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, November 12, 2015
6:00 P.M. to 10:00 P.M.

CALL TO ORDER–ROLL CALL–PLEDGE OF ALLEGIANCE–APPROVAL OF MINUTES–10/22/2015

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 – Kolod Seawall Replacement–Shoreland Development Plan Review
Action: Approve or deny plan. Owner/applicant Jeffrey and Deborah Kolod requests consideration of plans for replacement of an existing seawall and associated wetland alteration. The 0.45-acre lot is located at 92 Whipple Road (Tax Map 10, Lot 19) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL-250') Zones. Agent is Barney Baker, Baker Design Consultants.

ITEM 2 – Morgan Court Road Multi-Family Subdivision – Major Modification to an Approved Cluster Subdivision Plan
Action: approve or deny modification to approved plan. Owner and applicant Peter J. Paul, Trustee of AMP Realty Holdings, LLC, requests consideration of a plan modification to change the building coverage for the lots of a cluster subdivision located on Tax Map 28, Lot 14 with frontage along Fernald Road in the Residential – Suburban (R-S) Zone with portions in the Commercial – 2 (C-2) and Resource Protection Overlay (OZ-RP) Zones. Agent is Tom Harmon, Civil Consultants.

NEW BUSINESS

ITEM 3 - 13 Lawrence Ln –Shoreland Development Plan
Action: Approve or deny plan. Owner/applicant Rose Marie Howells requests consideration of plans to adjust a property line and expand an existing driveway located at 13 Lawrence Ln (Tax Map 18, Lot 31) in the Residential – Kittery Point Village (R-KPV), Shoreland Overlay (OZ-SL-250'), Zones. Agent is Robbi Woodburn, Woodburn & Company Landscape Architects.

ITEM 3- Wentworth Dennett Artist Studios – Subdivision Completeness Reveiw
Action: Accept or deny preliminary site plan application; Schedule a public hearing. Owner/applicant Jeff Apsey requests consideration of plans to add 4 1-bedroom apartments to the top floor of an existing principal building located at 78 Government St. (M 3 L 144) in the Business Local 1 (BL-1) zone.

ITEM 5 - Betty Welch Road Cluster Subdivision - Sketch Plan Review
Action: Accept or deny plan: Owner Landmark Properties, LTD., and applicant Chinburg Builders, Inc., requests consideration of plans to develop a 20-lot single family cluster subdivision on 86.5 +/- acres. The site is identified as Tax Map 66 Lots 2A & 8 in the Residential Rural (R-R) and Shoreland Overlay (OZ-SL-250') zones. Agent is Jeff Clifford, P.E., Attar Engineering.

ITEM 6 – Board Member Items / Discussion
A. Election of Officers and Board Appointments
B. Foreside Site Walk

ITEM 7 – Town Planner Items:
A. TBD

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 CONTACT STAFF AT (207) 475-1323.

TOWN OF KITTERY, MAINE **UNAPPROVED**
PLANNING BOARD MEETING **OCTOBER 22, 2015**
Council Chambers

Meeting called to order: 6:04

Roll Call:
Board members present: Chair Ann Grinnell, Vice Chair Karen Kalmar, Mark Alesse, Secretary Debbie Driscoll-Davis, David Lincoln, Deborah Lynch and Robert Harris
Staff present: Chris Di Matteo, Town Planner and Rebecca Spitko, Assistant Town Planner

Pledge of Allegiance

Minutes: September 24, 2015
Ms. Driscoll-Davis reviewed the audio to verify the clarity of lines 61, 95, 270 and 279. Ms. Driscoll-Davis stated the minutes were an accurate representation of the September 24, 2015 meeting.

Mr. Lincoln moved to approve the minutes of September 24, 2015 as written
Ms. Lynch seconded
Motion carried 7-0-0

Minutes: October 8, 2015
Ms. Driscoll-Davis moved to approve the minutes of September 24, 2015 as written
Ms. Kalmar seconded
Motion carried 7-0-0

Public Comments: Ms. Grinnell provided an opportunity for public comment.
Ken Markley - 8 Pickernell Ln
Mr. Markley approached the Board and asked for a review of road standards. Mr. Markley stated he felt the Town is overbuilding roads Negative impacts of overbuilding roads include:

- A decrease in rural character
- An increase in storm water run off
- An increase in erosion
- Unnecessary devegetation

Mr. Markley requested the Town form a group to address these concerns. Ms. Grinnell suggested Mr. Markley speak further with Mr. Di Matteo to create a task group, of which Mr. Markley could chair.

Upon hearing no further comments, Ms. Grinnell closed public comment.

ITEM 1 – Memorial Circle and Related Improvement Plan

Action: Hear presentation and public comments and make recommendations.

Ms. Jennifer Claster of Wright-Pierce Engineers and Mr. Don Ettinger of Gorrill-Palmer traffic engineers gave an informational presentation to the public. Ms. Claster began with the general information, the project's background, and timeline.

Background: The project originated in 2012 with a purpose to upgrade memorial circle and construct a sidewalk to connect the circle, Adams Dr and the Kittery Community Center. Due to budgetary restrictions, the planned sidewalks along Adams Drive, Rogers Road and connecting to the Community Center have been dropped. The project as it stands today is to construct a shared-use path with a grassed esplanade and granite curb around the perimeter of Memorial Circle along Route 1 from Memorial Circle to Adams Drive. Additionally, the project will make improvements to Memorial Circle.

A general timeline of the project is as follows:

- A final preliminary report will be completed mid November 2015
- Second public information meeting January 2016
- Right of way process and permitted to be completed around July 2016
- Project out to bid early August 2016
- Project awarded by the end of August 2016
- Some construction to begin Fall 2016 with the majority of it to occur Spring/Summer 2017
- Project to be completed by the end of 2017

Ms. Claster will return to explain the details of the path along Route 1 after Mr. Ettinger reviews the changes to Memorial Circle.

Mr. Ettinger stated the purpose of the project was to improve safety for vehicular traffic, bicycles and pedestrians; operational improvements by using geometry to control speed so the circle operates more like a roundabout; and improve capacity by redesigning curving and roadway with to allow for an easy addition of a second lane, if desired, in the future. Mr. Ettinger clarified that there are no plans to add a second lane in this project.

Mr. Ettinger described the project in detail, highlighting the following points.

- Plans to improve the circle and all approaches
- Based off of data collected over the three year period of 2012-2014, the circle qualifies as a high crash area with 33 accidents reported, including one bicycle accidents.
- Construct a multi-use path along the perimeter of the circle and along all approaches. All entry points will have an accompanying entry/exit for bicycles.
- Multi-use path will be 8'-10' wide and separated from the road by a 5'-10' grassy esplanade.
- The planned circle has a matching footprint with existing conditions and construction will not require complete reconstruction. The inner circle layout will remain the same. Adjustments will be to the curbing, drainage, and geometric alterations that will discourage high speeds while entering and exiting the circle.

- Access points for businesses surrounding the circle will be tightened to identify specific points of entry/exit to improve circulation around the circle
- Signs are to be added on approach points prior to the circle to instruct drivers prior to entering the circle.
- Construction can occur primarily during the evenings and not affect the traffic.
- Total construction costs for the circle improvements: $1.5 million.

Ms. Claster returned to the podium to review details of the mixed-use path along Route 1. Highlights of her presentation are as follows:

- Goal is to provide continuous access from Memorial Circle to the outlet for bicyclists and pedestrians
- Multi-use path will be 8'-10' wide and separated from the road by a 3'-5' grassy esplanade.
- Current barriers are a highway directional sign and a telephone man hole that on the esplanade and could impede on ADA accessibility requirements.
- There is currently not enough room on the right of way for the travel lane and the multi-use path/esplanade as currently designed. The project is going through design review with DOT to resolve this issue and possibly receive a design exception to reduce the width of the travel land. Another possibility is to reduce the width of the esplanade. This is in the preliminary stages. A decision is anticipated November 2015.
- One potential recommendation from the design review is to stencil shared lane markings (bicycle and two chevron lines) on Adams Drive and have the concrete sidewalk continue along the corner to terminate on Adams Drive. Proposed alterations on Adams Drive received public opposition in 2012 – Ms. Claster indicated she is particularly interested in feedback regarding this suggestion.
- There is a large tree with an attached utility wire located on Route One that could be a potential barrier.
- DOT in process of reviewing for public land impact and historic impact.
- Local and state permitting from DEP will be planned once design is further along in the process
- Norm Albert, commissioner of public works, met with property owners along the planned path.

Public presentation concluded. Ms. Grinnell opened the floor to questions from the public.

Barbara Jenny – 230 U.S. Route 1

Ms. Jenny expressed concerns regarding the plan to remove part of an access point to her property at 230 U.S. Route 1. Ms. Jenny feels this will reduce both the value and the safety of her property and she will have to share an access point with the neighboring property. Ms. Jenny stated she would be open to allowing cyclists and pedestrians to use the driveway as a path, but that she does and will not support the complete removal of the driveway.

Ken Markley - 8 Pickernell Ln

Mr. Markley announced his support for the project, however he is disappointed to see the plans to create a T intersection on both ends of Rogers Road Extension were eliminated. Mr. Markley expressed concern over the safety of that intersection as it currently stands, noting that, because of the yield sign, drivers approach the intersection checking Route One over their shoulder and do not check forward

before proceeding through the intersection. Mr. Markley asked the engineers ton consider returning this piece to the project.

Bill Widi – Owner of The Dog House business on Memorial Circle
Mr. Widi stated that the plan as it currently stands involves the reduction of entry/exit space by approximately 20'. Mr. Widi worried this could prevent contractors, who regularly frequent his establishment, from being able to locate a parking space, especially during busy hours. Additionally, Mr. Widi stated that delivery trucks usually have scheduled drop off times during the businesses' busy hours. If a delivery truck were parked in front of the business, there would not be any remaining parking spots for customers to park. Mr. Widi stated there is not room behind his establishment to add additional parking because of a dumpster.

D. Allen Kerr - 4 Colonial Rd
Mr. Allen expressed support over the project but would like to know why there are no longer plans to include a sidewalk connecting the circle and the community center. Mr. Allen also stated he would like to see a sidewalk connecting Rogers Road to the Dairy Queen.

Ms. Grinnell stated the sidewalk to the community center was removed from the plan due to budgetary reasons.

Ms. Jenny asked for an explanation on how reducing the access points to businesses controls traffic.

Mr. Ettinger explained that wider combined entry/exit points can create confusion among drivers, increasing the risk of an accident. The goal for this project was to create defined, and where possible, individualized entry/exit points and therefore control where drivers are entering and exiting. Mr. Ettinger noted the access points will be wide enough to enter/exit at an appropriate speed to avoid slowing to a dangerous speed while on the circle.

A clarification was made among Planning Board members that because this is a general public presentation, and not a presentation to the board, all comments from board members are as citizens of the Town of Kittery and not representatives of the Planning Board.

Mr. Lincoln stated he did not believe the project as described met the three stated objectives of safety, operational and capacity improvements. Mr. Lincoln asked if there were any numbers for bicycle and pedestrian use of Memorial circle. Mr. Ettinger stated there are not, but that is it generally low. Mr. Lincoln agreed and stated he felt the project was expensive and addressing a nonexistent need.

Mr. Lincoln verified the follow specifics of the project with Mr. Ettinger: Inner circle will retain its current footprint; 5" curbing will be installed; Lighting will not be along the perimeter of the circle, but will be along all six approaches. No direct lighting will exist on the actual circle.

Ms. Grinnell asked for an update on the plan's legend to replace the terminology "sidewalk" with "shared use path" as there could be some confusion between the two. Mr. Ettinger agreed.

Ms. Kalmar clarified there will be another opportunity for public input before this project is executed. She asked if there were more budgetary concerns that could impact the resolution of the project. Ms. Claster stated that the bid for the project will likely occur in three phases. The primary phase will be improvements to the traffic circle, including the path along the circle's perimeter. Alternate bid 1 will be the multi-use path from Memorial Circle to Kittery Estates and alternate bid 3 will be the path from Kittery Estates to Adams Drive. The primary bid will be completed first. Alternate bid 1 will occur with remaining funds and alternate bid 2 will occur only if there is enough remaining from the first two bids. Ms. Kalmar asked the likelihood of all three bids coming to fruition. Ms. Claster stated it is less likely bid 2 will be affordable, but the primary bid (Memorial Circle) will be affordable. Ms. Kalmar expressed concern of inviting bicyclists and pedestrians into the circle if they will not ultimately be able to connect that path to get out of the circle.

Ms. Grinnell agreed and stated that placing a path along Route 236 to Route 1 bypass did not seem logical when there are not sidewalks to go across the interstate. Ms. Driscoll-Davis stated she felt students who work at the outlets might use the path instead of walking through the circle. Ms. Driscoll-Davis stated she felt access between the circle and the outlets should be prioritized above circle improvements that could adversely affect businesses.

Mr. Harris stated it would be dangerous to have intersections with bicyclists, motor vehicles and pedestrians. A discussion between board members and Mr. Ettinger ensued surrounding the safety of the mixed-use path including one vs. two way path traffic and crosswalks at driveways vs. intersections. Ms. Grinnell expressed concern over the change of right of way between pedestrians and cars around the circle. Pedestrians have the right of way in an intersection but not in a driveway. Ms. Grinnell stated this could be confusing to both vehicles and pedestrians. Mr. Widi asked if the driveways along the circle would have lights as the approaches do. Mr. Ettinger responded negative.

Ms. Claster asked to address the issue of the T-intersection along Rogers Road Extension. Ms. Claster stated the Town made the decision to cut that portion of the project. Ms. Grinnell asked specifically who was involved in making that decision. A specific group of people were unable to be identified and it was determined possible those involved in making that decision are no longer working with the project. (i.e. Past Commissioner, etc.)

Ms. Grinnell asked Ms. Claster and Mr. Ettinger to address the concerns of Ms. Jenny. Ms. Claster thanked Ms. Jenny for her feedback and stated that her understanding of the property line was that removing that access point would not cause two properties to have to share a driveway. Ms. Jenny clarified that her property does, indeed, have two access points, but she feels she should not me mandated to lose one because they are an asset to the property. Ms. Jenny stated one of the access points, although private, appears as if it could be a road and she would be willing to having a crosswalk painted on that. It was clarified that if a crosswalk is painted on a private property is becomes the Town's responsibility to maintain it in the future. Ms. Claster agreed to take this feedback and look at alternate solutions for the property.

A discussion ensued to explore the possible consequences of rejecting the project. It was noted that the Town would be responsible to reimburse all federal funds that have been put in the project to date.

Additionally, the town may not be selected for another LAP or other federal funds in the future. Mr. Alesse stated he believes this is a good project, but needs some modifications to realign it with its original intention. Ms. Driscoll-Davis agreed and reiterated the original intent was to create connectivity between the community center, Route 1 and the outlets – which has not been achieved. Norm Albert, commissioner of public works, stated they were unable to put a sidewalk along Rogers Road due to several features along Rogers Road that do not allow sidewalks. Therefore, in order for a sidewalk along Rogers Road it would have to cross the street several time and result in a broken path. That aspect, along with the cost measures, was likely the reasoning behind the sidewalk being removed from the project.

Ms. Grinnell stated that by removing these pieces of the project, the project is no longer what the community was looking for in 2012. Ms. Driscoll-Davis inquired about the possibility of completing the path along Route 1 first, as the primary bid, and then moving on to the circle if funds allow. Ms. Grinnell agreed this would be preferable, as it matches the original scope of the project. The discussion concluded with a plan for the engineers to return to the department and look at the feedback gained from the night.

Ms. Claster asked the public's opinion of the possible improvements and shared lane markings to Adams Drive. Mr. Albert instructed any opposition should be directed to public works – 439-0333. Mr. Albert stated he would relay all communication to the engineers.

Item closed: 8:01. Ms. Grinnell called for a 5 minute break.

Meeting convened: 8:09

ITEM 2 – 24 Williams Ave – Shoreland Development Plan Review

Action: approve or deny plan. Owners/applicants Doug and Karen Beane request consideration of their plan to construct a new deck with pergola, garage and breezeway to an existing single family dwelling within the required 100-foot setback, and front and side yard setbacks (Tax Map 9, Lot 16) in the Residential – Urban (R-RU), Shoreland Overlay (OZ-SL-250'), Zones. Agent is Ken Markley, Easterly Survey.

Ken Markley approached the podium and gave a brief description of the project.

Ms. Kalmar moved to accept the application
Mr. Lincoln seconded
Motion Carried 7-0-0

Ms. Kalmar moved to grant conditional approval
Mr. Lincoln seconded
Motional carried 7-0-0

Kittery Planning Board

Findings of Fact

For 24 Williams Ave

Shoreland Development Plan Review

WHEREAS: Doug & Karen Beane requested approval of their Shoreland Development Plan to construct a garage, breezeway and reconstruct a deck less than 500 square feet in size and located further than 75 feet from the HAT attached to an existing nonconforming dwelling located at 24 Williams Ave (Tax Map 9, Lot 16) in the Residential-Urban and Shoreland Overlay Zones, hereinafter the "Development" and

Pursuant to the Plan Review meetings conducted by the Town Planning Board as noted;

Shoreland Development Plan Review	10/22/2015
Site Walk	
Public Hearing	
Approval	10/22/2015

And pursuant to the application and plan and other documents considered to be a part of a plan review decision by the Town Planning Board in this Finding of Fact consisting of the following (hereinafter the "Plan"):

1. Shoreland Development Plan Application, received September 24, 2015.

2. Site Plan, Easterly Surveying, Inc., September 17, 2015

NOW THEREFORE, based on the entire record before the Town Planning Board and pursuant to the applicable standards in the Land Use and Development Code, the Town Planning board makes the following factual findings and conclusions:

FINDINGS OF FACT

Chapter 16.3 LAND USE ZONE REGULATIONS

16.3.2.17.D Shoreland Overlay Zone

1.d The total footprints of the areas devegetated for structures, parking lots and other impervious surfaces, must not exceed twenty (20) percent of the lot area, including existing development, except in the following zones…

Findings: The proposed development's devegetated area does not exceed twenty (20) percent of the lot area.

Conclusion: The requirement appears to be met.

Vote: _7__ in favor _0__ against _0__ abstaining

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289 **Chapter 16.7 GENERAL DEVELOPMENT REQUIREMENTS**

290 **Article III Nonconformance**

16.7.3.1 Prohibitions and Allowances

A. Except as otherwise provided in this Article, a nonconforming conditions must not be permitted to become more nonconforming

16.7.3.5 Types of Nonconformance

16.7.3.5.5 Nonconforming Structure Repair and/or Expansion

A. A nonconforming structure may be repaired or maintained and may be expanded in conformity with the dimensional requirements, such as setback, height, etc., as contained in this Code. If the proposed expansion of a nonconforming structure cannot meet the dimensional requirements of this Code, the Board of Appeals or the Planning Board (in cases where the structure is located in a Shoreland Overlay or Resources Protection Overlay Zone) will review such expansion application and may approve proposed changes provided the changes are no more conforming than the existing condition and the Board of Appeals or the Planning Board (in cases where the structure is located in a Shoreland overlay or Resources Protection Overlay Zone) makes its decision per section 16.6.6.2.

See 16.6.6.1 and its reference to 16.6.6.2 below.

16.6.6 Basis for Decision

16.6.6.1.B In hearing appeals/requests under this Section, the Board of Appeals [note: Planning Board is also subject to this section per 16.7.3.5.5 above] **must use the following criteria as the basis of a decision:**

1. Proposed use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use zones;

2. Use will not prevent the orderly and reasonable use of permitted or legally established uses in the zone wherein the proposed use is to be located, or of permitted or legally established uses in adjacent use zones;

3. Safety, the health, and the welfare of the Town will not be adversely affected by the proposed use or its location; and

4. Use will be in harmony with and promote the general purposes and intent of this Code.

The Board must also give consideration to the factors listed in 16.6.6.2.

Finding: The proposed garage and breezeway are located outside the required setbacks. The prosed deck and pergola is less than 500 square feet an area and allowed between the 100-foot and 75 foot setback from the HAT. The deck, however, is located within the side yard, though less than the existing 4.3 foot encroachment of the building.

The proposed development does not increase nonconformity.

Conclusion: The requirement appears to be met.

Vote: _7__ in favor _0__ against _0__ abstaining

16.7.3.6 Nonconforming Structures in Shoreland and Resource Protection Zones

16.7.3.6.1 Nonconforming Structure Expansion

A nonconforming structure may be added to, or expanded, after obtaining Planning Board approval and a permit from the Code Enforcement Officer. Such addition or expansion must not increase the non-conformity of the structure and must be in accordance with the subparagraphs [A through C] *below.*

A. After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure will not be permitted to expand, as measured in floor area or volume, by thirty percent (30%) or more during the lifetime of the structure.

B. If a replacement structure conforms to the requirements of Section 16.7.3.6.1.A and is less than the required setback from a water body, tributary stream or wetland, the replacement structure will not be

permitted to expand if the original structure existing on January 1, 1989, has been expanded by 30% in floor area and volume since that date.

C. Whenever a new, enlarged or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 16.7.3.5.2 – Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 16.7.3.5.3, above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it will not be considered to be an expansion of the structure.

Finding: The existing nonconforming structure is not expanding within the 100-foot setback from the HAT. The proposal does not increase nonconformity.

Conclusion: Standards A-C are not applicable.

Vote: _7__ in favor _0__ against _0__ abstaining

Chapter 10 DEVELOPMENT PLAN APPLICATION AND REVIEW

Article 10 Shoreland Development Review

16.10.10.2 Procedure for Administering Permits

D. An application will be approved or approved with conditions if the reviewing authority makes a positive finding based on the information presented. It must be demonstrated the proposed use will:

1. Maintain safe and healthful conditions;

Finding: The proposed development does not appear to have an adverse impact.

Conclusion: This requirement appears to be met

Vote: _7__ in favor _0__ against _0__ abstaining

2. Not result in water pollution, erosion or sedimentation to surface waters;

Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction (see conditions #2 and #3) to avoid impact on adjacent surface waters.

Conclusion: This requirement appears to be met

Vote: _7__ in favor _0__ against _0__ abstaining

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3. Adequately provide for the disposal of all wastewater;

Finding: The development is connected to two sewer.

Conclusion: This requirement appears to be met.

Vote: _7__ in favor _0__ against _0__ abstaining

4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction (see conditions #2 and #3) to avoid impact on adjacent surface waters. These conditions should be added to the plan.

Conclusion: The proposed development does not appear to have an adverse impact. With the suggested conditions #2 and #3, this standard appears to be met.

Vote: _7__ in favor _0__ against _0__ abstaining

5. Conserve shore cover and visual, as well as actual points of access to inland and coastal waters;

Finding: Shore cover is not adversely impacted

Conclusion: This requirement appears to be met.
Vote: _7__ in favor _0__ against _0__ abstaining
6. Protect archaeological and historic resources; Finding: There does not appears to be any resources impacted. Conclusion: This requirement appears to be met.
Vote: _7__ in favor _0__ against _0__ abstaining
7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district; Finding: The proposed development does not appear to have an adverse impact. Conclusion: This requirement appears to be met.
Vote: _7__ in favor _0__ against _0__ abstaining
8. Avoid problems associated with floodplain development and use; Finding: the proposed development is not within the floodplain Conclusion: This requirement appears to be met.
Vote: _7__ in favor _0__ against _0__ abstaining
9. Is in conformance with the provisions of this code; Finding: The proposed development appears to be in conformance with the provisions of this code.

Conclusion: This requirement appears to be met.
Vote: _7__ in favor _0__ against _0__ abstaining
10. Be recorded with the York county Registry of Deeds. Finding: A plan suitable for recording has been prepared. Conclusion: As stated in the Notices to Applicant contained herein, shoreland Development plans must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.
Vote: _7__ in favor _0__ against _0__ abstaining

Based on the foregoing Findings, the Planning Board finds the applicant has satisfied each of the review standards for approval and, therefore, the Planning Board approves the Shoreland Development Plan Application of Doug & Karen Beane, owner and applicant, to construct a garage and breezeway; and a 336 square foot accessory structure deck to an existing, non-conforming single family dwelling located at 24 Williams Ave (Tax Map 9, Lot 16) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL-250') zones and subject to any conditions or waivers, as follows:

Waivers: None

Conditions of Approval (to be depicted on 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. No trees are to be removed without prior approval by the Code Enforcement Officer or the Shoreland Resource Officer.

5. All Notices to Applicant contained herein (Findings of Fact dated 10/22/15).

Conditions of Approval (not to be depicted on final plan):

6. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board or Peer Review Engineer, and submit for Staff review prior to presentation on final Mylar.

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

Vote of 7 in favor 0 against 0 abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON October 22, 2015

Notices to Applicant:

1. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board or Peer Review Engineer, and submit for Staff review prior to presentation of final mylar.

2. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.

3. One (1) mylar copy of the final plan and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department for signing. Date of Planning Board approval shall be included on the final plan in the Signature Block. After the signed plan is recorded with the York County Registry of Deeds, a mylar copy of the signed original must be submitted to the Town Planning Department.

4. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating as elements the Development Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

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

ITEM 3 – Board member items

A. Review findings from site walk of Foreside neighborhood

Ms. Grinnell recommended item be moved to the November 12, 2015 planning board meeting. Ms. Spitko will compile minutes from the site walk and distribute notes to the board for review.

B. Action List

Ms. Kalmar suggested Board members focus on a few specific items in preparation for a meeting with the Town Council scheduled for February 2016. Ms. Driscoll-Davis recommended item 5, cluster ordinance, and item 21, parking credits, with a slight modification to specify parking revisions rather than credits. There was a discussion regarding item 23, Foreside Review Committee, where it was determined the committee is no longer active and the council did not vote for it to continue. Mr. Di Matteo stated items 25 – 28 were staff projects and could be included in the items to prepare for the February meeting with Town Council.

Mr. Alesse suggested an addition to the Action List. He would like to look at the Town's bylaws and add a provision that would require Planning Board members to attend a workshop by Memun designed for planning boards. Ms. Kalmar added that individuals currently on the planning board wait list could also benefit from attending a workshop. Mr. Alesse stated it would not be appropriate to require that from applicants; however, it could be a requirement upon appointment to the planning board. Ms. Grinnell and Ms. Kalmar agreed. Item will be on the Action List as Item 29.

C. Committee Updates

Mr. Lincoln suggested inviting the police chief, fire chief, and public works commissioner to write up their opinions from the Kittery Foreside site walk and the parking code as it currently stands. Mr. Di Matteo and Ms. Spitko agreed to pursue this.

Ms. Driscoll-Davis reviewed the tour of Kittery with the comprehensive plan committee planned for Thursday October 28, 2015. There is not a finalized tour list as of yet.

Ms. Grinnell gave an update on the Kittery Port Authority. She stated KPA has elected a new chair, Peter Whitman, and vice chair, Bruce Crawford. Upon stepping down from their positions, the previous chair and vice chair remain active as board members. The KPA lost one member, who resigned. There was a vote taken not to reappoint the harbormaster, which did not pass.

Ms. Grinnell stated she would like to address an incident brought up during the KPA and Council Meetings. Ms. Grinnell reported that at 5:00 pm, while in a boat between Whaleback Light House and Wood Island, she hit a rock and disabled the boat's engine. Ms. Grinnell called the harbormaster who then tied their boats together and transported them to the bridge on Spruce Creek. At that time, the harbormaster left and Ms. Grinnell paddled to shore. Ms. Grinnell noted this was not a misallocation of resources and the harbormaster would respond accordingly to any call for assistance.

ITEM 4 – Town Planner Items

Mr. Di Matteo presented the board with an update on amendment items stating the final two items will be presented at the Council Meeting on Monday, October 26, 2015.

Mr. Di Matteo requested a 90-day extension on behalf of Altus Engineering regarding an application approved on July 9, 2015 for 42 State Road (M3; L 5, 6, 7). The project is currently under review with MDOT.

Mr. Lincoln moved to grant 90 extension
Ms. Kalmar seconded
Motion carried 7-0-0

Mr. Alesse moved to adjourn
Ms. Driscoll-Davis seconded
Motion carried 7-0-0

The Kittery Planning Board meeting of October 22, 2015 adjourned at 8:46 p.m.

Submitted by Rebecca Spitko, Assistant Town Planner, on October 27, 2015.

ITEM 1

PLAN REVIEW NOTES
92 Whipple Road, M10 L19
Shoreland Development Plan Review

November 12, 2015

Town of Kittery Maine
Town Planning Board Meeting
November 12, 2015

Kolod Seawall Replacement–Shoreland Development Plan Review
Action: approve or deny plan. Owner/applicant Jeffrey and Deborah Kolod requests consideration of plans for replacement of an existing seawall and associated wetland alteration. The 0.45-acre lot is located at 92 Whipple Road (Tax Map 10, Lot 19) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL-250') Zones. Agent is Barney Baker, Baker Design Consultants.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Site Visit	Board's discretion-9/3/15	**HELD**
YES	Determination of Completeness/Acceptance	Scheduled for 8/20/2015	**GRANTED**
NO	Public Hearing	Board's discretion, Scheduled 9/10/15	**HELD**
YES	Final Plan Review and Decision	Continued on 9/10/15	**PENDING**

Plan Review Notes reflect comments and recommendations regarding applicability of Town Land Use Development Code, and standard planning and development practices. Only the PB makes final decisions on code compliance and approves, approves with conditions or denies final plans. 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 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.

Updates and new comments are highlighted below

Background

This is a conforming property (21,180 s.f. lot size) with non-conforming structures. The applicant received approval in 2013 for remodeling the existing non-conforming house and the removal and reconstruction of an existing nonconforming garage.

The 2013 approved development reduced the devegetated coverage on the lot from 7,125 sf to 4,830 sf, resulting in a total percent of the lot devegetated of 22.8%, a reduction from the existing impervious coverage of 33.6%. Title 16.3.2.18.D.1.d requires no more than 20%. The applicant is required not to exceed the current 22.8%.

The proposed development for this new application consists of:

1) Replacement of the existing seawall with a new granite wall in the same footprint extended to tie into a seawall and shorefront armor on respective neighboring properties.
2) Removal of an existing marine ways and reinstatement of intertidal beach;
3) Coastal slope stabilization and plantings to protect existing tree and to prevent erosion.
4) ~~Expansion of existing waterfront shed (within 30% allowable expansion)~~
5) Replacement of existing timber embankment stair with a new granite stair access.

A more detailed analysis of the proposed activities and how they conform to zoning and standards is found on page 7 of the narrative submitted 8/2015 and supplemented by the attached new information. UPDATE: As noted above, item #4 concerning the expansion of the nonconforming shed is no longer being proposed. Only the temporary relocation of the shed and the return of the existing shed with no modifications to the same location is proposed.

Staff Review

The proposed development consists primarily of replacing the seawall within the existing seawall footprint extended to a uniform height and connecting with abutting property seawall and slope armoring,

As the applicant's agent states in the narrative the construction adjacent to and within the 75-ft setback requires a permit from the Maine DEP and Army Corps of Engineers.

Staff has spoken to the Maine DEP regarding the state permit and staff there did not see "reinstatement of the intertidal beach" an allowed activity and reminded the town that if the expansion of the "waterfront shed" consists of construction that essentially replaces the shed then the Board is required to determine that the "setback requirement is met to the greatest possible extent." The plans show more than an expansion and rather a replacement of the structure. It is unlikely that the Board would find the current location to meet the requirements of 16.7.3.5.6 *Nonconforming Structure Reconstruction.*
UPDATE: The plans have been revised to address Maine DEP's comments and the proposed wall no longer accommodates an intertidal beach and the shed is no longer proposed to be expanded and reconstructed.

With regard to the actual expansion, it is evident from 16.7.3.6.1.C that a new foundation, like a reconstructed structure, requires to meet the setback to the greatest practical extent unless it "does not extend beyond the exterior dimensions of the structure." It appears that the shed can maintain its location if its expansion meets the following requirements: 1) no more than 50% of the market value of the structure is replaced and 2) the allowed expansion in floor area and volume does not require a foundation larger than the current exterior dimensions and does not encroach further into the required setback.
UPDATE: no longer relevant.

Staff finds the application substantially complete, however, recommends the following changes to the plan:

1. Sheet C-1 title should read 'Shoreland Development Plan' rather than Site Plan along with the Map and Lot in the lower right corner of the plan. *{complied}*
2. A plan note that reflects the purpose of the plan, referencing the 2013 approval, plan and BK/PG information and that this plan is in addition to the 2013 recorded plan and does not replace it. {a note has been added to the plan. *{Staff suggests adding the book and page (BK 363 PG 32) for the 2013 approved plan along with stating that the intent is not to replace the 2013 approved plan}*
3. A plan note/table that reflects the three primary requirements for the Shoreland Overlay Zone, the existing and proposed area and the percent increase allowed and proposed for: a) total floor area of the waterfront shed; b) the total volume of the waterfront shed; and c) the total square feet of devegetated area. *{The plan does include a table that updates the devegetated area calculations, however, Staff suggests a note that states no expansions within the 100-foot setback are proposed}*
4. The 100-foot setback from the HAT be located on the plan. *{complied}*

Comments since the last meeting

5. The Shoreland Development Plan should be revised to include a note in the vicinity of the wetland fill the square feet of impact, 45 s.f.
6. The *Devegetated Coverage Calculation* table should be revised to indicate that the *deduct* items (proposed removal of nonvegetated features) are part of what is being proposed in 2015 and not in 2013.

During the site visit held on 9/3 the agent discussed the details on the wall reconstruction and shed expansion. Concerning the former, it appears that the portion of the wall that is lower and associated with the "beach access" area is below the Highest Annual Tide (HAT) making it outside of the planning board's jurisdiction. The Port Authority along with the Maine DEP and US Army Corps will determine if the wall conforms to local, state and federal regulations. UPDATE: The Maine DEP, Army Corps of Engineers and the Kittery Port Authority have granted their approvals.

In addition, with review of the original 2013 approved shoreland development plan it appears there is a discrepancy between the HAT line with the current proposed plan. This along with a revised calculation

for percent of devegetated area for the lot needs to be prepared and shown on a revised plan. UPDATE: The revised plan does include an updated devegetated area calculation for the entire property, however, Staff suggests clarifying the HAT elevation used in the past and currently being used. For example, the current HAT elevation should read: '6.6 NGVD29 Seavey Island (5.8 NAVD88)'. This helps clarify the location that corresponds to the Maine DEP publication and align with the elevation datum currently used. NGVD29 is no longer used in the HAT publication. The different HAT elevations for different locations along the coastline is the reason why the 2013 plan's HAT is different than the current plan. It appears the HAT for Kittery Point was used in 2013 rather than for Seavey Island.

Recommendations/Action

With current plan revisions and federal (ACE), state (MDEP) and local (KPA) approvals in place and the expansion of the nonconforming waterfront shed no longer being proposed, staff recommends the Board grant conditional approval. A motion might be…

Move to approve with conditions the Shoreland Development Plan, revision date October 26, 2015 and Wetland Alteration Application for 92 Whipple Road (Tax Map 10, Lot 19) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL) zones, for owner and applicant Jeffrey and Deborah Kolod.

KITTERY PLANNING BOARD

FINDINGS OF FACT **UNAPPROVED**
For 92 Whipple Road, Sea Wall Reconstruction
Shoreland Development Plan Review

WHEREAS: Owners and applicants Jeffrey and Deborah Kolod requests consideration of plans for replacement of an existing seawall. The 0.45-acre lot is located at 92 Whipple Road (Tax Map 10, Lot 19) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL-250') Zones. Agent is Barney Baker, Baker Design Consultants.

hereinafter the "Development;" and

And pursuant to the Plan Review meetings conducted by the Planning Board as noted ;*{in the Plan Review Notes prepared for 11/12/2015}*

Shoreland Plan Appl. Completeness Review	August 20, 2015
Site Walk	September 3, 2015
Public Hearing	September 9, 2015
Approval	TBD

And pursuant to the application, plans and other documents considered to be a part of the approval by the Planning Board in this finding consist of the following ;*{as noted in the Plan Review Notes prepared for 11/12/2015}* (hereinafter the "Plan"):

1. Shoreland Overlay Zone Project Plan Review Application, August XX, 2015.
2. Supplemental information, October 28, 2015
3. Shoreland Development Plan; Baker Design Consultants, REV. October 26, 2015.
4. Plan Set including Site Details; Baker Design Consultants, entitled *Kolod Seawall Replacement*, REV. October 26, 2015.

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

FINDINGS OF FACT

Chapter 16.3 LAND USE ZONE REGULATIONS

16.3.2.17. D Shoreland Overlay Zone

1.d The total footprint of areas devegetated for structures, parking lots and other impervious surfaces, must not exceed twenty (20) percent of the lot area, including existing development, except in the following zones...

Findings: The lot size is effectively larger than in 2013 by 45 square feet due to the intertidal fill associated with the new seawall as depicted on Sheet S-1. In addition, as shown in the table on Sheet C-1 regarding the devegetated area calculations, impervious features identified in 2013 are being removed and re-vegetated. The results are the proposed improvements do not increase the lot's devegetated area greater than the allowed 22.8% (reduced from 33.6% in 2013).

Conclusion: this standard appears to have been met.

Vote: __ in favor __ against __ abstaining

Chapter 16.7 GENERAL DEVELOPMENT REQUIREMENTS
Article III Nonconformance

16.7.3.1 Prohibitions and Allowances

A. Except as otherwise provided in this Article, a nonconforming condition must not be permitted to become more nonconforming.

Finding: The proposed development does not increase nonconformity.

Conclusion: The requirement appears to be met.

Vote: __ in favor __ against __ abstaining

16.7.3.5 Types of Nonconformance

16.7.3.5.5 Nonconforming Structure Repair and/or Expansion

A. A nonconforming structure may be repaired or maintained and may be expanded in conformity with the dimensional requirements, such as setback, height, etc., as contained in this Code. If the proposed expansion of a nonconforming structure cannot meet the dimensional requirements of this Code, the Board of Appeals or the Planning Board (in cases where the structure is located in a Shoreland Overlay or Resources Protection Overlay Zone) will review such expansion application and may approve proposed changes provided the changes are no more nonconforming than the existing condition and the Board of Appeals or the Planning Board (in cases where the structure is located in a Shoreland Overlay or Resources Protection Overlay Zone) makes its decision per section 16.6.6.2.

See 16.6.6.1 and its reference to 16.6.6.2 below.

Finding: There are no proposed changes to nonconforming structures

Conclusion: The standard is not applicable

Vote: __ in favor __ against __ abstaining

16.7.3.6 Nonconforming Structures in Shoreland and Resource Protection Zones

16.7.3.6.1 Nonconforming Structure Expansion

A nonconforming structure may be added to, or expanded, after obtaining Planning Board approval and a permit from the Code Enforcement Officer. Such addition or expansion must not increase the non-conformity of the structure and must be in accordance with the subparagraphs [A through C] *below.*

A. After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure will not be permitted to expand, as measured in floor area or volume, by thirty percent (30%) or more during the lifetime of the structure.

B. If a replacement structure conforms to the requirements of Section 16.7.3.6.1.A and is less than the required setback from a water body, tributary stream or wetland, the replacement structure will not be permitted to expand if the original structure existing on January 1, 1989, has been expanded by 30% in floor area and volume since that date.

C. Whenever a new, enlarged or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 16.7.3.5.2 – Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 16.7.3.5.3, above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it will not be considered to be an expansion of the structure.

Finding: There are no proposed changes to nonconforming structures
Conclusion: The standard is not applicable

Vote: __ in favor __ against __ abstaining

Chapter 10 DEVELOPMENT PLAN APPLICATION AND REVIEW
Article 10 Shoreland Development Review

16.10.10.2 Procedure for Administering Permits
D. *An Application will be approved or approved with conditions if the reviewing authority makes a positive finding based on the information presented. It must be demonstrated the proposed use will:*

1. Maintain safe and healthful conditions;
Finding: The proposed development does not appear to have an adverse impact.
Conclusion: This requirement appears to be met.

Vote: __ in favor __ against __ abstaining

2. Not result in water pollution, erosion or sedimentation to surface waters;
Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction. (see conditions #2 and #3) to avoid impact on adjacent surface waters.
Conclusion: The proposed development does not appear to have an adverse impact. With the suggested conditions #2, and #3,this requirement appears to be met.

Vote: __ in favor __ against __ abstaining

3. Adequately provide for the disposal of all wastewater;
Finding: The development is connected to town sewer.
Conclusion: This requirement appears to be met.

Vote: __ in favor __ against __ abstaining

4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction. (see conditions #2 and #3) to avoid impact on adjacent surface waters. These conditions should be added to the plan.
Conclusion: The proposed development does not appear to have an adverse impact. With the suggested conditions #2 and #3, this standard appears to be met.

Vote: __ in favor __ against __ abstaining

5. Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
Finding: Shore cover is conserved in accordance with this Code. There are no points of access.
Conclusion: With the proposed conditions #7 and #8, this requirement appears to be met.

Vote: __ in favor __ against __ abstaining

6. Protect archaeological and historic resources;
Finding: There does not appear to be any resources impacted.
Conclusion: The proposed development does not appear to have an adverse impact. This requirement appears to be met.

Vote: __ in favor __ against __ abstaining
7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/ maritime activities district; Finding: The proposed development does not appear to have an adverse impact. Conclusion: This requirement appears to be met.
Vote: __ in favor __ against __ abstaining
8. Avoid problems associated with floodplain development and use; Finding: The proposed development is not within the floodplain. Conclusion: This requirement appears to be met.
Vote: __ in favor __ against __ abstaining
9. Is in conformance with the provisions of this Code; Finding: The proposed development appears to be in conformance with the provisions of this Code, including Title 16.3.2.17 Shoreland Overlay Zone and 16.9.3 Conservation of Wetlands Including Vernal Pools. Conclusion: This requirement appears to be met.
Vote: __ in favor __ against __ abstaining
10. Be recorded with the York County Registry of Deeds. Conclusion: As stated in the Notices to Applicant contained herein, Shoreland Development plans must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.
Vote: __ in favor __ against __ abstaining

16.9.3.7 Wetlands Alteration Approval Criteria (A through F)
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.*
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.*
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.*

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).*
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.*
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.*
Finding: A wetland fill of 45 square feet is proposed along the new seawall. This activity has received approvals by the applicable state and federal agencies. An area in excess of the fill area located along the impacted costal wetland is proposed as a vegetated no-disturb buffer. This mitigation meets the intention of 16.9.3.9.B.1 for preservation of upland adjacent to the impacted wetland. Conclusion: Considering the approval criteria including the overall benefit of the new seawall and mitigation proposed as a vegetated buffer, the proposed wetland impact is approved.
Vote of _ in favor_ against _0_ abstaining

Based on the foregoing Findings, the Planning Board finds the applicant has satisfied each of the review standards for approval and, therefore, the Planning Board approves the Shoreland Development Plan Application and Wetland Alteration Application of Jeffrey and Deborah Kolod for the replacement of an existing seawall, located at 92 Whipple Road (Tax Map 10, Lot 19) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL-250') Zones and subject to any conditions or waivers, as follows:

Waivers: None

Conditions of Approval (to be included on final plan to be recorded and as noted in the Plan Review Notes prepared for 11/12/2015}:

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 (Findings of Fact dated 11/12/15).

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

5. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board, or Peer Review Engineer, and submit for Staff review prior to presentation on final Mylar.

The Planning Board authorizes the Planning Board Chair to 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 _____

_____
Ann Grinnell, Planning Board Chair

Notices to Applicant:

1. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board or Peer Review Engineer, and submit for Staff review prior to presentation of final mylar.

2. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.

3. One (1) mylar copy of the final plan and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department for signing. Date of Planning Board approval shall be included on the final plan in the Signature Block. After the signed plan is recorded with the York County Registry of Deeds, a mylar copy of the signed original must be submitted to the Town Planning Department.

4. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating as elements the Development Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

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.

TOWN OF KITTERY, MAINE
TOWN PLANNING DEPARTMENT

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

APPLICATION: WETLAND ALTERATION PLAN REVIEW

THIS REVIEW PROCESS REQUIRES APPROVAL FROM BOTH THE TOWN PLANNER AND THE CODE ENFORCEMENT OFFICER

MITIGATION FEE TO BE DETERMINED BY THE PLANNING BOARD DURING THE REVIEW PROCESS AND PAID WITH PERFORMANCE GUARANTY.

Application Date: _____

Escrow Fee Paid: $_____

Date: _____

PROPERTY DESCRIPTION	Parcel ID	Map	10	Lot	9	Zone(s): Base	R-U		
						Overlay	OZ-SL-250	Total Land Area	0.45 ACRE
						MS4	___ YES ___ NO		
	Physical Address	92 WHIPPLE ROAD							

PROPERTY OWNER'S INFORMATION	Name	JEFFREY & DEBORAH KOLOD	Mailing Address	92 WHIPPLE ROAD KITTERY, ME 03904
	Phone	207 439 6206		
	Fax			
	Email	jkolod1@comcast.net		
APPLICANT'S AGENT INFORMATION	Name	BARNEY BAKER PE	Name of Business	Baker Design Consultants
	Phone	207 846-9724	Mailing Address	7 Spruce Road Freeport, ME 04032
	Fax			
	Email	b.baker@bakerdesignconsultants.com		

PROJECT DESCRIPTION	Existing parcel and wetlands: PARCEL IS DEVELOPED WITH EXISTING HOME AND SEAWALL IN POOR CONDITION. A SMALL WETLAND AREA (473SF) IS FILLED WHERE THE REPLACEMENT SEAWALL CROSSES AN EXISTING MARINE WAYS. THE WETLAND AREA IMPACTED IS STONE/COBBLE.
	Project Name: KOLOD SEAWALL REPLACEMENT
	Provide a brief summary of the proposed development, its impact on the existing wetlands and the proposed mitigation plan: THE NEW SEAWALL REPLACES AN EXISTING SEAWALL IN POOR CONDITION AND IS EXTENDED TO PROTECT THE ENTIRE SHORELINE. THE 5-FT VEGETATED BUFFER PROVIDED BEHIND THE SEAWALL SHOULD ADDRESS ANY MITIGATION REQUIREMENT.

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

Applicant's Signature: Date:	Barney Baker PE 11.4.2015	Owner's Signature: Date:	See Dec 2017 Authorization

Minimum Application Submission Requirements

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

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

16.28.500 Submission requirements for a Request to Alter a Wetland.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Wetland Area
Impacted

BAKER DESIGN CONSULTANTS
Civil, Marine and Structural Engineering

To: Chris DiMatteo- Kittery Town Planner
Town of Kittery
200 Rogers Rd
Kittery, ME 03904

From: Barney Baker, PE

Date: October 28, 2015

Subject: Kolod Seawall Replacement- 92 Whipple Road
Shoreland Overlay Zone- Project Plan Review Application

Copy: File, Jeff Kolod

Job No: 14-40

\\BDC-SRV\PROJECTS\14\14-40 KOLOD SEAWALL-KITTERY\PERMITS\KITTERY\10.28.2015SUBMISSION\14-40 KOLOD TRANSMITTAL 10.28.15.DOCX

TRANSMITTAL

Reviewed ☐
For your use ☐
As per your request ☐

VIA:
Personal Delivery ☐
Special Delivery ☐
Messenger ☐
U.S. Mail ☐
U.S. Express Mail ☐
Overnight Express ☐
UPS ☐
Separate Cover ☐
Fax ☐
Modem ☐

Please put the Kolod Seawall Replacement project on track for consideration at the November 12 Planning Board meeting. This project was Tabled at the September 10, 2015 Planning Board Meeting to allow for separate review and approval by the Kittery Port Authority, Maine Department of Environmental Protection and the Army Corps of Engineers.

Twelve (12) and two (2) copies of supplement information with 11x17 and 22x34 plans respectively are provided with this transmittal. A separate transmittal with one set of property survey plans stamped by Easterly Surveying, Inc. has been provided for your file.

An outline of changes that have been made to the project since the application was first filed is provided below. These are reflected in the updated Project Plans and the State and Federal permits appended. The Kittery Port Authority also approved the project at their October 1, 2015 meeting, but has yet to provide a confirmation letter.

1. The 30% shed expansion is no longer part of this project. The existing shed will simply be set aside and replaced in the same footprint.
2. The replacement seawall has been modified at the location of the existing ways to correspond to approval received from the Maine DEP and Kittery Port Authority.
3. A Devegetated Area calculation has been provided on Sheet C-2 Shoreland Development Plan as requested.
4. Demolition Notes have been added to Sheet G-2 to address easterly abutter concerns with the impact of construction with his existing seawall and beach.
5. Planting Notes on Sheet G-2 are updated to include size and spacing of plantings.

Please contact me with any questions.

Attachments:
Army Corps Permit, Maine DEP NRPA Permit attached, Project Plans updated to 10.26.2015

7 Spruce Road, Freeport, ME 04032 T: (207) 846-9724 Email: b.baker@bakerdesignconsultants.com

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

REPLY TO ATTENTION OF

MAINE GENERAL PERMIT (GP)
AUTHORIZATION LETTER AND SCREENING SUMMARY

Jeffery & Deborah Kolod
92 Whipple Road
Kittery, Maine 03904

CORPS PERMIT # NAE-2015-01791
CORPS PGP ID# non-screen
STATE ID# L-

DESCRIPTION OF WORK:
place fill in 45 SF(.001 acres) of intertidal area in conjunction with repairing 130 linear feet of an existing granite block seawall and removing an abandoned marine railway off 92 Whipple Road Kittery, Maine as shown on the attached plans entitled Kolod Seawall Replacement Kittery, Maine by Baker Design Consultants" in 6 sheets dated 9-10-15.
See Attached Conditions:

LAT/LONG COORDINATES : 43.08534 N 70.73383 W **USGS QUAD:** ME- Kittery

I. CORPS DETERMINATION:
Based on our review of the information you provided, we have determined that your project will have only minimal individual and cumulative impacts on waters and wetlands of the United States. **Your work is therefore authorized by the U.S. Army Corps of Engineers under the enclosed Federal Permit, the Maine General Permit (GP).** Accordingly, we do not plan to take any further action on this project.

You must perform the activity authorized herein in compliance with all the terms and conditions of the GP [including any attached Additional Conditions and any conditions placed on the State 401 Water Quality Certification including any required mitigation]. Please review the enclosed GP carefully, including the GP conditions beginning on page 5, to familiarize yourself with its contents. You are responsible for complying with all of the GP requirements; therefore you should be certain that whoever does the work fully understands all of the conditions. You may wish to discuss the conditions of this authorization with your contractor to ensure the contractor can accomplish the work in a manner that conforms to all requirements.

If you change the plans or construction methods for work within our jurisdiction, please contact us immediately to discuss modification of this authorization. This office must approve any changes before you undertake them.

Condition 41 of the GP (page 18) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the GP on October 12, 2015. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 12, 2016.

This authorization presumes the work shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, please submit a request for an approved jurisdictional determination in writing to the undersigned.

No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. **This includes but is not limited to a Flood Hazard Development Permit issued by the town if necessary.**

II. STATE ACTIONS: PENDING [ ], ISSUED[ ], DENIED [ ] DATE_____

APPLICATION TYPE: PBR:___, TIER 1:___, TIER 2:___, TIER 3: X, LURC: ___ DMR LEASE: ___ NA: ___

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: N/A LEVEL OF REVIEW: CATEGORY 1: X CATEGORY 2:___

AUTHORITY (Based on a review of plans and/or State/Federal applications): SEC 10_ _, 404_ 10/404_ X _, 103_

EXCLUSIONS: The exclusionary criteria identified in the general permit do not apply to this project.

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA NO, USF&WS NO, NMFS NO

If you have any questions on this matter, please contact my staff at 207-623-8367 at our Manchester, Maine Project Office. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at http://per2.nwp.usace.army.mil/survey.html

Rodney A. Howe
RODNEY A. HOWE
SENIOR PROJECT MANAGER
MAINE PROJECT OFFICE

for Rodney A. Howe 9-25-15
FRANK J. DEL GIUDICE DATE
CHIEF, PERMITS & ENFORCEMENT BRANCH
REGULATORY DIVISION

US Army Corps
of Engineers ®
New England District

PLEASE NOTE THE FOLLOWING GENERAL CONDITIONS FOR
DEPARTMENT OF THE ARMY
GENERAL PERMIT
NO. NAE-2015-01791

1. This authorization requires you to 1) notify us before beginning work so we may inspect the project, and 2) submit a Compliance Certification Form. You must complete and return the enclosed Work Start Notification Form(s) to this office at least two weeks before the anticipated starting date. You must complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work and any required mitigation (but not mitigation monitoring, which requires separate submittals).

2. The permittee shall assure that a copy of this permit is at the work site whenever work is being performed and that all personnel performing work at the site of the work authorized by this permit are fully aware of the terms and conditions of the permit. This permit, including its drawings and any appendices and other attachments, shall be made a part of any and all contracts and sub-contracts for work which affects areas of Corps of Engineers' jurisdiction at the site of the work authorized by this permit. This shall be done by including the entire permit in the specifications for the work. If the permit is issued after construction specifications but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. The term "entire permit" includes permit amendments. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions of the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps of Engineers jurisdiction.

3. Please note appendix A (a) FILL, Work conducted in the intertidal zone must be conducted in-the-dry during low water, or between Nov.8 – Apr. 9 on page 4 of the attached Programmatic General Permit.

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

AVERY T. DAY
ACTING COMMISSIONER

October 2015

Jeffrey and Deborha Kolod
The Jeffrey Kolod & Deborha Kolod Revocable Trusts
92 Whipple Road
Kittery, Maine 03904

RE: Natural Resources Protection Act Application, Kittery
DEP #L-26025-4D-C-N/L-26025-TW-D-N

Dear Mr. and Ms. Kolod:

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
Bureau of Land Resources

pc: File
Barney Baker

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) 760-3143

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

JEFFREY KOLOD REVOCABLE TRUST	) NATURAL RESOURCES PROTECTION ACT
DEBORHA KOLOD REVOCABLE TRUST	) COASTAL WETLAND ALTERATION
Kittery, York County	) SIGNIFICANT WILDLIFE HABITAT
REPLACE AND EXPAND SEAWALL	) WATER QUALITY CERTIFICATION
L-26025-4D-C-N (approval)	)
L-26025-TW-D-N (approval)	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. §§ 480-A et seq. and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of the JEFFREY KOLOD REVOCABLE TRUST and the DEBORHA KOLOD REVOCABLE TRUST with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History of Project: In Natural Resources Protection Act (NRPA) Permit by Rule #36473, accepted by the Department on October 25, 2004, the Department approved the reconstruction of an existing pier system on the project site. In Department Order #L-26025-4P-A-N/L-26025-TW-B-N, dated September 23, 2013, the Department approved reconfiguring the floats of the pier system so that the seaward edge of the floats is 24 feet further seaward. Coastal wetland alterations for this project included three square feet of direct alteration plus 30 square feet of indirect alteration.

B. Summary: The applicants propose to replace an existing dry stacked stone seawall with a taller and longer granite block wall, to remove timbers of a dilapidated marine way in a coastal wetland, and to construct a 30 percent expansion of an existing shed adjacent to the wetland. The applicants propose to construct a granite block wall in the same approximate location as the existing stone wall, except on the west end where the proposed wall turns at Station 0+27 to tie into the existing granite wall on the abutting property to the west. The top of the proposed wall will be at elevation 9, and the landward side of the wall will be backfilled with crushed stone and lined with geotextile. Excavating for the installation of the new seawall will result in temporary coastal wetland impacts; the excavated material from the seaward toe of the seawall will be used as backfill in the same location after the proposed wall is constructed. The bank above the proposed wall will be loamed, seeded with conservation mix, covered with an erosion control blanket, and planted with bayberry bushes and other salt tolerant native bushes and shrubs.

The project is shown on a set of plans, the first of which is titled "Kolod Seawall Replacement," prepared by Baker Design Consultants and dated December 2014, with a

most recent revision date on any of the plans of October 7, 2014. The project site is located at 92 Whipple Road in the Town of Kittery.

C. Current Use of the Site: The applicants own a 1.49 acre lot that is completely developed with a house, garage, lawn, seawall, a pier system, gravel marine way, and a shed. The lawn extends to the top of the bank adjacent to the water. The elevation of the top of the bank varies between elevation 14 and 17. The elevation of the top of the existing stone wall varies between elevation 8.5 near the pier to approximately elevation 5 where it meets grade at the west end of the wall. The bank between the lawn and the existing seawall contains trees and perennials, and is terraced with a short stone wall. The existing shed is located at the top of the seawall near the landward end of the pier. The existing pier and ramp system extends approximately 100 feet perpendicular from the shore with a string of floats that are parallel to the shore. The parcel is identified as Lot 19 on Map 10 of the Town of Kittery's tax maps.

2. EXISTING SCENIC, AESTHETIC, RECREATIONAL OR NAVIGATIONAL USES:

In accordance with Chapter 315, Assessing and Mitigating Impacts to Scenic and Aesthetic Uses, the applicants submitted a copy of the Department's Visual Evaluation Field Survey Checklist as Appendix A to the application along with a description of the property and the proposed project. The applicants also submitted several photographs of the proposed project site. Department staff visited the project site on July 16, 2015.

The proposed project is located on the back channel of the Piscataqua River, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. The project is approximately 500 feet east of the east entrance of the Portsmouth Naval Ship Yard, across the back channel from the ship yard, and along shore frontage developed with single family homes and piers. The applicants have limited the size of the proposed expansion of the existing wall to reduce the visibility of the seawall from the scenic resource. The proposed wall is compatible with the existing landscape because it will tie into a wall of the same construction material on the west end and tie into an existing stacked stone seawall on the east end. The applicants propose to loam and seed the slope above the proposed seawall with conservation mix and plant bayberry bushes and other native bushes and shrubs spaced out on a four-foot grid. The applicants must monitor the plantings and the plantings must be replaced or maintained as necessary to achieve 85% survival after one full growing season.

The proposed project was evaluated using the Department's Visual Impact Assessment Matrix and was found to have an acceptable potential visual impact rating. Based on the information submitted in the application, the visual impact rating, and the site visit, the Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area.

The Department did not identify any issues involving existing recreational and navigational uses.

The Department finds that the proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses of the protected natural resource provided that the applicants monitor and maintain the plantings as described above.

3. SOIL EROSION:

The existing wall is at the edge of the coastal wetland. The project will be constructed from the upland and access to the site will be from the applicants' lot. The project materials will be delivered either by land or by barge. The applicants propose to schedule construction of the project during low tide conditions so that no construction is completed in the water. The applicants will complete the construction in sections such that the project area is stable prior to inundation by the next incoming tide cycle. Erosion control notes have been provided on the project plans.

The abutter on the east side of the project has expressed concerns about how the proposed project may affect his property and intertidal area. The east end of the proposed granite wall will replace a stone wall that currently ties into a dry stacked stone seawall on the property to the east at a 90-degree angle. The existing stones from this short section of wall are proposed to be restacked along the east side of the proposed granite wall in order to maintain the same wall surface texture with the same wave-reflective properties of the existing wall to prevent any damage to the east abutter's intertidal area from changes in wave action. Notes have been added to the project plan that state the applicants' contractor is responsible for any temporary measures necessary to protect the abutting property from seawall movement or damage; such measures may include, but are not limited to, sheeting or braces to stabilize the excavation. These notes also include a test excavation at each property line where the proposed seawall joins the existing seawalls with the project engineer present to review subsurface conditions, and that the applicants' contractor will be responsible for any repairs necessary to repair any damage to adjacent seawalls attributed to the installation of the Kolod seawall replacement.

The applicants must retain the design engineer or other qualified professional to oversee construction of the section of the east end of the wall that is perpendicular to the east abutter's property to ensure that construction of the wall is completed in accordance with the approved plans and will not result in erosion that could cause damage to the abutter's property.

The site appears to be a low wave energy cove and the existing float system in front of the wall also diminishes some of the wave action. Seaward of the wall is cobble. Most of the reflected waves from the proposed project will be reflected over this cobble towards the shipyard. Due to the low wave energy and the cobble in the intertidal area, the waves reflecting off the proposed granite wall are not expected to significantly change the character or elevation of the intertidal area adjacent to the proposed seawall.

The Department finds that the activity will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment provided that the applicants retain the design engineer, or other qualified professional, to oversee construction of the section of the east end of the wall that is perpendicular to the east abutter's property to ensure that construction of the wall is done in accordance with the approved plans and will not result in erosion that could cause damage to the abutter's property.

4. HABITAT CONSIDERATIONS:

According to the Department's Geographic Information System (GIS) database there are is mapped Tidal Waterfowl and Wading Bird Habitat, which is a Significant Wildlife Habitat as defined by the Natural Resources Protection Act (NRPA), in the tidal area adjacent to the property. The applicants' property and the surrounding area are heavily developed. Replacing and expanding the seawall is anticipated to have minimal impacts to wildlife.

