

Town of Kittery Town Planning Board Meeting March 10, 2016

Yankee Commons Mobile Home Park Expansion – Final Subdivision Plan Review

Action: Approve or deny plan. Owner/applicant Stephen A. Hynes Real Property Trust Agreement requests consideration of plans for a 78-lot expansion of the Yankee Commons Mobile Home Park for the property located at US Route 1, Tax Map 66, Lot 24 in the Mixed Use (MU) and Residential – Rural (R-RL) Zones. Agent is Thomas Harmon, Civil Consultants.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan	2/23/12	Accepted
YES	Site Visit	9/4/12; 6/2/2015 (2 nd visit)	Held
YES	Completeness/Acceptance	8/23/12	Granted
YES	Public Hearing	9/13/12; 6/11/2015 (2 nd hearing scheduled)	Held
YES	Preliminary Plan Review and Approval	<p>9/13/12 mtg continued for add'l info re: mineral extraction (90 days max) 12/13/12 & 3/14/13 granted 90-day continuance 5/9/13 tabled requested by Applicant 6/13/13 Reconsideration of 9/13/12 decision failed 7/11/13 Board continued for add'l info re: preparation of findings with Town Attorney 8/8/13 Board continued for CEO's recommendation on a special permit for Mineral/Earth Extraction 9/12/13 Board continued to 9/26/13 meeting due to time constraints and denied preliminary plan approval. 3/11/2015 Superior Court grants Rule 80B appeal to applicant 6/11/2015 Board continued not to exceed 90 days 9/10/2015 Board conditionally approved preliminary plan</p>	Granted
YES	Final Plan Review/Approval	Final Plan Appl. accepted 12/10/15; Reviewed/Cont'd to 2/11&3/10/16	TBD
TBD	Wetland Alteration Approval	Review 3/10/16	TBD
<p>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.</p>			

Staff's Comments

BRING PACKET INFORMATION FROM PAST MTGS

BACKGROUND

The Applicant and Agent have provided a good summary of the project related to circumstances before and after the Board's denial for preliminary subdivision approval in 9/26/2013. The Superior Court, on 3/11/2015 granted the applicant a Rule 80B appeal and vacated the Board's 2013 decision and remanded back to the Board for further proceedings consistent with its decision. The Board has held a second public hearing where they heard from the Town Attorney on the background of the 80B appeal. The Applicant has responded to comments made at the 6/11 meeting in the 7/24/15 submission booklet. The applicant presented a final plan application and associated documents at the 12/10 meeting that address the preliminary plan conditions of approval and final plan requirements.

After consultation with staff and peer-review engineer, the applicant has submitted supplemental information for the Board's consideration. The Board has until the March 10th meeting to act on the final plan where per 16.10.8.1.2 requires the Board to act on the final plan within a 90 days of the accepted application. Staff has provided draft Findings of Fact for consideration. The applicant has submitted additional supplemental information, including a wetland alteration application, for the Board's consideration. The applicant is requesting to postpone consideration of the Street Naming Application to after the subdivision approval.

STAFF REVIEW

{The following is from the 12/10/15 meeting}

However, the following are comments to date, starting with the preliminary plan conditions of approval.

1) The Preliminary Plan conditions of approval are addressed in the applicant's submittal book, Section 5.

2. *Development of a comprehensive plan for earth rock removal that complies with applicable provisions of the State of Maine*

The applicant has provided a draft operations plan that addresses the questions raised as to how the construction operation would be accountable to the various performance standards required for a safe and healthy construction site. The draft plan is very helpful in understanding the complexity and scale of the proposed construction.

Staff spoke to MDEP, Bureau of Land and Water Quality, with regard to blasting. It appears that the state a number of years back revised the law to include the specific blasting performance standards for commercial rock quarries (490-Z in Title 38) since they found there were excessive blasting used at large-scale development projects. So the proposed earth removal for the project as it relates to blasting will receive the same scrutiny has a commercial application, however, there may be nuances that should be reviewed that should be modified to relate the uniqueness of the mobile home park site. Blasting monitoring for example, is required to include stations established at the closest structures outside the control of the developer. It would seem prudent to ensure that the structures on the existing mobile home park be included in the monitoring.

Staff recommends that the final operations plan, especially the blasting plan, receive review and approval in some manner by the Town. Perhaps at a minimum the Town's peer-review engineer with input by pertinent department heads.

UPDATE (2/11): *The applicant has prepared an Earth Rock Removal Operations Plan (ERRP) and appears to address the Board's condition. Staff has reviewed the ERRP and other than some minor suggestions related to consistency and clarity (and will provide directly to the agent) Staff has the following comments:*

a) The example cited above in 12/10 notes does not appear to have been addressed. Section 1.1.4 Special Considerations may be a place to accommodate this;

UPDATE: *Staff spoke to MDEP and confirmed that the 490-Z in state statute Title 38 does apply to this development and the example cited in the 12/10 notes is not relevant since the actual mobile home units are not owned by the developer and can be considered as the closest structures outside the control of the developer and thus require blasting monitoring stations.*

b) It is not apparent where a pre-construction meeting is required to include pertinent parties representing the owner and applicant with the pertinent parties representing the regulatory agents, including at a minimum the Town's Peer-Review Engineer, Code Enforcement Officer, Stormwater Coordinator and Commissioner of Public Works;

UPDATE: The applicant has stated their commitment in holding a pre-construction meeting as required in 16.4.4.1. Staff has added draft condition of approval #4 to address the need as well, providing more detail on specific attendees that should be at such an initial meeting as this.

c) It is not apparent that the ERRP and specific subsets of this operations plan, is allowed to be approved by the town. It is understood that the plan will likely not be finalized until contract bidding and still subject to change with a General Contractor on board, however, at a minimum the town, in some capacity, should be allowed to review and approve any changes that relate to the Planning Board's expectation of the construction's execution.

UPDATE: As discussed at the previous meeting Staff and the Board concurred with the applicant that only specific items described in the ERRP that the Board finds as pertinent requirements that should remain in place in the event of subsequent edits to the ERRP can be conditions of approval instead of making the entire final document subject to town approval. The draft conditions of approval reflect this.

d) In section 3.10.9.2 the suspension of hauling from June 30 through Labor Day is qualified with the clause "as may be necessary". This should be removed unless it is clear who determines what is necessary and the Board concurs; and

UPDATE: Applicant has deleted this clause.

e) In the same manner and in the same section as above, if hauling is not to be allowed on Saturdays and Sundays, with no exceptions, it should be stated more clearly. If there is an intention to provide exceptions, it should be stated under what circumstances, if the Board concurs. If the intent is to give respite to residents in the area, perhaps major holidays should be included?

UPDATE: Applicant has amended this clause to include "Federal Holidays".

f) Top of page 9 of 19 in Section 1.3.8, installation of erosion and sedimentation control devices is discussed. Along with the Peer-Review Engineer, the town's Stormwater Coordinator must inspect the devices before construction can begin. The requirement is related to the town's MS-4 permit and the site is within the MS-4 area of the town. In addition, references to "Maine Erosion & Sedimentation Control BMP's March 2003" need to be replaced with "Environmental Quality Handbook Erosion and Sedimentation Control published by Maine Soil and Water Conservation Commission".

UPDATE: Applicant points out the discrepancy between the references within the Town Code. Staff has included draft condition of approval #6 to address this.

3. Address limits to the daily trucking rate for rock removal

The applicant has provided insight as to what the likely quantity of truckloads during construction and their position with regard to constraining this aspect of the proposed construction. In summary, Title 16 does not specifically address construction traffic and if MDOT rules and standards are not triggered by their review any constraints would be not supported by local and state regulation and would be arbitrary.

In the absence of comments from CMA, staff has the following comments.

1) It appears that the number of estimated truckloads per day have increased from the prior submittal information from 68 to 120. This would yield 240 roundtrips or 24 per hour (based on a 10 hour 7:00 am to 5:00 pm) day). With this in mind it is not clear why on line 83 does the applicant state that it would be “not feasible” to create the 25 truck round trips in an hour, needed to require a permit. 24 truckloads is very close to 25.

2) As stated under condition 2 above with review and approval of the final operations plan, staff recommends that the final details on hauling the extracted and excavated material should be reviewed and approved in some manner by the Town.

3) Staff interprets Title 16.10.8.2.1 providing authority to the Planning Board to condition a final plan with restrictions that ultimately furthers the overall purpose of the town’s land use code; “...to promote the health, safety and general welfare of its residents.”

UPDATE (2/11): The ERRP addresses the above comments, however, the Board should determine if someone other than or in addition to the Police Chief should approve the hauling routes. See CMA comments from 1/7/16 and 2/3/2016 email

UPDATE: Applicant points out that the Police Chief approving hauling routes under these circumstances is in the Town Code, Title 16.9.1.2.B (10). Staff concurs and after speaking to the Police Chief and Code Enforcement Officer amended the condition of approval proposed by the applicant. See draft condition of approval #13.

4. Development of a mitigation plan for Idlewood Lane damage, including financial assurance and concurrence with Kittery Commissioner of Public Works

It appears the Applicant is in agreement with the notion for repairing Idlewood Lane where it is evident that the proposed development’s construction is the cause. As mentioned earlier, staff recommends along with a condition of approval that identifies the constraint on traveling south on Idlewood with construction vehicles and the street repair by the developer when construction is completed, the plan is revised to show the likely extent of the street that will be impacted and expected to be repaired or reconstructed if need be to the satisfaction of the Public Works Commissioner.

UPDATE (2/11): The applicant is in agreement with repair or reconstruction of Idlewood Lane if necessary and to the satisfaction of the Public Works Commissioner and has revised the Subdivision Plan with a condition of approval. Staff suggests the following condition instead to provide a clearer expectation: ‘The Developer is responsible for the repair or reconstruction of Idlewood Lane if damaged as part of the site’s construction as determined by and to the satisfaction of the Commissioner of the Public Works. Prior to construction a surety acceptable to the Town of Kittery must be established in the amount to cover all costs for the reconstruction of 400 linear feet of Idlewood Lane.’

UPDATE: Applicant concurs though provided a slight modification to the condition to clarify that full reconstruction may not be necessary. See draft condition of approval #14.

7. Supply input from the Open Space Committee

Staff has provided the latest copy of the Report to Council (RTC 11/27) regarding the conservation easement the applicant is seeking with the town. Along with the earlier version (enclosure 10 in Section 5 of the submittal book) the applicant included a memo from the Kittery Open Space Advisory Committee (KOSAC)

that supports the proposal with some “caveats”. In addition to this staff has included an email that Steve Hall, a KOSAC member, provided in hope to clarify that the entire committee was not in attendance and also not in agreement with the final outcome and wanted the Planning Board to know.

Some initial observations staff has at this point in time:

1) It appears that the required open space (10% of the total area of the lots) is not included in the proposed conservation easement (though there is a slight difference in totals between Sheet S1 and the exhibit OSP that is attached to the RTC). This may be important with regard to how the Board might consider the proposed conservation easement to the town.

2) It is not clear how having the Town hold the easement would enhance or be required for the preservation of the proposed conservation area. It seems that a deed restriction and a resource management/conservation plan for the park management to execute along with a public access easement for the trail would achieve the same goal. In this way the property owner has total control of the property. It is not clear to what extent the proposed conservation area is required by MDEP’s stormwater permitting.

3) If the town is to except the open space conservation easement this would be the first of its kind for the Town. A thorough analysis should be made and the forthcoming management plan vetted so that expectations are clear for all parties involved.

UPDATE (2/11): For the 12/10 meeting the applicant submitted information from the Kittery Open Space Advisory Committee (KOSAC) addressing this condition by the Board. The Applicant has confirmed that none of the required open space (10% of the total area of the mobile home lots) is located within the area designated as conservation easement. As such it appears that the Board’s review and approval of this area is not applicable unless the Board determined that the area or some portion of it needed to be preserved as open space or restricted in some manner in order to make a positive finding on the requirements included under 16.10.8.3.4 Findings of Fact. This does not appear to be the case. In the absence of this, staff suggests the Board can provide the applicant their opinion on the need or the logistics of the proposed conservation easement. Staff has the following comments, however, as this area relates to the Subdivision Plan S-1:

UPDATE: The applicant concurs

a) If the conservation easement is not executed in what manner is the area managed? Without clarifying this the plan would need to be approved by the Board if revised; and

UPDATE: The applicant has added plan note #8 to Sheet S-1 (Subdivision Plan) to address this comment.

b) It should be noted that the proposed stone dust trail needs to be federal, state and local regulatory review and permits prior to construction;

UPDATE: The applicant has added clarified plan note #4 to Sheet S-1 (Subdivision Plan) to address this comment

8. Respond to the concerns from the Conservation Commission in writing

The applicant has responded to the questions raised by the KCC and CMA, peer-review engineer plans to provide comment in time for the next meeting.

UPDATE (2/11): *The applicant's agent (sub consultant S.W. Cole) has made an effort to discuss the issues raised directly with Don Moore with the Conservation Commission, however, no additional information has been provided. Staff has requested for S.W. Cole to provide drawings and/or other exhibits to demonstrate their conclusion. They plan to present their findings at the next meeting.*

UPDATE: The Conservation Commission has provided the Board the attached memo dated 3/2/2016 that describes their review of the information presented at the last planning board meeting and subsequently provided to the commission. The Conservation Commission finds there will likely not adversely affect the overall groundwater and recharge characteristics of the surrounding wetland areas.

