAD
ROGERS LANE
COLONIAL ROAD
FRISBEE
JOHN BALL BURIAL LOT
Approx Amendment Locus


PROPERTY MAP
KITTERY
MAINE
22
22
15
15
13
8
KITTERY TRAFFIC CIRCLE
ROUTE 1
BY-PASS
STATE ROAD
U.S. ROUTE 1
OLD POST ROAD
MAPLE AVENUE
PALMER AVENUE
STERLING ROAD
LAUREL AVENUE
STERLING POND
COLONIAL ROAD
GOODSOE ROAD
ROGERS ROAD
PRISBEE S
PAGE STREET
ORCHARD GROVE CEMETERY
HIGHLAND CEMETERY
SCALE IN FEET
0
100
200
R11
74
14

PROPERTY MAP

KITTERY

MAINE

ASSESSORS MAP NO. R11
PARCEL NUMBER 74
SUBDIVISION LOT NO. 45
STREET ADDRESS NO. 28

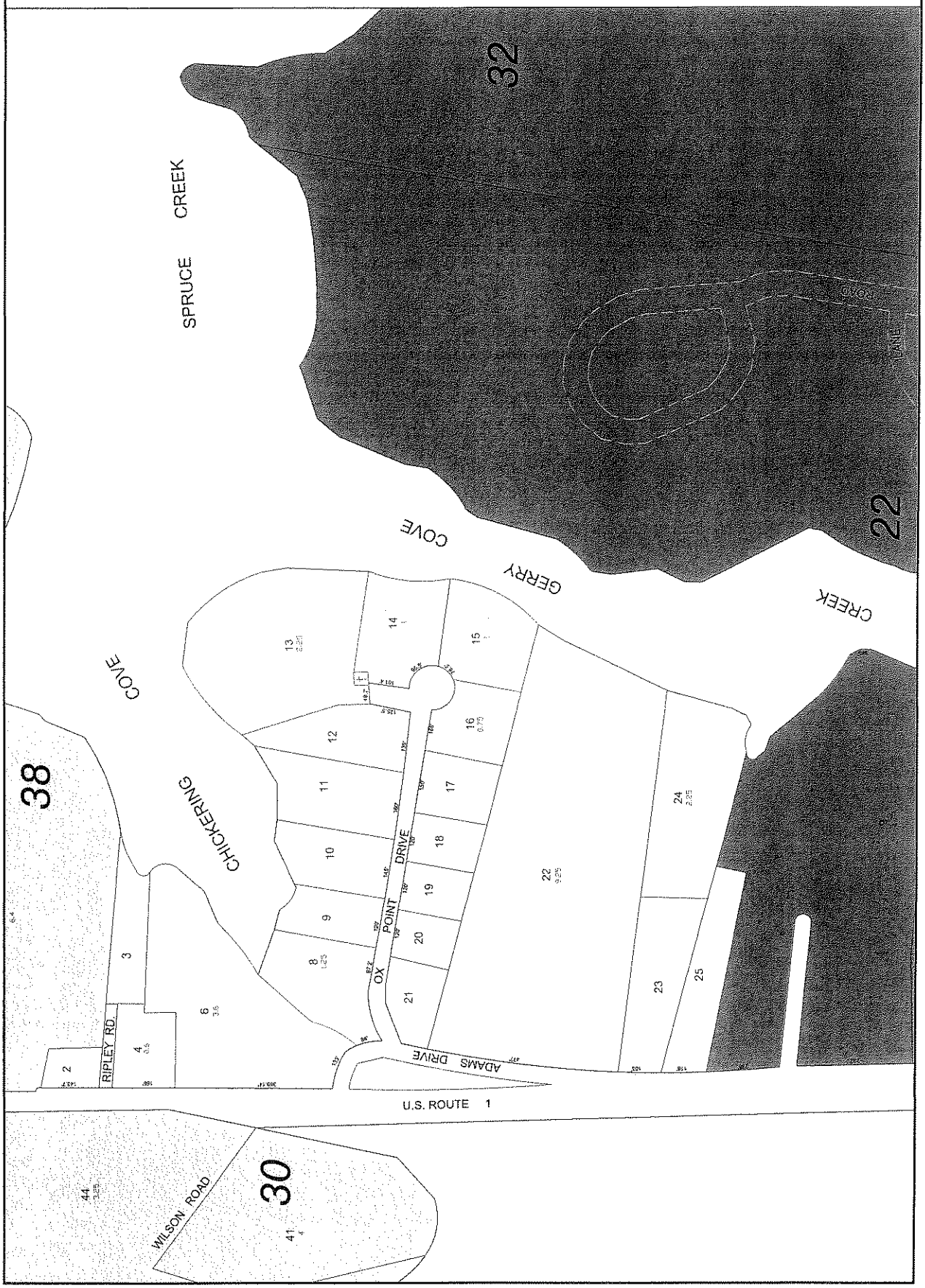
LOT DIMENSIONS
PROPERTY BROKEN
RIGHT OF WAY
PAVEMENT

REVISED TO APRIL 1, 2013
FOR ASSESSMENT PURPOSES ONLY
NOT FOR PROPERTY CONVEYANCES

SCALE IN FEET
0 100 200

John E. O'Donnell & Associates
632 Bald Hill Road
New Gloucester, Maine 04260
(207) 926-4044
www.jeodonnell.com

31

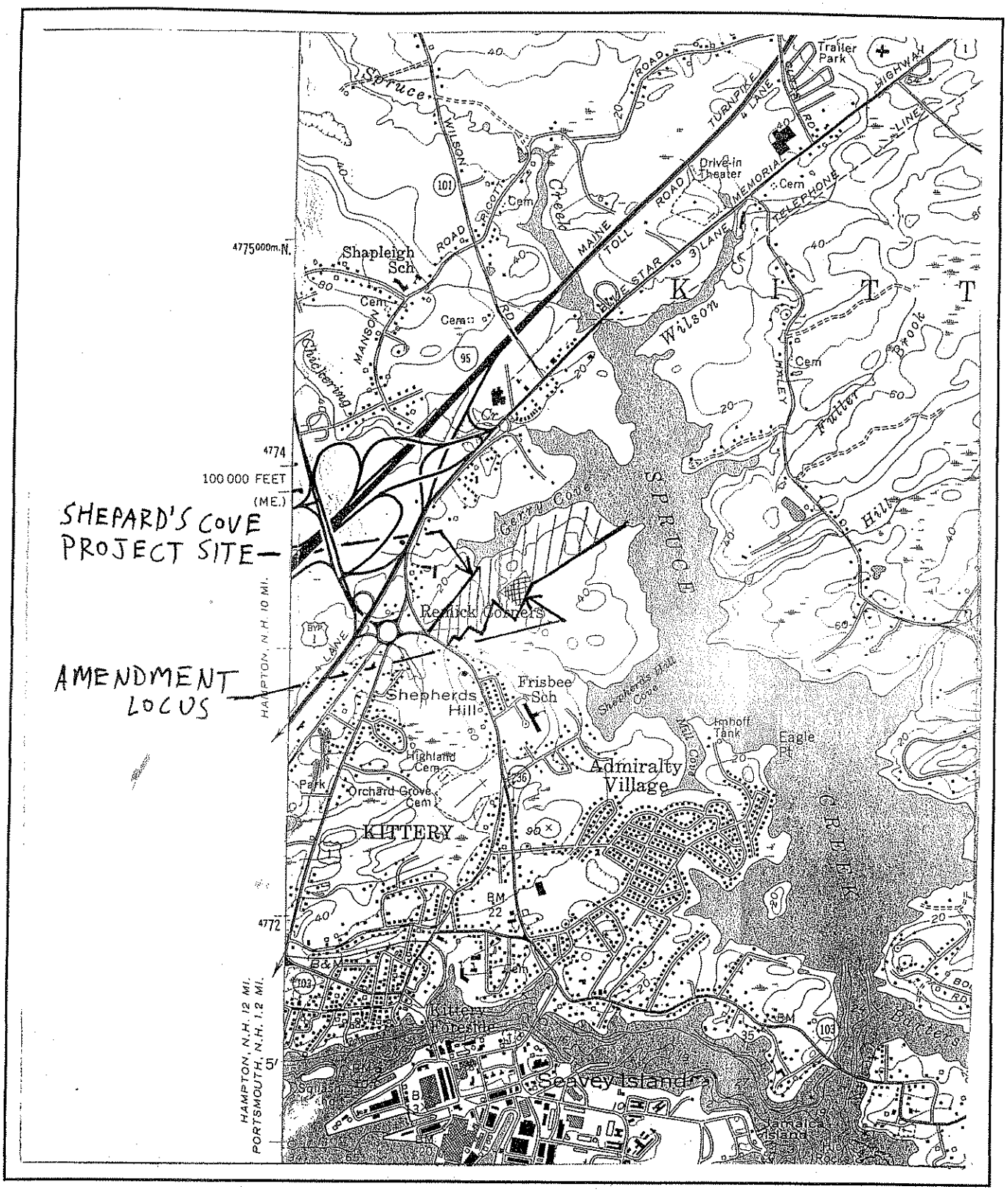


List of Abutters

Project: Shepards Cove Kittery, Maine

Location: Map 22 Lot 21

Map	Lot	Property Owner	Mailing Address
22	16-A	Richard E. Rossitter	P.O. Box 176 Kittery, ME 03904
22	20	Tonnette Richardson	180 Rogers Road Kittery, ME 03904
22	22	Monica E. Moore	170 Rogers Road Kittery, ME 03904
22	23	Melinda L. & Matthew G. Birse	164 Rogers Road Kittery, ME 03904
22	26	Susan G. McCrillis	3 Rogers Lane Kittery, ME 03904
22	31	Scott Moffatt	195 State Road Kittery, ME 03904
14	57	Katherine A. Dennett	P.O. Box 502 Kittery, ME 03904
14	55 & 56	Joseph F. & Suzanne M. Ilsley	175 Rogers Road Kittery, ME 03904
14	54	Joyce Ann Tobey	167 Rogers Road Kittery, ME 03904
		Town of Kittery	200 Rogers Road Kittery, ME 03904



ATTAR ENGINEERING, INC

CIVIL STRUCTURAL MARINE

LOCATION MAP

SHEPARD'S COVE AMENDMENT – KITTERY, MAINE

USGS 7.5' SERIES – KITTERY QUADRANGLE

APPROX. SCALE: 1" = 2000'

PROJECT NO. C009-14

7012 2920 0001 3750 6669

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Return Receipt Fee (Endorsement Required)	$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	$0.00	
Total	$3.79	04/17/2014

ELIOT, ME 03903 APR 17 2014 WWW.USPS.COM

Sent To
Melinda L. & Matthew G. Birse
Street, or PO
164 Rogers Road
City, S
Kittery, ME 03904

PS Form ... Instructions

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Return Receipt Fee (Endorsement Required)	$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	$0.00	
Total Po	$3.79	04/17/2014

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Sent To
Richard E. Rossitter
Street, Ap or PO Bo
P.O. Box 176
City, State
Kittery, ME 03904

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Return Receipt Fee (Endorsement Required)	$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	$0.00	
Total	$3.79	04/17/2014

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Sent To
Susan G. McCrillis
Street, or PO
3 Rogers Lane
City, S
Kittery, ME 03904

PS Form 3800, August 2006 ... Instructions

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Return Receipt Fee (Endorsement Required)	$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	$0.00	
Tr	$3.79	04/17/2014

Se
Tonnette Richardson
Str or
180 Rogers Road
Cit
Kittery, ME 03904

PS ... Instruction

7012 2920 0001 3750 6683

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Return Receipt Fee (Endorsement Required)	$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	$0.00	
Total	$3.79	04/17/2014

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Sent To
Scott Moffatt
Street or PO
195 State Road
City, S
Kittery, ME 03904

PS Form ... Instructions

7012 2920 0001 3750 6652

U.S. Postal Service™
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Postage	$ $0.49	0903
Certified Fee	$3.30	08
Return Receipt Fee (Endorsement Required)	$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	$0.00	
Total Pr	$3.79	04/17/2014

ELIOT, ME 03903 APR 17 2014 WWW.USPS.COM

Sent To
Monica E. Moore
Street, A or PO Bo
170 Rogers Road
City, Sta
Kittery, ME 03904

PS Form ... Instructions

7013 3020 0001 8294 1524

CERTIFIED MAIL™ RECEIPT
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OFFICIAL USE

Postage	$ $0.49
Certified Fee	$3.30
Return Receipt Fee (Endorsement Required)	$0.00
Restricted Delivery Fee (Endorsement Required)	$0.00
Total	$3.79

ELIOT, ME 03903 0903 APR 17 2014 WWW.USPS.COM

Postmark Here

04/17/2014

Sent To: Town of Kittery
Street, or PO Box: 200 Rogers Rd
City, St: Kittery. ME 03904

PS Form 3800, August 2006 — See Reverse for Instructions

7012 2920 0001 3750 6490

CERTIFIED MAIL™ RECEIPT
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KITTERY ME 03904

OFFICIAL USE

Postage	$ $0.49
Certified Fee	$3.30
Return Receipt Fee (Endorsement Required)	$0.00
Restricted Delivery Fee (Endorsement Required)	$0.00
Total Postage & Fees	$3.79

ELIOT, ME 03903 0903 APR 17 2014 WWW.USPS.COM

Postmark Here

04/17/2014

Sent To: Katherine A. Dennett
Street, or PO Box: P.O. Box 502
City, St: Kittery, ME 03904

PS Form 3800, August 2006 — See Reverse for Instructions

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City, State: Kittery, ME 03904

PS Form 3800, August 2006

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04/17/2014

Sent To: Joyce Ann Tobey
Street, or PO Box: 167 Rogers Road
City, St: Kittery, ME 03904

PS Form 3800, August 2006

TOWN OF KITTERY, PLANNING BOARD

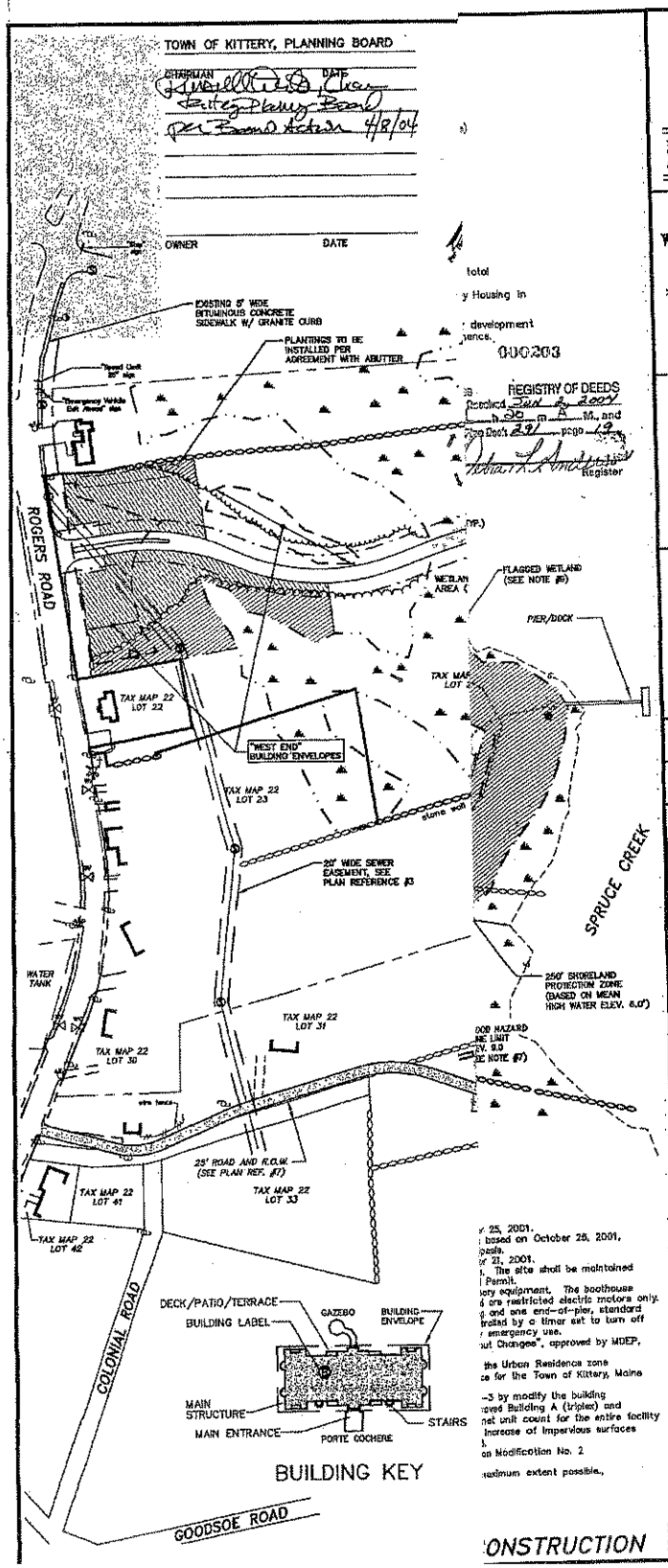
CHAIRMAN DATE

Kittery Planning Board
per Board Action 4/8/04

OWNER DATE

000203

REGISTRY OF DEEDS
Received Jun 2, 2004
at 3:50 m. A. M., and
Rec'd Book 291 page 12
Attest: [illegible]
Register



y 25, 2001.
based on October 25, 2001,
ppeals.
or 21, 2001.
. The site shall be maintained
Permit.
ory equipment. The boathouse
d are restricted electric motors only.
g and one end-of-pier, standard
trolled by a timer set to turn off
r emergency use.
ut Changes", approved by MDEP,

the Urban Residence zone
ce for the Town of Kittery, Maine

-3 by modify the building
oved Building A (triplex) and
net unit count for the entire facility
increase of impervious surfaces
.
on Modification No. 2

aximum extent possible.,

ONSTRUCTION

P3408

ALTUS ENGINEERING, INC.
133 COURT STREET PORTSMOUTH, NH 03801
VOICE: (603) 433-5339
FAX: (603) 433-4194

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

STATE OF MAINE
JEFFREY K. CLIFFORD
No. 5087
REGISTERED PROFESSIONAL ENGINEER

STATE OF MAINE
KENNETH D. MARKLEY
1322
REGISTERED LAND SURVEYOR

ISSUED FOR: RECORDING

ISSUE DATE: MAY 5, 2004

REVISIONS

NO.	DESC.	BY	DATE
0	ISSUED FOR APPROVAL	JKC	1/18/01
1	P. B. COMMENTS	JKC	3/22/01
2	REVISED BUILDING LAYOUT	JKC	4/23/01
3	ADD RESTRICTED BUFFERS	JKC	7/25/01
4	PER MDEP COMMENTS	JKC	8/27/01
5	APPROVAL-NOTES ADDED	JKC	7/25/02
5a	AMENDED DRAWING SET	JKC	4/24/03
6	P.B. APPROVAL NOTES	JKC	11/05/03
7	MODIFICATION #2 SUBMITTAL	JKC	2/26/04
8	MDEP APPROVAL	JKC	3/19/04
9	ADD NOTE #41	JKC	5/05/04