The Department finds that the activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

5. WATER QUALITY CONSIDERATIONS:

The applicants propose to use the existing granite blocks, geotextile and crushed stone to reconstruct the wall, and to work during low tide conditions. The applicants propose to use loam, seed, planting, mulch and erosion control mesh on the bank above the wall. The use of these materials is not expected to have a detrimental effect on water quality.

The Department does not anticipate that the proposed project will violate any state water quality law, including those governing the classification of the State's waters.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicants propose to directly fill approximately 45 square feet of coastal wetland to construct the proposed seawall replacement and expansion. An additional, approximately 427 square feet of coastal wetland seaward of the wall will be temporarily altered by the excavation to install the wall. Cumulative coastal wetland impacts for this project plus the previously permitted pier system changes are 48 square feet of direct coastal wetland impact and 30 square feet of indirect coastal wetland impact.

The coastal wetland is located at the face of the existing seawall on the center and east part of the project and is located partway up the gravel marine way on the west side of the project. The coastal wetland at the toe of the seawall consists of seaweed-covered cobble and gravel.

The Wetlands and Waterbodies Protection Rules, 06-096 CMR 310, interpret and elaborate on the NRPA criteria for obtaining a permit. The rules guide the Department in its determination of whether a project's impacts would be unreasonable. A proposed project would generally be found to be unreasonable if it would cause a loss in wetland area, functions and values, and if there is a practicable alternative to the project that would be less damaging to the environment. Each application for a NRPA permit that involves a coastal wetland alteration must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

A. Avoidance. No activity may be permitted if there is a practicable alternative to the project that would be less damaging to the environment. The applicants submitted an alternatives analysis for the proposed project completed by Baker Design Consultants and dated June 2015. The purpose of the project is to replace the existing seawall that the application states is deteriorated, failing, and in need of constant repair, to raise the top of the seawall to the base flood elevation, and to extend the seawall to meet the seawall on the property to the west in order to stabilize the shorefront in that area. The applicants examined several project alternatives including the take no action alternative. The applicants rejected the take no action alternative because it does not address the existing seawall deterioration or the erosion of the bank that would occur should the seawall fail during a storm. The applicants chose the project as proposed because it meets the project goal by replacing a functionally obsolete seawall with a seawall that will provide shoreline protection against ocean storms. The applicants considered alternatives such as sheet pile, timber cribs and precast concrete, but selected the granite seawall because of its optimum lifecycle attributes and because it can be constructed mostly within the footprint of the existing seawall to avoid wetland impacts. The applicants considered replacing the wall with riprap but rejected this alternative because of the increased wetland impacts and the changes to the upland that would result, including the removal of two mature oak trees. In order to meet the stated project purpose some impacts to the coastal wetland are unavoidable.

B. Minimal Alteration. The amount of coastal wetland to be altered must be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicants have minimized wetland impact by replacing the seawall in the same location and turning the wall at 27 feet from the property line to meet the seawall to the west, and by eliminating from the project plans a previously proposed lower wall in front of the wall to be reconstructed.

C. Compensation. In accordance with Chapter 310 Section 5(C)(6)(b), compensation is not required to achieve the goal of no net loss of coastal wetland functions and values since the project will not result in over 500 square feet of fill in the resource, which is the threshold over which compensation is generally required. Further, the proposed project will not have an adverse impact on marine resources or wildlife habitat as determined by the Department. For these reasons, the Department determined that compensation is not required.

The Department finds that the applicants have avoided and minimized coastal wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

7. OTHER CONSIDERATIONS:

The Department did not identify any other issues involving existing scenic, aesthetic, or navigational uses, soil erosion, habitat or fisheries, the natural transfer of soil, natural flow of water, water quality, or flooding.

All other findings of fact, conclusions and conditions remain as approved in Department Order #L- 26025-4P-A-N/L-26025-TW-B-N.

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. §§ 480-A et seq. and Section 401 of the Federal Water Pollution Control Act:

A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses provided that the applicants monitor and maintain vegetation as described in Finding 2.

B. The proposed activity will not cause unreasonable erosion of soil or sediment provided that the applicants retain the design engineer or other qualified professional to oversee construction of the section of the east end of the wall that is perpendicular to the east abutter's property as described in Finding 3.

C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.

E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.

F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.

G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.

H. The proposed activity is not on or adjacent to a sand dune.

I. The proposed activity is not on an outstanding river segment as noted in Title 38 M.R.S.A. Section 480-P.

THEREFORE, the Department APPROVES the above noted application of the JEFFREY KOLOD REVOCABLE TRUST and the DEBORHA KOLOD REVOCABLE TRUST to replace and expand a seawall as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. Standard Conditions of Approval, a copy attached.

2. The applicants shall take all necessary measures to ensure that its activities or those of its agents do not result in measurable erosion of soil on the site during the construction 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 applicants shall monitor the seeded area and the plantings, and shall replace or maintain them as necessary to achieve 85% survival after one full growing season.

5. The applicants shall retain the design engineer or other qualified professional to oversee construction of the section of the east end of the wall that is perpendicular to the east abutter's property to ensure that it is completed in accordance with the approved plans and will not result in erosion that could cause damage to the abutter's property.

6. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-26025-4P-A-N/L-26025-TW-B-N, and are incorporated herein.

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 15TH DAY OF OCTOBER, 2015.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Filed
OCT 15 2015
State of Maine
Board of Environmental Protection

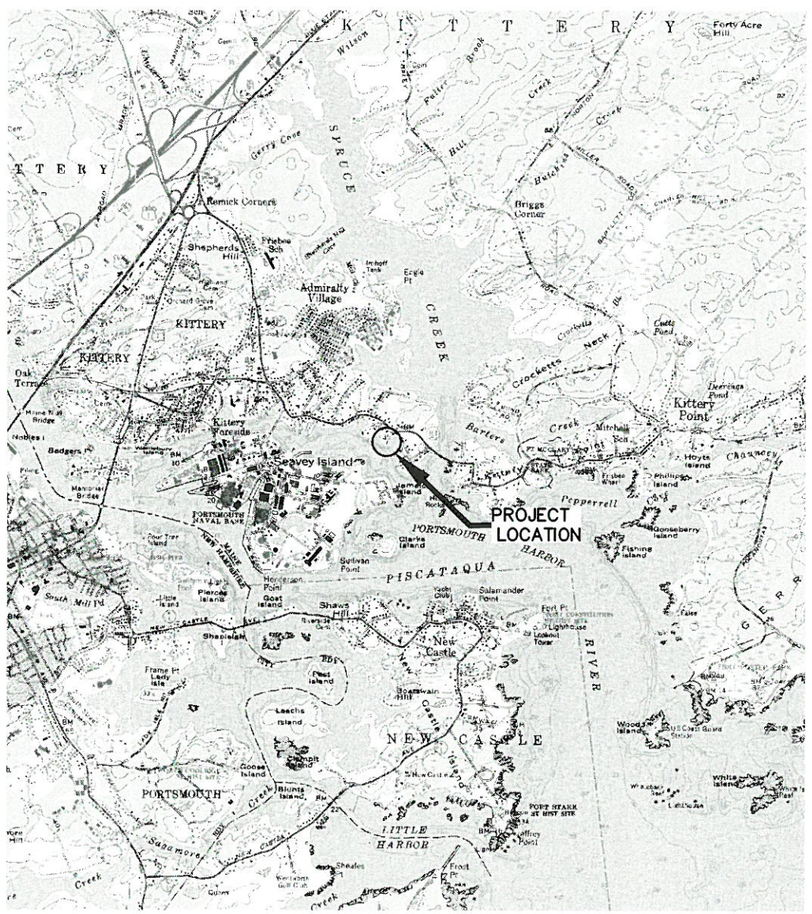
BY: Mark Bergeron
For: Avery T. Day, Acting Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

CGW/L26025CNDN/ATS#79412, 79794

KOLOD SEAWALL REPLACEMENT

KITTERY, MAINE
PROJECT NO. 14-40

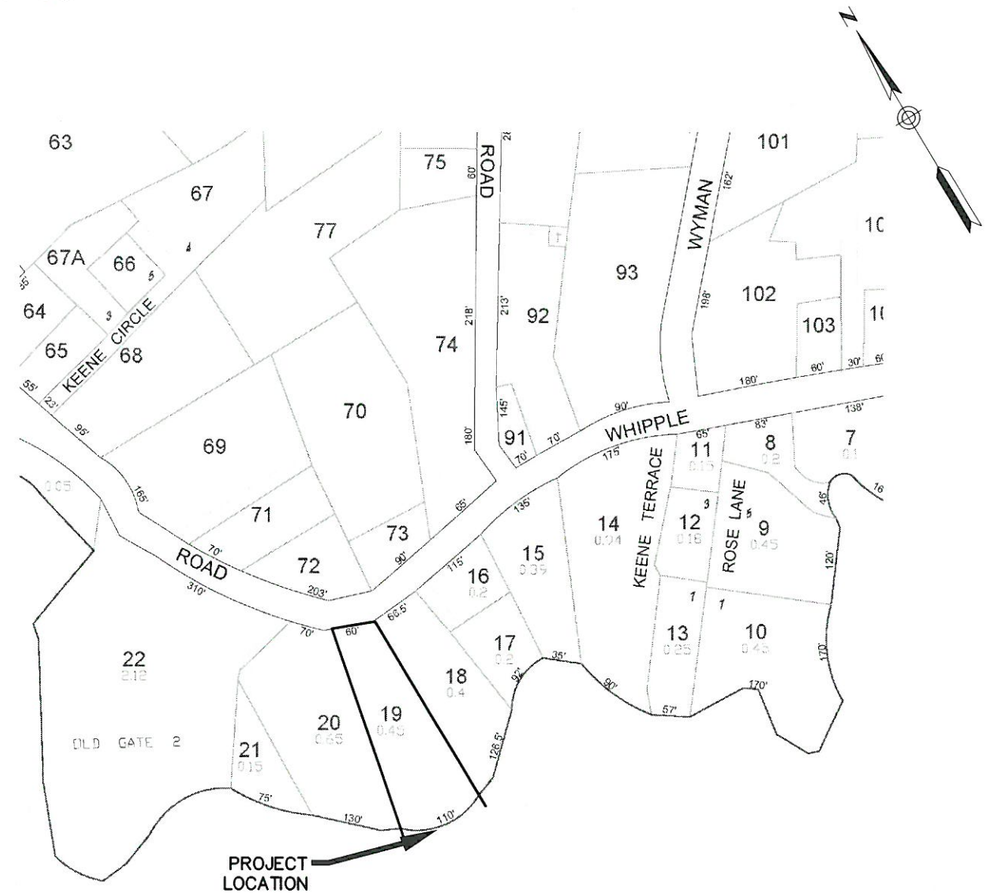


USGS LOCATION MAP

N

INDEX OF SHEETS

SHEET NO.	DESCRIPTION
G-1	COVERSHEET
G-2	PROJECT NOTES & STANDARD DETAILS
C-1	SITE PLAN
S-1	SEAWALL PLAN & ELEVATION
S-2	TYPICAL SECTIONS
X-1	SLOPE SECTIONS



TAX MAP #10

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BAKER DESIGN CONSULTANTS
Civil, Marine, and Structural Engineering
7 Spruce Road • Freeport • Maine • 04032 • 207-846-9724 • info@bakerdesignconsultants.com

NO.	DATE	INT.
E	SHED EXPANSION DELETED	10-26-15	BJB
D	UPDATED PER KITTERY & DEP COMMENTS	9-10-15	BJB
C	PERMIT SET	4-28-15	BJB
B	PROGRESS SET	2-11-15	BJB
A	CONCEPT REVIEW	12-23-14	BJB

STATE OF MAINE
BARNEY J. BAKER
No. 5737
LICENSED
PROFESSIONAL ENGINEER

DESIGNED BY: BJB
DRAWN BY: JJC
CHECKED BY: BJB
SCALE: AS SHOWN

SHEET TITLE: COVERSHEET

PROJECT: JEFFREY KOLOD
KOLOD SEAWALL REPLACEMENT
KITTERY, MAINE

DATE DEC. 2014

CONTRACT NO. 14-40

SHEET NO. G-1

REV. E

\\bdc-srv\projects\14\14-40 kolod seawall-kittery\cad\14-40 kolod seawall replacement general.dwg

GENERAL NOTES

1. THE CONTRACTOR SHALL BE GOVERNED BY MAINE CONSTRUCTION SAFETY RULES AND SHALL BE SUBJECT TO THE SAFETY AND HEALTH REGULATIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT (OSHA) AS PROMULGATED BY THE US DEPARTMENT OF LABOR.
2. ALL NON-PAVED AREAS DISTURBED DURING CONSTRUCTION SHALL BE LOAMED, SEEDED, FERTILIZED AND MULCHED UNLESS OTHERWISE DIRECTED BY THE OWNER OR THEIR REPRESENTATIVE.
3. THE CONTRACTOR SHALL COMPLY WITH FEDERAL, STATE AND LOCAL REGULATORY REQUIREMENTS.
4. TOPSOIL STRIPPED IN AREAS OF CONSTRUCTION THAT IS SUITABLE FOR REUSE AS LOAM SHALL BE STOCKPILED AT A LOCATION TO BE DESIGNATED BY THE OWNER. UNSUITABLE SOIL SHALL BE SEPARATED, REMOVED AND DISPOSED OF AT AN APPROVED DISPOSAL LOCATION OFFSITE.

UTILITY NOTES

1. ANY TEMPORARY ELECTRIC SERVICE, IF REQUIRED DURING THE DURATION OF CONSTRUCTION, IS THE RESPONSIBILITY OF THE CONTRACTOR.
2. THE CONTRACTOR SHALL NOT MAKE ANY OPENING OR EXCAVATION WITHIN THE PROJECT AREA UNTIL CONTACT HAS BEEN MADE WITH 'DIG SAFE' AND ALL UTILITIES TO LOCATE ANY EXISTING POWER, TELEPHONE, CABLE TV, WATER OR OTHER UNDERGROUND SERVICES.
3. THE UTILITY LOCATIONS SHOWN ON THE DRAWINGS ARE APPROXIMATE AND ARE PROVIDED AS A GUIDE TO THE CONTRACTOR. NO GUARANTEE IS MADE THAT UTILITIES WILL BE ENCOUNTERED WHERE SHOWN OR THAT ALL UTILITIES ARE SHOWN. THE CONTRACTOR SHALL VERIFY ALL LOCATIONS IN THE FIELD AND BE RESPONSIBLE FOR REPAIR OF UTILITIES DISTURBED DURING CONSTRUCTION.

EROSION CONTROL NOTES

1. APPLICATION OF TEMPORARY AND PERMANENT EROSION CONTROL MEASURES FOR THE PROJECT SHALL BE IN ACCORDANCE WITH PROCEDURES AND SPECIFICATIONS OF THE CURRENT MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION; BEST MANAGEMENT PRACTICES, AVAILABLE ONLINE AT http://www.maine.gov/dep/blwq/docstand/escbmps/.
   - SILTATION FENCE SHALL BE INSTALLED BEFORE ANY EXCAVATION TAKES PLACE THAT COULD RESULT IN UNCONTROLLED SEDIMENT TRANSFER.
   - INSTALL EROSION CONTROL MESH ON ALL PROPOSED SLOPES 2:1 OR STEEPER, UNLESS SHOWN OR NOTED OTHERWISE.
   - ALL EROSION CONTROL MEASURES, SEEDING AND MULCHING SHALL BE INSPECTED WEEKLY, AFTER RAINSTORMS AND DURING RUNOFF EVENTS. ALL MEASURES SHALL BE REPAIRED OR REPLACED WHEN NO LONGER SERVICEABLE DUE TO SEDIMENT ACCUMULATION OR DAMAGE.
   - SEEDED AND MULCHED AREAS SHALL BE MAINTAINED UNTIL FINAL ACCEPTANCE OF THE WORK.
   - TEMPORARY EROSION CONTROL MEASURES SHALL BE REMOVED UPON COMPLETION OF GRADING OPERATIONS AND ESTABLISHMENT OF ACCEPTABLE GROUND COVER.
   - THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING EROSION CONTROL MEASURES DURING CONSTRUCTION.
2. THE PROJECT SHALL BE CONSTRUCTED FROM THE UPLAND WITH THE POSSIBILITY FOR MATERIAL DELIVERIES BY BARGE. EXCAVATION THAT EXTENDS BELOW HIGH WATER ELEVATION SHALL BE COMPLETED AT LOW TIDE. IN THE EXTRAORDINARY CIRCUMSTANCE THAT IT BECOMES NECESSARY FOR CONSTRUCTION EQUIPMENT TO BE LOCATED BELOW THE HIGH WATER ELEVATION, THE CONTRACTOR SHALL CONTACT THE PROJECT ENGINEER AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION PROJECT MANAGER PRIOR TO MOVING THE EQUIPMENT, AND SHALL USE MATS UNDER THE EQUIPMENT TO PROTECT THE VEGETATION GROWING IN THE INTERTIDAL AREA.

MISCELLANEOUS METALS AND FASTENERS

1. ALL METAL ITEMS TO BE A36 STEEL, HOT-DIP GALVANIZED AFTER FABRICATION UNLESS OTHERWISE NOTED.
2. ALL FASTENERS SHALL BE HOT DIPPED GALVANIZED OR STAINLESS STEEL.
3. ALL BOLTS SHALL CONFORM TO ASTM A-307. MINIMUM SIZE SHALL BE ¾" DIA. UNLESS OTHERWISE NOTED. ALL BOLTS TO BE HEAVY HEX UNLESS OTHERWISE NOTED.
4. ANCHOR BOLTS SHALL CONFORM TO ASTM F-1554 AND SHALL BE GRADE 36.

GRANITE MATERIAL

SEAWALL MOCK-UP

1. THE CONTRACTOR IS REQUIRED TO CONSTRUCT A 10-FT SECTION OF SEAWALL TO ILLUSTRATE TECHNIQUE AND FINISH.
2. THE MOCK-UP MAY BE INCORPORATED IN THE FINAL PROJECT AT THE OWNER DISCRETION.

GRANITE BLOCK PLACEMENT TOLERANCES

1. NOTWITHSTANDING VARIATIONS IN EXISTING BLOCK DIMENSIONS, THE SEAWALL SHALL BE CONSTRUCTED WITH THE FOLLOWING TOLERANCES.
   - WITH THE EXCEPTION OF THE TOP BLOCK COURSE, THE EXPOSED FACE OF THE FINISHED SEAWALL SHALL BE UNIFORM WITH NO JOINTS WIDER THAN 2 INCHES THROUGH THE WIDTH OF THE JOINT.
   - BLOCK DEPTH/ WALL THICKNESS SHALL BE A MINIMUM OF 18-INCHES. VARIATIONS IN THICKNESS SHALL BE ACCOMMODATED IN THE TRAP ROCK LAYER BEHIND THE WALL.
   - EXPOSED TOP COURSE JOINTING SHALL BE WITHIN A TOLERANCE OF ½ INCHES.
   - BLOCKS SHALL BE PLACED SO THAT VERTICAL JOINTS ARE STAGGERED WITH A MINIMUM OVERLAP OF 18-INCHES.
   - ALL JOINTS SHALL BE PARALLEL WITH THE TOP OF THE WALL, EXCEPT THAT NON-RECTANGULAR SHAPES MAY BE USED IF THE CONSECUTIVE HORIZONTAL JOINT MADE UP BY THE NEXT COURSE IS PARALLEL.

REUSE OF EXISTING STONE

1. THE CONTRACTOR IS REQUIRED TO REUSE EXISTING STONE THAT COMPRISE THE EXISTING SEAWALL AS TRAP ROCK.

GRANITE MATERIALS

1. IMPORTED GRANITE SHALL BE UNIFORM IN COLOR AND APPEARANCE.
2. 'TRAP ROCK' PLACED BETWEEN LARGER STONES SHALL BE OF THE SAME MATERIAL TO ENSURE UNIFORM APPEARANCE OF EXPOSED SLOPE.

DEMOLITION NOTES

1. THE CONTRACTOR IS RESPONSIBLE FOR SEQUENCING SEAWALL DEMOLITION AND REPLACEMENT TO AVOID DAMAGE TO THE KOLOD PROPERTY OR THEIR ABUTTERS DURING CONSTRUCTION.
2. THE CONTRACTOR SHALL COMPLETE A TEST EXCAVATION AT EACH PROPERTY LINE WHERE THE PROPOSED SEAWALL JOINS THE EXISTING SEAWALL CONSTRUCTION WITH THE PROJECT ENGINEER PRESENT TO REVIEW SUBSURFACE CONDITIONS.
3. THE CONTRACTOR IS RESPONSIBLE FOR ANY TEMPORARY SHEETING, BRACING OR SHORING REQUIRED TO PREVENT DAMAGE TO ADJACENT STRUCTURES.
4. THE CONTRACTOR WILL BE RESPONSIBLE FOR ANY REPAIRS NECESSARY TO REPAIR ANY DAMAGE TO ADJACENT SEAWALLS ATTRIBUTED TO THE INSTALLATION OF THE KOLOD SEAWALL REPLACEMENT.
5. ANY DAMAGE THAT OCCURS DURING CONSTRUCTION FROM WAVE ACTION OR FLOODING SHALL BE REPAIRED AT THE CONTRACTORS EXPENSE.

PLANTING SCHEDULE

1. PLANTING TYPE SHALL BE SELECTED WITH INPUT FROM THE OWNER.
2. ALL PLANTINGS TO HAVE A ONE-YEAR WARRANTY.
3. PROVIDE PLANTINGS ON THE SLOPE AT a 4-FT (MIN.) GRID SPACING AND IN ACCORDANCE WITH THE SCHEDULE BELOW.
4. SCHEDULE

NO.	DESCRIPTION
25%	BAYBERRY (12" TO 15")
75%	BUSHES AND SHRUBS (12" TO 15") FROM "MAINE AUDUBON NATIVE PLANTS FOR SOUTHERN MAINE COASTAL AREAS 2001" TO MATCH AND COMPLEMENT EXISTING SLOPE VEGETATION THAT ARE AVAILABLE IN LOCAL NURSURIES AT THE TIME OF CONSTRUCTION AND APPROVED BY THE PROPERTY OWNER.

5. PLANTING TO INCLUDE ALL SOIL ENHANCEMENT MATERIAL, MULCH AND WATERING UNTIL THE WORK HAS BEEN ACCEPTED BY THE OWNERS.

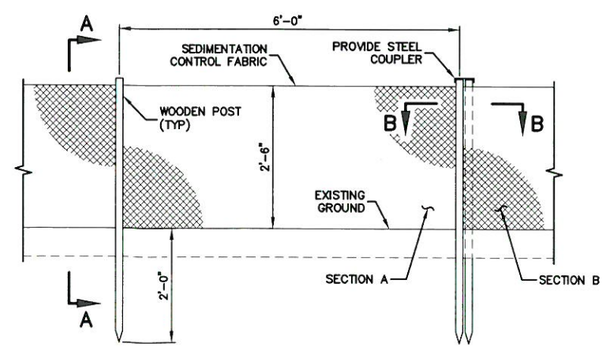
SURVEY & DATUM NOTES

1. ALL ELEVATIONS ARE REFERENCED TO NGVD29 UNLESS OTHERWISE NOTED.
2. EXISTING TOPOGRAPHY AND NORTH REFERENCE SHOWN ON PLANS IS FROM TOPOGRAPHIC SURVEY PERFORMED BY EASTERLY SURVEYING, INC., FINAL DIGITAL SURVEY DELIVERED ON FEBRUARY 5, 2015.
3. BASE FLOOD/TIDAL INFORMATION WERE TAKEN FROM MEDEP, FEMA AND NOAA PUBLISHED DATA FOR KITTERY AND PORTSMOUTH RESPECTIVELY (NGVD DATUM).

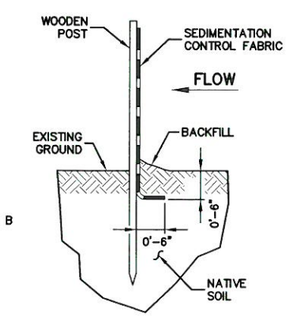
PROJECT ELEVATIONS (BY DATUM)

ELEVATION	CHART (ft)	NGVD29 (ft)	NAVD88 (ft)	Notes
FEMA Base Flood	12.86	9.00	8.23	FEMA Zone A2
Highest Annual Tide	10.40	6.60	5.80	2015 MEDEP (Seavey Island)
MHHW	8.84	4.98	4.21	BASED ON TIDAL BM "SEAVEY ISLAND"
MHW	8.43	4.57	3.80	
NAVD88	4.63		0.00	
NGVD29	3.86	0.00		
MLW	0.32	-3.54	-4.31	
MLLW	0.00	-3.86	-4.63	

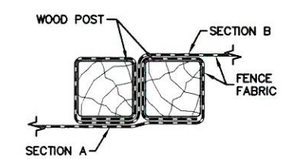
1. BASE FLOOD INFORMATION TAKEN FROM FEMA FLOOD INSURANCE RATE MAP
2. HIGHEST ANNUAL TIDE TAKEN FROM MAINE DEP PUBLISHED PREDICTIONS
3. TIDAL INFORMATION TAKEN FROM NOAA PUBLISHED DATA



SILTATION FENCE DETAIL



SECTION A



SECTION B

BAKER DESIGN CONSULTANTS
Civil, Marine, and Structural Engineering
7 Spruce Road • Freeport • Maine • 04032 • 207-846-9724 • info@bakerdesignconsultants.com

NO.	SUBMISSION	DATE	INT.
F	EROSION/DEMO NOTES UPDATED	10-7-15	BJB
E	PLANTING SCHEDULE UPDATE	9-24-15	BJB
D	UPDATED PER KITTERY & DEP COMMENTS	9-10-15	BJB
G	PLANTING NOTES UPDATED	10.26.15	BJB

STATE OF MAINE — BARNEY J. BAKER No. 5737 — LICENSED PROFESSIONAL ENGINEER

DESIGNED BY: BJB
DRAWN BY: JJC
CHECKED BY: BJB
SCALE: AS SHOWN

SHEET TITLE: NOTES & STANDARD DETAILS

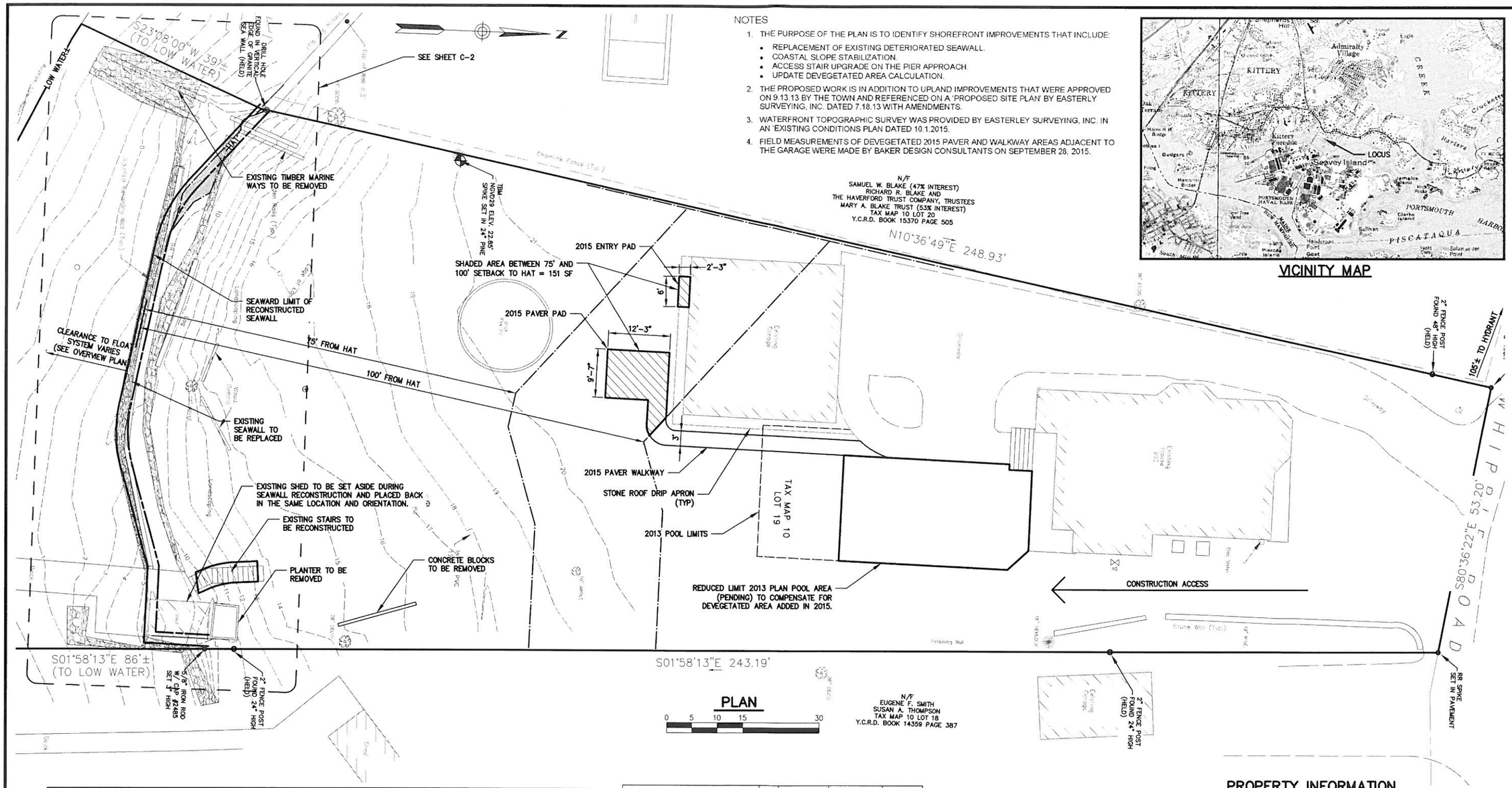
PROJECT: JEFFREY KOLOD
KOLOD SEAWALL REPLACEMENT
KITTERY, MAINE

DATE: DEC. 2014
CONTRACT NO. 14-40
SHEET NO. G-2
REV. G

\\bdc-srv\projects\14\14-40 kolod seawall-kittery\cad\14-40 kolod seawall replacement general.dwg

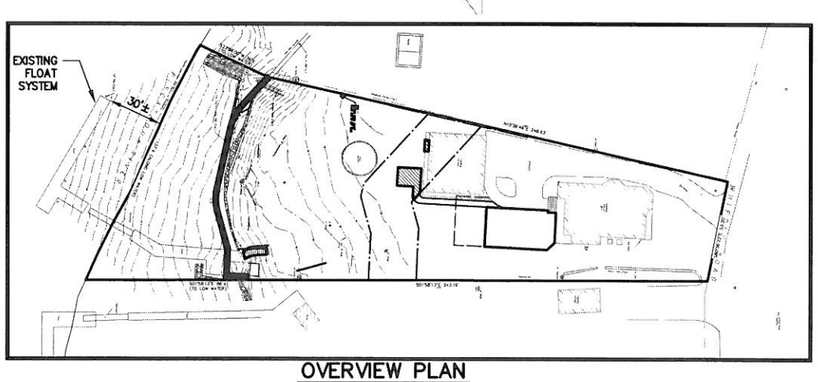
NOTES

1. THE PURPOSE OF THE PLAN IS TO IDENTIFY SHOREFRONT IMPROVEMENTS THAT INCLUDE:
   - REPLACEMENT OF EXISTING DETERIORATED SEAWALL.
   - COASTAL SLOPE STABILIZATION.
   - ACCESS STAIR UPGRADE ON THE PIER APPROACH.
   - UPDATE DEVEGETATED AREA CALCULATION.
2. THE PROPOSED WORK IS IN ADDITION TO UPLAND IMPROVEMENTS THAT WERE APPROVED ON 9.13.13 BY THE TOWN AND REFERENCED ON A 'PROPOSED SITE PLAN' BY EASTERLY SURVEYING, INC. DATED 7.18.13 WITH AMENDMENTS.
3. WATERFRONT TOPOGRAPHIC SURVEY WAS PROVIDED BY EASTERLEY SURVEYING, INC. IN AN 'EXISTING CONDITIONS PLAN DATED 10.1.2015.
4. FIELD MEASUREMENTS OF DEVEGETATED 2015 PAVER AND WALKWAY AREAS ADJACENT TO THE GARAGE WERE MADE BY BAKER DESIGN CONSULTANTS ON SEPTEMBER 28, 2015.



PLAN

VICINITY MAP



OVERVIEW PLAN

0 20 40 60 120

DEVEGETATED COVERAGE CALCULATION		2013 EXISTING	2015 PROPOSED (see Note 4)	SF AREA CHANGE
LOT AREA ABOVE ELEV. HAT (see Note1)	SF	21180	21225	45
TOTAL DEVEGETATED AREA	SF	4830	4840	10
TOTAL DEVEGETATED COVERAGE	%	22.8%	22.8%	0%
DEDUCT				
EXISTING SEAWALL REMOVED	SF	80		
EXISTING PLANTER REMOVED	SF	7		
EXISTING SHORE STAIR REMOVED	SF	43		
PLANTER BLOCKS REMOVED	SF	10		
POOL AREA DEDUCT	SF	373		
TOTAL DEDUCT				513
ADD				
REPLACEMENT SEAWALL	SF		147	
SHORE STAIR ADD	SF		50	
GARAGE PAVER PAD AND WALKWAY	SF		209	
GARAGE STONE DRIP APRON	SF		103	
GARAGE ENTRY PAD	SF		14	
TOTAL ADD				523

NOTES
1. 2015 HAT (Highest Annual Tide) =6.6 NGVD ; 2013 HAT= 7.1 NGVD
2. EXISTING CONDITIONS TAKEN FROM 2013 SITE PLAN (APPROVED 9.13.2013)

PROPERTY INFORMATION

OWNER: JEFFREY KOLOD; DEBORAH KOLOD

DEED: BOOK 16621, PAGE 179

ADDRESS: 92 WHIPPLE ROAD
KITTERY, MAINE 03904

MAP/LOT: 10 / 19

ZONING: RESIDENTIAL URBAN (R-U); SHORELAND – WATER BODY / WETLAND PROTECTION AREA (OZ-SL-250')

SETBACKS: NO CHANGE

PLANNING BOARD CHAIR

DATE OF APPROVAL: SEPTEMBER 10, 2015

State of Maine

_____, ss Registry of Deeds
Received_____
at _____H._____M._____M. and
recorded in Plan Book _____, Page _____
ATTEST: _____ Register

TAX MAP 10, LOT 19

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NO.	SUBMISSION	DATE	INT.
E	NOTES/SHED EXPANSION DELETED	10-26-15	BJB
D	UPDATED PER KITTERY & DEP COMMENTS	9-10-15	BJB
C	PERMIT SET	4-28-15	BJB
B	PROGRESS SET	2-11-15	BJB
A	CONCEPT REVIEW	12-23-14	BJB

STATE OF MAINE
BARNEY J. BAKER
No. 5737
LICENSED
PROFESSIONAL ENGINEER

DESIGNED BY: BJB
DRAWN BY: JJC
CHECKED BY: BJB
SCALE: AS SHOWN

SHEET TITLE: SHORELAND DEVELOPMENT PLAN

PROJECT: JEFFREY KOLOD
KOLOD SEAWALL REPLACEMENT
KITTERY, MAINE

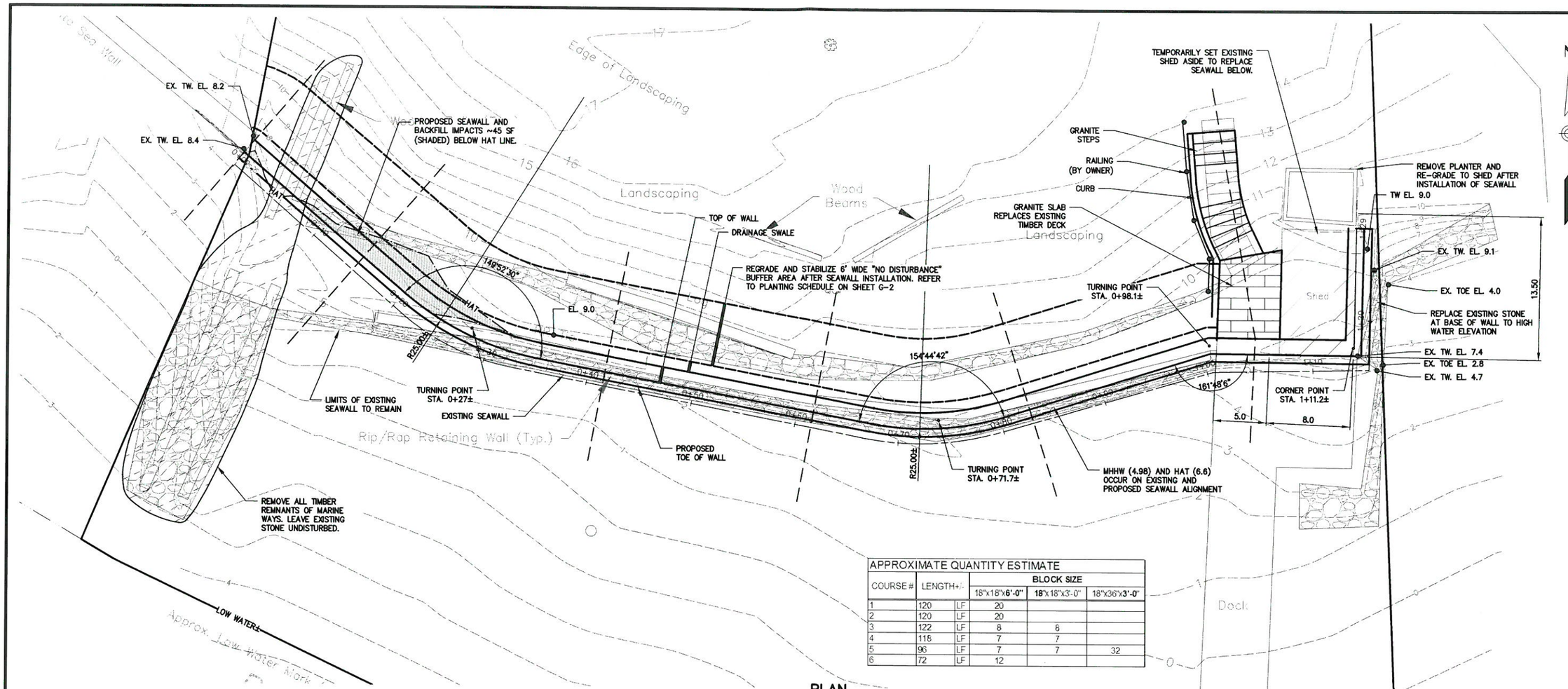
DATE DEC. 2014

CONTRACT NO. 14-40

SHEET NO. C-1

REV. E

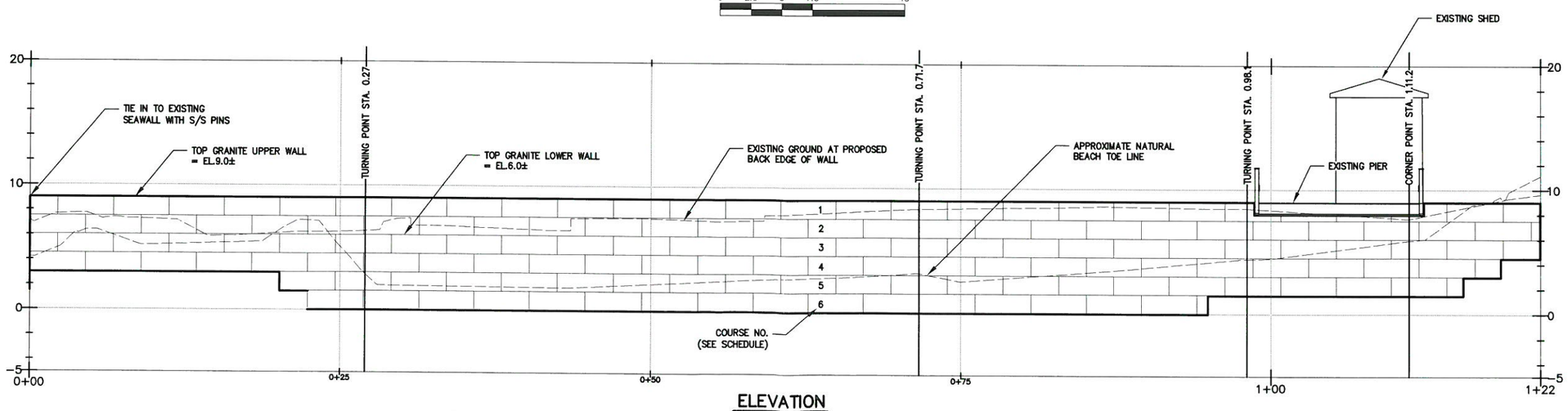
\\bdc-srv\projects\14\14-40 kolod seawall-kittery\cad\14-40 kolod seawall replacement civil3d.dwg



APPROXIMATE QUANTITY ESTIMATE					
COURSE #	LENGTH+/-		BLOCK SIZE		
			18"x18"x6'-0"	18"x18"x3'-0"	18"x36"x3'-0"
1	120	LF	20		
2	120	LF	20		
3	122	LF	8	6	
4	118	LF	7	7	
5	96	LF	7	7	32
6	72	LF	12		

PLAN

0 2.5 5 7.5 15



ELEVATION

0 2.5 5 7.5 15

NOTES:
1. BASELINE STATIONING AT REAR FACE OF SEAWALL CAP.
2. BASE OF GRANITE AND LOCATION OF STEPS MAY BE FIELD ADJUSTED TO ADDRESS FIELD CONDITIONS ENCOUNTERED WITH ENGINEER APPROVAL.

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NO.		DATE	INT.
F	SHED EXPANSION DELETED	10-26-15	BJB
E	SHED NOTES PER DEP COMMENTS	9.24.15	BJB
D	UPDATED PER KITTERY & DEP COMMENTS	9-10-15	BJB
C	MAINTENANCE ACCESS REMOVED	8-12-15	BJB
B	PERMIT SET	4-28-15	BJB
A	PROGRESS SET	2-11-15	BJB
	SUBMISSION	DATE	INT.

STATE OF MAINE
BARNEY J. BAKER
No. 5737
LICENSED PROFESSIONAL ENGINEER

DESIGNED BY: BJB
DRAWN BY: JJC
CHECKED BY: BJB
SCALE: AS SHOWN

SHEET TITLE: PLAN & ELEVATION

PROJECT: JEFFREY KOLOD
KOLOD SEAWALL REPLACEMENT
KITTERY, MAINE

DATE DEC. 2014
CONTRACT NO. 14-40
SHEET NO. S-1
REV. F

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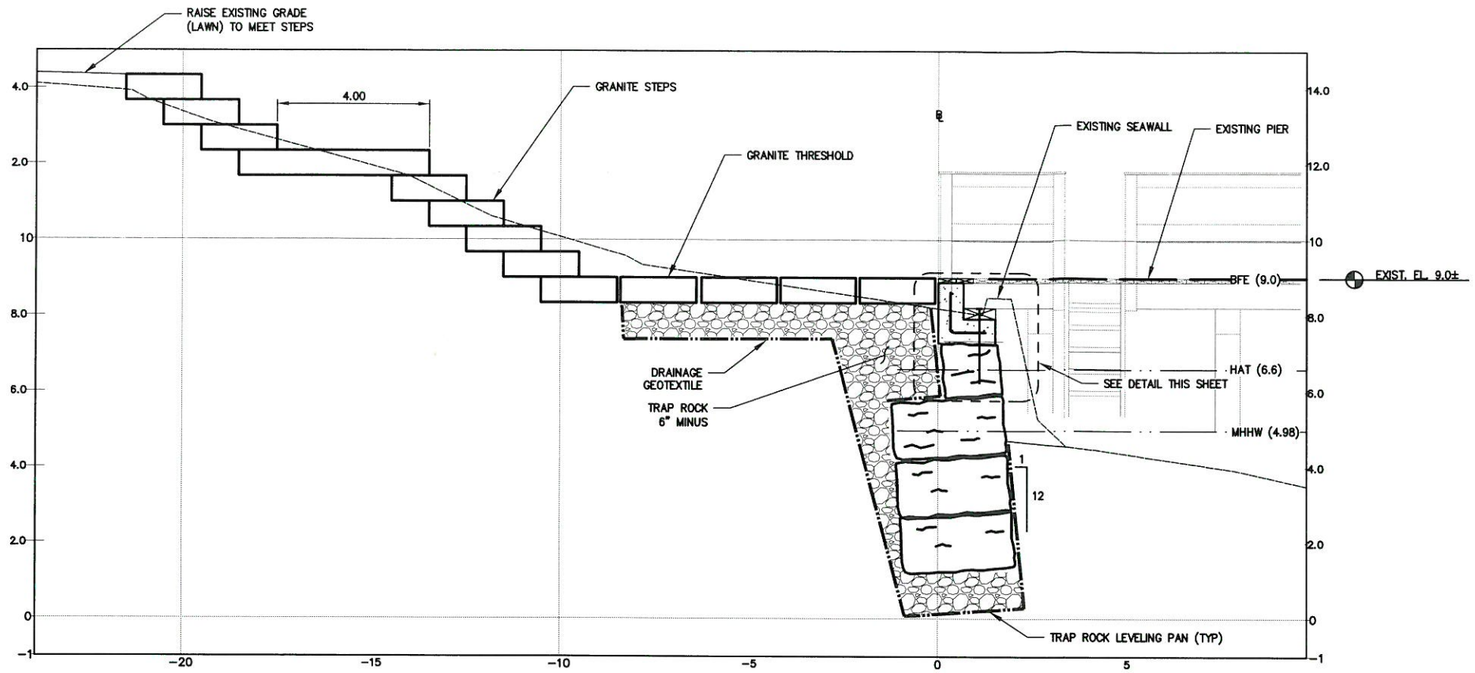
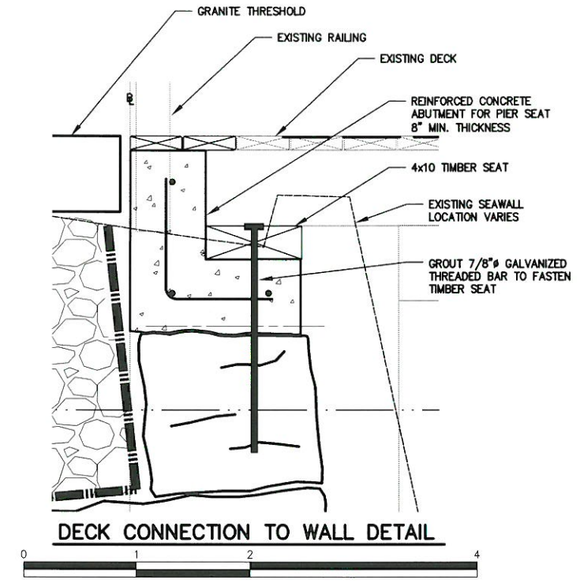
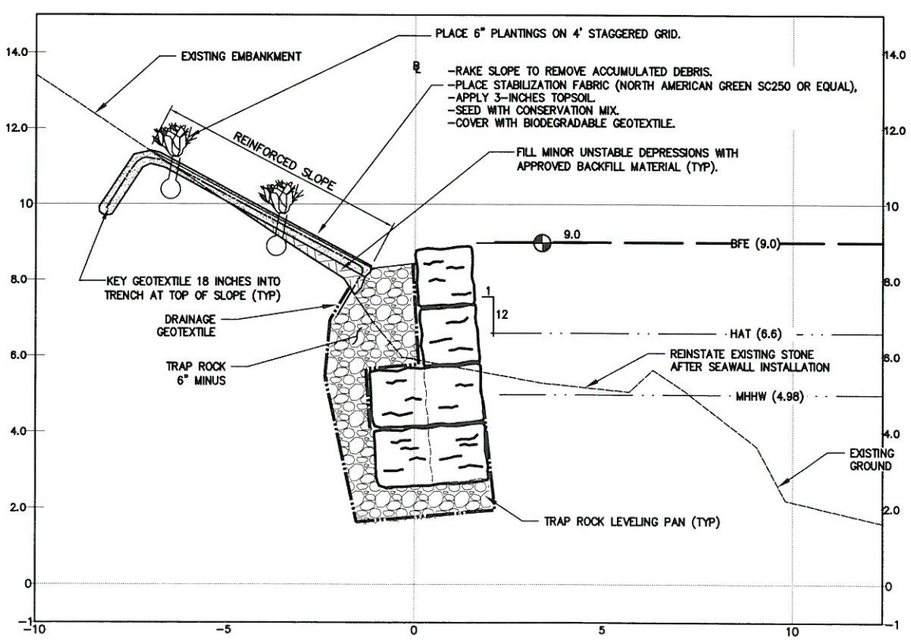


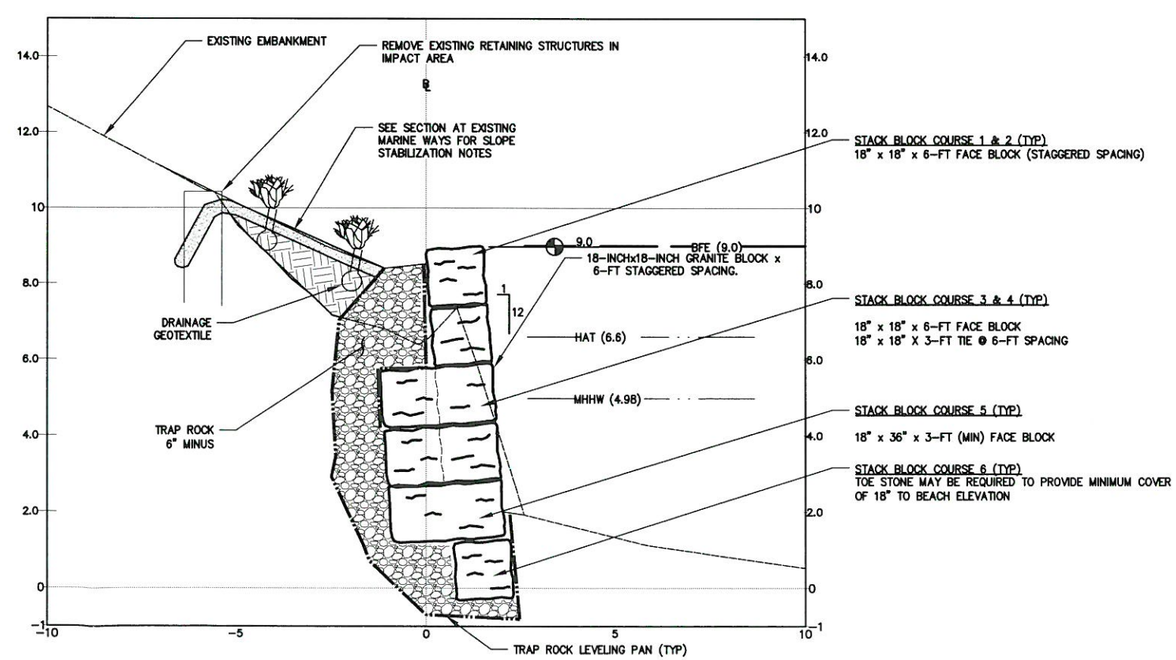
SECTION AT PIER AND STAIRS (STA. 1+03)



DECK CONNECTION TO WALL DETAIL



TYPICAL SECTION AT EXISTING MARINE WAYS



TYPICAL REPLACEMENT WALL SECTION

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NO.	DATE	INT.
E	9.24.15	BJB
D	9-10-15	BJB
C	12-13-15	BJB
B	4-28-15	BJB
A	2-11-15	BJB

SUBMISSION
PROGRESS SET
PERMIT SET
MAINTENANCE ACCESS REMOVED
UPDATED PER KITTERY & DEP COMMENTS
SECTION UPDATE PER DEP REVIEW

STATE OF MAINE
BARNEY J. BAKER
No. 5737
LICENSED
PROFESSIONAL ENGINEER

DESIGNED BY: BJB
DRAWN BY: JJC
CHECKED BY: BJB
SCALE: AS SHOWN

SHEET TITLE: TYPICAL SECTIONS

PROJECT: JEFFREY KOLOD
KOLOD SEAWALL REPLACEMENT
KITTERY, MAINE

DATE DEC. 2014
CONTRACT NO. 14-40
SHEET NO. S-2
REV. E

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0 1.5 3 4.5 9

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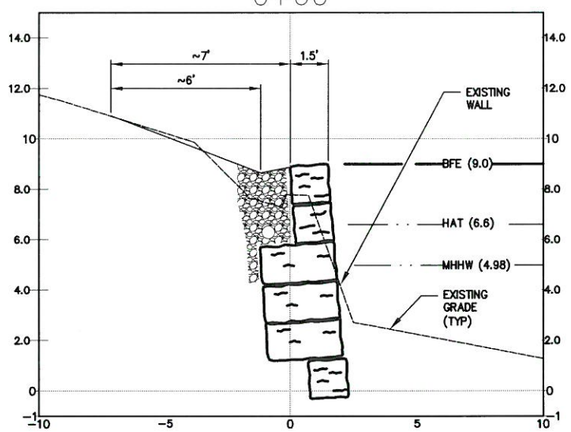

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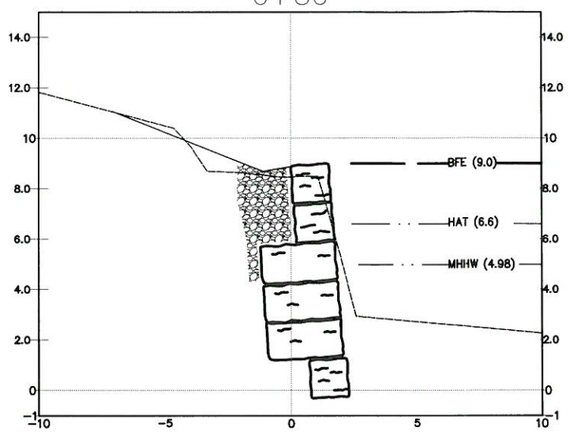

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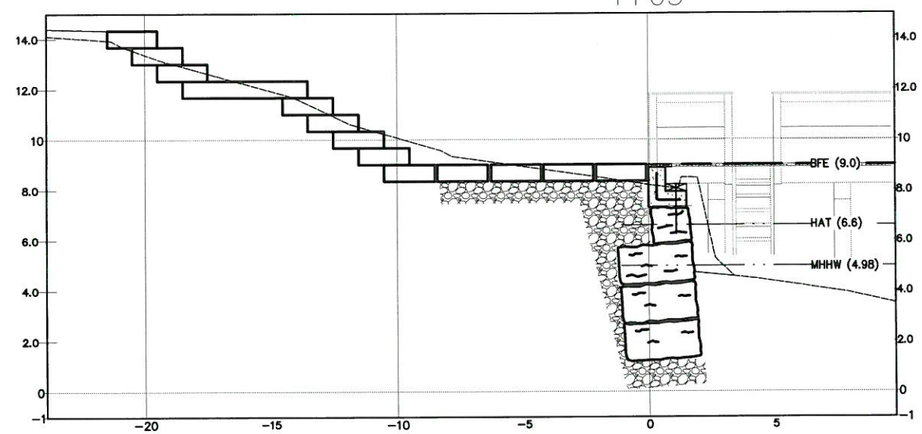

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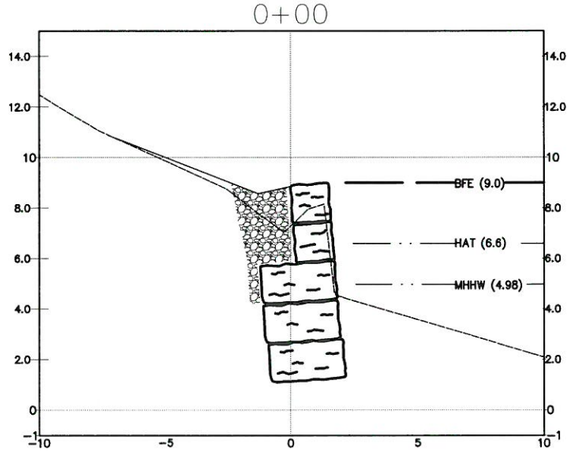

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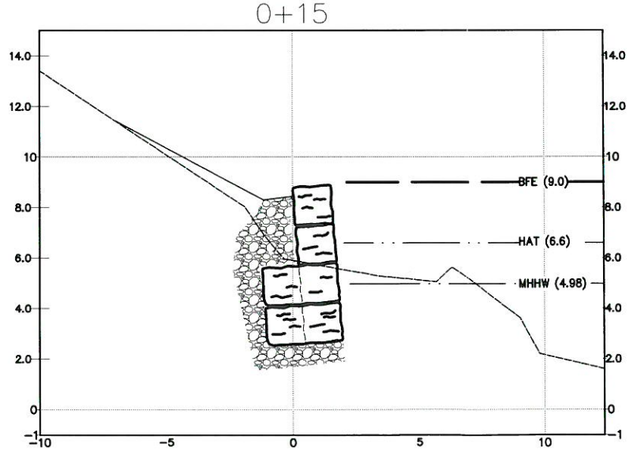

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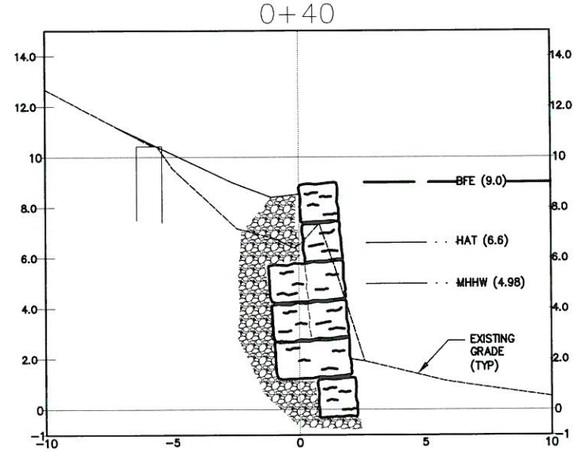

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NO.		DATE	INT.
D	SECTION UPDATE PER DEP REVIEW	9-24-15	BJB
C	UPDATED PER KITTERY & DEP COMMENTS	9-10-15	BJB
B	PERMIT SET	4-28-15	BJB
A	PROGRESS SET	2-11-15	BJB

STATE OF MAINE
BARNEY J. BAKER
No. 5737
LICENSED
PROFESSIONAL ENGINEER

DESIGNED BY: BJB
DRAWN BY: JJC
CHECKED BY: BJB
SCALE: AS SHOWN

SHEET TITLE: SECTIONS

PROJECT: JEFFREY KOLOD
KOLOD SEAWALL REPLACEMENT
KITTERY, MAINE

DATE
DEC. 2014

CONTRACT NO.
14-40

SHEET NO. X-1
REV. D

\\bdc-srv\projects\14\14-40 kolod seawall-kittery\cad\14-40 kolod seawall replacement civil3d.dwg

ITEM 2

PLAN REVIEW NOTES
Fernald Rd (M28 L14)
Major Modification to an Approved Plan

November 12, 2015

Town of Kittery Maine
Town Planning Board Meeting
November 12, 2015

ITEM 2 – Morgan Court Road Multi-Family Subdivision – Major Modification to an Approved Cluster Subdivision Plan

Action: approve or deny modification to approved plan. Owner and applicant Peter J. Paul, Trustee of AMP Realty Holdings, LLC, requests consideration of a plan modification to change the building coverage for the lots of a cluster subdivision located on Tax Map 28, Lot 14 with frontage along Fernald Road in the Residential – Suburban (R-S) Zone with portions in the Commercial – 2 (C-2) and Resource Protection Overlay (OZ-RP) Zones. Agent is Tom Harmon, Civil Consultants.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Review	Initiated July 11, 2013, Approved August 8, 2013	APPRVD
NO	Site Visit	Scheduled August 8, 2013; another visit held 5/6/2015	HELD
YES	Completeness/Acceptance	Scheduled for 10/10/2013; application re-accepted 4/9/2015	GRANTED
YES	Public Hearing	Scheduled for 11/14/2013; another scheduled for 5/14/2015	HELD
YES	Preliminary Review and Approval	Started at 11/14/2013, scheduled for 5/14/2015	GRANTED
YES	Final Plan Review and Approval	Scheduled for 8/20/2015	Granted

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

The Applicant s received final approval with conditions at the August 20, 2015 planning board meeting. The plan was approved with a maximum building coverage of 21.6% per lot, rather than the zone standard of 20%.

The applicant is returning to requested a change in the maximum building coverage from 21.6% to 35%.

Staff Review

The site consists of 17.97 acres, predominantly in the Residential-Suburban Zone with a small portion in the Commercial – 2 Zone. The Residential-Suburban Zone has a limit of 20% building coverage for individual lots. Building coverage levels in excess of zone allowances is permissible in residential cluster developments per Title 16.8.11.3: T

he Planning board, in reviewing and approving proposed residential or mixed-use development under this Article, may modify said dimensional standards to permit flexibility in approaches to site design in accordance with the Code standards.

The proposed increase in building coverage maintains a 25 foot building separation distance, and is in compliance with 16.3.2.2.D.a.i.