New comments {from 2/11/2016}:

5) *In the introduction of the Earth/Rock Removal Operations Plan (ERRP) it is stated the project is expected to take five years to complete. Per 16.10.9.1.4.A a subdivision plan approval will expire if the project is not complete within 3 years of planning board approval. This provision was amended in 1/28/2015, changing the 5 year period to complete a subdivision to 3 years. Since the original submission prior to the superior court appeal was reviewed under the earlier code, the 5 year period would apply. A plan note on the subdivision plan should state this, so there is no confusion later on.*

UPDATE: The applicant has added plan note #12 to Sheet S-1 (Subdivision Plan) to address this comment.

6) *The Subdivision Plan (sht-S-1) should include a plan note that addresses the "proposed conservation" easement. As mentioned under condition #7, if the "conservation easement is not executed what are the implications? Does the plan come back to the Planning Board? At this point it is not clear. Perhaps the "proposed" easement is better stated as "future" easement and/or a note that explains the intent and that it is not part of the regulatory requirements. The note might also state that it will be maintained as "open space" or as a "no-disturb area" by the mobile home park management until such time a conservation easement is executed. So the final plan's approval is in effect is not tied to the execution of the conservation easement or not. The applicant's agent has informed staff that the MDEP's stormwater permitting is not tied to the conservation easement and the land it encompasses as being maintained in a specific manner.*

UPDATE: The applicant has added plan note #8 to Sheet S-1 (Subdivision Plan) to address this comment.

7) *Street name. A Street naming application should be completed and submitted for Town review and approval. Staff is checking with the Assessor and 911 GIS addressing requirements, however, the Assessor and Fire Chief suggest that having a unique street name and unit number would be preferable from the Town's perspective.*

UPDATE: The applicant is requesting this be considered at a later date post subdivision approval. Staff has amended the applicant's suggested condition of approval. See draft condition of approval #7.

8) *Though it has been evident, staff has not considered the implications until now of having the proposed development on a separate parcel under, technically, different ownership than the adjacent mobile home park, where the access to the proposed development is partially on this adjacent lot. Perhaps a note that addresses this, and the necessary access and utility easement to burden the Yankee Mobile Home Park LP property. The Subdivision Plan (S-1) should also reflect that the proposed roadway is located on the on the other property, perhaps denoted as a dashed line.*

UPDATE: The applicant has added plan note #13 to Sheet S-1 (Subdivision Plan) to address this comment.

9) *On the Subdivision Plan (S-1) notes refereeing to "no disturb" setback cites Sheet S-1, note 4, however, it is evident it is refereeing to another note on another sheet. The plan needs to be revised, perhaps "S-1" was meant to be "C-2". Same reference is also found on Sheet C-2, however, plan note #4 seems more applicable. It reads: The non-disturbance setback shown hereon is either 75' emergent wetland setback, the 100' stream setback or the 25' wetland setback." It is not clear which one applies on the plan. Staff recommends that there is a single "no*

disturb” setback line depicted on the plan(s). This line may have to cover other regulatory lines, however, it would be clear as to where the “no-disturb” land is, especially important during construction.

UPDATE: The applicant has clarified the line type used on Sheet S-1 (Subdivision Plan) to address this comment.

10) Wetland Alteration Application. There does not seem there was one completed and submitted. 900 square feet of wetland is proposed to be filled in order for the access drive to be constructed. Mitigation compensation for the alteration is 900 \$4/sf for a total of \$3,600.*

UPDATE: The applicant has submitted an application and has stated an intent to provide the \$3,600.00 for mitigation compensation. See draft condition of approval #11.

As requested by the Board, the applicant has submitted information that describes what changes have taken place since the plan received its preliminary approval.

STAFF RECOMMENDATION

The applicant has satisfactorily addressed the comments raised to date by staff, peer-review engineer, conservation commission and board members. In consideration of the comments and draft conditions of approval and barring any additional issues the Board may have, staff recommends the Board grant conditional approval.

BOARD ACTION

Per Title 16.10.8.1 and considering 90 days have passed since the final plan application has been accepted, Board must act on the final plan at tonight’s meeting. After discussing the draft findings of fact and edit as the Board sees fit, the Board may consider the following suggested motion:

Move to grant conditional approval for the final subdivision plan for a 78-lot expansion of the Yankee Commons Mobile Home Park located at Idlewood Lane and US Route 1, for owner/applicant Stephen A. Hynes Real Property Trust, Tax Map 66, Lot 24 upon the review and voting, in the affirmative, on the Findings of Fact...

**KITTERY PLANNING BOARD
 FINDINGS OF FACT -
 For**

UNAPPROVED

YANKEE COMMON MOBILE HOME PARK SUBDIVISION

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

WHEREAS: Applicant and Owner Stephen A. Hynes Real Property Trust to expand the adjacent Yankee Commons Mobile Home Park to create 77 mobile home units and 1 community center/office building on 50 acres. Property is located off Idlewood Lane/U.S. Route 1, Map 66 Lot 24, Mixed Use (MU) Zone.

Hereinafter the “Development”,

And pursuant to the Plan Review meetings conducted by the Planning Board as duly noted in the Plan Review Notes dated 3/10/2016;

Meetings Held

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan	2/23/12	Accepted
YES	Site Visit	9/4/12; 6/2/2015 (2 nd visit)	Held
YES	Completeness/Acceptance	8/23/12	Granted
YES	Public Hearing	9/13/12; 6/11/2015 (2 nd hearing scheduled)	Held
YES	Preliminary Plan Review and Approval	9/13/12 mtg continued for addt'l info re: mineral extraction (90 days max) 12/13/12 & 3/14/13 granted 90-day continuance 5/9/13 tabled requested by Applicant 6/13/13 Reconsideration of 9/13/12 decision failed 7/11/13 Board continued for addt'l info re: preparation of findings with Town Attorney 8/8/13 Board continued for CEO's recommendation on a special permit for Mineral/Earth Extraction 9/12/13 Board continued to 9/26/13 meeting due to time constraints and denied preliminary plan approval. 3/11/2015 Superior Court grants Rule 80B appeal to applicant 6/11/2015 Board continued not to exceed 90 days 9/10/2015 Board conditionally approved preliminary plan	Granted
YES	Final Plan Review/Approval	Final Plan Appl. accepted 12/10/15	TBD
YES	Wetland Alteration		TBD

And pursuant to the Project Application and Plan and other documents considered to be a part of the approval by the Planning Board in this finding consist of the following and as noted in the Plan Review Notes dated 3/10/2016

Hereinafter the “Plan”,

Application and supporting documents:

Application Booklet (7/2012) REV 9/4/12

Plans and supporting information submitted for Special Permit (8/5 & 9/6/2013)

Memos from Code Enforcement Officer regarding Special Permit (9/5 & 9/12/2013)
 Superior Court Civil Action Order, Docket No. AP-13-040
 History & Overview Precis (4/23/2015)
 Response to Planning Office & Public Hearing Comments (7/25/2015)
 Final Subdivision Review Application (11/19/2015)

Plans Submitted

(Preliminary Plan Set of 22 Sheets, 8/1/2012, REV 4/18/2013):
 (Preliminary Consolidated Package submitted 4/20/2015)
 Final Plan set of 24 sheets; 11/19/2015; REV 1/19/16 (REV 2/16/16 for Sht. S-1)

Cover Sheet	Roadway A Plan and Profile R1-R2
Boundary Plan	Roadway B & C Plan and Profile R3
Subdivision Plan S1	Roadway D Plan and Profile R4
Subdivision Plan Site Layout S2	Roadway E & F Plan and Profile R5
Subdivision Plan Site Detail Layout S3	Construction Details R6-R7
Boundary Adjustment and Existing Conditions Plan C1	Maintenance Notes R8
Overall Site Plan C2	Landscape Plan L1 –L2
Grading and Drainage Plan C3-C4	Overall Site Lighting Plan ES
Utility and Underdrain Plan C5-C6	Overall Lighting Study EP
Grassed Filter Control Plan C7	
Grassed Filter Control Section C8	

NOW THEREFORE, based on the entire record before the Planning Board as 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

<p>Action by the board shall be based upon findings of fact which certify or waive compliance with all the required standards of this title, and which certify that the development satisfies the following requirements:</p>
<p>A. Development Conforms to Local Ordinances. <i>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.</i></p>
<p>Finding: The proposed mobile home park development is an expansion to the existing Yankee Common Mobile Home Park. The use is not a permitted or special exception in the Mixed-Use zone where the development is predominantly located, however, the superior court ruled that the Town’s ordinance prohibiting mobile home parks from the Mixed-Use Zone is invalid under 30-A M.R.S. § 4358(3)(M).</p> <p>The proposed development does not meet the town’s 6,000 s.f. minimum lot size per 16.8.12.3.C.1. In the same manner as the use is permitted in the Mixed-Use Zone through the state’s mobile home statute, Title 16.8.12.3.C.1 is invalidated by 30-A M.R.S. § 4358(3)(A)(1)(b). The project includes filling of 900 sf of wetlands. A wetland alteration application has been submitted in accordance with 16.9.3.</p>
<p>Conclusion: The standard appears to have been met, subject to the wetlands alteration application.</p>
<p>Vote of ___ in favor __ against __ abstaining</p>

B. Freshwater Wetlands Identified.
<i>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.</i>
Finding: All wetlands have been delineated and mapped in accordance with applicable standards. A stream has been identified on the site and depicted on the plans Conclusion: The standard appears to have been met.
Vote of ___ in favor__ against __ abstaining
C. River, Stream or Brook Identified.
<i>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.</i>
Finding: A stream has been identified on the site and depicted on the plans Conclusion: The standard appears to have been met.
Vote of ___ in favor__ against __ abstaining
D. Water Supply Sufficient.
<i>The proposed development has sufficient water available for the reasonably foreseeable needs of the development.</i>
Finding: The site is serviced by public water. The Kittery Water District has indicated ability to serve project. Conclusion: The standard appears to have been met.
Vote of ___ in favor__ against __ abstaining
E. Municipal Water Supply Available.
<i>The proposed development will not cause an unreasonable burden on an existing water supply, if one is to be used.</i>
Finding: The site is serviced by public water and applicant has received confirmation from the Kittery Water District as to sufficient supply for the proposed development. Conclusion: The standard appears to have been met.
Vote of ___ in favor__ against __ abstaining
F. Sewage Disposal Adequate.
<i>The proposed development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.</i>
Finding: The site is serviced by town sewer and has received confirmation from the Town that the system is sufficient to support the proposed development Conclusion: The standard appears to have been met.
Vote of ___ in favor__ against __ abstaining
G. Municipal Solid Waste Disposal Available.
<i>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.</i>
Finding: The applicant has expressed and provided information on plans to manage solid waste in the mobile home park in a manner that will support the proposed development Conclusion: The standard appears to have been met.
Vote of ___ in favor__ against __ 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.

Finding: The site or the development is located in the Shoreland or Resource Protection Overlay Zones. The stormwater management plan includes features to treat stormwater in accordance with MEDEP requirements, and best management practices.

Conclusion: The standard appears to have been met.

Vote of ___ in favor __ against __ abstaining

I. Groundwater Protected.

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

Finding: The site is serviced by town sewer and it does not appear the proposed development will adversely affect the groundwater. The applicant has provided analyses of the pre- and post-development stormwater management, and described that post-construction conditions will mimic pre-construction conditions relative to interaction of stormwater and groundwater. The general pattern and spatial distribution of stormwater discharge is similar pre and post. Further, most of the stormwater discharges are designed to flow through infiltration or bioretention BMPs, which will encourage infiltration of runoff to groundwater, further causing conditions post construction to mimic pre-construction conditions. The applicant's environmental consultant made an additional presentation of these and related findings to the planning board and the conservation commission and peer review engineer concurs.

Conclusion: The standard appears to have been met.

Vote of ___ in favor __ against __ 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.

Finding: A portion of the site is located in the flood zone, however, no buildings or structures will be constructed within these zones.

Conclusion: The standard appears to have been met.

Vote of ___ in favor __ against __ abstaining

K. Stormwater Managed.

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

Finding: The proposed development has received state permits and has been reviewed by the town's peer-review engineer. The designs meet applicable best management practices for management of flow and stormwater treatment.

Conclusion: The standard appears to have been met.

Vote of ___ in favor __ against __ 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.

Finding: The proposed development has received state permits and has been reviewed by the town's peer-review engineer. The applicant has prepared a Earth/Rock Removal Operations Plan reviewed by town staff and Peer-review engineer. Designs meet applicable management requirements for control of erosion.
Conclusion: The standard appears to have been met.

Vote of ___ in favor __ against __ 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.*

Finding: The proposed development is not subject to a state traffic movement permit. Vehicular and pedestrian circulation has been reviewed by the town's staff and peer-review engineer, a one-way circulation that accommodates pedestrian access has been provided. The applicant's Earth/Rock Removal Operations Plan includes reasonable strategies for limiting the impacts of construction-period impacts of trucking of excavated materials from the site.
Conclusion: The standard appears to have been met.

Vote of ___ in favor __ against __ 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.*

Finding:

1. No filling or development is proposed within the 100 year floodplain.
2. Development will utilize town sewer.
3. Development will utilize town sewer.
4. Development will utilize town sewer.
5. The applicant has received the MDEP Stormwater License and ACOE Permit
6. There will be no handling of hazardous materials.

The applicant has completed an independent analysis of specific air quality impacts during construction activities, which concludes that emissions from planned construction activities will meet National Ambient Air Quality Standards recognized by the USEPA.

Conclusion: This standard appears to be met.

Vote of ___ in favor __ against __ 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.

Finding: The proposed development does not have any adverse effects to any known aesthetic, cultural and natural values that require protection. A 25-foot no disturb setback is required around the Wilson family cemetery located on the site and parking is also provided to accommodate visitors.

Conclusion: The standard appears to have been met.