DRAWN BY: RMB
APPROVED BY: JKC
DRAWING FILE: 3408SITE-REV2.DWG

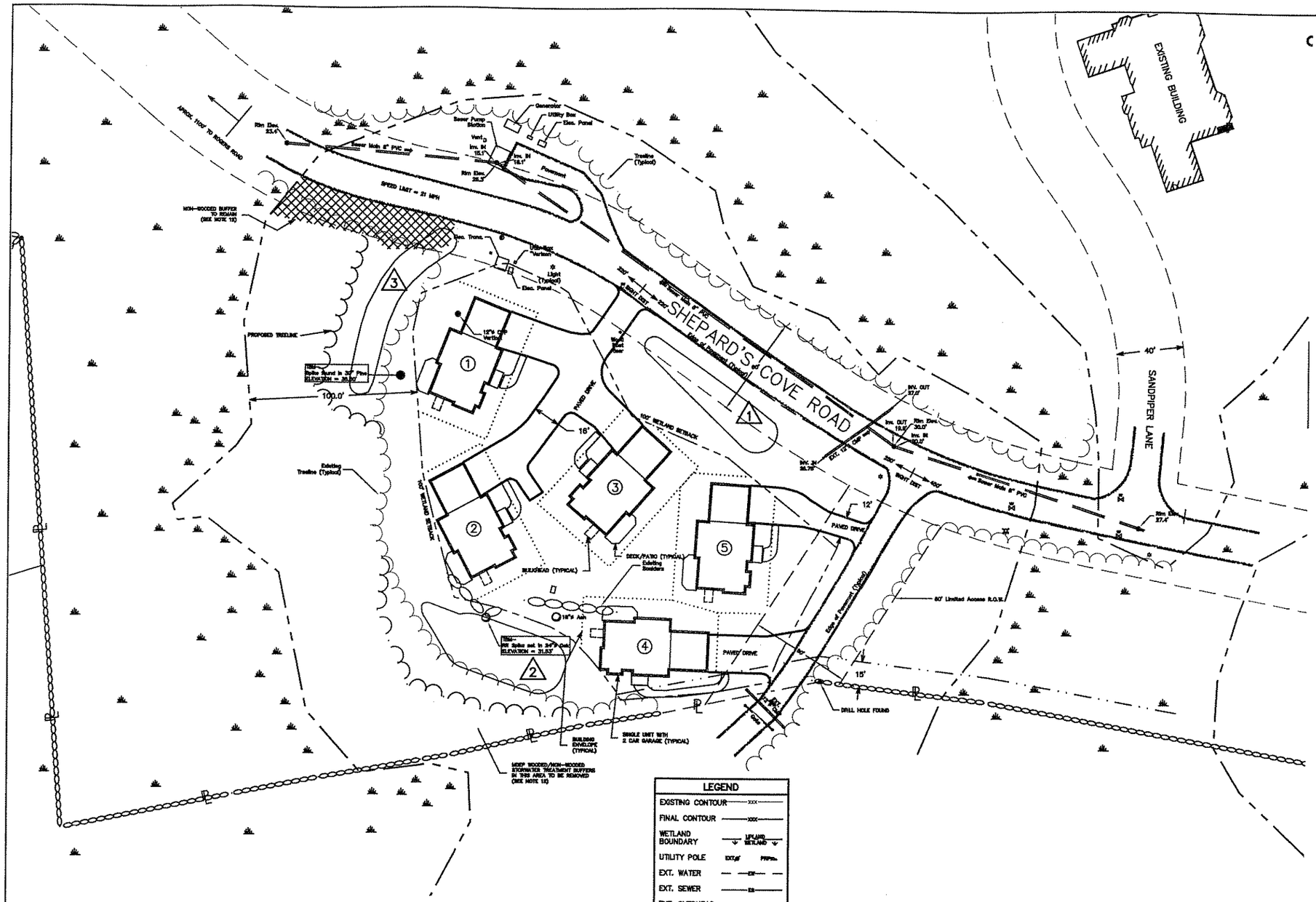
SCALE: 1"=100'

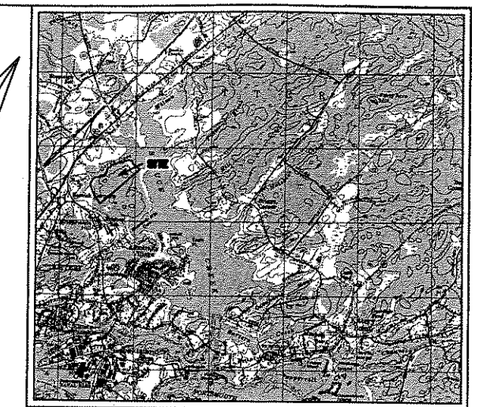
OWNER/APPLICANT:
COVENTRY ASSETS, LLC
8 NEWMARKET ROAD, SUITE 2
DURHAM, NH 03824

PROJECT:
SHEPARD'S COVE
ON
SPRUCE CREEK
TAX MAP 22, LOT 21
176 ROGERS ROAD
KITTERY, MAINE

TITLE:
SITE PLAN

SHEET NUMBER:
C-1





SITE LOCATION MAP

APPROXIMATE SCALE 1" = 2000'

GENERAL NOTES

1. THIS PLAN DEPICTS AN AMENDMENT TO THE PREVIOUSLY APPROVED SITE/SUBDIVISION PLAN (REFERENCE 1) FOR THE SHEPARD'S COVE DEVELOPMENT LOCATED AT 176 ROGERS ROAD, KITTERY, MAINE. THE EXISTING AND PROPOSED USE IS ELDERLY HOUSING.

2. THE PURPOSE OF THIS AMENDMENT IS TO REPLACE THE PREVIOUSLY APPROVED, 24-UNIT, BUILDING 8 WITH 5 SINGLE-FAMILY BUILDINGS. REFERENCE 1 INCLUDED APPROVAL FOR 115 ELDERLY HOUSING UNITS; THE PROPOSED AMENDMENT WILL REDUCE THE TOTAL NUMBER OF ELDERLY HOUSING UNITS BY 19. THEREFORE, AT FULL BUILD-OUT, THE PROJECT WILL CONTAIN 96 ELDERLY HOUSING UNITS.

3. NO OTHER CHANGES TO REFERENCE 1 ARE PROPOSED. SEE REFERENCE 1 FOR OTHER NOTES AND CONDITIONS.

4. THE DEVELOPMENT SITE IS IDENTIFIED ON THE TOWN OF KITTERY TAX MAP 22 LOT 21 IN THE RESIDENTIAL-URBAN (RU) DISTRICT. THE LOT IS APPROXIMATELY 43 ACRES IN AREA.

DISTRICT REQUIREMENTS FOR THE RU DISTRICT ARE AS FOLLOWS:
- LOT SIZE: 20,000 S.F.
- SETBACKS: 15' FROM SIDE AND REAR YARDS
  30' FRONT YARD
- MAXIMUM BUILDING COVERAGE: 20%
- MAXIMUM BUILDING HEIGHT: 35'
- MINIMUM STREET FRONTAGE ON LOT SERVED BY PUBLIC SEWER: 100'

APPROXIMATELY 295' OF STREET FRONTAGE EXISTS ON ROGERS ROAD FOR THE PROPOSED PROJECT.

5. WATER SERVICE SHALL BE PROVIDED TO THE SITE BY KITTERY WATER DISTRICT. SEWER SERVICE SHALL BE PROVIDED TO THE SITE BY THE KITTERY SEWER DEPARTMENT. WATER AND SEWER IMPROVEMENTS SHALL BE INSTALLED IN ACCORDANCE WITH RESPECTIVE DISTRICT/DEPARTMENT REQUIREMENTS.

6. 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.

7. WETLAND DELINEATION DEPICTED ON THE PLAN WAS TAKEN FROM REFERENCE 1. SEE SITE NOTE #9 FROM REFERENCE 1.

8. EXISTING, OFF-SITE, STRUCTURES SHOWN ON THIS PLAN ARE IN APPROXIMATE LOCATIONS.

9. ON-SITE UTILITIES SHALL BE INSTALLED UNDERGROUND.

10. THIS PROJECT IS SUBJECT TO MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION (MDEP) SITE LOCATION OF DEVELOPMENT PERMIT L-20634-87-A-N. THE CURRENTLY PROPOSED SITE/SUBDIVISION AMENDMENT WILL REQUIRE AN AMENDMENT TO THIS PERMIT.

11. THIS PLAN REVISES THE STORMWATER TREATMENT BUFFERS DEPICTED ON REFRENCE 2 AS SHOWN. ALL OTHER BUFFERS SHOWN ON REFERENCE 2 SHALL REMAIN.

REFERENCES

1. "SITE PLAN - SHEPARD'S COVE ON SPRUCE CREEK - TAX MAP 22, LOT 21, 178 ROGERS ROAD, KITTERY, MAINE" PREPARED BY ALTUS ENGINEERING, INC, PORTSMOUTH, NH. REVISION 9, DATED 5/5/04, Y.C.R.D BOOK 291, PAGE 19.

2. "BUFFER EASEMENT PLAN - SHEPARD'S COVE SENIOR HOUSING COMMUNITY" PREPARED BY ALTUS ENGINEERING/ NORTH EASIERLY SURVEYING INC, DATED 5/7/02, YCRD BK 271 P.8.

LEGEND

EXISTING CONTOUR	XXX
FINAL CONTOUR	XXX
WETLAND BOUNDARY	UPLAND / WETLAND
UTILITY POLE	EXT. / PRP.
EXT. WATER	EW
EXT. SEWER	ES
EXT. OVERHEAD UTIL.	EOHU
EXT. UNDERGROUND UTIL.	EUE
PRP. WATER	PW
PRP. SEWER	PS
PRP. FORCE MAIN	
PRP. UTILITY	PURE/T/C
WATER VALVE	EXT. / PRP.
WATER SHUTOFF	
SEWER MANHOLE	
LIGHT POLE	EXT. / PRP.
ASPHALT CURB	
EXISTING CURB	
BOLLARD	
FIRE HYDRANT	EXT. / PRP.

INDEX OF SHEETS

1. SITE AND SUBDIVISION PLAN AMENDMENT
2. GRADING AND UTILITY PLAN
3. DETAILS PLAN
4. DETAILS PLAN
5. DETAILS PLAN

TOWN OF KITTERY PLANNING BOARD	DATE

STATE OF MAINE
YORK COUNTY ss. REGISTRY OF DEEDS
RECEIVED_____, 20____
AT___h___m___M, AND RECORDED IN
PLAN BOOK_____, PAGE_____
ATTEST_____REGISTER

GRAPHIC SCALE

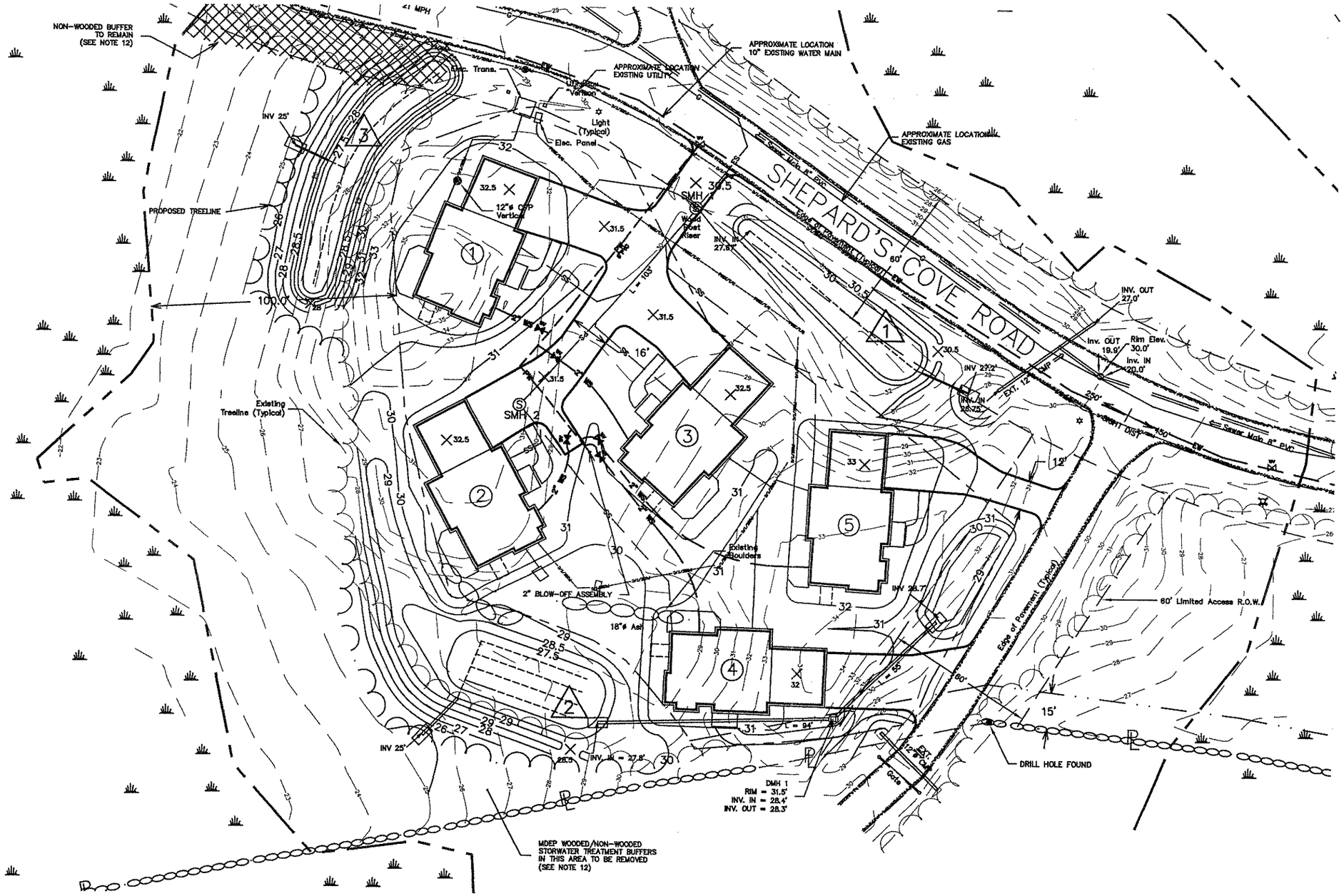
NO.	DESCRIPTION	DATE

SITE & SUBDIVISION PLAN AMENDMENT
SHEPARD'S COVE
176 ROGERS ROAD, KITTERY, ME

FOR: DLJ CORP.
433 U.S. RT. 1, SUIT 101
YORK, ME 03909

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

SCALE: 1" = 30'	APPROVED BY:	DRAWN BY: STB
DATE: 4/18/14		REVISION : DATE - : -



GENERAL NOTES

1. EXISTING TOPOGRAPHY WAS TAKEN FROM REFERENCE 1. THE PROJECT DATUM IS NGVD 1929.

2. ALL GRAVITY SEWER MAINS SHALL BE 8" PVC (SDR 35). ALL OTHER ASPECTS OF THE SEWER SYSTEM INCLUDING MANHOLES, SERVICE CONNECTIONS AND CONSTRUCTION METHODS SHALL MEET CURRENT KITTERY SEWER DEPARTMENT (KSD) STANDARDS. ALL SEWER LINES AND MANHOLES SHALL BE TESTED IN ACCORDANCE WITH CURRENT KSD REQUIREMENTS.

3. ALL STORM DRAINS SHALL BE ADS N-12 (HDPE) OR APPROVED EQUAL (UNLESS NOTED OTHERWISE). PROPER TRENCHING AND BACKFILLING ARE VITAL TO THE LONG TERM PERFORMANCE AND DURABILITY OF HDPE CULVERT INSTALLATIONS. SEE HDPE CULVERT TRENCH DETAIL.

4. 6" PVC WATER MAINS SHALL BE C-900, DR-18, CLASS 150. 2" WATER SERVICES SHALL BE CIS POLYETHYLENE. ALL OTHER VALVES, FITTINGS AND CONNECTIONS SHALL MEET CURRENT KITTERY WATER DISTRICT (KWD) STANDARDS. ALL WATER LINES SHALL BE TESTED AND DISINFECTED IN ACCORDANCE WITH CURRENT KWD STANDARDS.

5. A MINIMUM OF 5.0' OF COVER SHALL BE MAINTAINED OVER ALL WATER LINES.

6. PROPOSED OVERHEAD/UNDERGROUND UTILITIES ARE APPROXIMATELY LOCATED. CENTRAL MAINE POWER WILL PREPARE THE ELECTRICAL PLAN FOR CONSTRUCTION.

SEWER SCHEDULE
SMH 1 RIM=30.5 INV IN (2)=19.1* INV OUT=19.0*
SMH 2 RIM=31.0 INV OUT=25.0

*APPROXIMATE ELEVATION, VERIFY IN FIELD.