Title 16.3.2.2.D.3.a.i reduces side setback requirements for cluster developments in the Residential-Suburban Zone from 15 feet to a distance required by the Fire Chief but no less than a 15-foot building separation. The plan designates building separation to be 25 feet.

At least 50% of the total area of the property must be preserved as open space per 16.8.11.6.E.1. The change in building coverage will not affect the approved cumulative lot sizes or the common reserved open space. A total of 90.6% (709,299 sq. ft.) of the parcel is reserved for open space.

Staff recommends the applicant submits a revised plan to include revision date and explanation in table.

Recommendations

Staff finds the building coverage modification to be reasonable and in conformance with the applicable provisions of Title 16.If the Planning Board concurs with Staff's recommendation they can consider a motion for conditional approval (suggestion below) and proceed to reading and voting on the Findings of Fact after accepting the application.

Move to accept the Cluster Subdivision Plan application dated October 26, 2015 from owner and applicant Peter J Paul, Trustee of AMP Realty Holdings, LLC for the property located on Fernald Rd (Tax Map 28, L14) in the Residential Suburban (R-S), Commercial 2 (C-2) and Conservation (CON) Zones.

and

Move to approve the plan modification presented in the Cluster Subdivision Plan application dated October 26, 2015 and amend the previously approved Findings of Fact dated August 20, 2015 as presented in the 11/12/15 Plan Review Notes, owners and applicant Peter J Paul, Trustee of AMP Realty Holdings, LLC for the property located on Fernald Rd (Tax Map 28, L14) in the Residential Suburban (R-S), Commercial 2 (C-2) and Conservation (CON) Zones.

The following amended findings of fact were drafted in anticipation of the Board, if they concur with the staff's recommendation, to vote on only those standards where information changed due to the proposed plan modification. The other minor edits are highlighted that can be referenced if the Board chooses, however, staff does not suggest reading the entire findings, only that which is being voted on. As always, the Board may add, remove or modify as it sees fit.

M 28 L14

UNAPPROVED

FINDINGS OF FACT
For
"Morgan Court" Cluster Residential Subdivision Review

{As presented in the plan review notes dated 8/20/2015 and 11/12/2015 and amended by the Board}

Note: This approval by the Planning Board constitutes an agreement between the Town and the Developer incorporating the Development plan and supporting documentation, the Findings of Fact, and all waivers and/or conditions approved and required by the Planning Board.

WHEREAS: AMP Realty Holdings, LLC, owner and applicant requested approval for a cluster residential subdivision consisting of four lots with three duplexes and one triplex at Fernald Road and Route 236 on 17.97 acres (Tax Map 28, Lot 14) in the Residential – Surburban (R-S), Commercial -2 (C-2), and Resource Protection Overlay (OZ-RP) Zones,

Hereinafter the "Development,"

And pursuant to the Plan Review meetings conducted by the Planning Board as noted ;*{in the Plan Review Notes prepared for 8/20/2015 and 11/12/2015}*

Sketch Plan Review	Approved	8/8/2013
Site Visit	Held	8/8/2013
Preliminary Plan Review	Held, Accepted	10/10/2013
Public Hearing	Held	11/14/2013
Preliminary Plan Review	Held, Continued…	11/14/2013

Note: The original plan application was continued not to exceed 90 days from 11/14/2013. More than 90 days passed without further submissions or review; The plan was resubmitted and accepted by the Board and preliminary review began again in 2015.

Preliminary Plan Review	Held, Accepted	4/9/2015
Site Walk	Held	5/6/2015
Public Hearing	Held	5/14/2015
Preliminary Plan Review	Held, approved with conditions	5/14/2015
Final Plan Review	Held, approved with conditions	8/20/2015
Plan Modification Review		11/12/2015

And pursuant to the application, plans and other documents considered to be a part of the approval by the Planning Board in this finding consist of the following ;*{ as noted in the Plan Review Notes prepared for 8/20/2015 and 11/12/2015}* (hereinafter the "Plan"):

1. Cluster Development Plan Review Application, March 26, 2015

2. Stormwater Management Plan, June 2015
3. B1 – Boundary and Existing Conditions, April 8, 2013
4. S1 – Final Subdivision Plan Clustered Multifamily Development, September 12, 2013 rev 10/23/15
5. C1 – Existing Conditions Plan, September 12, 2013 rev 6/22/15
6. C2 – Overall Multifamily Site Plan, September 12, 2013 rev 6/22/15
7. C3 – Layout & Landscape Plan, September 12, 2013 rev 7/24/15
8. C4 – Erosion Control Plan, September 12, 2013 rev 6/22/15
9. C5 – Utility Plan, September 12, 2013 rev 6/22/15
10. C6 – Grading & Drainage Plan, September 12, 2013 rev 6/22/15
11. C7 – Sections, September 12, 2013 rev 6/22/15
12. R1 – Roadway Plan and Profile, September 12, 2013 rev 6/22/15
13. R2 – Construction Details, September 12, 2013 rev 6/22/15
14. R3 – Maintenance Notes, September 12, 2013 rev 6/22/15

NOW THEREFORE, based on the entire record before the Planning Board, including previously approved Findings of Fact dated 8/20/2015, and pursuant to the applicable standards in the Land Use and Development Code, the Planning Board makes the following factual findings as required by section **16.10.8.3.4** and as recorded below:

FINDINGS OF FACT Action by the Planning Board must be based upon findings of fact which certify or waive compliance with all the required standards of this Code, and which certify the development meets 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.
Findings: The site consists of 17.97 acres, predominantly in the Residential – Suburban Zone with a small portion in the Commercial – 2 Zone. A cluster residential development is a permitted use in the Suburban Zone. The proposal is three duplexes and one triplex on four lots. These four lots total 35,210 square feet, with a building coverage limit of 35% per lot. A total of 709, 299 square feet (including both common reserved open space) is proposed. The state's minimum lot size law (12 MRSA § 4807) requires a minimum 20,000 s.f. lot size per 300 gallons per day with a portion of the lot area allowed to be reserved in open space. A total of 90.6% of the parcel is reserved in open space which accommodates lot size requirements. Conclusions: The proposed development conforms to local ordinances.
(At the 8/20/2015 Meeting) **Vote of 5 in favor 0 against 0 abstaining** *(At the 11/12/2015 Meeting)* **Vote of ___ in favor ___ against ___ 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.
Findings: Wetlands have been identified and shown all applicable plans.

Conclusions: The requirement appears to be met
(At the 8/20/2015 Meeting) **Vote of _5_ 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.
Findings: A stream has been identified and shown all applicable plans. Conclusions: The requirement appears to be met
(At the 8/20/2015 Meeting) **Vote of _5_ 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.
(At the 8/20/2015 Meeting) **Vote of _5_ 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.
Findings: The site will be serviced by public water via an easement across abutting commercial lots on Route 236. . Kittery Water District has found there is sufficient capacity for the proposed development. Conclusions: The requirement appears to be met
(At the 8/20/2015 Meeting) **Vote of _5_ 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.
Findings: The proposal is three duplexes and one triplex on four lots. These four lots total 35,210 square feet. A total of 709, 299 square feet (including both common reserved open space) is proposed. The state's minimum lot size law (12 MRSA § 4807) requires a minimum 20,000 s.f. lot size per 300 gallons per day (gpd) with a portion of the lot area allowed to be reserved in open space. Multifamily units are calculated with 120 gpd per bedroom. 22 bedrooms proposed in submitted HHE-200 application requires 176,000 s.f. in lot size, and in this instance 140,790 s.f. must be reserved in open space. Conclusions: A total 709,299 s.f. is reserved in open space which accommodates the lot size requirement whereby the requirement appears to be met.
(At the 8/20/2015 Meeting) **Vote of _5_ 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.
Findings: Applicant states the Homeowners Association will contract for solid waste pick-up.

Conclusions: With the inclusion of condition #7, the requirement appears to be met.
(At the 8/20/2015 Meeting) **Vote of _5_ 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.
Findings: The proposed development is outside required setbacks and does not adversely affect the adjacent wetlands and stream Conclusions: The requirement appears to be met
(At the 8/20/2015 Meeting) **Vote of _5_ 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.
Findings: The proposed development adheres to the state plumbing code and MDEP BMPs for erosion control that pertain to sewage disposal and stormwater management. Conclusions: The requirement appears to be met
(At the 8/20/2015 Meeting) **Vote of _5_ 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.
Findings: A portion of the site is located within the 100 year flood plain, however, the proposed development is located at a considerable distance from the flood boundary and the basement floor elevations for the proposed buildings are 10 feet plus above the approximate flood elevation. Conclusions: The requirement appears to be met
(At the 8/20/2015 Meeting) **Vote of _5_ in favor _0_ against _0_ abstaining**
K. Stormwater Managed.
The proposed development will provide for adequate stormwater management.
Findings: The applicant has provided a stormwater management plan resulting in adequate stormwater management. This consists of combining a closed drainage system comprised of catch basins and closed piping with roadside swales and level spreader outlets to restore sheet flow. The applicant is

also submitting a Permit By Rule to Maine Department of Environmental Services. Conclusions: The requirement appears to be met.
(At the 8/20/2015 Meeting) **Vote of 5 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.
Findings: The site is stabilized both during and after construction using MDEP best management practices. Conclusions: The requirement appears to be met.
(At the 8/20/2015 Meeting) **Vote of 5 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.*
Findings: It is not anticipated the proposed development's increase in vehicle trips to Fernald Road/Rt. 236 will have an adverse impact and the site design allows for safe and adequate circulation with consideration of condition #7. Conclusions: The requirement appears to be met
(At the 8/20/2015 Meeting) **Vote of 5 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.*
Findings: The proposed development adheres to the state plumbing code and MDEP BMPs for erosion control that pertain to sewage disposal and stormwater management. Hazardous materials do not pertain to the proposed development. Conclusions: The requirement appears to be met
(At the 8/20/2015 Meeting) **Vote of 5 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.

Findings: Maine Historic Preservation Commission and the Maine Department of Inland Fish and Wildlife has no objection the proposed development nor is the site designated as a scenic resource. Potential impacts to the adjacent Remick Preserve are minimized and mitigated through, proposed signage, a no-cut/no-disturb buffer and on-street parking in condition #5 Conclusions: The requirement appears to be met
(At the 8/20/2015 Meeting) **Vote of 5 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.
Findings: Per 16.8.11.8 Pre-Development Requirements and 16.10.8.2.2 Performance Guaranty Conditions, the applicant is required to file with the Town a performance guaranty and inspection escrow for improvements that will be utilized in common use or by the general public. Conclusions: The requirement appears to be met
(At the 8/20/2015 Meeting) **Vote of 5 in favor 0 against 0 abstaining**

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

Waivers:

1. 16.10.5.2.B.2 Plan Scale (s)
2. 16.10.5.2.C.6 Erosion and Sedimentation Control Plan Reviewed by York County Soil and Water Conservation District or Town's Engineering Consultant

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

1. No changes, erasures, modifications, or revisions may be made to any Planning Board-approved final plan (Title 16.10.9.1.2).
2. Applicant/contractor will follow Maine DEP Best Management Practices for all work associated with site and building construction to ensure adequate erosion control and slope stabilization.
3. Prior to the commencement of grading and/or construction within a building envelope, as shown on the Plan, the owner and/or developer must stake all corners of the envelope. These markers must remain in place until the Code Enforcement Officer determines construction is completed and there is no danger of damage to areas that are, per Planning Board approval, to remain undisturbed.
4. Per Title 16.8.8.2 Post Construction Stormwater Management and the MDEP General Permit for Small MS-4 the applicant and/or the Homeowners Association is responsible for the establishment and execution of: a) Maintenance Agreement for Stormwater Management Facilities; and b) Annual Stormwater Management Facilities Certification.

5. The construction of three paved on-street parking spaces with associated drainage measures in the vicinity of the Kittery Land Trust's easement on Fernald Road to the satisfaction of Staff and Commissioner of Public Works.
6. There is to be no access from the development to the abutting land trust property located to the southerly boundary of subdivision except along Fernald Road where an easement exists.
7. All Notices to Applicant contained in the Findings of Fact (dated: August 20, 2015 and November 12, 2015).

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

8. Revise draft Homeowners Association by-laws and declarations as recommended by Staff and the Town Attorney and as presented at the 8/20/15 meeting.
9. Prepare draft proposed easements and submit to staff prior to the issuance of a building permit. Revise final plan to show an easement for the shared driveway proposed for lots 1 and 2.
10. Add a plan note on Sheet C-5 that reads: All proposed lighting must conform to 16.8.24 and conformance demonstrated with the submittal of lighting specifications prior to the issuance of a building permit.
11. Incorporate any plan revisions on the final plan as recommended by Planning Board, and outlined in item 8 in the 8/20/15 Plan Review Notes, and submit for Staff review prior to presentation on final Mylar.

(At the 8/20/2015 Meeting)	**Vote of 5 in favor 0 against 0 abstaining**
(At the 11/12/2015 Meeting)	**Vote of __ in favor __ against __ abstaining**

APPROVED BY THE KITTERY PLANNING BOARD ON August 20, 2015 &November 12, 2015

_____

Ann H. Grinnell, Planning Board Chair

Notices to Applicant (NOT to be included on the final plan):

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 one (1) paper copy 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, including inspection fees for same.
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.
6. Where required the applicant must provide to the Town a performance guaranty and an inspection escrow to cover the construction of all improvements that will be utilized in common use or by the general public.

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

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.

CIVIL CONSULTANTS

Engineers
Planners
Surveyors
P.O. Box 100
293 Main Street
South Berwick
Maine
03908
207-384-2550

RECEIVED
OCT 2 2015
BY:_____

October 22, 2015

Mr. Christopher DiMatteo, Town Planner
Town of Kittery
200 Rogers Road
Kittery ME 03904

Re: **Proposed Multi-Family Subdivision, AMP Realty Holdings, LLC**
Fernald Road, Kittery, Maine

Dear Mr. DiMatteo:

Attached are 12 half scale and 3 full scale copies of the proposed plan S1 and the application for major amendment to an approved site plan for the referenced project. We have also attached 12 half scale & 3 full of the approved site plan.

As you are aware we would like to change the note regarding lot coverage from 21.6% to 35% to allow more flexibility in lot development. Revision of that note, a note stating the purpose of this plan and a reference to the currently approved plan are the only changes to that approved and recorded plan.

35% building coverage will allow up to 12,323 square feet of building footprint for this clustered development. For a conventional subdivision of 40,000 square foot lots, 9 lots at 20% coverage would allow 72,000 square feet of building.

Look forward to any comments you have.

Very truly yours,
~~CIVIL CONSULTANTS~~

Thomas W. Harmon, PE, PLS
Principal

Enclosures (1)

cc: Peter Paul, gray, file

J: aaa 2012 1219800 Planning Board RESIDENTIAL Development Amendment 20151023transLtr.doc

TOWN OF KITTERY
PLANNING OFFICE

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

APPLICATION: MAJOR AMENDMENT TO AN APPROVED SITE PLAN

FEE FOR SITE PLAN AMENDMENT REVIEW: (TITLE 16.10.9.3)	☐ $300. 00 PLUS THE GREATER OF	☐ $50/USE OF UNIT; OR	☐ $5.00/100 SQ FT OF ADDITIONAL GROSS FLOOR AREA	Application Fee Paid $_____ Date_____
		☐ $0.50 /LINEAR FOOT OF ADDITIONAL DOCK, SLIP,& FLOAT; OR	☐ $20.00 ADDITIONAL UNIT INTENDED TO PROVIDE OVERNIGHT SLEEPING ACCOMODATIONS	ASA Fee Paid (Title 3.3 TOWN CODE) $_____ Date_____

PROPERTY DESCRIPTION	Parcel ID	Map	28	Lot	14	Zone(s) Base: Overlay: MS4:		Total Land Area (Square Feet)	
	Physical Address	93 Route 236							

PROPERTY OWNER'S INFORMATION	Name	Land of AMP Realty Holdings Peter Paul	Mailing Address	291 Harold Dow Highway Eliot, ME 03908
	Phone	207-439-6800 207-252-1396 cell		
	Fax			
	Email			
APPLICANT'S AGENT INFORMATION	Name	Thomas W. Harmon, P.E.	Name of Business	Civil Consultants
	Phone	207-384-2550	Mailing Address	293 Main Street PO Box 100 South Berwick, ME 03908
	Fax	207-384-2112		
	Email	tharmon@civcon.com		

PROJECT DESCRIPTION

Project Name: Morgan Court, a Multifamily Residential Cluster Subdivision Land of AMP Realty Holdings

Existing Use:

Proposed Amendment Please describe how the approved plan is to be amended. State any known areas of non-compliance to the ordinance and how this amendment will decrease or remove non-compliance, if applicable.

Modification of maximum building coverage note from 21.6% to 35%.

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

October 26, 2015

Rev 6-2014

Minimal Plan Requirements

- ☒ **15 COPIES OF THIS APPLICATION**
- ☒ **15 COPIES OF THE APPROVED SITE PLAN 12 REDUCED SIZE AT 11" X 17" AND 3 FULL SIZE AT 24" X 36"**
- ☒ **15 COPIES OF THE PROPOSED AMENDED SITE PLAN – 12 REDUCED SIZE AT 11" X 17" AND 3 FULL SIZE AT 24" X 36"**
- ☒ **1 PDF OF THE SITE PLAN SHOWING COORDINATES**

PRIOR TO BEGINNING THE REVIEW PROCESS, THE PLANNING BOARD WILL DECIDE WHETHER SUFFICIENT INFORMATION HAS BEEN PROVIDED AND WILL VOTE ON *DETERMINE OF COMPLETENESS*.

THE APPLICANT IS RESPONSIBLE TO PRESENT A CLEAR UNDERSTANDING OF THE AMENDMENT.

A) Paper size:
☒ No less than 11" X 17" (reduced) or greater than 24" X 36" (full)

B) Scale size:
☐ Under 10 acres: no greater than 1" = 30'
☒ 10 + acres: 1" = 50'

C) Title block:
☒ Applicant's name and address
☒ Name of preparer of plans with professional information and professional seal
☒ Date of plan preparation
☒ Parcel's tax map id (Map/Lot) ¼" TALL IN LOWER RIGHT
☒ SITE PLAN AMENDMENT CLEARLY PART OF TITLE

D) Clearly show how the approved plan will be amended.

E) Provide signature blocks for amended approval.

F) Provide all associated reference material and or documentation that clarifies and or supports the purpose of the proposed amendment.

G) Revisions to the boundary, internal lots and or parcels must be made by a surveyor licensed in the State of Maine.

H) Revisions to the boundary, internal lots and or parcels must be signed and sealed by a surveyor licensed in the State of Maine.

I) Revisions to the proposed site must be made by a professional engineer licensed in the State of Maine.

SEE TITLE 16.10.5.2 FOR COMPLETE LIST OF SUBMITTAL INFORMATION.

NOTE TO THE APPLICANT: PRIOR TO THE SITE WALK, TEMPORARY MARKERS MUST BE ADEQUATELLY PLACED THAT ENABLE THE PLANNING BOARD TO READILY LOCATE AND APPRAISE THE LAYOUT OF THE DEVELOPMENT.

Waiver Request

DESCRIPTION	Ordinance Section	Describe why this request is being made.

16.10.8.2.5 Conditions or Waivers. Conditions required by the Planning Board at the final plan review phase must have been met before the final plan may be given final approval unless so specified in the condition or specifically waived, upon written request by the applicant, by formal Planning Board action wherein the character and extent of such waivers which may have been requested are such that they may be waived without jeopardy to the public health, safety and general welfare.

16.7.4.1 Objectives Met. 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

SUBMITTALS THE TOWN PLANNER DEEMS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE SCHEDULED FOR PLANNING BOARD REVIEW..

COMPLETED BY THE OFFICE STAFF

ASA CHARGE	AMOUNT	ASA CHARGE	AMOUNT
REVIEW		**SERVICES**	
LEGALFEES (TBD)		RECORDER	**$35.00**
ENGINEERSREVIEW (TBD)		FACT FINDING (TBD)	
ABUTTER NOTICES		3RD PARTY INSPECTIONS (TBD)	
POSTAGE	**$20.00**	OTHER PROFESSIONAL SERVICES	**$50.00**
LEGAL NOTICES		**PERSONNEL**	
ADVERTISING	**$300.00**	SALARY CHARGES IN EXCESS OF 20 HOURS	
SUPPLIES			
OFFICE	**$5.00**		
SUBTOTAL		SUBTOTAL	
		TOTAL ASA REVIEW FEES	

NOTES:

1. ASSESSOR'S INFORMATION: KITTERY ASSESSOR'S MAP 28, LOT 14
2. RECORD OWNER: AMP REALTY HOLDINGS, LLC
   291 HAROLD L. DOW HIGHWAY
   ELIOT, MAINE 03903
3. DEED REFERENCE: Y.C.R.D. 16505/598
4. ZONING INFORMATION: RESIDENTIAL SUBURBAN (R-S) ZONE

	REQUIRED BY ZONING DISTRICT	DIMENSIONAL STANDARDS MODIFICATIONS: (Proposed per 16.8.11.3)
LOT SIZE:	40,000 SQ. FT.	7,906 SQ. FT. (MINIMUM)
MINIMUM FRONTAGE:	150'	51'
MINIMUM FRONT YARD SETBACK:	40'	7.5'
MINIMUM SIDE YARD SETBACK:	15'	10' (MINIMUM BUILDING SEPARATION TO BE 25')
MINIMUM REAR YARD SETBACK:	15'	10'
MAXIMUM BUILDING HEIGHT:	35'	35' (NO CHANGE)
MAXIMUM BUILDING COVERAGE:	20%	21.6%

5. THE MAJORITY OF THE PARCEL IS LOCATED IN FLOOD HAZARD ZONE C AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE TOWN OF KITTERY, COMMUNITY PANEL NO 230171 0004 D, EFFECTIVE DATE: JULY 5, 1984. FLOOD ZONE C IS DEFINED AS AREAS OF MINIMAL FLOODING. A PORTION OF THE SOUTHWEST CORNER OF THE PARCEL IS LOCATED IN ZONE A. ZONE A IS DEFINED AS AREAS OF 100-YEAR FLOOD, BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED. THE FLOOD ZONE BOUNDARY DEPICTED HEREON IS BASED ON SCANNING AND GEO-REFERENCING THE ABOVE REFERENCED FIRM.
6. TOTAL PARCEL AREA= 783,006 SQ.FT. (17.97 ACRES±).

PLAN REFERENCE:

"BOUNDARY AND EXISTING CONDITIONS LAND OF AMP REALTY HOLDINGS, LLC AND PETER J. PAUL, TRUSTEE – ROUTE 236 TAX MAP 28 LOT 14 KITTERY YORK COUNTY MAINE", BY CIVIL CONSULTANTS, DATED: 4/8/2013. PLAN FROM CIVIL CONSULTANTS OFFICE FILES. JOB #12-198.00

DEVELOPMENT NOTES:

1. APPROVAL IS GIVEN AS A CLUSTER DEVELOPMENT RESULTING IN DIMENSIONAL REDUCTIONS AS INDICATED ON APPLICATION DOCUMENTATION (AND SHOWN IN NOTE 4 ABOVE).
2. COMMUNITY SEPTIC SYSTEMS WILL BE PROVIDED (LOCATED IN COMMON OPEN SPACE AREA). THE 4 UNITS ON LOTS 1 & 2 MAY HAVE 3 BEDROOMS EACH. THE 5 UNITS ON LOTS 3 & 4 MAY HAVE 2 BEDROOMS EACH.
3. PROJECT WILL BE SERVICED BY PUBLIC WATER FROM EXISTING WATER MAIN IN ROUTE 236. UNDERGROUND UTILITIES WILL BE PROVIDED.
4. ASHLEY MORGAN WAY IS A PRIVATE ROAD AND WILL BE MAINTAINED AS A PRIVATE ROAD. THE ROADWAY WILL NOT BE ACCEPTED BY THE TOWN OF KITTERY UNLESS THE ROADWAY IS IMPROVED TO STANDARDS APPROVED BY THE KITTERY PLANNING BOARD AT THE TIME ACCEPTANCE IS PROPOSED.
5. THE RESERVED OPEN SPACE IS TO BE MANAGED AS A NO CUT/NO DISTURBANCE AREA. PRIOR TO BUILDING PERMIT ISSUANCE, NO DISTURBANCE MARKERS TO BE INSTALLED ALONG THE BOUNDARY OF THE RESERVED OPEN SPACE AS SHOWN HEREON.
6. THE OPEN SPACE SHOWN HEREON MAY NOT BE USED FOR FUTURE BUILDING LOTS AND A PART OR ALL OF THE OPEN SPACE MAY BE DEDICATED FOR ACCEPTANCE BY THE TOWN OF KITTERY.
7. SHEETS C1 – C7 AND R1 – R3 PROVIDE OTHER REQUIREMENTS AND DETAILS THAT THE DEVELOPMENT IS SUBJECT TO AS PART OF THE PLANNING BOARD APPROVAL AND ARE ON RECORD AT THE KITTERY TOWN OFFICE.
8. THE OPEN SPACE PLAN IS DEPICTED HEREON.
9. THE MAXIMUM NUMBER OF UNITS ALLOWED BY THIS PLANNING BOARD APPROVAL IS 9. FEWER UNITS MAY BE DEVELOPED WITHIN THE BUILDING FOOTPRINT.

CONDITIONS OF APPROVAL:

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 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 OR DAMAGE TO AREAS THAT ARE, PER PLANNING BOARD APPROVAL, TO REMAIN UNDISTURBED.
4. PER TITLE 16.8.8.2 POST CONSTRUCTION STORMWATER MANAGEMENT AND THE MDEP GENERAL PERMIT FOR SMALL MS-4 THE APPLICANT AND/OR THE HOMEOWNERS ASSOCIATION IS RESPONSIBLE FOR THE ESTABLISHMENT AND EXECUTION OF: A) MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES, AND B) ANNUAL STORMWATER MANAGEMENT FACILITIES CERTIFICATION.
5. THE CONSTRUCTION OF THREE PAVED ON-STREET PARKING SPACES WITH ASSOCIATED DRAINAGE MEASURES IN THE VICINITY OF THE KITTERY LAND TRUST'S EASEMENT ON FERNALD ROAD TO THE SATISFACTION OF STAFF AND COMMISSIONER OF PUBLIC WORKS.
6. THERE IS TO BE NO ACCESS FROM THE DEVELOPMENT TO THE ABUTTING LAND TRUST PROPERTY LOCATED TO THE SOUTHERLY BOUNDARY OF SUBDIVISION EXCEPT ALONG FERNALD ROAD WHERE AN EASEMENT EXISTS.
7. ALL NOTICES TO APPLICANT CONTAINED IN THE FINDINGS OF FACT (DATED: AUGUST 20, 2015).

CERTIFICATION:

THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE STANDARDS OF PRACTICE ESTABLISHED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS (02-360 CMR CHAPTER 90, PART I & PART III – SEE NOTES HEREON FOR EXCEPTIONS, IF ANY).

AUGUST 24, 2015

MICHAEL P. PEVERETT — DATE:
MAINE PROFESSIONAL LAND SURVEYOR #2362
CIVIL CONSULTANTS
SOUTH BERWICK, MAINE 03908
207-384-2550

STATE OF MAINE — MICHAEL P. PEVERETT — 2362 — PROFESSIONAL LAND SURVEYOR

STATE OF MAINE
YORK COUNTY ss. REGISTRY OF DEEDS
RECEIVED Oct 5, 2015
AT 11h, 11m, A M, AND RECORDED IN
PLAN BOOK 328, PAGE 31
ATTEST _____ REGISTER

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 56°12'53" E	83.13'
L2	S 79°52'24" E	31.48'
L3	N 25°56'51" E	23.95'
L4	S 36°27'43" E	15.91'
L5	N 01°23'11" E	26.17'
L6	S 80°45'37" E	81.11'
L7	N 36°12'39" W	43.60'
L8	S 35°07'18" E	54.44'
L9	N 75°20'14" W	6.76'
L10	N 50°30'07" W	52.20'
L11	N 21°28'48" E	84.09'
L12	N 73°34'26" W	6.95'
L13	N 03°34'40" E	55.03'
L14	N 24°11'02" W	24.05'
L15	N 19°41'38" E	18.27'
L16	N 45°53'23" E	38.93'
L17	N 49°13'00" E	61.99'
L18	N 43°12'08" E	37.88'
L19	N 88°07'57" E	21.00'
L20	S 85°40'49" E	46.27'
L21	N 49°17'10" E	78.09'
L22	N 82°51'57" E	19.83'
L23	S 09°14'12" E	10.73'
L24	N 11°58'20" E	52.50'

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25.00'	22.26'	21.54'	N 71°37'13" W	51°01'39"
C2	170.00'	51.21'	51.02'	S 88°30'13" E	17°15'39"
C3	80.00'	122.85'	111.13'	S 56°08'07" W	87°58'56"
C4	60.00'	108.45'	94.26'	S 50°12'10" W	103°33'59"
C5	60.00'	140.56'	110.56'	N 105°53'56" W	134°13'43"
C6	170.00'	31.56'	31.51'	N 61°31'56" E	10°38'07"
C7	170.00'	79.10'	78.39'	N 80°10'45" E	26°39'31"
C8	170.00'	19.84'	19.63'	S 83°10'57" E	6°37'08"
C9	130.00'	35.07'	34.96'	S 87°36'06" E	15°27'23"
C10	25.00'	24.89'	23.87'	N 56°09'06" E	57°02'14"
C11	80.00'	19.18'	19.12'	S 05°16'54" W	13°43'29"
C12	50.00'	29.12'	28.71'	N 58°39'06" W	33°22'16"
C13	100.00'	78.25'	76.26'	N 43°53'42" E	44°49'53"
C14	100.00'	165.99'	147.52'	N 26°02'50" W	95°03'12"
C15	100.00'	60.92'	59.98'	N 31°26'38" W	34°54'12"
C16	100.00'	47.16'	46.72'	N 17°05'13" E	27°01'05"
C17	100.00'	48.45'	47.98'	N 10°18'11" W	27°45'43"
C18	100.00'	10.50'	10.49'	N 46°12'34" E	6°00'52"
C19	100.00'	78.60'	76.59'	N 71°46'11" E	45°02'01"
C20	100.00'	43.01'	42.68'	N 38°57'57" E	24°38'26"
C21	180.00'	57.24'	57.02'	S 86°30'13" E	17°15'39"

ACCESS EASEMENT CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
AC1	170.00'	9.95'	9.95'	N 84°48'55" W	3°21'11"
AC2	170.00'	10.07'	10.07'	N 88°11'22" W	3°23'44"

UTILITY EASEMENT TABLE		
LINE	BEARING	DISTANCE
E1	S 46°43'32" W	50.00'
E2	N 41°02'57" W	10.00'
E3	S 46°43'32" W	200.00'
E4	N 41°02'57" W	0.94'
E5	S 48°56'50" W	32.07'
E6	S 03°57'03" W	96.85'
E7	S 48°57'03" W	35.57'
E8	N 79°52'24" W	25.67'
E9	N 48°57'03" E	43.32'
E10	N 03°57'03" E	96.85'
E11	N 48°56'50" E	40.36'
E12	N 41°02'57" W	9.06'
E13	N 46°43'32" E	200.00'
E14	N 41°02'57" W	10.00'
E15	N 46°43'32" E	50.00'
E16	S 41°02'57" E	25.00'
E17	S 41°02'57" E	25.00'

ACCESS EASEMENT TABLE		
LINE	BEARING	DISTANCE
A1	N 01°32'45" E	27.04'
A2	N 11°58'20" E	82.28'
A3	S 36°27'43" E	13.37'
A4	N 60°58'38" E	13.25'
A5	N 11°58'20" E	60.28'
A6	N 01°32'45" E	25.86'

OPEN SPACE CALCULATIONS:

TOTAL AREA OF PARCEL = 783,006 SQ. FT.

"RESERVED OPEN SPACE"
(INCLUDES WETLANDS, WETLAND SETBACK AREAS AND SELECTED UPLAND) = 575,060 SQ. FT.

"COMMON OPEN SPACE"
(BALANCE OF PARCEL MINUS ASHLEY MORGAN WAY AND PROPOSED LOTS)= 134,239 SQ. FT.

TOTAL OPEN SPACE ON PARCEL = 709,299 SQ. FT.
= 90.6% OF TOTAL PARCEL AREA

REQUIRED OPEN SPACE IS 50% (90.6% IS > 50%)

NET RESIDENTIAL AREA OF PARCEL (SEE CLUSTER DENSITY CALCS ABOVE) = 411,404 SQ. FT..

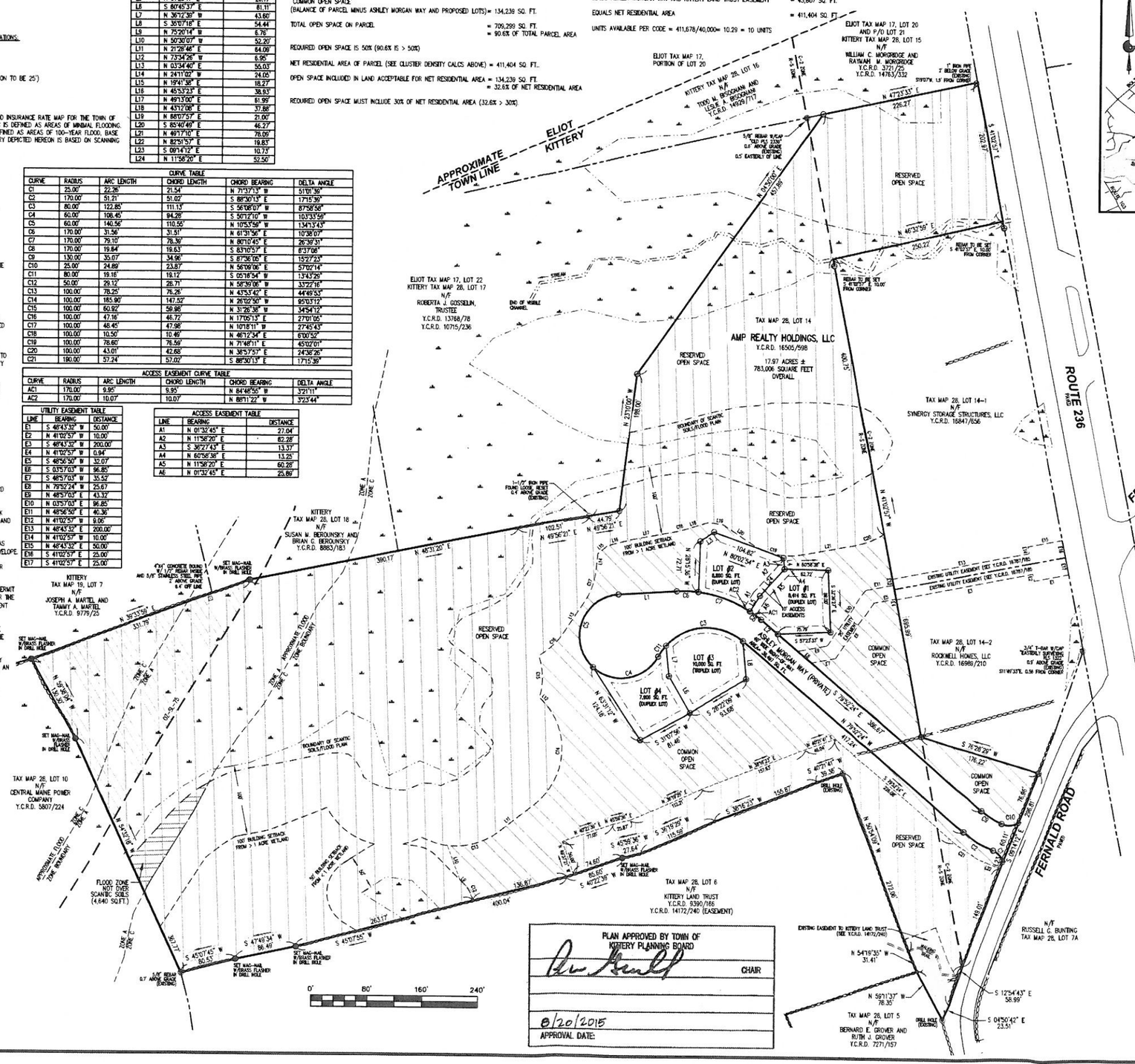
OPEN SPACE INCLUDED IN LAND ACCEPTABLE FOR NET RESIDENTIAL AREA = 134,239 SQ. FT.
= 32.6% OF NET RESIDENTIAL AREA

REQUIRED OPEN SPACE MUST INCLUDE 30% OF NET RESIDENTIAL AREA (32.6% > 30%)

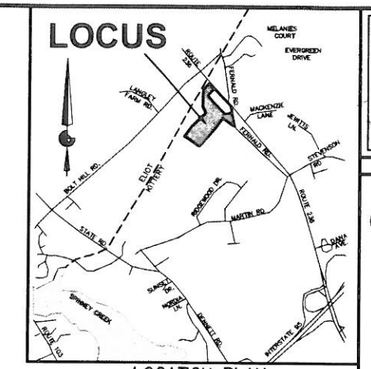
CLUSTER DENSITY CALCULATIONS:

TOTAL AREA OF PARCEL IN RESIDENTIAL ZONE = 706,023 SQ. FT.
MINUS VERY POORLY DRAINED SOILS – SCANTIC SOILS & FLOOD ZONE – 251,012 SQ. FT.
MINUS ASHLEY MORGAN WAY AND KITTERY LAND TRUST EASEMENT – 43,607 SQ. FT.
EQUALS NET RESIDENTIAL AREA = 411,404 SQ. FT.

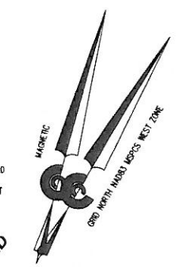
UNITS AVAILABLE PER CODE = 411,678/40,000= 10.29 = 10 UNITS



PLAN APPROVED BY TOWN OF KITTERY PLANNING BOARD
CHAIR
8/20/2015
APPROVAL DATE:



LOCATION PLAN
1"=2000'±



LEGEND

14172/240	DEED BOOK / PAGE NUMBER
02-SL-75	OVERLAY ZONE – SHORELAND – 75
N/F	NOW OR FORMERLY
SQ. FT.	SQUARE FEET
Y.C.R.D.	YORK COUNTY REGISTRY OF DEEDS
	BOUNDARY OF SCANTIC SOILS/FLOOD PLAIN
	PROPERTY LINE
	SETBACK (INTERNAL LOTS 1-4)
	APPROXIMATE ABUTTING PROPERTY
	STONE WALL
	EXISTING IRON ROD
	EXISTING CONCRETE BOUND
	BOUND TO BE SET
	IRON ROD TO BE SET
	WETLAND
	UTILITY POLE
	OVERLAY SHORELAND ZONE
	RESERVED OPEN SPACE
	COMMON OPEN SPACE

PORTION OF TAX MAP 28 LOT 14

J:\AAA\2012\1219800\CARLSON\ENGINEERING\DRAWING\1219800E-SD-2C-RE3-2015.DWG DATE: 08/24/15

STATE OF MAINE — THOMAS W. HARMON — No. 2277 — LICENSED PROFESSIONAL ENGINEER

© CIVIL CONSULTANTS

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

NO.	REVISIONS	INT.	DATE

MORGAN COURT

A MULTIFAMILY RESIDENTIAL CLUSTER SUBDIVISION
LAND OF AMP REALTY HOLDINGS, LLC
ROUTE 236 KITTERY, YORK COUNTY, MAINE

PREPARED FOR:
PETER J. PAUL
MAILING ADDRESS: 291 HAROLD L. DOW HIGHWAY, ELIOT, MAINE 03903

CIVIL CONSULTANTS

DRAWN JAA	CALC. JES
DATE 24 AUGUST 2015	
CHECKED MPP	
APPROVED	
SCALE 1"=80'	

SHEET TITLE:
FINAL SUBDIVISION PLAN
CLUSTERED MULTIFAMILY DEVELOPMENT

SHEET NUMBER:
S1

SHEET 1 of 1

PROJECT # 12-198.00

NOTES:

1. ASSESSOR'S INFORMATION: KITTERY ASSESSOR'S MAP 28, LOT 14
2. RECORD OWNER: AMP REALTY HOLDINGS, LLC
   291 HAROLD L. DOW HIGHWAY
   ELIOT, MAINE 03903
3. DEED REFERENCE: Y.C.R.D. 16505/598
4. ZONING INFORMATION: RESIDENTIAL SUBURBAN (R-S) ZONE

REQUIRED BY ZONING DISTRICT		DIMENSIONAL STANDARDS MODIFICATIONS: (Proposed per 16.8.11.3)
LOT SIZE:	40,000 SQ. FT.	7,906 SQ. FT. (MINIMUM)
MINIMUM FRONTAGE:	150'	51'
MINIMUM FRONT YARD SETBACK:	40'	7.5'
MINIMUM SIDE YARD SETBACK:	15'	10' (MINIMUM BUILDING SEPARATION TO BE 25')
MINIMUM REAR YARD SETBACK:	15'	10'
MAXIMUM BUILDING HEIGHT:	35'	35' (NO CHANGE)
MAXIMUM BUILDING COVERAGE:	20%	35%

5. THE MAJORITY OF THE PARCEL IS LOCATED IN FLOOD HAZARD ZONE C AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE TOWN OF KITTERY, COMMUNITY PANEL NO 230171 0004 D, EFFECTIVE DATE: JULY 5, 1984. FLOOD ZONE C IS DEFINED AS AREAS OF MINIMAL FLOODING. A PORTION OF THE SOUTHWEST CORNER OF THE PARCEL IS LOCATED IN ZONE A. ZONE A IS DEFINED AS AREAS OF 100-YEAR FLOOD, BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED. THE FLOOD ZONE BOUNDARY DEPICTED HEREON IS BASED ON SCANNING AND GEO-REFERENCING THE ABOVE REFERENCED FIRM.
6. TOTAL PARCEL AREA= 783,006 SQ.FT. (17.97 ACRES±).

PLAN REFERENCE:

1. "FINAL SUBDIVISION PLAN CLUSTERED MULTIFAMILY DEVELOPMENT MORGAN COURT A MULTIFAMILY RESIDENTIAL CLUSTER SUBDIVISION LAND OF AMP REALTY HOLDINGS, LLC ROUTE 236 KITTERY, YORK COUNTY, MAINE", BY CIVIL CONSULTANTS, DATED AUGUST 24, 2015. PLAN RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 378 PAGE 31.
2. "BOUNDARY AND EXISTING CONDITIONS LAND OF AMP REALTY HOLDINGS, LLC AND PETER J. PAUL TRUSTEE – ROUTE 236 TAX MAP 28 LOT 14 KITTERY YORK COUNTY MAINE", BY CIVIL CONSULTANTS, DATED: 4/8/2013. PLAN FROM CIVIL CONSULTANTS OFFICE FILES, JOB #12-198.00

DEVELOPMENT NOTES:

1. APPROVAL IS GIVEN AS A CLUSTER DEVELOPMENT RESULTING IN DIMENSIONAL REDUCTIONS AS INDICATED ON APPLICATION DOCUMENTATION (AND SHOWN IN NOTE 4 ABOVE).
2. COMMUNITY SEPTIC SYSTEMS WILL BE PROVIDED (LOCATED IN COMMON OPEN SPACE AREA). THE 4 UNITS ON LOTS 1 & 2 MAY HAVE 3 BEDROOMS EACH. THE 5 UNITS ON LOTS 3 & 4 MAY HAVE 2 BEDROOMS EACH.
3. PROJECT WILL BE SERVICED BY PUBLIC WATER FROM EXISTING WATER MAIN IN ROUTE 236. UNDERGROUND UTILITIES WILL BE PROVIDED.
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5. THE RESERVED OPEN SPACE IS TO BE MANAGED AS A NO CUT/NO DISTURBANCE AREA. PRIOR TO BUILDING PERMIT ISSUANCE, NO DISTURBANCE MARKERS TO BE INSTALLED ALONG THE BOUNDARY OF THE RESERVED OPEN SPACE AS SHOWN HEREON.
6. THE OPEN SPACE SHOWN HEREON MAY NOT BE USED FOR FUTURE BUILDING LOTS AND A PART OR ALL OF THE OPEN SPACE MAY BE DEDICATED FOR ACCEPTANCE BY THE TOWN OF KITTERY.
7. SHEETS C1 – C7 AND R1 – R3 PROVIDE OTHER REQUIREMENTS AND DETAILS THAT THE DEVELOPMENT IS SUBJECT TO AS PART OF THE PLANNING BOARD APPROVAL AND ARE ON RECORD AT THE KITTERY TOWN OFFICE.
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CERTIFICATION:

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OCTOBER 23, 2015

MICHAEL P. PEVERETT — DATE:
MAINE PROFESSIONAL LAND SURVEYOR #2362
CIVIL CONSULTANTS
SOUTH BERWICK, MAINE 03908
207-384-2550

STATE OF MAINE
MICHAEL P. PEVERETT
2362
PROFESSIONAL LAND SURVEYOR

STATE OF MAINE
YORK COUNTY ss. REGISTRY OF DEEDS
RECEIVED _____, 20____
AT ___h, ___m, ___M, AND RECORDED IN
PLAN BOOK _____, PAGE _____

ATTEST _____ REGISTER

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 56°12'53" E	83.13'
L2	S 79°52'24" E	31.46'
L3	N 25°58'51" E	23.95'
L4	S 36°27'43" E	15.91'
L5	N 01°23'11" E	26.17'
L6	S 80°45'37" E	81.11'
L7	N 36°12'39" W	43.60'
L8	S 35°07'18" E	54.44'
L9	N 75°20'14" W	6.78'
L10	N 50°30'07" W	52.20'
L11	N 21°28'48" E	84.09'
L12	N 73°34'26" W	6.96'
L13	N 03°34'40" E	55.03'
L14	N 24°11'02" W	24.05'
L15	N 19°41'38" E	18.27'
L16	N 45°53'23" E	38.93'
L17	N 49°13'00" E	61.99'
L18	N 43°12'08" E	37.88'
L19	N 68°07'57" E	21.00'
L20	S 85°40'49" E	46.27'
L21	N 49°17'10" E	78.09'
L22	N 82°51'57" E	19.83'
L23	S 00°14'12" E	10.73'
L24	N 11°58'20" E	52.50'

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25.00'	22.26'	21.54'	N 71°37'13" W	51°01'39"
C2	170.00'	51.21'	51.02'	S 88°30'13" E	17°15'39"
C3	80.00'	122.85'	111.13'	S 56°08'07" W	87°58'58"
C4	60.00'	108.45'	94.28'	S 50°12'10" W	103°33'58"
C5	60.00'	140.56'	110.55'	N 105°53'58" W	134°13'43"
C6	170.00'	31.56'	31.51'	N 61°31'56" E	10°38'07"
C7	170.00'	79.10'	78.39'	N 80°10'45" E	26°39'31"
C8	170.00'	19.64'	19.63'	S 83°10'57" E	6°37'06"
C9	130.00'	35.07'	34.96'	S 87°36'05" E	15°27'23"
C10	25.00'	24.89'	23.87'	N 56°09'06" E	57°02'14"
C11	80.00'	19.18'	19.12'	S 05°16'54" W	13°43'29"
C12	50.00'	29.12'	28.71'	N 58°39'06" W	33°22'16"
C13	100.00'	78.25'	76.26'	N 43°53'42" E	44°49'53"
C14	100.00'	165.90'	147.53'	N 26°02'50" W	95°03'12"
C15	100.00'	60.92'	59.98'	N 31°26'38" W	34°54'12"
C16	100.00'	47.16'	46.72'	N 17°05'13" E	27°01'05"
C17	100.00'	48.45'	47.98'	N 10°18'11" W	27°45'43"
C18	100.00'	10.50'	10.49'	N 46°12'34" E	6°00'52"
C19	100.00'	76.60'	76.56'	N 71°48'11" E	45°02'01"
C20	100.00'	43.01'	42.68'	N 38°57'57" E	24°38'26"
C21	190.00'	57.24'	57.02'	S 88°30'13" E	17°15'39"

ACCESS EASEMENT CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
AC1	170.00'	9.95'	9.95'	N 84°46'55" W	3°21'11"
AC2	170.00'	10.07'	10.07'	N 88°11'22" W	3°23'44"

UTILITY EASEMENT TABLE		
LINE	BEARING	DISTANCE
E1	S 48°43'32" W	50.00'
E2	N 41°02'57" W	10.00'
E3	S 48°43'32" W	200.00'
E4	N 41°02'57" W	0.94'
E5	S 48°56'50" W	32.07'
E6	S 03°57'03" W	96.85'
E7	S 48°57'03" W	35.52'
E8	N 78°52'24" W	25.67'
E9	N 48°57'03" E	43.32'
E10	N 03°57'03" E	96.85'
E11	N 48°56'50" E	40.36'
E12	N 41°02'57" W	9.06'
E13	N 48°43'32" E	200.00'
E14	N 41°02'57" W	10.00'
E15	N 48°43'32" E	50.00'
E16	S 41°02'57" E	25.00'
E17	S 41°02'57" E	25.00'

ACCESS EASEMENT TABLE		
LINE	BEARING	DISTANCE
A1	N 01°32'45" E	27.04'
A2	N 11°58'20" E	62.28'
A3	S 36°27'43" E	13.37'
A4	N 60°58'38" E	13.25'
A5	N 11°58'20" E	60.28'
A6	N 01°32'45" E	25.89'

OPEN SPACE CALCULATIONS:

TOTAL AREA OF PARCEL = 783,006 SQ. FT.

"RESERVED OPEN SPACE"
(INCLUDES WETLANDS, WETLAND SETBACK AREAS AND SELECTED UPLAND) = 575,060 SQ. FT.

"COMMON OPEN SPACE"
(BALANCE OF PARCEL MINUS ASHLEY MORGAN WAY AND PROPOSED LOTS) = 134,239 SQ. FT.

TOTAL OPEN SPACE ON PARCEL = 709,299 SQ. FT.
= 90.6% OF TOTAL PARCEL AREA

REQUIRED OPEN SPACE IS 50% (90.6% IS > 50%)

NET RESIDENTIAL AREA OF PARCEL (SEE CLUSTER DENSITY CALCS ABOVE) = 411,404 SQ. FT..

OPEN SPACE INCLUDED IN LAND ACCEPTABLE FOR NET RESIDENTIAL AREA = 134,239 SQ. FT.
= 32.6% OF NET RESIDENTIAL AREA

REQUIRED OPEN SPACE MUST INCLUDE 30% OF NET RESIDENTIAL AREA (32.6% > 30%).

CLUSTER DENSITY CALCULATIONS:

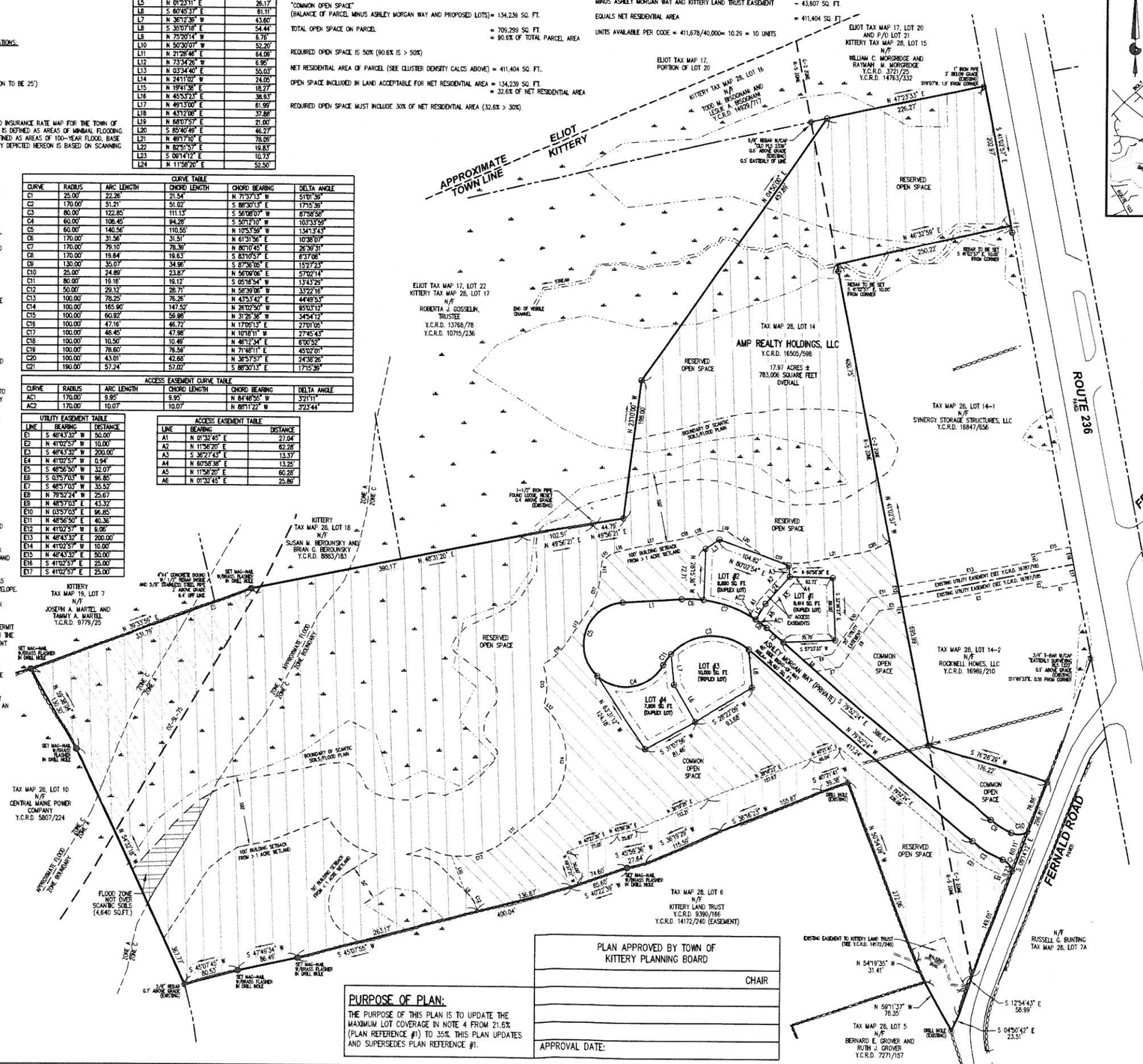
TOTAL AREA OF PARCEL IN RESIDENTIAL ZONE = 706,023 SQ. FT.

MINUS VERY POORLY DRAINED SOILS – SCANTIC SOILS & FLOOD ZONE – 251,012 SQ. FT.

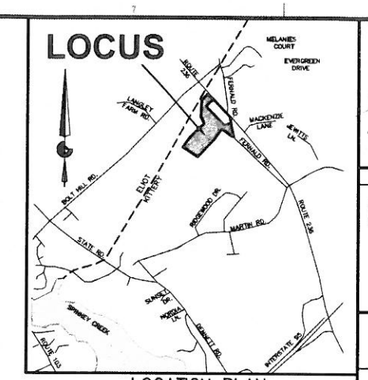
MINUS ASHLEY MORGAN WAY AND KITTERY LAND TRUST EASEMENT – 43,607 SQ. FT.

EQUALS NET RESIDENTIAL AREA = 411,404 SQ. FT.

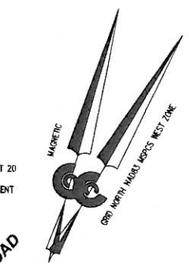
UNITS AVAILABLE PER CODE = 411,678/40,000= 10.29 = 10 UNITS



LOCUS



LOCATION PLAN
1"=2000'±



LEGEND

14172/240	DEED BOOK / PAGE NUMBER
OZ-SL-75	OVERLAY ZONE – SHORELAND – 75
N/F	NOW OR FORMERLY
SQ. FT.	SQUARE FEET
Y.C.R.D.	YORK COUNTY REGISTRY OF DEEDS
	BOUNDARY OF SCANTIC SOILS/FLOOD PLAIN
	PROPERTY LINE
	SETBACK (INTERNAL LOTS 1-4)
	APPROXIMATE ABUTTING PROPERTY
	STONE WALL
	EXISTING IRON ROD
	EXISTING CONCRETE BOUND
	BOUND TO BE SET
	IRON ROD TO BE SET
	WETLAND
	UTILITY POLE
	OVERLAY SHORELAND ZONE
	RESERVED OPEN SPACE
	COMMON OPEN SPACE

PLAN APPROVED BY TOWN OF KITTERY PLANNING BOARD

CHAIR

APPROVAL DATE:

PURPOSE OF PLAN:

THE PURPOSE OF THIS PLAN IS TO UPDATE THE MAXIMUM LOT COVERAGE IN NOTE 4 FROM 21.6% (PLAN REFERENCE #1) TO 35% THIS PLAN UPDATES AND SUPERSEDES PLAN REFERENCE #1.

STATE OF MAINE
THOMAS W. HARMON
No. 2977
LICENSED
PROFESSIONAL ENGINEER

© CIVIL CONSULTANTS

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

NO.	REVISIONS	INT.	DATE
1			

RECORD OWNER:
AMP REALTY HOLDINGS, LLC
OWNER ADDRESS:
291 HAROLD L. DOW HIGHWAY
ELIOT, MAINE 03903

MORGAN COURT
A MULTIFAMILY RESIDENTIAL CLUSTER SUBDIVISION
LAND OF AMP REALTY HOLDINGS, LLC
ROUTE 236 KITTERY, YORK COUNTY, MAINE

PREPARED FOR:
PETER J. PAUL
291 HARROLD L. DOW HIGHWAY, ELIOT, MAINE 03903

CLIENT ADDRESS:

1"=80'
0' 80'

DATE: 10/23/2015
DRAWN BY: JAA
CHECKED BY: MPP
APPROVED BY:

AMENDED FINAL SUBDIVISION PLAN
CLUSTERED MULIFAMILY DEVELOPMENT

PROJECT NO: 12-198.00

S1

SHEET: 1 OF 1

CADD FILE: J:\AAA\2012\1219800\CARLSON\ENGINEERING\DRAWING\1219800E-SD-2C-RE4-2015.DWG

PLOT DATE: 10/26/2015 7:50 AM

ITEM 3

PLAN REVIEW NOTES
13 Lawrence Ln. M18 Lot 31
Shoreland Development Plan Review

November 12, 2015

Town of Kittery Maine
Town Planning Board Meeting
November 12, 2015

ITEM 2- 13 Lawrence Ln –Shoreland Development Plan
Action: Approve or deny plan. Owner/applicant Rose Marie Howells requests consideration of plans to adjust a property line and expand an existing driveway located at 13 Lawrence Ln (Tax Map 18, Lot 31) in the Residential – Kittery Point Village (R-KPV), Shoreland Overlay (OZ-SL-250'), Zones. Agent is Robbi Woodburn, Woodburn & Company Landscape Architects.

PROJECT TRACKING

REQ'D	DESCRIPTION	COMMENTS	STATUS
NO	Sketch Plan		NA
NO	Site Walk	At the Board's discretion	
YES	Determination of Completeness		Scheduled for 11/12
NO	Public Hearing		
Yes	Final Plan Review and Decision		Feasible for 11/12

Plan Review Notes reflect comments and recommendations regarding applicability of Town Land Use Development Code, and standard planning and development practices. Only the PB makes final decisions on code compliance and approves, approves with conditions or denies final plans. 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 recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN ¼: 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

Planning Board review of this project is required by 16.10.3.2 Other Development Review because it is located in the Shoreland Overlay Zone. The existing use is a nonconforming single-family dwelling on a nonconforming lot. The house, patio and a portion of the existing driveway are located within the 100 foot setback from the Highest Annual Tide (HAT). The driveway is also located within the 15 foot side setback. Front setbacks are met. The existing lot exceeds the maximum area of de-vegetation and does not meet the minimum square footage for the R-KPV zone.

The proposal is to expand the existing driveway so that it will be able to accommodate parking for two vehicles and a turnaround space. The proposed development of the driveway and parking area both exist outside of the 100-foot setback from the HAT. The proposal also includes a property line adjustment, increasing the lot size to support the increase in devegetated area caused by the proposed development.

Staff Review

The lot's current de-vegetated area is 6287 sq. ft., 31.33% of the total property area. The proposed driveway expansion will increase the lot's de-vegetated area by 600 square feet, increasing the total de-vegetated area to 34.32%. To avoid becoming more non-conforming, the applicant proposes an adjustment to the property line that will increase the total lot size from 20,070 to 22,070 square feet. With the adjusted boundary line, the driveway expansion would

create a total de-vegetated area of 31.21% and does not increase non-conformity. The proposed expansion does not involve the removal of any trees from the property.

The proposed adjustment to the common boundary line is between the applicant, a nonconforming lot with nonconforming structures, and a conforming lot with conforming structures. The adjustment maintains setbacks, coverage levels and devegetated areas required in the R-KPV zone and, therefore, would not increase nonconformity for either property.