Vote of ___ in favor__ against __ abstaining

P. Developer Financially and Technically Capable.

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

Finding: 16.10.7.2.P. Performance Guaranty and Town Acceptance to secure completion of all improvements required by the Planning Board and written evidence the Town manager is satisfied with the sufficiency of such guaranty. This is required as a condition of final approval, and will include restoration of off-site roadway impacts, as necessary. See condition of approval # 2a and 14.

Conclusion: This standard appears to be met.

Vote of ___ in favor__ against __ abstaining

WETLAND ALTERATION FINDINGS OF FACT: *The project includes 900 sf of wetlands filling associated with roadway construction. An application for wetlands alteration needs to be prepared and submitted per 16.9.3. Note that the MEDEP has issues a Permit by Rule for the filling.*

16.9.3.7 Wetlands Alteration Approval Criteria

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

Finding: The 900sf impacted was determined by the MDEP to be "low value". Construction in the area will result in better subsurface and stormwater drainage into the emergent wetland area. Peak runoff rates are not increased.

Conclusion: This standard appears to be met.

Vote of ___ in favor__ against __ abstaining

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

Finding: Information supporting this standard is shown in the application and detailed in these notes.

Conclusion: The standard appears to have been met.
Vote of ___ in favor_ against _ abstaining
C. In evaluating the proposed activity, the Planning Board may need to acquire expert advisory opinions. <i>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.</i>
Finding: This has not been requested or appears to be warranted. Conclusion: This standard is not applicable.
Vote of ___ in favor_ against _ abstaining
D. When the Planning Board finds the demonstrated public benefits of the project as proposed, or modified, clearly outweigh the detrimental environmental impacts, the Planning Board may approve such development, but not prior to granting approval of a reasonable and practicable mitigation plan, (see Section 16.9.3.9) and not prior to the completion of all performance guaranties for the project, (see Section 16.10.8.2.2).
Finding: The project includes a reasonable and practicable mitigation plan through compensation and preserved open space and buffers which includes protection of approximately 36 acres planning board approved as 13 acres of open space, 11 acres of non-disturbed wetlands and 12 acres of no disturbance buffers. Conclusion: The standard appears to have been met.
Vote of ___ in favor_ against _ abstaining
E. The applicant must submit applicable documentation that demonstrates there is no practicable alternative to the proposed alteration of the wetland. In determining if no practicable alternative exists, the Board will consider the following: <i>The proposed use:</i> <ol style="list-style-type: none"> 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.
Finding: <ol style="list-style-type: none"> 1. Approved plan utilizes buffering and restrictions to enhance existing remaining 10.7 acres of wetlands 2. Net residential density allowance of 135 lots reduced to 78 and access street reroute avoids all but 900sf required to construct street. 3. The 50.1 acre site clustered to allow development on only 14.4 acres (roadways and lots);The stormwater management plan includes bio-retention areas and other enhancements to the wetlands on site. 4. MDEP and Town Peer Review Engineer have approved storm water management plan. Conclusion: The standard appears to have been met.
Vote of ___ in favor_ against _ abstaining
F. In determining if the proposed development plan affects no more wetland than is necessary the Planning Board will consider if the alternatives discussed above in subsection A of this section accomplish the following project objectives[as described in 16.9.3.7.F]: <i>The proposed use will not:</i> <ol style="list-style-type: none"> 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:

1. Minimum filling proposed is de minimis compared to the remaining wetlands on site and will have no impact.
2. No apparent variation in stormwater flow
3. Unchanged
4. Minimal change
5. Minimum filling proposed is de minimis compared to the remaining wetlands on site and will have no impact.
6. Minimal impact on ambient area temperatures.
7. Not applicable

Conclusion: The standard appears to have been met.

Vote of ___ in favor__ against __ abstaining

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

Waivers: [as presented on the Findings of Fact dated 3/10/2016].

1. Scale of drawings. Section 16.10.5.2.A.2.

Waiver for scale on overall site plan page (all other sheets conform to scale requirements).
Larger scale allows the entire site to be viewed on one sheet.

2. Prevention of Erosion. Section 16.10.5.2.C.6, Subsection C.

Since this ordinance was put in place much emphasis has been put on erosion control and prevention. Engineers Civil Consultants are Certified Professionals in Erosion and Sedimentation Control (CPESC) and are responsible for preparation of erosion control plans. In addition, the plans were reviewed and approved by town's peer-review engineer and MDEP during the course of SLoD regulatory review.

3. Review of storm drainage by YCSWC. Section 16.8.12.3.S.

A storm drainage plan has been prepared and reviewed by the town's peer reviewer engineer. In addition, this portion of the project was also approved by MDEP during the course of SLoD regulatory review.

4. Minimum turnaround radius. Section 16.8.12.3.I.4.

Waiver request to reduce cul-de-sac turn around radius from 50' to 30'. The turnaround only services 2 sites and a 30' radius is adequate. Fire Chief concurs.

Conditions of Approval (to be depicted on 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. Prior to any earthwork a performance guarantee must be filed with the town and must be based on professionally prepared cost estimates for all approved infrastructure improvements, and include an inspection escrow agreement for site inspection equal to two percent of construction costs. Site inspection shall be performed by the town's peer-review engineer.
3. A copy of the Earth/Rock Removal Operations Plan (ERRP), as contractually agreed by the Developer and selected General Contractor, must be submitted to the Town prior to the start of construction. See Conditions of Approval in Findings of Fact dated 3/10/2016 for restrictions on hauling.
4. Prior to any earthwork and in coordination with ERRP, a preconstruction meeting must be held on site and include: the general contractor; all selected subcontractors; the owner/applicant representative; the third-party engineer per Maine DEP requirements; project design engineer; representative(s) from Maine DEP; town's peer-review engineer; code enforcement officer; police chief; and fire chief.
5. 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.
6. Applicant/developer/contractor must follow the *Maine Erosion & and Sediment Control Practices Field Guide for Contractors, March 2015* for all work associated with earthwork and site construction to ensure adequate erosion control and slope stabilization.
7. A Street Naming application must be submitted to the Town for Planning Board review and approval per 16.8.3.1 prior to the issuance of any building/regulated activity permit.
8. Residency in the expanded Yankee Commons mobile home park section is age-restricted to 55 years of age, or older. At least one of the tenant owners must be 55 years of age or older and all other approved occupants to be at least 40 years of age.
9. All Notices/Instructions to Applicant and Conditions of Approval not depicted on the final plan contained herein, Findings of Fact dated March 10, 2016.

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

10. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board or Peer Review Engineer, and as required by the Planning Board, and submit for Staff review prior to presentation on final Mylar
11. Prior to start of any site development/construction, applicant shall pay a wetland mitigation fee of \$3,600.00
12. Drafts of all easements must be provided for staff review prior to signing of final plan.
13. During the earth/rock removal period:
 - a) Hauling must be suspended on Federal holidays and between June 30th and Labor Day.
 - b) Loaded vehicles must be suitably covered to prevent dust and contents from spilling or blowing from the load. Trucking routes and methods are subject to approval by the Chief of Police.

c) Additionally, unless prior approval by the Chief of Police is granted, the hauling routes are as follows:

- 1) All loaded trucks to proceed from site East on Idlewood Lane to Route 1
- 2) No other use of town-owned roads permitted. All access to be via I-95 or State highways
- 3) Northbound hauling trips:
 - Northbound trucks to proceed south on Route 1 to I-95 *Maine Welcome Center* entrance, proceed through center and proceed on I-95 North, or turn left off Idlewood to North on Route 1.
- 4) Southbound hauling trips:
 - All southbound trucks to proceed south on Route 1 directly to I-95 or Route 236.
- 5) Unloaded and Returning to Site:
 - Proceed north on I-95 to the *Maine Welcome Center* entrance (mile marker 3) and continue to Route 1 north
 - Proceed north on Route 1 to the intersection of Idlewood Lane
 - Enter site off Idlewood Lane

- d) Topsoil and subsoil suitable for purposes of revegetation may be stockpiled for use in restoring the location after extraction operations have ceased.
- e) Access roads from extraction site to public ways must be treated with stone, calcium or other suitable materials to reduce dust and mud for a distance of at least one hundred (100) feet from such public ways to reduce dust and mud on such public ways.
- f) No equipment, debris, junk or other material shall be stored at site except those directly relating to active extraction operations.
- g) Temporary shelters or buildings erected for operations and equipment used removed within thirty (30) days following completion of excavation operations.
- h) Debris, stumps, boulders and similar materials removed and disposed of in an approved location or, in the case of inorganic material, buried and covered with a minimum of two feet of soil.
- i) Revegetated and properly restored to a stable condition adequate to meet the provisions of the Maine Erosion & Sediment Control Practices Field Guide for Contractors, March 2015.
- j) Applicant will provide the Town copies of all permitting applications, inspection results and reports required by State or Federal approvals from all involved regulatory agencies; third-party inspection results; and, those reports required for blasting monitoring in timely fashion.

14. The Developer is responsible for the repair or reconstruction of Idlewood Lane if damaged as part of the site's construction as determined by and to the satisfaction of the Commissioner of the Public Works. Prior to construction a surety acceptable to the Town of Kittery must be established in the amount to cover all costs for the reconstruction of 400 linear feet of Idlewood Lane (use of entire surety may not be required if full reconstruction is not required).
15. The Developer will provide copies of all project applications, permits, licenses, and related documentation, including any revision to the operations plans to the Town (to include all future construction correspondence with MDEP).
16. The Developer will engage in "Outreach" activities to the community (i.e. Yankee Commons Park residents; occupants of other residences on Idlewood Lane; and employees at Landmark Hill) during the

project which will include neighborhood meetings, public notices, a project website, property inspections, and signs.

Notices/Instructions to Applicant:

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

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

Vote of 0 in favor 0 against 0 abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON _____

Ann Grinnell, Planning Board Chair

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.

**YANKEE COMMONS EXPANSION – FINAL PLAN REVIEW
RESPONSE UPDATE - 03/10/16**

1 ***1. Modification to the road layout to accommodate sidewalk***

2 **UPDATE:** Typical street sections included on Sheet R6 have been revised to all include accommodation
3 of a 3-foot wide area for a pedestrian walkway. Grading and Drainage Plans Sheets C-3 and C-4 also
4 include plan notes referencing the typical sections on Sheet R-6. It appears that there will be a pedestrian
5 way throughout the primary development site connecting to the community center and Idlewood Lane.

6 No Response Required

7 ***2. Development of a comprehensive plan for earth rock removal that complies with applicable***
8 ***provisions of the State of Maine***

9 REVISIONS NOTED HEREIN WERE UPDATED IN ERRP – FINAL VERSION DATED 03/10/16

10 **UPDATE:** The applicant has prepared an Earth Rock Removal Operations Plan (ERRP) and appears to
11 address the Board’s condition. Staff has reviewed the ERRP and other than some minor suggestions
12 related to consistency and clarity (and will provide directly to the agent) Staff has the following
13 comments:

14 a) The example cited above in 12/10 notes does not appear to have been addressed. Section 1.1.4 Special
15 Considerations may be a place to accommodate this;

16 *12/10 Note: “Blasting monitoring for example, is required to include stations established at the*
17 *closest structures outside the control of the developer. It would seem prudent to ensure that the*
18 *structures on the existing mobile home park be included in the monitoring.”*

19 **BOARDMEMBER QUERY: EFFECT ON ADJACENT EXISTING HOMES.**

20 Certain considerations stated in the plan are to be Conditions of Approval. As a guide for contractor
21 operations, we do not believe it necessary to include explicit detail in the plan of every regulatory
22 requirement that must be met, but as expressed, will comply with every regulatory requirement and
23 performance standard. For example, the sited example is a matter of enforcement and adequately covered
24 by the obligations found in 38 MRS 490-Z:

25 ***“§490-Z: Performance standards: 14. Blasting.***

26 ***D. Monitoring of airblast levels is required in all cases for which a preblast survey is required by***
27 ***paragraph F.***

28 ***F. A preblast survey is required for all production blasting and must extend a minimum radius of***
29 ***1/2 mile from the blast site. The preblast survey must document any preexisting damage to structures***
30 ***and buildings and any other physical features within the survey radius that could reasonably be***
31 ***affected by blasting. Assessment of features such as pipes, cables, transmission lines and wells and***
32 ***other water supply systems must be limited to surface conditions and other readily available data,***
33 ***such as well yield and water quality. The preblast survey must be conducted prior to the initiation of***
34 ***blasting at the operation. The owner or operator shall retain a copy of all preblast surveys for at***
35 ***least one year from the date of the last blast on the development site.***
36 ***.....***

37 ***(2) The owner or operator is not required to conduct a preblast survey on properties for which the***
38 ***owner or operator documents the rejection of an offer by registered letter, return receipt requested,***
39 ***to conduct a preblast survey. Any person owning a building within a preblast survey radius may***
40 ***voluntarily waive the right to a survey.***

41 ***O. Prior to blasting, the owner or operator shall develop and implement a plan that provides an***
42 ***opportunity for prior notification of a planned blast for all persons located within 1,000 feet of the***
43 ***blast site. Notification may be by telephone, in writing, by public notice in a newspaper of general***
44 ***circulation in the area affected or by other means identified in the plan. The plan must be in writing***
45 ***and available for inspection by the department.”***

**YANKEE COMMONS EXPANSION – FINAL PLAN REVIEW
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46 b) It is not apparent where a pre-construction meeting is required to include pertinent parties representing
47 the owner and applicant with the pertinent parties representing the regulatory agents, including at a
48 minimum the Town’s Peer-Review Engineer, Code Enforcement Officer, Stormwater Coordinator and
49 Commissioner of Public Works;

50 **BOARDMEMBER QUERY: PRE-CONSTRUCTION MEETING.**

51 Such meeting is required by the MDEP SLoD Permit and local enforcement requirements such as this are
52 clearly understood as must be met:

53 ***“16.4.4.1 Inspection of Required Improvements.***

54 *A. A pre-construction meeting is required for a Planning Board approved Site Plan, Subdivision*
55 *Plan, and Right-Of-Way Plan, and for all other plans is at the discretion of the Town Planner. A pre-*
56 *construction meeting for approved development not subject to Planning Board review is at the*
57 *discretion of the Code Enforcement Officer. Prior to the commencement of any work associated with*
58 *development approved in accordance with this Code, the developer or duly authorized*
59 *representative must provide a schedule of expected construction activities by phase to the*
60 *inspecting official (the Code Enforcement Officer (CEO) or their representative, or when*
61 *applicable, the Town’s Peer Review Engineer), and coordinate a pre-construction meeting.*
62 *Attendance at said meeting must at a minimum include authorized representation from the Town, the*
63 *developer and their General Contractor. Meeting minutes must be prepared by the Town’s*
64 *representative and distributed to all attendees and the Town Planner.”*

65 c) It is not apparent that the ERRP and specific subsets of this operations plan, is allowed to be approved
66 by the town. It is understood that the plan will likely not be finalized until contract bidding and still
67 subject to change with a General Contractor on board, however, at a minimum the town, in some
68 capacity, should be allowed to review and approve any changes that relate to the Planning Board’s
69 expectation of the construction’s execution.