GRAPHIC SCALE

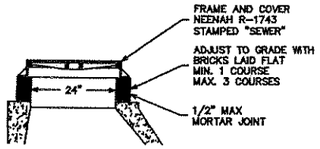
NO.	DESCRIPTION	DATE

GRADING AND UTILITY PLAN
SHEPARD'S COVE
176 ROGERS ROAD, KITTERY, ME

FOR: DLJ CORP.
433 U.S. RT. 1, SUIT 101
YORK, ME 03909

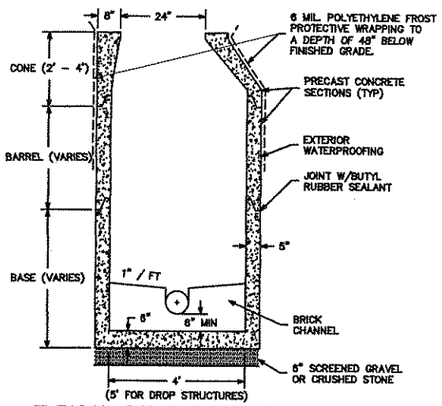
ATTAR ENGINEERING, INC.
CIVIL ◆ STRUCTURAL ◆ MARINE
1284 STATE ROAD – ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: 1" = 20'	APPROVED BY:	DRAWN BY: STB
DATE: 4/16/14		REVISION : DATE



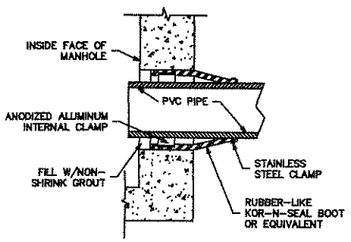
STANDARD COVER AND FRAME

SCALE: NTS



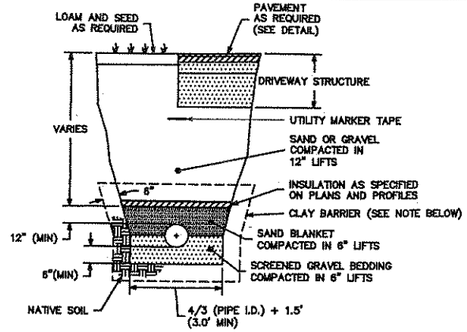
TYPICAL SANITARY MANHOLE

SCALE: NTS



TYPICAL BOOT GASKET

SCALE: NTS

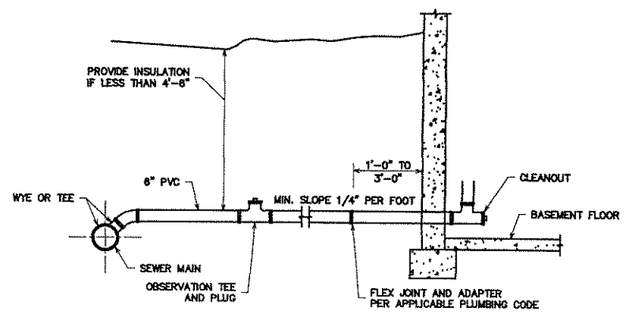


SEWER PIPE TRENCH DETAIL

SCALE: NTS

TRENCH TO BE SUPPORTED BY SLOPING BACK AT
2:1 OR OTHER ACCEPTABLE METHOD.

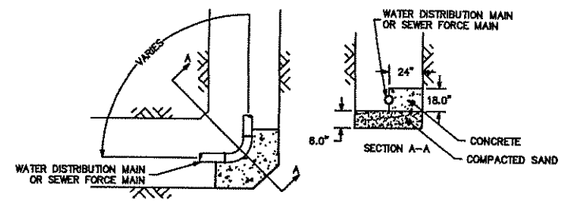
CLAY BARRIERS (12" THICK, APPROX. 100' INTERVALS) ALONG THE
PIPE BEDDING SHALL BE INSTALLED IN AREAS OF HIGH
GROUNDWATER OR AS DIRECTED BY THE INSPECTING ENGINEER.



TYPICAL SERVICE CONNECTION AND HOUSE LATERAL DETAIL

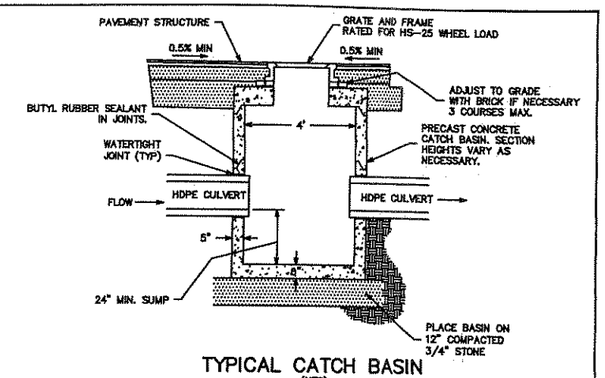
SCALE: NTS

NOTE: HOUSE SEWER MAY BE LOCATED BENEATH BASEMENT FLOOR



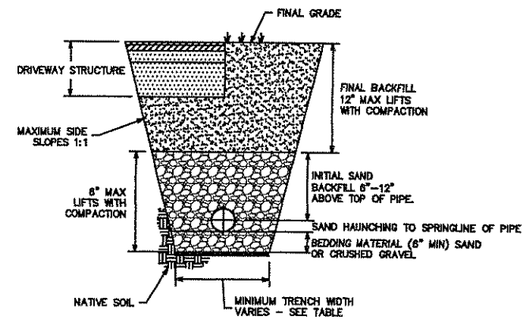
THRUST BLOCK DETAIL

(NTS)



TYPICAL CATCH BASIN

(NTS)

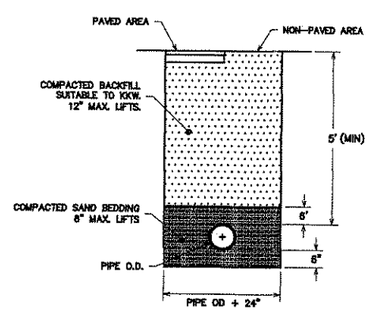


HDPE CULVERT TRENCH DETAIL

(NTS)

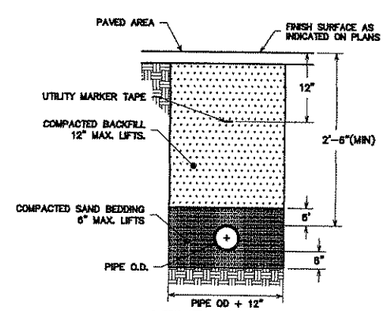
TRENCH TO BE SUPPORTED BY SLOPING BACK AT
2:1 OR OTHER ACCEPTABLE METHOD.

NOMINAL DIAMETER (IN)	MIN. TRENCH WIDTH (IN)
4	21
6	23
8	25
10	28
12	31
15	34
18	39
24	48
30	66
36	78
42	83
48	89
60	102



WATER LINE TRENCH DETAIL

(NTS)



UTILITY CONDUIT TRENCH DETAIL

(NTS)

SITE DETAILS
SHEPARD'S COVE
176 ROGERS ROAD, KITTERY, ME

FOR: DLJ CORP.
433 U.S. RT. 1, SUIT 101
YORK, ME 03909

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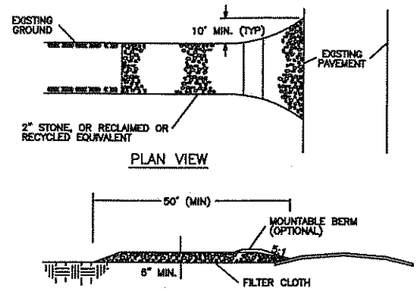
PHONE: (207)439-6023 FAX: (207)439-2128

SCALE:	APPROVED BY:	DRAWN BY:
AS NOTED		STB
DATE:		REVISION : DATE



NOTES:

1. GEOTEXTILE: PLACE FILTER CLOTH OVER ENTIRE AREA TO BE COVERED WITH AGGREGATE. FILTER CLOTH WILL NOT BE REQUIRED ON A SINGLE FAMILY RESIDENTIAL LOT.

2. PIPING OF SURFACE WATER UNDER ENTRANCE SHALL BE PROVIDED AS REQUIRED. IF PIPING IS IMPOSSIBLE, A MOUNTABLE BERM WITH A 5:1 SLOPE WILL BE PERMITTED.

STABILIZED CONSTRUCTION ENTRANCE

EROSION & SEDIMENTATION CONTROL NOTES

1. SILTATION FENCE OR HAY BALE BARRIERS WILL BE INSTALLED DOWNSLOPE OF ALL STRIPPING OR CONSTRUCTION OPERATIONS. A DOUBLE SILT FENCE BARRIER SHALL BE INSTALLED DOWNSLOPE OF ANY SOIL MATERIAL STOCKPILES. SILT FENCES SHALL BE INSPECTED AFTER EACH RAIN EVENT AND DAILY DURING PROLONGED RAIN. SILT AND SOIL PARTICLES ACCUMULATING BEHIND THE FENCE SHALL BE REMOVED AFTER EACH SIGNIFICANT RAIN EVENT AND IN NO INSTANCE SHOULD ACCUMULATION EXCEED 1/2 THE HEIGHT OF THE FENCE. TORN OR DAMAGED AREAS SHALL BE REPAIRED.

2. TEMPORARY AND PERMANENT VEGETATION AND MULCHING IS AN INTEGRAL COMPONENT OF THE EROSION AND SEDIMENTATION CONTROL PLAN. ALL AREAS SHALL BE INSPECTED AND MAINTAINED UNTIL THE DESIRED VEGETATIVE COVER IS ESTABLISHED. THESE CONTROL MEASURES ARE ESSENTIAL TO EROSION PREVENTION AND ALSO REDUCE COSTLY REWORK OF GRADED AND SHAPED AREAS.

3. SEEDING, FERTILIZER AND LIME RATES AND TIME OF APPLICATION WILL BE DEPENDENT ON SOIL REQUIREMENTS. TEMPORARY VEGETATION SHALL BE MAINTAINED IN THESE AREAS UNTIL PERMANENT SEEDING IS APPLIED. ADDITIONALLY, EROSION AND SEDIMENTATION MEASURES SHALL BE MAINTAINED UNTIL PERMANENT VEGETATION IS ESTABLISHED.

4. ALL LAWN AREA, OUTER POND SIDE SLOPES AND SWALES SHALL BE PERMANENTLY SEEDED WITH THE FOLLOWING MIXTURE: 20 LB/ACRE CREEPING RED FESCUE, 2 LB/ACRE REDTOP AND 20 LB/ACRE TALL FESCUE FOR A TOTAL OF 42 LB/ACRE. FERTILIZER AND LIME RATES SHALL BE DEPENDENT ON SOIL TESTING. IN THE ABSENCE OF SOIL TESTS, FERTILIZE WITH 10-20-20 (N-P205-K201) AT 600 LB/ACRE AND LIME AT 3 TONS/ACRE. MULCH WITH HAY AT 70-90 LB/1000 S.F. 4" OF LOAM SHALL BE APPLIED PRIOR TO SEEDING.

5. POND BOTTOMS AND INNER POND SIDESLOPES SHALL BE PERMANENTLY SEEDED WITH THE FOLLOWING MIXTURE: 20 LB/ACRE CREEPING RED FESCUE, 8 LB/ACRE BIRDSFOOT TREFOIL AND 20 LB/ACRE TALL FESCUE FOR A TOTAL OF 48 LB/ACRE. SEE THE ABOVE NOTE FOR FERTILIZER, LIME AND MULCHING RATES.

6. TEMPORARY VEGETATION OF ALL DISTURBED AREAS, MATERIAL STOCKPILES AND OTHER SUCH AREAS SHALL BE ESTABLISHED BY SEEDING WITH EITHER WINTER RYE AT A RATE OF 112 LB/ACRE OR ANNUAL RYEGRASS AT A RATE OF 40 LB/ACRE. WINTER RYE SHALL BE USED FOR FALL SEEDING AND ANNUAL RYEGRASS FOR SHORT DURATION SEEDING. SEEDING SHALL BE ACCOMPLISHED BEFORE OCTOBER 1.

7. TEMPORARY SEEDING OF DISTURBED AREAS SHALL BE ACCOMPLISHED BEFORE OCTOBER 1. PERMANENT SEEDING SHALL BE ACCOMPLISHED BEFORE SEPTEMBER 15.

8. ALL SEEDED AREAS SHALL BE MULCHED WITH HAY AT A RATE OF 2 BALES (70-90 LB) PER 1000 S.F. OF SEEDED AREA.

9. ALL DISTURBED AREAS ON THE SITE SHALL BE PERMANENTLY STABILIZED WITHIN 7 DAYS OF FINAL GRADING OR TEMPORARILY STABILIZED WITHIN 30 DAYS OF INITIAL DISTURBANCE.

10. A STABILIZED CONSTRUCTION ENTRANCE SHALL BE INSTALLED AT ALL ACCESSES TO PUBLIC ROADS (SEE PLAN). TEMPORARY CULVERTS SHALL BE PROVIDED AS REQUIRED.

11. SLOPES 2:1 OR STEEPER SHALL BE TREATED WITH POLYJUTE OPEN WEAVE GEOTEXTILE (OR EQUIVALENT) AFTER SEEDING. JUTE MATS SHALL BE ANCHORED PER MANUFACTURER'S SPECIFICATIONS.

12. EXCESSIVE DUST CAUSED BY CONSTRUCTION OPERATIONS SHALL BE CONTROLLED BY APPLICATION OF WATER OR CALCIUM CHLORIDE.

13. THE CONTRACTOR MAY OPT TO USE EROSION CONTROL MIX BERM AS A SEDIMENT BARRIER IN LIEU OF SILTATION FENCE OR HAY BALE BARRIERS WITH APPROVAL FROM THE INSPECTING ENGINEER.

DRIVEWAY 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-12 (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.

WINTER CONSTRUCTION NOTES

NOVEMBER 1 – APRIL 15

1. EXPOSED AREAS SHOULD BE LIMITED TO AN AREA THAT CAN BE MULCHED IN ONE DAY PRIOR TO ANY SNOW EVENT.

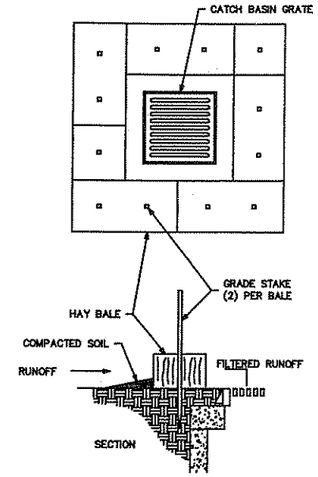
2. AN AREA SHALL BE CONSIDERED STABILIZED WHEN EXPOSED SURFACES HAVE BEEN EITHER MULCHED WITH HAY AT A RATE OF 100 LB/1000 S.F. OR DORMANT SEEDED, MULCHED AND ADEQUATELY ANCHORED BY AN APPROVED ANCHORING TECHNIQUE. IN ALL CASES, MULCH SHALL BE APPLIED SO THAT THE SOIL SURFACE IS NOT VISIBLE THROUGH THE MULCH.

3. FROM OCTOBER 15 TO APRIL 1, LOAM AND SEED WILL NOT BE REQUIRED. DURING PERIODS OF TEMPERATURES ABOVE FREEZING, DISTURBED AREAS SHALL BE FINE GRADED AND PROTECTED WITH MULCH OR TEMPORARILY SEEDED AND MULCHED UNTIL PERMANENT SEEDING CAN BE APPLIED. AFTER NOVEMBER 1, DISTURBED AREAS MAY BE LOAMED, FINE GRADED AND DORMANT SEEDED AT A RATE 200-300% HIGHER THAN THE SPECIFIED PERMANENT SEEDING RATE. IF CONSTRUCTION CONTINUES DURING FREEZING WEATHER, DISTURBED AREAS SHALL BE GRADED BEFORE FREEZING AND TEMPORARILY STABILIZED WITH MULCH. DISTURBED AREAS SHALL NOT BE LEFT OVER THE WINTER OR FOR ANY OTHER EXTENDED PERIOD OF TIME UNLESS STABILIZED WITH MULCH.

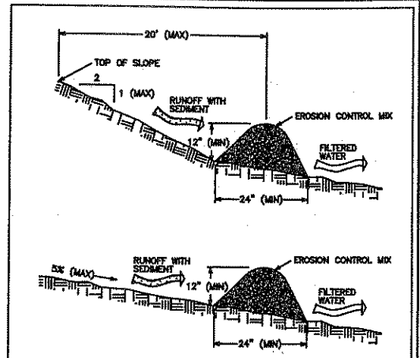
4. FROM NOVEMBER 1 TO APRIL 15 ALL MULCH SHALL BE ANCHORED BY EITHER PEG LINE, MULCH NETTING, ASPHALT EMULSION CHEMICAL, TRACK OR WOOD CELLULOSE FIBER. MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL DRAINAGE WAYS WITH SLOPES GREATER THAN 3%, SLOPES EXPOSED TO DIRECT WINDS AND FOR SLOPES GREATER THAN 8%. MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL AREAS WITH SLOPES GREATER THAN 15%. AFTER OCTOBER 1, THE SAME APPLIES TO ALL SLOPES GREATER THAN 8%.

5. DURING WINTER CONSTRUCTION, DORMANT SEEDING OR MULCH AND ANCHORING SHALL BE APPLIED TO ALL DISTURBED AREAS AT THE END OF EACH WORKING DAY.

6. SNOW SHALL BE REMOVED FROM AREAS OF SEEDING AND MULCHING PRIOR TO PLACEMENT.



HAY BALE FILTER FOR CATCH BASIN
(NTS)



EROSION CONTROL MIX COMPOSITION STANDARDS:

– THE ORGANIC MATTER CONTENT SHALL BE BETWEEN 80 AND 100%, DRY WEIGHT BASIS.

– PARTICLE SIZE BY WEIGHT SHALL BE 100% PASSING A 6" SCREEN AND A MINIMUM OF 70% MAXIMUM OF 85% PASSING A 0.75" SCREEN.