The abutting property subject to the boundary line shift is the estate of Dean Howells, who is in support of the proposal.

The lot's building coverage is 5.95%. Maximum building coverage in the zone is 20%. The proposed development does not increase the building coverage.

The proposed development exists outside of the required setbacks, do not increase the nonconformity of the dwelling and, with the inclusion of the property line adjustment, do not exceed devegetation or building coverage levels for the property. The proposal for the driveway expansion appear to meet the standards of Title 16.

Staff recommends the approval of this plan with the following changes to the plan

1. Update shoreland development plan to coordinate with the existing conditions plan.
    - Plans should include:
        - Labeled dimensions of existing structures
        - Labeled front and side setbacks
        - Base and overlay zone information
        - Signature block for Board chair
        - Code block in lower right corner to include
            - Owner name
            - Surveyor information
            - Map and Lot ID
2. Update plan to identify existing and proposed coverage areas for all structures, parking areas and other impervious surfaces.
3. Final plan needs to be stamped/signed by professional engineer surveyor prior to mylar signing.

Recommendations

The proposed development appears to meet the requirements of Title 16, as described with the conditions included in draft findings of fact. After accepting the application the board should determine if a public hearing is warrented.

The Board should first accept the plan application.

Move to accept the Shoreland Development Plan application dated October 5, 2015 from Rose Marie Howells for 13 Lawrence Lane (Tax Map 18, Lot 32-A) in the Residential-Kittery Point Village and Shoreland Overlay Zones…

The Board may move to approve with conditions (suggestions provided below) and proceed to reading and voting on the Findings of Fact.

Move to grant conditional approval for the Shoreland Development Plan application dated October 5, 2015 from Rose Marie Howells for 13 Lawrence Lane (Tax Map 18, Lot 32-A) in the Residential-Kittery Point Village and Shoreland Overlay Zones…

Kittery Planning Board

Findings of Fact
For 24 Williams Ave
Shoreland Development Plan Review

WHEREAS: Rose Marie Howells requests approval of her Shoreland Development Plan to adjust a property line and expand an existing driveway located further than 100 feet from the HAT at 13 Lawrence Lane (Tax Map 18, Lot 32-A) in the Residential-Kittery Point Village and Shoreland Overlay Zones, hereinafter the "Development" and

Pursuant to the Plan Review meetings conducted by the Town Planning Board as noted;

Shoreland Development Plan Review	11/12/2015

And pursuant to the application and plan and other documents considered to be a part of a plan review decision by the Town Planning Board in this Finding of Fact consisting of the following (hereinafter the "Plan"):

1. Shoreland Development Plan Application, received October 5, 2015.
2. Site Plan, Easterly Surveying, Inc., August 20, 2015; Woodburn & Company, October 3, 2015.

NOW THEREFORE, based on the entire record before the Town Planning Board and pursuant to the applicable standards in the Land Use and Development Code, the Town Planning board makes the following factual findings and conclusions:

FINDINGS OF FACT

Chapter 16.3 LAND USE ZONE REGULATIONS

16.3.2.17.D Shoreland Overlay Zone
1.d The total footprints of the areas devegetated for structures, parking lots and other impervious surfaces, must not exceed twenty (20) percent of the lot area, including existing development, except in the following zones… Findings: The lot's current de-vegetated area is 6287 sq. ft., 31.33% of the total property area. The proposed driveway expansion will increase the lot's de-vegetated area by 600 square feet, increasing the total de-vegetated area to 34.32%. To avoid becoming more non-conforming, the applicant proposes an adjustment to the property line that will increase the total lot size from

20,070 to 22,070 square feet. With the adjusted boundary line, the driveway expansion would decrease the total de-vegetated area to 31.21% and does not increase non-conformity.

Conclusion: The requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

Chapter 16.7 GENERAL DEVELOPMENT REQUIREMENTS
Article III Nonconformance

16.7.3.1 Prohibitions and Allowances

A. Except as otherwise provided in this Article, a nonconforming conditions must not be permitted to become more nonconforming

Finding: With the adjusted property line the devegetated area is being decreased from 31.33% to 31.22%

Conclusion: The requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

16.7.3.5 Types of Nonconformance

16.7.3.5.5 Nonconforming Structure Repair and/or Expansion

A. A nonconforming structure may be repaired or maintained and may be expanded in conformity with the dimensional requirements, such as setback, height, etc., as contained in this Code. If the proposed expansion of a nonconforming structure cannot meet the dimensional requirements of this Code, the Board of Appeals or the Planning Board (in cases where the structure is located in a Shoreland Overlay or Resources Protection Overlay Zone) will review such expansion application and may approve proposed changes provided the changes are no more conforming than the existing condition and the Board of Appeals or the Planning Board (in cases where the structure is located in a Shoreland overlay or Resources Protection Overlay Zone) makes its decision per section 16.6.6.2.

See 16.6.6.1 and its reference to 16.6.6.2 below.

16.6.6 Basis for Decision

16.6.6.1.B In hearing appeals/requests under this Section, the Board of Appeals [note: Planning Board is also subject to this section per 16.7.3.5.5 above] **must use the following criteria as the basis of a decision:**

1. Proposed use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use zones;
2. Use will not prevent the orderly and reasonable use of permitted or legally established uses in the zone wherein the proposed use is to be located, or of permitted or legally established uses in adjacent use zones;
3. Safety, the health, and the welfare of the Town will not be adversely affected by the proposed use or its location; and
4. Use will be in harmony with and promote the general purposes and intent of this Code.

The Board must also give consideration to the factors listed in 16.6.6.2.

Finding: The proposed development does not include repair or expansion of nonconforming

structures.

Conclusion: The requirement is not applicable.

Vote: ___ in favor ___ against ___ abstaining

16.7.3.6 Nonconforming Structures in Shoreland and Resource Protection Zones
16.7.3.6.1 Nonconforming Structure Expansion

A nonconforming structure may be added to, or expanded, after obtaining Planning Board approval and a permit from the Code Enforcement Officer. Such addition or expansion must not increase the non- conformity of the structure and must be in accordance with the subparagraphs [A through C] *below.*

A. After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure will not be permitted to expand, as measured in floor area or volume, by thirty percent (30%) or more during the lifetime of the structure.

B. If a replacement structure conforms to the requirements of Section 16.7.3.6.1.A and is less than the required setback from a water body, tributary stream or wetland, the replacement structure will not be permitted to expand if the original structure existing on January 1, 1989, has been expanded by 30% in floor area and volume since that date.

C. Whenever a new, enlarged or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 16.7.3.5.2 – Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 16.7.3.5.3, above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it will not be considered to be an expansion of the structure.

Finding: The existing nonconforming structure is not expanding within the 100-foot setback from the HAT. The proposal does not increase nonconformity.

Conclusion: Standards A-C are not applicable.

Vote: ___ in favor ___ against ___ abstaining

Chapter 10 DEVELOPMENT PLAN APPLICATION AND REVIEW
Article 10 Shoreland Development Review

16.10.10.2 Procedure for Administering Permits

D. An application will be approved or approved with conditions if the reviewing authority makes a positive finding based on the information presented. It must be demonstrated the proposed use will:

1. Maintain safe and healthful conditions;

Finding: The proposed development does not appear to have an adverse impact.

Conclusion: This requirement appears to be met

Vote: ___ in favor ___ against ___ abstaining

2. Not result in water pollution, erosion or sedimentation to surface waters;

Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction (see conditions #2 and #3) to avoid impact on adjacent surface waters.

Conclusion: This requirement appears to be met

Vote: ___ in favor ___ against ___ abstaining

3. Adequately provide for the disposal of all wastewater;

Finding: The proposed development doesn't connect to two sewer.

Conclusion: This requirement is not applicable.

Vote: ___ in favor ___ against ___ abstaining

4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction (see conditions #2 and #3) to avoid impact on adjacent surface waters. These conditions should be added to the plan.

Conclusion: The proposed development does not appear to have an adverse impact. With the suggested conditions #2 and #3, this standard appears to be met.

Vote: ___ in favor ___ against ___ abstaining

5. Conserve shore cover and visual, as well as actual points of access to inland and coastal waters;

Finding: Shore cover is not adversely impacted

Conclusion: This requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

6. Protect archaeological and historic resources;

Finding: There does not appears to be any resources impacted.

Conclusion: This requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district;

Finding: The proposed development is not located in a CFMU Zone.

Conclusion: This requirement is not applicable.

Vote: ___ in favor ___ against ___ abstaining

8. Avoid problems associated with floodplain development and use; Finding: the proposed development is not within the floodplain Conclusion: This requirement appears to be met.
Vote: ___ in favor ___ against ___ abstaining
9. Is in conformance with the provisions of this code; Finding: The proposed development appears to be in conformance with the provisions of this code. Conclusion: This requirement appears to be met.
Vote: ___ in favor ___ against ___ abstaining
10. Be recorded with the York county Registry of Deeds. Finding: A plan suitable for recording has been prepared. Conclusion: As stated in the Notices to Applicant contained herein, shoreland Development plans must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.
Vote: ___ in favor ___ against ___ abstaining

Based on the foregoing Findings, the Planning Board finds the applicant has satisfied each of the review standards for approval and, therefore, the Planning Board approves the Shoreland Development Plan Application of owner/applicant Rose Marie Howells requests consideration of her plan to expand an existing driveway located on, and adjust the property line for the referenced property and subject to any conditions or waivers, as follows:

Waivers: None

Conditions of Approval (to be depicted on 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. In additions, applicant/contractor must submit a copy of a MDEP permit by rule to staff for town records.
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. No trees are to be removed without prior approval by the Code Enforcement Officer or the Shoreland Resource Officer.
5. All Notices to Applicant contained herein (Findings of Fact dated 11/12/15).

Conditions of Approval (not to be depicted on final plan):

6. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board or Peer Review Engineer, and submit for Staff review prior to presentation on final Mylar.

The Planning Board authorizes the Planning Board Chair to 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 _____November 12, 2015

Notices to Applicant:

1. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board or Peer Review Engineer, and submit for Staff review prior to presentation of final mylar.

2. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.

3. One (1) mylar copy of the final plan and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department for signing. Date of Planning Board approval shall be included on the final plan in the Signature Block. After the signed plan is recorded with the York County Registry of Deeds, a mylar copy of the signed original must be submitted to the Town Planning Department.

4. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating as elements the Development Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

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.

October 1, 2015

RECEIVED
OCT 0 5 2015
BY:----------

Ms. Ann Grinnell
Chair
Kittery Planning Board
Town of Kittery
200 Rogers Road
Kittery, Maine 03804

Dear Ms. Grinnell and Planning Board Members:

Please find enclosed an application for a Shoreland Development Plan for 13 Lawrence Lane, Map18 Lot 32A owned by Rose Marie Howells.

In addition to this cover letter the application package includes the following:

- Project Application Form - completed
- Proposed Boundary Line Adjustment and Existing Conditions Plan 1"=30'-0" dated 8/20/2015 by Easterly Surveying.
- L-1 Howells Residence – Proposed Driveway Alterations – Shoreland Development Plan 1"=10'-0" dated October 3, 2015
- Review Letter from Tidewater Engineering dated September 30, 2015.

The application is for minor adjustments to the existing driveway to allow for improved access and safe exit. Currently the driveway is very narrow, pinching down to 9.5' at one point and the existing parking area at the end of the drive does not allow for a vehicle to turn around and exit the site heading out. A vehicle, when exiting the property must back down the drive for approximately 150' before a three point turn can be executed.

The proposed improvements include widening the driveway slightly, flaring the entrance to the parking area and widening the parking area by 5' to allow for parking for two cars. A 12' x 15' tab of paving is also added so that a vehicle can back into it and exit the area facing forward. An L-shaped retaining wall approximately two feet high will retain the grade for this back-out area. The total additional de-vegetated area is 600SF.

The parking area will be repaved in decorative pavers and graded to drain to a small yard drain in the back-out area. This drain will connect to a 6" pipe that will parallel the side of the house and daylight into and existing tree well where it will infiltrate into the existing soils.

WOODBURN
&COMPANY
Landscape Architecture, LLC
103 Kent Place
Newmarket, NH
03857
Tel. 603.659.5949
Fax 603.659.5939

The majority of the property lies within the Shoreland Overlay Zone and is a non-conforming lot. It currently has a de-vegetated area of 31.33% which cannot be exceeded. In order to support this added de-vegetated area a lot line adjustment is proposed. This adjustment is shown on the Proposed Boundary Line Adjustment and Existing Conditions Plan included in this application and is also reflected on drawing L-1.

The grading and drainage have been reviewed by Ryan McCarthy P.E., P.L.S. of Tidewater Engineering & Surveying PLLC and a site visit was undertaken on Wednesday September 30, 2015 during a major storm event. His letter of review is included.

A permit by rule will be required for the work within the 75' setback and will be obtained prior to any construction.

We hope you find this application clear and understandable and look forward to reviewing with you.

Sincerely,

Roberta Woodburn, ASLA
Principal

WOODBURN
& COMPANY
Landscape Architecture, LLC
103 Kent Place
Newmarket, NH
03857
Tel. 603.659.5949
Fax 603.659.5939

September 30, 2015

TIDEWATER
ENGINEERING & SURVEYING LLC

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

Re: Review of Proposed Driveway Alterations
Lot 1-13 Lawrence Lane, Kittery Point, Maine
Job No. 15-118

Dear Mr. Di Matteo:

Tidewater Engineering & Surveying has been contracted by Woodburn & Company to review the proposed driveway alterations shown on the plan entitled "Howells Residence Proposed Driveway Alterations – Shoreland Development Plan Lot 1 - 13 Lawrence Lane, Kittery Point, Maine" by Woodburn & Company, dated October 3, 2015. The following review is focused upon stormwater management and permitting requirements by the State of Maine.

A site visit was completed at 11:30am on September 30, 2015 with Robbi Woodburn of Woodburn & Company during a significant rain event. It should be noted that extended periods of heavy rain occurred prior to arriving on site and that no signs of ponding water or erosion were observed.

The proposed driveway alterations include the expansion of a cobble/paver driveway to improve vehicular maneuvering into and out of the site. Currently the driveway configuration does not provide adequate space to turn around therefore vehicles must back out a distance over 150 feet, creating a safety concern. The proposed expansion includes a driveway turnaround area to improve this hazardous situation.

The site generally slopes north to south towards the Piscataqua River. Runoff from the driveway and cobble parking area flows towards the existing residence, down the front steps and around the building to the river. In the proposed scenario, driveway will be graded to prevent stormwater from flowing down the front steps and instead will be collected via a 12" square yard drain. This drain will connect to a 6" diameter pipe that is routed along the side of the building and to an existing tree well. Since the stormwater will then infiltrate through the underlying soils, this tree well will serve to provide a form of stormwater treatment by removing sediments that would have otherwise flown directly into the river.

As the proposed driveway and stormwater improvements occur within 75 feet of a protected resource (Piscataqua River), a Maine DEP Chapter 305 Permit by Rule under *Section 2 Activities adjacent to protected natural resources* is required in accordance with the Natural Resource Protection Act (NRPA).

It is opinion of Tidewater Engineering & Surveying that the proposed driveway alterations will improve both vehicular safety and stormwater management on the subject parcel. If you have any questions, please do not hesitate to contact me at (207) 439-2222 or ryan@tidewatercivil.com.

Very truly yours,

Ryan M. McCarthy, P.E., P.L.S.

Manager of the Company
Tidewater Engineering & Surveying PLLC
37 Route 236 Suite 201
Kittery, ME 03904

Cc. Robbi Woodburn, Woodburn & Company

TOWN OF KITTERY MAINE

TOWN PLANNING AND DEVELOPMENT DEPARTMENT

200 Rogers Road, Kittery, Maine 03904
Phone: (207) 475-1307
Fax: (207) 439-6806
www.kittery.org

APPLICATION: SHORELAND OVERLAY ZONE PROJECT PLAN REVIEW

FEE FOR REVIEW	☐ $200.00	Amount Paid: $_____ Date: _____

PROPERTY DESCRIPTION	Parcel ID	Map	18	Base Zone	residential	Total Land Area	20,000 sf to be adjusted to 22,000sf
		Lot	32-A	Overlay Zone	shoreland		
	Physical Address	13 Lawrence Lane					

PROPERTY OWNER'S INFORMATION	Name	Rose Marie Howells	Mailing Address	13 Lawrence Lane Kittery Point, ME 03905
	Phone			
	Fax			
	Email	rosiehowells@yahoo.com		
APPLICANT'S AGENT INFORMATION	Name	Robbi Woodburn	Name of Business	Woodburn & Company Landscape Archit
	Phone	603-659-5949	Mailing Address	103 Kent Place Newmarket, NH 03857
	Fax	603-659-5939		
	Email	robbi@woodburnandcompany.com		

PROJECT DESCRIPTION

See reverse side regarding information to be provided.

Existing Land Use:

The existing property is a single family residence at the end of Lawrence Lane. Its driveway is currently very narrow (9' at one point) and turning space is very tight.

Proposed Land Use and Development:

The plans illustrate expanding the existing parking area and opening up the width of the driveway to create parking for two cars as well as a small area in which a vehicle could execute a three point turn to be able to leave the property head out instead of needing to back out over 150' before a turn can be made. The resulting increase in de-vegetated area is 600sf. The property is limited to its current lot coverage (31.33%) and a property line adjustment is proposed to support the additional area of de-vegetation.

PROJECT DESCRIPTION	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)
	The entire property lies within the Shoreland Overlay Zone and it is a non-conforming lot.
	Available space for adjustments to the driveway is limited.
	Erosion control will be in place prior to and during construction.

I certify I have provided, to the best of my knowledge, information requested for this application that 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:		Date:	Oct. 1, 15

MINIMUM PLAN SUBMITTAL REQUIREMENTS

- ☐ 15 Copies of this Application and the Project Plan and Vicinity Map

Shoreland Overlay Zone Project 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 TOWN PLANNING BOARD SITE WALK, TEMPORARY MARKERS MUST BE ADEQUATELY PLACED THAT ENABLE THE 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 or aerial photo showing geographic features 5,000 feet around the site.

Project 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 topograph under the proposed project plan for comparison.)
- ☐ Recreation areas and open space
- ☐ Setback lines and building envelopes
- ☐ Lot dimensions
- ☐ Utilities (Sewer/septic, water, electric, phone)
- ☐ Streets, driveways and rights-of-way
- ☐ Structures
- ☐ Shoreland Project Expansion Analysis (see attached)

Distance to:
- ☐ Nearest driveways and intersections
- ☐ Nearest fire hydrant
- ☐ Nearest significant water body; ocean, wetland, stream.

OR APPLICATION THE TOWN PLANNER DEEMS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE SCHEDULED FOR PLANNING BOARD REVIEW

TOWN OF KITTERY MAINE – SHORELAND PROJECT PLAN REVIEW (continued)

EXPANSION ANALYSIS OF CONSTRUCTION ONLY WITHIN THE SETBACK (100 FT/75 FT) IN THE SHORELAND OVERLAY ZONE

	AREA - SQUARE FEET	VOLUME - CUBIC FEET	CONSTRUCTION TYPE * (DR or MR)	VALUE $
PROPOSED ADDITION				
CHANGE – TOTAL	n/a SF	n/a CF	DR	NA
CHANGE – PERCENT	n/a %	n/a %	NA	NA
CONSTRUCTION VALUE	NA	NA		$ 10,000 +/-
EXISTING –				
PRIOR TO SHORELAND LAW – 1987	unknown SF	n/a CF	NA	NA
ADDITION(S) –AFTER INITIAL SHORELAND LAW ADOPTION				
CHANGE - TOTAL	unknown SF	n/a CF	NA	NA
CHANGE – PERCENT	____ %	____ CF	NA	NA
VALUE OF CONSTRUCTION	NA	NA	NA	$____
VALUE OF INCREASE – PERCENT	NA	NA	NA	____ %
TOTAL – EXISTING PLUS PROPOSED				
CHANGE – AMOUNT	____ SF	____ CF	NA	NA
CHANGE – PERCENT	____ % **	____ CF**	NA	NA
**(Note: May not exceed 30%)				
VALUE OF CONSTRUCTION - $	NA	NA	NA	$____
VALUE OF INCREASE – PERCENT	NA	NA	BA	____ %

* KEY - TYPE OF ADDTION

-DEMOLITION AND RE-BUILD - DR

-MAINTENCE OR REPAIR - MR

END

Prepared for Rosie Marie Howells
13 Lawrence Lane Kittery, Maine

De-Vegetated Surface Area Lot 1 Existing vs. Proposed

Object	Ex Area	Proposed w/out lot change	Proposed with lot adjustment	
Driveway	2672.82	3292.86	3292.86	620
House	1193.47	1193.47	1193.47	
Patio/Walkways	1686.22	1686.22	1686.22	0
Pier	290.25	290.25	290.25	
Utilities	95.13	95.13	95.13	
Stonewalls	349.96	329.96	329.96	-20
Total Impervious Area	6287.85	6887.89	6887.89	
Total lot area to elevation 6	20070.03	20070.03	22070	
Total Impervious Coverage	**31.33%**	**34.32%**	**31.21%**	

Proposed Changes to Lot One (current de-vegetated area 31.33%)

		% De-Vegetated area w/out lot change	% De-Vegetated area with lot amendment
Change in Building Area	Not Applicable		
Change in Building Volume	Not Applicable		
Change in De-vegetated Area	600 SF	**34.32%**	**31.21%**

Prepared by Woodburn Company
Landscape Architecture, LLC

10/19/2015

Rebecca Spitko

From: Robbi Woodburn <robbi@woodburnandcompany.com>
Sent: Tuesday, November 03, 2015 12:32 PM
To: Rebecca Spitko
Cc: 'hhi@ix.netcom.com'
Subject: FW: 13 Lawrence Ln.

Rebecca:

Thanks for your email and clarification, please see Mr. Howells response below...

I will follow-up later this afternoon with a phone call to make sure you have everything you need.

Thanks

Robbi Woodburn

Robbi Woodburn
Principal

Woodburn & Company
Landscape Architecture. LLC
103 Kent Place
Newmarket, NH 03857
Phone: 603.659.5949
Fax: 603.659.5939
www.woodburnandcompany.com
http://www.houzz.com/pro/robwoodburn/woodburn-company-landscape-architecture-llc

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From: Dean Howells [mailto:hhi@ix.netcom.com]
Sent: Tuesday, November 03, 2015 12:27 PM
To: Robbi Woodburn <robbi@woodburnandcompany.com>
Subject: RE: 13 Lawrence Ln.

Robbi—
11 Lawrence Lane is under a QPRT to my son which becomes effective in Dec 2019. Until then, the house is in my estate. Can you use this email as an agreement of the abutter for the driveway?
Thanks—Dean

From: Robbi Woodburn [mailto:robbi@woodburnandcompany.com]
Sent: Tuesday, November 03, 2015 7:56 AM
To: hhi@ix.netcom.com; rosiehowells@yahoo.com
Subject: Fwd: 13 Lawrence Ln.

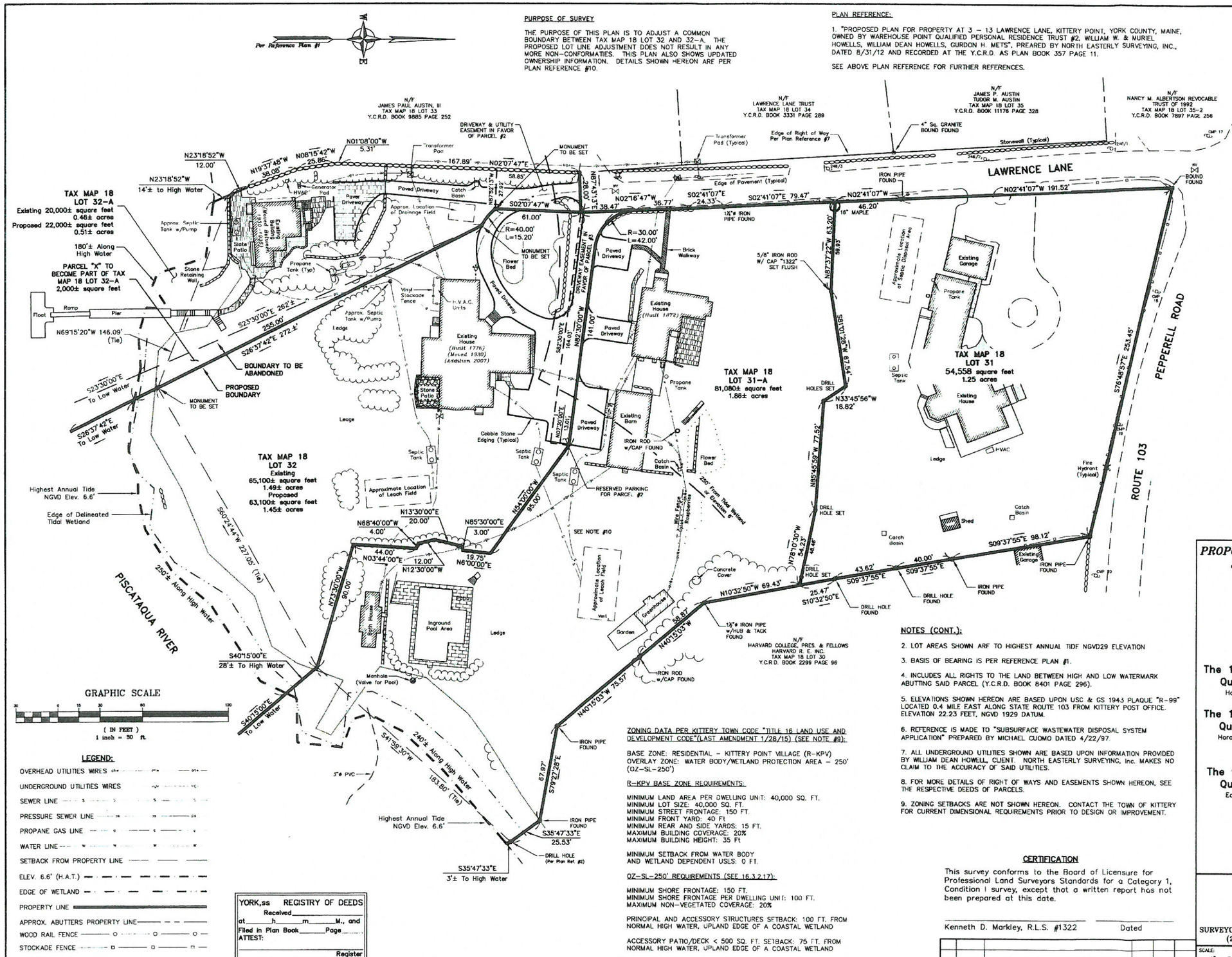
PURPOSE OF SURVEY

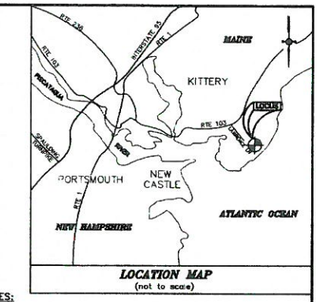
THE PURPOSE OF THIS PLAN IS TO ADJUST A COMMON BOUNDARY BETWEEN TAX MAP 18 LOT 32 AND 32–A. THE PROPOSED LOT LINE ADJUSTMENT DOES NOT RESULT IN ANY MORE NON–CONFORMATIES. THIS PLAN ALSO SHOWS UPDATED OWNERSHIP INFORMATION. DETAILS SHOWN HEREON ARE PER PLAN REFERENCE #10.

PLAN REFERENCE:

1. "PROPOSED PLAN FOR PROPERTY AT 3 – 13 LAWRENCE LANE, KITTERY POINT, YORK COUNTY, MAINE, OWNED BY WAREHOUSE POINT QUALIFIED PERSONAL RESIDENCE TRUST #2, WILLIAM W. & MURIEL HOWELLS, WILLIAM DEAN HOWELLS, GURDON H. METS", PREARED BY NORTH EASTERLY SURVEYING, INC., DATED 8/31/12 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 357 PAGE 11.

SEE ABOVE PLAN REFERENCE FOR FURTHER REFERENCES.





NOTES:

1. OWNERS OF RECORD:

TAX MAP 18 LOT 32–A
ROSE MARIE HOWELLS
Y.C.R.D. BOOK 16492 PAGE 481
DATED DECEMBER 21, 2012

TAX MAP 18 LOT 32
THE 11 LAWRENCE LANE, KITTERY POINT, MAINE
QUALIFIED PERSONAL RESIDENCE TRUST #1
HORACE W. HOWELLS, TRUSTEE
WILLIAM DEAN HOWELLS, TRUSTEE
Y.C.R.D. BOOK 16492 PAGE 484
DATED DECEMBER 21, 2012

THE 11 LAWRENCE LANE, KITTERY POINT, MAINE
QUALIFIED PERSONAL RESIDENCE TRUST #2
HORACE W. HOWELLS, TRUSTEE
BENITHA CHRISTINA HOWELLS, TRUSTEE
Y.C.R.D. BOOK 16492 PAGE 487
DATED DECEMBER 21, 2012

TAX MAP 18 LOT 31–A
THE 9 LAWRENCE LANE KITTERY POINT, MAINE
QUALIFIED PERSONAL RESIDENCE TRUST
EDWARD S. HOWELLS, TRUSTEE
GURDON HOWELLS METZ, TRUSTEE
Y.C.R.D. BOOK 16492 PAGE 490
DATED DECEMBER 21, 2012

TAX MAP 18 LOT 31
WILLIAM DEAN HOWELLS
BENITHA CHRISTINA HOWELLS
MURIEL GURDON HOWELLS METZ
Y.C.R.D. BOOK 16488 PAGE 486
DATED DECEMBER 4, 2012

FOR REVIEW

NOTES (CONT.):

2. LOT AREAS SHOWN ARE TO HIGHEST ANNUAL TIDE NGVD29 ELEVATION

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

4. INCLUDES ALL RIGHTS TO THE LAND BETWEEN HIGH AND LOW WATERMARK ABUTTING SAID PARCEL (Y.C.R.D. BOOK 8401 PAGE 296).

5. ELEVATIONS SHOWN HEREON ARE BASED UPON USC & GS 1943 PLAQUE "R–99" LOCATED 0.4 MILE EAST ALONG STATE ROUTE 103 FROM KITTERY POST OFFICE. ELEVATION 22.23 FEET, NGVD 1929 DATUM.

6. REFERENCE IS MADE TO "SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION" PREPARED BY MICHAEL CUOMO DATED 4/22/97.

7. ALL UNDERGROUND UTILITIES SHOWN ARE BASED UPON INFORMATION PROVIDED BY WILLIAM DEAN HOWELL, CLIENT. NORTH EASTERLY SURVEYING, Inc. MAKES NO CLAIM TO THE ACCURACY OF SAID UTILITIES.

8. FOR MORE DETAILS OF RIGHT OF WAYS AND EASEMENTS SHOWN HEREON, SEE THE RESPECTIVE DEEDS OF PARCELS.

9. ZONING SETBACKS ARE NOT SHOWN HEREON. CONTACT THE TOWN OF KITTERY FOR CURRENT DIMENSIONAL REQUIREMENTS PRIOR TO DESIGN OR IMPROVEMENT.

ZONING DATA PER KITTERY TOWN CODE "TITLE 16 LAND USE AND DEVELOPMENT CODE"(LAST AMENDMENT 1/28/15) (SEE NOTE #9):

BASE ZONE: RESIDENTIAL – KITTERY POINT VILLAGE (R–KPV)
OVERLAY ZONE: WATER BODY/WETLAND PROTECTION AREA – 250' (OZ–SL–250')

R–KPV BASE ZONE REQUIREMENTS:

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

MINIMUM SETBACK FROM WATER BODY AND WETLAND DEPENDENT USLS: 0 FT.

OZ–SL–250' REQUIREMENTS (SEE 16.3.2.17):

MINIMUM SHORE FRONTAGE: 150 FT.
MINIMUM SHORE FRONTAGE PER DWELLING UNIT: 100 FT.
MAXIMUM NON–VEGETATED COVERAGE: 20%

PRINCIPAL AND ACCESSORY STRUCTURES SETBACK: 100 FT. FROM NORMAL HIGH WATER, UPLAND EDGE OF A COASTAL WETLAND

ACCESSORY PATIO/DECK < 500 SQ. FT. SETBACK: 75 FT. FROM NORMAL HIGH WATER, UPLAND EDGE OF A COASTAL WETLAND

LEGEND:

OVERHEAD UTILITIES WIRES
UNDERGROUND UTILITIES WIRES
SEWER LINE
PRESSURE SEWER LINE
PROPANE GAS LINE
WATER LINE
SETBACK FROM PROPERTY LINE
ELEV. 6.6' (H.A.T.)
EDGE OF WETLAND
PROPERTY LINE
APPROX. ABUTTERS PROPERTY LINE
WOOD RAIL FENCE
STOCKADE FENCE
EASEMENT

YORK,ss REGISTRY OF DEEDS
Received
at ___h ___m ___M., and
Filed in Plan Book ___ Page ___
ATTEST:
Register

CERTIFICATION

This survey conforms to the Board of Licensure for Professional Land Surveyors Standards for a Category 1, Condition I survey, except that a written report has not been prepared at this date.

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

REV.	DATE	STATUS	BY	CHKD	APPD.

PROPOSED BOUNDARY LINE ADJUSTMENT & EXISTING CONDITIONS PLAN

FOR PROPERTY AT

3, 9, 11 & 13 Lawrence Lane
Kittery Point, York County, Maine

OWNED BY

Tax Map 18 Lot 32–A
Rose Marie Howells
13 Lawrence Lane, Kittery Point, ME 03905

Tax Map 18 Lot 32
The 11 Lawrence Lane, Kittery Point, Maine Qualified Personal Residence Trust #1
Horace W. Howells, Trustee – William Dean Howells, Trustee
11 Lawrence Lane, Kittery Point, Maine 03905

The 11 Lawrence Lane, Kittery Point, Maine Qualified Personal Residence Trust #2
Horace W. Howells, Trustee – Benitha Christina Howells, Trustee
11 Lawrence Lane, Kittery Point, Maine 03905

Tax Map 18 Lot 31–A
The 9 Lawrence Lane, Kittery Point, Maine Qualified Personal Residence Trust #1
Edward S. Howells, Trustee – Gurdon Howells Metz, Trustee
9 Lawrence Lane, Kittery Point, Maine 03905

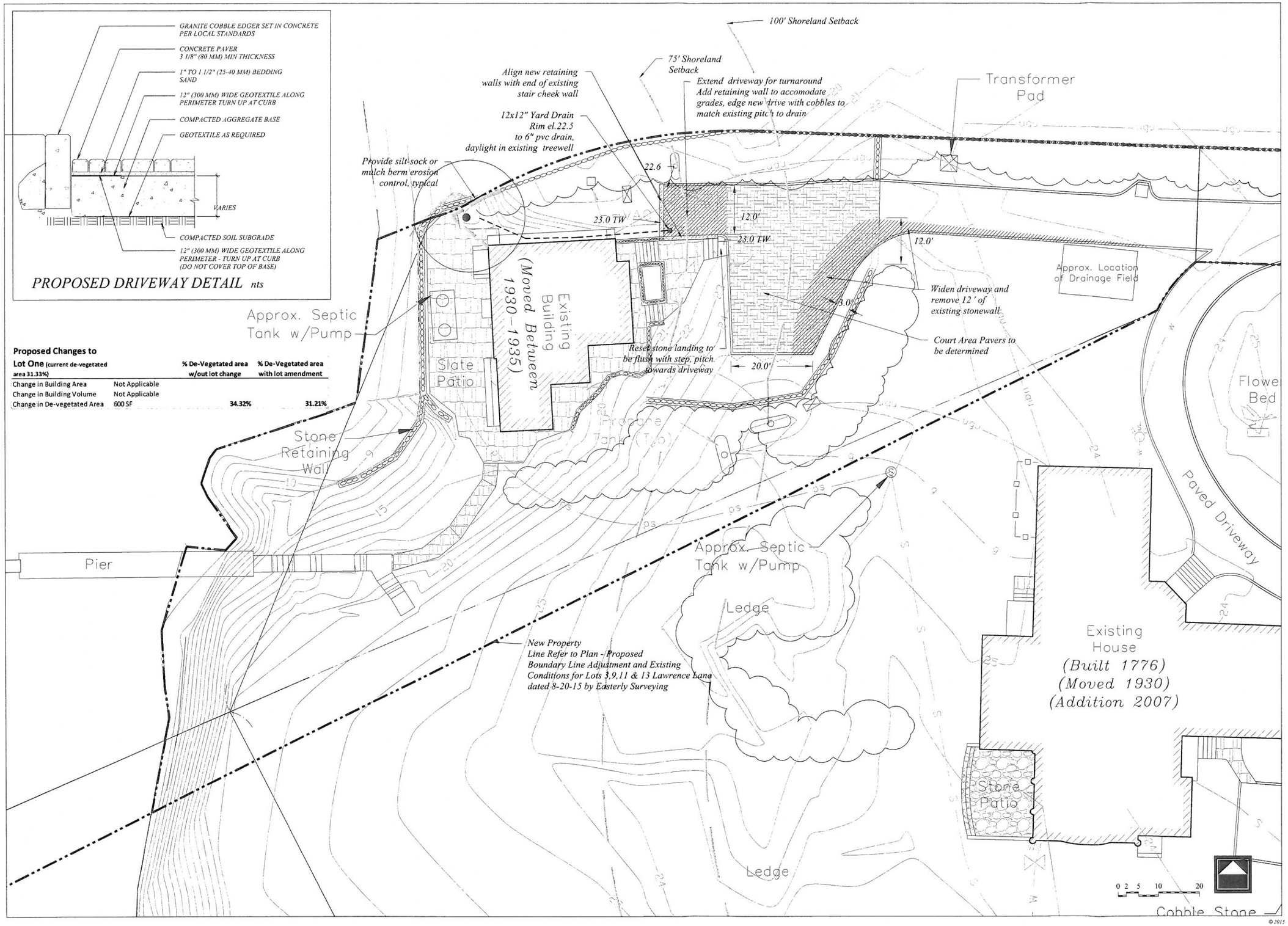
Tax Map 18 Lot 31
Wiliam Dean Howells
Benitha Christina Howells
Muriel Gurdon Howells Metz
3 Lawrence Lane, Kittery Point, Maine 03905

North EASTERLY SURVEYING
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" = 30'	06649	8/20/15	1 OF 1	A.M.P.	K.D.M.

DRAWING No: 06649_BLA_AUGUST_2015
FIELD BOOK No: "Kittery Point #7"

Tax Map 18 Lots 31, 31–A, 32, 32–A



Proposed Changes to

Lot One (current de-vegetated area 31.33%)		% De-Vegetated area w/out lot change	% De-Vegetated area with lot amendment
Change in Building Area	Not Applicable		
Change in Building Volume	Not Applicable		
Change in De-vegetated Area	600 SF	34.32%	31.21%

WOODBURN & COMPANY
Landscape Architecture, LLC
103 Kent Place
Newmarket, NH 03857
Tel 603.659.5949
Fax: 603.659.5939

Howells Residence

Proposed Driveway Alterations - Shoreland Development Plan

Lot 1- 13 Lawrence Lane Kittery Point, Maine

Drawn By:	TD/RW
Checked By:	RW
Scale:	1" = 10' - 0"
Date:	OCTOBER 3, 2015 ISSUED TO KITTERY
Revisions:	

L-1

Sheet 1 of 1

© 2015 Woodburn & Company Landscape Architecture, LLC

ITEM 4

PLAN REVIEW NOTES
78 Government St. M3 L144
Subdivision Completeness Review

November 12, 2015

Town of Kittery Maine
Town Planning Board Meeting
November 12, 2015

ITEM 3- Wentworth Dennett Artist Studios – Subdivision Completeness Reveiw
Action: Accept or deny preliminary site plan application; Schedule a public hearing. Owner/applicant Jeff Apsey requests consideration of plans to add 4 1-bedroom apartments to the top floor of an existing principal building located at 78 Government St. (M 3 L 144) in the Business Local 1 (BL-1) zone.

PROJECT TRACKING

REQ'D	DESCRIPTION	COMMENTS	STATUS
	Sketch Plan		NA
	Determination of Completeness		Scheduled for 11/12
	Site Walk	At the Board's discretion	
	Public Hearing		
	Final Plan Review and Decision		

Plan Review Notes reflect comments and recommendations regarding applicability of Town Land Use Development Code, and standard planning and development practices. Only the PB makes final decisions on code compliance and approves, approves with conditions or denies final plans. 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 recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN ¾: 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 is proposing to construct a 4th floor to the former Wentworth Dennett School Building at 78 Government street to include four 1-bedroom residential units. The creation of the apartments (3 or more dwelling units within a 5 year period) makes the development subject to subdivision review by the Planning Board per Title 16.10.3.1.

In 2007, the board reviewed a business occupancy change to construct a fourth floor to an existing three-story unit for the purpose of adding residential units to the property. The proposal was granted final approval with conditions at the December 27, 2007 Planning Board Meeting (minutes attached). The change in business use was approved with the following conditions:

1. Provide landscaping for the southeasterly parking area to include sugar maple trees and shrubs sufficient to screen headlights from the Route #1 corridor.
2. The applicant will submit a letter from the Kittery Water District that assures that there is sufficient water availability for the residential and office uses.
3. The applicant will submit a letter from the Kittery Waste Water Department that verifies that there is the available capacity in the downstream sewer system.

The plan was not executed in the allotted time frame and is therefore being presented again to the board.

Staff Review

The existing building is a conforming structure on a conforming lot that satisfies all setbacks. The proposed development involves the addition of a fourth floor to the existing three-story structure for the purpose of creating four 1-bedroom units. Per title 16.3.2.9.B, mixed-use units consisting of dwellings and art studios or galleries are permitted uses in the BL-1 zone.

Plans for development have been submitted to illustrate existing and proposed dimensions, architecture, landscaping as well as a lot survey for the property. The application is complete, with minor changes to the plan.

- Include lot, building and devegetated coverage areas on the plan.
- Include signature block on plan
- Include dimensions of all existing and proposed structures
- Include minimum rear and side yard setbacks.
- Hours of operation for the artist studios must be noted on the final site plan

Recommendations

The Board should determine if a site visit is warranted and, if so, schedule it prior to the first meeting in December. Staff recommends the Board accept plan application and schedule a public hearing for December 10, 2015.

Move to accept the Subdivision application dated September 29, 2015 from Jeff Aspey for 78 Government Street (Tax Map 3, Lot 144) in the Business Local 1 (BL-1) zone.

State of Maine

Department of Public Safety

Construction Permit

Reviewed for Barrier Free

Sprinkled

17629

WENTWORTH DENNET SCHOOL

Located at: 78 GOVERNMENT ST.

KITTERY

Occupancy/Use: APARTMENTS/BUSINESS

Permission is hereby given to:

JEFF APSEY

PO BOX 4201
PORTSMOUTH, NH 038024201

to construct or alter the afore referenced building according to the plans hitherto filed with the Commisioner and now approved. No departure from application form/plans shall be made without prior approval in writing. This permit is issued under the provision of Title 25, Chapter 317, Section 2448 and the provisions of Title 5, Section 4594 - F.

.othing herein shall excuse the holder of this permit for failure to comply with local ordinances, zoning laws, or other pertinent legal restrictions. Each permit issued shall be displayed/available at the site of construction.

This permit will expire at midnight on the *17 th of October 2008*

Dated the 18 th day of April A.D. 2008

Commissioner

Copy-2 Architect

Comments:

LASSEL ARCHITECTS

370 MAIN STREET
SOUTH BERWICK, ME 03908

LASSEL ARCHITECTS PA
Architecture
Urban Design
Planning

P.O. Box 370
370 Main Street
South Berwick, Maine 03908
Tel 207 384 2049
Fax 207 384 4860
paul@lasselarchitects.com

FAX AND LETTER TRANSMITTAL

to: Jeff Apsey	**from:** Paul Fowler
company:	**date:** 3/12/08
address:	**total no. of pages including cover:**
fax number:	**CC:**
Phone number: (603) 978-3544	**Re:**

☐ Urgent x For Review ☐ Please Comment X FAX ☐ Transmittal Letter ☐ Shop Drawings

March 11th 2008 9:00AM meeting – in attendance Meeting Minutes

Rich McCarthy – State of Maine fire marshal
Jeff Apsey – Property owner
Paul Fowler - Lassel Architects PA

The following is a review of the meeting between Jeff Apsey, I and Rich McCarthy of the Maine State Fire Marshall's office on March 11th 2008.

1. The work to be done was discussed. The owner is planning to do minor renovations to the building to bring it into code compliance as the state and local authorities require for the current use. Currently the building is being used for artist studios which are a business use. The use will not be changing from business.

2. Stairs:
   a. To be code compliant an existing stairs require ½ hour separation to protect users in the case of fire.
   b. It was discussed that a wood stud wall with plaster on both sides qualifies as a ½ hour fire separation wall.
      i. The existing plaster must be in good condition without holes or gaps to qualify for this designation
      ii. If there are areas that are not in good condition the wall will need to be covered in 5/8" type 'x' gypsum wall board, screwed to the wood structure, on the walls entire surface and tied into the existing at a corner or change of surface.
   c. New walls added to protect the stairs will be a UL listed 1 hour wall assembly
      i. New wall will align to existing walls vertically where possible, but connecting the protection through the floor/ceiling will not be required
      ii. This would be required of new construction but is not practical in an existing building
   d. Fire doors in stairs shall be 1 hour rated UL listed doors
   e. Ceilings/landings with plaster on one side and wood flooring above will qualify as a ½ hour fire separation assembly
      i. The existing plaster must be in good condition without holes or gaps to qualify for this designation
      ii. If there are areas that are not in good condition the wall will need to be covered in 5/8" type 'x' gypsum wall board, screwed to the wood structure, for its entire surface and tied into the existing at a corner or change of surface.
   f. The stairs currently have a wall and door providing separation at the first floor level at entry landings
      i. This is acceptable if the wall at this location and ceiling/floor assembly is continuous and in good condition to a point below the separation wall above at the second level
      ii. This is to create a continuous protected stairway
   g. The stairs at the third floor will be required to be enclosed
      i. The priority was established that these walls align to the separation walls on the second floor
         1. This is the priority over providing 12" clearance at the push side of existing doors
      ii. In creating this separation the stair up to the bathroom will be separated from the egress stairs by a 1 hour separation wall
         1. This is to provide separation of the bathroom from the egress stairs

P.O. Box 370
370 Main Street
South Berwick, Maine 03908
Tel 207 384 2049
Fax 207 384 4860
paul@lasselarchitects.com

3. Sprinklers:
    a. It was determined that this building having 2 egress stairs and according to occupancy load and use will **NOT** require fire sprinklers.
    b. Please see attached NFPA 101 Life Safety 38.3.5

4. Corridor walls:
    a. It was determined that the building will be required to have 1 hour rated corridor walls
        i. The current construction will satisfy this requirement if the plaster on both sides of the walls is in good condition
    c. The doors will be required to be 20 minute UL listed rated door, these doors would need to be on closers
        i. This will require the replacement of all doors opening to the corridor in the project
            1. A solid core 1 ¾" door on a closer would be acceptable
    d. The transoms and sidelights currently in the corridors would have to be in-filled to satisfy this 1 hour separation corridor

5. Sprinklers vs. 20 minute doors:
    b. It was discussed that the existing doors, sidelights and transoms could remain if the building had an automatic sprinkler system installed
        a. This system would be a Maine Life Safety Standard sprinkler design
    c. Jeff Apsey to decide which direction he will go in and inform Lassel architects
        a. Lassel architects to note on construction plans

6. Alarm system:
    d. The building will have a smoke/fire alarm system installed to update it to current code requirements
        a. This system will have a central panel at the front entry
    e. If the decision is to have the building sprinkled this system will also require an alarm system and central panel
    f. Jeff Apsey (or fire alarm sub-contractor) to coordinate location of central panel and tie in of system (if required) with local fire authority

7. ADA budget allowance:
    g. It was discussed that 20% of the renovation budget would need to be spent on ADA or accessibility upgrades to the building
        a. The intent is to provide a ramp and accessible access to the first floor through an existing side door at grade level
        b. Additional upgrades would include an ADA bathroom on the first floor
        c. If required other improvements will be made to meet the 20% requirement
            i. Door hardware was discussed as a possibility

8. Propane meters:
    h. Having the propane meters located in the egress stairs and rated corridors was discussed
        a. Currently the meters for propane service to individual artist studios are located
            i. In the first floor corridor
            ii. In the egress stairs
        b. Rich McCarthy had concerns about the gas meters located in the egress stairs being code compliant
            i. He would like clarification about the corridor meters as well but was less concerned about this location.
        c. Jeff Apsey informed the fire marshal that he was assured by the installer of the propane system, this was to code requirements of the state of Maine
        d. Rich McCarthy requested from Jeff information provided by the installer of the codes governing the installation of gas meters/propane within a building in the state of Maine
        e. This item to be resolved once Rich McCarthy has the information required

Planning Board Minutes 12/27/2007

TOWN OF KITTERY
PLANNING BOARD MEETING

APPROVED
Council Chambers
Thursday, December 27, 2007

Meeting called to order 6:00 p.m.

Members Present: Chairman Russell White, Ernest Evancic, Megan Kline, Michael Luekens

Members Absent: Douglas Muir, Joseph Carleton and D. Scott Mangiafico

Also Present: Sandra Mowery, Town Planner, Earldean Wells, Kittery Conservation Commission, Lisa Goms, Recorder

APPROVAL OF MINUTES - for 10/25/07, 11/08/07 PB Meeting and 11/20/07 and 11/27/07 site walks Ms. Kline made a motion to approve the site walk minutes as amended for 11/20/07, motion was seconded, with all in favor to accept. Chairman White decided to defer the Planning Board and the remainder of the site walk minutes due to the lack of a full Board; they will be reviewed at the next meeting.

PUBLIC COMMENT - Public comment is welcomed on non-Agenda Planning Board matters. The Planning Board is a quasi-judicial Board and issues regarding items on the Board's agendas are subject to comment only during the official review process.

No Public Comment Was Heard.

ITEM 1 Planning Board Election of Officers

A motion was made to defer the elections until a full Board was present, all were in favor.

ITEM 2 Workshop - Revision to Road Standards - Proposed draft.

A discussion was held. Ms. Wells, Chair of the Conservation Commission updated the Board and the Planner on issues discussed at the last workshop meeting and went over redline comments presented for revision. The Planner is to familiar herself with the suggestions and prepare an updated draft for a subsequent workshop.

ITEM 3 Workshop - Blasting Ordinance - Proposed draft.

Board members, Planner Mowery, Counselor Frank Dennett and Linna Kuo (residents) discussed in detail the proposed Blasting Ordinance. Revisions were suggested. The Chair strongly suggested that Duncan McEachern, Town Attorney, review the ordinance. Chairman White asked that Planner Mowery schedule a meeting with Counselor Dennett and Mr. McEachern to discuss the proposed draft.

REGULAR BUSINESS

ITEM 4 Major Subdivision - Preliminary Review - for Long View Farms
Condominium Development: Spruce Creek Ventures II, LLC, owner proposes to develop a ten (10) lot subdivision at 9 Cook Street, Map 3 Lots 74 & 75 in the Urban Residential (UR) District. The owner's agent is Oak Point Associates Engineers and Architects.

Chairman White recognized Steve Towne, Civil Engineer, Oak Point Associates.

Mr. Towne approached the podium and gave a brief overview of the project and stated: we are proposing 10 new units on a site that already has 4 existing condominium units on 5.1 acres of land which has required the actual purchase of a home on Bridge Street. They are going to demolish that as part of the project. Several things that we have discussed at length with the Planner are the cluster ordinance, condominiums, the density calculations, etc. This condominium plan proposes to place all the open space around the units. The Home Owners' Association will have the responsibility for maintenance of the open space. The Home Owners' Association will also own and maintain the road. The road will be private and will not require a right-of-way. Obviously with a condominium you have no (individual) lot lines, so we will not be creating cluster type lots. That is one of the things we would like to get a handle on, if that (no individual lot lines) is acceptable with the Board, as far as presenting this as a condominium. We have met with Steve Tapley and Mike Rogers regarding sewer and water and have established some points of connection, which is shown on the drawings.

The site itself is on a hilltop; we are trying to minimize clearing around the perimeter and are trying to maintain the wooded buffer around it. That is, one of the goals that we are given is to minimize clearing and any disruption of the hilltop itself due to blasting and re-grading everything. We have condensed the project as much as we can at this point. We did originally propose a street to be designed under the minor street standards. We have since looked at the traffic that would be generated by the project and some comments from the peer review, and we are actually going to be downgrading the road from a minor to a private lane which allows a little bit steeper slopes. Where it is going to be maintained by the Association, I think a private lane classification would be applicable. I think the private lane will also allow us to minimize the impact on the site by going with narrower cross section and shoulders. When we submitted our initial application, we applied for waivers and one of them is to increase the roadway slope coming down to Bridge Street to 10% where 8% was required under the minor street standard. In looking at the private lane standard they actually allow a 9% slope and what we are proposing to do in the future is to redesign the road profile to flatten it out to 9% coming up the hill from Bridge Street and have that conform to the private lane standard. Another waiver we are looking for is to waive the sidewalk requirement, noticing that there are no sidewalks on Bridge Street, but the private lane standard does not require sidewalks so that is no longer a waiver issue. We are going to apply for three waivers under this new design most of which pertain to the roadway and one has to do with the shoulders. In order to capture the drainage and control the run-off from the site; we would like to propose a curb roadway rather than an open shoulder roadway which requires wider excavation and a wider disturbance to the site. We would actually like to provide a gravel curb, close drainage, close roadway system with 3' granite shoulders.

Chairman White asked for public comment. No public comment was heard. Chairman White asked if there were any CMA comments.

Eric Reiter, CMA, commented: Steve has touched on our major review comments. The largest one I see is the Section of Article 13 that covers the cluster...there are a series of criteria or standards in there regarding the advantages of cluster, the grouping of open space, the value of open space that is quite specific in there. It seems to me that that would need to be developed by the applicant so that there is a true rationale presented to the Board considering right now there is none on the application of cluster other than generalized open space that is not used. Steve talked about the drainage design being incomplete, and it is. It is not clear how it works or how it will work and that needs further development. The other issues are associated with the roadway and so forth and he was talking about modifications and clarifications on that. We will be anxious to review that.

Deliberations continued.

Chairman White stated that the Board needed to go through the high points of this proposal and perhaps continue it, and that it was premature in scheduling a public hearing because there are too many outstanding issues. For example, the road grade...we need some engineering and police chief input. The sidewalk issue; there needs to be a pedestrian plan here and, at the very least if not a sidewalk and easement and some indication that when public sidewalks are provided that the Association will step up and connect with those at that future time and find someway to enforce that. I think it is very bad planning to say that because the Town doesn't have sidewalks, that we're not going to provide for pedestrians. If people want to walk, they should be able to walk and I don't think we should support projects that ... I would like to see some more creative thought put to that. Discussion regarding sidewalks, private ways and the roadways continued. The Board also discussed the choice of having a cluster

Ms. Wells pointed out that there was a disturbance to a stonewall and the stone could be used elsewhere on the site.

Mr. Towne stated that they did talk to the abutter about resetting that wall on his line.

The applicant will put together and revise another plan with all the Boards' comments and recommendations and Planner Mowery will schedule another review.

Chairman White stated the road issues...we are going to need to see justification for reduction from the road standards given the public safety concerns.

Ms. Wells asked if there will be a request for additional landscaping.

Chairman White stated that it was likely that they would.

ITEM 5 Major Subdivision - Preliminary Review/Scheduling a Public Hearing - An 8-Lot Subdivision: KBM Builders proposes to construct a residential subdivision consisting of 14.13 acres having access from Dennett Road and frontage on a proposed new right-of-way; located in the Suburban Residential (SR) Zoning Districts; Map 12, Lot 1. The owner's agent is Anderson Livingston Engineering, Inc.

Chairman White recognized Michael Livingston, Anderson Livingston Engineering, Inc.

Mr. Livingston stated: We have a short list of items from our last CMA Review...it wasn't too involved. I had one question on one of the items on it...whether we need to submit a separate wetland impact application. I think in the past the Board has always co-reviewed it along with the subdivision approval but one of the questions was whether a wetland application was submitted. I do not think we have done that separately in the past, but we certainly could. All the information for the review of the Board is already on the plan, except may be a detailed narrative explaining the wetland fill and what alternatives were examined. That was just a question I had whether we need to submit a separate application for that or whether it can be reviewed as part of the subdivision, which I believe we have done in the past. One of the other comments was regarding street standards and we had a section of the road that we had super-elevated and that was a carryover from the old industrial park subdivision as well. A few of the other comments were about the speed limit and a stop sign requirements. We added a stop sign at the section of Dennett Road and a speed limit sign as well. There was a question on sight distances...we had a different sight distance listed on the plan than we had on our traffic study that was done back in 2003. Again the 2003 traffic analysis was originally done for the industrial park and some vegetation must have grown in the meantime and shortened the site distances. Landscaping was another item that was brought up and in general, we have proposed street trees alongside the roads on a residential subdivision and I believe we have two trees that are proposed for the middle of the cul de sac as well. That was just a question to the Board of whether any additional landscaping would be necessary. For a residential subdivision that is all we have done in the past. The Board can discuss that. Plans have been submitted to the Water District, but have not received review or comment back as yet, but that would be more of a final plan review or approval item. We have also sent plans to CMP for review of electrical ground utilities and transformer locations, but have not received comment back. There was one question on whether the site had been examined for the Maine Critical Areas Program and I did not know what that was.

Ms. Kline said: there is a Critical Areas Program...that I thought was through Fish & Wildlife and that is for deer wintering areas. That one I think we would have to research is the wetlands ordinance because you are abutting an extensive wetland area.

Planner Mowery said: I will check the Comp Plan. The applicant should make the necessary revisions to the plan and a Public Hearing will be scheduled for February 7, 2008.

ITEM 6 Site Plan/Sketch Plan Review - New Driveway Entrance - Dana Kimball, Owner, proposes to acquire approval for a 24' wide driveway entrance for future development on site and prior to State Route #1 re-pavement and pavement moratorium; property is located on Map 8, Lot 30 in the Local Business (LB) District.

Planner Mowery stated that Mr. Kimball, the applicant, will be affected by the paving of the State Road, scheduled to begin construction next April. Mr. Kimball is before the Board because he is concerned that if he doesn't get a driveway prior to the completion of construction, he may be affected by the five-year moratorium that will be placed on State Road. Mr. Kimball has no site plan to present to the Board.

Chairman White said: the first question is - why are we (the Board) reviewing this request; because we do not grant driveway approvals. There is no plan before us for review. Is the idea to eventually subdivide the lot or develop a condominium?

Mr. Kimball stated: I don't know what the future holds for this property. He asked if the Board had read the letter.

Planner Mowery commented that Rick Rossiter sent Mr. Kimball's request to her and asked that she make the decision. She said she advised Mr. Kimball that the Board needed a site plan. Due to timing, he requested that the Board hear his request.
Mr. Kimball said: originally when I went to the State meeting regarding Route #1...I had just acquired the property at the end of June and at that meeting I spoke to Ernie Martin and explained the property has 165' of frontage on Route #1, it has an acre of land, the existing driveway is to the right of the existing house. To access any part of the other side of the house for landscaping, potentially if I did have a driveway, the most obvious location would be as you face the house to the left. I spoke to Ernie and he said to talk to the Water & Sewer Department and see if they have a problem with another driveway opening. I do not plan to do a driveway at this point; I do not plan on putting in pavement obviously if I did any subdivision or changes of use of the property it would come before the Board and you would determine if that was a suitable spot for an opening. I need the opening for landscaping equipment, possibly to park a few cars. The State has no problem with this. Water & Sewer has no problem. Rick Rossiter's only concern is that there is to be 75' between driveway openings.

Planner Mowery asked if the property was for personal use.

Mr. Kimball responded, yes.

Chairman White said: He does not object to curb cut with restrictions. According to Mr. Martin, the catch basin location is the issue. The catch basin location is dependent on where the curb cut will be located. The applicant just wants access to his property. He is not proposing a driveway at this time, just an entrance for machinery.

Planner Mowery said she will meet with Rick Rossiter, Public Works Director, to determine what needs to be done regarding the curb cut.

ITEM 7 Site Plan/Preliminary Review - Change of Business Use - Granite State Pioneer Group, LLC. Owner proposes to revitalize the Wentworth Dennett School by conversion of this structure and site, located on Map 3, Lot 144 at 78 Government Street in the Local Business One (LB1) District, to offices, art studios and residential. Applicant is Jeffery Aspey.

Chairman White recognized Jeff Aspey, owner of Wentworth Dennett School building.

Mr. Aspey stated that last January he proposed to add a 4th floor onto the building and at the time there was a parking issue that he had to deal with. Finally it was worked out by using the existing paved surface. Mr. Aspey continued to describe the plan with the modifications that were made from the Board's previous recommendations.