70 We will provide all applications, permits, licenses, and related documentation, including any revision to
71 the operations plans to the Town. Upon review of those, should the Town have issue, it would be
72 expected to pursue enforcement action as normally required under whatever statute, regulation, rule, or
73 ordinance as may be appropriate. Suggested Condition of Approval #11 - See Page 10, Lines 376-377

74 d) In section 3.10.9.2 the suspension of hauling from June 30 through Labor Day is qualified with the
75 clause “as may be necessary”. This should be removed unless it is clear who determines what is necessary
76 and the Board concurs; and

77 **ERRP Section 3.5.9.2: Deleted**

78 e) In the same manner and in the same section as above, if hauling is not to be allowed on Saturdays and
79 Sundays, with no exceptions, it should be stated more clearly. If there is an intention to provide
80 exceptions, it should be stated under what circumstances, if the Board concurs. If the intent is to give
81 respite to residents in the area, perhaps major holidays should be included?

82 **ERRP Section 3.5.9.2 revised to reflect. Suggested Condition of Approval #9 - See Page 9, Line 337**

**YANKEE COMMONS EXPANSION – FINAL PLAN REVIEW
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83 f) Top of page 9 of 19 in Section 1.3.8, installation of erosion and sedimentation control devices is
84 discussed. Along with the Peer-Review Engineer, the town’s Stormwater Coordinator must inspect the
85 devices before construction can begin. The requirement is related to the town’s MS-4 permit and the site
86 is within the MS-4 area of the town. In addition, references to “Maine Erosion & Sedimentation Control
87 BMP’s March 2003” need to be replaced with “*Environmental Quality Handbook Erosion and*
88 *Sedimentation Control published by Maine Soil and Water Conservation Commission*”.

89 We acknowledge the requirement to file a plan to meet the obligations for a building permit and will
90 comply with all measures as appropriate, however we understand the ordinance as follows:

- 91 *“Article VIII. Surface Drainage, 16.8.8.1 Stormwater Drainage.*
92 *D.3.b. All Sediment and Erosion Control Measures must be designed in accordance with MDEP’s*
93 *“Maine Erosion & Sediment Control BMPs”, March 2003.*
94 *16.9.1.2 Mineral/Earth Material Exploration and Removal.*
95 *B. 13. Following the completion of extraction operations Sufficient topsoil or loam must be*
96 *retained to cover all disturbed areas, so that they must be revegetated and properly restored to a*
97 *stable condition adequate to meet the provisions of the “Maine Erosion & Sediment Control*
98 *BMPs,” March 2003.*
99 *16.9.1.3 Prevention of Erosion.*
100 *D. All activities which involve filling, grading, excavation or other similar activities that potentially*
101 *may result in unstable soil conditions, and which require a permit, must be made known in a written*
102 *soil erosion and sedimentation control plan in accordance with the “Maine Erosion and Sediment*
103 *Control Practices Field Guide for Contractors”, 2015 and as amended.”*

104 **3. Address limits to the daily trucking rate for rock removal**

105 **UPDATE:** The ERRP addresses the above comments, however, the Board should determine if someone
106 other than or in addition to the Police Chief should approve the hauling routes. See CMA comments from
107 1/7/16 and 2/3/2016 email.

108 The identification of the Police Chief for hauling route approval is derived from earlier town/peer
109 reviewer comments suggesting incorporation of applicable provisions of Title 16.9.1.2, including:

- 110 *“16.9.1.2 Mineral/Earth Material Exploration and Removal.*
111 *B.10. Loaded vehicles must be suitably covered to prevent dust and contents from spilling or blowing*
112 *from the load, and all trucking routes and methods are subject to approval by the Chief of Police.”*

113 Suggested Condition of Approval #9 - See Page 9, Line 338-339

114 **4. Development of a mitigation plan for Idlewood Lane damage, including financial assurance**
115 **and concurrence with Kittery Commissioner of Public Works**

116 **UPDATE:** The applicant is in agreement with repair or reconstruction of Idlewood Lane if necessary and
117 to the satisfaction of the Public Works Commissioner and has revised the Subdivision Plan with a
118 condition of approval. Staff suggests the following condition instead to provide a clearer expectation:
119 ‘The Developer is responsible for the repair or reconstruction of Idlewood Lane if damaged as part of the
120 site’s construction as determined by and to the satisfaction of the Commissioner of the Public Works.
121 Prior to construction a surety acceptable to the Town of Kittery must be established in the amount to
122 cover all costs for the reconstruction of 400 linear feet of Idlewood Lane.’

123 We concur with this condition, however request, for consistency, the last sentence be revised to read:
124 “...costs for **repair or reconstruction.**” Suggested Condition of Approval #10 - See Page 10, Lines 372-
125 375

**YANKEE COMMONS EXPANSION – FINAL PLAN REVIEW
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126 **5. Amendment to traffic report to address traffic questions in the CMA's September 1st letter**

127 **UPDATE:** See CMA comments from 1/7/16 and 2/3/2016 email

128 No Response required.

129 **6. Provide an estimate of the level of diesel emissions at the site with respect to particulates,**
130 **nitrous oxides, carbon monoxide, volatile organic compounds and ozone**

131 **UPDATE:** The applicant has submitted the AMEC Foster Wheeler study for the Board's consideration
132 and have addressed issues cited in the above comment in their ERRP. The evaluation concludes that
133 emissions from planned construction activities will meet National Ambient Air Quality Standards
134 recognized by the USEPA. See CMA comments from 1/7/16 and 2/3/2016 email.

135 Agreed and approved by Peer Review Engineer. On-Site emissions monitoring is not required as long as
136 any equipments placed, different than those modeled, meet the same emission standards.

137 **7. Supply input from the Open Space Committee**

138 **UPDATE:** For the 12/10 meeting the applicant submitted information from the Kittery Open Space
139 Advisory Committee (KOSAC) addressing this condition by the Board. The Applicant has confirmed that
140 none of the required open space (10% of the total area of the mobile home lots) is located within the area
141 designated as conservation easement. As such it appears that the Board's review and approval of this area
142 is not applicable unless the Board determined that the area or some portion of it needed to be preserved as
143 open space or restricted in some manner in order to make a positive finding on the requirements included
144 under 16.10.8.3.4 Findings of Fact. This does not appear to be the case.

145 In the absence of this, staff suggests the Board can provide the applicant their opinion on the need or the
146 logistics of the proposed conservation easement. Staff has the following comments, however, as this area
147 relates to the Subdivision Plan S-1:

148 We concur that Board review and approval of the undeveloped area earmarked for future conservation
149 easement is not applicable.

150 If the conservation easement is not executed in what manner is the area managed? Without clarifying this
151 the plan would need to be approved by the Board if revised; and

152 A note (#8) has been added to plan sheet S1 regarding the consequence of council inaction. This note
153 reads as follows:

154 A FUTURE CONSERVATION EASEMENT FOR THE UNDISTURBED OPEN SPACE IS TO BE MANAGED AS
155 A NO CUT / NO DISTURVANCE AREA UNTIL SUCH TIME AS AN EASEMENT IS ACCEPTED BY THE TOWN
156 OF KITTERY OR FURTHER APPROVAL ACTION IS GRANTED BY THE KITTERY PLANNING BOARD.
157 MARKERS ARE TO BE INSTALLED ALONG THE BOUNDARY OF THE CONSERVATION EASEMENT AS
158 SHOWN HEREON BEFORE CONSTRUCTION BEGINS. SEE SHEET S2 FOR A FUTURE CONSERVATION
159 EASEMENT LAYOUT.

160 The area will be left undisturbed, excepting for the walking trail installation and maintenance. Any future
161 proposed use must come back to the Planning Board.

162 b) It should be noted that the proposed stone dust trail needs to be federal, state and local regulatory
163 review and permits prior to construction;

164 Acknowledged. Federal permit will be required if disturbance to wetlands, state has approved as Site
165 Location submission, unaware of any further local permitting if no wetland disturbance.

**YANKEE COMMONS EXPANSION – FINAL PLAN REVIEW
RESPONSE UPDATE - 03/10/16**

166 **8. Respond to the concerns from the Conservation Commission in writing**

167 **UPDATE:** The applicant’s agent (sub consultant S.W. Cole) has made an effort to discuss the issues
168 raised directly with Don Moore with the Conservation Commission, however, no additional information
169 has been provided. Staff has requested for S.W. Cole to provide drawings and/or other exhibits to
170 demonstrate their conclusion. They plan to present their findings at the next meeting.

171 No groundwater will be withdrawn, nor will any discharge be made into, site groundwater, as examined
172 and approved by MDEP and Bureau of Land & Water Quality (BLWQ) Division of Land Resource
173 Regulation (DLRR) in its SLoD permit (see following).

174 S.W. COLE Maine certified hydrogeologist Reports # 15-0640 G, July 20, October 02, 2015, and
175 February 17, 2016 also state that no adverse affect to the quality or quantity of groundwater is verified.

176 Additionally, MDEP’s SLoD Department Order includes the proposed compliant stormwater
177 management plan and a third-party inspector is required to review annually. The proposed development
178 conforms to Title 16.8.8 Surface Drainage and will provide for adequate erosion and sediment control
179 measures on site, and will not cause unreasonable soil erosion or a reduction in the land’s capacity to hold
180 water so that a dangerous or unhealthy condition results.

181 ***EXCERPT FROM: MDEP Site Location of Development Act and Natural Resources Protection Act***
182 ***Applications, Kittery, DEP #L-1 9638-L2-B-N/L-1 9638-TA-C-N, June 2013***

183 **10. STORMWATER MANAGEMENT:**

184 ***DLRR stated that the proposed oversized treatment plan will provide the equivalent treatment of***
185 ***storm water runoff in accordance with Chapter 500(4)(B)(2).***

186 ***Based on the stormwater system's design and DLRR's review, the Department finds that the applicant***
187 ***has made adequate provision to ensure that the proposed project will meet the General Standards***
188 ***contained in Chapter 500(4)(B).***

189 ***Based on the system's design and DLRR's review, the Department finds that the applicant has made***
190 ***adequate provision to ensure that the proposed project will meet the Flooding Standard contained in***
191 ***Chapter 500(4)(E) for peak flow from the project site, and channel limits and runoff areas.***

192 ***The Department further finds that the proposed project will meet the Chapter 500 standards for***
193 ***discharge to freshwater or coastal wetlands.***

194 **11. GROUNDWATER:**

195 ***The project site is not located over a mapped sand and gravel aquifer. The proposed project does***
196 ***not propose any withdrawal from, or discharge to, the groundwater.***

197 ***The Department finds that the proposed project will not have an unreasonable adverse effect on***
198 ***ground water quality or quantity.***

199 **9. Address traffic concerns about removal of material**

200 **UPDATE:** Staff spoke to Kyle Hall, Region 1 Traffic Engineer for MDOT, with regard to the use of the
201 Rest Area for access to interstate 95. He stated that the access is public, however, such frequent and large
202 hauling will require coordination with their office.

203 No Response Required.

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204 **2) Findings of Fact 16.10.8.3.4.** *Staff stated at preliminary plan review “In the same manner that the*
205 *applicant has made an effort to methodically address application requirements and the mobile home*
206 *standards, it would be very helpful to have the same done with the standards the Board will ultimately*
207 *have to make a positive finding on. These standards are based from the State’s subdivision law, 30-A*
208 *MRSA § 4404, which is applicable in this instance.” The applicant has submitted a very thorough*
209 *response and the applicant’s position on how the proposed development meets the standards that the*
210 *Board is required to make positive findings on. Though the information is very helpful it was not staff’s*
211 *intention for the applicant to draft the actual Findings of Fact. The Board can expect a draft Findings of*
212 *Fact that may include some information the applicant has provided but likely not all of it. The Board*
213 *should refer to it as applicant information and not as a draft of the eventual Findings of Fact the Board*
214 *will act on.*

215 **UPDATE:** Staff has prepared draft findings of fact for the Board’s consideration. The conditions of
216 approval do not reflect a final list, and will need further edits.

217 **No Response Required.** Suggested changes for Conditions of Approval are included on Pages 8-10, Lines
218 317-379.