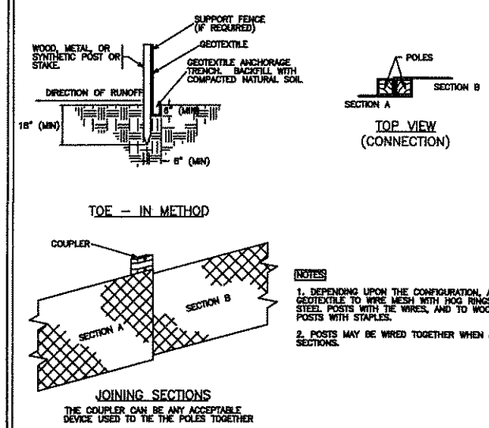
– THE ORGANIC PORTION NEEDS TO BE FIBROUS AND ELONGATED

– LARGE PORTIONS OF SILTS, CLAYS OR FINE SANDS ARE NOT ACCEPTABLE IN THE MIX

– SOLUBLE SALTS CONTENT SHALL BE <4.0 mmhoe/cm

– THE pH SHOULD FALL BETWEEN 5.0 AND 8.0

EROSION CONTROL MIX BERM
(NTS)



NOTES:

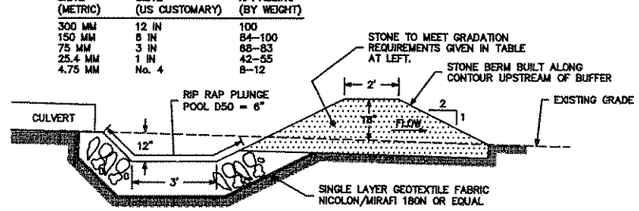
1. DEPENDING UPON THE CONFIGURATION, ATTACH GEOTEXTILE TO WIRE MESH WITH HOG RINGS, TO STEEL POSTS WITH TIE WIRES, AND TO WOOD POSTS WITH STAPLES.

2. POSTS MAY BE WIRED TOGETHER WHEN JOINING SECTIONS.

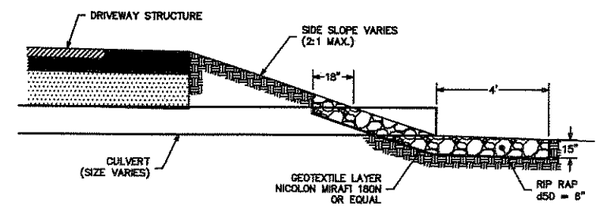
TEMPORARY SILT FENCE – NTS

STONE GRADATION REQUIREMENTS

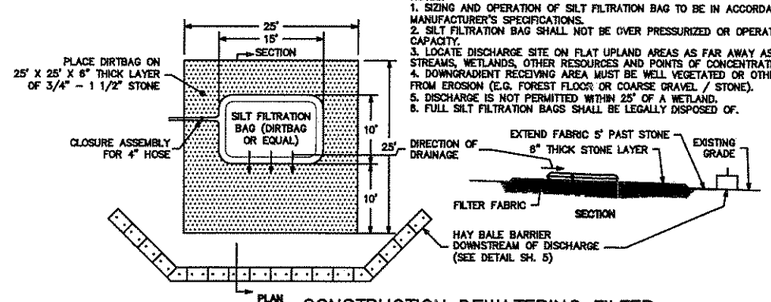
SIEVE (METRIC)	SIEVE (US CUSTOMARY)	% PASSING (BY WEIGHT)
300 MM	12 IN	100
150 MM	6 IN	84–100
75 MM	3 IN	68–83
25.4 MM	1 IN	42–55
4.75 MM	No. 4	8–12



STONE BERM LEVEL SPREADER
(NTS)

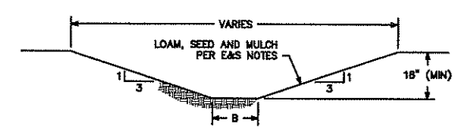


CULVERT INLET/OUTLET PROTECTION DETAIL
(NTS)



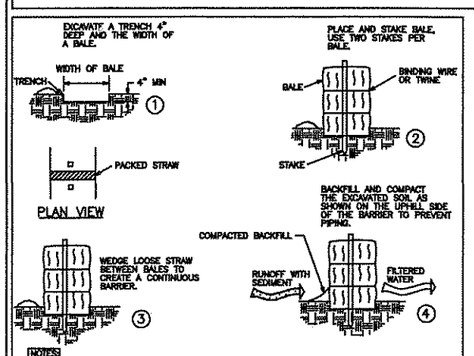
NOTES:
1. SIZING AND OPERATION OF SILT FILTRATION BAG TO BE IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
2. SILT FILTRATION BAG SHALL NOT BE OVER PRESSURIZED OR OPERATED BEYOND CAPACITY.
3. LOCATE DISCHARGE SITE ON FLAT UPLAND AREAS AS FAR AWAY AS POSSIBLE FROM STREAMS, WETLANDS, OTHER RESOURCES AND POINTS OF CONCENTRATED FLOW.
4. DOWNGRADIENT RECEIVING AREA MUST BE WELL VEGETATED OR OTHERWISE STABLE FROM EROSION (E.G. FOREST FLOOR OR COARSE GRAVEL / STONE).
5. DISCHARGE IS NOT PERMITTED WITHIN 25' OF A WETLAND.
6. FULL SILT FILTRATION BAGS SHALL BE LEGALLY DISPOSED OF.

CONSTRUCTION DEWATERING FILTER DETAIL FOR PUMPED DISCHARGE
(NTS)



VEGETATED SWALE DETAIL
NTS

B (BOTTOM WIDTH) SHALL BE 2' FOR TYPE 1 SWALES AND 5' FOR TYPE 2 SWALES.



NOTES:

1. PLACE BALES IN A SINGLE ROW, LENGTHWISE ON THE CONTOUR.

2. PLACE BALES 10' AWAY FROM THE TOE OF SLOPE.

3. IN SLOPING AREAS WHERE SURFACE FLOW FOLLOWS THE BALE LINE, INSTALL PERPENDICULAR BALE CHECKS AT APPROPRIATE INTERVALS (100' MAX.)

HAY BALE BARRIER
(NTS)

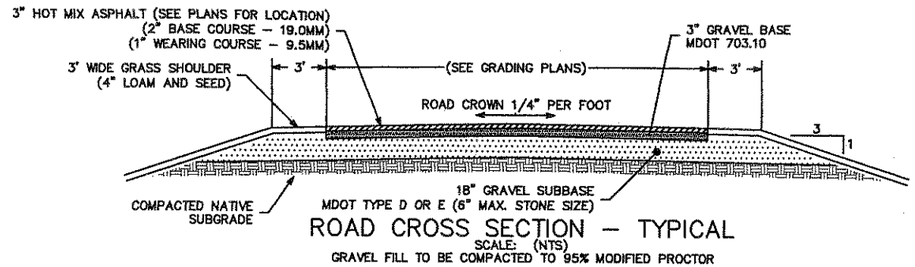
NO.	DESCRIPTION	DATE	
	REVISIONS		

SITE DETAILS
SHEPARD'S COVE
176 ROGERS ROAD, KITTERY, ME

FOR: DLJ CORP.
433 U.S. RT. 1, SUIT 101
YORK, ME 03909

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

SCALE: AS NOTED	APPROVED BY:	DRAWN BY: STB
DATE: 4/16/14		REVISION : DATE – : –
JOB NO: 6009-14	CAD FILE: SC-DET	SHEET 4



ROAD CROSS SECTION – TYPICAL

SCALE: (NTS)

GRAVEL FILL TO BE COMPACTED TO 95% MODIFIED PROCTOR

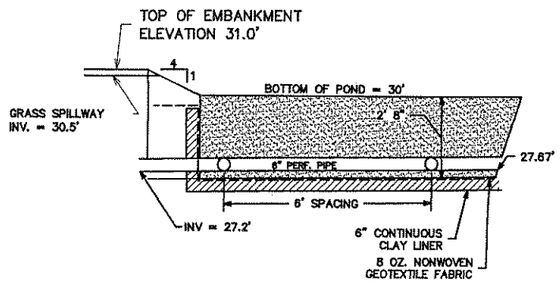
SOIL FILTER MEDIA NOTE:

THE SOIL FILTER MEDIA SHALL CONSIST OF A SILTY SAND OR SOIL MIXTURE COMBINED WITH 20% – 25% FINE SHREDDED BARK OR WOOD FIBER MULCH. THE MIXTURE MUST HAVE NO LESS THAN 8% PASSING THE 200 SIEVE, AND A CLAY CONTENT OF LESS THAN 2%. PRIOR TO CONSTRUCTION, THE CONTRACTOR MUST CHECK WITH THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR UPDATED SOIL FILTER MEDIA SPECIFICATIONS.

CONSTRUCTION OVERSIGHT REQUIRED:

INSPECTION OF THE FILTER BASIN SHALL BE PROVIDED FOR EACH PHASE OF CONSTRUCTION BY THE DESIGN ENGINEER WITH REQUIRED REPORTING TO THE DEP. AT A MINIMUM, INSPECTIONS WILL OCCUR:

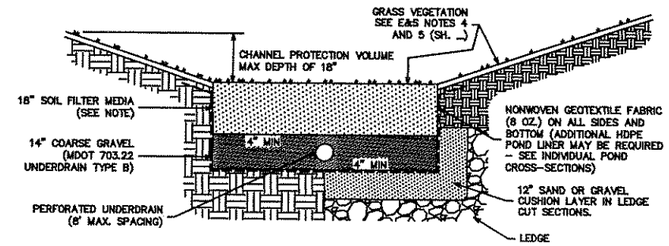
- AFTER PRELIMINARY CONSTRUCTION OF THE FILTER GRADES AND ONCE THE UNDERDRAIN PIPES ARE INSTALLED BUT NOT BACKFILLED;
- AFTER THE DRAINAGE LAYER IS CONSTRUCTED AND PRIOR TO THE INSTALLATION OF THE FILTER MEDIA;
- AFTER THE FILTER MEDIA HAS BEEN INSTALLED AND SEEDED;
- AFTER ONE YEAR TO INSPECT HEALTH OF THE VEGETATION AND MAKE CORRECTIONS; AND
- ALL MATERIAL USED FOR THE CONSTRUCTION OF THE FILTER BASIN WILL BE APPROVED BY THE DESIGN ENGINEER AFTER TESTS BY A CERTIFIED LABORATORY SHOW THAT THEY ARE PASSING DEP SPECIFICATIONS.
- CONTRACTOR SHALL COORDINATE INSPECTION SCHEDULE WITH INSPECTING ENGINEER PRIOR TO CONSTRUCTION.



(SEE SH. 2 FOR PLAN VIEW)

CROSS–SECTION POND 1 – UNDERDRAIN SOIL FILTER POND

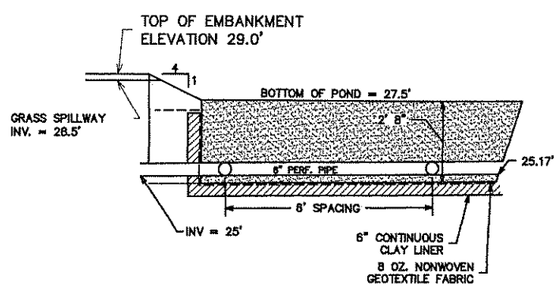
(NTS)



VEGETATED UNDERDRAINED SOIL FILTER FIELD CROSS SECTION

(APPLIES TO PONDS 1, 2, 3, AND 4)

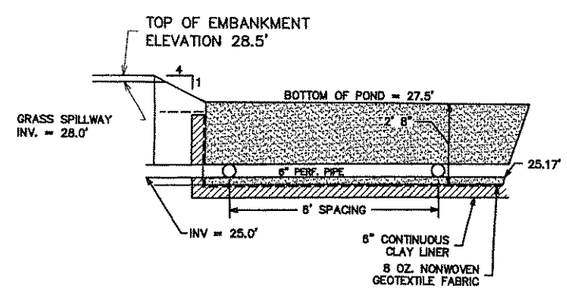
(NTS)



(SEE SH. 2 FOR PLAN VIEW)

CROSS–SECTION POND 2 – UNDERDRAIN SOIL FILTER POND

(NTS)



(SEE SH. 2 FOR PLAN VIEW)

CROSS–SECTION POND 3 – UNDERDRAIN SOIL FILTER POND

(NTS)

SITE DETAILS
SHEPARD'S COVE
176 ROGERS ROAD, KITTERY, ME 03909

FOR: DLJ CORP.
433 U.S. RT. 1, SUIT 101
YORK, ME 03909

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

SCALE:	APPROVED BY:	DRAWN BY:
AS NOTED		STB
DATE:		REVISION : DATE

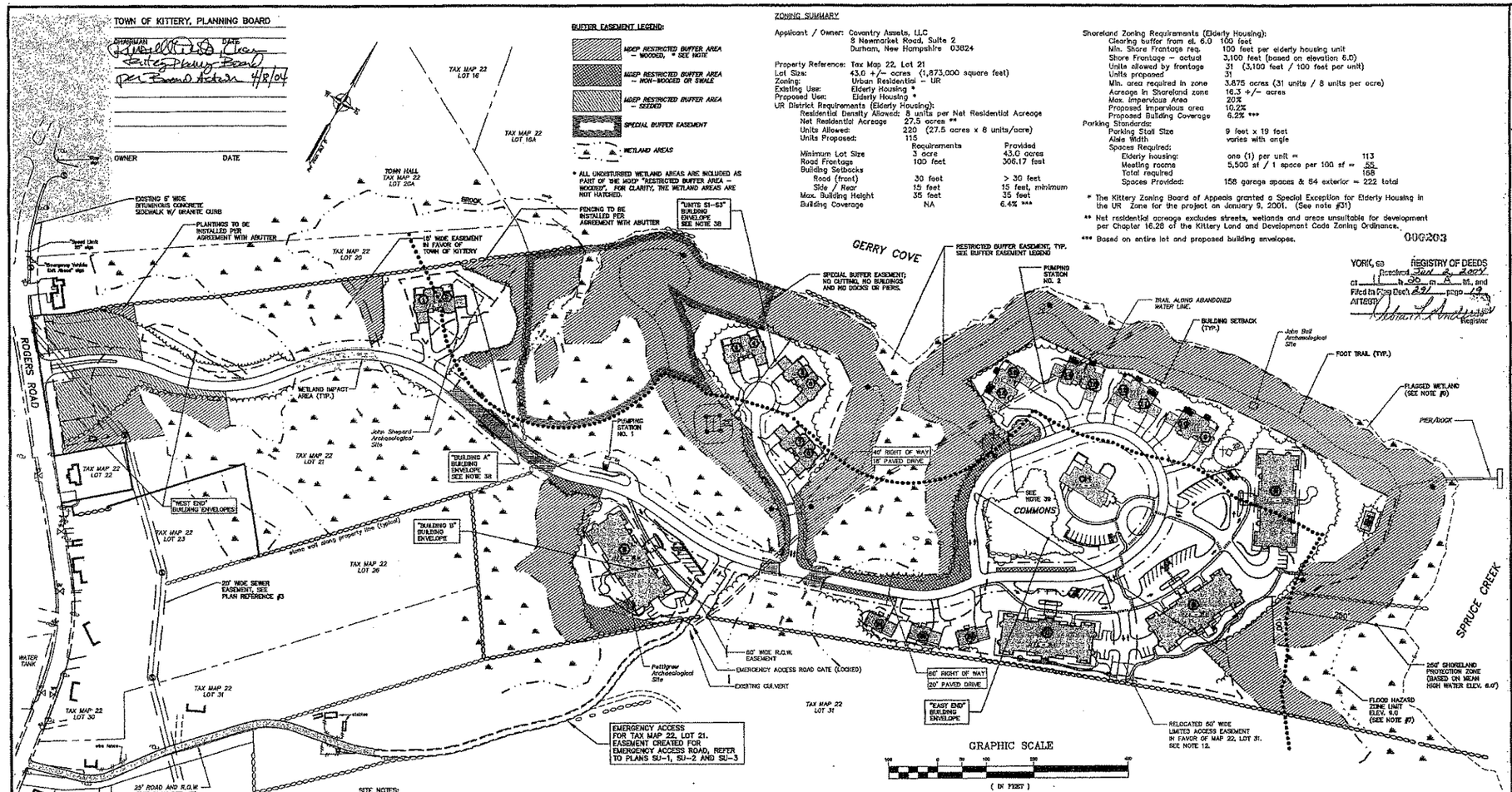
TOWN OF KITTERY, PLANNING BOARD

CHAIRMAN — DATE

Kittery Planning Board

per Board Action 4/8/04

OWNER — DATE



ZONING SUMMARY

Applicant / Owner: Coventry Assets, LLC
8 Newmarket Road, Suite 2
Durham, New Hampshire 03824

Property Reference: Tax Map 22, Lot 21
Lot Size: 43.0 +/– acres (1,873,000 square feet)
Zoning: Urban Residential – UR
Existing Use: Elderly Housing *
Proposed Use: Elderly Housing *

UR District Requirements (Elderly Housing):
Residential Density Allowed: 8 units per Net Residential Acreage

Net Residential Acreage	27.5 acres **	
Units Allowed:	220 (27.5 acres x 8 units/acre)	
Units Proposed:	115	
	Requirements	Provided
Minimum Lot Size	3 acre	43.0 acres
Road Frontage	100 feet	306.17 feet
Building Setbacks		
Road (front)	30 feet	> 30 feet
Side / Rear	15 feet	15 feet, minimum
Max. Building Height	35 feet	35 feet
Building Coverage	NA	6.4% ***

Shoreland Zoning Requirements (Elderly Housing):

Clearing buffer from el. 6.0	100 feet
Min. Shore Frontage req.	100 feet per elderly housing unit
Shore Frontage – actual	3,100 feet (based on elevation 6.0)
Units allowed by frontage	31 (3,100 feet / 100 feet per unit)
Units proposed	31
Min. area required in zone	3.875 acres (31 units / 8 units per acre)
Acreage in Shoreland zone	16.3 +/– acres
Max. Impervious Area	20%
Proposed Impervious area	10.2%
Proposed Building Coverage	6.2% ***

Parking Standards:

Parking Stall Size	9 feet x 19 feet
Aisle Width	varies with angle
Spaces Required:	
Elderly Housing:	one (1) per unit = 113
Meeting rooms	5,500 sf / 1 space per 100 sf = 55
Total required	168
Spaces Provided:	158 garage spaces & 64 exterior = 222 total

* The Kittery Zoning Board of Appeals granted a Special Exception for Elderly Housing in the UR Zone for the project on January 9, 2001. (See note #31)

** Net residential acreage excludes streets, wetlands and areas unsuitable for development per Chapter 16.28 of the Kittery Land and Development Code Zoning Ordinance.