Much deliberation proceeded regarding all the parking and landscaping concerns.

Ms. Kline made the motion to approve the Change of Business Use for the Granite State Pioneer Group, LLC for 78 Government Street in the Local Business One (LB1) Zoning District to offices, studio and residential with the following conditions - Condition (1) to provide landscaping for the southeasterly parking area to include sugar maple trees, shrubs sufficient to screen headlights from the Rt. # 1 corridor. Condition (2) is the applicant will submit a letter from the Kittery Water District that assures that there is sufficient water availability for the residential and office uses. Condition (3) is the applicant will submit a letter from the Kittery Waste Water Department that verifies that there is the available capacity in the downstream sewer system.

Mr. Evancic seconded the motion.

VOTE: All were in favor. 4 for; 0 against.

PLANNER'S TIME

ADJOURNMENT

Meeting adjourned @ 10:00 p.m.

The next Planning Board meeting is scheduled for January 10, 2008

WENTWORTH DENNETT

RENOVATIONS

78 GOVERNMENT STREET

KITTERY, MAINE

03/24/08

CONSTRUCTION DOCUMENT SET

ARCHITECT:
LASSEL ARCHITECTS, PA:
P.O. BOX 370
370 MAIN STREET
SOUTH BERWICK, ME 03908
PH 207 384-2049
FAX 207 384-4860

STRUCTURAL:
ROSS ENGINEERING
39 BREWSTER STREET
PORTSMOUTH, NH 03801
PH: (603) 433-7560
FAX: (603) 433-7560
ATTN: ALEX ROSS

CIVIL:
ROSS ENGINEERING
39 BREWSTER STREET
PORTSMOUTH, NH 03801
PH: (603) 433-7560
FAX: (603) 433-7560
ATTN: ALEX ROSS

DEVELOPMENT DATA:

SITE ADDRESS:
79 Goverenment Street, Kittery Maine

ZONING:

PROPOSED USE:
BUSINESS

GROSS SQUARE FOOTAGES:
TOTAL AREA = 12,336 SF

OCCUPANCY:
B – BUSINESS

TYPE OF CONSTRUCTION:
IBC – III B

BUILDING HEIGHT AND AREAS:
ALLOWABLE HEIGHT – STORIES
ALLOWABLE AREA – SF PER FLOOR

BUILDING CODES:
2006 IBC, 2006 LIFE SAFETY

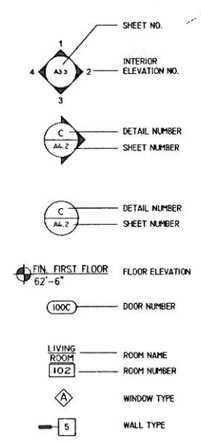
NOTES:
1. FIELD VERIFY ALL DIMENSIONS.
2. THE AUTOMATIC FIRE SPRINKLER SYSTEM SHALL CONFORM TO MAINE LIFE SAFETY STANDARD AND ANY REQUIREMENTS FROM THE CITY OF KITTERY, ME.

SHEET LIST TABLE

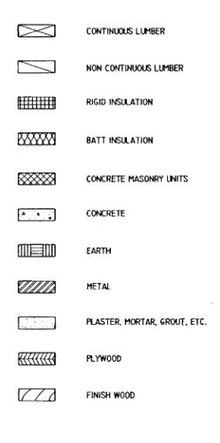
SHEET NUMBER	SHEET TITLE
	COVER SHEET
A0.1	DEMO PLAN
A1.1	PLANS

ARCHITECTURAL SYMBOL LEGEND:

SYMBOL LEGEND

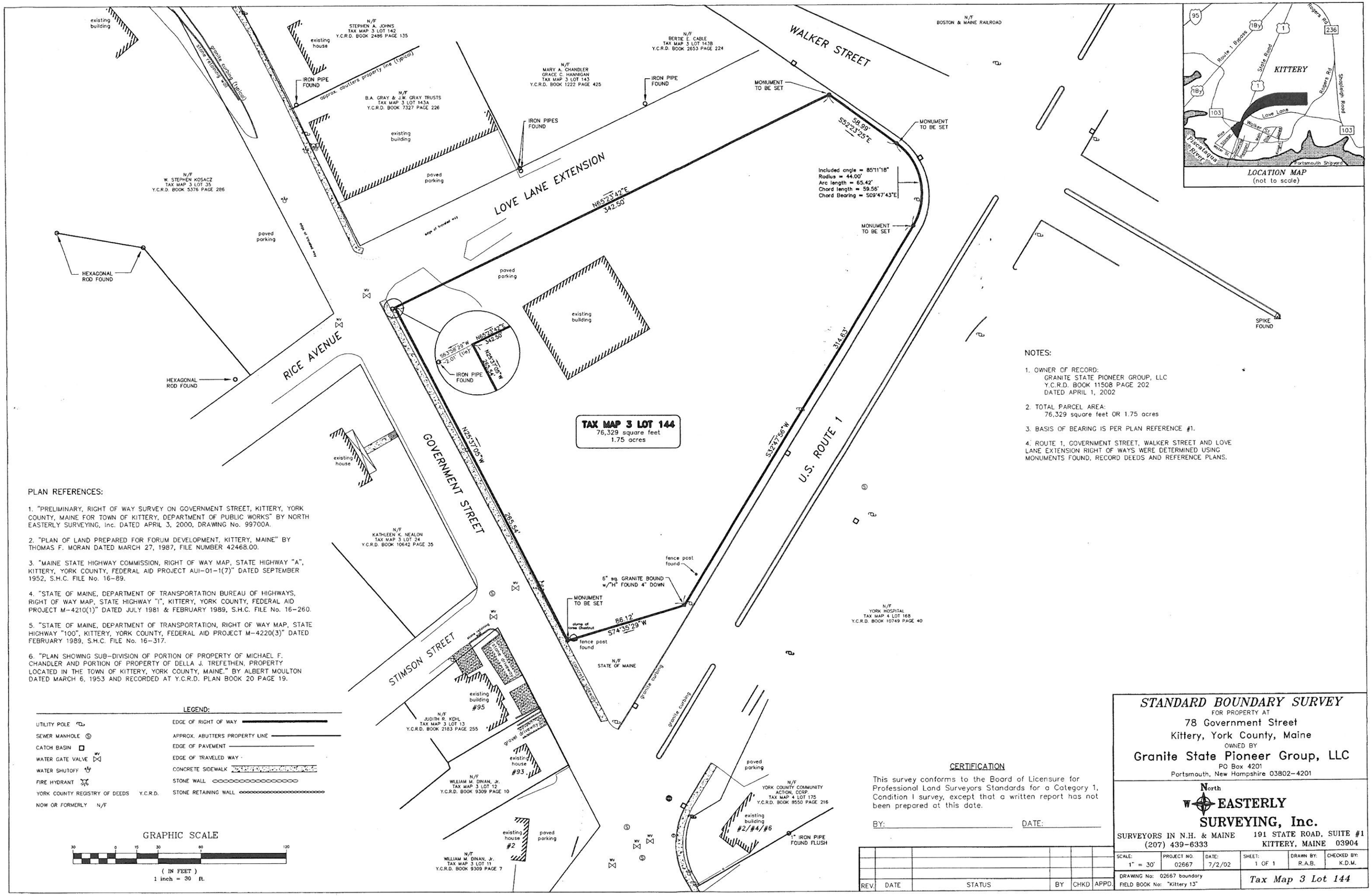


MATERIALS LEGEND



ABBREVIATIONS:

A
ACOUS. ACOUSTICAL
ADJ. ADJUSTABLE
AL. ALUMINUM
APPROX. APPROXIMATE
ARCH. ARCHITECTURAL
ASB. ASBESTOS
ASPH. ASPHALT
B
BD. BOARD
BITUM. BITUMINOUS
BLDG. BUILDING
BLK. BLOCK
BLKG. BLOCKING
BM. BEAM
BOT. BOTTOM
C
CAB. CABINET
CER. CERAMIC
C.I. CAST IRON
C.G. CORNER GUARD
CLG. CEILING
CLO. CLOSET
CLR. CLEAR
COL. COLUMN
CONC. CONCRETE
CONT. CONTINUOUS
CTR. CENTER
D
DBL. DOUBLE
DEPT. DEPARTMENT
D.F. DRINKING FOUNTAIN
DIA. DIAMETER
DIM. DIMENSION
DISP. DISPENSER
DN. DOWN
DWG DRAWING
E
EA. EACH
E.J. EXPANSION JOINT
ELEC. ELECTRICAL
ELEV. ELEVATOR
EMER. EMERGENCY
EQ. EQUAL
EXST. EXISTING
EXP. EXPANSION
EXT. EXTERIOR
F
F.D. FLOOR DRAIN
FDN. FOUNDATION
F.E. FIRE EXTINGUISHER
F.E.C. FIRE EXTINGUISHER CAB.
FIN. FINISH
FL. FLOOR
FLUOR. FLUORESCENT
F.O.C. FACE OF CONCRETE
F.O.F. FACE OF FINISH
F.O.S. FACE OF STUDS
FT. FOOT OR FEET
FTG. FOOTING
FURR. FURRING
G
GA. GAUGE
GALV. GALVANIZED
GYP. GYPSUM
H
H.C. HOLLOW CORE
HDWD. HARDWOOD
HDWE HARDWARE
H.M. HOLLOW METAL
HORIZ. HORIZONTAL
HR. HOUR
HGT. HEIGHT
I
I.D. INSIDE DIAMETER (DIM.)
INSUL. INSULATION
INT. INTERIOR
J
APPROX. APPROXIMATE
K
KIT. KITCHEN
L
LAB. LABORATORY
LAM. LAMINATE
LAV. LAVATORY
LT. LIGHT
M
MAX. MAXIMUM
MECH. MECHANICAL
MEMB. MEMBRANE
MTL. METAL
MFR. MANUFACTURER
MIN. MINIMUM
MISC. MISCELLANEOUS
M.O. MASONRY OPENING
MTD. MOUNTED
N
N.I.C. NOT IN CONTRACT
NO.OR# NUMBER
NOM. NOMINAL
N.T.S. NOT TO SCALE
O
O.A. OVERALL
O.C. ON CENTER
O.D. OUTSIDE DIAMETER (DIM.)
OFF. OFFICE
OPNG. OPENING
OPP. OPPOSITE
P
P.LAM. PLASTIC LAMINATE
PLAS. PLASTER
PLYWD. PLYWOOD
PR. PAIR
PT. POINT
P.T.D. PAPER TOWEL DISPENSER
P.T.R. PAPER TOWEL RECEPTACLE
Q
Q.T. QUARRY TILE
R
RAD. RADIUS
R.D. ROOF DRAIN
REINF. REINFORCED
REQ. REQUIRED
RESIL. RESILIENT
RM. ROOM
R.O. ROUGH OPENING
S
S.C. SOLID CORE
SCHED SCHEDULE
S.D. SOAP DISPENSER
SH. SHELF
SHR. SHOWER
SHT. SHEET
SIM. SIMILAR
S.N.D. SANITARY NAPKIN DISPENSER
S.N.R. SANITARY NAPKIN RECEPTACLE
SPEC. SPECIFICATION
SQ. SQUARE
S.ST. STAINLESS STEEL
STA. STATION
STD. STANDARD
STL. STEEL
STOR. STORAGE
SUSP. SUSPENDED
T
TEL. TELEPHONE
T.&G. TONGUE AND GROOVE
TH THRESHOLD
THK. THICK
T.P.D. TOILET PAPER DISPENSER
T.V. TELEVISION
TYP. TYPICAL
U
U.O.N. UNLESS OTHERWISE NOTED
V
VERT. VERTICAL
VEST. VESTIBULE
VIF VERIFY IN FIELD
W
W/ WITH
W.C. WATER CLOSET
WD. WOOD
W/O WITHOUT



NOTES:

1. OWNER OF RECORD:
   GRANITE STATE PIONEER GROUP, LLC
   Y.C.R.D. BOOK 11508 PAGE 202
   DATED APRIL 1, 2002

2. TOTAL PARCEL AREA:
   76,329 square feet OR 1.75 acres

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

4. ROUTE 1, GOVERNMENT STREET, WALKER STREET AND LOVE LANE EXTENSION RIGHT OF WAYS WERE DETERMINED USING MONUMENTS FOUND, RECORD DEEDS AND REFERENCE PLANS.

PLAN REFERENCES:

1. "PRELIMINARY, RIGHT OF WAY SURVEY ON GOVERNMENT STREET, KITTERY, YORK COUNTY, MAINE FOR TOWN OF KITTERY, DEPARTMENT OF PUBLIC WORKS" BY NORTH EASTERLY SURVEYING, Inc. DATED APRIL 3, 2000, DRAWING No. 99700A.

2. "PLAN OF LAND PREPARED FOR FORUM DEVELOPMENT, KITTERY, MAINE" BY THOMAS F. MORAN DATED MARCH 27, 1987, FILE NUMBER 42468.00.

3. "MAINE STATE HIGHWAY COMMISSION, RIGHT OF WAY MAP, STATE HIGHWAY "A", KITTERY, YORK COUNTY, FEDERAL AID PROJECT AUI-01-1(7)" DATED SEPTEMBER 1952, S.H.C. FILE No. 16-89.

4. "STATE OF MAINE, DEPARTMENT OF TRANSPORTATION BUREAU OF HIGHWAYS, RIGHT OF WAY MAP, STATE HIGHWAY "I", KITTERY, YORK COUNTY, FEDERAL AID PROJECT M-4210(1)" DATED JULY 1981 & FEBRUARY 1989, S.H.C. FILE No. 16-260.

5. "STATE OF MAINE, DEPARTMENT OF TRANSPORTATION, RIGHT OF WAY MAP, STATE HIGHWAY "100", KITTERY, YORK COUNTY, FEDERAL AID PROJECT M-4220(3)" DATED FEBRUARY 1989, S.H.C. FILE No. 16-317.

6. "PLAN SHOWING SUB-DIVISION OF PORTION OF PROPERTY OF MICHAEL F. CHANDLER AND PORTION OF PROPERTY OF DELLA J. TREFETHEN, PROPERTY LOCATED IN THE TOWN OF KITTERY, YORK COUNTY, MAINE." BY ALBERT MOULTON DATED MARCH 6, 1953 AND RECORDED AT Y.C.R.D. PLAN BOOK 20 PAGE 19.

LEGEND:

UTILITY POLE	EDGE OF RIGHT OF WAY
SEWER MANHOLE	APPROX. ABUTTERS PROPERTY LINE
CATCH BASIN	EDGE OF PAVEMENT
WATER GATE VALVE	EDGE OF TRAVELED WAY
WATER SHUTOFF	CONCRETE SIDEWALK
FIRE HYDRANT	STONE WALL
YORK COUNTY REGISTRY OF DEEDS Y.C.R.D.	STONE RETAINING WALL
NOW OR FORMERLY N/F	

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

CERTIFICATION

This survey conforms to the Board of Licensure for Professional Land Surveyors Standards for a Category 1, Condition I survey, except that a written report has not been prepared at this date.

BY: _____ DATE: _____

REV.	DATE	STATUS	BY	CHKD	APPD.

STANDARD BOUNDARY SURVEY

FOR PROPERTY AT

78 Government Street
Kittery, York County, Maine

OWNED BY

Granite State Pioneer Group, LLC
PO Box 4201
Portsmouth, New Hampshire 03802-4201

North
W EASTERLY
SURVEYING, Inc.

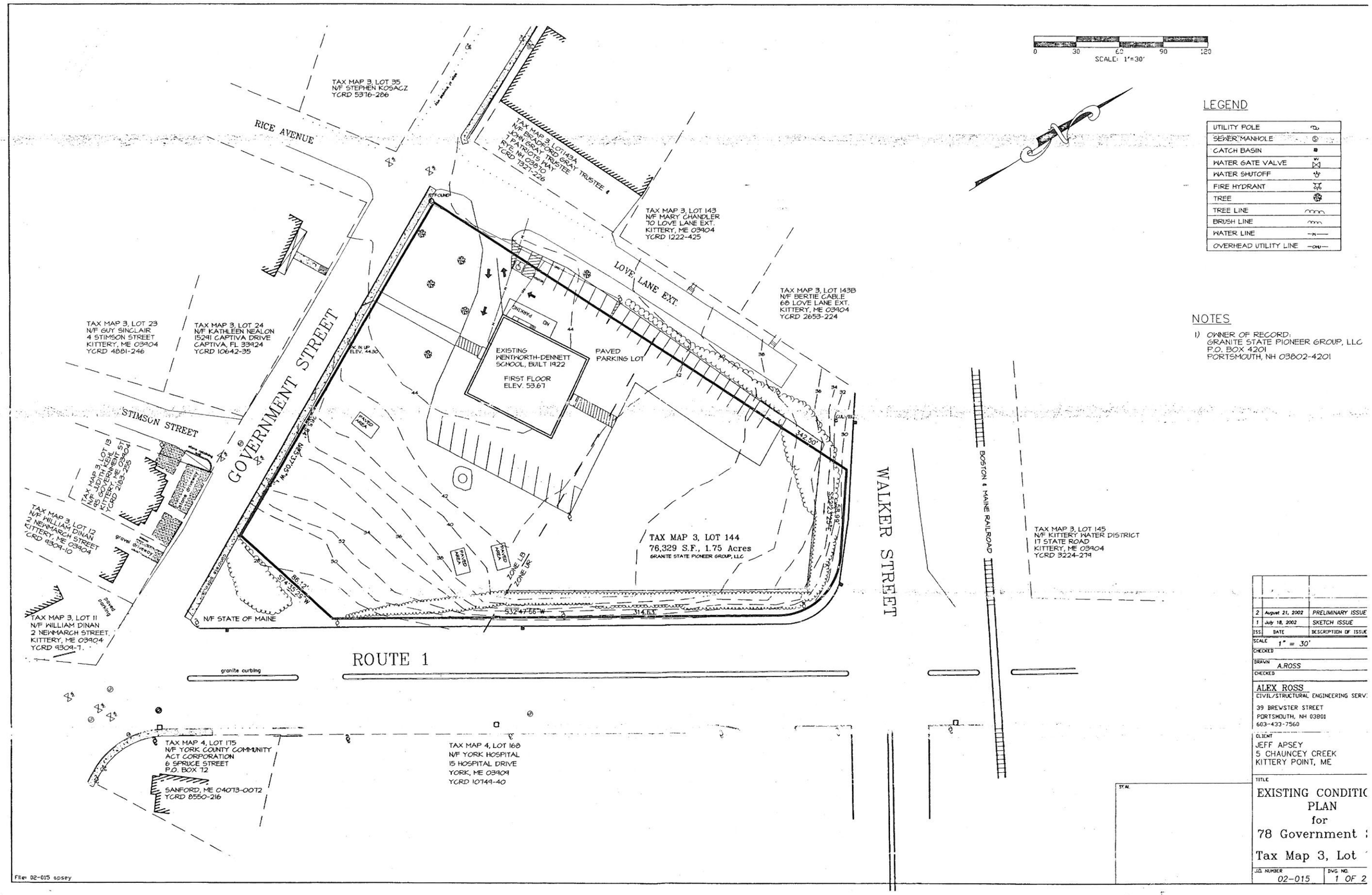
SURVEYORS IN N.H. & MAINE
(207) 439-6333

191 STATE ROAD, SUITE #1
KITTERY, MAINE 03904

SCALE:	PROJECT NO.	DATE:	SHEET:	DRAWN BY:	CHECKED BY:
1" = 30'	02667	7/2/02	1 OF 1	R.A.B.	K.D.M.

DRAWING No: 02667 boundary
FIELD BOOK No: "Kittery 13"

Tax Map 3 Lot 144



LEGEND

UTILITY POLE	
SEWER MANHOLE	S
CATCH BASIN	
WATER GATE VALVE	WV
WATER SHUTOFF	
FIRE HYDRANT	
TREE	
TREE LINE	
BRUSH LINE	
WATER LINE	—W—
OVERHEAD UTILITY LINE	—OHU—

NOTES

1) OWNER OF RECORD:
GRANITE STATE PIONEER GROUP, LLC
P.O. BOX 4201
PORTSMOUTH, NH 03802-4201

ISS.	DATE	DESCRIPTION OF ISSUE
2	August 21, 2002	PRELIMINARY ISSUE
1	July 18, 2002	SKETCH ISSUE

SCALE 1" = 30'
CHECKED
DRAWN A.ROSS
CHECKED

ALEX ROSS
CIVIL/STRUCTURAL ENGINEERING SERV.
39 BREWSTER STREET
PORTSMOUTH, NH 03801
603-433-7560

CLIENT
JEFF APSEY
5 CHAUNCEY CREEK
KITTERY POINT, ME

TITLE
EXISTING CONDITIO
PLAN
for
78 Government
Tax Map 3, Lot

J.O. NUMBER 02-015
DWG. NO. 1 OF 2

NORTH ELEVATION

N.T.S.

3 NORTH
3/16" = 1'-0"

SOUTH ELEVATION

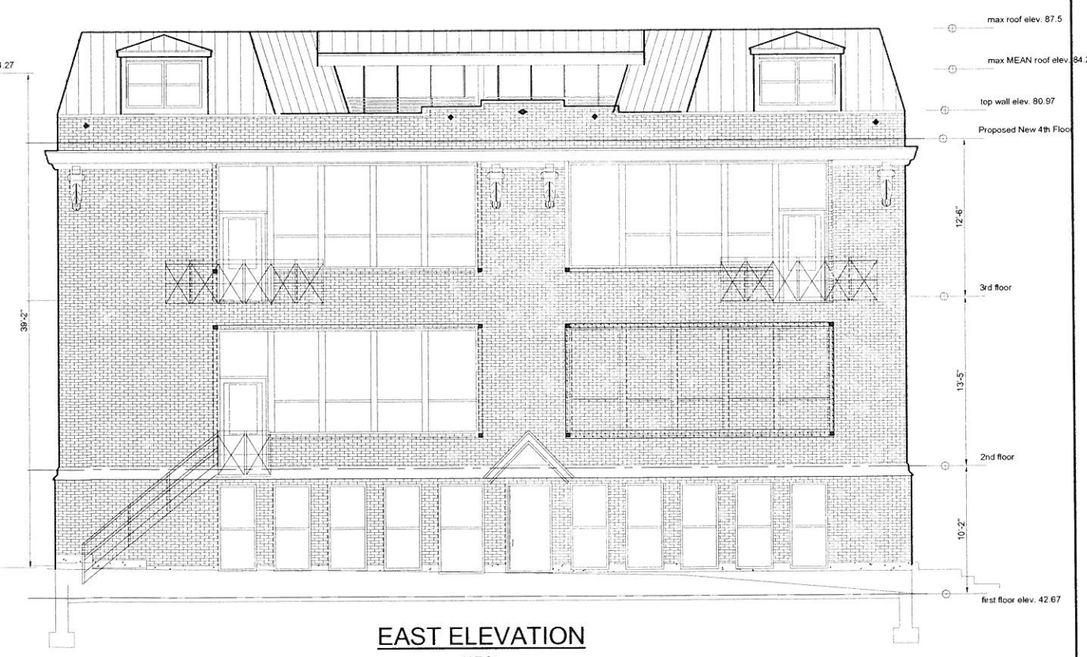
N.T.S.

4 SOUTH
3/16" = 1'-0"

WEST ELEVATION

N.T.S.

1 WEST
3/16" = 1'-0"



EAST ELEVATION

N.T.S.

2 EAST
3/16" = 1'-0"

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Owner
Owner Address 1
Owner Address 2
Owner Phone

Apsey
Wentworth-Dennett School Renovation

Enter address here

REVISIONS:

EXTERIOR ELEVATIONS

SCALE:	DRAWN BY:
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DATE:	CHECKED BY:
Issue Date	Checker

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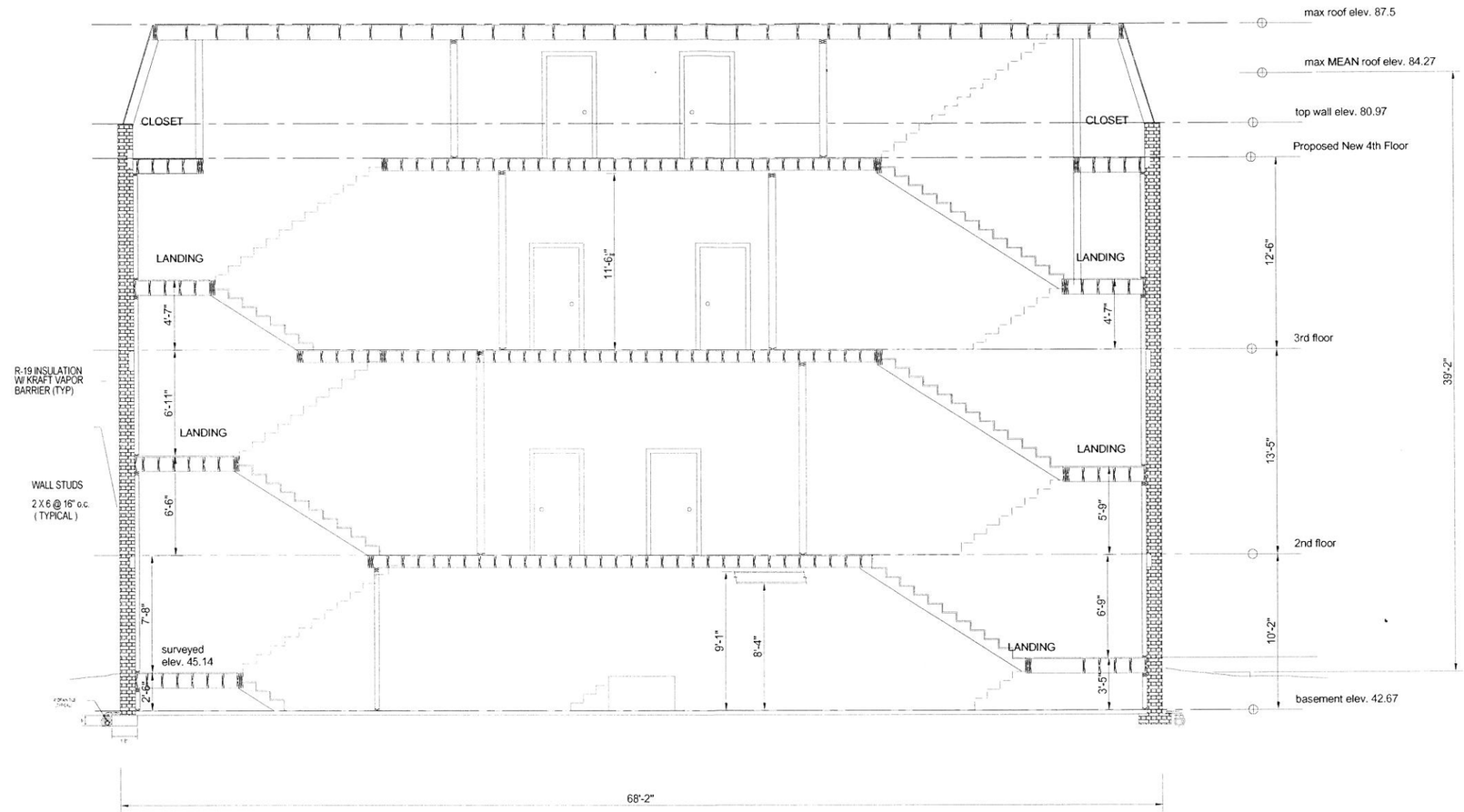
walker street



SECTION A-A

SCALE: %%235" = 1'-0"

1 BUILDING SECTION 1
1/4" = 1'-0"

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Kittery, ME

REVISIONS:

BUILDING SECTIONS

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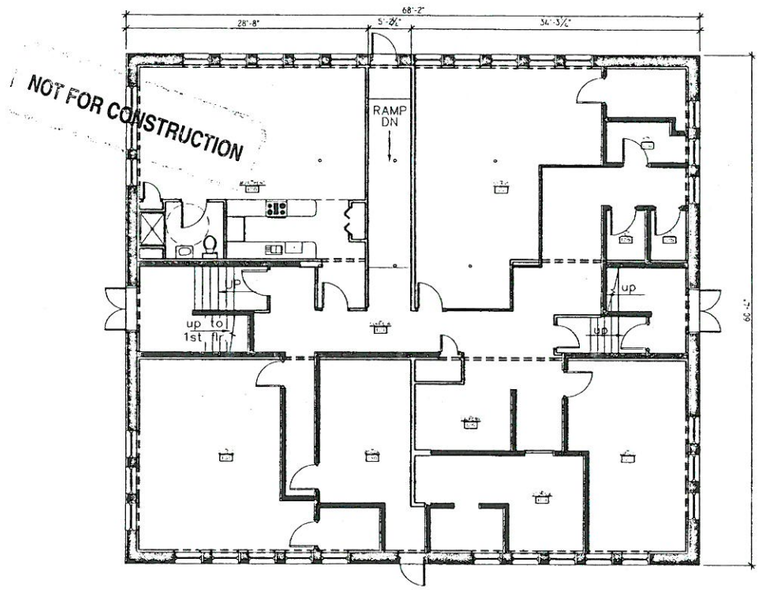

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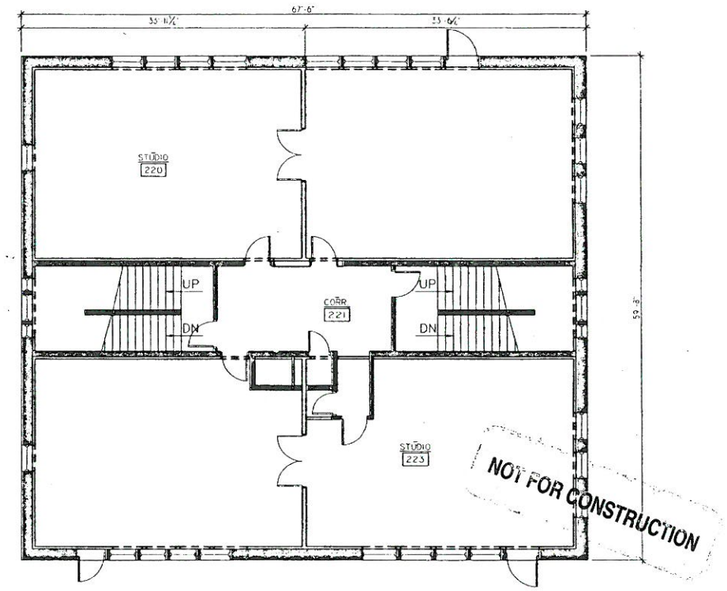

2 SECOND FLOOR PLAN
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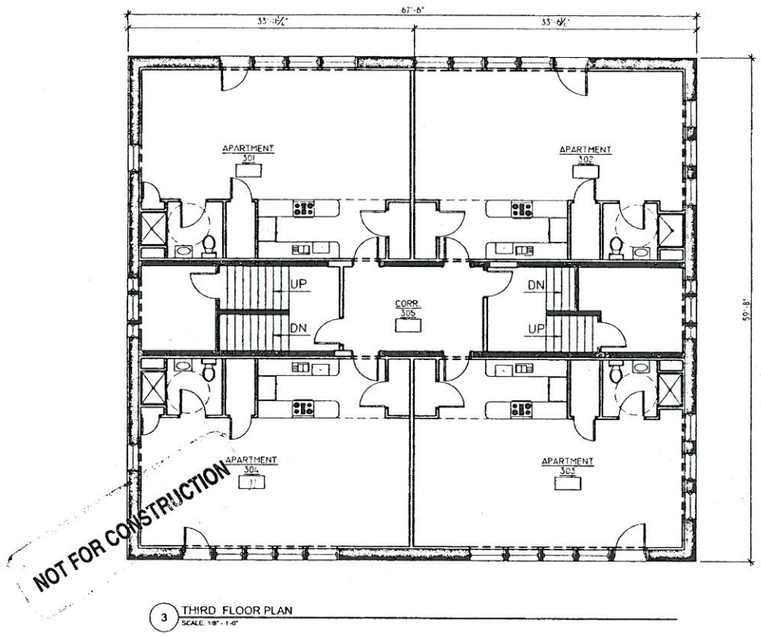
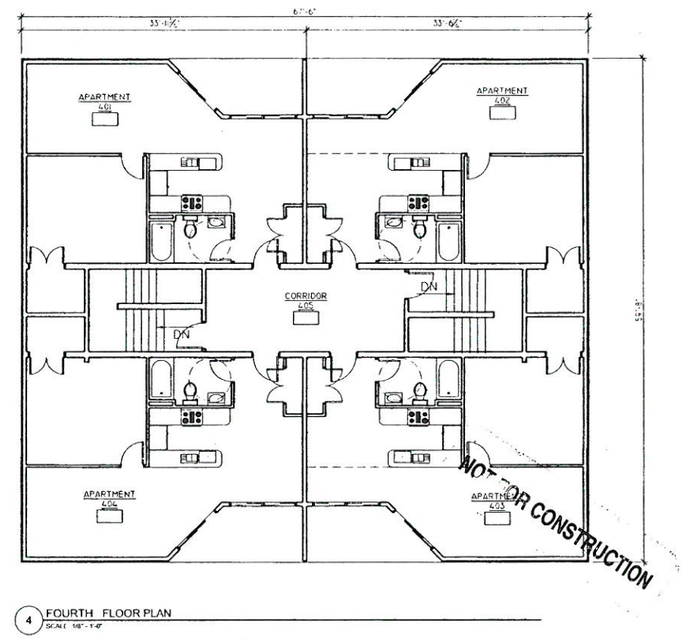


3 THIRD FLOOR PLAN
SCALE: 1/8" = 1'-0"



4 FOURTH FLOOR PLAN
SCALE: 1/8" = 1'-0"

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Leo Guy
—
(603) 235-0594

Apsey Kittery School

Kittery, Maine

REVISIONS

Plans

SCALE: Scale	DRAWN BY: pmf–
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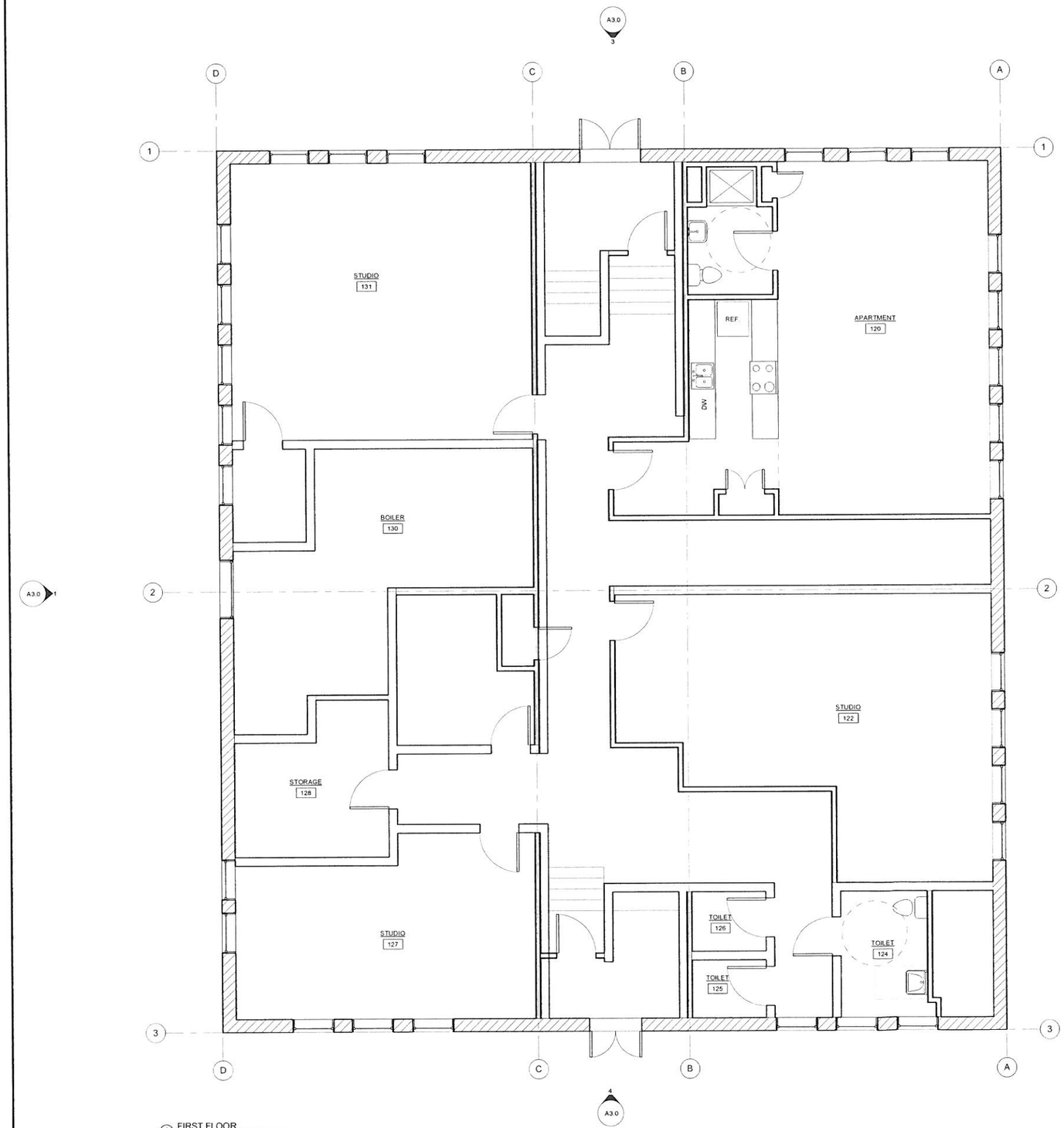

1 FIRST FLOOR
1/4" = 1'-0"

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FIRST FLOOR

SCALE: 1/4" = 1'-0"	DRAWN BY: Author
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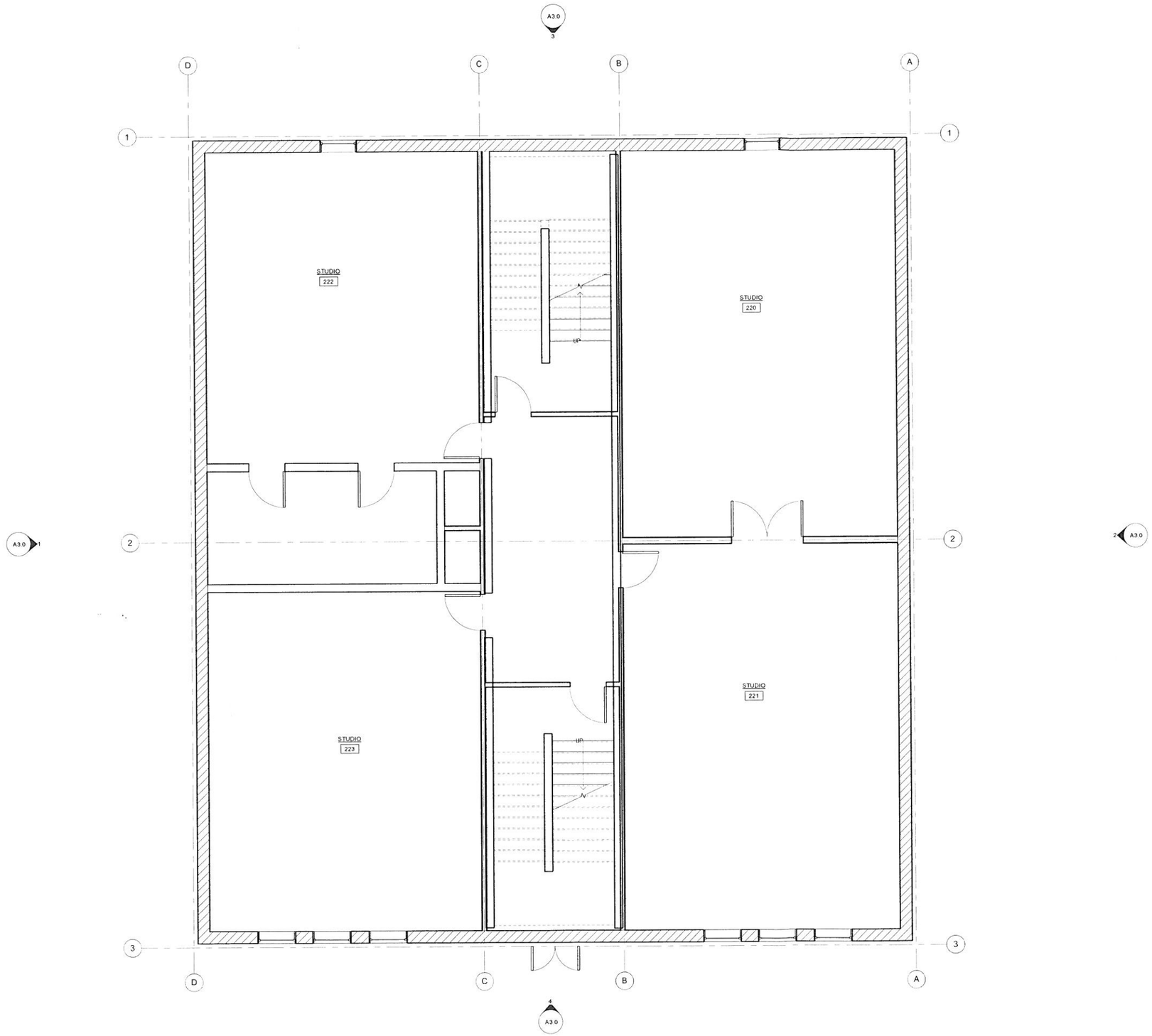

1 SECOND FLOOR
1/4" = 1'-0"

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REVISIONS:

SECOND FLOOR

SCALE:	DRAWN BY:
1/4" = 1'-0"	Author
DATE:	CHECKED BY:
Issue Date	Checker

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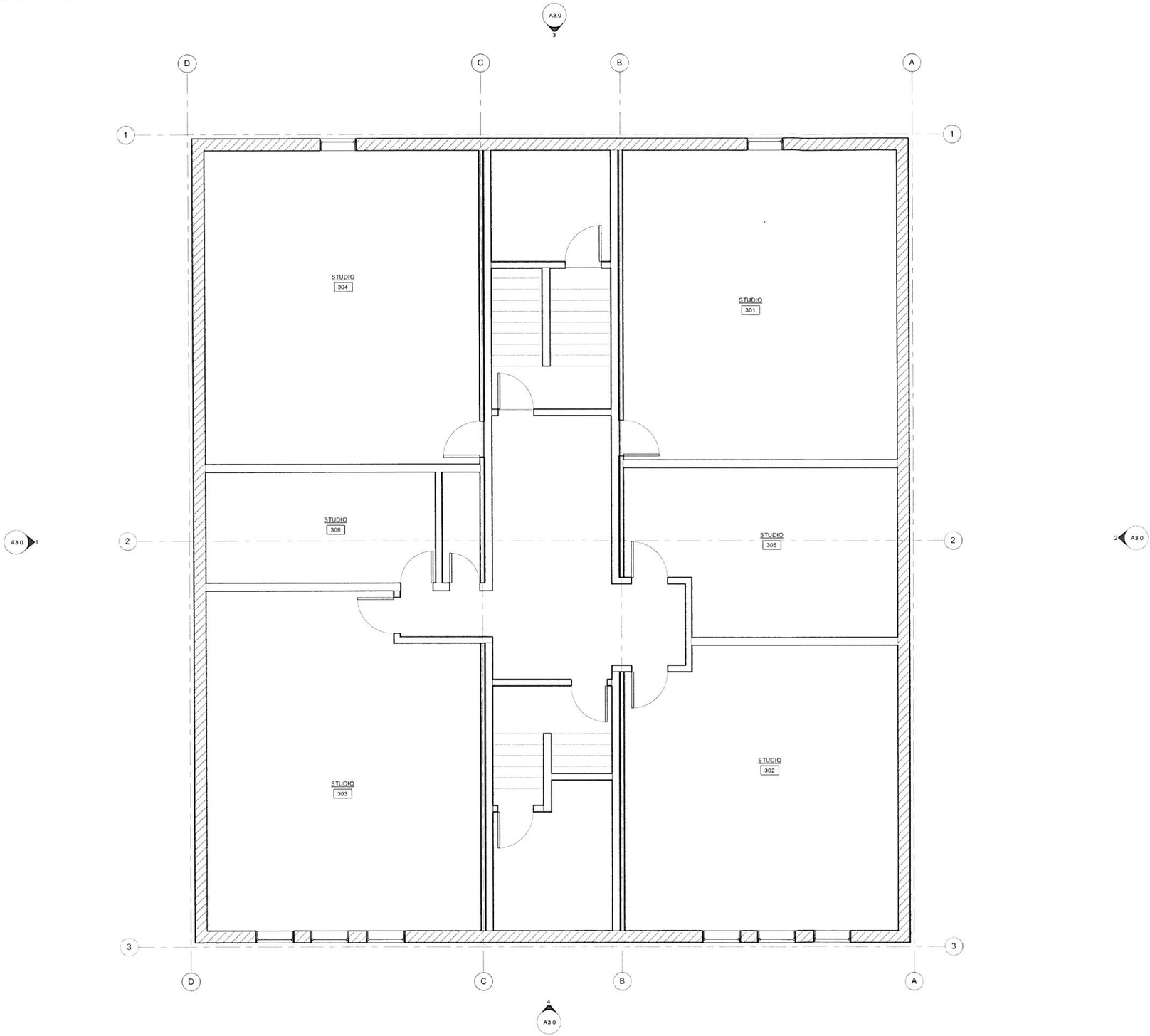

1 THIRD FLOOR
1/4" = 1'-0"

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Kittery, ME

REVISIONS:

THIRD FLOOR

SCALE:	DRAWN BY:
1/4" = 1'-0"	Author
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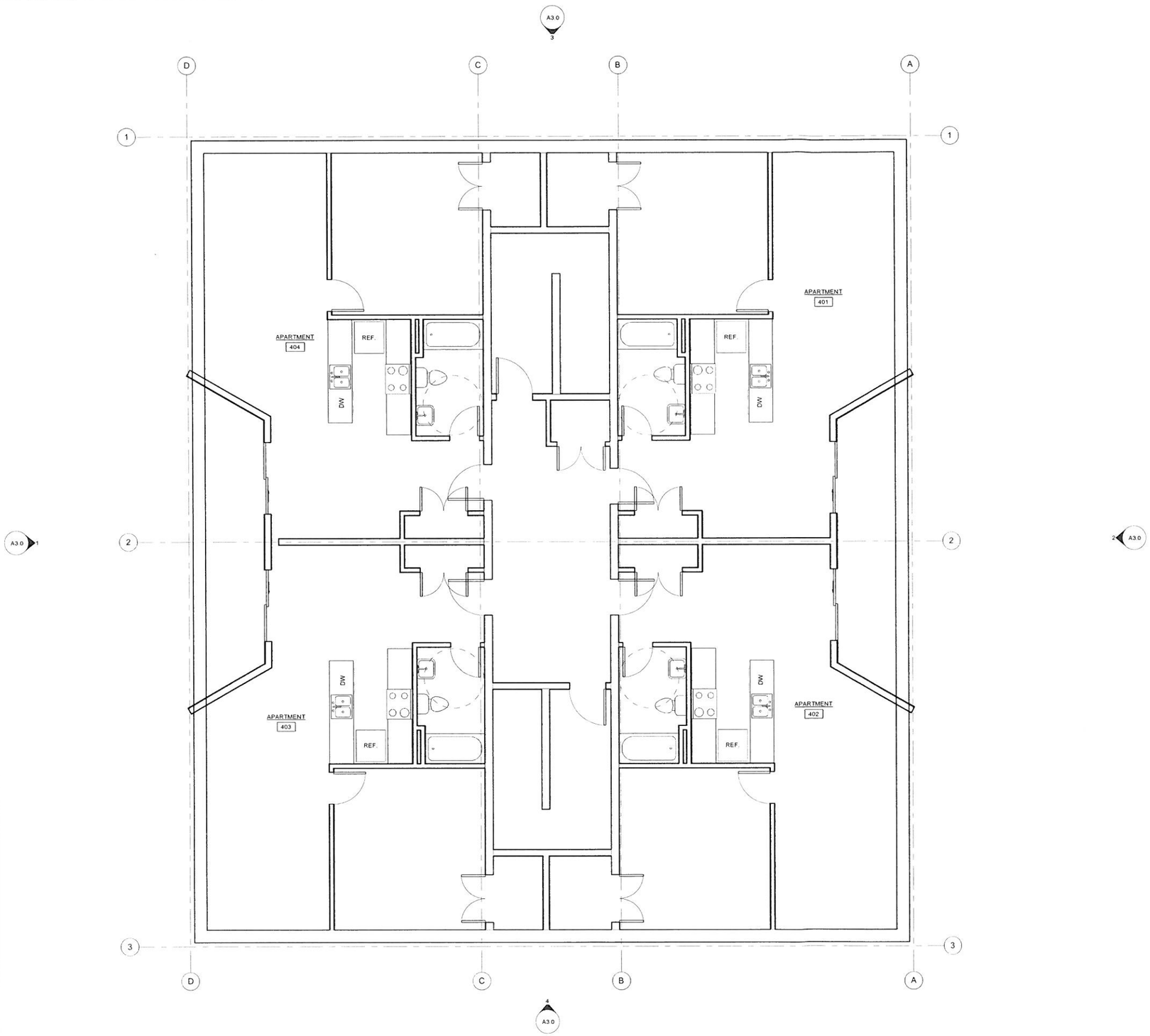

1 FOURTH FLOOR
1/4" = 1'-0"

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Owner
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Kittery, ME

REVISIONS:

FOURTH FLOOR

SCALE:	DRAWN BY:
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Town of Kittery
Planning Board Meeting
November 12, 2015

Betty Welch Road Cluster Subdivision - Sketch Plan Review

Landmark Properties, LTD., owner and Chinburg Builders, Inc., applicant, proposes to develop a 20-lot single family cluster subdivision on 86.5 +/- acres. The site is identified as Tax Map 66 Lots 2A & 8 in the Residential Rural and Shoreland Overlay Zones. Agent is Jeff Clifford, P.E., Attar Engineering.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
Yes	Sketch Plan Review / Concept Approval	8/14/14, continued 11/13/14; re-applied 11/12/2015	**PENDING**
Yes	Site Visit	Title 16.10.5.1.3, held 9/24/2014 and 1/15/2015	**HELD**
Yes	Preliminary Plan Review Completeness/Acceptance		
Yes	Public Hearing		
Yes	Preliminary Plan Approval		
Yes	Final Plan Review		

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.** 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 has been duly recorded in the York County registry of deeds, when applicable.

Background

The proposed development plan was last before the Planning Board in November of last year and a site visit (second of two) in January of this year. Due to the applicant's interest in waiting for pending amendments in the land use code the project was suspended. The applicant has re-submitted their sketch plan application with revised plans that reflect the adopted code amendments and all other required information for a complete application submission. The overall concept has changed since last reviewed by the Board and now includes 20 instead 24 lots.

Staff Comments:

Review of 10/22/15 submittal documents: Application, Project Narrative and attachments; Sketch Review plan sheets CC-1, CC-2, CC-3, and CC-4 (High Intensity Soil Survey).

Title 16.8.11.5. - Application Procedure - Sketch Plan

A.1.a Dimensional standards and identified areas for modification included (Sheet CC-3). Exact modification requests should be submitted at Preliminary Plan Completeness Review.

A.1.b It appears the calculations on Sheet CC-3 address most of the land subtractions required in the recently adopted Net Residential Acreage with the exception of 16.7.8.2.G. The Board should determine if the upland area (depicted as green on the plan) located to southerly portion of the property need to be addressed as to being "land isolated from the principal location for development…"

A.1.c Calculations for net residential acreage and density included on Sheet CC-3.

A.1.d Sheet CC-3: Open space of 50% minimum appears to have been met, and 6.34 acres (based on 21.13 acres) is calculated for the required 30% of net residential acreage portion of the open space. As with the initial sketch plan last year, 'Total Uplands Area' included in the Zoning Summary on the Sheet CC-3 is derived not from the entire site. Since all of the wetlands and soils have not been delineated, technically the upland area that has been delineated, as depicted in dark green, including the area with the proposed lots and street, is not complete, however, can be used as a starting point. The Board should determine if the information presented to date is sufficient to consider approval of the sketch plan and have the remaining

area of the parcel included as part of the preliminary plan application.

2. Constraints to development: Plan Sheets CC-2 (Existing Conditions) and CC-3 (Concept Plan) identify wetlands, existing utilities (Kittery Water District easement), wetland protection areas, and wetlands setbacks. Beginning with Habitat map identifies the site location, and applicant will seek habitat determination from the Department of Inland Fisheries and Wildlife. There are no existing driveways, structures, etc. identified on the site.

3. Project Narrative is provided that describes in general how the proposed development meets the objectives of the cluster ordinance and the preservation natural features and habitat. It should be expected the narrative is elaborated further with the more refinement of the development plan as part of the preliminary plan application.

4. Proposed building envelopes provided (Sheet CC-3). Lot dimensions not included.

Title 16.10.4.2 Sketch Plan Review Phase.
In addition to the above Title 16.10.4.2.1.A directs the Board to:
"… Determine whether the sketch plan proposal complies with the standards contained herein, and must, where it deems necessary, make specific suggestions in writing to be incorporated by the applicant in subsequent submissions."

Title 16.8.11.6.I.5 requires the 100-foot wetland setback, shown on the plans, to be a "permanently maintained no cut, no disturb buffer" area. The prior sketch plan proposed the new street to be located within this buffer rather than in the vicinity of proposed lots. The revised plan addresses this by locating the street in the developments building envelope with the exception of the necessary crossing.

It would be helpful for the Applicant to review again with the Board the various state and federal permitting the project may incur, i.e. MDEP Site Location Permit, MDOT Traffic Moving Permit and a MDHHS Engineered SWD system and the associated review thresholds.

Recommendation/Action

The needs to review attached minutes from previous meetings and site visits.

The Board should discuss the various modifications of the dimensional requirements necessitated by the proposed Sketch Plan and allowed with a cluster subdivision, to direct the applicant as to what modifications the Board may ultimately grant. Upon receipt of the preliminary plan, further review will focus on specific details including street design, subsurface wastewater disposal, stormwater management, traffic impacts, etc.

The sketch plan application is substantially complete. If the Board does not require any additional information to determine if the concept plan is in general conformance with the Code, the Board could approve the sketch plan application and reference the staff comments with any additional direction the Board finds pertinent. A possible motion might be…

Move to grant sketch plan approval for the proposed Sketch Plan Review application submitted by Landmark Properties, LTD., owner and Chinburg Builders, Inc., applicant, for a 20-lot single family cluster subdivision on 86.5 +/- acres. The site is identified as Tax Map 66 Lots 2A & 8 in the Residential Rural and Shoreland Overlay Zones.

Mr. Anderson: Asking for approval at the preliminary plan stage, and will bring all required information back to the Board as well as address other issues, including building envelope in lot 2.
Discussion followed regarding special exception considerations.
Mr. Anderson: Applicant would like the opportunity to address these standards for consideration.
Ms. Wells: Requests applicant addresses the reduction of diseased hemlocks. What amount of tree coverage will be left?
Mr. Anderson: This could be a condition of approval.
Ms. Davis: It would be to the benefit of the applicant if the diseased trees were identified before building so they are not penalized for removing diseased trees, allowed by code.
Mr. Anderson: Would like to receive preliminary approval on the subdivision, with a decision on the use in the shoreland zone provided at the final plan stage.
Mr. Emerson: If the Board is not prepared to approve the plan, it would be appropriate to continue review as the applicant has been asked for additional information.

Mr. Melanson moved to continue review of the Brave Boat Harbor Conservation in light of the Board's concerns regarding modifications and the shoreland special exception considerations, and request for further information.
Ms. Kalmar seconded
Motion carried unanimously by all members present

Discussion followed regarding continuing / holding another public hearing following receipt of requested information from applicant.

Mr. Melanson amended his previous motion to include the decision to hold a second public hearing.
Ms. Kalmar seconded
Motion carried unanimously by all members present

The public hearing will be noticed accordingly.

No further action was taken.

NEW BUSINESS

Ms. Kalmar: Given the pending amendment language for Council consideration, it may be better to move this item to the next business meeting.
Mr. Melanson: The applicant and agent is present, and this should be heard.

Minutes
8-28-2014

ITEM 2 – Betty Welch Road Cluster Subdivision - Sketch Plan Review
Action: Review and schedule Site Walk. Landmark Properties, LTD., owner and Chinburg Builders, Inc., applicant, propose to develop a 24-lot single family cluster subdivision on 86.5 +/- acres. The site is identified as Tax Map 22 Lots 2A & 8 in the Residential Rural and Shoreland Overlay Zones. Agent is Jeff Clifford, P.E., Attar Engineering.

Jeff Clifford: Summarized the proposal:

- 86.5 acres; 39.5 acres upland area; 25 acres net residential acreage; 27 lots allowed; 24 lots proposed
- Water District easement through parcel
- 2700-foot greenspace at cul-de-sac
- Septic is advanced pre-treatment. Proposed pre-treatment of wastewater at each lot results in a cleaner effluent through the forced main.
- Wetlands have been flagged
- 76 acres/88% of open space
- Municipal water available
- Potential rabbit habitat, to be mapped
- No floodplain on site
- Shoreland zone on edge of property outside of developed area
- HISS mapping needed for sketch plan acceptance
- ACOE identified vernal pool outside of proposed development area
- Roadway shields development from main road
- Density is not greater than adjacent homes, but buffered with open space
- Project will go to MDEP for review

A site walk was scheduled for Wednesday, September 24 at 5:00 p.m.

8:10
OLD BUSINESS
ITEM 3 – Town Code Amendment - Title 16.8.10.2.C Signs – General Requirements. Action: review amendment and schedule a public hearing. Proposed amendment re-defines Light-emitting diode (LED) lighting.
Mr. Mylroie: Focus on LED use; consensus was to amend the ordinance and allow for use of LED lighting in fixtures; issue now includes use of LEDs in message boards and whether this should be allowed; need clarification if LED lighting can be used in external and internal lit signage;
Discussion followed regarding where and how LED lighting can be used; colors and intensity of LED illumination; need to find amendment language defining properties/qualities of LED lighting to address color and lighting levels;
This item will be continued; no action taken. Requested staff provide technical information on LED to further discussion.

Dave Moulton: Regarding internally lit signs:

- In the 1988 sign ordinance, the intent was to not permit internally lit signs, and all signs were to be brought into conformance.
- In 1997, all existing signs, including internally lit signs, were accepted as compliant by Council, though not all were compliant.
- Internally lit signs are usually off by 6:00 p.m. during winter months, and are not used during summer when daylight is longer.
- Allowance of internally lit signs was not the intent of the sign ordinance at the time. External lighting was the intent., using goose-neck lamps, etc.

Site Walk minutes

Betty Welch Road Cluster Subdivision Sketch Plan Review

September 24 2014 5:00PM

Attendees:
Planning Board members: R. Melanson, K. Kalmar, D. Driscoll-Davis, and M. Alesse
Staff: C. DiMatteo; Conservation Commission: Herb Kingsbury and Earldean Wells.
Applicant: Paul Kerrigan with Chinburg Builders, Jeff Clifford, Altus Engineering; Scott Gone and Patty O'Brien, The Gone Group; and Jim Gove, GES Inc.
Other participants: Ronald Nowell, Town of York Selectman; Collen Harris, Gee Road; Bob Harris, 40 Cutts Rd; David Moulton, 54 Cutts Rd; Michael and Lydia Young, 64 Cutts Rd; Rebecca Embelly and Peter Black, 58 Cutts Rd;

Handouts: 11x17 plan reduction of *Proposed Subdivision Map 66 Lots 2A & 8, Betty Welch Road, Kittery Maine, Sketch Review 24 (10K) Lots Concept Plan* dated 7/24/2014.

Meeting called to order at 5:05 PM by R. Melanson.
J. Clifford presented the information found in the plan exhibit, the details for the proposal and how the site walk was to proceed. The walk commenced in the vicinity of the center line of the proposed street.

Stopped outside the wetland limits, STA 1+10:

1) Discussion regarding the jurisdiction wetland and the extent is it relates to the required fill from the proposed street. Jim Gove, Soil Scientist discussed the different plant communities and soil types associated with wetlands. He also addressed questions regarding hydric soil definition and groundwater depth, the latter was stated being at 15 inches.

Proceeded to the junction with the cul-de-sac at STA 5+50.

2) J. Clifford oriented people with the plan. It was decided to continue towards the larger turn-around (Village Green) than to proceed to the end of the cul-de-sac providing access to lots 3 through 7.

Proceeded to existing Kittery Water District water main easement at STA 8+50

3) Some discussion of the issues related to the planned construction in the vicinity of the main and what precautions would be made. J. Clifford stated that the developer is planning to work closely with KWD with regard to the protection of the water main.