219 **3) Draft Rules and regulations.** *Staff recommends that along with the open space restrictions that is*
220 *noted as forthcoming, a section on the requirements of the state’s MDEP Site Location and Development*
221 *Permit should be added to provide an understanding of the restrictions and the context for the copy of the*
222 *actual permit presumably each tenant must receive.*

223 **UPDATE:** The applicant has suggested updating the draft Rules with specific language they provided in
224 their response ‘Planner-Peer Reviewer Comments’, page 4, lines 134-151.

225 **No Response Required**

226 **4) There are some various comments for minor plan revisions that staff plans to discuss with the**
227 *applicant’s agent prior to the next meeting. The completed application form (Section 1 in the Submittal*
228 *Book) includes the waiver requests that the Board should take the opportunity to consider. It does not*
229 *appear the second and third requests (16.10.5.2.C.6 and 16.8.12.3.S) require a waiver since the both*
230 *have the option for the peer-review engineer to review and find compliant rather than the York County*
231 *Soil and Water Conservation District.*

232 **UPDATE:** The applicant concurs

233 **No Response Required**

234 *Waiver request for 16.10.5.2.A.2 is for plan scale and seems reasonable. The last request, 16.8.12.3.I.4*
235 *regarding the minimum 50-foot radius reduced to 30 feet, appears to not create any apparent safety*
236 *issues, however, staff would like to confirm with the Fire Chief.*

237 **UPDATE:** Staff has confirmed with the Fire Chief that the modification to the cul-de-sac is not an issue.

238 **No Response Required**

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239 **NEW COMMENTS**

240 **5)** In the introduction of the Earth/Rock Removal Operations Plan (ERRP) it is stated the project is
241 expected to take five years to complete. Per 16.10.9.1.4.A a subdivision plan approval will expire if the
242 project is not complete within 3 years of planning board approval. This provision was amended in
243 1/28/2015, changing the 5 year period to complete a subdivision to 3 years. Since the original submission
244 prior to the superior court appeal was reviewed under the earlier code, the 5 year period would apply. A
245 plan note on the subdivision plan should state this, so there is no confusion later on.

246 *A note (#12) has been added to plan sheet S1 regarding project completion timeline. This note reads as*
247 *follows:*

248 *BASED ON KITTERY ORDINANCES AS OF THE DATE OF PROJECT APPLICATION ACCEPTANCE,*
249 *PROJECT MUST BE COMPLETED WITHIN 5 YEARS OF FINAL APPROVAL.*

250 **6)** The Subdivision Plan (sht-S-1) should include a plan note that addresses the “proposed conservation”
251 easement. As mentioned under condition #7, if the “conservation easement is not executed what are the
252 implications? Does the plan come back to the Planning Board? At this point it is not clear. Perhaps the
253 “proposed” easement is better stated as “future” easement and/or a note that explains the intent and that it
254 is not part of the regulatory requirements. The note might also state that it will be maintained as “open
255 space” or as a “no-disturb area” by the mobile home park management until such time a conservation
256 easement is executed. So the final plan’s approval is in effect is not tied to the execution of the
257 conservation easement or not. The applicant’s agent has informed staff that the MDEP’s stormwater
258 permitting is not tied to the conservation easement and the land it encompasses as being maintained in a
259 specific manner.

260 *A note (#8) has been added to plan sheet S1 regarding the Conservation Open Space. (See item 7 on page*
261 *4 of this document.)*

262 **7)** Street name. A Street naming application should be completed and submitted for Town review and
263 approval. Staff is checking with the Assessor and 911 GIS addressing requirements, however, the
264 Assessor and Fire Chief suggest that having a unique street name and unit number would be preferable
265 from the Town’s perspective.

266 *Title 16.8.3.1: Applicant requests deferral of this requirement until current park residents, owner/staff,*
267 *and USPS/e911/Town staff can address. Application to be returned to the Board for Approval prior to*
268 *issue of Occupancy permit. Suggested Condition of Approval #12 - Page 10, Lines 378-379*

269 **8)** Though it has been evident, staff has not considered the implications until now of having the proposed
270 development on a separate parcel under, technically, different ownership than the adjacent mobile home
271 park, where the access to the proposed development is partially on this adjacent lot. Perhaps a note that
272 addresses this, and the necessary access and utility easement to burden the Yankee Mobile Home Park LP
273 property. The Subdivision Plan (S-1) should also reflect that the proposed roadway is located on the on
274 the other property, perhaps denoted as a dashed line.

275 *A note (#13) has been added to plan sheet S1 regarding internal park easements. This note reads as*
276 *follows:*

277 *PRIOR TO CONSTRUCTION INITIATION, EASEMENTS SHALL BE EXECUTED AS REQUIRED BETWEEN*
278 *SEPERATE PARK OWNERSHIP ENTITIES.*

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279 **9)** On the Subdivision Plan (S-1) notes referring to “no disturb” setback cites Sheet S-1, note 4, however, it
280 is evident it is refereeing to another note on another sheet. The plan needs to be revised, perhaps “S-1”
281 was meant to be “C-2”. Same reference is also found on Sheet C-2, however, plan note #4 seems more
282 applicable. It reads:

283 The nondisturbance setback shown hereon is either 75’ emergent wetland setback, the 100’ stream
284 setback or the 25’ wetland setback.” It is not clear which one applies on the plan. Staff recommends that
285 there is a single “no disturb” setback line depicted on the plan(s). This line may have to cover other
286 regulatory lines, however, it would be clear as to where the “no-disturb” land is, especially important
287 during construction.

288 The references along the non-disturbance setback line should simply have read (SEE NOTE 3). The non-
289 disturbance setback line is derived from the more restrictive of the 25’ wetland setback, the 75’ emergent
290 wetland setback or the 100’ stream setback and the line type symbols used along the line identify where
291 each is applicable. The line legend has been clarified to reflect these conditions.

292 **10)** Wetland Alteration Application. There does not seem there was one completed and submitted. 900
293 square feet of wetland is proposed to be filled in order for the access drive to be constructed. Mitigation
294 compensation for the alteration is 900 x \$4/sf for a total of \$3,600.

295 The preliminary plan conditions of approval have been addressed with some minor additional comments
296 from Staff and CMA. Though staff and the peer-review engineer do consider the proposed wetland impact
297 as reasonable in the context of the overall proposed development, an application and review and approval
298 of the application appears to be required.

299 With this in mind, the Board should likely continue the application to the March 10 meeting for final
300 action after providing comments to the applicant and staff on the information submitted to date.

301 If circumstances arise where the Board receives the wetland alteration application at the meeting and
302 concur with its contents and after consideration of staff and CMA comments and any other additional
303 input from the applicant and agents the Board can approve with conditions the final subdivision plan.

304 All wetlands and a stream are mapped and categorized. Mapped wetland areas total approximately 6.6
305 acres, 0.8 acres of which are designated as emergent wetlands. 900sf of wetland will be impacted which
306 requires a U.S. Army Corps of Engineers Category 1 permit requiring only start-work notice two weeks
307 before commencement. Applicant has approval for wetland impacts from the MDEP.

308 Application has been filed. The fee will be paid upon approval.

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309 **SUGGESTED CONDITIONS OF APPROVAL**

310 **Conditions of Approval (to be depicted on final plan):**

311 1. No changes, erasures, modifications or revisions may be made to any Planning Board approved final
312 plan. (Title 16.10.9.1.2)

313 2. Developer/contractor will follow Maine Erosion & and Sediment Control Practices Field Guide for
314 Contractors, March 2015, for all work associated with site and building construction to ensure adequate
315 erosion and sediment control and slope stabilization.

316 3. Prior to the commencement of grading and/or construction within a building envelope, as shown on the
317 Plan, the owner and/or developer must stake all corners of the envelope. These markers must remain in
318 place until the Code Enforcement Officer determines construction is completed and there is no danger of
319 damage to areas that are, per Planning Board approval, to remain undisturbed.

320 4. Residency in the expanded Yankee Commons mobile home park section is age-restricted to 55 years of
321 age, or older, of at least one of the tenant owners. All other approved occupants to be at least 40 years.

322 5. All Notices/Instructions to Applicant contained in the findings of fact (Dated: 03/10/2016).

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

324 6. Incorporate any plan revisions required by the Planning Board on the final plan and submit for Staff
325 review prior to presentation of final Mylar.

326 7. Prior to start of any site development/construction, applicant shall pay wetland mitigation fees of
327 \$3,600.00.

328 8. Drafts of all easements must be provided for staff review prior to signing of final plan.

329 9. During the excavation period:

- 330
- Hauling must be suspended on Federal holidays and between June 30th and Labor Day.
 - Loaded vehicles must be suitably covered to prevent dust and contents from spilling or blowing from the load. Trucking routes and methods are subject to approval by the Chief of Police.
 - Additionally:
 - All loaded trucks to proceed from site East on Idlewood Lane to Route 1
 - No other use of town-owned roads permitted. All access to be via I-95 or State highways
 - Northbound hauling trips
 - Northbound trucks may proceed south on Route 1 to I-95 service center entrance, proceed through center and proceed on I-95 North, or turn left off Idlewood to North on Route 1, as may be necessary
 - Southbound hauling trips
 - All southbound trucks to proceed south on Route 1 and onto I-95 or Route 236 as soon as possible
 - Use I-95 to maximum extent practicable
 - Unloaded and Returning to Site
 - Use I-95 to maximum extent practicable
 - Use service center connection to Route 1 south of site
 - Proceed north on Route 1 to Idlewood Lane
 - Enter site off Idlewood Lane
 - Topsoil and subsoil suitable for purposes of revegetation may be stockpiled for use in restoring the location after extraction operations have ceased.
- 349
350

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- 351 • Access roads from extraction site to public ways treated with stone, calcium or other suitable
352 materials to reduce dust and mud for a distance of at least one hundred (100) feet from such public
353 ways to reduce dust and mud on such public ways.
- 354 • No equipment, debris, junk or other material at site except those directly relating to active
355 extraction operations.
- 356 • Temporary shelters or buildings erected for operations and equipment used removed within thirty
357 (30) days following completion of excavation operations.
- 358 • Debris, stumps, boulders and similar materials removed and disposed of in an approved location
359 or, in the case of inorganic material, buried and covered with a minimum of two feet of soil.
- 360 • Revegetated and properly restored to a stable condition adequate to meet the provisions of the
361 “Maine Erosion & Sediment Control BMPs,” March 2003.
- 362 • Applicant will provide the Town copies of all permitting applications, inspection results and
363 reports required by State or Federal approvals from the cognizant regulatory agencies; third-party
364 inspection results; and, those reports required for blasting monitoring in timely fashion.
- 365 10. The Developer is responsible for the repair or reconstruction of Idlewood Lane if damaged as part of
366 the site’s construction as determined by and to the satisfaction of the Commissioner of the Public Works.
367 Prior to construction a surety acceptable to the Town of Kittery must be established in the amount to
368 cover all costs for the reconstruction of 400 linear feet of Idlewood Lane (use of entire surety may not be
369 required).
- 370 11. The Developer will provide copies of all project applications, permits, licenses, and related
371 documentation, including any revision to the operations plans to the Town (to include all future
372 construction correspondence with MDEP).
- 373 12. The Developer will make application for street naming in accordance with Title 16.8.3.1 to be
374 returned to the Board for approval prior to issue of Occupancy permit.
- 375 13. The Developer will engage in “Outreach” activities to the community (i.e. Yankee Commons Park
376 residents; occupants of other residences on Idlewood Lane; and employees at Landmark Hill) during the
377 project which will include neighborhood meetings, public notices, a project website, property inspections,
378 and signs.
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YANKEE COMMONS EXPANSION - EARTH/ROCK REMOVAL OPERATIONS PLAN – 03/10/2016

LIST OF APPENDICES

- A. U.S. Department of Interior Rules 30 CFR §816.61-68 and 817.610-68, and Blasting Guidance Manual, Office of Surface Mining, Reclamation and Enforcement, U.S. Department of Interior.
 - B. Natural Resource Protection Act, 38 MRS §480-A, et seq, Standard Conditions.
 - C. 38 MRS §490-D, Performance standards: Performance Standards for Excavations for Borrow, Clay, Topsoil or Silt et seq.
 - D. MDEP 06-096 Chapter 375.10, §10. Control of Noise
 - E. 38 MRS §490-Z, Performance standards.
 - F. 38 MRS §585-K, Idling requirements for motor vehicles.
- tbid Health & Safety Plan (to be provided by Contractor)*

NOTE: Applicable sections of Attachments A, C, D & E are highlighted.

FOLLOWING TO BE INCLUDED FOR CONTRACTOR Invitation for Bid (IFB) LIST OF FIGURES

1. Site Location Map
2. Site Layout Map and Area of Excavation

NOTE: THIS PLAN IS PART OF PROJECT BID DOCUMENTATION. SOME ADJUSTMENT/REVISION MAY BECOME NECESSARY AS PART OF CONTRACT NEGOTIATIONS, FIELD CONDITIONS, EQUIPMENT CHANGE, ETC. ALL REGULATORY REQUIREMENTS/STANDARDS WILL BE MET.

1.0 INTRODUCTION

The project is a proposed expansion of the Yankee Commons mobile home park off Idlewood Lane in Kittery, Maine on Map 66 Lots 24 & 25. The adjacent existing park will be expanded by 77 sites/lots for mobile home units and a central community facility (total of 78 new sites/lots). The expansion is planned to be developed over five years.

This work consists of grubbing, blasting, excavation, and disposal of excess materials in the excavation areas in accordance with this plan and in conformity with the limits, lines and grades shown on the plans or as established in the field by the Engineer.

It is estimated that approximately 190,000 cy of earth/rock material will need to be excavated to prepare the site for the mobile homes, of which 130,000 cy is estimated to be rock and 60,000 cy is overburden, which will yield approximately 300,000 cy of material to be hauled away once it is excavated. Trucks removing the material will have a capacity of approximately 18 cy/load which would result in an average of 120 truckloads per day, or 12 truck trips entering and 12 truck trips exiting for 48 trip ends (truck trips count double) an hour between the hours of 7:00am – 5:00pm Monday-Friday. Achieving that as a daily average means the removal would be completed in approximately 138 work days.