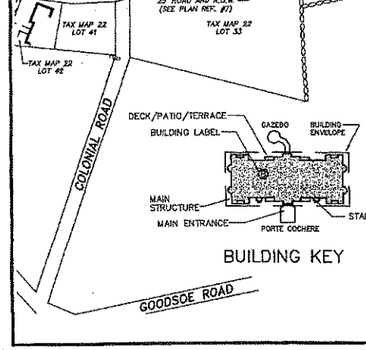
*** Based on entire lot and proposed building envelopes.

000203

YORK, ss REGISTRY OF DEEDS
Received Jul 8, 2004
at 11h 50m A M, and
Filed in Plan Book 29 page 12
ATTEST: Register

SITE NOTES:

1. All work shall be performed in accordance with local, state, and federal permits obtained for this project. This project is subject to the requirements of the State of Maine "Site Location of Development Law", 38 M.R.S. §§ 481–490.
2. All residential structures shall be served by sprinkler systems.
3. Proposed on-site utilities shall be installed underground.
4. All units shall be served by municipal water and sewer (located at Rogers Road). All gravity sewer mains shall be 8-inch, SDR 35, PVC pipe. On site water and sewer lines are privately owned and maintained. The project is served by two proposed on-site wastewater pumping stations. Watermains shall be 8" and 10" Class 52 D.I. pipe.
5. All roads are privately owned and maintained.
6. Sight distance at main entrance onto Rogers Road is in excess of 350 feet to the left and 300 feet to the right (see Traffic Impact Study prepared by Casey & Godfrey Engineers, dated December 13, 2000).
7. The proposed developed portions of the site are not located in a federally designated flood hazard zone. Flood zone (A2) is elevation 9.0 NGVD per FIRM Community Panel No. 230171C0024C.
8. "Buffer easements" and "no cut" buffers, as required by Maine Department of Environmental Protection and the Town of Kittery, shall be maintained per permit conditions.
9. Wetland delineation was performed by Peter Spear, wetland scientist, in April 1999. Wetland flags were field verified and supplemented by Joseph Noel, Maine Certified Soil Scientist in October 2000.
10. Building setbacks along Gerry Cove and Spruce Creek are derived from elevation 6.0 feet NGVD (Mean High Water) or by flagged wetland, whichever is more inland.
11. Shoreland frontage is based on elevation 6.0 NGVD (Mean High Water).
12. Proposed 50' wide limited access easement in favor of Tax Map 22, Lot 31 to access no more than 4 single family residences.
13. Typical Building envelope/footprints (excluding decks, patios and porte cochere):
    - Single-family buildings (S4, S5 & S6) – 1,848 sq. ft.
    - Duplexes – 6,425 sq. ft.
    - 24-unit (Building B, C, D & E) – 20,220 sq. ft.
    - Club House (CH) – 5,525 sq. ft.
    - Boat House (BH) – 900 sq. ft.
14. See Sheet C-2 for notes regarding archeological sites.
15. Lighting shall be non-glare type, with directional shielding mounted on poles no greater than 16 feet high.
16. Entrance sign shall conform to Article XII and be illuminated with non-glare directional lights.
17. Rubbish will be stored within the 24-unit buildings. Rubbish hauling vehicles will access the basement level of the 24-unit buildings.
18. Accumulated snow will be plowed to areas adjacent to pavement. Snow will not be hauled and dumped into wetland areas.
19. No excavation or construction shall take place within 25' of cemetery boundaries.
20. Sign posts shall be placed at driveway entrances to identify unit numbers. Each building and sub-unit shall be marked with numbers per Fire and Police Department requirements.
21. The Planning Board and Conservation Commission shall be informed of "hazardous tree notification" within no cut areas.
22. Knox boxes shall be installed at each building.
23. Project Phasing: approval of the Site Plans by the Planning Board shall authorize the Code Enforcement Officer to issue building permits on a per building basis, 17 buildings / phases total.
24. Trails shown shall be open to the public. Signs shall be installed at trail heads limiting use to pedestrians only and instructing users to stay on the trails and to keep away from sensitive areas. Proposed signs are denoted as: ◆
25. The emergency access road shall be maintained in manner that allows access to all types of emergency apparatus including aerial devices.
26. See Sheet C-2 for roadway geometry.
27. Conditional approval of site plan granted at May 10, 2001 meeting of Kittery Planning Board. The four (4) conditions of approval are addressed as follows:
    a. MDEP Site Location of Development permit approval # L-20634-87-A-N issued September 25, 2001.
    b. Sewer connection approval per "Agreement Between Town of Kittery and Coventry Assets, LLC", dated July 11, 2002.
    c. The "no cut / no build" area corresponds to the MDEP Restricted Buffer Area–Wooded limits shown on the plan and includes all wetland areas, all areas within 100 feet of shoreline (elev. 6.0), and the Special Buffer Area. The "no cut /no build" area shall be incorporated into the condominium documents. The "East End" building envelope shall have no more than 4.5 acres of impervious surface.
    d. Developer shall install nine (9) trees to replace the nine (9) trees cut along edge of Rogers Road.
28. Reference is made to "Buffer Easement Plan, Sheet EA-1", revision date May 7, 2002, recorded at the York County Registry of Deeds.
29. Waivers approved at May 10, 2001 meeting of Kittery Planning Board:
    Table 16.12–Wetland Setbacks, Parking;
    Table 16.12–Wetland Setbacks, Buildings;
    Section 16.32.00(F)–entrances onto arterials;
    Section 16.36.060–Class A Soil Survey.
30. MDEP Tier 2 wetland impact permit approval # 1238 issued September 25, 2001.
31. Special Exception for elderly housing use granted for revised site plan based on October 28, 2001, March 25, 2003 and March 9, 2004 meetings of Kittery Board of Appeals.
32. Army Corps of Engineers permit #200101996 approval issued December 21, 2001.
33. Property Owner shall clean all catch basin sumps on an annual basis. The site shall be maintained during construction as required under the Maine Construction General Permit.
34. The boathouse use is restricted to storage of boats and boat accessory equipment. The boathouse use is restricted to residents only. The only motorized boats allowed are restricted electric motors only.
35. The lighting on the pier will be limited to low level, down cast lighting and one end-of-pier, standard height, light to illuminate the ramp. The lighting system will be controlled by a timer set to turn off no later than 10 PM. There will be an override switch for after hour emergency use.
36. "Site Location of Development – Modification for Shepard's Cove Layout Changes", approved by MDEP, July 18, 2003 and April 16, 2004.
37. All housing units approved as Elderly Housing, a Special Exception in the Urban Residence zone (16.12.080) per the Land Use and Development Code Zoning Ordinance for the Town of Kittery, Maine dated July 2002.
38. The intent of Site Plan Modification No. 2 is to supersede Drawing C-3 by modify the building configuration to include Duplex Units #1 through #6. Previously approved Building A (triplex) and Units S1, S2, and S3 (single units at Spar Road) are deleted. The net unit count for the entire facility increases by two (2), from 113 units to 115 units. There is no net increase of impervious surfaces based on actual building footprints for proposed Units #1 through #6.
39. Buffer easement southerly of Unit #16 is modified as part of Site Plan Modification No. 2
40. Refer to Architectural Drawings for building height calculations.
41. The existing stonewalls on the property are to be preserved to the maximum extent possible.



BUILDING KEY

NOT FOR CONSTRUCTION

ALTUS ENGINEERING, INC.
133 COURT STREET PORTSMOUTH, NH 03801
VOICE: (603) 433-2355
FAX: (603) 433-4184

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

STATE OF MAINE JEFFREY K. CLIFFORD No. 9067 LICENSED PROFESSIONAL ENGINEER

STATE OF MAINE KENNETH D. MARKLEY 1322 REGISTERED LAND SURVEYOR

ISSUED FOR: RECORDING

ISSUE DATE: MAY 5, 2004

REVISIONS:

NO.	DESC.	BY	DATE
0	ISSUED FOR APPROVAL	JKC	1/16/01
1	P. B. COMMENTS	JKC	3/22/01
2	REVISED BUILDING LAYOUT	JKC	4/03/01
3	ADD RESTRICTED BUFFERS	JKC	7/25/01
4	PER MDEP COMMENTS	JKC	8/27/01
5	APPROVAL–NOTES ADDED	JKC	7/25/02
5a	AMENDED DRAWING SET	JKC	4/24/03
6	P.B. APPROVAL NOTES	JKC	11/05/03
7	MODIFICATION #2 SUBMITTAL	JKC	2/20/04
8	MDEP APPROVAL	JKC	3/19/04
9	ADD NOTE #41	JKC	5/05/04

DRAWN BY: RMB
APPROVED BY: JKC
DRAWING FILE: 34065ITE-REV2.DWG

SCALE: 1"=100'

OWNER/APPLICANT:

COVENTRY ASSETS, LLC
8 NEWMARKET ROAD, SUITE 2
DURHAM, NH 03824

PROJECT:

SHEPARD'S COVE ON SPRUCE CREEK

TAX MAP 22, LOT 21
176 ROGERS ROAD
KITTERY, MAINE

TITLE:

SITE PLAN

SHEET NUMBER: C-1

ITEM 7

Town of Kittery
Planning Board Meeting
May 8, 2014

Pine Tree Plaza – Modification to an Approved Plan

Kenneth Lemont, owner and applicant (for Harrison E. Lemont Management Co., Inc.), requests approval to amend a previously approved Site Plan in order to replace an existing building (Curtis House) and attached ell with a new 2,450 sf building and increase the existing garage (by 364 sf). The property is located at 435 US Route 1 in the Mixed Use zone, Tax Map 50, Lot 8.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Review		
YES	Site Visit	16.10.5.1.3	
YES	Completeness/Acceptance		
YES	Public Hearing		
YES	Preliminary/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.

Comments

Mixed-Use Zone Dimensional Standards (16.3.2.13.D)
See notes on submitted site plan.

Minimum lot size is 200,000 sf. Existing lot size is 89,764 sf.
Minimum street frontage, front, side and rear yard and building height dimensions are within standard requirements.
Buffer to adjacent residential use (Yankee Commons) appears to meet the standard of 40 feet.

Proposal

Applicant is proposing to remove the existing Curtis House (approximately1,818 sf), expand an existing garage by 374 sf, and add a new retail/office building of 2,450 sf, resulting in an increased square footage of 1,006 sf.

The existing retail use square footage (Pine Tree Country Store) totals approximately 3,000 sf.
The proposed retail/office square footage totals approximately 2,450 sf.

Retail Use

16.2 Definitions
Retail use means any business engaged primarily in the sale of goods for personal or household consumption and/or use, and not for resale. The term "retail use" does not include specific types of retail uses that are individually listed in Chapter 16.3.

16.3.2.13.D.3. Retail Use Limitation.
Retail use, including parking areas and other supporting unvegetated areas for retail use, is limited to not more than fifteen percent (15%) of the developable area of any lot or portion of a lot within the mixed use zone.

Total lot size: 89,764 sf x 15% = 13,464 sf retail use (limit);

Since it appears that some existing uses are not included in the definition of Retail Use, it is not clear from the information submitted how the existing and proposed retail areas conform to 16.3.2.13.D.3.
Applicant needs to show on the plan the total square footage for retail use, 'parking areas and other supporting unvegetated areas for retail use'.

16.3.2.13.D.8. Open Space Standards.
Open space must be provided as a percentage of the total area of the lot, including freshwater wetlands, water bodies, streams, and setbacks. Thirty-five percent (35%) of each lot must be designated as open space. Required open space must be shown on the plan with a note dedicating it as "open space."

Total lot size: 89,764 sf x 35% = 31,417 sf open space required
Applicant needs to show the existing and/or proposed open space on the Plan, with total square footage.

Since the property is an existing, non-conforming lot, the applicant must demonstrate that any proposed development (building and additional parking) does not make the property more non-conforming.

Other Standards and Requirements

A standard boundary survey plan has not been submitted (16.10.5.2.4, unless the Board waives that requirement), and the Applicant should address the additional standards required in this zone (16.3.2.13.D.4-8) for the Board's consideration and ultimate decision.

Recommendation

The proposed development is at a scale that requires stormwater management and erosion and sedimentation control. While there has been important architectural and some site plan information submitted, no engineering information that would address stormwater, lighting, traffic, etc. has been submitted. The Board may wish, if the applicant is amenable, to consider this submission as a sketch plan and move ahead with a site visit. In addition, the Town Peer-Review Engineer, CMA, can move ahead with an initial review to guide the applicant as to what engineering submittals they will need for their review.

If the Board finds the application essentially complete, they can move to accept the preliminary Site Plan amendment and schedule a public hearing and, if warranted, a site visit.

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

THIS REVIEW PROCESS REQUIRES APPROVAL FROM BOTH THE TOWN PLANNER AND THE CODE ENFORCEMENT OFFICER

APPLICATION: SITE PLAN - AMENDMENT TO AN APPROVED PLAN

FEE FOR SITE PLAN AMENDMENT REVIEW:	☐ $300. 00 PLUS THE GREATER OF	☐ $50/ADDITIONAL USE OF UNIT; OR ☐ $0.50/LINEAR FOOT OF ADDITIONAL DOCK, SLIP & FLOAT; OR	☐ $5.00/100 SQ FT OF GROSS FLOOR AREA ☐ $20.00/ADDITIONAL UNIT INTENDED TO PROVIDE OVERNIGHT SLEEPING ACCOMODATIONS	Application Fee Paid: $____ Date: ____ Escrow Fee Paid: $____ Date: ____

RECEIVED APR 17 2014 BY:

PROPERTY DESCRIPTION	Parcel ID	Map	50	Lot	8	Zone(s): Base: Overlay: MS4:	MU MU ____ ____ YES ____ NO	Total Land Area	
	Physical Address								

PROPERTY OWNER'S INFORMATION	Name	Harrison E Lemont Management Co. Inc.	Mailing Address	PO Box 58 Kittery, ME 03904
	Phone	207 439-6566		
	Fax	207 439-6473		
	Email	klemont@comcast.net		
APPLICANT'S AGENT INFORMATION	Name		Name of Business	
	Phone	N/A	Mailing Address	
	Fax			
	Email			

PROJECT DESCRIPTION

Project Name: Proposed Retail/Office 435 US Route 1, Kittery

Existing Use: Mixed Use - Pine Tree Plaza

Proposed Amendment Please describe how the approved plan is proposed to be amended. State any known areas of non-compliance to the Town Code and how this amendment will decrease or remove non-compliance, if applicable.

Remove Curtis House and attached L. Increase existing garage from 26x26 to 26x40, and construct a new building in front of the garage 35x70. New building will house 2 retail space and 3 offices.

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

Applicant's Signature:	N/A	Owner's Signature:	Kenneth J. Lemont
Date:		Date:	4/16/14

Note: Planning Board waiver from 8.11.4.6b allowing 11 spaces to have a grass surface.

Note: 11/18/92 Zoning Board of Appeals approval of reduction of parking standards for doughnut shop with drive-in from 28 to 12 spaces.

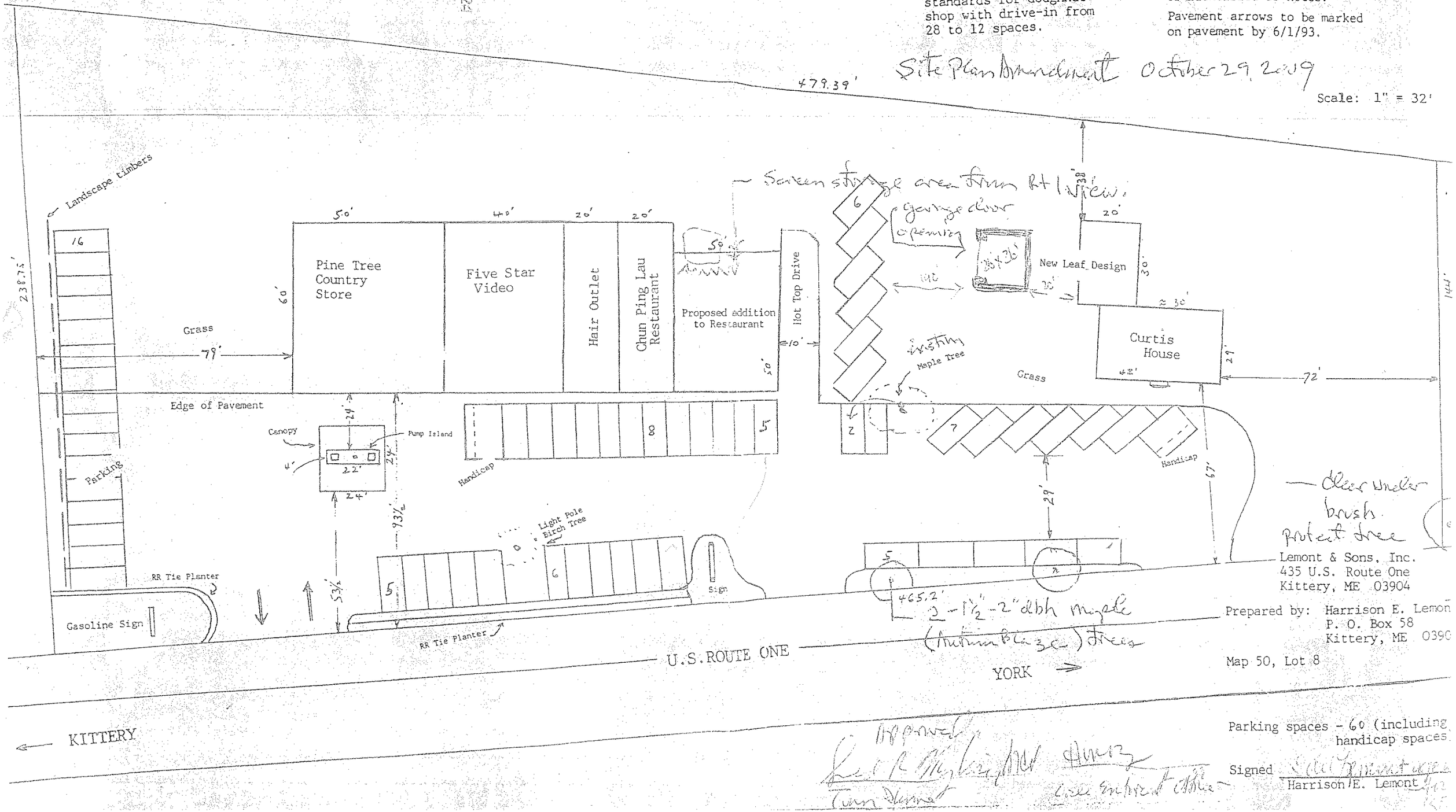
Pro ty of Lemont & Sons, Inc.
Map 50, Lot 8

Parking stalls to be striped or identified as notes.