Proceeded towards the proposed Village Green STA 16+00

4) Discussed the State's Site Location Permit Review and the implications with regard to this project. How the review requires the developer to address criteria such as traffic and stormwater. There were questions regarding the use wet ponds, soil assessment, centralized subsurface wastewater disposal (SWD) systems, and advanced treatment.

   Questions about change in grade and stormwater and where would water flow was asked. Mr. Harris asked where the water would flow if the SWD system is raised. Mr. Clifford explained that the water would flow to the abutting properties, much in the same manner that the drainage flows now. He also stated the increased stormwater from the increased development will be accommodated with the project's stormwater design that will include

treatment and storage with the proposed wet ponds. Discussion concerning the likely traffic that will be generated and the intersection at Route 101 was noted as important factor. A question regarding how many homes will be initially built at one time, and the developer stated that the construction of one spec home first with others later to suit specific buyers.

A Details on the centralized SWD and its location were discussed. How is it maintained? and Who is responsible for its proper functioning and maintenance? were some questions abutters present raised. With regard to maintenance the Applicant stated the Homeowner's Association would be responsible while the individual home owners would be responsible maintain their tank and lines on their property, ensuring pumping and inspection of tank(s), in the same manner as the homeowners at Devon Woods Subdivision. The need to provide an opportunity for the Board to visit the portion if the site that will be used for the centralized SWD was also discussed. Mr. Moulton offered for the site walk to pass through his property, however, daylight was waning and the attendees returned to the street.

Meeting ended approximately 6:15PM

Submitted by Chris DiMatteo, Interim Planner, October 23, 2014

Site Pictures

Conclusion: The use is an existing, nonconforming use in the Shoreland Overlay Zone. This standard appers to be met, with condition.
Vote: 5 in favor 0 against 0 abstaining
9. Is in conformance with the provisions of this Code;
Conclusion: The proposed development is in conformance with the Code.
Vote: 5 in favor 0 against 0 abstaining
10. Be recorded with the York County Registry of Deeds.
Shoreland Development plans must be recorded with the York County Registry of Deeds prior to the issuance of a building permit, and include all waivers and conditions of approval if applicable.
Vote: 5 in favor 0 against 0 abstaining

Based on the foregoing Findings, the Planning Board finds the applicant has satisfied each of the review standards for approval and therefore the Planning Board approves the Shoreland Development Plan Application of Peter Whitman, Applicant and Deuell Revocable Trust, Owner, to construct a single family home on an existing foundation at 70 Chauncey Creek Rd., Tax Map 45, Lot 70, in the Kittery Point Village and Shoreland Overlay zones, subject to any conditions and/or waivers:

Waivers: None
Conditions of Approval/Notices to Applicant in the Findings of Fact, as amended, November 13, 2014.

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

Vote: 5 in favor 0 against 0 abstaining

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.

Minutes 11.13.2014

OLD BUSINESS

ITEM 4 – Betty Welch Road Cluster Subdivision - Sketch Plan Review - Action: Review, grant or deny concept approval. Landmark Properties, LTD., owner and Chinburg Builders, Inc., applicant, proposes to develop a 24-lot single family cluster subdivision on 86.5 +/- acres. The site is identified as Tax Map 22 Lots 2A & 8 in the Residential Rural and Shoreland Overlay Zones. Agent is Jeff Clifford, P.E., Altus Engineering.

Mr. Clifford: We are asking for a continuance and further direction from the Board. There was Board interest in a site walk continuance. They are concerned with pending Code amendments and their impact on this project's preliminary plan review.

Ms. Driscoll: Would like to schedule another site walk to view the leach bed area.

Ms. Kalmar: Amount of water in upland area is significant considering this was a dry summer; need to exercise caution as this projected is located at the headwaters of the York River; would the Board consider the Conservation Commission's request for independent soil data review.

Jim Gove, Gove Environmental Services: Mr. Logan identified areas in the larger portion of the parcel as somewhat poorly drained; the soil profiles are the same in the upland, leach bed, areas; third party reviews yield very little changes, and found the soil profiles were virtually the same as Mr. Logan's observations. The amount of water on the site appears to be attributable to skidder tracks that are so compacted there is no drainage to the water table; these conditions are not indicative of the entire site's soil profile; the ruts should be graded out to natural soil, and restored to allow infiltration; some wetland

areas were diverted by skidders, as well. In Maine; individual septic systems are allowed in seasonal highwater tables deeper than 7". From a practical perspective, it would be better to have these located in the proposed septic area where the seasonal highwater table is 30".
Mr. Lincoln: How will the effluent be moved from the housing units to the disposal area?
Mr. Clifford: Each home will have an advanced pre-treatment system comprised of a septic tank and aeration tank. The resultant wastewater will be pumped to 1 or 2 common force mains to distribution boxes, where the highly cleaned and virtually clear wastewater will be disposed.
Mr. Lincoln: Does the developer plan to start with a spec house before completing the remaining 23 houses? Are there other cluster developments in the area with wetland issues? Does the developer have an option on the property?
Mr. Clifford: This is possible, but is up to the developer. The other developments had wetlands, but the septic designs were different. The developer has not purchased the property as yet.
Ms. Kalmar: Will the slope of the area have an impact on the septic design?
Mr. Clifford: The surface is sloped and works well. The system has not been designed at this level of review.
Ms. Driscoll: There were so many ferns noticed on the sitewalk, indicating wet areas.
Mr. Gove: The timber harvesting opened the site and seeds were distributed all over. Many of the dominate ferns identified are upland ferns. Along the wetland edge the wetland ferns became dominate.
Don Moore, Kittery Conservation Commission: Asked about the highwater table associated with test pit locations [discussed with Mr. Gove]. Asked about mounding calculations for septic design.
Mr. Clifford: This in-depth level of review will be addressed as the project requires a SLDA review by the MDEP, including 25 sections of review. The septic design, most likely prepared by R.W. Gillespie, Geotechnical Engineers, will be reviewed by Maine Department of Health and Human Services.
Discussion followed regarding the proposed roadway located within the 100-foot no cut, no disturb buffer required between structures and wetlands in cluster development, vs. setback requirements from wetland areas.
Mr. DiMatteo: Asked the applicant to confirm the statute regarding timber harvesting.
Discussion followed regarding scheduling another site walk; timetable for project review; existing water lines on the property, spreading of invasive species due to timber harvesting; potential waivers;
Ms. Kalmar: Asked the Board to consider a third party soil review and for the applicant to illustrate how homes could be located on the parcel in a standard subdivision design.
Mr. Clifford: This is not required in the ordinance, as the cluster subdivision ordinance has replaced standard subdivision design.

Ms. Driscoll moved to continue the Betty Welch Road Cluster subdivsion application 90 days from November 13, 2014.
Mr. Lincoln seconded
Motion carried unanimously by all members present

A site walk will be scheduled at the December meeting.

Break

ITEM 5 – Brave Boat Conservation at Sawyer Lane – Cluster Subdivision —Final Plan Review - Action: review and grant or deny final plan approval. Owner and Applicant Jonathon & Kathleen Watts are 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.
Ken Markley: Disagrees with staff comments regarding an additional 20-foot no-cut no-disturb buffer in addition to the proposed fence and existing vegetation. This was not addressed previously by staff, and the buffer is substantial as it exists. These lots are the same size or larger than existing lots in the

Site Walk minutes

Betty Welch Road Cluster Subdivision Sketch Plan Review

Tuesday January 13, 2015 9:00 AM
Fair and 16° Fahrenheit

Attendees:
Planning Board members: K. Kalmar, D. Driscoll-Davis, M. Alesse, A. Grinnell, T. Emerson, and R. Harris
Staff: C. DiMatteo; Conservation Commission: Earldean Wells.
Applicant: Paul Kerrigan with Chinburg Builders, Jeff Clifford, Altus Engineering; Scott Gone and Patty O'Brien, The Gone Group; and Jim Gove, GES Inc.
Other participants: David Moulton, 54 Cutts

Handouts: 11x17 plan reduction of *Proposed Subdivision Map 66 Lots 2A & 8, Betty Welch Road, Kittery Maine, Sketch Review 24 (10K) Lots Concept Plan* dated 7/24/2014.

Meeting called to order at 9:05 AM by A. Grinnell.
J. Clifford presented the information found in the plan exhibit, the details for the proposal and how this second site walk was to proceed. The walk commenced from Andrews Automotive parking lot towards the site proposed for the project's subsurface wastewater disposal system.

First Stop
Gove's discussed wetland vegetation extending into the uplands amongst the pines, probably due to the timber harvesting equipment.

Second Stop
Came to first wetlands on the site.

Third Stop
Came to the height of the land and discussed the extent of the proposed central disposal system and that there is added flexibility with regard to the systems the Developer is planning on using and the amount of vegetation needed to be removed.

Fourth Stop
Came to the edge of the second wetlands in this vicinity of the site and inspected the topography and the proximity if the location of housing development and discussed the method of piping and force main going through the wetland to connect the proposed housing with the proposed central disposal system.

Proceeded back to the parking lot and adjourned at 9:45 AM.

Submitted by C. Di Matteo, Town Planner, January 15, 2015.

Sketch Plan Review Application

Residential Cluster Subdivision

Tax Map 66, Lot 2A & 8

Betty Welch Road
Kittery, Maine

October 22, 2015

Prepared For:

Chinburg Properties
3 Penstock Way
Newmarket, NH 03857
(603)-868-5995

Prepared By:

Altus Engineering, Inc.
133 Court Street
Portsmouth, NH 03801
Phone: (603) 433-2335
Fax: (603) 433-4194

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4567.PB.Subd.cov.doc

ALTUS
ENGINEERING, INC.

Civil
Site Planning
Environmental
Engineering

133 Court Street
Portsmouth, NH
03801-4413

October 22, 2015

Chris Di Matteo, Town Planner
Town of Kittery
200 Rogers Road
Kittery, Maine 03904

Re: **Cluster Subdivision**
Map 66, Lots 2A & 8
Betty Welch Road
Kittery, Maine
P-4567

Dear Mr. Di Matteo:

Altus Engineering, Inc. is pleased to re-submit on behalf of the applicant, Chinburg Properties, an updated *Application for Subdivision – Sketch Plan Review* to the Kittery Planning Board for a proposed 20-lot clustered subdivision at the subject 86.5(±) acre property located on the east side of Betty Welch Road. The original application was submitted August 2014. The project was discussed at Planning Board meetings and two (2) site walks were conducted. The review process was suspended early 2015 to await passage of pending amendments to the Land Use and Development Code. Pursuant to the recent approval of those amendments, the project documents have been updated and Planning Board review can continue.

This Sketch Plan submission includes the following documents (15 copies):

- Application for Subdivision - Sketch Plan Review
- Project Narrative
- Beginning of Habitat – High Value Plants and Animal Habitat
- Stream Buffers in Kittery Map
- FEMA 100-year Floodplain in Kittery
- Significant Wetlands in Kittery Map
- Town of Kittery Land Use Zoning Map
- Class A High Intensity Soil Survey report (by Gove Environmental Services, Inc.)
- 2015 Vernal Pool Assessment (by Gove Environmental Services, Inc.)
- Sketch Review Plans – (5 full size and 10 half size sets)

The applicant seeks to be placed on the November 12, 2015 Planning Board agenda.

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

Sincerely,

ALTUS ENGINEERING, INC.

Jeff Clifford

Jeffrey K. Clifford, P.E.
Vice President

JKC/RMB/jkc/4567.007.CD.ltr.doc

Enclosures

e-copy (w/encl.): Paul Kerrigan, Chinburg Properties
Matt Assia, Chinburg Properties
Scott Gove, The Gove Group
James Gove, Gove Environmental Services, Inc.

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

CLUSTER DEVELOPMENT - SKETCH PLAN REVIEW

Application Fee:	☐ $300.00			**Amount Paid:** $ 300.00		**Date:** 7/23/14	
PROPERTY DESCRIPTION	Parcel ID	Map	66	Zone(s)-Base:	R-RL	Total Land Area	86.5(+/-) ac.
		Lot	2A & 8	Overlay:	OZ-SL-250'	MS4	___ YES _X_ NO
	Physical Address	40 Betty Welch Road and Cutts Road					

PROPERTY OWNER'S INFORMATION	Name	Landmark Properties, Ltd	**Mailing Address**	P.O. Box 186 York, Maine 03909
	Phone	207-363-4493		Applicant: Chinburg Properties 3 Penstock Way Newmarket, NH 03857
	Fax			
	Email	fhart15091@aol.com		
APPLICANT'S AGENT INFORMATION	Name	Jeffrey K. Clifford	**Name of Business**	Altus Engineering, Inc.
	Phone	603-433-2335	**Mailing Address**	133 Court Street Portsmouth, NH 03801
	Fax	603-433-4194		
	Email	jclifford@altus-eng.com		

CLUSTER DEVELOPMENT CHECKLIST	Article XI, Chapter 8 – Cluster Residential and Cluster Mixed-Use Development (The following information is required at sketch plan submittal)	
	See Title 16.8.11.5:	
	☒ **Dimensional Modifications/Standards Required**	☒ **Development Constraints Map**
	☒ **Non-buildable Areas**	☒ **Written Statement**
	☒ **Net Residential Acreage/Net Residential Density**	☒ **Building Envelopes Located**
	☒ **Open Space Calculations (see Title 16.8.11.6)**	

☒ **Property ownership (Title 16.8.11.4)**

Existing use(s) of land (describe):

Vacant woodland that had been recently harvested. The lot is abutted by I-95 highway to the southeast; vacant parcels to the east and northwest; and a few single family homes to the northeast and southwest.

MINIMUM PLAN SUBMITTAL REQUIREMENTS – SKETCH PLAN

☒ 15 Copies of this Application and Required Information , 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

Vicinity Map – map or aerial photo showing 1,000 feet around the site.

In addition to the Cluster Development Checklist requirements, the 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.

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.

I certify, to the best of my knowledge, the information provided in this Application is true and correct, abutters to the project have been notified, and I will not deviate from the approved plan without following code requirements. Permission is granted to Town Staff to access the property associated with this application to aid in the regulatory review.

Applicant's Signature:	[signature]	**Owner's Signature:**	[signature] owners agent.
Date:	10·22·15	**Date:**	10·22·15

CHINBURG BUILDERS, INC. 67166

Check Date	7/23/14	Check Number	67166

Invoice #	Date	Description	Gross	Not Paid	Discount	Net Amount
Application Fee	7/23/14	Betty Welch dev (Job 1030 - Betty	$300.00			$300.00
(383) Town Of Kittery			$300.00	$0.00	$0.00	$300.00

67166

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

Kennebunk Savings
52-7450-2112

67166

DATE	AMOUNT
7/23/14	$300.00

PAY Three Hundred and No/100 Dollars

TO THE ORDER OF: Town Of Kittery

AUTHORIZED SIGNATURE

Security features Details on back

⑈067166⑈ ⑆211274502⑆ 44 003427⑈

SKETCH PLAN - PROJECT NARRATIVE

CLUSTER SUBDIVISION

Map 66 Lots 2A & 8

Betty Welch Road

Kittery, Maine

October 22, 2015

The applicant proposes a cluster subdivision at an 86.5 acre property located on the easterly side of Betty Welch Road in Kittery, Maine. The property is approximately 1/4 mile south of the York town line and is comprised of two (2) parcels; Map 66, Lot 2A (61.5+/- acres) and Map 66, Lot 8 (25+/- acres). The property is abutted by Interstate Highway I-95 to the southeast; vacant parcels to the northeast, southwest and northwest; and several single family homes to the north and west. Lot 2A has over 2,100 feet of frontage along Betty Welch Road. The land is vacant woodlands; timber harvesting occurred years ago. There are two Kittery Water District water lines passing through the site. The westerly line has been abandoned; the easterly 20-inch line is an active transmission main.

The proposed clustered subdivision includes 20 single family residential lots. The project has been designed to fit harmoniously into the landscape and maintain the rural woodland character of the surrounding area using concepts and guidelines developed for conservation subdivision design. Through the flexibility provided in the ordinance's cluster provisions, the project team found that carefully locating the house lots respected the land's natural features, and provided a community atmosphere. A 20,100 s.f. village green is proposed in the center of the development creating a neighborhood gathering and play area.

The project will provide over 76.5(±) acres of protected common open space, encompassing 88% of the total site. The open space is configured to maximize sensitivity to the natural resources within and near the property by providing significant forested buffers to wetlands which connect to woodland tracts on adjacent properties. The open space provides abundant opportunities for foot trails. Covenants and deeded conservation easements will ensure that the common open space will remain protected from further development. A homeowners association will preside over open space and facility maintenance.

The project does not maximize the allowed density. Based on the recently passed amendments to the Kittery Land Use and Development Code (LUDC), the Net Residential Acreage calculation allows for at least 21 lots (additional upland pockets exist at the northerly portion of the property and if mapped would yield additional Net Residential Acreage).
Much consideration has been given to appropriate wastewater treatment technologies for the project and providing a suitable area for subsurface wastewater disposal. A community system with common wastewater disposal beds and reserve areas are proposed at a topographic knoll on the southerly parcel (Lot 8). Each 10,000+ square foot lot will have its own septic tank and advance treatment system that will pump aerobically treated effluent to the community leach fields via common force mains. The lots will be serviced with municipal water. Electric and communication utilities will be installed underground.

Under a clustered subdivision proposal, the Kittery Land Use and Development Code Zoning Ordinance allows the Planning Board to modify certain design standards. This proposal will include dimensional modifications, most notably in lot size, yard setbacks, and road standards. The modifications will allow for the efficient and desirable cluster lot configurations presented on Plan CC-3, thereby maximizing the function and effectiveness of the common open space. The applicant proposes a 20-foot wide paved roadway to maintain the rural character of the area and to minimize impervious surfaces.

The proposed roadway measures approximately 1,146 feet to the centroid of the cul-de-sac. The proposed roadway enters onto Betty Welch Road near the southeasterly corner of the property to minimize impacts at a wetlands crossing. Approximately 4,270 square feet of wetlands will be impacted for this crossing. A second wetlands crossing is necessary for the construction of the common force mains and gravel service road connecting the developed lots to the wastewater disposal bed. This crossing will impact 2,370 square feet of wetlands. These crossings will require environmental permits from the MDEP, the Army Corps of Engineers, and the Town.

Initial reviews of federal, state and local documents and maps were made of the site. Flood Insurance Rate Maps and Town maps indicate that the only designated floodplain area on the property is located well away from the area of development. The *Beginning with Habitat – High Value Plant and Animal Habitat* shows a potential corridor of New England Cottontail habitat on the easterly portion of the property near I-95. Due to the recent logging activity, the site probably lacks the understory for the cottontail to proliferate; however a habitat determination will be sought from the Maine Department of Inland Fisheries and Wildlife as part of the preliminary application. Gove Environmental Service, Inc. (GES) has performed a vernal pool assessment for the site and several vernal pools were found to exist in areas rutted by logging operations. The GES report notes that none of the pools contained a sufficient number of egg masses to qualify as a Significant Vernal Pool under state regulation even if considered natural; therefore the pools are not subject to state regulation as vernal pools. Local, state and federal permitting for the second wetland crossing will address the two skidder rut pools in the vicinity of the crossing. All other pools are over 100 feet from areas being developed.

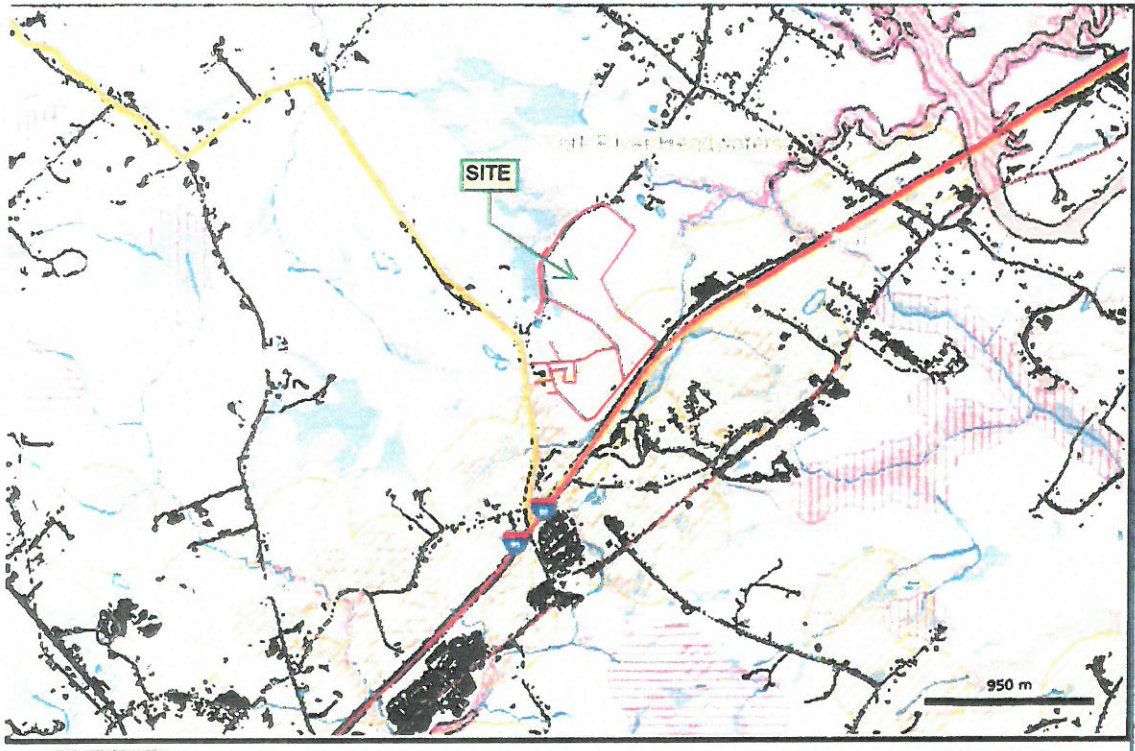
The project will impact approximately 10± acres for the construction of the roadway, lot development and the wastewater disposal beds. The project requires a Site Location of Development License from the Maine Department of Environmental Services (MDEP). This rigorous state review process involves a pre-application meeting and detailed analysis of the proposed stormwater management system, soils, subsurface disposal system, well locations, wetland impacts, and overall potential impacts to the environment. The project will include "woodland buffer easements" and other stormwater best management practices (BMPs) to address both the stormwater quality and quantity requirements of the state regulations.

The project team believes that this development concept has been developed with the utmost sensitivity to the environment and is pleased to present it to the Planning Board for consideration and discussion.

Beginning *with* HABITAT

beginning with habitat | build a map

Search Features | Print Map | Create Image | Print Legend | About | Login



1 :

UTM Zone 19N

X = 358,655.95
Y = 4,778,805.57

Map Theme: High Value Plant & Animal Habitat

Feature Data | Legend | Markup

Click here for conservation information regarding high value plant & animal habitat

Rare, Threatened, or Endangered Wildlife Polygon

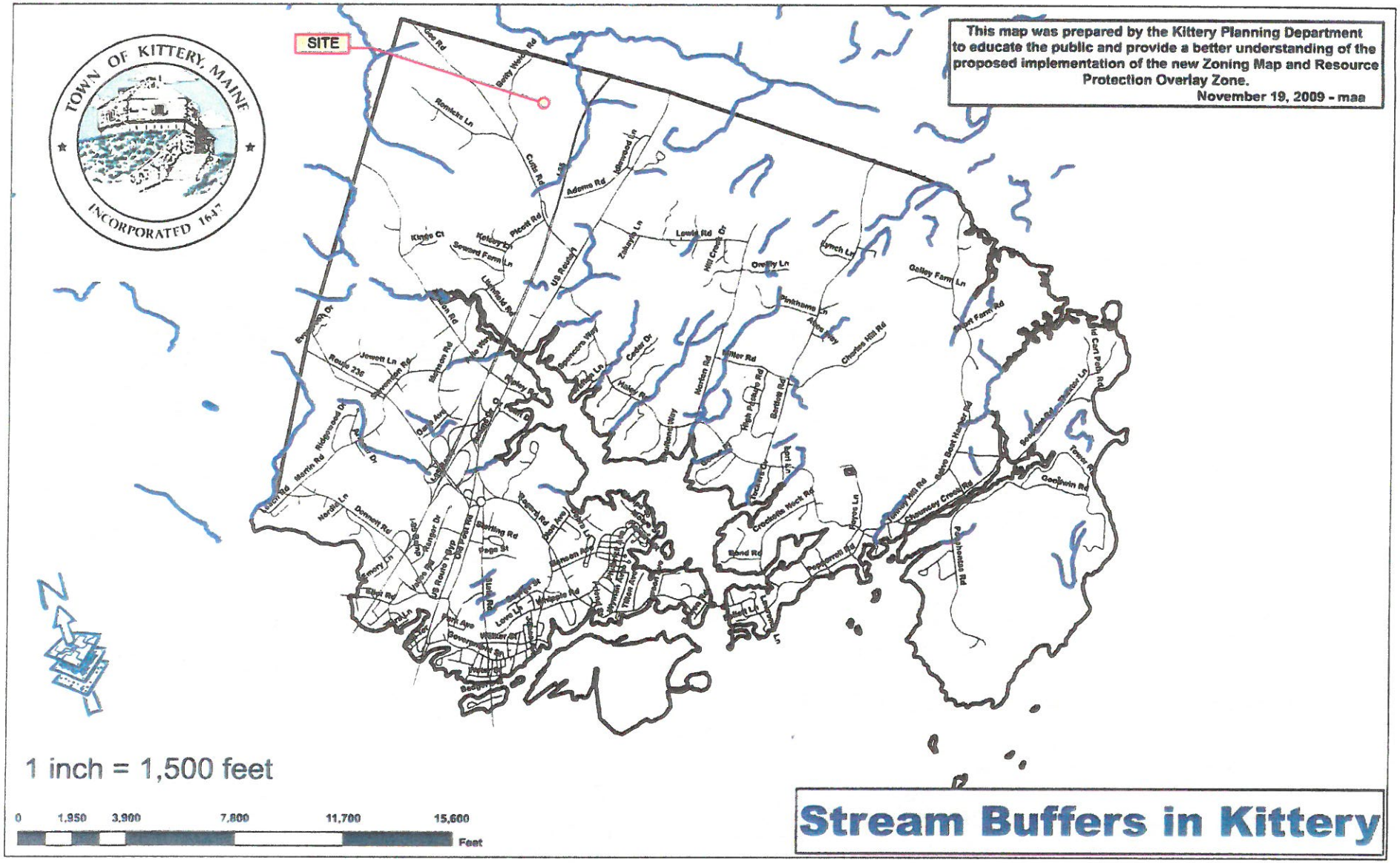
Object ID	324913
Encyclopedia Link	Go to Encyclopedia
Common Name	New England Cottontail
Global Rank	G3
State Rank	S2
State Protection Status	Endangered

Focus Areas

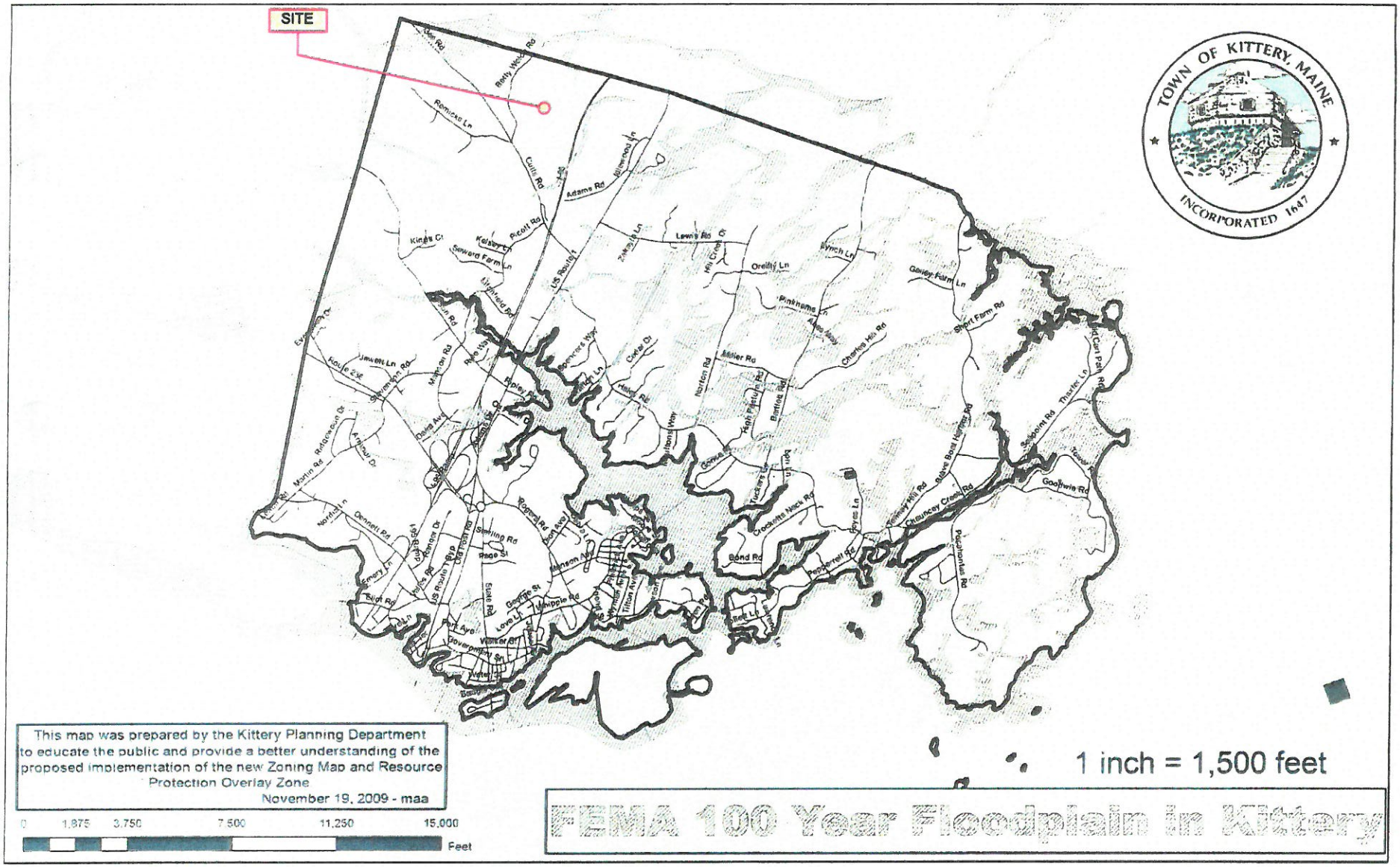
View Focus Area Description

Object ID	58
Name	York River Headwaters
Acres	8,773.18

Copyright © 2008 Beginning with Habitat. All rights reserved. Developed by AppGeo. BwH-Online v0.8.1 [dev 1]

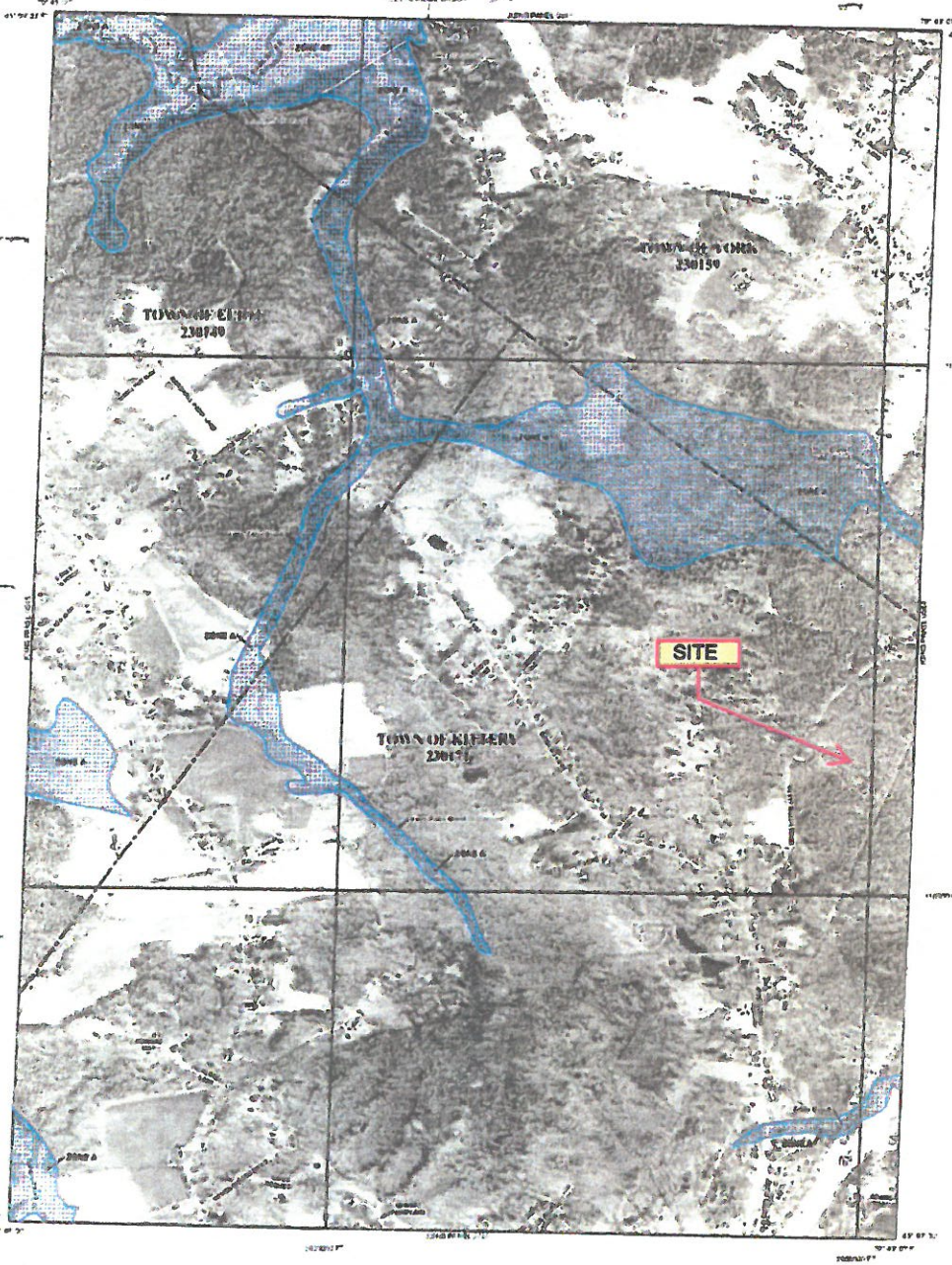


Stream Buffers in Kittery


SITE
TOWN OF KITTERY, MAINE
INCORPORATED 1647
1 inch = 1,500 feet
This map was prepared by the Kittery Planning Department to educate the public and provide a better understanding of the proposed implementation of the new Zoning Map and Resource Protection Overlay Zone
November 19, 2009 - maa
0
1,875
3,750
7,500
11,250
15,000
Feet
FEMA 100 Year Floodplain in Kittery

NOTES TO USERS

LEGEND



NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0010G

FIRM

FLOOD INSURANCE RATE MAP

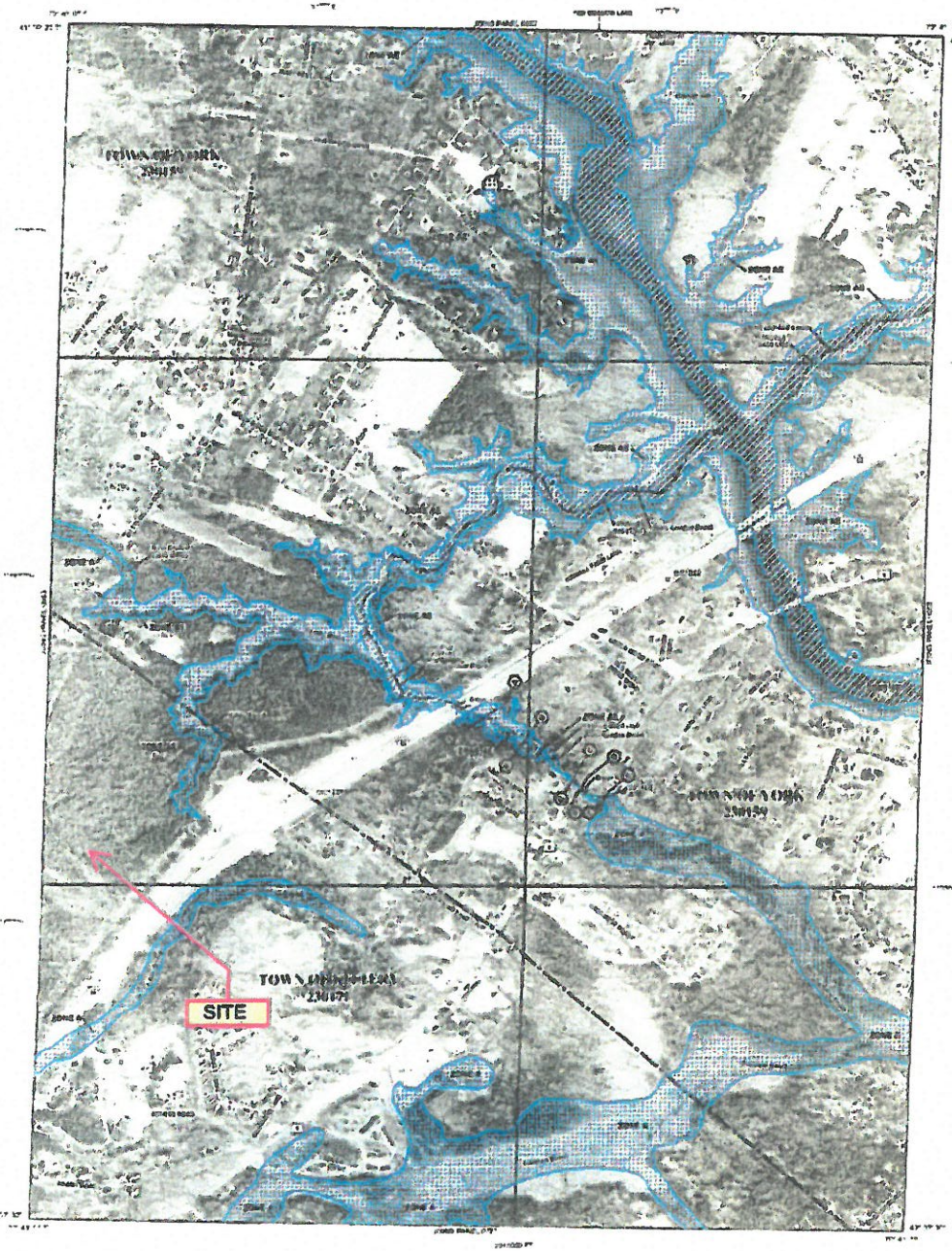
YORK COUNTY, MAINE (ALL JURISDICTIONS)

PANEL 010 OF 020

MAP NUMBER 23031C0010G

EFFECTIVE DATE

NOTES TO USERS



LEGEND

NFIP

PANEL 0004G

FIRM

FLOOD INSURANCE RATE MAP

YORK COUNTY, MAINE (ALL JURISDICTIONS)

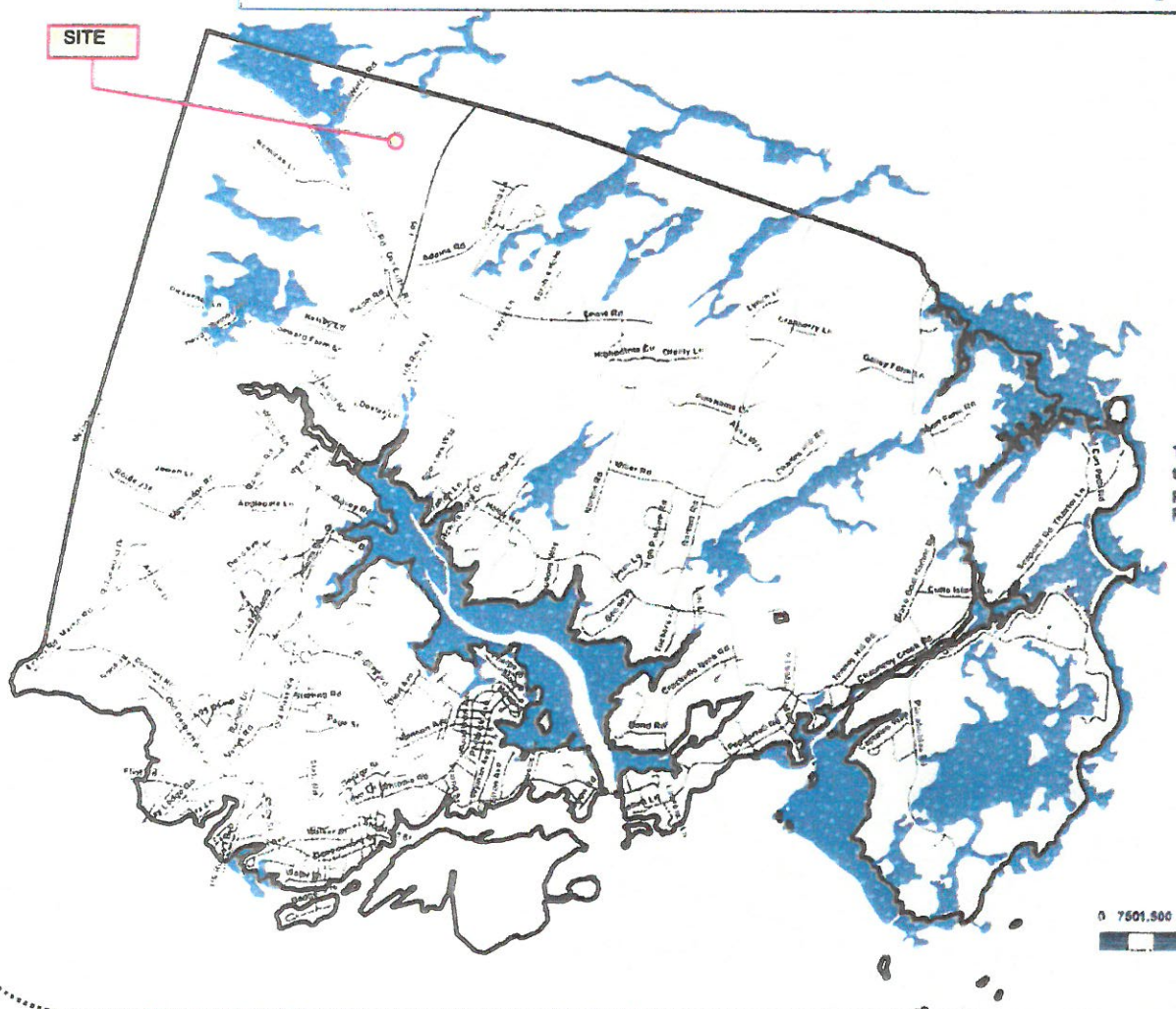
PANEL 004 OF 720

MAP NUMBER 23031C0004G

EFFECTIVE DATE

Federal Emergency Management Agency

Significant Wetlands (+2 Acres) in Kittery



TOWN OF KITTERY, MAINE
INCORPORATED 1647

This map was prepared by the Kittery Planning Department to educate the public and provide a better understanding of the proposed implementation of the new Zoning Map and Resource Protection Overlay Zone.

November 19, 2009 - maa

N

1 inch = 1,500 feet

0 750 1,500 3,000 4,500 6,000 7,500 9,000 10,500 12,000 13,500 15,000
Feet

Town of Kittery

York County, Maine

Land Use Zoning Map

(A Growth Managment / Comprehensive Plan Implementation Strategy)

TOWN OF KITTERY, MAINE — INCORPORATED 1647

Town of Eliot

Town of York

Spinney's Creek

Spruce Creek

Piscataqua River

Brave Boat Harbor

Seapoint

Gulf of Maine

Atlantic Ocean

Seavey Island

Portsmouth Harbor

Cutts Island

Gerrish Island

R-RL

T-MT

MU

CON

R-S

C-2

C-1

B-PK

C-3

B-L

R-U

MU-KF

MU-BI

IND

R-KPV

R-RLC

Base Zones

- Residential - Village (R-V)
- Residential - Urban (R-U)
- Residential - Kittery Point Village (R-KPV)
- Residential - Suburban (R-S)
- Residential - Rural (R-RL)
- Residential - Rural Conservation (R-RLC)
- Commercial 1 (C-1)
- Commercial 2 (C-2)
- Commercial 3 (C-3)
- Industrial (IND)
- Business - Local 1 (B-L1)
- Business - Local (B-L)
- Business - Park (B-PK)
- Mixed Use - Kittery Foreside (MU-KF)
- Mixed Use (MU)
- Mixed Use - Badgers Island (MU-BI)
- Conservation (CON)
- Transportation - Maine Turnpike (T-MT)

Overlay Zones

- Resource Protection (OZ-RP)
- Shoreland - Water Body - Wetland Protection Area (OZ-SL-250')
- Shoreland - Stream Protection Area (OZ-SL-75')
- Commercial Fisheries / Maritime Uses (OZ-CFMU) are located within the upland area 75 feet of the normal high-water line or to the property boundary line as identified on the Zoning Map.

1 inch = 1,000 Feet

0 1000 2000 3000 4000 5000 Feet

N S E W

Offshore Island Inset

Duck Island

Eastern Rocks

Mingo Rocks

Gulf of Maine

Atlantic Ocean

Appledore Island

R-RLC

Smuttynose Island

Malaga Island

Cedar Island

1 inch = 1,000 feet

Inset A

R-S

1 inch = 250 feet

Inset B

R-S

1 inch = 100 feet

Inset C

R-U

1 inch = 167 feet

Inset D

1 inch = 750 feet

Inset E

R-U

1 inch = 333 feet

Inset F

1 inch = 625 feet

Inset G

1 inch = 250 feet

Inset H

R-KPV

1 inch = 500 feet

Inset I

R-KPV

Chauncey Creek

R-RLC

1 inch = 250 feet

Inset J

B-L1

MU-KF

MU-BI

Back Channel

Piscataqua River

Seavey Island

R-U

IND

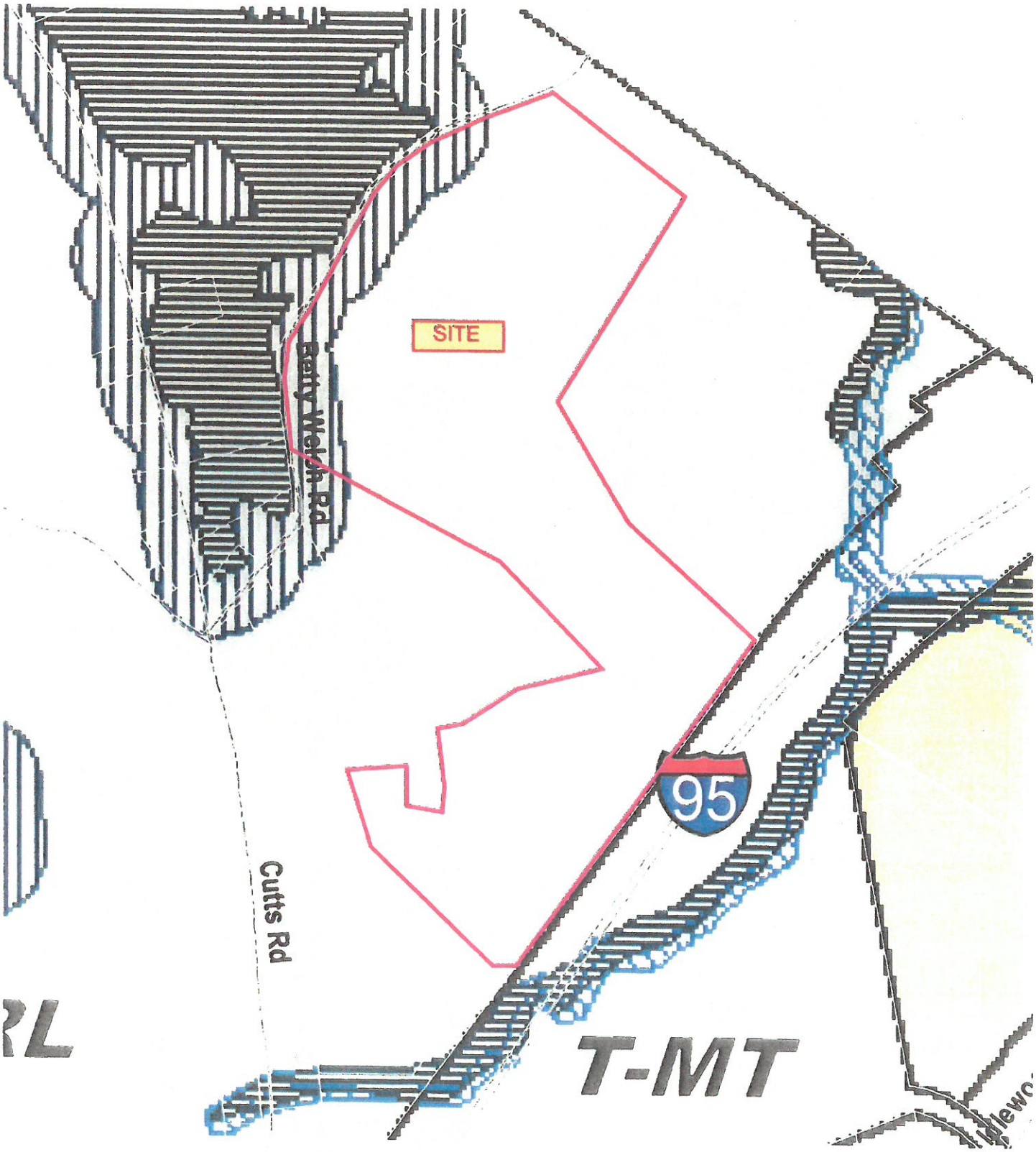
1 inch = 375 feet

0 750 1500 2250 3000 Feet

Map prepared by the Kittery Planning & Development Department

Michael Bowman

Marjorie Rice Town Clerk


SITE
Betty Welch Rd
Cutts Rd
95
T-MT

GOVE ENVIRONMENTAL SERVICES, INC.

Memorandum

Date: Thursday, October 30, 2014

To: Jeff Clifford, P.E.
Company: Altus Engineering, Inc.
From: Jim Gove

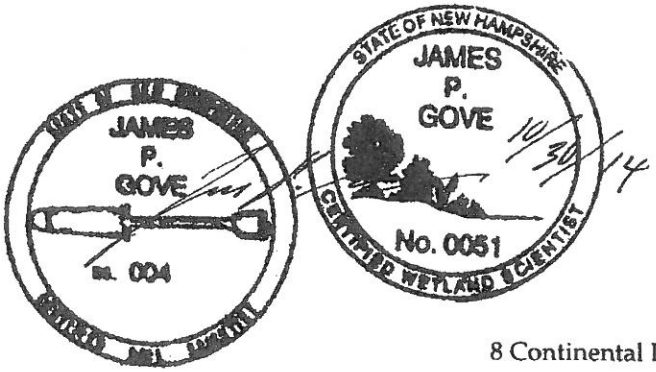
Re: Chinburg Subdivision off Betty Welch Road, Kittery, Maine
Subject: Class A High Intensity Soil Survey

Gove Environmental Services, Inc. has prepared the following Soil Survey Investigation Narrative Report for the above referenced project, which is intended to accompany the soil map also prepared by GES. The central portion of the lot was soil mapped, with areas in the northern portion and extreme southern portion of the parcel not investigated. The report also has the attachments of: test pit logs by both GES and others, official soil series descriptions, and resume of the certified soil scientist.

Certain site specific aspects of the parcel need to be elaborated. This parcel and the adjacent land to the northeast were heavily logged. During the forestry activity, numerous ruts were created by skidders that crisscrossed both upland and wetland areas. No attempt was made to characterize soil profiles in the ruts, and this disturbance was viewed as inclusions to the soil map unit. There are several spoil areas on the parcel, where native material was deposited and compacted as an access road for the logging activity, and have been noted on the soil map.

The glaciomarine soils in the uplands have less than 35% clay content in the soil profile, which means these soils are classified as fine-silty rather than fine. For that reason, the soil catena of Boothbay, Pushaw, and Swanville were utilized in portions of this soil survey investigation. Further, the very fine sandy loam/silt loam deposits noted in the highest hill of the parcel could have been classified into several soil series, but the range in characteristics for soil textures and rock fragments were closest to the soil series Nicholville...

If there are any questions regarding the following soil survey report, please feel free to contact GES.



8 Continental Dr Bldg 2 Unit H, Exeter, NH 03833-7526
Ph (603) 778 0644 / *Fax* (603) 778 0654
www.gesinc.biz
info@gesinc.biz

GOVE ENVIRONMENTAL SERVICES, INC.

SOIL SURVEY INVESTIGATION NARRATIVE REPORT

TITLE SECTION: Subdivision off Betty Welch Road

1. **SITE REFERENCE:**
   Proposed subdivision by Chinburg Builders, Inc. of Tax Map 66, Lots 2A & B

2. **LOCATION OF SITE:**
   Betty Welch Road, Kittery, Maine

3. **DATE OF REPORT:** 10-29-14

4. **DATE OF SOIL PROFILE OBSERVATIONS:**
   10-27-14 for JP Gove recorded tests pits G1 to G5
   1-22-2014 for James Logan recorded test pits TP1 to TP 14

5. **BASE MAP INFORMATION:**
   a. **CONTOUR MAP:** 2-foot contours

   b. **SCALE OF MAP:**
   1 inch equals 100 feet

   c. **TYPE OF BASE MAP:**
   Land surveyor located the wetland boundaries, the test pits, proposed centerline of subdivision road with stations, and prepared the 2-foot contours. Only a portion of the property has wetland delineation and contours, and it is in those areas with physical features that the soil survey was conducted.

6. **GROUND CONTROL – LOCATION OF TEST PITS, ETC.:**
   Test pits by James Logan, wetland flags, stone walls, water lines, approximate property bounds were located by land surveyor. Additional soil test pits were located off centerline of proposed road way and TBMs set by land surveyor.

7. **CLASS OF SOIL SURVEY MAP:**
   Class A (High Intensity) Soil Survey with the following criteria: That map units will not contain dissimilar limiting individual inclusions larger than 1/8 acre. The scale is 1 inch equal 100 feet or larger. Ground control for base map and test pits for which detailed data is recorded are accurately located under direction of a registered land surveyor or a qualified professional engineer. Base map with 2-foot contour lines with ground survey or aerial with ground control.

8 Continental Dr Bldg 2 Unit H, Exeter, NH 03833-7526
Ph (603) 778 0644 / *Fax* (603) 778 0654
www.gesinc.biz
info@gesinc.biz

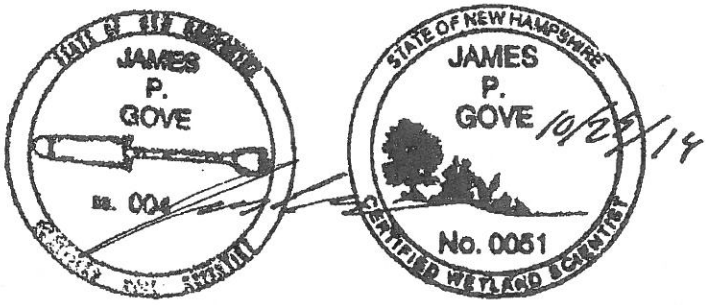
8. SOIL SCIENTIST CERTIFICATION STATEMENT:
The accompanying soil profile descriptions, soil survey map and this soil narrative report entitled "Subdivision of Betty Welch Road", dated "xxx" were done in accordance with the standards adopted by the Maine Association of Professional Soil Scientists, February 1995, as amended and prepared by "James P. Gove" C.S.S. # 004 (New Hampshire). Reciprocity: "Chapter 73: Geologists and Soil Scientists, Subchapter 1. General Provisions, &4906. Exemptions 1. Nonresident practicing less than 30 days. A person not a resident of and having no established place of business in this State, practicing or offering to practice the profession of geologist or soil scientist when that practice does not exceed in the aggregate more than 30 days in one calendar year, provided that the person is legally qualified by registration to practice the profession in his own state or country, in which the requirements and qualifications for obtaining a certificate or registration are equivalent to those specified in this chapter."

9. PURPOSE OF SOIL MAP:
This soil survey was prepared for a residential subdivision utilizing subsurface wastewater disposal.

10. SIGNATURE OF CERTIFIED SOIL SCIENTIST:

11. PROFESSIONAL C.S.S. #: New Hampshire C.S.S. #004

12. PROFESSIONAL STAMP (s):



13. DATE: 10-29-14

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MAP UNIT DESCRIPTIONS:

1. **NAME OF SOIL MAP UNIT:** Sn
   Scantic silt loam, 0 to 3 percent slopes

2. **SOIL TAXONOMIC CLASSIFICATION:**
   Fine, illitic, nonacid, frigid Typic Epiaquepts

3. **SETTING INFORMATION:**
   a. **PARENT MATERIAL**
      Glaciomarine
   b. **LANDFORM**
      Coastal lowlands

   c. **POSITION IN LANDSCAPE**
      Depressions and lowest point on topography for site
   d. **SLOPE GRADIENT RANGES**
      0 to 3 percent slopes

4. **COMPOSITION AND SOIL CHARACTERISTICS:**
   a. **DRAINAGE CLASS**
      Poorly drained
   b. **TYPICAL PROFILE DESCRIPTION – SOIL OBSERVATION LOGS THAT INCLUDE MASTER HORIZONS, TEXTURE/MODIFIERS, STRUCTURE, CONSISTENCY, COLOR, FRAGMENTS, REDOXIMORPHIC FEATRUES**
      A – 0 to 2 inches, silt loam, granular, friable, 10YR2/2
      B – 2 to 19 inches, silt loam, granular, friable, 10YR4/2, common prominent iron concentrations
      C – 10 to 40 inches, silty clay loam, blocky, firm, 2.5Y4/2, many prominent iron concentrations

   c. **HYDROLOGIC SOIL GROUP**
      D

   d. **SURFACE RUN-OFF**
      Slow

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e. **PERMEABILTY**
Moderately slow

f. **DEPTH TO BEDROCK**
Very deep

g. **HAZARD TO FLOODING**
None

h. **INCLUSIONS: SIMILAR SOILS, DISSIMILAR SOILS**
Swanville – similar soil
Pushaw – dissimilar soil

USE AND MANAGEMENT:

This soil has a high water table and is not suitable for the construction of dwellings or septic systems. Typically considered a wetland.

1. **NAME OF SOIL MAP UNITS:** PwA, PwB
   Pushaw silt loam, 0 to 3 percent slopes
   Pushaw silt loam, 3 to 8 percent slopes
2. **SOIL TAXONOMIC CLASSIFICATION:**
   Fine-silty, mixed, semiactive, nonacid, frigid Aeric Epiaquepts
3. **SETTING INFORMATION:**
   a. **PARENT MATERIAL**
   Glaciomarine
   b. **LANDFORM**
   Marine terraces

   c. **POSITION IN LANDSCAPE**
   Mid-slope and top of low rises
   d. **SLOPE GRADIENT RANGES**
   A – 0 to 3%, B – 3 to 8%

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4. **COMPOSITION AND SOIL CHARACTERISTICS:**
   a. **DRAINAGE CLASS**
      Somewhat Poorly Drained
   b. **TYPICAL PROFILE DESCRIPTION – SOIL OBSERVATION LOGS THAT INCLUDE MASTER HORIZONS, TEXTURE/MODIFIERS, STRUCTURE, CONSISTENCY, COLOR, FRAGMENTS, REDOXIMORPHIC FEATRUES**
      A – 0 to 3 inches, silt loam, granular, friable, 10YR3/2
      Bw1 – 3 to 14 inches, silt loam, granular, friable, 10YR4/4
      Bw2 – 14 to 20 inches, silt loam, granular, friable, 10YR4/3, common prominent iron concentrations and depletions
      C – 20 to 40 inches, silty clay loam, blocky, firm, 2.5Y5/2, many prominent iron concentrations and depletions

   c. **HYDROLOGIC SOIL GROUP**
      C

   d. **SURFACE RUN-OFF**
      Medium to high

   e. **PERMEABILTY**
      Moderately low

   f. **DEPTH TO BEDROCK**
      Very deep

   g. **HAZARD TO FLOODING**
      None

   h. **INCLUSIONS: SIMILAR SOILS, DISSIMILAR SOILS**
      Lamoine – similar
      Boothbay – similar
      Swanville - dissimilar

USE AND MANAGEMENT:

There are limitations for dwellings and septic leach fields due to presence of a seasonal high water table near the soil surface. Construction needs to consider the seasonal high water table and the restrictive silty clay loam layers.