Maine Department of Transportation traffic monitoring data shows the peak hour traffic at the Rte 1 - Idlewood intersection is from 4:00-5:00pm and the contractor must not exceed 25 truck round trips (100 trip ends) in any one hour period.

Upon completion of the site preparation described above, the contractor would proceed with site development by installing utilities, roadways, stormwater facilities, lighting and landscaping in accordance with the approved plans.

Restoration and/or stabilization of all ground surfaces will be completed pursuant to the stormwater management plan prepared for the site.

1.1 PROJECT REQUIREMENTS & OBJECTIVES

1.1.1 Pre-Construction Meeting & Submittals.

Prior to the start of construction, a schedule of expected construction activities shall be provided to town officials (as outlined in Town Code Section 16.4.4.1 A.) and a pre-construction meeting will be held. As a minimum, attendees to the meeting shall include authorized representatives from the Town, the Developer and the General Contractor. Meeting minutes will be prepared by the Town's representative and distributed to all attendees and the Town Planner.

At least two weeks prior to start of excavation, the Contractor shall submit for approval by the Owners Representative:

- A. Copies of all Contractor forms that are to be used to meet the requirements of this specification. At a minimum, these must include blast design and blast report forms.
- B. Manufacturers' data sheets for all explosives, primers and initiators to be used.
- C. The proposed excavation plans and procedures, including:
 - 1. Equipment and methods for accessing the work area.
 - 2. Equipment and methods to be used for drilling, loading and firing blastholes.
 - 3. Equipment and methods to be used for blast monitoring
 - 4. Locations, dimensions and sequence of blasts.
 - 5. Intended direction of rock movement and delay plan.
 - 6. Methods of removing shot rock from the cut bench.
 - 7. Expected excavation rates.
 - 8. Methods of stabilizing or protecting adjacent structures and vegetation.
 - 9. Proposed method of controlling flyrock.

10. Methods for protecting the traffic and roadway from debris produced by the Contractor's excavation and hauling operations.

11. A description of the pre-blast warning system to be used.

D. Traffic control procedures and procedures for cleaning of blast debris in accordance with subsection 3.5.8 below and the traffic control specification.

E. Excavation plans, schedules and procedures.

F. Rock Scaling procedures.

G. Proof of current blasting related insurance.

H. Seismographic equipment specifications.

I. Documentation confirming that blasting supervisors have a minimum of five years of experience in designing, supervising, loading and firing of blasts for rock slopes or tunnel excavations, as applicable, and have all licenses and permits required by local agencies and others having jurisdiction.

1.1.2 Construction Submittals.

Depending on the composition of the material to be removed in situ, and a desire to use small blasts versus a few large ones, or other appropriate considerations, blasting will occur on as few days of the construction period as possible. Unless otherwise directed, the following must be submitted at least one week prior to the initial blast as noted below:

A. A blast design for the initial blast at each rock cut must be submitted not later than seven days prior to beginning drilling at that cut location. A blast design must be submitted for each subsequent blast at that rock cut or foundation excavation not later than 24 hours prior to drilling for that blast, if there are substantial differences from the original.

1. Blast plans must include the following:

- a) Location of blast.
- b) Drilling pattern, including diameters, spacing, depth, and orientation of drill holes.
- c) Types, strengths and quantities of explosives proposed for use in each hole, on each delay and for each blast.
- d) Distribution of the charge in the holes, priming of each hole and stemming of holes.
- e) Type, sequence and number of delays, delay pattern, diagram for blast, size and type of hookup lines and lead lines and type and capacity of blast initiation device.
- f) Name and signature of blasting supervisor.

2. Procedures for the appropriate control and disposal of water during excavation.

3. Daily records of scaling and excavation work must be maintained, and one copy of the record of each day's work must be submitted to the Owner's Representative on the following day. Daily records must include:

A. Locations of scaling work.

B. A blast report for each round of blasting that includes a complete description of each blast conducted. The report must be furnished to the Owner's Representative no later than 24 hours after the round is fired, and include:

1. Date, time and limits of blast by station and offset from centerline of roadway.
2. Diagram of the blast pattern and delay sequence drawn to scale with diameter, spacing, depth and orientation of drill holes. Indicate holes that were not drilled, drilled but not loaded and changes in spacing, pattern, delays or loading of holes.
3. General response to drilling action (noting especially any soft zones or voids encountered) and what if any, adjustments were made in the blast parameters as a result.

4. Quantity of explosives used by weight and number of cartridges per hole and per round and distribution of explosives in holes.
5. Total number of delays used, number of holes for each delay period, maximum charge per delay and type of detonators.
6. Power factor (the weight of explosives per cubic yard of rock in place as determined from the blast pattern).
7. Name and signature of blasting supervisor.
8. An evaluation of the blast indicating areas of significant overbreak and planned adjustments to the blast design for the next blast.
9. Unusual occurrences (including rock falls, unstable ground, groundwater problems, equipment malfunction and the location elevation and time of each occurrence).
10. Seismographic data.

1.1.3 Definitions

Production Blasting. The controlled use of explosives and blasting accessories in carefully spaced and aligned drill holes to provide a distribution of charge that will excavate the rock to the required limits and minimize overbreak, stressing and fracturing of the rock beyond the design lines.

Controlled Blasting. The use of explosives and blasting accessories in carefully spaced and aligned drill holes to produce a free surface or shear plane along the controlled blast line.

Trim (Cushion) Blasting. A controlled blasting method involving the drilling of a single row of holes which are loaded with light, decoupled, well distributed charges and are fired either after the main excavation is removed or in the last delay of a single blast.

Pre-splitting. A controlled blasting method involving a single row of drilled holes which are loaded and fired before any holes in the main excavation are fired.

Line Drilling. A controlled blasting method, which includes a single row of closely spaced, unloaded, small diameter drilled holes providing a plane of weakness in the rock mass to which the primary blast can break.

Controlled Blast Line. The single row of holes used to achieve the results of all controlled blasting methods including trim blasting, line drilling, and pre-splitting.

Trial Blast. A blast or series of blasts to assist in determining the combination of blast parameters that are most appropriate to achieve the desired result as described in this special provision.

Final Wall Face. The remaining slope surface after all excavation is complete.

1.1.4 Special Considerations.

The Contractor shall utilize controlled blasting techniques, where required, to reduce overbreak and to control slope contour to the extent practicable. The Contractor shall conduct the work in a manner that is designed to ensure the safety of employees, authorized visitor personnel, adjacent properties, and the public.

The Contractor shall prevent damage outside the excavation limits, and prevent rocks and blast debris from entering adjacent streams, or properties. All damages resulting from rock excavation operations must be repaired, and items replaced to the satisfaction of the Owner's Representative, at the Contractor's expense.

1.1.5 Site Improvements.

Upon completion of the site preparation described above, the Contractor shall proceed with the installation of utilities, roadways, stormwater appurtenances and other site improvements (including lighting and landscaping) as shown on the plans.

Restoration and/or stabilization of all ground surfaces will be completed pursuant to the stormwater management plan prepared for the site.

1.2 HEALTH AND SAFETY

The health and safety of the community and site workers during construction activities are of primary concern. Health and safety practices to be implemented during construction include preparation of a health and safety plan, excavation plan and traffic control plan.

(Appendix tbd Site-Specific Health and Safety Plan - to be provided by contractor)

In addition, the Contractor will be required to submit to the Owner’s Representative a detailed excavation plan before excavation showing the design of shoring, bracing, sloping, or other provisions, to be made for worker protection from the hazard of caving ground during the excavation of any trench or excavations five feet or more in depth. If the excavation plan varies from shoring system standards, the excavation plan will be required to bear the signature of a civil engineer registered in the State of Maine.

Construction activities will involve using public rights-of-way and therefore, appropriate measures will be implemented to minimize potential traffic concerns. Equipment decontamination, dust suppression, and other precautions will be implemented to minimize potential exposure to waste or impacted soil.

Although dust plumes are mitigated with snow on the ground, dust suppression for all exposed materials during site construction will be performed. This includes monitoring for and controlling dust on haul roads, areas where materials will be consolidated, areas where material will be excavated, and staging areas. Measures to minimize fugitive dust from exposed or un-vegetated cover soils will also be implemented.

1.3 MITIGATION MEASURES

The mitigation measures incorporated into the project are summarized below.

1.3.1 Health & Safety Plan

The Contractor will maintain proper emissions systems on construction vehicles and comply with emissions standards for vehicles. The Contractor will implement fugitive dust control measures.

Adequate provision will be made, as approved by the Maine Department of Environmental Protection (MDEP), for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities. The rock crusher used at the site must be licensed by the MDEP's Bureau of Air Quality and operated in accordance with that license.

Local air quality standards require “All air pollution control shall comply with the minimum state requirements, and detailed plans shall be submitted to the state of Maine Department of Environmental Protection for approval, before a building/regulated activity permit is granted. In any case, no objectionable odor, dust or smoke shall be detectable beyond the property line.”

All removal hauling vehicles will comply with the State’s anti-idling statute in 38 MRS §585- L, and MDEP 06 096 Chapters 110, Ambient Air Quality Standards, and 146, Diesel- Powered Motor Vehicle Emissions Standards.

1.3.2 Air Quality Monitoring

Air quality concerns fall into two general categories: Fugitive dust emissions; and, motorized equipment emissions.

Dust Emissions

Fugitive dust emissions will be evaluated visually and appropriate BMP's will be employed (i.e., application of water, calcium chloride, etc.) by the Contractor, as needed.

Motorized equipment emissions

All equipment will be operated by the Contractor in conformance with 38 MRS §585-K. Idling requirements for motor vehicles (Attachment F.) The Contractor shall maintain a daily equipment log listing all equipment used (type, model year, etc.). This log can be checked against the equipment list used in the air quality analysis report to verify that predicted emission levels are not being exceeded.

(NOTE: As long as model years of equipment being used are newer than those used in the air quality analysis, emissions can be considered in compliance.)

1.3.3 Biological Resources Monitoring

The Contractor will implement the avoidance and protection measures specified by Maine Department Environmental Protection to protect the wetlands and nearby vernal pool that are to be proposed for a conservation easement cession to the Town.

1.3.4 Cultural Resources Monitoring

If any archaeological, cultural, historical resources, artifacts or other features are discovered during the course of construction anywhere on the site, work will be suspended in that location until a qualified professional archaeologist assesses the significance of the discovery.

1.3.5 Hazardous Materials Management

The Contractor will be required to store and use hazardous materials in a manner that is protective of the public, on-site workers, and the environment. The Contractor will present to the Owner's Representative its proposed storing, handling and spill contingency methods in its Health and Safety Plan and its Construction Storm Water Pollution Prevention Plan. These plans will require that on-site staff is appropriately trained in identifying, monitoring for, and responding to releases of hazardous materials.

1.3.6 Noise Control

Statutory obligations for excavation blasting, noise, and hauling, must be conducted by the Contractor in accordance with 38 MRS §480-D; §490-Z, §14, et seq; 25 MRS Chapter 318, §2475; and noise from construction activities will not exceed the limits described in MDEP 06-096 Chapter 375(10)(C)(2). See Appendices A-D, incorporated herein by reference.

Prior to conducting blasting at the site, a site-specific blasting plan shall be submitted by the Contractor to the MDEP Bureau of Land and Water Quality (BLWQ) for review and approval (with a copy of the plan provided to the town).

If a rock crusher is to be utilized on site, the Contractor shall insure that the crusher is licensed by MDEP's Bureau of Air Quality and is being operated in accordance with that license (with a copy of the license provided to the town).

1.3.7 Underground Utilities

There are no known underground utilities on the site, however, prior to the removal activities the Contractor will be responsible for identifying and confirming the location of any buried utilities.

1.3.8 Soil Erosion and Sediment Control

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

Following the completion ground levels and grades must be established in accordance with approved plans.

Debris, stumps, boulders and similar materials must be removed and disposed of in an approved location or, in the case of inorganic material, buried and covered with a minimum of two feet of soil.

Sufficient topsoil or loam must be retained to cover all disturbed areas. Revegetated and properly must be restored to a stable condition adequate to meet the provisions of the “Maine Erosion & Sediment Control BMPs,” March 2003.

Prior to construction, the Contractor will be responsible for installing erosion and sedimentation control devices to minimize the potential for discharges of waste and impacted storm water during construction. These controls will be described in detail in the Construction SWPPP and include:

- Installation of silt fencing and sedimentation barriers; Slope minimization;
- Stabilization of temporary waste stockpiles;
- Use of plastic tarps, mulching, or hydro-seeding on areas that are not being actively graded or completed and will be exposed for extended periods (i.e., longer than 45 days);
- Construction and stabilization of storm water ditches and down chutes; and
- Planting of permanent native vegetative cover when construction is complete.

Additional prevention measures must include performing heavy equipment fueling and storing hazardous materials in designated areas and parking vehicles and locating stockpiles away from storm water drainage points.

1.3.9 Storm Water Management

The site construction will be subject to the requirements of the MDEP-approved stormwater management plan.

Temporary storm water pollution prevention controls must remain in place until restoration is complete and final vegetation is fully established. If excavation activities span more than one construction season, erosion and sedimentation controls in the wet season between periods of construction will need to accommodate greater volumes of storm water.

As required in Maine DEP Site Location of Development Approval Findings of Fact, 2013-06-10, Site Location of Development Act and NRPA Order - L-19638-L2-B-N-L-19638-A-C- N:

“SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

7. The applicant shall retain the services of a third-party inspector in accordance with the Special Condition for Third-Party Inspection Program, which is attached to this Order.”