Pavement arrows to be marked on pavement by 6/1/93.

Site Plan Amendment October 29, 2019

Scale: 1" = 32'



Lemont & Sons, Inc.
435 U.S. Route One
Kittery, ME 03904

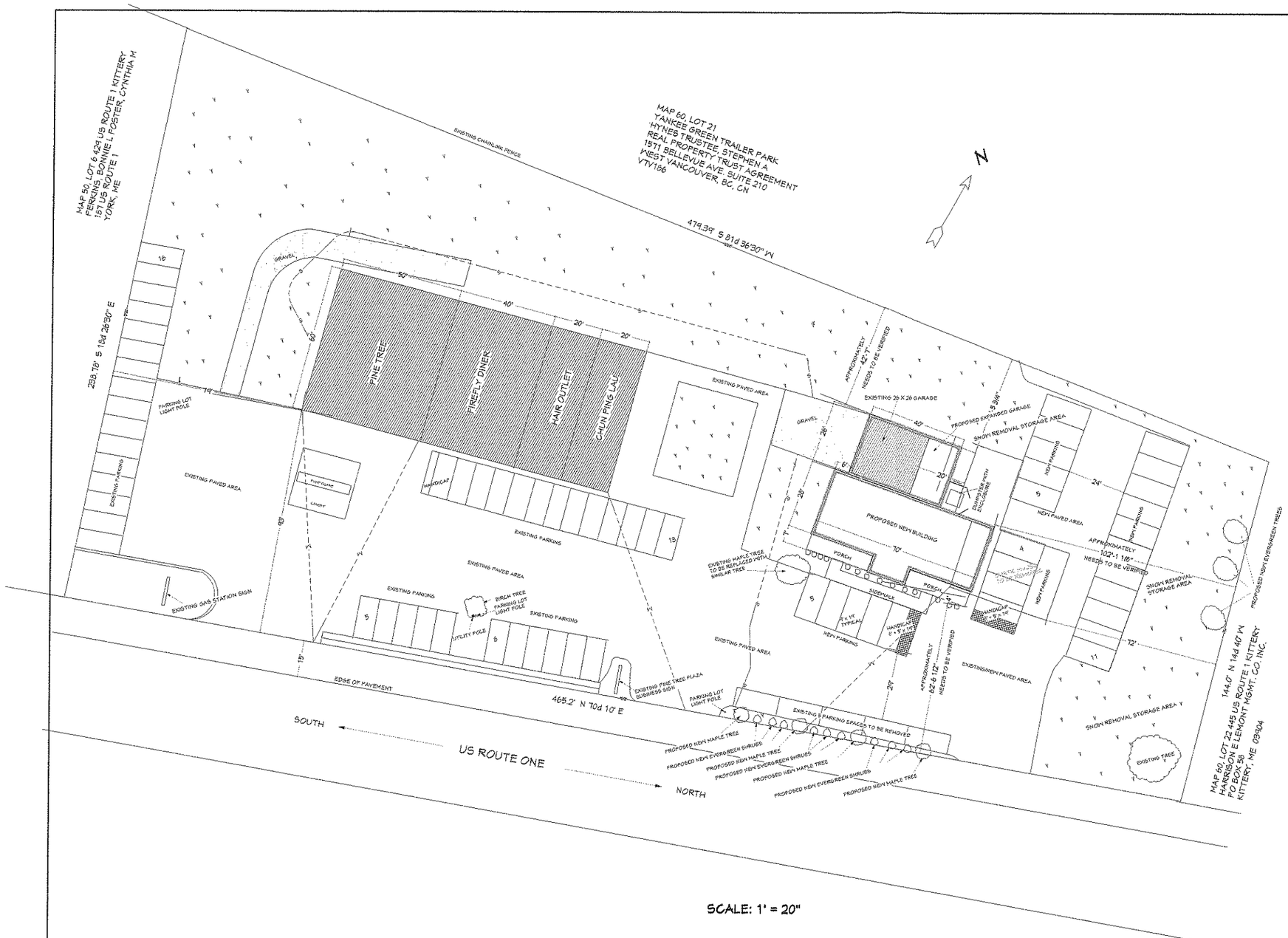
Prepared by: Harrison E. Lemon
P. O. Box 58
Kittery, ME 0390

Map 50, Lot 8

Parking spaces - 60 (including handicap spaces)

Signed _____
Harrison E. Lemont

Approved
Town Planner
See enclosed letter



NOTES:

1) OWNER OF RECORD

HARRISON E. LEMONT MANAGEMENT CO. INC.
PO BOX 58 KITTERY, ME 03904
MAP 50 LOT 8 MU ZONE 89,765.6 SQ FT

2) SPA PLAN DATED 6/9/1984

3) PLANNING BOARD WAIVER FROM 8.11.4.6B
ALLOWING 11 SPACES TO HAVE A GRASS SURFACE.

4) 11/18/1992 ZBA APPROVAL OF REDUCTION OF
PARKING STANDARDS FOR DOUGHNUT SHOP
WITH DRIVE IN FROM 28 to 12 SPACES

5) SUBSEQUENTLY AMENDED 10/29/2009

6) PROPOSED AMENDMENT TO APPROVED PLAN DATED 10/29/2009
A. DEMOLISH CURRENT STRUCTURE KNOWN AS THE CURTIS HOUSE
B. ENLARGE CURRENT GARAGE FROM 28' x 26' to 26' x 40'
C. CONSTRUCT NEW BUILDING 28/55 x 10'
D. THIS PROPOSED SITE PLAN DEVELOPED SOLELY FROM THE
SITE PLAN AMENDMENT DATED 10/29/2009

7) PER 16.5.2.13 MIXED USE ZONE

	STANDARDS	ACTUAL
MINIMUM LOT SIZE	200,000 SQ FT	89,765.6 SQ FT
MINIMUM STREET FRONTAGE	250 FT	465.2 FT
MINIMUM FRONT YARD	60 FT	62.6 FT
MINIMUM SIDE	30 FT	102.1 FT
MINIMUM REAR	30 FT	41.5 FT
MAXIMUM BUILDING HEIGHT	40 FT	32 FT
BUFFER TO NEIGHBORING LOT	40 FT	41.5 FT

8) LANDSCAPING
PER NOTES ON THE PLOT PLAN.

9) LIGHTING
PER NOTES ON THE PLOT PLAN.

10) GRADING
NO SIGNIFICANT CHANGES FROM CURRENT GRADE

PARKING CALCULATIONS MAP 50, LOT 8

AS PER SECTION 16.8.9.4 OF LAND USE DEVELOPMENT CODE KITTERY.

BUSINESS	USE	PARKING FORMULA	CURRENT REQUIRED	PROPOSED	NET CHANGE
PINE TREE COUNTRY STORE	CONVENIENCE STORES OR NEIGHBORHOOD GROCERY FACILITIES	10 SPACES	10	10	0
FIREFLY RESTAURANT	RESTAURANT	1 SPACE/8 SEATS AREA WITH ACCESS DIVIDED BY 15 = 1 SEAT	10	10	0
HAIR OUTLET	RETAIL STORE	1 SPACE/ 175 SQ. FT GROSS AREA	7	7	0
CHUN PING LAU	RESTAURANT	1 SPACE/8 SEATS AREA WITH ACCESS DIVIDED BY 15 = 1 SEAT	12	12	0
RETAIL/ OFFICE BLDG.					
RETAIL SPACE	RETAIL STORE	1 SPACE/ 175 SQ. FT GROSS AREA	0	12	12
OFFICE SPACE	OFFICES	2 SPACES/OFFICE PLUS 1 SPACE/ 250 SQ.FT. OF GROSS FLOOR AREA	0	13	13
		TOTAL	39	64	+ 25

LOT COVERAGE

	STANDARD	ACTUAL
MU ZONE MAXIMUM BUILDING COVERAGE	NONE	N/A
MINIMUM OPEN SPACE REQUIREMENT	35%	40.5%

LEGEND

	OPEN SPACE
	EXISTING BUILDINGS
	EXISTING BUILDINGS TO BE REMOVED
	EXISTING BUILDINGS TO BE ENLARGED
	PROPOSED NEW STRUCTURE
- W -	WATER LINE
- S -	SEWER LINE

FLANNING BOARD
TOWN OF KITTERY
APPROVED:

DISCLOSURE

THIS PROPOSED SITE PLAN DEVELOPED SOLELY FROM THE SITE PLAN AMENDMENT DATED 10/29/2009. NO ADDITIONAL FIELD MEASUREMENTS HAVE BEEN DONE

ALL WATER AND SEWER PIPE LOCATIONS SHOWN ARE FROM TOWN RECORDS. NO ADDITIONAL FIELD MEASUREMENTS HAVE BEEN DONE.

PROFESSIONAL MEMBER
AMERICAN INSTITUTE OF BUILDING DESIGN

REVISIONS

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HARRISON E. LEMONT MGMT. CO. INC.
PROPOSED RETAIL/OFFICE BUILDING
MAP 50, LOT 8
435 US ROUTE 1 KITTERY, ME

PEARSON TRADITIONAL DESIGN
470 U.S. Route 1 - Atlantic Place - York, Maine 03909
207-351-2711 www.pearsontraditionaldesign.com
American Institute of Building Design - AIBD

DATE
REVISED 4/17/2014

6

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AMERICAN INSTITUTE OF BUILDING DESIGN

DATE 4/17/2014
SHEET 1

Subject: Location of Water Main for Lemont properties on Route 1 in Kittery.
From: "Carl Palm" <carlpkwd@comcast.net>
Date: 4/16/2014 11:33 AM
To: <thanepearson@gmail.com>
CC: '"Mike Rogers"' <mikerkwd@comcast.net>

As requested per a phone call to our office today from Mrs. Lemont, these are the measurements from the existing building faces to the existing 12" water main:

#435 A & B (Pine Tree Country Store et. al.) to main = 95'+/-

#435 C (Accountant) to main = 85'+/-

#445 (Residence) to main = 115'+/-

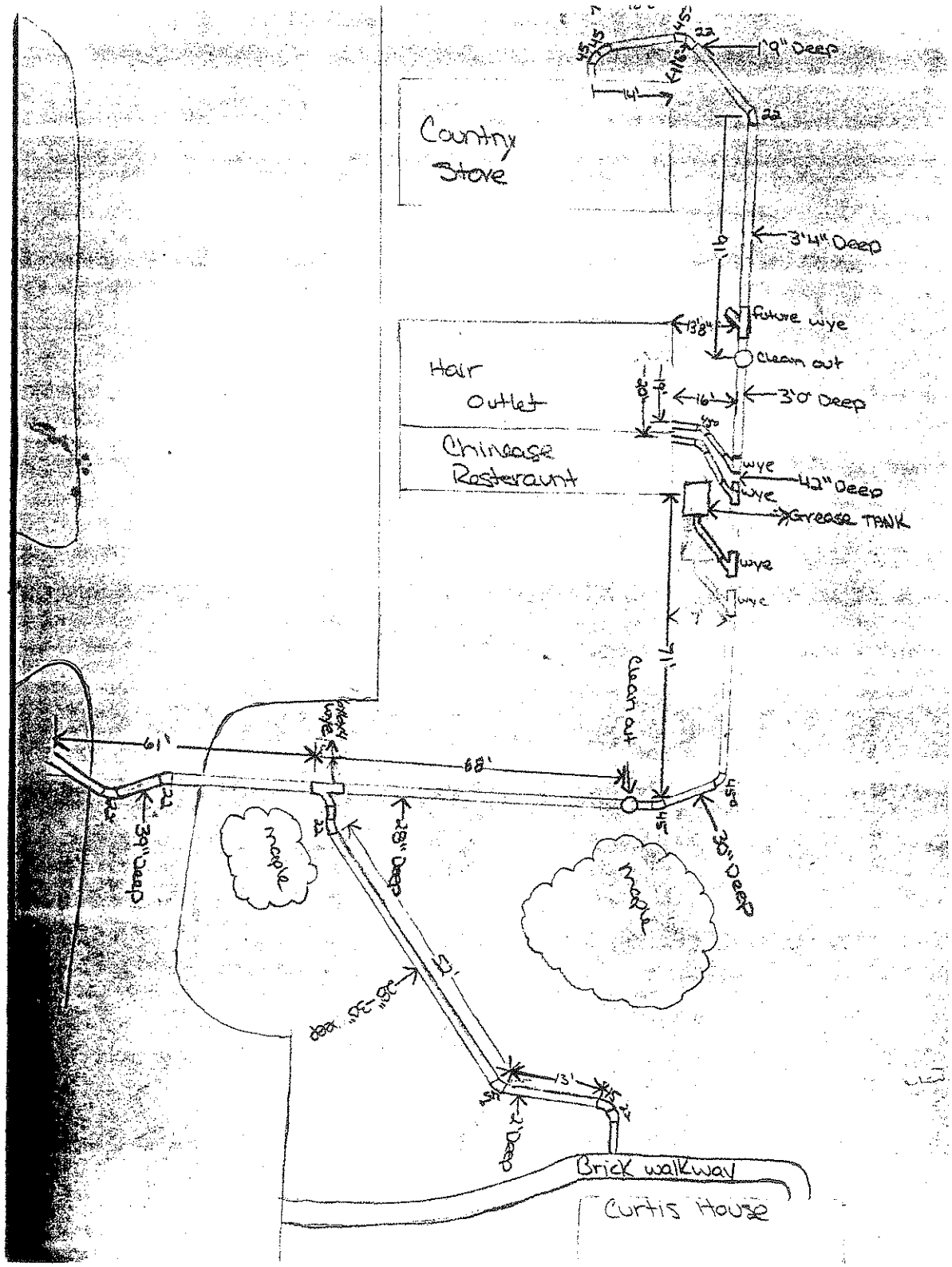
#447 (Carvery) to main = 65'+/-

Please note that these dimensions are based on records of varying ages, and that the main should be marked by the Kittery Water District prior to any construction. With minimal notice, our crew can easily accomplish this task if necessary. I hope that this data is helpful. Should you have any further questions or concerns, don't hesitate to contact our office.

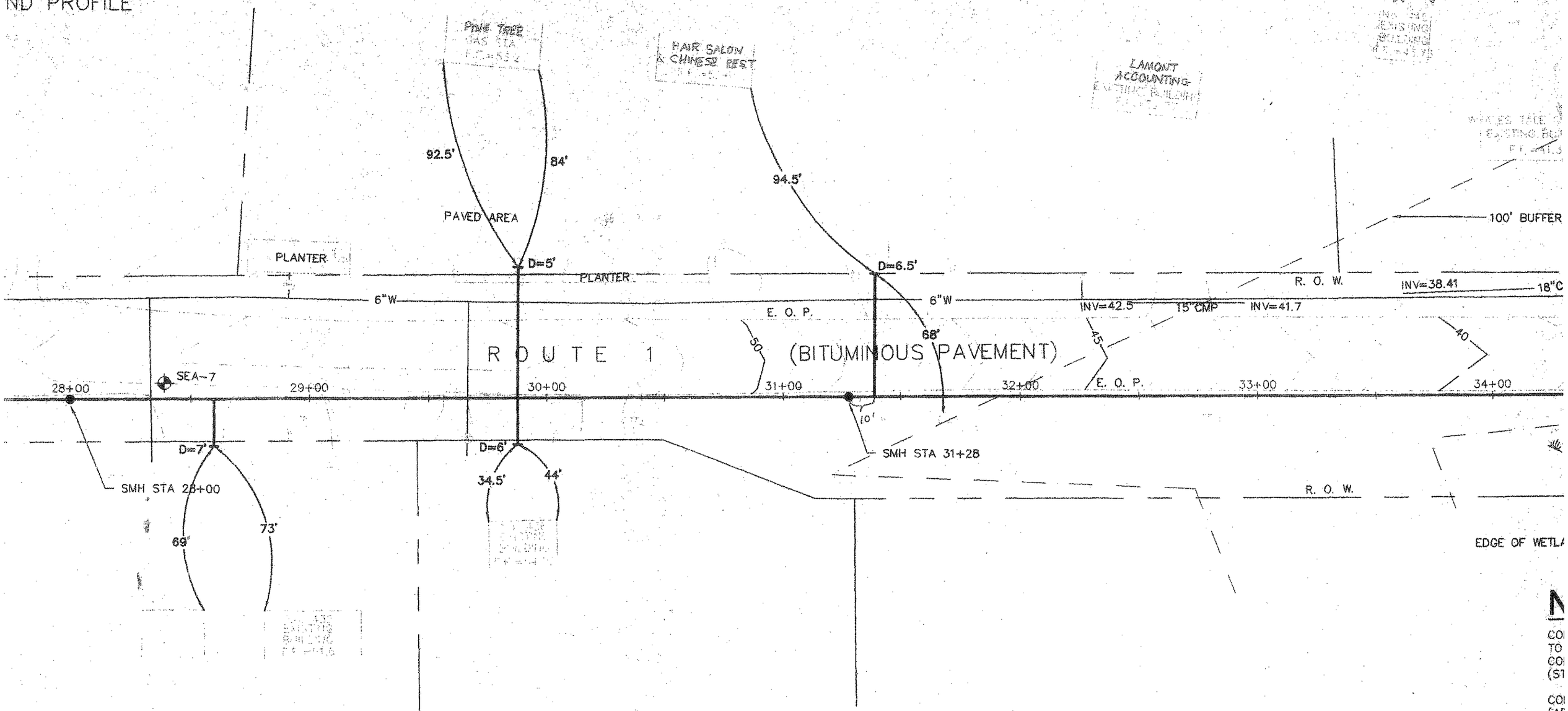
Sincerely,

Carl Palm

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2014.0.4335 / Virus Database: 3882/7349 - Release Date: 04/15/14