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1. **NAME OF SOIL MAP UNIT:** NvB, NvC
   Nicholville very fine sandy loam, 3 to 8 percent
   Nicholville very fine sandy loam, 8 to 15 percent
2. **SOIL TAXONOMIC CLASSIFICATION:**
   Coarse-silty, isotic, frigid, Aquic Haplorthods

3. **SETTING INFORMATION:**
   a. **PARENT MATERIAL**
      Wind and water deposited material having a high content of silt and very fine sand
   b. **LANDFORM**
      Low hills and benches on uplands.

   c. **POSITION IN LANDSCAPE**
      Side slopes and tops of low hills and benches
   d. **SLOPE GRADIENT RANGES**
      B – 3 to 8%, C – 8 to 15%

4. **COMPOSITION AND SOIL CHARACTERISTICS:**
   e. **DRAINAGE CLASS**
      Moderately well drained
   f. **TYPICAL PROFILE DESCRIPTION – SOIL OBSERVATION LOGS THAT INCLUDE MASTER HORIZONS, TEXTURE/MODIFIERS, STRUCTURE, CONSISTENCY, COLOR, FRAGMENTS, REDOXIMORPHIC FEATRUES**
      A – 0 to 4 inches, very fine sandy loam, granular, friable, 10YR3/2
      Bs1 – 4 to 16 inches, very fine sandy loam, granular, friable, 10YR4/6, 10% cobbles
      Bs2 – 16 to 24 inches, very fine sandy loam, granular, friable, 10YR4/4, 10% cobbles
      C – 24 to 45 inches, silt loam, platy, firm, 10YR4/4, 10% cobbles, common prominent iron concentrations and depletions

   g. **HYDROLOGIC SOIL GROUP**
      C

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h. SURFACE RUN-OFF
Low

i. PERMEABILTY
Moderately high

j. DEPTH TO BEDROCK
Very deep

k. HAZARD TO FLOODING
None

l. INCLUSIONS: SIMILAR SOILS, DISSIMILAR SOILS
Dixfield – similar
Skerry – similar
Elmwood – similar
Pushaw – dissimilar
Lamoine – dissimilar

USE AND MANAGEMENT:

This soil is suitable for the construction of dwellings and septic leach fields. Consideration needs to be taken in design of the restrictive soil layers at depths at or greater than 2 feet below the soil surface.

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1. **NAME OF SOIL MAP UNIT: SPO**
   Spoil Area
2. **SOIL TAXONOMIC CLASSIFICATION:**
   None

3. **SETTING INFORMATION:**
   a. **PARENT MATERIAL**
      Glaciomarine
   b. **LANDFORM**
      None

   c. **POSITION IN LANDSCAPE**
      Material was placed to create a haul road for wood products
   d. **SLOPE GRADIENT RANGES**
      0 to 3 percent

4. **COMPOSITION AND SOIL CHARACTERISTICS:**
   a. **DRAINAGE CLASS**
      Somewhat poorly
   b. **TYPICAL PROFILE DESCRIPTION – SOIL OBSERVATION LOGS THAT INCLUDE MASTER HORIZONS, TEXTURE/MODIFIERS, STRUCTURE, CONSISTENCY, COLOR, FRAGMENTS, REDOXIMORPHIC FEATRUES**
      Silty clay loam was used as a fill material to create a haul road for the extraction of wood products. Material is uniform, color 2.5Y5/2, and was compacted by skidder and truck traffic.

   c. **HYDROLOGIC SOIL GROUP**
      D

   d. **SURFACE RUN-OFF**
      Fast

   e. **PERMEABILTY**
      Very slow

   f. **DEPTH TO BEDROCK**
      Very deep

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g. **HAZARD TO FLOODING**
None

h. **INCLUSIONS: SIMILAR SOILS, DISSIMILAR SOILS**
Scantic - dissimilar

USE AND MANAGEMENT:

Highly compacted spoil area.

Attachments:

Soil Test Pit Forms – JP Gove

Test Pit Logs – James Logan

Official Series Descriptions

Resume – JP Gove

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Soil Test Pit Log Forms

Project: BETTY WELCH ROAD Test Pits Logged By: J P GOVE

Location: KITTERY, ME Test Pit Number: G1

Weather Conditions: 50° S, SUNNY, WINDY
Method of Excavation: HAND Date: 10/27/14
Ground Surface Slope: 1 % Time: 1 PM — 4PM

DEPTH (Inches)	TEXTURE	CONSISTENCE	COLOR	MOTTLES or REDOX FEATURES	STRUCTURE	COMMENTS
0-2	SiL	FR	10YR 2/2		GR	Obs. H_2O 1"
2-19	SiL	FR	10YR 4/2	C/P	GR	
19-40	SiCL	Fi	2.5Y 5/2	M/P	BLK	RESTRICTIVE
	LIMIT OF EXCAVATION					
	Hydric Soil					
	Poorly DRAINED					
	Scantic SiLT LOAM					
	ESHWT = 0"					

JAMES P. GOVE 10/29/14 No. 0051 CERTIFIED WETLAND SCIENTIST

Weather Conditions 50°s, SUNNY, WINDY
Method of Excavation: HAND Date: 10/27/14
Test Pit #: G2 Ground Surface Slope 2 % Time 1-4 PM

DEPTH (Inches)	TEXTURE	CONSISTENCE	COLOR	MOTTLES or REDOX. FEATURES	STRUCTURE	COMMENTS
0-3	SiL	FR	10YR 3/2		GR	
3-14	SiL	FR	10YR 4/4		GR	
14-20	SiL	FR	10YR 4/3	C/P	GR	
20-40	SiCL	Fi	2.5Y 5/2	M/P	BLK	RESTRICTIVE
	Limit OF Excavation					
	Somewhat Poorly DRAINED					
	PUSHAW SiLT LOAM					
	ESHWT = 14"					

JAMES P. GOVE 10/29/14 No. 004

Soil Test Pit Log Forms

Project: BETTY WELCH ROAD Test Pits Logged By: J. P. GOVE

Location: KITTERY, MAINE Test Pit Number: G3

Weather Conditions: 50°s, SUNNY, WINDY
Method of Excavation: HAND Date: 10/27/14
Ground Surface Slope: 3 % Time: 1 PM – 4 PM

DEPTH (Inches)	TEXTURE	CONSISTENCE	COLOR	MOTTLES or REDOX FEATURES	STRUCTURE	COMMENTS
0–4	SiL	FR	10YR 2/2		GR	
4–15	SiL	FR	10YR 4/4		GR	OBS. H2O 15"
15–27	SiL	FR	10YR 4/3	C/P	GR	
27–40	SiCL	Fi	2.5Y 5/2	m/P	BLK	RESTRICTIVE
	LIMIT OF EXCAVATION					
	SOMEWHAT POORLY DRAINED					
	PUSHAW SILT LOAM					
	ESHWT = 15"					

STATE OF NEW HAMPSHIRE JAMES P. GOVE 10/27/14 No. 0051 CERTIFIED WETLAND SCIENTIST

Weather Conditions 50°s, SUNNY, WINDY
Method of Excavation: HAND Date: 10/27/14
Test Pit #: G4 Ground Surface Slope 3 % Time 1 PM – 4 PM

DEPTH (Inches)	TEXTURE	CONSISTENCE	COLOR	MOTTLES or REDOX. FEATURES	STRUCTURE	COMMENTS
0–4	SiL	FR	10YR 2/2		GR	
4–15	SiL	FR	10YR 4/4		GR	
15–19	SiL	FR	10YR 4/4	F/D	GR	
19–24	SiL	FR	10YR 4/3	C/P	GR	
24–40	SiCL	Fi	2.5Y 5/2	M/P	BLK	RESTRICTIVE
	LIMIT OF EXCAVATION					
	SOMEWHAT POORLY DRAINED					
	PUSHAW SILT LOAM					
	ESHWT = 15"					

STATE OF NEW HAMPSHIRE JAMES P. GOVE 10/27/14 No. 004 CERTIFIED WETLAND SCIENTIST

Soil Test Pit Log Forms

Project: Betty Welch Road Test Pits Logged By: J.P. Gove

Location: Kittery, Maine Test Pit Number: G5

Weather Conditions: 50°s, Sunny, windy
Method of Excavation: HAND Date: 10/27/14
Ground Surface Slope: 12 % Time: 1-4 pm

DEPTH (Inches)	TEXTURE	CONSISTENCE	COLOR	MOTTLES or REDOX FEATURES	STRUCTURE	COMMENTS
0-4	VFSL	FR	10YR 3/2		GR	
4-16	VFSL	FR	10YR 4/6		GR	10% Cobbles
16-24	VFSL	FR	10YR 4/4		GR	10% Cobbles
24-45	SiL	Fi	10YR 4/4	C/P	PL	10% Cobbles
	Limit of Excavation					
	Moderately Well Drained					
	Nicholville Silt Loam					
	ESHWT = 24"					

Weather Conditions
Method of Excavation: Date:
Test Pit #: Ground Surface Slope % Time

DEPTH (Inches)	TEXTURE	CONSISTENCE	COLOR	MOTTLES or REDOX. FEATURES	STRUCTURE	COMMENTS

Town, City, Plantation	Street, Road Subdivision	(FOR) Owner's Name
KITTERY	BETTY WELCH ROAD	CHINBURG BUILDERS / ALTUS ENGINEERING

SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole TP 1 ■ Test Pit BH ☐ Boring
_____" Depth of Organic Horizon Above Mineral Soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0			DARK BROWN	
	GRAVELLY FINE SANDY LOAM	FRIABLE	DARK YELLOW BROWN	
10				
			LIGHT OLIVE BROWN	
20	GRAVELLY SANDY LOAM AND FINE SANDY LOAM IN LENSES	SOMEWHAT FIRM	OLIVE BROWN	FEW, FAINT
30		FIRM	OLIVE	COMMON, DISTINCT
40				
50				
60		LIMIT OF EXCAVATION		
70				
80				
90				
100				

Soil Classification		Slope	Limiting Factor	
3 Profile	C Condition	___ %	16"	■ Ground Water ☐ Restrictive Layer ☐ Bedrock ☐ Pit Depth

Soil Series Name:	Drainage Class:	Hydrologic Group:
DIXFIELD	MODERATELY WELL	C

Observation Hole TP 2 ■ Test Pit BH ☐ Boring
_____" Depth of Organic Horizon Above Mineral Soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0			DARK BROWN	
	GRAVELLY FINE SANDY LOAM	FRIABLE	DARK YELLOW BROWN	
10				
20		SOMEWHAT FIRM	LIGHT OLIVE BROWN	FEW, FAINT
30	GRAVELLY FINE SANDY LOAM AND LOAMY FINE SANDY	FIRM	OLIVE BROWN	COMMON, DISTINCT
40				
50				
60		LIMIT OF EXCAVATION		
70				
80				
90				
100				

Soil Classification		Slope	Limiting Factor	
3 Profile	C Condition	___ %	20"	■ Ground Water ☐ Restrictive Layer ☐ Bedrock ☐ Pit Depth

Soil Series Name:	Drainage Class:	Hydrologic Group:
DIXFIELD	MODERATELY WELL	C

James Logan (for AFA)
Soil Scientist Signature

237/ 213
CSS #

1/22/2014
Date

ALBERT FRICK ASSOCIATES – 95A COUNTY ROAD GORHAM, MAINE 04038 – (207) 839-5563

Town, City, Plantation	Street, Road Subdivision	(FOR) Owner's Name
KITTERY	BETTY WELCH ROAD	CHINBURG BUILDERS / ALTUS ENGINEERING

SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole TP 3 ■ Test Pit BH ☐ Boring

_____" Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Texture	Consistency	Color	Mottling
0			DARK BROWN	
	GRAVELLY FINE SANDY LOAM			
10		FRIABLE	DARK YELLOW BROWN	
20	GRAVELLY LOAMY SAND		LIGHT OLIVE BROWN	FEW, FAINT
				COMMON, FAINT
30	FINE AND MEDIUM SANDS		OLIVE BROWN	
		FIRM		
40				COMMON, DISTINCT
	LOAMY SAND AND SAND		OLIVE	
50				
		LIMIT OF EXCAVATION		
60				
70				
80				
90				
100				

Soil Classification		Slope	Limiting Factor	
3	C	____ %	16"	■ Ground Water ☐ Restrictive Layer ☐ Bedrock ☐ Pit Depth
Profile	Condition			

Soil Series Name:	Drainage Class:	Hydrologic Group:
DIXFIELD / SKERRY "WATER WORKED"	MODERATELY WELL	C

Observation Hole TP 4 ■ Test Pit BH ☐ Boring

_____" Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Texture	Consistency	Color	Mottling
0				
			DARK YELLOW BROWN	
	GRAVELLY FINE SANDY LOAM			
10		FRIABLE		
20			LIGHT OLIVE BROWN	FEW, DISTINCT
				COMMON, DISTINCT
			OLIVE BROWN	
30				
				MANY, PROMINANT
	SILT LOAM W/LOAMY FINE SAND LENSES	FIRM	OLIVE GRAY	
40				
50				
		LIMIT OF EXCAVATION		
60				
70				
80				
90				
100				

Soil Classification		Slope	Limiting Factor	
3 / 8	C	____ %	16"	■ Ground Water ☐ Restrictive Layer ☐ Bedrock ☐ Pit Depth
Profile	Condition			

Soil Series Name:	Drainage Class:	Hydrologic Group:
TILL OVER LACUSTRINE SEDIMENTS		

STATE OF MAINE JAMES LOGAN #237 LICENSED SITE EVALUATOR

STATE OF MAINE JAMES LOGAN #213 SOIL SCIENTIST

James Logan (for AFA)

Soil Scientist Signature

237/ 213

CSS #

1/22/2014

Date

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Town, City, Plantation	Street, Road Subdivision	(FOR) Owner's Name
KITTERY	BETTY WELCH ROAD	CHINBURG BUILDERS / ALTUS ENGINEERING

SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole TP 5 ■ Test Pit BH ☐ Boring

_____" Depth of Organic Horizon Above Mineral Soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0	GRAVELLY FINE SANDY LOAM		DARK YELLOW BROWN	
10		FRIABLE		
20			LIGHT OLIVE BROWN	FEW, FAINT
30	VERY FINE SANDY LOAM	FIRM	OLIVE BROWN	COMMON, DISTINCT
40	LOAMY FINE SAND AND FINE SANDY LOAM IN LENSES			
50		LIMIT OF EXCAVATION		
60				
70				
80				
90				
100				

STATE OF MAINE JAMES LOGAN #237 LICENSED SITE EVALUATOR

Soil Classification		Slope	Limiting Factor	
3 / 8 Profile	C Condition	___ %	16 "	■ Ground Water ☐ Restrictive Layer ☐ Bedrock ☐ Pit Depth

Soil Series Name: TILL / LACUSTRINE | Drainage Class: | Hydrologic Group:

Observation Hole TP 6 ■ Test Pit BH ☐ Boring

_____" Depth of Organic Horizon Above Mineral Soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0			DARK BROWN	
10	GRAVELLY FINE SANDY LOAM (TILL)	FRIABLE	DARK YELLOW BROWN	
			LIGHT OLIVE BROWN	
20		SOMEWHAT FIRM		FEW, FAINT
30	LOAMY FINE SAND AND SILT IN LENSES (LACUSTRINE)	FIRM	OLIVE GRAY	COMMON, DISTINCT
40	GRAVELLY LOAMY SAND	SOMEWHAT FIRM		△△△ FREE WATER
50	SILT LOAM	FIRM	OLIVE	
		LIMIT OF EXCAVATION		
60				
70				
80				
90				
100				

STATE OF MAINE JAMES LOGAN #213 SOIL SCIENTIST

Soil Classification		Slope	Limiting Factor	
8 Profile	C Condition	___ %	15 "	■ Ground Water ☐ Restrictive Layer ☐ Bedrock ☐ Pit Depth

Soil Series Name: ELMWOOD | Drainage Class: MODERATELY WELL | Hydrologic Group: C

James Logan (for AFA)

Soil Scientist Signature | 237/ 213 CSS # | 1/22/2014 Date

Town, City, Plantation	Street, Road Subdivision	(FOR) Owner's Name
KITTERY	BETTY WELCH ROAD	CHINBURG BUILDERS / ALTUS ENGINEERING

SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole TP 7 ■ Test Pit BH ☐ Boring

_____" Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Texture	Consistency	Color	Mottling
0–10	GRAVELLY FINE SANDY LOAM	FRIABLE	DARK BROWN	
10–20			DARK YELLOW BROWN	
20–30	GRAVELLY SANDY LOAM AND LOAMY SAND	FIRM	MIXED OLIVE BROWN	NONE EVIDENT
30–40				
40–50				
50–60		LIMIT OF EXCAVATION		
60–70				
70–80				
80–90				
90–100				

Soil Classification		Slope	Limiting Factor	
3 Profile	C Condition	____ %	22"	☐ Ground Water ■ Restrictive Layer ☐ Bedrock ☐ Pit Depth

Soil Series Name:	Drainage Class:	Hydrologic Group:
MARLOW	WELL	C

(TOP OF LANDFORM - NOT WATERSHED)

Observation Hole TP 8 ■ Test Pit BH ☐ Boring

_____" Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Texture	Consistency	Color	Mottling
0–10	VERY FINE SANDY LOAM	FRIABLE	DARK YELLOW BROWN	
10–20			OLIVE BROWN	FEW, FAINT
20–30	SILT LOAM WITH VERY FINE SANDY LOAM LENSES	FIRM	OLIVE	COMMON, DISTINCT
30–40				SATURATED
40–50				
50–60		LIMIT OF EXCAVATION		
60–70				
70–80				
80–90				
90–100				

Soil Classification		Slope	Limiting Factor	
8 Profile	C Condition	____ %	15"	■ Ground Water ☐ Restrictive Layer ☐ Bedrock ☐ Pit Depth

Soil Series Name:	Drainage Class:	Hydrologic Group:
ELMWOOD	MODERATELY WELL	C

STATE OF MAINE JAMES LOGAN #237 LICENSED SITE EVALUATOR

STATE OF MAINE JAMES LOGAN #213 SOIL SCIENTIST

James Logan (for AFA) — Soil Scientist Signature

237/ 213 — CSS #

1/22/2014 — Date

ALBERT FRICK ASSOCIATES – 95A COUNTY ROAD GORHAM, MAINE 04038 – (207) 839-5563

Town, City, Plantation	Street, Road Subdivision	(FOR) Owner's Name
KITTERY	BETTY WELCH ROAD	CHINBURG BUILDERS / ALTUS ENGINEERING

SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole TP 9 ■ Test Pit BH ☐ Boring
_____" Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Texture	Consistency	Color	Mottling
0–10	FINE SANDY LOAM	FRIABLE	DARK BROWN	
10–20			OLIVE BROWN	SATURATED & COMMON, FAINT
20–30	SILT LOAM	FIRM	OLIVE	COMMON, DISTINCT
50		LIMIT OF EXCAVATION		

Soil Classification		Slope	Limiting Factor	
B (Profile)	E (Condition)	___ %	<9"	■ Ground Water ☐ Restrictive Layer ☐ Bedrock ☐ Pit Depth

Soil Series Name:	Drainage Class:	Hydrologic Group:
ELMWOOD (SWP) (NON-HYDRIC)	SOMEWHAT POORLY	D

Observation Hole TP 10 ■ Test Pit BH ☐ Boring
_____" Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Texture	Consistency	Color	Mottling
0–10	VERY FINE SANDY LOAM	FRIABLE	DARK BROWN; DARK YELLOW BROWN	
10–20			LIGHT OLIVE BROWN	COMMON, FAINT
20–30	SILT LOAM	FIRM	OLIVE	COMMON, DISTINCT
50		LIMIT OF EXCAVATION		

Soil Classification		Slope	Limiting Factor	
B (Profile)	C (Condition)	___ %	15"	■ Ground Water ☐ Restrictive Layer ☐ Bedrock ☐ Pit Depth

Soil Series Name:	Drainage Class:	Hydrologic Group:
ELMWOOD	MODERATELY WELL	C

STATE OF MAINE LICENSED SITE EVALUATOR JAMES LOGAN #237

STATE OF MAINE SOIL SCIENTIST JAMES LOGAN #213

James Logan (JMAFA)
Soil Scientist Signature

237/ 213
CSS #

1/22/2014
Date

ALBERT FRICK ASSOCIATES – 95A COUNTY ROAD GORHAM, MAINE 04038 – (207) 839-5583

Town, City, Plantation	Street, Road Subdivision	(FOR) Owner's Name
KITTERY	BETTY WELCH ROAD	CHINBURG BUILDERS / ALTUS ENGINEERING

SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole TP 11 ■ Test Pit B11 ☐ Boring
_____" Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (inches)

Texture	Consistency	Color	Mottling
VERY FINE SANDY LOAM	FRIABLE	DARK YELLOW BROWN	FEW, DISTINCT
SILT LOAM	FIRM	OLIVE BROWN	SATURATED
		OLIVE GRAY	
LIMIT OF EXCAVATION			

Soil Classification		Slope	Limiting Factor	
8 Profile	E Condition	___ %	7"	■ Ground Water ☐ Restrictive Layer ☐ Bedrock ☐ Pit Depth

Soil Series Name:	Drainage Class:	Hydrologic Group:
ELMWOOD (SWP)	SOMEWHAT POORLY	D

STATE OF MAINE JAMES LOGAN #237 LICENSED SITE EVALUATOR

Observation Hole TP 12 ■ Test Pit B11 ☐ Boring
_____" Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (inches)

Texture	Consistency	Color	Mottling
GRAVELLY FINE AND VERY FINE SANDY LOAM	FRIABLE	DARK YELLOW BROWN	
		LIGHT OLIVE BROWN	FEW, FAINT
	FIRM	OLIVE BROWN	COMMON, DISTINCT
LIMIT OF EXCAVATION			

Soil Classification		Slope	Limiting Factor	
3 Profile	C Condition	___ %	24"	■ Ground Water ☐ Restrictive Layer ☐ Bedrock ☐ Pit Depth

Soil Series Name:	Drainage Class:	Hydrologic Group:
DIXFIELD	MODERATELY WELL	C

STATE OF MAINE JAMES LOGAN #213 SOIL SCIENTIST

James Logan (for AFA) — Soil Scientist Signature
237/ 213 — CSS #
1/22/2014 — Date

ALBERT FRICK ASSOCIATES – 95A COUNTY ROAD GORHAM, MAINE 04038 – (207) 839-5563

Town, City, Plantation	Street, Road Subdivision	(FOR) Owner's Name
KITTERY	BETTY WELCH ROAD	CHINBURG BUILDERS / ALTUS ENGINEERING

SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole TP 13 ■ Test Pit BH ☐ Boring

_____" Depth of Organic Horizon Above Mineral Soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0			DARK GRAYISH BROWN	
	VERY FINE SANDY LOAM	FRIABLE		
10			MIXED YELLOW BROWN	COMMON, DISTINCT
			OLIVE BROWN	
20				
	SILT LOAM AND SILTY CLAY LOAM	FIRM	OLIVE GRAY	MANY, PROMINANT
30				
40				
50				
		LIMIT OF EXCAVATION		
60				
70				
80				
90				
100				

Soil Classification		Slope	Limiting Factor	
8 (Profile)	D/E (Condition)	____ %	8-9"	■ Ground Water ☐ Restrictive Layer ☐ Bedrock ☐ Pit Depth

Soil Series Name:	Drainage Class:	Hydrologic Group:
ELMWOOD (SWP) (NON-HYDRIC)	SOMEWHAT POORLY	D

Observation Hole TP 14 ■ Test Pit BH ☐ Boring

_____" Depth of Organic Horizon Above Mineral Soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0			BROWN	
		FRIABLE	DARK YELLOW BROWN	
10				COMMON, DISTINCT
	SILT LOAM		OLIVE BROWN	
20			OLIVE TO OLIVE GRAY	MANY, PROMINANT
30		FIRM		
	SILTY CLAY LOAM			
40				
50				
		LIMIT OF EXCAVATION		
60				
70				
80				
90				
100				

Soil Classification		Slope	Limiting Factor	
9 (Profile)	D/E (Condition)	____ %	8-9"	■ Ground Water ☐ Restrictive Layer ☐ Bedrock ☐ Pit Depth

Soil Series Name:	Drainage Class:	Hydrologic Group:
LAMOINE (NON-HYDRIC)	SOMEWHAT POORLY	D

STATE OF MAINE JAMES LOGAN #237 LICENSED SITE EVALUATOR

STATE OF MAINE JAMES LOGAN #213

James Logan (for AFA)

Soil Scientist Signature

237/ 213 CSS #

1/22/2014 Date

ALBERT FRICK ASSOCIATES – 95A COUNTY ROAD GORHAM, MAINE 04038 – (207) 839-5563

LOCATION BOOTHBAY ME+VT

Established Series
GTH-KJL-REE
12/2010

BOOTHBAY SERIES

The Boothbay series consists of very deep, moderately well drained soils that formed in glaciolacustrine or glaciomarine deposits on lake plains and marine terraces. Estimated saturated hydraulic conductivity is moderately high in the surface and moderately high or moderately low in the subsoil and substratum. Slope ranges from 3 to 25 percent. Mean annual precipitation is about 1120 mm. Mean annual temperature is about 6 degrees C.

TAXONOMIC CLASS: Fine-silty, mixed, semiactive, frigid Aquic Dystric Eutrudepts

TYPICAL PEDON: Boothbay silt loam, on an east-facing 3 percent slope under grasses at an elevation of 57 meters. (Colors are for moist soil unless otherwise noted. When described on August 9, 2005, the soil was moist throughout.)

Ap -- 0 to 15 cm; dark yellowish brown (10YR 4/4) silt loam; pale brown (10YR 6/3) dry; moderate medium granular structure; very friable, slightly sticky, slightly plastic; many fine and very fine roots throughout; moderately acid (pH 5.6); clear smooth boundary (10 to 25 cm thick).

Bw1 -- 15 to 25 cm; yellowish brown (10YR 5/4) silt loam; weak medium subangular blocky structure; very friable, slightly sticky, slightly plastic; common fine and very fine roots throughout; common very fine tubular pores; strongly acid (pH 5.5); clear smooth boundary.

Bw2 -- 25 to 46 cm; yellowish brown (10YR 5/4) silt loam; weak medium subangular blocky structure; friable, slightly sticky, slightly plastic; common fine and very fine roots throughout; common very fine tubular pores; strongly acid (pH 5.2); clear smooth boundary. (Combined thickness of the Bw horizons ranges from 15 to 71 cm.)

BC -- 46 to 56 cm; light olive brown (2.5Y 5/4) silt loam; moderate medium subangular blocky structure; friable, slightly sticky, moderately plastic; common fine and very fine roots throughout; common medium tubular pores; few medium prominent yellowish red (5YR 4/6) masses of iron accumulation in matrix surrounding few medium distinct grayish brown (2.5Y 5/2) areas of iron depletion; strongly acid (pH 5.1); clear smooth boundary (10 to 41 cm thick).

C1 -- 56 to 71 cm; light olive brown (2.5Y 5/4) silt loam; firm, slightly sticky, moderately plastic; common medium prominent yellowish red (5YR 4/6) masses of iron accumulation in matrix surrounding common medium distinct grayish brown (2.5Y 5/2) areas of iron depletion; moderate medium plates; strongly acid (pH 5.1); abrupt smooth boundary.

C2 -- 71 to 165 cm; dark grayish brown (2.5Y 4/2) silty clay loam; firm, moderately sticky, moderately plastic; common medium prominent yellowish red (5YR 4/6) masses of oxidized iron in matrix surrounding common medium faint grayish brown (2.5Y 5/2) areas of iron depletion; many coarse faint very dark gray (10YR 3/1) masses of iron-manganese on faces of plates; moderate thick plates; strongly acid (pH 5.1).

TYPE LOCATION: Penobscot County, Maine, Township of Carmel. From the intersection of Fuller Road and Horseback Road, 2600 feet north along Horseback Road and 800 feet east of it, in a hayfield behind the cemetery. USGS Carmel, ME topographic quadrangle; latitude 44 degrees 49 minutes 59 seconds N. and longitude 69 degrees 0 minutes 8 seconds W., NAD 1983.

RANGE IN CHARACTERISTICS: Thickness of the solum ranges from 45 to 90 cm. Depth to bedrock is more than 150 cm. Rock fragment content throughout the soil is less than 5 percent by volume. Stones cover from 0 to 0.1 percent of the surface in most areas but may range up to 3 percent. Reaction ranges from strongly acid to slightly acid in the surface, strongly acid to neutral in the subsoil and substratum.

The Ap, or A horizon where present, has hue of 10YR or 2.5Y, value of 3 to 5, and chroma of 3 or 4. It is typically silt loam but is very fine sandy loam in some areas. It has weak or moderate fine or medium granular structure. Moist consistence is very friable or friable. It is slightly sticky and slightly plastic.

The Bw horizon has hue of 10YR to 5Y, value of 3 to 5, and chroma of 3 to 6. It is typically silt loam but is very fine sandy loam in some areas. It has weak or moderate fine or medium subangular blocky or fine or moderate medium granular structure. Moist consistence is very friable or friable. It is slightly sticky and slightly or moderately plastic.

The BC horizon has hue of 2.5Y or 5Y, value of 4 or 5, and chroma of 3 or 4. In some pedons the lower part of the horizon ranges to chroma 2. It is silt loam or silty clay loam. It has moderate or strong fine or medium subangular blocky, weak or moderate medium to very coarse prismatic, or weak or moderate medium to thick platy structure. Moist consistence is friable or firm. It is slightly or moderately sticky and slightly to very plastic.

The C horizon has hue of 2.5Y or 5Y, value of 4 to 6, and chroma of 2 to 4. Chroma 2 is considered to be inherent in the parent material. It is silt loam or silty clay loam. Most pedons exhibit weak to strong, fine to coarse subangular or angular blocks, thick or very thick plates, or moderate or strong coarse or very coarse prisms, all of which are considered inherited from the parent material. Some pedons are massive. Moist consistence is friable or firm. It is slightly or moderately sticky and slightly to very plastic.

COMPETING SERIES: There are currently no series in the same family.

Soil series in related families include Buxton, Eelweir, Elmwood, and Kalurah. Buxton soils have a fine particle-size class. Eelweir soils are coarse-loamy. Elmwood soils are coarse-loamy over clayey. Kalurah soils are coarse-loamy and formed in calcareous till.

GEOGRAPHIC SETTING: The Boothbay soils are on lake plains and marine terraces. Slopes are

typically 3 to 15 percent, but range up to 25 percent in some areas. The soils formed in glaciomarine and glaciolacustrine sediments of Wisconsin age. The climate is humid and cool temperate. The mean annual precipitation is 1010 to 1270 mm. The mean annual air temperature is 4 to 8 degrees C. The frost-free period is 110 to 160 days. Elevations typically range from 1.5 to 91 meters above sea level, but may range to as high as 366 meters in river valleys of north central Maine.

GEOGRAPHICALLY ASSOCIATED SOILS: These include the somewhat poorly drained Pushaw soils at slightly lower elevations, and the poorly drained Swanville, and very poorly drained Biddeford soils at lower elevations and in depressions. The somewhat poorly drained Colonel and the moderately well drained Dixfield soils formed in lodgment till and are in nearby higher, slightly convex positions on the landscape. The very poorly drained Wonsqueak soils are in depressions and formed in organic material.

DRAINAGE AND SATURATED HYDRAULIC CONDUCTIVITY: Moderately well drained. Surface runoff is low to moderate. The estimated saturated hydraulic conductivity class is moderately high in the surface and moderately high to moderately low in the subsoil and substratum.

USE AND VEGETATION: Cleared areas are used mainly for hay production and pasture with limited row-crop production. Some areas are in urban land or are used for wildlife habitat. Native woodland vegetation is balsam fir, eastern white pine, paper birch, quaking aspen and sugar maple.

DISTRIBUTION AND EXTENT: Marine terraces and lake plains in southeastern Maine, and lake plains in north central Vermont; MLRA's 143 and 144B. The series is of small extent.

MLRA SOIL SURVEY REGIONAL OFFICE (MO) RESPONSIBLE: Amherst, Massachusetts.

SERIES ESTABLISHED: Waldo County, Maine, 1979.

REMARKS: In the previous revision, drainage class was narrowed by eliminating somewhat poorly. The type location is changed with this revision to better represent the single drainage class of moderately well. The classification at the Great Group level, Eutrudepts, is based on lab-determined base saturation of similar soils in the area.

Diagnostic horizons and features in this pedon include:
Ochric epipedon - from a depth of 0 to 15 cm (Ap horizon)
Cambic horizon - the zone from 15 to 56 cm (Bw and BC horizons)
Aquic feature - redox depletions with a chroma of 2 or less within 61 cm of the soil surface
Episaturation - a perched water table above the C horizon

National Cooperative Soil Survey
U.S.A.

LOCATION BUXTON ME+MA NH NY VT

Established Series
Rev. GBJ-PAH-WDH
01/2000

BUXTON SERIES

The Buxton series consists of very deep, moderately well drained soils that formed in glaciolacustrine or glaciomarine deposits on coastal lowlands and river valleys. Slope ranges from 3 to 50 percent. Permeability is moderate or moderately slow in the surface horizon, moderately slow or slow in the upper part of the subsoil, and slow or very slow in the lower part of the subsoil and in the substratum. Mean annual temperature is about 45 degrees F, and mean annual precipitation is about 44 inches at the type location.

TAXONOMIC CLASS: Fine, illitic, frigid Aquic Dystric Eutrudepts

TYPICAL PEDON: Buxton silt loam, on a 13 percent slope in an abandoned hayfield. (Colors are for moist soil unless otherwise noted.)

Ap--0 to 8 inches; dark brown (10YR 3/3) silt loam, pale brown (10YR 6/3) dry; strong medium granular structure; friable; many very fine and common fine and medium roots; moderately acid; abrupt smooth boundary. (5 to 10 inches thick)

Bw1--8 to 16 inches; dark yellowish brown (10YR 4/4) silt loam; moderate very fine and fine granular structure; friable; common very fine and few fine and medium roots; slightly acid; abrupt wavy boundary.

Bw2--16 to 21 inches; light olive brown (2.5Y 5/4) silty clay loam; moderate thin and medium platy structure parting to weak very fine angular blocky; firm; common very fine roots; common medium prominent olive gray (5Y 5/2) iron depletions, and common medium prominent dark brown (7.5YR 4/4) masses of iron accumulation; slightly acid; clear wavy boundary. (Combined thickness of the B horizon is 8 to 26 inches.)

BC--21 to 35 inches; olive (5Y 5/3) silty clay; weak very coarse prismatic structure parting to weak fine and medium angular blocky; firm; few very fine roots; light brownish gray (2.5Y 6/2) faces of prisms and a few faint silt films on faces of peds within prisms; common prominent dark reddish brown (5YR 2/2) oxide coatings on faces of peds within prisms; common medium faint olive gray (5Y 5/2) iron depletions, and common medium prominent dark brown (7.5YR 4/4) masses of iron accumulation; slightly acid; gradual wavy boundary. (5 to 20 inches thick)

C--35 to 65 inches; olive gray (5Y 4/2) silty clay; weak very coarse prismatic structure parting to weak fine and medium angular blocky; very firm; olive gray (5Y 5/2) faces of prisms; many prominent dark reddish brown (5YR 2/2) oxide coatings on faces of peds within prisms; common medium prominent yellowish brown (10YR 5/6) masses of iron accumulation that increase in size and abundance with depth; slightly acid.

TYPE LOCATION: Hancock County, Maine; Town of Hancock; 1 mile west of junction of U.S. Route 1 and Maine Route 182, 200 feet north of U.S. Route 1 in an abandoned hayfield; USGS Hancock topographic quadrangle; lat. 44 degrees 32 minutes 19 seconds N. and long. 68 degrees 20 minutes 22 seconds W., NAD 27.

RANGE IN CHARACTERISTICS: Thickness of the solum ranges from 18 to 55 inches. Depth to bedrock is more than 60 inches. Rock fragment content throughout the soil is less than 5 percent by volume. Stones cover from 0 to 3 percent of the surface. Iron depletions occur within 24 inches of the mineral soil surface. Reaction ranges from very strongly acid to slightly acid in the surface horizon, unless limed, from strongly acid to neutral in the subsoil, and from moderately acid to neutral in the substratum.

The Ap horizon has hue of 7.5YR to 2.5Y, with value and chroma of 2 to 5. Undisturbed areas have an A horizon 1 to 6 inches thick, that has hue of 7.5YR to 2.5Y, with value and chroma of 2 to 5. They are silt loam or silty clay loam. They have weak to strong, very fine to medium granular structure. Consistence is very friable or friable.

The B horizon has hue of 7.5YR to 5Y, value of 3 to 6 and chroma of 2 to 8, with chroma of 2 being inherited. It is silt loam, silty clay loam, or silty clay. It has weak or moderate, very fine to medium granular, very fine to coarse blocky or thin to thick platy structure. Consistence is friable or firm.

The BC horizon has hue of 2.5Y or 5Y, value of 4 to 6 and chroma of 2 to 4. It is silt loam, silty clay loam, or silty clay. It has blocky or platy structure or has primary structure that is prismatic. Consistence is firm or very firm.

The C horizon has hue of 2.5Y or 5Y, value of 4 to 6 and chroma of 2 to 6. It is silty clay loam, silty clay, or clay. It has blocky, platy or prismatic structure, all of which are considered inherited, or the horizon is massive. Consistence is firm or very firm. Common or many black to dark reddish brown patchy oxide coatings are on faces of peds. Some pedons have films on faces of peds that appear to be silt.

COMPETING SERIES: There are currently no other series in the same family. Similar soils in related families are the Boothbay and Elmwood series. Boothbay soils have a fine-silty particle-size class. Elmwood soils have a coarse-loamy over clayey particle-size class.

GEOGRAPHIC SETTING: Buxton soils are on coastal lowlands and river valleys. Slope ranges from 3 to 50 percent. The soils formed in medium, moderately fine, and fine textured glaciolacustrine or glaciomarine deposits. The climate is humid and cool temperate. Mean annual precipitation ranges from 34 to 48 inches, and mean annual temperature ranges from 43 to 46 degrees F. The frost-free season ranges from 90 to 160 days. Elevation ranges from 5 to 900 feet above mean sea level.

GEOGRAPHICALLY ASSOCIATED SOILS: These are the Biddeford, Elmwood, Lamoine, Melrose, Scantic, Swanton and Whately soils. The very poorly drained Biddeford soils are in depressions on the landscape. The somewhat poorly drained Lamoine soils and poorly drained Scantic soils are in lower positions on the landscape. The Elmwood, Melrose, Swanton, and Whately soils all have a coarse-loamy over clayey particle-size class. Elmwood soils are in similar positions on the landscape; Melrose soils are in higher positions; Swanton soils are in lower positions and Whately soils are in depressions.

DRAINAGE AND PERMEABILITY: Moderately well drained. Surface runoff is medium or rapid

depending on slope. Permeability is moderate or moderately slow in the surface horizon, moderately slow or slow in the upper part of the subsoil, and slow or very slow in the lower part of the subsoil and in the substratum.

USE AND VEGETATION: Cleared areas are used mainly for hay, forage crops, or pasture. Some areas are used for silage corn or vegetables. The remaining areas are forested. Common tree species include eastern white pine, balsam fir, paper birch, white spruce, eastern hemlock, and northern red oak.

DISTRIBUTION AND EXTENT: Maine, Massachusetts, New Hampshire, New York, and Vermont. The series is of large extent.

MLRA SOIL SURVEY REGIONAL OFFICE (MO) RESPONSIBLE: Amherst, Massachusetts

SERIES ESTABLISHED: York County, Maine, 1941.

REMARKS: 1. Some pedons have been described with a bisequum profile. 2. Diagnostic horizons and features recognized in this pedon are:
a. Ochric epipedon - the zone from 0 to 8 inches (Ap horizon).
b. Cambic horizon - the zone from 8 to 21 inches (Bw1 and Bw2 horizons).
c. Aquic feature - Iron depletions within 24 inches of the mineral soil surface.
d. Dystric feature - no carbonates within a depth of 40 inches.

ADDITIONAL DATA: Source of data used in establishing taxonomic class and range in characteristics is Maine Agricultural Experiment Station, Technical Bulletin 29, February 1968.
Soil interpretation Record Numbers for the Buxton series are: Buxton, ME0043; Buxton, stony, ME0084.

National Cooperative Soil Survey
U.S.A.

LOCATION LAMOINE ME+MA VT

Established Series
Rev. GBJ-PAH-WDH
11/96

LAMOINE SERIES

The Lamoine series consists of very deep, somewhat poorly drained soils formed in glaciolacustrine or glaciomarine deposits on coastal lowlands and river valleys. Slope ranges from 0 to 15 percent. Permeability is moderate or moderately slow in the surface horizon, moderately slow or slow in the upper part of the subsoil, and slow or very slow in the lower part of the subsoil and in the substratum. Mean annual temperature is about 45 degrees F, and mean annual precipitation is about 44 inches at the type location.

TAXONOMIC CLASS: Fine, illitic, nonacid, frigid Aeric Epiaquepts

TYPICAL PEDON: Lamoine silt loam, on a 3 percent slope in an abandoned hayfield. (Colors are for moist soil unless otherwise noted.)

Ap--0 to 7 inches; dark brown (10YR 3/3) silt loam, pale brown (10YR 6/3) dry; moderate fine granular structure; friable; many very fine and common fine roots; moderately acid; abrupt smooth boundary. (5 to 12 inches thick)

Bw1--7 to 9 inches; light olive brown (2.5Y 5/4) silt loam; weak fine granular structure; friable; many very fine and few fine roots; few fine prominent light olive gray (5Y 6/2) iron depletions, and common fine and medium distinct olive (5Y 5/3) and common medium prominent yellowish brown (10YR 5/6) masses of iron accumulation; moderately acid; abrupt wavy boundary.

Bw2--9 to 12 inches; light yellowish brown (2.5Y 6/4) silt loam; weak very fine subangular blocky structure; friable; many very fine roots; common fine prominent yellowish red (5YR 5/6) masses of iron accumulation, and common medium prominent light olive gray (5Y 6/2) iron depletions; olive (5Y 5/3) faces of peds; moderately acid; abrupt wavy boundary.

Bg--12 to 17 inches; light olive brown (2.5Y 5/4) silty clay loam; moderate very fine and fine subangular blocky structure; firm; common very fine roots between peds; few medium prominent yellowish red (5YR 5/6) masses of iron accumulation, and common medium prominent gray (5Y 6/1) and many coarse prominent light olive gray (5Y 6/2) iron depletions; light olive gray (5Y 6/2) faces of peds; few prominent dark reddish brown (5YR 2/2) oxide coats on faces of peds; moderately acid; clear wavy boundary. (Combined thickness of the B horizon is 9 to 28 inches.)

BCg--17 to 21 inches; olive (5Y 4/3) silty clay loam; strong very coarse prismatic structure parting to weak thin and medium platy; firm; few very fine roots between peds; common medium faint olive gray (5Y 5/2) iron depletions and common medium prominent yellowish brown (10YR 5/6) masses of iron accumulation; olive gray (5Y 5/2) faces of peds within prisms; gray (5Y 6/1) faces of prisms; common prominent dark reddish brown (5YR 2/2) oxide coats on faces of peds within prisms; slightly acid; clear

wavy boundary. (0 to 16 inches thick)

Cg1--21 to 32 inches; olive (5Y 4/3) silty clay; strong very coarse prismatic structure parting to weak thin and medium platy; firm; few very fine roots between peds; common medium distinct gray (5Y 5/1) iron depletions; olive gray (5Y 4/2) faces of peds within prisms; gray (5Y 6/1) faces of prisms; many prominent black (5YR 2/1) oxide coats on faces of peds within prisms; common fine prominent yellowish brown (10YR 5/6) colors associated with oxide coats; neutral; gradual wavy boundary.

Cg2--32 to 50 inches; olive (5Y 5/3) silty clay; weak thin platy structure; firm; common coarse distinct gray (5Y 5/1) iron depletions and common coarse prominent yellowish brown (10YR 5/6) masses of iron accumulation; olive gray (5Y 5/2) faces of peds; many prominent black (5YR 2/1) oxide coats on faces of peds; common fine prominent yellowish brown (10YR 5/6) colors associated with oxide coats; neutral; diffuse wavy boundary.

Cg3--50 to 65 inches; olive (5Y 5/3) silty clay; weak thin platy structure; firm; common medium faint olive gray (5Y 5/2) iron depletions; olive (5Y 4/3) faces of peds; many prominent black (5YR 2/1) oxide coats on faces of peds; common fine prominent yellowish brown (10YR 5/6) colors associated with oxide coats; neutral.

TYPE LOCATION: Hancock County, Maine; City of Ellsworth; west of Union River, 1,300 feet north of junction of U.S. Route 1A and Gilpatrick Brook, in an abandoned hayfield between a gravel road and the railroad track; USGS Ellsworth topographic quadrangle; lat. 44 degrees 34 minutes 25 seconds N. and long. 68 degrees 27 minutes and 24 seconds W., NAD 27.

RANGE IN CHARACTERISTICS: Thickness of the solum ranges from 16 to 55 inches. Depth to bedrock is more than 60 inches. Rock fragment content throughout the soil is less than 5 percent by volume. Stones cover from 0 to 3 percent of the surface. Reaction ranges from very strongly acid to slightly acid in the surface, unless limed, from strongly acid to neutral in the subsoil, and from moderately acid to neutral in the substratum.

The Ap horizon has hue of 10YR or 2.5Y, with value and chroma of 2 to 4. Undisturbed areas have an A horizon 1 to 6 inches thick, that has hue of 10YR or 2.5Y, value of 2 to 4 and chroma of 1 to 4. They are silt loam or silty clay loam. They have moderate or strong, very fine to medium granular structure. Consistence is very friable or friable.

The B horizon has hue of 10YR to 5Y, value of 3 to 7 and chroma of 2 to 6. It is silt loam, silty clay loam, or silty clay. It has weak to strong, fine or medium granular, very fine to coarse subangular blocky, or medium or thick platy structure, or has primary structure that is coarse or very coarse prismatic. Consistence is friable or firm.

The BC horizon has hue of 2.5Y or 5Y, value of 4 to 6 and chroma of 1 to 4. It is silt loam, silty clay loam or silty clay. It has blocky or platy structure or has primary structure that is prismatic. Consistence is firm or very firm.

The C horizon has hue of 2.5Y or 5Y, value of 3 to 6 and chroma of 1 to 4. It is silty clay loam, silty clay, or clay. It has blocky, platy, or prismatic structure, all of which are considered inherited, or the horizon is massive. Consistence is firm or very firm. Common or many black to dark reddish brown oxide coats are on faces of peds. Some pedons have films on faces of peds that appear to be fine silt.

COMPETING SERIES: There are currently no other series in the same family. The Roundabout, Swanton and Swanville series are similar soils in related families. Roundabout soils have a coarse-silty particle-size class. Swanton soils have a coarse-loamy over clayey particle-size class, and Swanville soils have a fine-silty particle-size class.

GEOGRAPHIC SETTING: Lamoine soils are on coastal lowlands and river valleys. Slope ranges from 0 to 15 percent. The soils formed in medium, moderately fine and fine textured glaciolacustrine or glaciomarine sediments. The climate is humid and cool temperate. The mean annual precipitation ranges from 34 to 48 inches, and mean annual temperature ranges from 43 to 46 degrees F. The frost-free season ranges from 90 to 160 days. Elevation ranges from 5 to 900 feet above mean sea level.

GEOGRAPHICALLY ASSOCIATED SOILS: These are the Biddeford, Boothbay, Buxton, Scantic, and Swanville soils. The very poorly drained Biddeford soils are in depressions on the landscape. The moderately well or somewhat poorly drained Boothbay soils are in similar and higher positions on the landscape and have a fine-silty particle-size class. The moderately well drained Buxton soils are in higher positions on the landscape. The poorly drained Scantic and Swanville soils are in lower positions on the landscape.

DRAINAGE AND PERMEABILITY: Somewhat poorly drained. Surface runoff is medium. Permeability is moderate or moderately slow in the surface horizon, moderately slow or slow in the upper part of the subsoil, and slow or very slow in the lower part of the subsoil and in the substratum.

USE AND VEGETATION: Cleared areas are used mainly for hay or pasture. The remaining areas are forested. Common tree species include eastern white pine, balsam fir, red spruce, white spruce, eastern hemlock, red maple, yellow birch, gray birch, paper birch, sugar maple, alders and aspen.

DISTRIBUTION AND EXTENT: Maine and Vermont. (MLRA's 142, 143, 144A, 144B and 145) The series is of large extent.

MLRA SOIL SURVEY REGIONAL OFFICE (MO) RESPONSIBLE: Amherst, Massachusetts

SERIES ESTABLISHED: Hancock County, Maine, 1988.

REMARKS: 1. This revision reflects a change in classification from Aeric Haplaquepts to Aeric Epiaquepts to conform with Keys to Taxonomy, sixth edition, 1994.
2. Some soils formerly mapped as Buxton will now be included with the Lamoine series.
3. Some pedons have been described with a bisequum profile. 4. Diagnostic horizons and features recognized in this pedon are:
a. Ochric epipedon - the zone from 0 to 7 inches (Ap horizon).
b. Cambic horizon - the zone from 7 to 17 inches (Bw1, Bw2, and Bg horizons).
c. Aeric feature - matrix with chroma of 3 or more between the A or Ap horizon and 30 inches.
d. Aquic conditions-Redoximorphic features at 7 inches.
e. Episaturation - a perched water table.

ADDITIONAL DATA: Soil interpretation record numbers for the Lamoine series are: Lamoine, ME0108; Lamoine, stony, ME0130.

National Cooperative Soil Survey

U.S.A.

LOCATION NICHOLVILLE NY ME NH VT

Established Series
Rev. MGC-ERS-CAW
03/2011

NICHOLVILLE SERIES

The Nicholville series consists of very deep, moderately well drained soils formed in wind or water deposited material having a high content of silt and very fine sand. They are on lake plains and low benches on uplands. Estimated saturated hydraulic conductivity is moderately high or high. Slope ranges from 0 through 60 percent. Mean annual temperature is 43 degrees F., and mean annual precipitation is 38 inches.

TAXONOMIC CLASS: Coarse-silty, isotic, frigid Aquic Haplorthods

TYPICAL PEDON: Nicholville silt loam, on a 4 percent north facing slope in a wooded area. (Colors are for moist soil unless otherwise noted.)

A -- 0 to 4 inches; dark brown (10YR 3/3) silt loam, pale brown (10YR 6/3) dry; moderate fine granular structure; friable; many very fine and fine, common medium and few coarse roots; 5 percent rock fragments; moderately acid; clear smooth boundary. (0 through 12 inches thick.)

Bs1 -- 4 to 10 inches; dark brown (7.5YR 3/4) silt loam; moderate fine and medium subangular blocky structure parting to moderate fine and medium granular; firm; few medium and coarse and common fine roots; 5 percent rock fragments; moderately acid; clear smooth boundary.

Bs2 -- 10 to 20 inches; brown (7.5YR 4/4) silt loam; moderate medium subangular blocky structure; firm; few fine and medium and common coarse roots; 10 percent rock fragments; moderately acid; clear smooth boundary. (Combined thickness of Bs horizon is 4 through 20 inches.)

BC1 -- 20 to 22 inches; dark yellowish brown (10YR 4/4) silt loam; moderate medium subangular blocky structure; firm; few fine and medium and common coarse roots; 10 percent rock fragments; common fine and medium distinct brownish yellow (10YR 6/6 and 10YR 6/8) and few fine distinct yellowish brown (10YR 5/8) masses of iron accumulation; moderately acid; clear smooth boundary.

BC2 -- 22 to 36 inches; light brown (7.5YR 6/4) silt loam; moderate medium platy divisions; firm; few fine roots; 10 percent rock fragments; common coarse distinct light gray (10YR 7/2) and common coarse prominent white (10YR 8/1) iron depletions, and common medium distinct yellowish brown (10YR 5/6) and brownish yellow (10YR 6/6) masses of iron accumulation; moderately acid; abrupt smooth boundary. (Combined thickness of BC horizon is 0 through 18 inches.)

2C -- 36 to 72 inches; grayish brown (10YR 5/2) very fine sandy loam; moderate medium platy

divisions; firm; 10 percent rock fragments; many medium and coarse faint dark grayish brown (10YR 4/2) and prominent dark yellowish brown (10YR 4/6) masses of iron accumulation; moderately acid.

TYPE LOCATION: Oneida County, New York; in the Town of Remsen, 1100 feet north and 2000 feet west of the intersection of Dustin Road and Countryman Road. USGS Forestport, NY topographic quadrangle; Latitude 43 degrees, 24 minutes, 35 seconds N. and Longitude 75 degrees, 12 minutes, 42 seconds W., NAD 1927.

RANGE IN CHARACTERISTICS: Thickness of the solum ranges from 12 through 48 inches. Depth to bedrock is greater than 60 inches. Depth to contrasting deposits is greater than 30 inches. Rock fragments, mostly gravel, range from 0 through 10 percent by volume throughout the soil. Redoximorphic features are within a depth of 30 inches.

The A or Ap horizon, where present, has hue of 7.5YR or 10YR, value of 2 through 4, and chroma of 1 through 3. Texture is silt loam or very fine sandy loam. Consistence is friable or very friable. Reaction ranges from extremely acid through moderately acid, unless limed.

In undisturbed areas, the soil typically has an O horizon, an E horizon, and may also have a Bhs or Bh horizon. These are usually destroyed by plowing. Reaction ranges from extremely acid through moderately acid, unless limed.

The E horizon, where present, has hue of 5YR through 10YR, value of 3 through 7, and chroma of 1 through 4. Texture is silt loam or very fine sandy loam. Consistence is friable or very friable. Reaction ranges from extremely acid through moderately acid, unless limed.

The Bhs horizon where present, has hue of 2.5YR through 7.5YR, and value and chroma of 3 or less. The Bh horizon where present, has hue of 2.5YR through 7.5YR, and value and chroma of 4 or less. Texture ranges from loamy very fine sand to silt loam. Consistence is very friable to firm. Reaction ranges from very strongly acid through moderately acid.

The Bs horizons have hue of 5YR or 7.5YR, value of 3 through 6, and chroma of 2 through 6. In some pedons it has hue of 10YR in the lower part. Texture ranges from loamy very fine sand to silt loam. Consistence is very friable to firm. Reaction ranges from very strongly acid through moderately acid.

The BC horizon, where present, has hue of 10YR through 5Y, value of 4 or 5 and chroma of 3 or 4. Texture ranges from very fine sand to silt loam. Reaction ranges from very strongly acid through moderately acid.

The 2C or C horizon has hue of 10YR through 5Y, value of 4 through 6 and chroma of 2 through 4. Texture is very fine sand to silt loam. The horizon is single grain, massive, or has weak platy divisions associated with depositional layers. Consistence is very friable to firm. Reaction ranges from very strongly acid through neutral.

COMPETING SERIES: There are no other series in this family.

The Dixmont, Madawaska, Roundabout, and Salmon series are in related families. Dixmont and

Madawaska soils have coarse-loamy particle-size control sections. Roundabout soils are somewhat poorly and poorly drained. Salmon soils are well drained and do not have redoximorphic features.

GEOGRAPHIC SETTING: Nicholville soils are on nearly level to sloping planar or concave landscapes. They are on lake plains and upland till plains that have a mantle of wind or water-deposited silt or very fine sand. Normally, slopes range from 0 to 15 percent, but may range up to 60 percent on strongly dissected lacustrine deposits. In some areas, slowly permeable deposits underlie the soil below 40 inches and restricts internal drainage. Mean annual air temperature ranges from 38 through 46 degrees F., mean annual precipitation ranges from 28 through 50 inches, and the frost-free period ranges from 90 through 160 days. Elevation ranges from 120 through 2000 feet above sea level.

GEOGRAPHICALLY ASSOCIATED SOILS: These are the Adams, Becket, Colton, Crary, Potsdam, Roundabout, Salmon, and Worth soils. Well drained Salmon soils are on nearby higher convex areas. Adams and Colton soils are associated in materials high in gravel and sand content. Becket, Crary, Potsdam, and Worth soils formed in adjacent glacial till deposits. Somewhat poorly and poorly drained Roundabout soils are on more concave landscapes.

DRAINAGE AND SATURATED HYDRAULIC CONDUCTIVITY: Moderately well drained. The potential for surface runoff is low through very high. Estimated saturated hydraulic conductivity is moderately high or high.

USE AND VEGETATION: Most areas have been cleared and are used for growing hay, corn, small grain, and vegetable crops. Wooded areas support sugar maple, beech, Northern red oak, and some white pine.

DISTRIBUTION AND EXTENT: The northern border and local areas in the interior of the Adirondack highlands of New York and in Maine, New Hampshire, and Vermont; MLRAs 142. 143, 144B, and 146. The series is moderately extensive.

MLRA SOIL SURVEY REGIONAL OFFICE (MO) RESPONSIBLE: Amherst, Massachusetts.

SERIES ESTABLISHED: Essex County, New York, 1954.

REMARKS: 1. Diagnostic horizons and features recognized in the typical pedon are as follows:
a. Ochric epipedon - the zone from 0 through 4 inches (A horizon)
b. Spodic horizon - the zone from 4 through 20 inches (Bs1 & Bs2 horizons)
c. Aquic subgroup - aquic moisture conditions and redoximorphic features within 75 cm, but no redoximorphic features in a spodic or albic horizon within 50 cm of the mineral soil surface.

National Cooperative Soil Survey
U.S.A.

LOCATION PUSHAW ME

Established Series
AAK/REE
06/2013

PUSHAW SERIES

The Pushaw series consists of very deep, somewhat poorly drained soils that formed in glaciolacustrine or glaciomarine deposits on lake plains and marine terraces. Estimated saturated hydraulic conductivity is moderately high in the surface and moderately high to moderately low in the underlying material. Permeability is moderate in the surface and moderately slow or slow in underlying material. Slope ranges from 0 to 8 percent. Mean annual precipitation is about 1120 mm. Mean annual temperature is about 7 degrees C.

TAXONOMIC CLASS: Fine-silty, mixed, semiactive, nonacid, frigid Aeric Epiaquepts

TYPICAL PEDON: Pushaw silt loam, on a 3 percent east facing slope under grasses at the edge of a cornfield at an elevation of 61 meters. (Colors are for moist soil unless otherwise noted. When described on September 14, 2004, the soil was moist throughout.)

Ap--0 to 18 cm; brown (10YR 4/3) silt loam; pale brown (10YR 6/3) dry; moderate medium granular structure; very friable, slightly sticky, slightly plastic; common fine and very fine roots throughout; very strongly acid (pH 4.8); clear wavy boundary (15 to 20 cm thick).

Bw1--18 to 25 cm; olive brown (2.5Y 4/3) silt loam; moderate fine and medium granular structure; very friable, slightly sticky, slightly plastic; common fine and very fine roots throughout; moderately acid (pH 6.0); gradual wavy boundary.

Bw2--25 to 38 cm; light olive brown (2.5Y 5/3) silt loam; moderate fine and medium subangular blocky structure; friable, slightly sticky, moderately plastic; common fine and very fine roots throughout; common fine and medium, faint olive gray (5Y 5/2) iron depletions throughout; common fine, faint dark yellowish brown (10YR 4/4) masses of iron-manganese throughout; slightly acid (pH 6.2); clear wavy boundary. (Combined thickness of the Bw horizons is 15 to 41 cm.)

BCg--38 to 46 cm; dark grayish brown (2.5Y 4/2) silty clay loam; strong fine and medium subangular blocky structure; friable, slightly sticky, moderately plastic; common fine and very fine roots throughout; few fine prominent dark reddish brown (5YR 2.5/2) manganese coatings on faces of peds; common fine and medium faint grayish brown (2.5Y 5/2) iron depletions throughout; common medium prominent yellowish brown (10YR 5/6) masses of oxidized iron throughout; slightly acid (pH 6.3); clear smooth boundary (8 to 20 cm thick).

BC--46 to 66 cm; olive (5Y 4/3) silty clay loam; strong medium and coarse subangular blocky structure;

friable, slightly sticky, very plastic; few fine and very fine roots between peds; common fine distinct brown (10YR 4/3) masses of iron-manganese in matrix; common fine distinct gray (2.5Y 5/1) iron depletions on faces of peds; few fine prominent dark reddish brown (5YR 2.5/2) manganese coatings on faces of peds; slightly acid (pH 6.4); gradual wavy boundary. (0 to 15 cm thick).

C--66 to 165 cm; olive (5Y 4/3) silty clay loam; massive; firm, slightly sticky, very plastic; few fine and very fine roots throughout; common fine faint olive brown (2.5Y 4/4) masses of iron-manganese with diffuse boundaries surrounding iron depletions with clear boundaries; common fine distinct gray (2.5Y 5/1) iron depletions in matrix; neutral (pH 6.6).

TYPE LOCATION: Penobscot County, Maine, Township of Corinth. From the intersection of Maine Rt. 11/43 and Notch Road, site is 4800 feet southeast along Notch Road and 1000 feet northeast from road in a grassed area at the edge of a cornfield. USGS West Corinth topographic quadrangle; lat. 44 degrees 59 minutes 17 seconds N. and long. 69 degrees 2 minutes 8 seconds W., NAD 83.