Prior to the start of construction, the Owner’s Representative shall conduct a pre- construction meeting. This meeting shall be attended by the Owner’s Representative, Department staff, the design engineer, the contractor, and the third-party inspector.

The Owner’s Representative shall retain the services of the design engineer to oversee the construction of the stormwater management structures in accordance with the details and notes specified on the approved plans. Within 30 days of the completion of each structure, the Owner’s Representative shall submit a log of inspection reports including the items inspected, photos taken, and dates of each inspection to the BLWQ for review.

YANKEE COMMONS EXPANSION - EARTH/ROCK REMOVAL OPERATIONS PLAN – 03/10/2016

Storm sewer grit and sediment materials removed from stormwater control structures during maintenance activities shall be disposed of in compliance with the Maine Solid Waste Management Rules.”

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

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

C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil provided that the applicant submits an acceptable blasting plan to the BLWQ for review and approval prior to conducting blasting at the site.

D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C, provided the Owner's Representative retains the services of the design engineer to oversee construction of the stormwater management structures, grit and sediment removed from stormwater structures during maintenance activities is disposed of properly, a third-party inspector is retained, and a pre-construction meeting is conducted, all as outlined in SLoD Permit Finding 10.

E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.”

1.3.10 Traffic Control and Temporary Parking

Minimum requirements for traffic control will be identified in the design specifications and include: haul routes, anticipated times and frequency of hauling, equipment decontamination, truck tarping procedures, and roadway cleaning practices. To avoid disturbing residents of the area development, the Contractor must access the excavation site via the new Idlewood Lane entrance and avoid the Yankee Commons and Wilson Road entrances.

Additionally:

- Loaded vehicles must be suitably covered to prevent dust and contents from spilling or blowing from the load. Trucking routes and methods are subject to approval by the Chief of Police.
- Access roads from extraction site to public ways to be treated with stone, calcium or other suitable materials for a distance of at least one hundred (100) feet from public ways to reduce dust and mud on such public ways.
- All loaded trucks to proceed from site East on Idlewood Lane to Route 1.
- No other use of town-owned roads permitted. All access to be via I-95 or State highways.
- Northbound hauling trips
 - Northbound trucks may proceed south on Route 1 to I-95 service center entrance, proceed through center and proceed on I-95 North, or turn left off Idlewood to North on Route 1, as may be necessary
- Southbound hauling trips
 - All southbound trucks to proceed south on Route 1 and onto I-95 or Route 236 as soon as possible
 - Use I-95 to maximum extent practicable
- Unloaded and Returning to Site
 - Use I-95 to maximum extent practicable
 - Use service center connection to Route 1 south of site
 - Proceed north on Route 1 to Idlewood Lane
 - Enter site off Idlewood Lane

2.0 COMMUNITY RELATIONS

The community surrounding the Site includes all Yankee Commons Park residents; occupants of other residences on Idlewood Lane; and employees at Landmark Hill. Outreach to the community during the project will include neighborhood meetings, public notices, a project website, property inspections, and signs.

3.0 SCOPE OF WORK

3.1 OVERVIEW

3.1.1 Construction Deliverables

Deliverables for the project consist of Owner deliverables and Contractor deliverables as summarized below. A copy of each deliverable will be provided to the regulatory agencies upon request.

3.1.2 Owner Deliverables

Deliverables to be prepared by the Owner's project Engineer include design drawings and the site specific Stormwater Management Plan.

Design Drawings: the Planning Board Approved Plan Set for the project.

Design Specifications:

The following items may be found on the Design Drawings or elsewhere within this plan.

- General Requirements (dust control, air emissions and noise control, stormwater pollution prevention, security, traffic control, excavation plan)
- Site Work (protection of existing features, demolition, excavation, transportation and disposal, revegetation, erosion control,)

Cost Estimate

Stormwater Management Plan

3.1.3 Contractor Deliverables

Deliverables to be prepared by the Contractor include the following items.

- Health and Safety Plan (including Utility Shut-off and Contingency Plan) Construction Schedule
- Construction Sequencing Plan
- Environmental Management Plan (dust control, protection of trees, etc.) Traffic Control Plan
- Excavation Plan
- Winterization Plan
- Final Record Drawing survey package
- Material submittals (hydroseed mix, geotextile, gravel, soil binders, dust suppressing chemicals, fencing, concrete, etc.)
- Work Area Security Protocol
- Warranties and bonds

3.2 SITE SECURITY

3.2.1 Site Control

The Owner's Representative will maintain a list of on-site workers and vehicle types, with license numbers. The Contractor will coordinate with subcontractors prior to any deliveries by vendors or mobilization to the site.

3.2.2 General Procedures

Site workers, vendors, and subcontractors are required to observe security and safety measures imposed by the Owner. These include, among others, prohibition of weapons, drugs, and alcoholic beverages. In addition, cell phone usage by the driver is prohibited when a vehicle is in motion.

3.3 PLANS, PERMITS, & PREMOBILIZATION ACTIVITIES

The following sections describe the plans, permits, and pre-mobilization activities for the removal action.

3.3.1 Construction Schedules

A construction schedule will be prepared by the Contractor for approved by the Owner's Representative prior to implementing the field activities.

3.3.2 Permits

Prior to initiating the removal action, the proper permits will need to be obtained by the Contractor. Copies of the permits will be available on-site during the construction activities.

3.3.3 Pre-Mobilization Activities

Prior to commencing the field activities, waste profiling and underground utility clearance will be completed by the Contractor.

3.3.4 Waste Profiling

To minimize the amount of stockpiled material, approval will be obtained by the Contractor from any stockpiling facility to accept the excavated soil prior to initiating the removal action.

3.4 MOBILIZATION & SITE PREPARATION

The following section describes the mobilization and site preparation activities.

3.4.1 Mobilization

The Contractor will provide all personnel, equipment, and materials to perform the removal action described in this document. All equipment brought onto the site will be clean and in good working condition.

3.4.2 Site Preparation

The Contractor will establish temporary fencing bordering the site perimeter on the side adjacent to the existing Park, since residences will be occupied during the removal action.

The Owner's surveyor will install horizontal and vertical control points, install any required perimeter boundary markers and place NO CUT/NO DISTURB markers along designated areas.

3.4.3 Soil Stockpile Site Preparation

The Contractor will designate an area to temporarily store excavated soil prior to transport and that to be reused on site. The Contractor shall size the area based on the requirements to complete the removal action effectively and efficiently.

3.5 EXCAVATION OF EARTH/ROCK

The following routine industry best management practices (BMP's) for excavation operations as prudent for protection of public health and safety are mandatory:

- Topsoil and subsoil suitable for purposes of revegetation will be stockpiled for use in restoring the location after extraction operations have ceased.
- No equipment, debris, junk or other material at site except those directly relating to active extraction operations.
- Temporary shelters or buildings erected for operations and equipment used must be removed within thirty (30) days following completion of excavation operations.
- Following the completion of excavation operations ground levels and grades must be established in accordance with approved plans.
- Debris, stumps, boulders and similar materials to be removed and disposed of in an approved location or, in the case of inorganic material, buried and covered with a minimum of two feet of soil.
- Site to be revegetated and properly restored to a stable condition adequate to meet the provisions of the "Maine Erosion & Sediment Control BMPs," March 2003.

3.5.1 Demolition

Best estimate is that approximately 130,000 cy of the in-place material being removed will be rock (total of 190,000 cy of material being removed less 60,000 cy of overburden). Assuming two drills and a 10' average cut, the volume of material removed could be around 1,800 to 2,000 cy per day. For 130,000 cy that would mean about 68 days or 14 weeks for the total blasting period. These figures may change based on site-specific conditions.

Blast shots are typically scheduled at the end of the day, but timing is adjustable should conditions warrant.

All demolition work must be performed by the Contractor.

Prior to conducting blasting at the site, a site-specific blasting plan shall be submitted by the Contractor to the BLWQ for review and approval (with a copy of the plan being provided to the town).

If a rock crusher is being utilized on site, the Owner's Representative shall insure that the crusher is licensed by MDEP's Bureau of Air Quality and is being operated in accordance with that license (with a copy of the license provided to the town).

Federal and State regulatory requirements will be levied in the contract requirements for construction contractor compliance (See Appendices A-F, incorporated herein by reference):

- A. U.S. Department of Interior Rules 30 CFR sections 816.61-68 and 817.610-68, and Blasting Guidance Manual, Office of Surface Mining, Reclamation and Enforcement, U.S. Department of Interior.
- B. Natural Resource Protection Act, 38 MRS §480-A, et. seq., Standard Conditions.
- C. 38 MRS §490-D, Performance standards: Performance Standards for Excavations for Borrow, Clay, Topsoil or Silt et seq.
- D. MDEP 06-096 Chapter 375.10, §10. Control of Noise. Performance standards.
- E. 38 MRS §490-Z, Performance standards.
- F. 38 MRS §585-K, Idling requirements for motor vehicles.

Prior to beginning excavation, grading, or embankment operations in any area, the following items are required to be completed by the Contractor:

Additional subsurface investigation will be done to determine the amount of existing onsite overburden and the amount to be retained for project completion.

- Clearing and grubbing is conducted. This includes the removal of all inorganic material such as tree roots, stumps, sod, weeds, agricultural debris, etc.
- Check sections are taken and checked satisfactorily with those on the plans. The Contractor is responsible for securing check sections. The method of checking original cross sections will be reviewed by the Engineer.

3.5.2 ROCK EXCAVATION

A. Rock excavation includes removal and disposal of the following: (1) all boulders measuring 1/3 of a cubic yard or more in volume; (2) all rock material in ledges, bedding deposits, and un-stratified masses which cannot be removed without systematic drilling and blasting; (3) concrete or masonry structures which have been abandoned; and (4) conglomerate deposits which are so firmly cemented that they possess the characteristics of solid rock and which cannot be removed without systematic drilling and blasting.

B. It is expected that nearly all excavation can be accomplished using conventional equipment as listed in the Table in Section 3.5.9.2 below.

C. If material is encountered which the Contractor believes cannot be excavated by conventional equipment, the Engineer must be immediately notified. The Contractor shall provide performance tests of the specified conventional or equivalent equipment. If the Engineer confirms in writing that the specified conventional equipment cannot perform at the production rates specified, the excavation must be considered rock excavation.

3.5.3 Site Preparation

Prior to commencing excavation, the Contractor will prepare the Site by:

- Protecting nearby existing structures;
- Providing Site security;
- Establishing temporary construction facilities and staging areas; and
- Demarcating excavation limits.

3.5.4 Protection of Nearby Existing Structures

The Contractor will be responsible for coordinating with utility owners prior to construction such that the activities discussed below are planned for in the construction schedule and do not delay the completion of the overall project. These activities include demarcation and protection of existing Site structures prior to construction.

Utilities: The Contractor will be responsible for protecting all utilities and will not assume that utilities are absent if not shown on the design drawings. The Contractor will arrange for the location and marking of underground utility lines which include, but may not be limited to: water, sanitary sewer, storm sewer, electrical, natural gas, telephone, and cable. The Contractor will request and review available as-built drawings from the Department of Public Works and applicable utility agencies and companies.

Prior to construction, the Contractor will submit a Utility Shut-off and Contingency Plan. This plan must outline procedures and response actions for shutting down utilities and controlling releases accidentally caused by construction activities and identify the necessary emergency notifications.

Un-Impacted Areas: The Contractor's surveyor will demarcate the horizontal extent of excavation based on the design drawings. If necessary, the Contractor will install barriers to prevent uncontrolled entry of equipment into areas outside the excavation limit (i.e., un-impacted areas). The Contractor will also provide sufficient dust control and equipment decontamination to prevent contaminating un-impacted areas. If the construction manager observes a condition that may result in contamination of an un-impacted area, the condition will be documented.

3.5.5 Site Security

The Contractor will be responsible for Site security during construction and will restrict access to the Site to authorized personnel. The Contractor will erect temporary construction fencing as necessary to secure the construction area and prevent unauthorized access. Temporary fencing will be secured across ingress and egress points when construction is not actively being performed. Signs will be posted at 50-foot intervals to prohibit trespassers.

3.5.6 Temporary Construction Facilities and Staging Areas

Temporary construction facilities and staging areas will most likely consist of a Contractor equipment and material lay down area, a construction trailer that contains a temporary project office, utilities that support the office and construction (e.g., water tanks, generators, worker sanitation facilities), stockpiles of excavated removal material destined for off-site disposal, and stockpiles of clean soil destined for backfill after excavation.

The Contractor will propose the final location and layout of temporary construction facilities and staging areas to the Owner's Representative prior to mobilization. The Contractor will establish haul roads or crossings as necessary according to the design drawings and specifications.

3.5.7 Demarcation of Excavation Area

The Contractor's surveyor will be responsible for performing the necessary construction surveying tasks outlined in the design drawings. These activities include, but may not be limited to, locating control points, and demarcating the limits of excavation areas.

3.5.8 Excavation General.

Excavation must not extend beyond the dimensions and elevations established except as specified on the plans or as directed by the Owner's Representative.

For sliver cuts, pioneering the top of cuts and preparing a working platform to begin operations may require unusual working methods and equipment. The Contractor may use angle drilled holes or fan drilled holes during the initial pioneering operation to obtain the required rock face.

Excavation, rock reinforcement, stabilization, or both, carried out below or beyond the lines and grades shown on the plans, below or beyond that established by the Engineer, or for the convenience of the Contractor, are at the Contractor's expense.

The Contractor shall provide surveyed points on [100,50] foot stations, indicating grade and centerline offset on the backslope after each lift has been excavated and before drilling begins for the next lift.