Country Store
Hair Outlet
Chinease Resteraunt
19" Deep
3'4" Deep
future wye
clean out
3'0 Deep
wye
42" Deep
Grease TANK
wye
wye
clean out
61'
68'
39" Deep
Maple
Maple
30" Deep
13'
Brick walkway
Curtis House

CIFICATIONS
ND PROFILE



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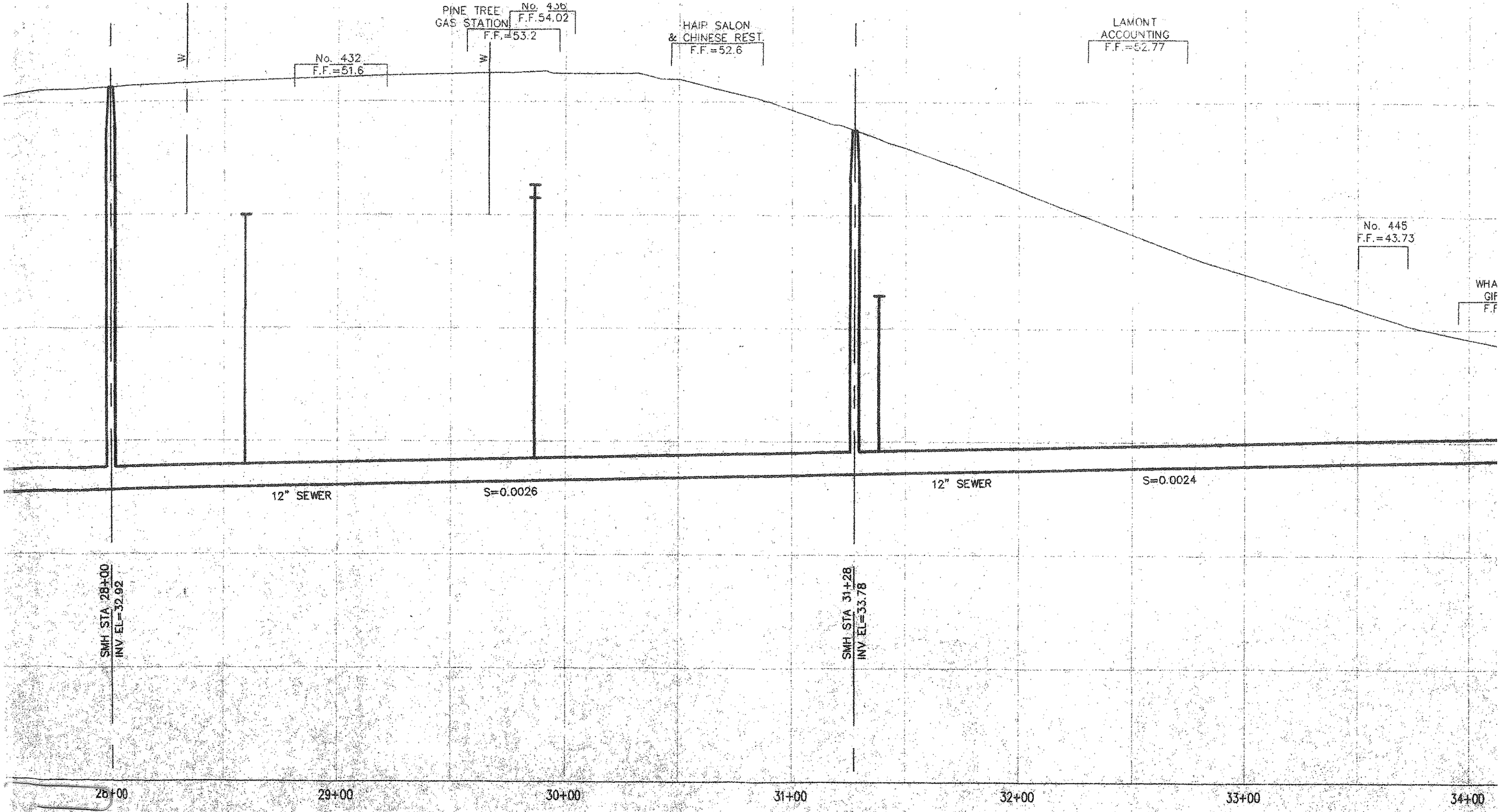

PROFILE

HOR. SCALE: 1"=40'
VER. SCALE: 1"=4'

RECOR

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MAP 50, LOT 8
435 US ROUTE 1 KITTERY, ME

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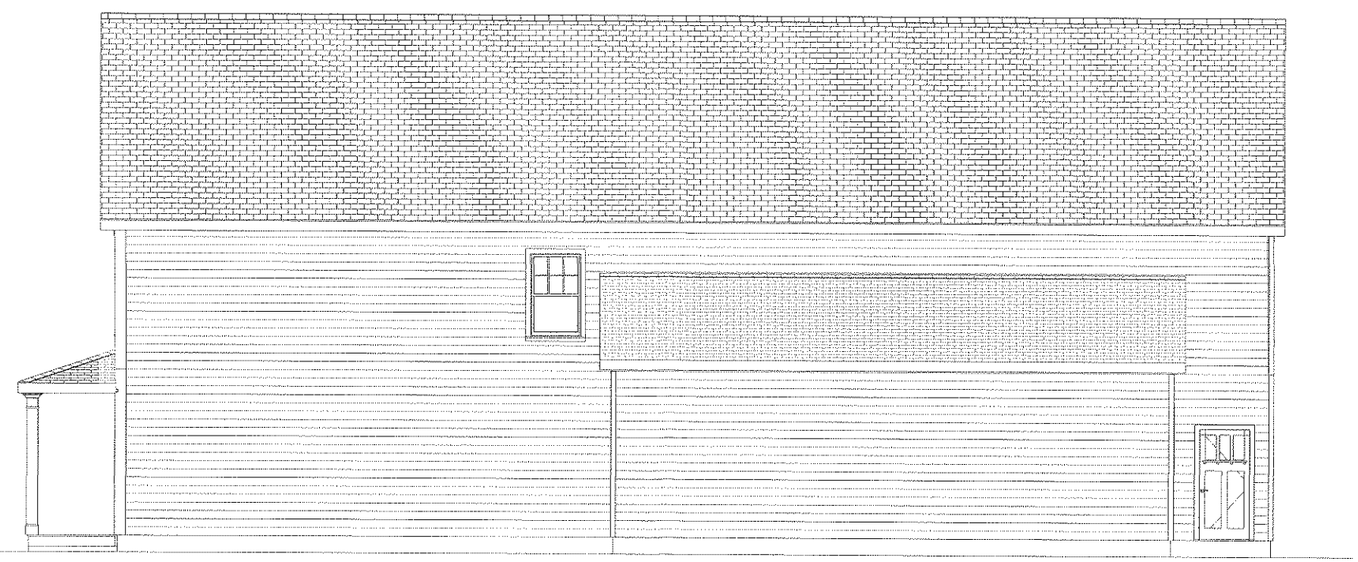
FRONT ELEVATION
SCALE: 1/4" = 1'0"



REAR ELEVATION
SCALE: 1/4" = 1'0"

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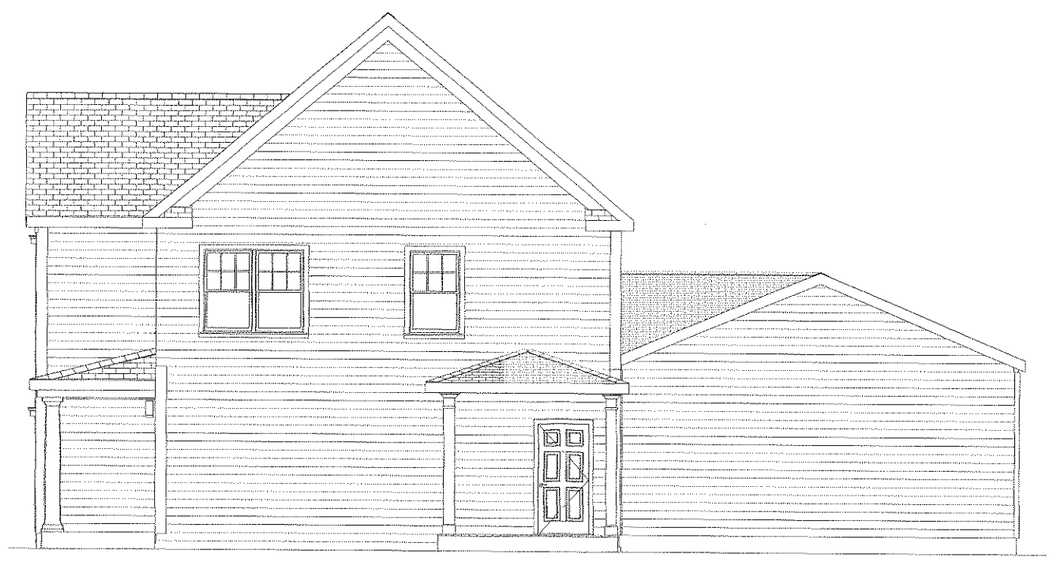
LEFT ELEVATION
SCALE: 1/4" = 1'0"



RIGHT ELEVATION
SCALE: 1/4" = 1'0"

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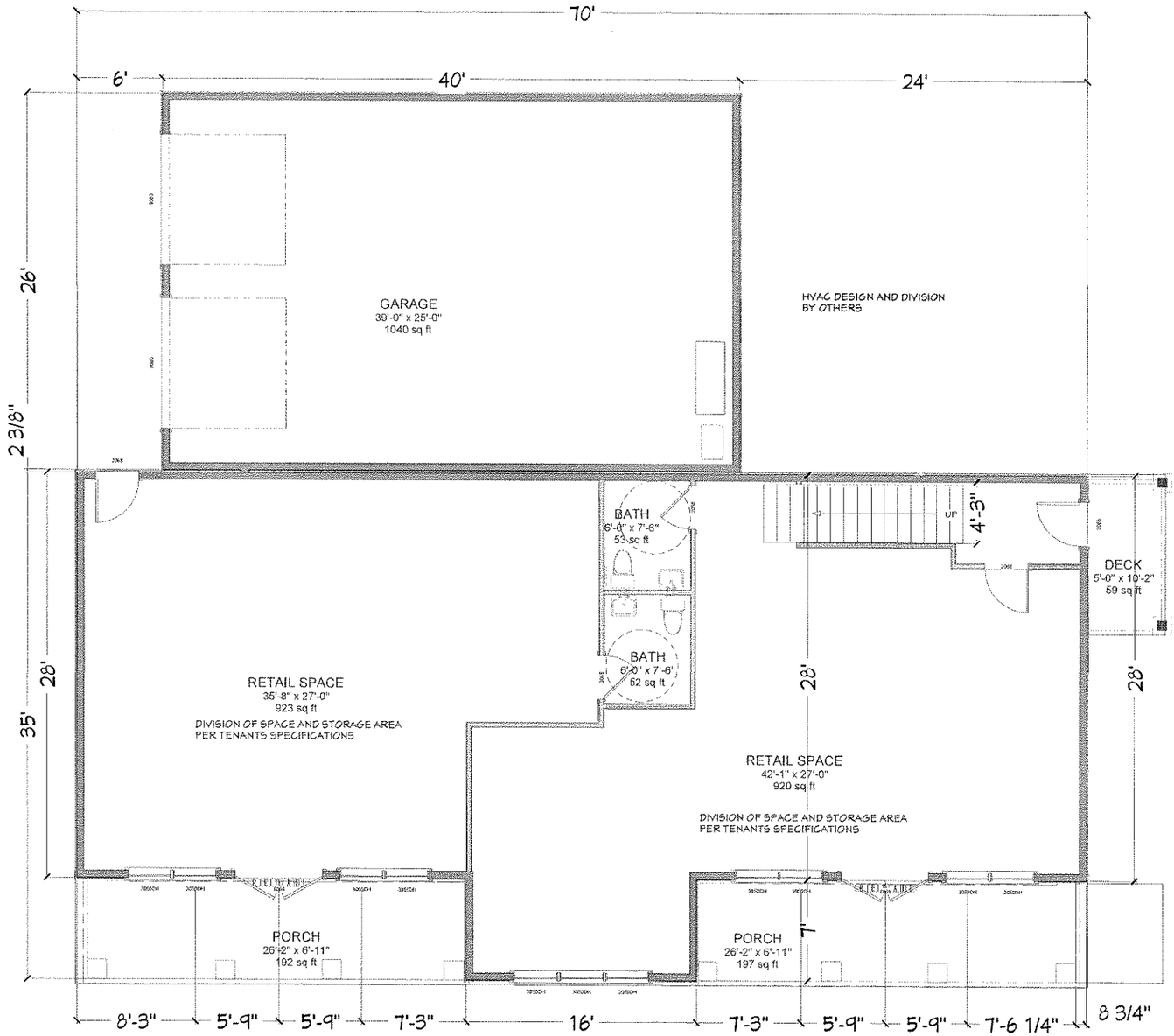

GARAGE	816 SQ. FT.
BUILDING	2,076 SQ. FT.
DECKS AND PORCHES	482 SQ. FT.
TOTAL	3,374 SQ. FT.

SLAB ON GRADE

DESIGN OF SPRINCKLER SYSTEM
AND FIRE PROTECTION EQUIPMENT BY OTHERS

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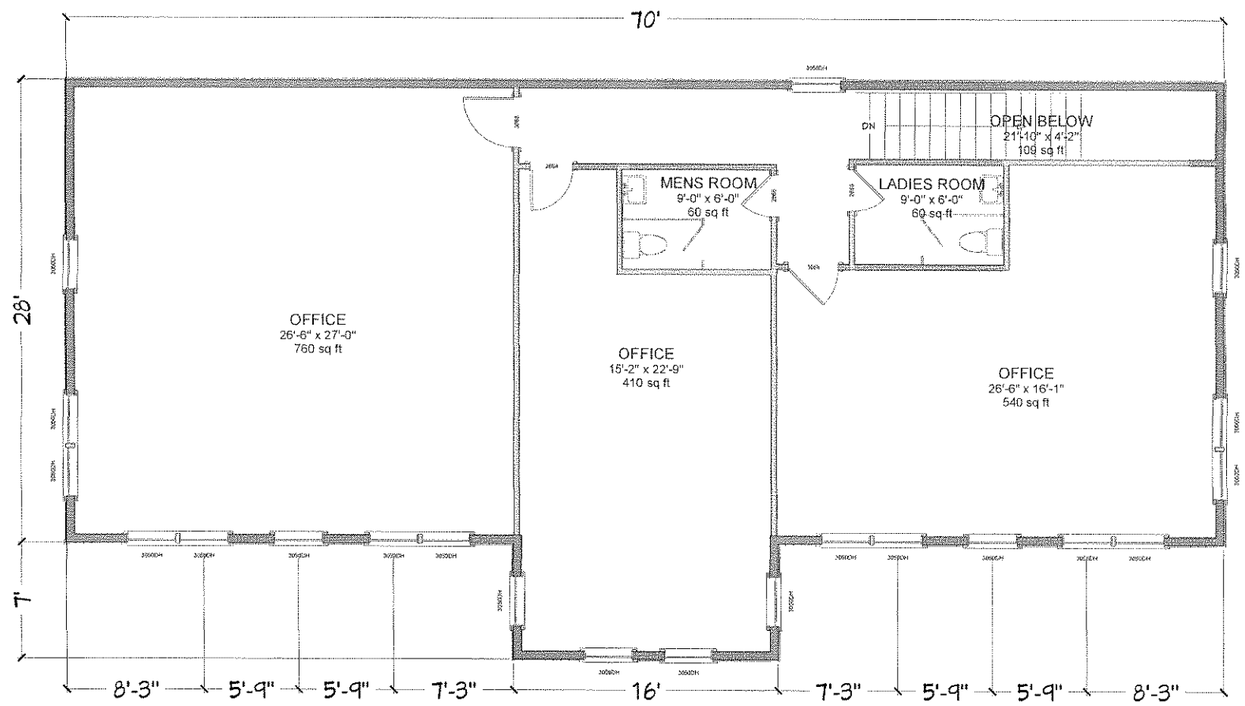

PROFESSIONAL MENBER
AMERICAN INSTITUTE OF BUILDING DESIGN

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DATE:
REVISED: 4/11/2014

4

Town of Kittery
Planning Board Meeting
May 8, 2014

Mixed Use Development – 42 State Road — Sketch Plan Review
Owner HGL, LLC and Applicant Douge Greene, Building Works Company are requesting consideration of their plans for a mixed residential and commercial development at 42 State Road, Tax Map 3, Lots 5, 6 & 7 in the Business Local 1 Zone.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Review	Scheduled: 5/8/14	
NO	Site Visit		
Yes	Preliminary Plan Review Completeness/Acceptance		
Yes	Public Hearing		
Yes	Final Plan Review		

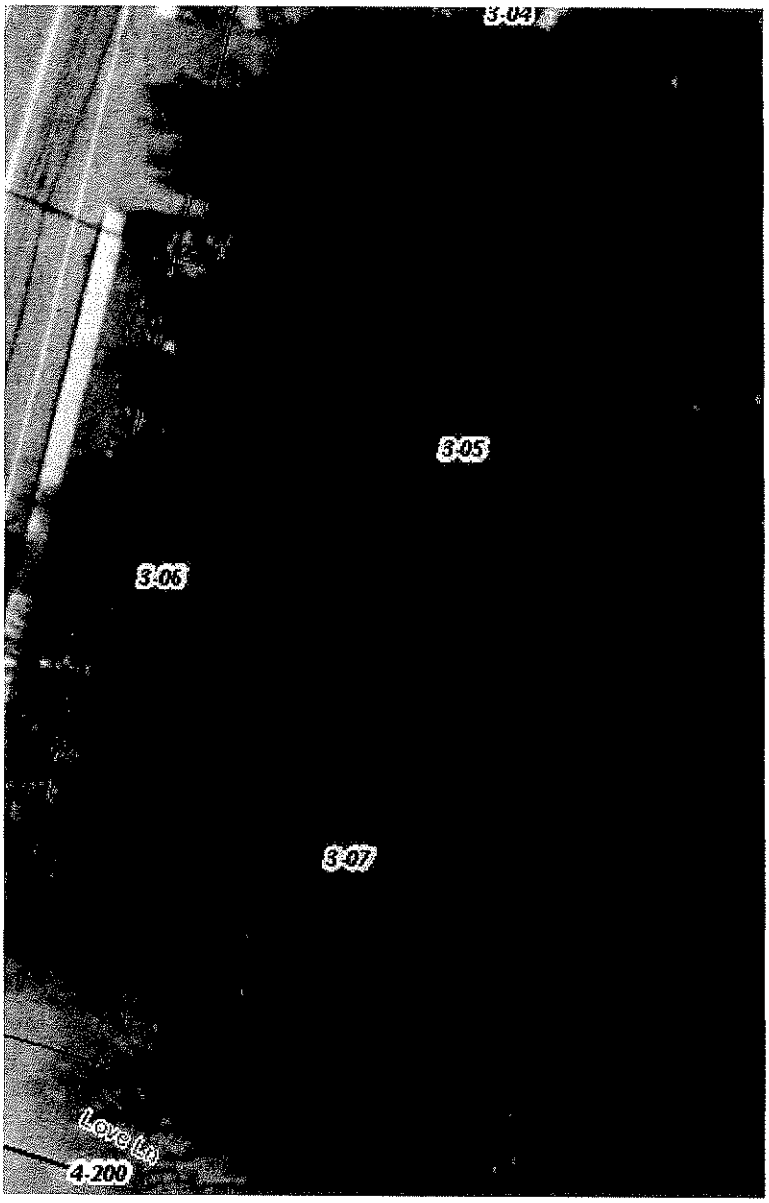
Applicant: Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and, when applicable, recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH 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:
Application is incomplete.