RANGE IN CHARACTERISTICS: Thickness of the solum ranges from 46 to 91 cm. Depth to bedrock is more than 150 cm. Rock fragment content throughout the soil is less than 5 percent by volume. Stones cover from 0 to 0.1 percent of the surface in most areas but may range up to 3 percent. Reaction ranges from very strongly acid to slightly acid in the solum and strongly acid to neutral in the substratum.

The Ap, or A horizon where present, has hue of 10YR or 2.5Y, value of 3 to 5 and chroma of 3 or 4. It is typically silt loam but is very fine sandy loam in some areas. It has weak or moderate fine or medium granular structure. Moist consistence is very friable or friable. It is slightly sticky and slightly plastic.

The Bw horizon has hue of 10YR or 2.5Y, value of 3 to 6 and chroma of 3 to 6. It is silt loam or silty clay loam. It has weak or moderate fine or medium subangular blocky, or fine or moderate medium granular structure. Moist consistence is very friable or friable. It is slightly sticky and slightly or moderately plastic.

The BCg horizon has hue of 2.5Y or 5Y, value of 2 to 5 and chroma of 1 or 2. It is silt loam or silty clay loam. It has weak or moderate medium to very coarse prismatic, or moderate or strong fine or medium subangular blocky structure. Moist consistence is friable or firm. It is slightly or moderately sticky and slightly to very plastic.

The BC horizon, where present, has hue of 2.5Y or 5Y, value of 2 to 5 and chroma of 3 to 6. It is silt loam or silty clay loam. It has weak or moderate medium to very coarse prismatic, or moderate or strong fine or medium subangular blocky structure. Moist consistence is friable or firm. It is slightly or moderately sticky and slightly to very plastic.

The C horizon has hue of 2.5Y or 5Y, value of 4 or 5 and chroma of 3 or 4. It is silt loam or silty clay loam. Typically the C horizon is massive but some pedons exhibit weak to strong, fine to coarse subangular or angular blocks, thick or very thick plates, or moderate or strong coarse or very coarse prisms, all of which are considered inherited from the parent material. Moist consistence is friable or firm. It is slightly or moderately sticky and slightly to very plastic.

The Cg horizon, where present, has hue of 2.5Y or 5Y, value of 4 or 5 and chroma of 1 or 2. It is silt loam or silty clay loam. Typically the Cg horizon is massive but some pedons exhibit weak to strong, fine to coarse subangular or angular blocks, thick or very thick plates, or moderate or strong coarse or very coarse prisms, all of which are considered inherited from the parent material. Moist consistence is friable or firm. It is slightly or moderately sticky and slightly to very plastic.

COMPETING SERIES: There are currently no series in the same family. Soil series in related families include Boothbay, Lamoine, Pemi, Roundabout, Scantic, Swanton, Swanville and Whately. Boothbay soils lack a gleyed horizon within 50 cm of the mineral soil surface. Lamoine soils have more than 35 percent clay in the particle-size control section. Pemi soils lack a horizon with a moist value and chroma of 3 or more between the mineral surface horizon and a depth of 75 cm and have less than 18 percent clay in the particle-size control section. Roundabout soils have less than 18 percent clay in the particle-size control section. Scantic soils have more than 35 percent clay in the particle-size control section and lack a horizon with a moist value and chroma of 3 or more between the mineral surface horizon and a depth of 75 cm. Swanton soils have less than 18 percent clay in the upper part of the particle size control section and 35 percent or more clay in the lower part. Swanville soils have a gleyed horizon, the upper boundary of which is immediately underlying the mineral surface horizon or within 25 cm of the mineral surface. Whately soils have less than 18 percent clay in the upper part of the particle size control section and 35 percent or more clay in the lower part and lack a horizon with a moist value and chroma of 3 or more between the mineral surface horizon and a depth of 75 cm.

GEOGRAPHIC SETTING: The Pushaw soils are on lake plains and marine terraces. Slope ranges from 0 to 8 percent. The soils formed in glaciomarine and glaciolacustrine sediments of Wisconsin age. The climate is humid and cool temperate. The mean annual precipitation is 1010 to 1270 mm. The mean annual air temperature is 4 to 8 degrees C. The frost-free period is 110 to 160 days. Elevations typically range from 1.5 to 91 meters above sea level, but may range to as high as 366 meters in river valleys of north central Maine.

GEOGRAPHICALLY ASSOCIATED SOILS: These include the related moderately well drained Boothbay soils on slightly higher elevations, somewhat poorly drained Lamoine soils on similar landscape positions, and poorly drained Scantic and Swanville soils on slightly lower elevations. The very poorly drained Biddeford soils are on lower elevations and depressions. Pushaw soils are in a drainage sequence with Boothbay and Swanville soils. The somewhat poorly drained Colonel and the moderately well drained Dixfield soils formed in dense glacial till and are in nearby higher, slightly convex positions on the landscape. The very poorly drained Wonsqueak soils are in depressions and formed in organic material.

DRAINAGE AND SATURATED HYDRAULIC CONDUCTIVITY: Somewhat poorly drained. Surface runoff is medium to high. The estimated saturated hydraulic conductivity class is moderately high in the surface and moderately high to moderately low in the substratum. Permeability is moderately rapid in the surface and moderately rapid to moderately slow in the substratum.

USE AND VEGETATION: Cleared areas are used mainly for hay production and pasture with limited row-crop production. Some areas are in urban land or are used for wildlife habitat. Native woodland vegetation is balsam fir, eastern white pine, northern white cedar, red spruce, white spruce and white birch.

DISTRIBUTION AND EXTENT: Marine terraces and lake plains in Maine; MLRAs 143 and 144B. The series is of small extent.

MLRA SOIL SURVEY REGIONAL OFFICE (MO) RESPONSIBLE: Amherst, Massachusetts.

SERIES ESTABLISHED: Northern Hancock and Western Washington County Area Maine, 2007.

REMARKS: The series recognizes somewhat poorly drained Aeric Epiaquepts formed in fine-silty glaciolacustrine or glaciomarine deposits. These soils were formerly mapped as Boothbay, which had a dual drainage class of moderately well and somewhat poorly drained. The series is named for Pushaw Lake, a large lake in south-central Penobscot County, Maine.

Diagnostic horizons and features in this pedon include:
1. Ochric epipedon - from a depth of 0 to 18 cm (Ap horizon).
2. Cambic horizon the zone from 18 to 66 cm (Bw, BC and BCg horizons).
3. Aeric feature matrix color chroma of 3 at 18 to 38 cm (Bw1 and Bw2 horizons).
4. Aquic feature redox depletions with a chroma of 2 or less at 25 cm below the soil surface, and matrix chroma of 2 due to reduced conditions at 38 to 46 cm (BCg horizon).
5. Episaturation - a perched water table above the C horizon

ADDITIONAL DATA: Primary characterization data from pedon 05NO231, samples 05NO1348-1351 from Penobscot County, Maine, SSL, Lincoln, NE, 12/05.

National Cooperative Soil Survey
U.S.A.

LOCATION SCANTIC ME+MA NH NY VT

Established Series
Rev. KJL-GBJ-WDH
09/2013

SCANTIC SERIES

The Scantic series consists of very deep, poorly drained soils formed in glaciomarine or glaciolacustrine deposits on coastal lowlands and river valleys. Slope ranges from 0 to 8 percent. Saturated hydraulic conductivity of the surface and subsurface horizons is moderately high or high and low or moderately slow in the subsoil and substratum. Mean annual temperature is about 7 degrees C, and mean annual precipitation is about 1168 mm inches at the type location.

TAXONOMIC CLASS: Fine, illitic, nonacid, frigid Typic Epiaquepts

TYPICAL PEDON: Scantic silt loam, on a 1 percent slope in an idle field. (Colors are for moist soil unless otherwise noted.)

Ap1--0 to 10 cm; dark grayish brown (10YR 4/2) silt loam, light brownish gray (10YR 6/2) dry; weak very fine granular structure; very friable; many very fine, fine, medium and coarse roots; moderately acid; abrupt smooth boundary.

Ap2--10 to 23 cm; dark grayish brown (2.5Y 4/2) silt loam, light brownish gray (2.5Y 6/2) dry; moderate very fine granular structure; very friable; common very fine, fine, medium and coarse roots; common medium distinct olive gray (5Y 5/2) irregularly shaped iron depletions throughout; moderately acid; abrupt wavy boundary. (Combined thickness of the Ap horizons is 13 to 23 cm.)

Eg--23 to 28 cm; olive gray (5Y 5/2) silt loam; weak medium platy structure parting to weak very fine subangular blocky; friable; common very fine, fine, medium and coarse roots; common medium prominent light olive brown (2.5Y 5/6) masses of iron accumulation in the matrix and along root channels; moderately acid; abrupt smooth boundary. (0 to 20 cm thick)

Bg1--28 to 41 cm; olive gray (5Y 5/2) silty clay loam; moderate thin platy structure; firm; common very fine, fine, and medium and few coarse roots; common medium prominent yellowish brown (10YR 5/6) masses of iron accumulation in the matrix and along pores; many coarse prominent olive brown (2.5Y 4/4) masses of iron accumulation in the matrix and along pores; common medium faint gray (5Y 6/1) irregularly shaped iron depletions in the matrix; light olive gray (5Y 6/2) silt coatings on walls of earthworm channels and on 50 percent of faces of peds; few medium dark gray (5Y 4/1) oxide coats on faces of peds; slightly acid; clear wavy boundary.

Bg2--41 to 56 cm; olive gray (5Y 5/2) silty clay; weak medium platy structure parting to moderate very fine subangular blocky; firm; few very fine and fine roots; few pores; common medium faint gray (5Y

6/1) irregularly shaped iron depletions in the matrix; common medium prominent light olive brown (2.5Y 5/4) masses of iron accumulation in the matrix and along pores; light olive gray (5Y 6/2) silt coatings on walls of earthworm channels and on 50 percent of faces of peds; few fine prominent dark reddish brown (5YR 2/2) oxide coats on faces of peds; slightly acid; gradual wavy boundary.

Bg3--56 to 74 cm; olive gray (5Y 4/2) silty clay; moderate very fine and fine subangular blocky structure; firm; few pores; common medium prominent light olive brown (2.5Y 5/6) masses of iron accumulation in the matrix and along pores; common medium faint olive gray (5Y 5/2) irregularly shaped iron depletions in the matrix; gray (5Y 6/1) silt coatings on 50 percent of faces of peds and pores; common medium prominent dark reddish brown (5YR 2/2) oxide coats on 10 percent of faces of peds; slightly acid; clear wavy boundary. (Combined thickness of the Bg horizon is 23 to 89 cm.)

Cg--74 to 1165 cm; olive gray (5Y 4/2) clay; weak thick platy structure; firm; few medium prominent light olive brown (2.5Y 5/6) masses of iron accumulation in the matrix; few fine faint gray (5Y 5/1) irregularly shaped iron depletions in the matrix; gray (5Y 6/1) silt coatings on 50 percent of faces of peds; many medium prominent dark reddish brown (5YR 2/2) oxide coats on 30 percent of faces of peds; slightly acid.

TYPE LOCATION: Washington County, Maine; Town of Whitneyville; 0.25 mile south of railroad track on U.S. Route 1A, and 200 feet northwest of the road; USGS Whitneyville topographic quadrangle; lat. 44 degrees 42 minutes 34 seconds N. and long. 67 degrees 31 minutes 29 seconds W., NAD 27.

RANGE IN CHARACTERISTICS: Thickness of the solum ranges from 63 to 127 cm. Depth to bedrock is more than 152 cm. The soil is commonly free of rock fragments but a few pedons contain up to 3 percent gravel. Stones cover from 0 to 3 percent of the surface. Reaction ranges from very strongly acid to slightly acid in the surface and subsurface horizons, unless limed, and from strongly acid to neutral in the upper part of the subsoil. The reaction in the lower part of the subsoil and in the substratum is moderately acid to neutral.

The Ap horizon has hue of 10YR to 5Y, value of 3 to 5 and chroma of 1 or 2. It has weak or moderate, very fine to coarse granular structure. Undisturbed areas have an A horizon 5 to 13 cm thick, that has hue of 10YR, value of 3 and chroma of 1 or 2. It is silt loam, silty clay loam, or loam. Consistence is very friable or friable.

The Eg horizon, has hue of 2.5Y or 5Y, value of 4 or 5 and chroma of 1 or 2 and few or common redoximorphic features. It has weak or moderate, thin to thick platy, fine or medium granular or very fine subangular blocky structure. It is silt loam, silty clay loam, or loam. Consistence is very friable or friable.

The Bg horizon has hue of 2.5Y or 5Y, value of 4 to 6 and chroma of 1 or 2 and has faint to prominent redoximorphic features. It is silt loam, silty clay loam, or silty clay. It has subangular blocky or platy structure but some pedons have primary structure that is prismatic. Consistence is friable or firm.

The BCg horizon, where present, has hue of 2.5Y or 5Y, value of 4 to 6 and chroma of 1 or 2 with faint to prominent redoximorphic features. It is silty clay loam, silty clay, or clay. It has platy or angular blocky structure but some pedons have primary structure that is prismatic. Consistence is friable to very firm.

The Cg horizon is neutral or has hue of 2.5Y, 5Y or 10Y, value of 4 to 6 and chroma of 0 to 2 and redoximorphic features are less abundant than in the B horizon or are lacking. It is silty clay loam, silty clay, or clay. Platy or prismatic structure is dominant but some pedons are massive. Consistence is firm or very firm. Patchy or discontinuous oxide coatings are common in the B and C horizons in pedons from marine deposits and are less common or lacking in those from lacustrine deposits.

COMPETING SERIES: There are currently no other series in the same family. The Lamoine, Swanton, and Swanville series are similar soils in related families. Lamoine soils have dominant chroma of 3 or more between the A or Ap horizon and 76 cm below the mineral soil surface. Swanton soils have a coarse-loamy over clayey particle-size class. Swanville soils have less clay in the particle-size control section.

GEOGRAPHIC SETTING: Scantic soils are on coastal lowlands and river valleys. Slope ranges from 0 to 8 percent. The soils formed in medium, moderately fine and fine textured glaciomarine or glaciolacustrine deposits. The climate is humid and cool temperate. Mean annual temperature ranges from about 6 to almost 8 degrees C , and mean annual precipitation ranges from 863 to 1219 mm. The frost-free season ranges from 90 to 160 days. Elevation ranges from about 2 to 275 m above mean sea level.

GEOGRAPHICALLY ASSOCIATED SOILS: These are the Biddeford, Buxton, Elmwood, Lamoine, Melrose, Swanton, and Whately soils. The Biddeford, Buxton and Lamoine soils are members of a drainage sequence with Scantic soils on the same landscape, Buxton and Lamoine soils are in higher positions and Biddeford soils are in depressions. The Elmwood, Melrose, Swanton and Whately soils all have a coarse-loamy over clayey particle-size class. Elmwood and Melrose soils are in higher positions on the landscape. Swanton soils are in similar positions and Whately soils are in depressions.

DRAINAGE AND SATURATED HYDRAULIC CONDUCTIVITY: Poorly drained. Surface runoff is slow. Saturated hydraulic conductivity of the surface and subsurface horizons is moderately high or high and low or moderately slow in the subsoil and substratum.

USE AND VEGETATION: Mostly idle or woodland, some areas are used for growing hay and pasture. Common tree species include red maple, elm, gray birch, white ash, balsam fir, red and white spruce, tamarack, and some eastern white pine.

DISTRIBUTION AND EXTENT: MLRAs 142, 143, and 144B in Maine, Massachusetts, New Hampshire, New York, and Vermont. The series is of large extent.

MLRA SOIL SURVEY REGIONAL OFFICE (MO) RESPONSIBLE: Amherst, Massachusetts

SERIES ESTABLISHED: Penobscot County, Maine, 1947.

REMARKS: Previous revisions reflect a change in classification from Typic Haplaquepts to conform with Keys To Soil Taxonomy, sixth edition, 1994. Historic correlations of Scantic may have occurred in presumed or isolated frigid areas in MLRAs 144A and 145.

Diagnostic horizons and features recognized in this pedon are:
1. Ochric epipedon - the zone from 0 to 28 cm (Ap and Eg horizons).
2. Cambic horizon - the zone from 28 to 89 cm (Bg horizon).
3. Nonacid - the pH is 5.0 or more in 0.01M calcium chloride in at least some part of the control section (25 to 100 cm).
4. Aquic conditions - redoximorphic features at 10 cm.
5. Episaturation - a perched water table.

ADDITIONAL DATA: Source of data used in establishing taxonomic class and range in characteristics is Maine Agricultural Experiment Station, Technical Bulletin 94, September 1979.
Soil interpretation record numbers for the Scantic series are: Scantic, ME0044; Scantic, stony, ME0062.

National Cooperative Soil Survey
U.S.A.

LOCATION SWANVILLE ME+VT

Established Series
Rev. GTH-KJL-WDH
08/2013

SWANVILLE SERIES

The Swanville series consists of very deep, poorly drained soils that formed in glaciolacustrine or glaciomarine deposits on lake and marine plains and marine terraces. Slope ranges from 0 to 8 percent. Saturated hydraulic conductivity ranges from moderately high or high in the surface horizon and moderately low in the underlying material.

Mean annual temperature is about 7degrees C, and mean annual precipitation is about 1118 mm at the type location.

TAXONOMIC CLASS: Fine-silty, mixed, active, nonacid, frigid Aeric Epiaquepts

TYPICAL PEDON: Swanville silt loam, on a 2 percent slope in a hayfield. (Colors are for moist soil unless otherwise stated.)

Ap--0 to 15 cm; dark brown (10YR 3/3) silt loam, light brownish gray (10YR 6/2) dry; weak fine and medium granular structure; very friable; many fine roots; few fine and medium prominent light brownish gray (2.5Y 6/2) iron depletions and few fine distinct yellowish brown (10YR 5/6) masses of iron accumulation in the lower 5 cm; slightly acid; abrupt wavy boundary. (10 to 25 cm thick.)

Bw--15 to 23 cm; olive (5Y 5/3) silt loam, pale olive (5Y 6/4) crushed, and gray (5Y 5/1) faces of peds; weak fine and medium granular structure; friable; common fine roots; common fine and medium faint light olive gray (5Y 6/2) iron depletions and few fine prominent yellowish brown (10YR 5/6) masses of iron accumulation; slightly acid; clear wavy boundary. (7 to 25 cm thick)

Bg--23 to 38 cm; olive gray (5Y 5/2) silt loam, gray (5Y 6/1) faces of prisms, and olive (5Y 5/3) crushed; strong very coarse prismatic structure parting to weak fine and medium subangular blocky; friable; few fine roots; many fine and medium faint light olive gray (5Y 6/2) iron depletions; common fine prominent light olive brown (2.5Y 5/4) and few fine prominent yellowish brown (10YR 5/4) masses of iron accumulation; few very fine and fine pores with gray (5Y 5/1) coatings; dark reddish brown (5YR 3/2) oxide coatings on 10 percent of faces of peds within prisms; moderately acid; gradual wavy boundary. (15 to 41 cm thick)

BC--38 to 56 cm; olive (5Y 4/4) silt loam, gray (5Y 5/1) faces of prisms, and olive (5Y 4/3) crushed; strong very coarse prismatic structure parting to weak thick and very thick platy; friable; few fine roots; common fine distinct olive gray (5Y 5/2) and few fine prominent dark grayish brown (2.5Y 4/2) iron depletions; few fine prominent light olive brown (2.5Y 5/6) masses of iron accumulation; few very fine

and fine pores with gray (5Y 5/1) coatings; dark reddish brown (5YR 3/2) oxide coatings on 25 percent of faces of peds within prisms; moderately acid; gradual wavy boundary. (13 to 30 cm thick).

C1--56 to 117 cm; olive (5Y 4/3) silt loam, gray (5Y 6/1) faces of prisms, and olive (5Y 5/3) crushed; strong very coarse prismatic structure parting to weak thick and very thick platy; firm; many fine and medium faint olive gray (5Y 5/2) iron depletions; few fine prominent light olive brown (2.5Y 5/6) and few fine prominent dark yellowish brown (10YR 4/4) masses of iron accumulation; few very fine and fine pores with light olive gray (5Y 6/2) coatings; dark reddish brown (5YR 3/2) oxide coatings on 25 percent of the faces of plates within prisms; moderately acid; gradual wavy boundary. (20 to 99 inches thick)

C2--117 to 165 cm; olive (5Y 4/4) silt loam, gray (5Y 6/1) faces of prisms, and olive (5Y 5/3) crushed; strong very coarse prismatic structure parting to weak very thick platy; firm; many fine and medium distinct olive gray (5Y 5/2) and few fine prominent dark grayish brown (2.5Y 4/2) iron depletions; few fine prominent yellowish brown (10YR 5/6) masses of iron accumulation; dark reddish brown (5YR 3/2) oxide coatings on 50 percent of faces of plates within prisms; slightly acid.

TYPE LOCATION: Waldo County, Maine; Town of Swanville; Maine Route 141, one mile south of Swan Lake; 300 feet east of road; USGS Brooks East topographic quadrangle; lat. 44 degrees 30 minutes 26 seconds N. and long. 69 degrees 00 minutes and 06 seconds W., NAD 27.

RANGE IN CHARACTERISTICS: Thickness of the solum typically from 50 to 100 cm, with a few pedons ranging to 46 cm. Depth to bedrock is more than 152 cm. Rock fragment content throughout the soil is less than 5 percent by volume. Stones cover from 0 to 3 percent of the surface. Reaction is very strongly acid to neutral in the solum, and moderately acid to neutral in the substratum but some subhorizons within 100 cm are moderately acid to neutral.

The Ap horizon, or A horizon where present, has hue of 10YR to 5Y, value of 3 to 6, and chroma of 1 to 3. It has weak or moderate, very fine to coarse granular or strong very fine and fine subangular blocky structure. It is silt loam or very fine sandy loam and consistence is very friable or friable.

The E horizon, where present, has hue of 10YR to 5Y, value of 4 to 6, and chroma of 1 or 2. The E horizon has weak or moderate, very thin to thick platy, very fine to medium granular, or subangular blocky structure. It is silt loam or very fine sandy loam and consistence is very friable or friable.

The B and BC horizons have hue of 10YR to 5Y, value of 3 to 6, and chroma of 1 to 4, but one or more subhorizons have a chroma of 2 or less on faces of peds within 20 inches of the mineral soil surface. Redox concentrations are faint to prominent. They are very fine sandy loam, silt loam, or silty clay loam. Structure is weak to strong, medium to very thick platy, very fine to medium subangular or angular blocky, or fine or medium granular. Some pedons have primary structure that is moderate or strong, coarse or very coarse prismatic. Consistence is friable or firm.

The C horizon has hue of 10YR to 5Y, value of 4 or 5, and chroma of 1 to 4. It is silt loam or silty clay loam and some pedons have thin layers that range from silt to fine sand. Redox concentrations are faint to prominent. It has weak to strong, medium to very thick platy, moderate very fine angular blocky, or moderate or strong coarse or very coarse prismatic structure, all of which is inherited from the parent

material, or the horizon is massive. Consistence is friable or firm.

COMPETING SERIES: Swanville is currently the only member of this family. The Lamoine and Roundabout series are in similar families. Lamoine soils have more than 35 percent clay in the particle-size control section and Roundabout soils have less than 18 percent clay in the particle-size control section.

GEOGRAPHIC SETTING: Swanville soils are on lake and marine plains and marine terraces. Slope ranges from 0 to 8 percent. The soils formed in glaciolacustrine or glaciomarine deposits of Wisconsin age. The climate is humid and cool temperate. Mean annual precipitation ranges from 914 to 1219 mm and mean annual temperature ranges from 5 to 8 degrees C. The frost-free season ranges from 90 to 160 days. Elevation ranges from 2 to 457 m above mean sea level.

GEOGRAPHICALLY ASSOCIATED SOILS: These are the Biddeford, Boothbay, Elmwood, Lyman, Salmon, and Tunbridge soils. Biddeford soils are very poorly drained. Boothbay soils are moderately well drained or somewhat poorly drained soils in the same drainage sequence. Elmwood soils have a coarse-loamy over clayey particle-size control section. Lyman soils are somewhat excessively drained, formed in glacial till, and are shallow to bedrock. Salmon soils are well drained and have less clay. Tunbridge soils are well drained, formed in glacial till, and are moderately deep to bedrock. Biddeford soils are in depressions and the other soils are all in higher positions on the landscape.

DRAINAGE AND PERMEABILITY: Poorly drained. Saturated hydraulic conductivity ranges from moderately high or high in the surface horizon and moderately low in the underlying material.

USE AND VEGETATION: Cleared areas are used mainly for hay and pasture. Small areas are used for silage corn or other row crops. The remaining areas are forested and the common tree species are eastern white pine, white spruce, and red spruce. Hemlock, gray birch, red maple, sugar maple, white oak, balsam fir, and tamarack are also present to a lesser extent.

DISTRIBUTION AND EXTENT: Maine and Vermont. (MLRAs 143 and 144B). The series is of moderate extent.

MLRA SOIL SURVEY REGIONAL OFFICE (MO) RESPONSIBLE: Amherst, Massachusetts.

SERIES ESTABLISHED: Waldo County, Maine, 1979.

REMARKS: A 1998 revision changed the classification from Fine-silty, mixed, nonacid, frigid Aeric Haplaquepts to Fine-silty, mixed, nonacid, frigid Aeric Epiaquepts. Some soils formerly mapped as Raynham and Scantic will now be included with the Swanville series.

Diagnostic horizons and features recognized in this pedon are:

1. Ochric epipedon - the zone from 0 to 15 cm (Ap horizon).
2. Cambic horizon - the zone from 15 to 38 cm (Bw and Bg horizons).
3. Nonacid - the pH is 5.0 or more in 0.01M calcium chloride throughout the profile.
4. Aquic conditions - redoximorphic features throughout the profile.

5. Episaturation - a perched water table above the C horizon.

ADDITIONAL DATA: Source of data used in establishing the taxonomic classification and range in characteristics is Maine Agricultural Experiment Station Technical Bulletin 94.

Soil Interpretation Records are no longer maintained but included Swanville ME0075; and Swanville, stony, ME0098.

National Cooperative Soil Survey
U.S.A.

GOVE ENVIRONMENTAL SERVICES, INC.

JAMES P. GOVE

CSS, CWS, CPSC, CPESC

President and Senior Soil and Wetland Scientist

EXPERIENCE

1989–Present	Principal, *Gove Environmental Services, Inc.*
1987–1989	Senior Soil Scientist, *Storch Associates*, Manchester, NH
1987–1987	Project Manager, *Johnson Engineering*, Lebanon, NH
1980–1987	*USDA Soil Conservation Service*, Exeter and Concord, NH
1978–1980	*Rockingham County Conservation District*, Exeter, NH

EDUCATION

M.S. in Plant Science, University of New Hampshire, 1974
B.S. in Plant Science, University of New Hampshire, 1972

Specialized Postgraduate Studies:
Various Soil, Wetland, Bioengineering and Erosion Control Workshops, 1995–Present
Certificate of Training: 1987 U.S. Army Corps of Engineers
Wetland Delineation Manual, University of New Hampshire, 1995
Wetland Delineation, University of Massachusetts-Amherst, 1988, 1990
Wetlands, University of New Haven, 1988
Soils, University of New Hampshire, 1983

PROFESSIONAL SOCIETIES

Associated General Contractors of New Hampshire, Inc. (AGC of NH)
Association of Massachusetts Wetland Scientists (AMWS)
Certified Professional in Erosion and Sediment Control (CPESC)
International Erosion Control Association (IECA)
New Hampshire Association of Natural Resource Scientists (NHANRS)
Society of Soil Scientists of Northern New England (SSSNNE)
Society of Soil Scientists of Southern New England (SSSSNE)
Society of Wetland Scientists (SWS)

CERTIFICATIONS

Certified Soil Scientist, State of New Hampshire (*Cert. No. 004*)
Certified Wetland Scientist, State of New Hampshire (*Cert. No. 0051*)
Certified Professional Soil Classifier, ARCPACS (*Cert. No. 02507*)
Certified Professional in Erosion and Sediment Control (*Cert. No. 2015*)

SELECTED PUBLICATIONS

Contributor to *Field Indicators for Identifying Hydric Soils in New England*, Versions 1, 2 and 3. NEIWPCC, 1995, 1998 and 2004.

Gove, J.P., *et al. Environmental Planning for On-Site Waste Water Treatment in New Hampshire*, Volume 1. NHDES & RCCD, 1995.

Gove, J.P., et al. High Intensity Soil Maps for New Hampshire, Standard and Origins. SSSNNE Special Publications No. 1, 1987.

8 Continental Dr Bldg 2 Unit H, Exeter, NH 03833-7526
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www.gesinc.biz
info@gesinc.biz

Kelsea, Russell J. and James P. Gove, Soil Survey of Rockingham County, NH, USDA- Soil Conservation Service. 1994.

Gove, J.P., *The Creation and Application of High Intensity Soil Surveys: The New Hampshire Experience.* Soil Survey Horizons, Volume 48, Number 4, pages 85 –89. 2007.

Gove, J.P., R.J. Kelsea, and S.A.L. Pilgrim, *Freshwater Marsh Soils of Southeastern New Hampshire.* Soil Survey Horizons, Volume 25, Number 2, page 13 -. 1984.

Combs, G., J.P. Gove, and R.J. Kelsea, *Soil-Water Behavior in a Drainage Sequence in Southeastern New Hampshire.* Soil Survey Horizons, Volume 26, Number 3, page 15 -. 1985.

Gove, J. P. and S.A.L. Pilgrim, *High Intensity Soil Surveys in New Hampshire.* Soil Survey Horizons, Volume 28, Number 3, page 90 -. 1987.

Contributor to *Soil Based Lot Sizing, Environmental Planning for Onsite Wastewater Treatment in New Hampshire.* SSSNNE Special Publication No. 4, Version 1, September 2003.

Gove, J.P., et. al. *Hydric Soils in New Hampshire.* NH DES Technical Bulletin WRD-1995-4. New Hampshire Department of Environmental Services, 1995.

RECENT PRESENTATIONS

ASA-CSSA-SSSA 2006 International Meetings, November 12-16, Indianapolis. *Creation and Application of High Intensity Soil Surveys, the New Hampshire Experience.* James Gove, Gove Environmental Services, Inc. November 14, 2006.

"Municipal Permitting" CLE Seminar, New Hampshire Bar Association, *The DES Regulatory Framework and What It Means for Municipal Permitting.* James P. Gove. April 11, 2007.

Maine Association of Professional Soil Scientists, Annual Meeting. *The Creation and Application of High Intensity Soil Surveys: The New Hampshire Experience.* Jim Gove, President, Gove Environmental Services, Inc. March 11, 2008.

PUBLIC SERVICE

President, New Hampshire Association of Consulting Soil Scientists, 1988, when the NH Certification of Soil Scientists was passed by the NH Legislature.

First Chairman of the New Hampshire Board of Certification for Natural Scientists, 1989.

President, New Hampshire Association of Wetland Scientists, 1997, when the NH Certification of Wetland Scientists was passed by the NH Legislature.

Contributor to *New Hampshire Code of Administrative Rules, Chapter Env-Wq 1000 Subdivision and Individual Sewage Disposal System Design Rules, Env-Wq 1002.63 "Poorly Drained Soils", Env-Wq 1002.92 "Very Poorly Drained Soils".* Effective 2-9-08.

Member of *New Hampshire Department of Environmental Services Stream Crossing Workgroup.* Represented NH Association of General Contractors. February to August, 2008.

Commissioner to *HB 1579 Commission to Study Land Development Regulations and the Effects of Land Development within Upland Areas that may Affect Wetlands and Surface Waters of the State.* Representing NH Association of General Contractors. NH Legislative Office Building. Beginning August 2008 and completed November 2010.

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2015 VERNAL POOL ASSESSMENT
LOTS 66-8 & 66-2A
BETTY WELCH ROAD
KITTERY, ME

1.0 INTRODUCTION

Gove Environmental Services, Inc. (GES) is pleased to provide this Vernal Pool Monitoring Report for approximatly 90 acres of land located on off of Betty Welch Road in Kittery. The site is depicted on the assesor's map 66 as lots 2a and 8. The attached sketch depicts the limits of the investigastion and the results. The analysis contained in this report is based on field assessment conducted April 24, 2015. The primary purpose of this investigation was to document the vernal pool status of suspect areas identidfied durring erlier field investgations and wetland deleineation. All field data collection and analysis for this report was conducted by GES.

Location and Site Description

The site extends from Betty Welch Road to the Maine Turnpike and is comprised entirely of recently logged forest, some highly disturbed. The forest type is a mix of white pine, oak, and maple with significant areas also qualifying as forested wetland. The topography of the site is relatively flat and lacks the sort of depressions that typically support vernal pool breeding habitat. Based on observation of undisturbed wetlands on the property, the typical wetland type is that of marginally wet forested wetland on flat topography. These type of wetlands similarly lack any sort of ponding deep enough to support vernal pool habitat but are easily rutted and disturbed by forestry equipment. Many such ponded skidder ruts exist on the site along with areas of significant disturbance, presumably form log yarding areas and main access points. Aside from a utility clearing (water main) that cuts across lot 66-2A there is no other development on the site. The slopes are quite flat across the entire site except for a prominent knoll that separates the western most portion of the site.

Regulations

Vernal pools in Maine are regulated by two primary set of laws; as significant wildlife habitat under the Maine Natural resource Protection Act (NRPA), and as special aquatic sites by the Army Corp of Engineers (ACOE) under Section 404 of the Clean Water Act via the Maine State Programmatic General permit. Under Maine state law, only natural occurring vernal pools that contain the requisite number of egg masses belonging to one or more of primary vernal pool species (spotted salamander, blue spotted salamander or wood frog), fairy shrimp, or other rare threatened endangered species are subject to regulation. The area within 250 feet of these "Significant Vernal Pools" is also regulated and there are a specific set of requirements for what can be done in this zone.

Under the federal regulations via the Maine General Permit, all vernal pools are regulated provided they are also federally regulated wetlands (Waters of the Unites States). The area

within 750' of federally regulated vernal pools is also subject to regulation similar to Maine state law. Unlike the state law, however, federal jurisdiction only comes into effect if triggered by a direct wetland impact anywhere in the project.

2.0 METHODOLOGY

The study was conducted on 4/24/15 which falls within the guidance date ranges for both wood frogs and spotted salamanders. Work on other sites in the region (seacoast area of NH) also indicated that the egg masses for both frogs and salamanders were readily identifiable at this time. The pools identified last year were visited again and surveyed for egg masses by careful observation from the edges of the pools while wearing polarized glasses. Due to the very small size of the pools it was easy to comprehensively survey the pools using this method. During the survey, other factors affecting the quality of the pool or its regulatory status were also noted such as the origins of the pools, water quality issues, ponding depth, canopy cover, and the character of the surrounding upland.

3.0 VERNAL POOL DESCRIPTIONS

Pool 1
This pool is located in a rutted section of a logging skid trail within a forested wetland area. The surrounding frosted area does not contain similar pools, the pool was clearly created by equipment rutting. The maximum depth of the pool is about 2 feet with much of it being only about 1 foot deep Due to the removal of the canopy the pool is in full sun. In 2015 only 23 wood frog egg masses were counted in this pool. This pool, therefore, does not qualify as a Significant Vernal Pool under state regulation by virtue of its unnatural origins and the low number of egg masses.

Pool 2
This vernal pool is located in another section of rutted skid trail within a forested wetland in close proximity to Pool 1. It shares the many of the characteristics with pool #1 and was also clearly created by equipment rutting associated with the recent logging. In 2015 28 wood frog egg masses and 2 yellow spotted salamander egg masses were identified in this pool. This pool, therefore, does not qualify as a Significant Vernal Pool under state regulation by virtue of its unnatural origins and the low number of egg masses.

Pool 3

Vernal Pool 3 is somewhat different from all the other pools identified on the property. Although it is also located within the rutted portions of a woods road it is clearly older and does not appear to have been created by the recent logging activity. The pool is densely vegetated with sedge and rush species and large high bush blueberry located at its edges which are also the edges of the old road. Average depth of the pool is only about 1.5 feet. Despite its more naturalized appearance and location in a relatively undisturbed wetland area only 15 wood frog

egg masses were identified in this pool in 2015. This pool, therefore, does not qualify as a Significant Vernal Pool under state regulation by virtue of its unnatural origins and the low number of egg masses.

Pool 4

This pool is very close to Pool 3 although differing in that it is clearly associated with the recent logging activity. The pool consists of equipment ruts in a logged portion of forested wetland which does not contain ponded areas that would suggest the pool could be a modified natural pool. Maximum depth is about 18". A total of 21 wood frog egg masses were identified in this pool in 2015. This pool, therefore, does not qualify as a Significant Vernal Pool under state regulation by virtue of its unnatural origins and the low number of egg masses.

Pools 5 & 6

Pools 5 and 6 are located in close proximity to each other in an apparent log yarding area located in and amongst wetland. This area is highly disturbed. The two pools are both under 2 feet deep and were very turbid when observed last year and this year. A total of 27 wood frog egg masses were identified in this pool in 2015 (16 in Pool 6 and 11 in Pool 7). Neither of these pools therefore qualify as a Significant Vernal Pool under state regulation by virtue of its unnatural origins and the low number of egg masses.

Pools 7

Pool 7 is located along the large skid road that may have been the primary access to the site during logging. This area is highly disturbed and has been observed to be significantly turbid during all site visits. A total of 27 wood frog egg masses were observed in Pool 7. This pool therefore does not qualify as a Significant Vernal Pool under state regulation by virtue of its unnatural origins and the low number of egg masses.

4.0 CONCLUSIONS

The suspect ponded areas identified in previous field visits were revisited this year on April 24, 2015 for egg counts and general observations. A total of seven (7) vernal pools were identified. All pools except Pool 3 are clearly the result of equipment rutting and other disturbance associated with recent logging operations. Pool 3 is located within the path of an older woods road that apparently predates the recent logging but is of similar unnatural origins.

Overall, the "skidder rut" pools on this site currently support low to very low levels of breeding activity. Furthermore, none of the pools contained a sufficient number of egg masses to qualify as a Significant Vernal Pool under state regulations even if considered natural. None of the pools, therefore, are not subject to state regulation as vernal pools.

All of the pools are, however, subject to federal regulation and may require buffers if coverage is sought under the Maine General Permit for wetlands impacts. Given that all the identified pools essentially originated in skidder ruts within a recently logged forest, they are unlikely to represent stable long term habitat. Rather they are more likely to provide short term opportunity in the now sunny open canopy. This would likely be a consideration if federal buffers are required. This concludes the 2015 vernal pool investigation for this site.

Pool 1

Pool 2

Vernal Pool 3

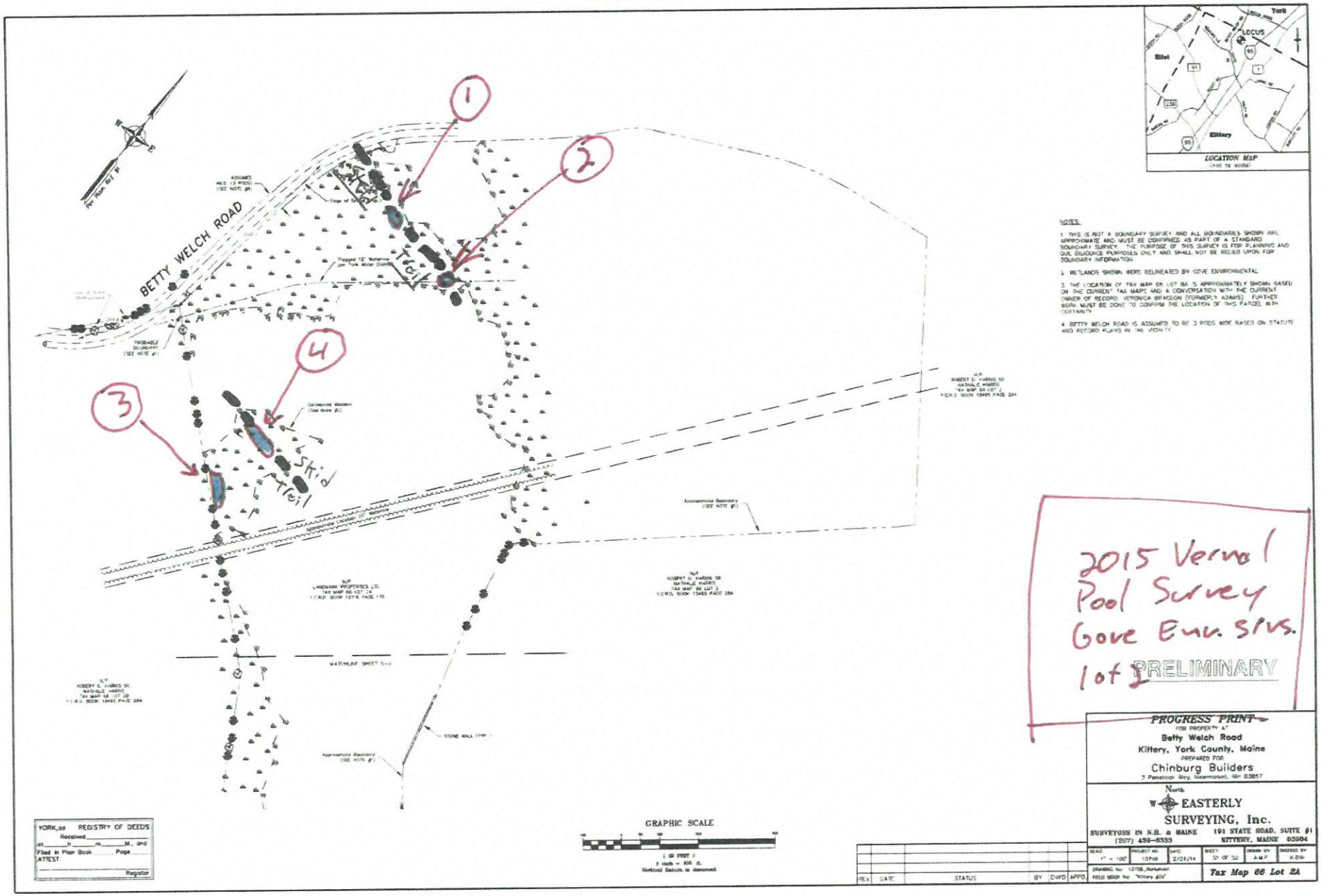
Surrounding wetland vicinity of Pool 3, no ponding

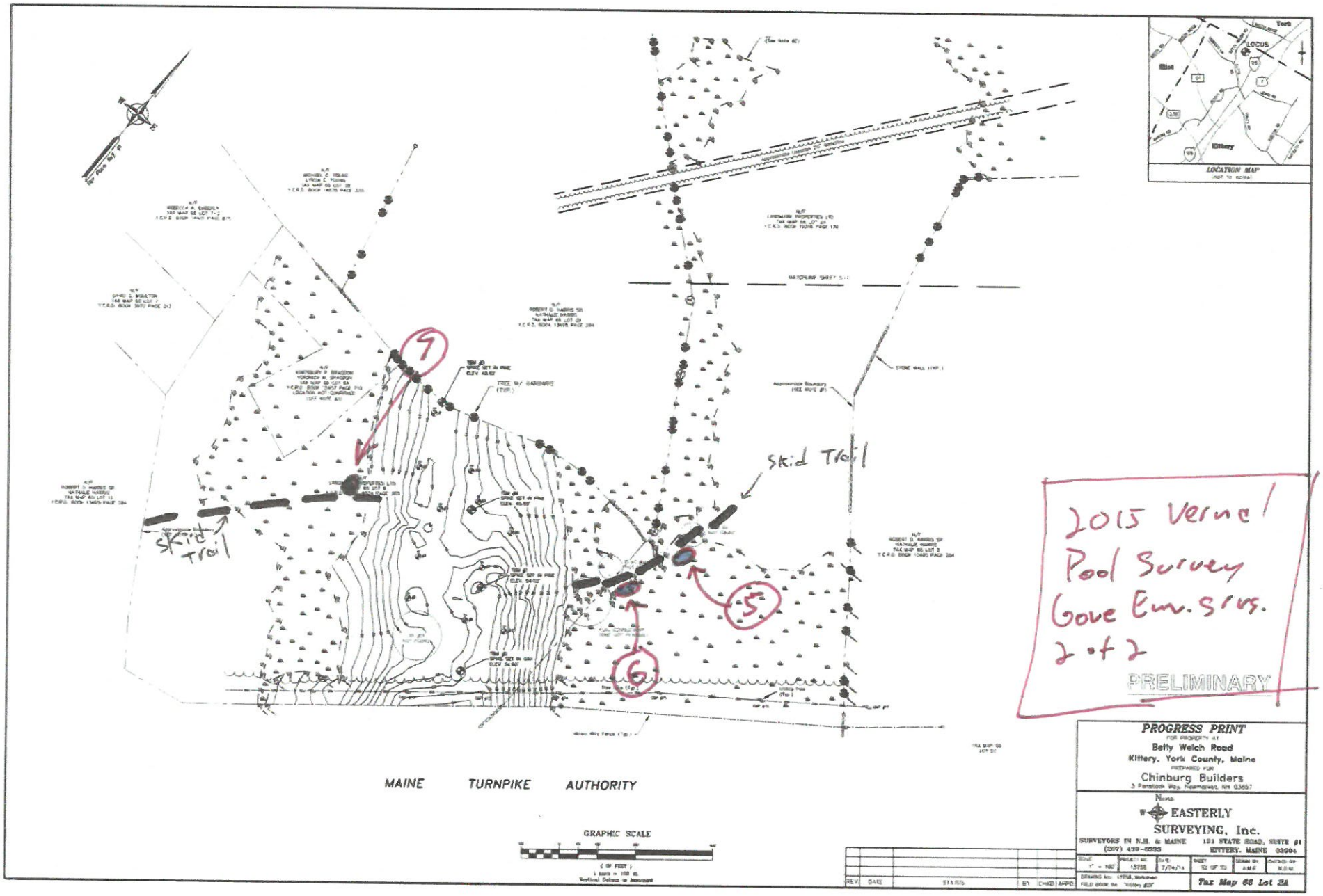
Pool 4

Pool 5

Pool 6

Pool 7


BETTY WELCH ROAD
Skid Trail
Skid Trail
1
2
3
4
LOCATION MAP
(not to scale)
York
LOCUS
Eliot
Kittery
95
1
91
236
85
NOTES:
1. THIS IS NOT A BOUNDARY SURVEY AND ALL BOUNDARIES SHOWN ARE APPROXIMATE AND MUST BE CONFIRMED AS PART OF A STANDARD BOUNDARY SURVEY. THE PURPOSE OF THIS SURVEY IS FOR PLANNING AND DUE DILIGENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON FOR BOUNDARY INFORMATION.
2. WETLANDS SHOWN WERE DELINEATED BY COVE ENVIRONMENTAL.
3. THE LOCATION OF TAX MAP 66 LOT 8A IS APPROXIMATELY SHOWN BASED ON THE CURRENT TAX MAPS AND A CONVERSATION WITH THE CURRENT OWNER OF RECORD, VERONICA BRAXSON (FORMERLY ADAMS). FURTHER WORK MUST BE DONE TO CONFIRM THE LOCATION OF THIS PARCEL WITH CERTAINTY.
4. BETTY WELCH ROAD IS ASSUMED TO BE 3 RODS WIDE BASED ON STATUTE AND RECORD PLANS IN THE VICINITY.
2015 Vernal Pool Survey
Cove Env. Svcs.
1 of 1
PRELIMINARY
PROGRESS PRINT
FOR PROPERTY AT
Betty Welch Road
Kittery, York County, Maine
PREPARED FOR
Chinburg Builders
3 Penacook Way, Newmarket, NH 03857
North
EASTERLY
SURVEYING, Inc.
SURVEYORS IN N.H. & MAINE
(207) 439-5333
191 STATE ROAD, SUITE #1
KITTERY, MAINE 03904
SCALE 1" = 100'
PROJECT NO. 13798
DATE 2/26/14
SHEET 2 OF 2
DRAWN BY A.M.P.
CHECKED BY K.E.W.
Tax Map 66 Lot 2A
REV. DATE STATUS BY CHKD APPD
GRAPHIC SCALE
1 in. = 100 ft.
YORK, ss REGISTRY OF DEEDS
Received
at h m. M., and
Filed in Plan Book Page
ATTEST
Register


LOCATION MAP
(not to scale)
York
LOCUS
Ellot
Kittery
MATCHLINE SHEET 3-1
STONE WALL (TYP.)
TREE W/ BARBWIRE (TYP.)
Skid Trail
Skid Trail
7
5
6
MAINE TURNPIKE AUTHORITY
GRAPHIC SCALE
(IN FEET)
1 inch = 100 ft.
Vertical Datum is Assumed
2015 Vernal Pool Survey Cove Env. Svs. 2 of 2
PRELIMINARY
PROGRESS PRINT
FOR PROPERTY AT
Betty Welch Road
Kittery, York County, Maine
PREPARED FOR
Chinburg Builders
3 Farmstock Way, Raymond, NH 03657
EASTERLY SURVEYING, Inc.
SURVEYORS IN N.H. & MAINE
(207) 439-6393
101 STATE ROAD, SUITE #1
KITTERY, MAINE 03904
SCALE 1" = 100'
PROJECT NO. 1.5788
DATE 7/24/14
SHEET 1 OF 1
DRAWN BY A.M.F.
CHECKED BY N.D.M.
DRAWING No. 1.5788_Wetlands
FIELD BOOK No. "Kittery #20"
Tax Map 66 Lot 2A
REV. DATE STATUS BY CHKD APPD

YORK

YORK

EXISTING RESIDENCE, TYP.

BETTY WELCH ROAD

20" WATER MAIN

ABANDON WATER

PROP. LEACHFIELD

MAINE TURNPIKE AUTHORITY

INTERSTATE 95

CUTTS RIDGE LANE

REMICKS LANE

CUTTS ROAD

CLAYTON LANE

DEEP RIDGE LANE

STONERIDGE WAY

GEE ROAD

GRAPHIC SCALE

200 0 100 200 400 800

(IN FEET)

THIS DRAWING HAS NOT BEEN RELEASED FOR CONSTRUCTION

P4367

ALTUS ENGINEERING, INC.

133 COURT STREET PORTSMOUTH, NH 03801
VOICE: (603) 433-2335
FAX: (603) 433-4184

ISSUED FOR: SKETCH PLAN REVIEW

ISSUE DATE: OCTOBER 22, 2015

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	JKC	7/24/14
1	RE-SUBMISSION	JKC	10/22/15

DRAWN BY: RMB
APPROVED BY: JKC
DRAWING FILE: 4567CONCEPT3.DWG

SCALE: 1 " = 200'

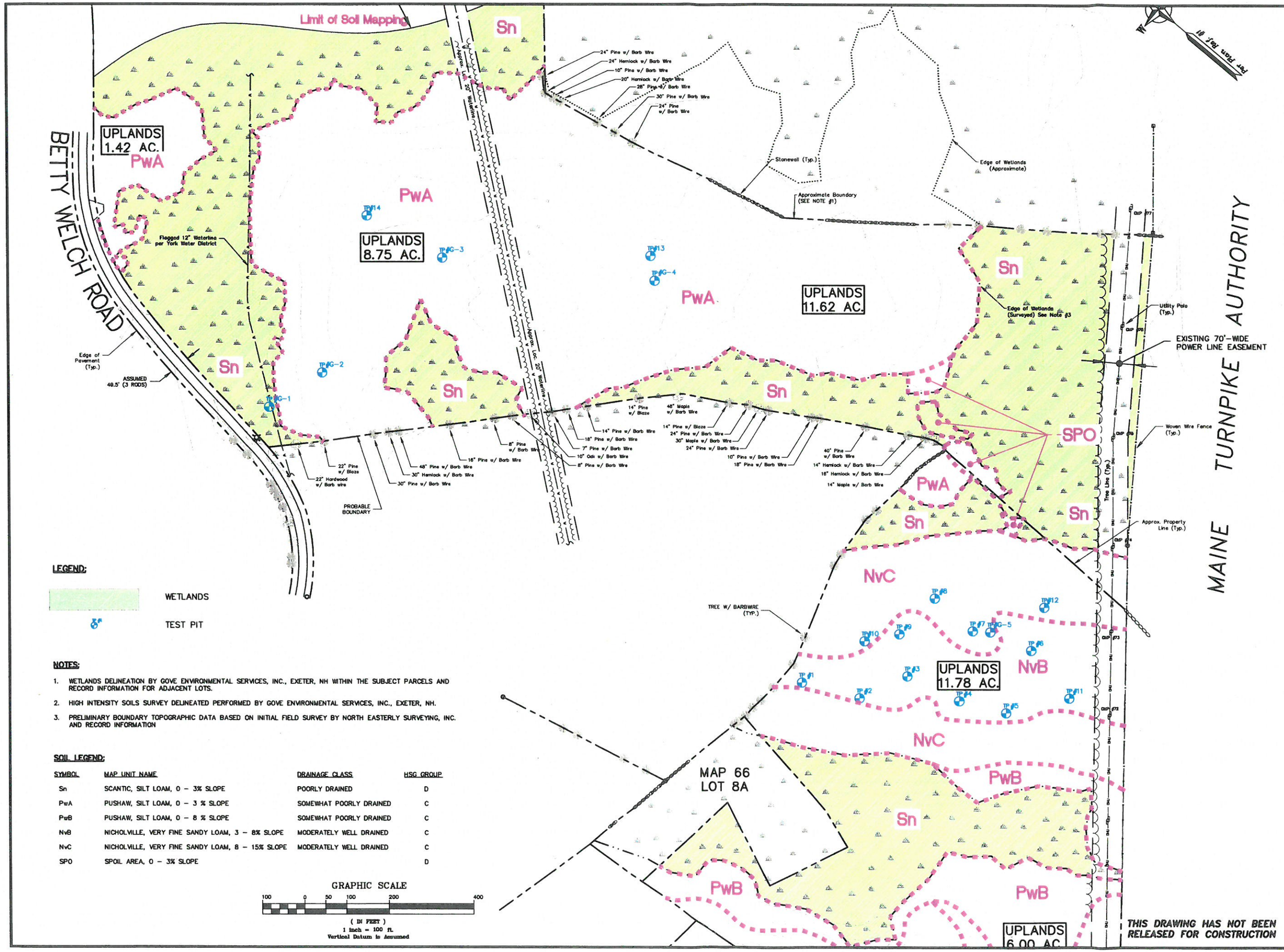
OWNER:
LANDMARK PROPERTIES, LLC
P.O. BOX 186
YORK, MAINE 03909

APPLICANT:
CHINBURG PROPERTIES
3 PENSTOCK WAY
NEWMARKET, NH 03857

PROJECT:
PROPOSED CLUSTER SUBDIVISION
MAP 66 LOTS 2A & 8
BETTY WELCH ROAD
KITTERY, MAINE

TITLE:
SKETCH REVIEW - VICINITY PLAN

SHEET NUMBER:
CC - 1



LEGEND:

WETLANDS

TEST PIT

NOTES:

1. WETLANDS DELINEATION BY GOVE ENVIRONMENTAL SERVICES, INC., EXETER, NH WITHIN THE SUBJECT PARCELS AND RECORD INFORMATION FOR ADJACENT LOTS.
2. HIGH INTENSITY SOILS SURVEY DELINEATED PERFORMED BY GOVE ENVIRONMENTAL SERVICES, INC., EXETER, NH.
3. PRELIMINARY BOUNDARY TOPOGRAPHIC DATA BASED ON INITIAL FIELD SURVEY BY NORTH EASTERLY SURVEYING, INC. AND RECORD INFORMATION

SOIL LEGEND:

SYMBOL	MAP UNIT NAME	DRAINAGE CLASS	HSG GROUP
Sn	SCANTIC, SILT LOAM, 0 – 3% SLOPE	POORLY DRAINED	D
PwA	PUSHAW, SILT LOAM, 0 – 3 % SLOPE	SOMEWHAT POORLY DRAINED	C
PwB	PUSHAW, SILT LOAM, 0 – 8 % SLOPE	SOMEWHAT POORLY DRAINED	C
NvB	NICHOLVILLE, VERY FINE SANDY LOAM, 3 – 8% SLOPE	MODERATELY WELL DRAINED	C
NvC	NICHOLVILLE, VERY FINE SANDY LOAM, 8 – 15% SLOPE	MODERATELY WELL DRAINED	C
SPO	SPOIL AREA, 0 – 3% SLOPE		D

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.
Vertical Datum is Assumed

ALTUS ENGINEERING, INC.
133 COURT STREET PORTSMOUTH, NH 03801
VOICE: (603) 433-2335
FAX: (603) 433-4194

ISSUED FOR: SKETCH PLAN REVIEW

ISSUE DATE: OCTOBER 22, 2015

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	JKC	10/30/14
1	RE-SUBMISSION	JKC	10/22/15

DRAWN BY: RMB
APPROVED BY: JKC
DRAWING FILE: 4567CONCEPT2.DWG

SCALE: 1 " = 100'

OWNER:
LANDMARK PROPERTIES, LLC
P.O. BOX 186
YORK, MAINE 03909

APPLICANT:
CHINBURG PROPERTIES
3 PENSTOCK WAY
NEWMARKET, NH 03857

PROJECT:
PROPOSED SUBDIVISION
MAP 66 LOTS 2A & 8
BETTY WELCH ROAD
KITTERY, MAINE

TITLE:
HIGH INTENSITY SOILS SURVEY PLAN

SHEET NUMBER:
CC - 4

Foreside Site Walk Minutes

Purpose: To review existing and potential parking in the Foreside neighborhood
Thursday, October 22, 2015 – 1:00 pm, 7 Wallingford Square

Attendees:

Planning Board members: Anne Grinnell, Karen Kalmar, Deborah Driscoll-Davis, Mark Alesse, David Lincoln, Deborah Lynch, Robert Harris
Staff: Chris Di Matteo, Theodor Short, David O'Brien, Norm Albert, Rebecca Spitko
Other Participants: Brad Sherman

Handouts:

8.5x11 Street Map of Kittery Foreside denoting road status (public vs private) and width
Copy of town code Chapter 10.3.1 – General Parking Regulations

Meeting:

A. Grinnell called the meeting to order at 1:00 pm. Attendees walked westbound on Government Street, northbound on U.S. Route 1 and eastbound on Walker Street to return to Wallingford Square. At each intersection, attendees stopped to take notice of sign location, traffic flow, safety concerns, and possible alterations. Discussion highlights are as follows:

- Wallingford Square poses a challenge for public works during storms. Norm Albert, Public Works Commissioner, explained Wallingford Square is not subject to town parking bans due to the hardship it places on Foreside businesses. This makes it difficult for snowplows to fit around the bend. No additional parking around this corner would be feasible.
- No parking is possible on Knight Ave. Emergency vehicles cannot access due to a bend in the road. Fire Chief Dave O'Brien stated they need 10' in order to have adequate access.
- Parking allowed on both sides of Old Armory Way, however the road is not wide enough to support two parked cars and have emergency vehicle access. By dimensional standards, the 15-foot road could support one parked car while having the 10-foot clearance needed for emergency vehicles, however there were concerns that snow banks would cut into this space and render the road inaccessible. Possibility of no parking during winter months.
- A recurring theme that occurred during the walk was that many streets did not have adequate, or any, signage to state parking allowances and restrictions. This makes enforcement difficult, and/or impossible.
- Per Norm Albert, a new post and sign is approximately $150. He stated several signs have been replaced in the Foreside neighborhood, however they often unlawfully removed.
- Government St.
    - Parking currently allowed on the side heading into Foreside however, the shoulder is not wide enough to accommodate the entire width of a vehicle. This causes a potential safety concern as a vehicle would have to cross centerline in order go around a parked car(s).

    - Discussed possibility of Government Street acting as a one-way road heading into the Foreside, and Walker St a one way heading out of the Foreside. This would allow for additional parking without the concern of vehicles crossing centerline. It was noted that this possibility was previously discussed and faced opposition from business owners in the Foreside who felt it would be confusing to patrons arriving to Kittery via Portsmouth/Route 1
- An oversized shoulder exists on Walker St. at the intersection of Route 1 that appears to be used as a right turn lane for York Hospital. It is unclear whether this is an official access point to the hospital, or an under-utilized shoulder that could host additional parking. Because that portion of the road is state owned, a request for information and/or modification of use would have to be submitted to MDOT.
- Parking along Walker St. is parallel to the road on both sides. Would there be a loss or gain of spaces if parking shifted to perpendicularly, with a slight angle, on one side of the road?
- Discussion continued on the issue of three parking exemptions for Foreside businesses. The primary concern was that one theoretical parking space is given to multiple businesses under the assumption that they would not all need to use that specific space at the same time. However, should a limit exist on how many times an individual space is used?
- A few Foreside businesses rent spaces from the library lot, however there was question on the status of the lot's lease. Review is needed to see if these spots will continue to be able to be used by the public.

Meeting adjourned at 2:30 pm.