1. Page 1 of application: Map is incorrect (should be Map 3); zone information is missing; total land area is not included; no email addresses provided.
2. Proposed land use and development is incomplete: how many residential/commercial uses are proposed?; what is the proposed disposition of existing structures on property?
3. Page 2, Sketch Plan requirements for existing conditions and proposed development are not provided:
   Existing:
   - Map/Lot not included on site plan;
   - No vicinity map;
   - Land Use zone not identified;
   - Total parcel area not included (identified as three separate parcels on Site Plan A1);
   - Utilities not identified.

   Proposed:
   - 'Plan must show the existing topography under the proposed plan for comparison' - No plan provided. Architectural renderings are provided instead.
   - Total lot dimensions (total area) for the proposed use not provided;
   - Utilities not identified;
   - Distance to nearest driveway, intersections, fire hydrant.

Site Plan A1 provides various individual lot dimensions, not overal site area. The applicant has provided an architectural rendering plan and renderings of the proposed build-out. Minimum sketch plan requirements are not included in the application for the Board to effectively review the proposal and direct the applicant.


3-04
3-05
3-06
3-07
Lovell
4-200

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

APPLICATION: SITE OR SUBDIVISION-SKETCH PLAN REVIEW

Application Fee: ☐ $300.00 **Amount Paid:$** **Date:**

PROPERTY DESCRIPTION	Parcel ID	Map	4	Zone(s)- Base:		Total Land Area	
		Lot	5,6,7	Overlay:		MS4	___ YES ___ NO
	Physical Address	State Road Kittery Maine 03904					

PROPERTY OWNER'S INFORMATION	Name	HGL LLC	Mailing Address	8 Newmarch St. Kittery Maine 03904
	Phone	603.969.4073		
	Fax			
	Email			
APPLICANT'S AGENT INFORMATION	Name	Doug Greene	Name of Business	Building Works Company
	Phone	603.512.1707	Mailing Address	9503 Islington St. Portsmouth NH 03801
	Fax			
	Email			

See reverse side regarding information to be provided.

PROJECT DESCRIPTION

Existing Land Use(s):

residential

Proposed Land Use(s) and Development:

mixed use residential & commercial

Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)

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

Applicant's Signature:	[signature]	Owner's Signature:	
Date:	4.17.2014	Date:	

MINIMUM PLAN SUBMITTAL REQUIREMENTS

☐ **15 Copies of this Application, Vicinity Map, and the Sketch Plan - 5 of which must be 24"X 36"**

Sketch Plan format and content:

A) Paper Size; no less than 11" X 17" or greater than 24" X 36"

B) Plan Scale

☑ Under 10 acres: no greater than 1" = 30'

☐ 10 + acres: 1" = 50'

NOTE TO APPLICANT: PRIOR TO A PLANNING BOARD SITE WALK, TEMPORARY MARKERS MUST BE ADEQUATELY PLACED THAT ENABLE THE PLANNING BOARD TO READILY LOCATE AND EVALUATE THE DEVELOPMENT'S DESIGN.

C) Title Block

☑ Applicant's name and address

☑ Name of preparer of plan with professional information

☑ Parcel's Kittery tax map identification (map – lot) in bottom right corner

Vicinity Map – map or aerial photo showing 1,000 feet around the site.

Sketch Plan must include the following existing and proposed information:

Existing:

- ☐ Land Use Zone and boundary
- ☐ Topographic map (optional)
- ☐ Wetlands and flood plains
- ☐ Water bodies and water courses
- ☐ Parcel area
- ☐ Lot dimensions
- ☐ Utilities (Sewer/septic, water, electric, phone)
- ☐ Streets, driveways and rights-of-way
- ☐ Structures

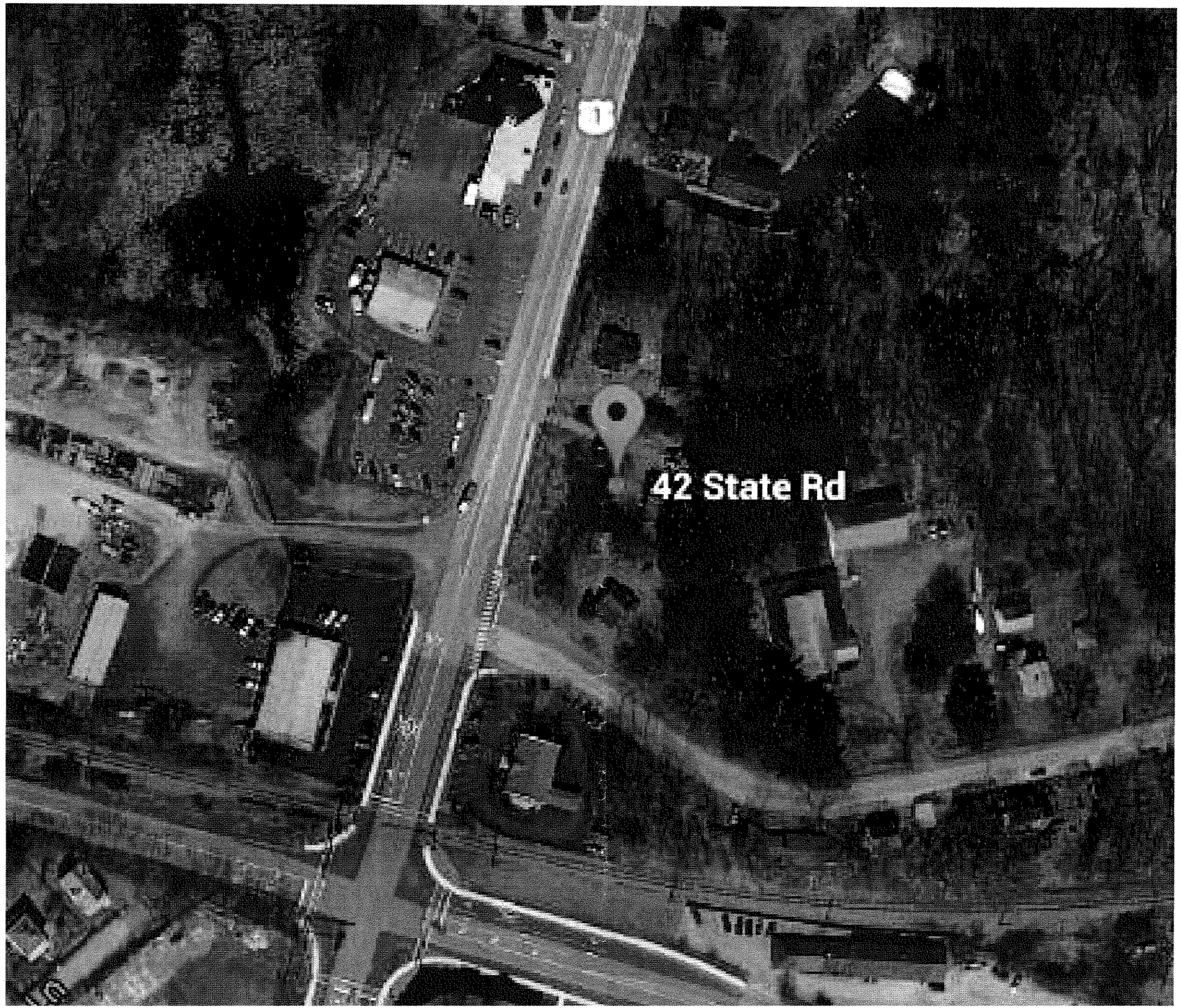
Proposed: (Plan must show the lightened existing topography under the proposed plan for comparison.)

- ☐ Recreation areas and open space
- ☐ Number of lots and lot areas
- ☐ Setback lines and building envelopes
- ☐ Lot dimensions
- ☐ Utilities (Sewer/septic, water, electric, phone)
- ☐ Streets, driveways and rights-of-way
- ☐ Structures

Distance to:

- ☐ Nearest driveways and intersections
- ☐ Nearest fire hydrant
- ☐ Nearest significant water body

AN APPLICATION THE TOWN PLANNER DEEMS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE SCHEDULED FOR PLANNING BOARD REVIEW.


42 State Rd

Existing Site Plan for 42 State Rd.

owner: HGC LLC
8 Newmarch St. Kittery, Maine 03904

building works company

architecture planning & design

603.312.1707
953 Islington St. Suite 23F
Portmsouth, NH
03801

Client - Project:

42 State Rd.

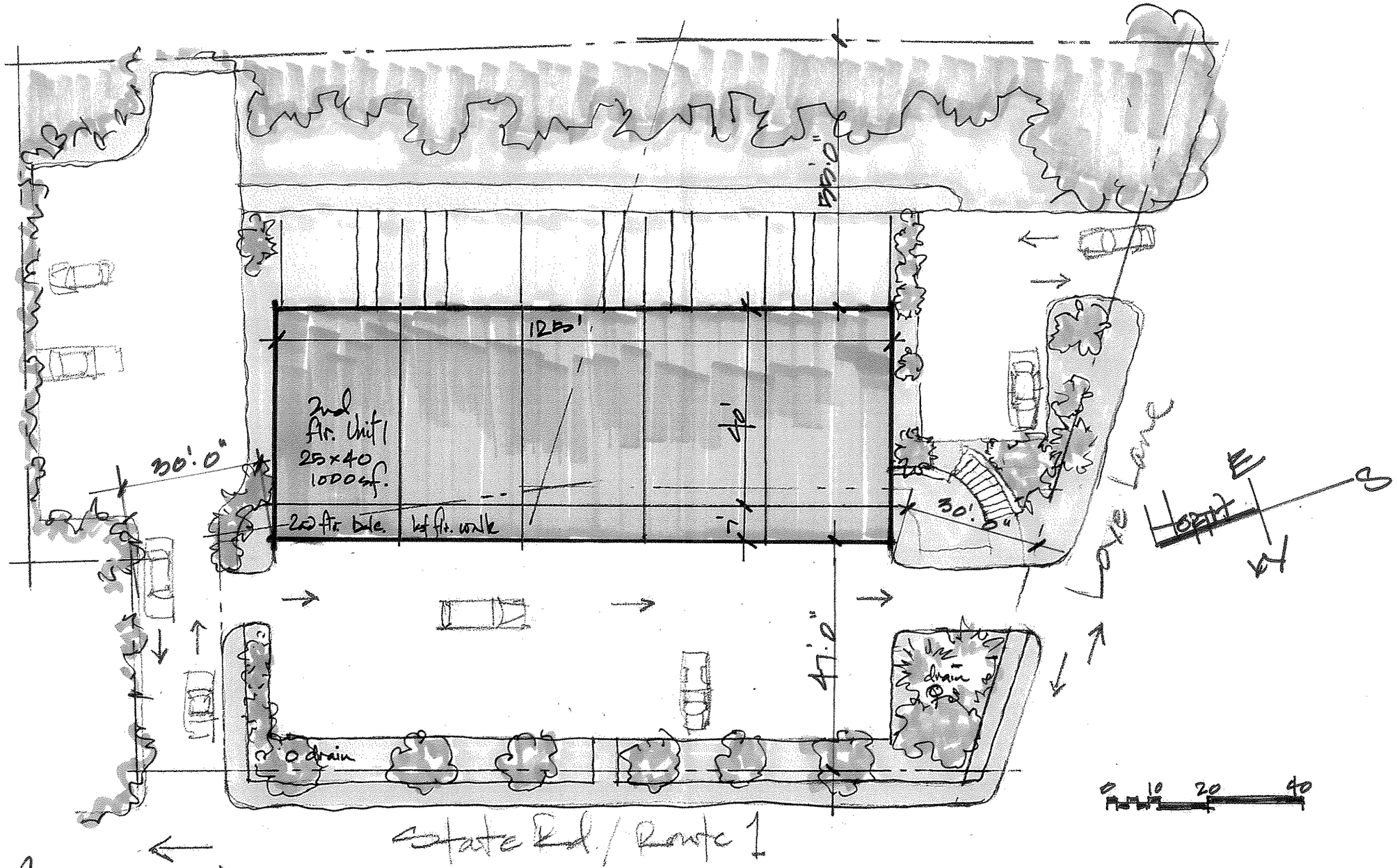
42 State Road
Kittery, Maine 03904

Dwg. Index:

Existing Site Plan

4-17-2014

A1

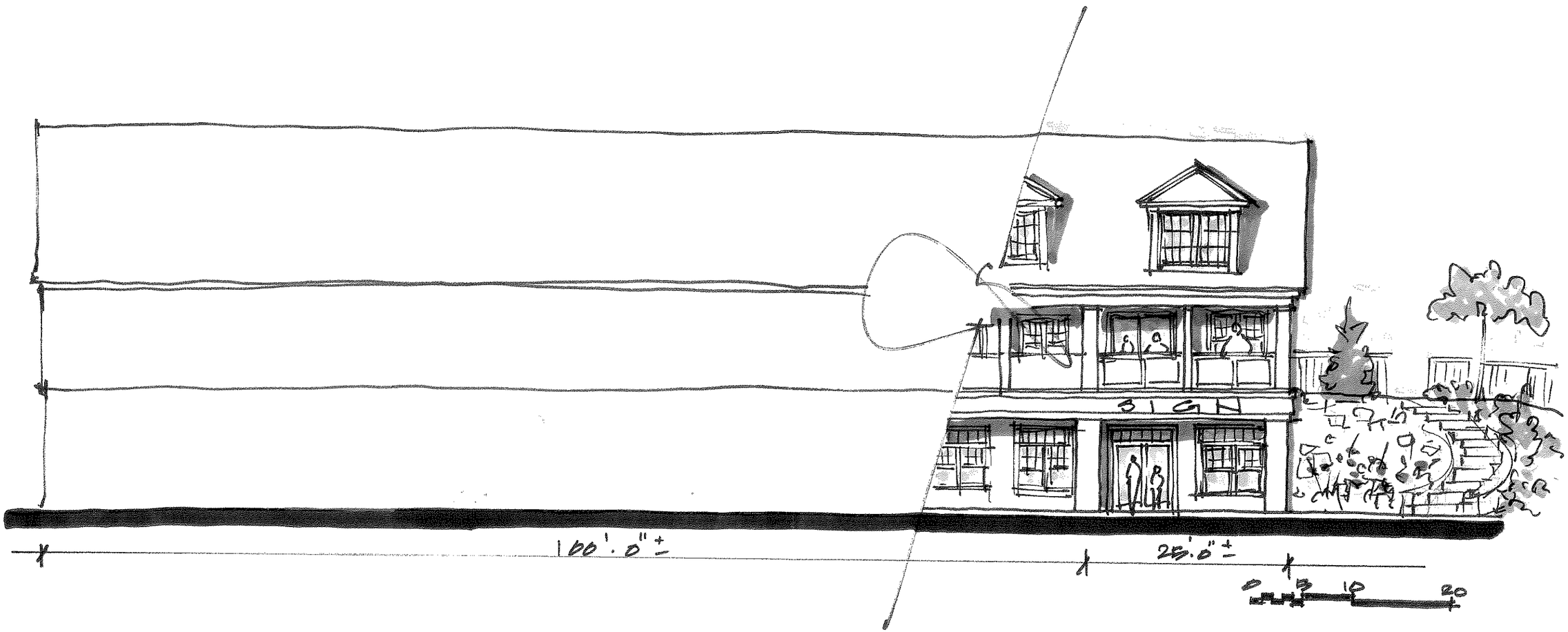


Mixed Use Property 42 State Rd.

HGC LLC 8 Newmarch St. Kittery Me 03904

4.17.2014

building works Co. 603.312.1707



CONCEPTUAL ELEVATION

42 State Rd. (proposed mixed use property)

HGC LLC 8 Newmarch Ct. Kittery Me 03904

4.17.2014

building works Company

953 Islington St. Portsmouth NH

603.312.1707

CONCEPTUAL SITE SECTION

42 State Rd. (proposed mixed use property)

HOC LLC 8 Newmarch Sq. Kittery ME 03904

4.17.2014

Building Works Company

9533 Islington St. Portsmouth NH

603.312.1707