The rock on this project is not homogeneous. The Contractor shall perform trial blasts and or adjust the blast parameters as required by the existing rock conditions, in order to comply with all other specifications.

Blasts must be conducted in conformance with the following limitations as required by the Engineer. These limitations remain in effect unless it is demonstrated through trial blasts that the desired results can be achieved when said limitations are exceeded.

3.5.8.1 Drilling General

The inclination of vertical holes may not exceed 1(Vertical): 4(Horizontal).

Bench height must be a maximum of 20 feet.

Blasts must be sized such that requirements of the traffic control specifications are fulfilled. Maximum depth of sub-drilling for all blast holes at final grade must be 24 inches.

Drillhole conditions may vary from dry to filled with water. The Contractor shall use explosives or blasting accessories that are appropriate for the hole conditions at no additional cost to the project.

The blast design must take into consideration the natural joints, seams, fractures and bedding of the slope.

Where possible, hole alignment and stemming techniques must be used to maximize the contribution of the natural slope characteristics to the final face. The Engineer shall approve locations where the use of natural slope characteristics will be used to shape the final wall face.

3.5.8.2 Production Blasting

All blasting shall be conducted in accordance with a State approved blasting plan.

3.5.8.3 Blast Monitoring

Blast induced vibrations must be monitored by the Contractor for every blast. Data will be made available to the Owner's Representative no later than the next working day following each blast. The Contractor's seismograph equipment must, as a minimum:

- Be equipped with a self-triggering device.
- Be capable of measuring vibrations in three planes.
- Automatically calculate peak resultant particle velocity.
- Be capable of providing a hard copy of the wave form and summary results.

3.5.8.4 Rock Scaling

Immediately after each blast, the Contractor shall scale loose rock and blast debris and inspect rock surfaces.

All rock on the cut face that is loose, hanging, or that creates a potentially dangerous situation must be removed or stabilized, to the Engineer's satisfaction, during or upon completion of the excavation in each lift. Drilling of the next lift may not proceed until this work has been completed.

The slopes must be scaled throughout the duration of the Contract and at such frequency as required to remove all hazardous loose rock or overhangs.

The slopes must be scaled using a suitable standard steel mine-scaling rod. Subject to the Owner's Representative's approval, other methods such as machine scaling, hydraulic splitting, or incidental, low-quantity blasting may be used in lieu of or to supplement hand scaling.

3.5.8.5 Traffic Control

Traffic control for blasting work must be in accordance with the Traffic Control Plan.

The time of blast initiation for each blast must be furnished to the Owner's Representative by the Contractor's Traffic Control Supervisor. This notification must occur at least 12 hours prior to the blast and be confirmed 30 minutes prior to the blast by phone or traffic control radio network.

3.5.9 Excavation

This section describes the anticipated approach for excavation at the Site including the sequence, removal rate, and timeframe. The Contractor may modify the approach as appropriate given that the contents of the Site are not completely known. In addition:

- No standing water may be permitted in any extraction site during or after extraction operations.
- Except during or after extraction operations standing water permitted under strict conditions with respect to fencing, safe levels of coliform bacteria count, and treatment to prevent breeding of insects.
- No slopes steeper than three feet horizontal to one foot vertical unless a fence at least three feet high is erected to limit access to such locations.
- Any topsoil and subsoil suitable for purposes of revegetation stockpiled for use in restoring the location after extraction operations have ceased.
- No equipment, debris, junk or other material at site except those directly relating to active extraction operations.
- Temporary shelters or buildings erected for operations and equipment used removed within thirty (30) days following completion.

3.5.9.1 Excavation Sequence

The general anticipated sequence of excavation is to commence at the section abutting Idlewood Lane and then the rear section.

The routine work protocol will be preparation, blasting, crushing, sorting, loading and hauling. The number of removal hauling trips will vary day-to-day, but in no case will exceed 120 loaded trucks/day.

3.5.9.2 Excavation equipment, removal rate and timeframe

The excavation removal rate depends upon the final quantity and type of excavation equipment ultimately selected by the Contractor. Dump trucks hauling away from the site will be 2005 models, or newer. The total excavation timeframe is estimated at 28-30 work weeks. Hauling will be from Monday-Friday, Federal holidays excluded, beginning no earlier than 7:00am and suspended no later than 5:00pm daily. Hauling will be suspended from June 30 through Labor Day. Accounting for mobilization/demobilization and other construction activities, the construction phase of the project is anticipated to last approximately 7-8 months.

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The Contractor will use a variety of equipment to perform the excavation and other related activities. Representative diesel fueled equipment are shown below:

Equipment for Construction

Equipment: # / Yr / Model	GVW (lbs)	HP	Engine
1 – 2014 Atlas Copco Flexiroc T35	34,170	225	Cat® C7.1, Tier 4/stage IIIB
1 – 2012 Atlas Copco Flexiroc T40	34,170	225	Cat® C7.1, Tier 4/stage IIIB
1 – 2006 Hitachi ZX 800 Excavator	166,900	454	Isuzu BB-6WG1T
1 – 2006 Hitachi ZX 450 Excavator	103,838	349	Isuzu AH-6WG1XYS-A-01
1 – 2008 Cat 330 DL Excavator with 8,000# hammer	79,700	268	Cat® C9 ACERT
1 – 2015 Komatsu PC360 Excavator	79,930	257	Komatsu SAA6D114E-5
1 – 2008 John Deere 750J Dozer	37,725	168	JD 6068H
1 – 2008 Cat 966H Loader	52,254	286	Cat® C11 ACERT
1 – 2012 Cat 930K Loader	30,479	162	Cat® C6.6 ACERT
1 – 2006 Cat 740 Haul Truck	72,400	454	Cat® C15 ACERT
1 – 1989 Cat D25C Off Road Water Truck	43,431	260	Cat 3306
TBD - Avg: Kenworth T880	80,000	500	PACCAR MX-13
1 – 1999 Nordberg Lokotrack LT105 Jaw Crusher*	82,200	300	Cat® C9 ACERT
Rock crushing capacity	400 mtph (440 stph)		
Diesel burning average	1.3 gallons/hour		
* MDEP Bureau of Air Quality license required			

3.5.9.3 Groundwater, surface water, and leachate management

Groundwater is not anticipated to be encountered during excavation. However, some water may be trapped in some areas, including after periods of heavy rain. The need to remove trapped water is not expected. Should water need to be removed from trenches during utility construction, appropriate erosion and sediment control measures will be employed.

3.6 OFF-SITE SOIL TRANSPORTATION

3.6.1 Preparation of Soil Transport Vehicles

All off-site transport vehicles will be equipped with a weatherproof tarp that will be secured over each shipment leaving the site or upon placement of removal material within the container. Following tarping, each transport vehicle will be visually inspected.

3.6.2 Stockpiling and Disposal

As material is excavated, the Contractor will stage it in a pre-determined area for stockpiling, and characterization. Excavated material may be backfilled on-site as clean soil or base rock or loaded for transport off-site. The Contractor will inspect the material as it is excavated and delivered to the staging area and segregate it based on observations of its content.

3.7 SITE RESTORATION

Upon completion of the excavation activities, areas that will not be modified as part of the new facility installation will be graded and restored to their pre-project existing conditions, unless modification of condition is appropriate based on the planned redevelopment of the site. Any remaining materials will be properly removed from the site and all equipment will be demobilized.

SITE NO.	AREA (SQ.FT.)	AREA (ACRES)
1	5,123	0.12
2	5,685	0.13
3	5,378	0.13
4	5,549	0.13
5	5,483	0.13
6	5,614	0.13
7	23,178	0.53
8	6,046	0.13
9	7,815	0.17
10	5,297	0.12
11	7,853	0.18
12	5,743	0.13
13	5,422	0.12
14	5,972	0.14
15	5,365	0.12
16	5,361	0.12
17	5,386	0.12
18	5,779	0.13
19	7,960	0.18
20	5,747	0.13
21	5,444	0.12
22	5,392	0.12
23	6,406	0.15
24	5,899	0.14
25	5,220	0.12
26	5,290	0.12
27	5,526	0.13
28	5,598	0.13
29	5,911	0.14
30	6,069	0.14
31	7,194	0.17
32	7,207	0.16
33	7,223	0.16
34	7,109	0.16
35	8,205	0.19
36	7,859	0.18
37	5,480	0.13
38	5,360	0.12
39	5,681	0.13
40	6,844	0.16

OPEN SPACE LEGEND:

OPEN SPACE PROPOSED FOR CONSERVATION EASEMENT

OPEN SPACE TO BE MANAGED BY MOBILE HOME PARK MANAGEMENT

NON-DISTURBANCE SETBACK LEGEND:

75' EMERGENT WETLAND SETBACK

100' STREAM SETBACK

25' WETLAND SETBACK

LEGEND

N/F NOW OF FORMERLY YORK COUNTY REGISTRY OF DEEDS

Y.C.R.D. YORK COUNTY REGISTRY OF DEEDS

APPROXIMATE ADJACENT PROPERTY LINE

DRILL HOLE (AS NOTED)

BOUND (AS NOTED)

EXISTING STONE WALL

EXISTING TREE LINE

MOBILE HOME PARK SITE

MOBILE HOME PARK SITE SETBACK

100' BUILDING SETBACK

OWNER:

STEPHEN A. HYNES, TRUSTEE
REAL PROPERTY TRUST AGREEMENT
1571 BELLEVUE AVENUE
SUITE 210
WEST VANCOUVER, B.C. V7V1A6

ENGINEER:

CIVIL CONSULTANTS
P.O. BOX 100
293 MAIN STREET
SOUTH BERWICK, ME 03908

SURVEY NOTE:

THE PROPERTY LINES DEPICTED HEREON ARE BASED SOLELY ON REFERENCE PLANS 1 AND 2 AND FIELD LOCATION OF A SAMPLING OF MONUMENTATION DEPICTED ON SAID PLANS. AT THIS TIME, THE POSITION OF EVERY MONUMENT ON REFERENCE PLANS 1 AND 2 HAS NOT BEEN INDEPENDENTLY VERIFIED. DEED RESEARCH BY CIVIL CONSULTANTS HAS BEEN LIMITED TO THE TIME PERIOD BETWEEN MARCH, 1995 (DATE OF REFERENCE PLAN 2) AND NOVEMBER 13, 2015. CIVIL CONSULTANTS HAS NOT PERFORMED AN INDEPENDENT BOUNDARY RETRACEMENT SURVEY.

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

ATTEST _____ REGISTER

PLAN APPROVED BY TOWN OF KITTEERY PLANNING BOARD ON _____
DATE: _____ CHAIR

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 1 & PART II - SEE NOTES HEREON FOR EXCEPTIONS, IF ANY).

MICHAEL P. PEVERETT
MAINE PROFESSIONAL LAND SURVEYOR #2362
CIVIL CONSULTANTS
SOUTH BERWICK, MAINE 03908

DATE: 02/25/2016

REFERENCE PLANS:

- "ALTA/ACSM LAND TITLE SURVEY OF PROPERTY LOCATED ON 3 IDLE WOOD LANE, KITTEERY, YORK COUNTY, MAINE, PREPARED FOR: STEPHEN HYNES, C/O TANGLEWOOD ESTATES, 10 SPARROW STREET, KEENE, NH 03431, DATED DECEMBER 29, 2005, LAST REVISED FEBRUARY 17, 2006. PREPARED BY SAC ENGINEERING, LLC. PLAN RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 311 PAGE 3.
- "STANDARD BOUNDARY SURVEY OF 'YANKEE COMMONS MOBILE HOME PARK, IDLEWOOD LANE, KITTEERY, MAINE', DATED MARCH, 1995, PREPARED BY ANDERSON LIVINGSTON ENGINEERS, INC.
- "REVISED COMPILED BOUNDARY AND EXISTING CONDITIONS PLAN OF LAND OF STEPHEN A. HYNES, TRUSTEE, IDLEWOOD LANE / U.S. ROUTE ONE TOWN OF KITTEERY, YORK COUNTY, MAINE, BY CIVIL CONSULTANTS, DATED: MAY 22, 2012. PLAN TO BE RECORDED.

OPEN SPACE CALCULATION:

OPEN SPACE REQUIRED (10% OF ACTUAL AREA DEDICATED TO SITES/LOTS):

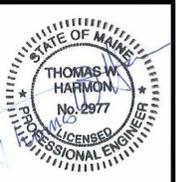
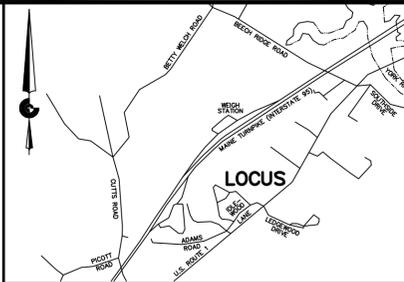
TOTAL AREA OF SITES (SITES 1-78) = 507,195 SQ.FT.
10% OF TOTAL AREA OF SITES = 50,720 SQ.FT.

OPEN SPACE PROVIDED:

CONSERVATION EASEMENT = 1,220,551 SQ.FT.
YANKEE COMMONS MANAGED = 284,490 SQ.FT.
TOTAL OPEN SPACE = 1,505,041 SQ.FT. > 50,720 SQ.FT. = 0.K.

ACTIVE OPEN SPACE (50% OF REQUIRED OPEN SPACE):
REQUIRED = 25,360 SQ.FT.

ACTIVE OPEN SPACE PROVIDED:
PROVIDED YANKEE COMMONS OPEN SPACE = 27,260 SQ.FT. > 25,360 SQ.FT. = 0.K.



CIVIL CONSULTANTS

Engineers
Planners
Surveyors

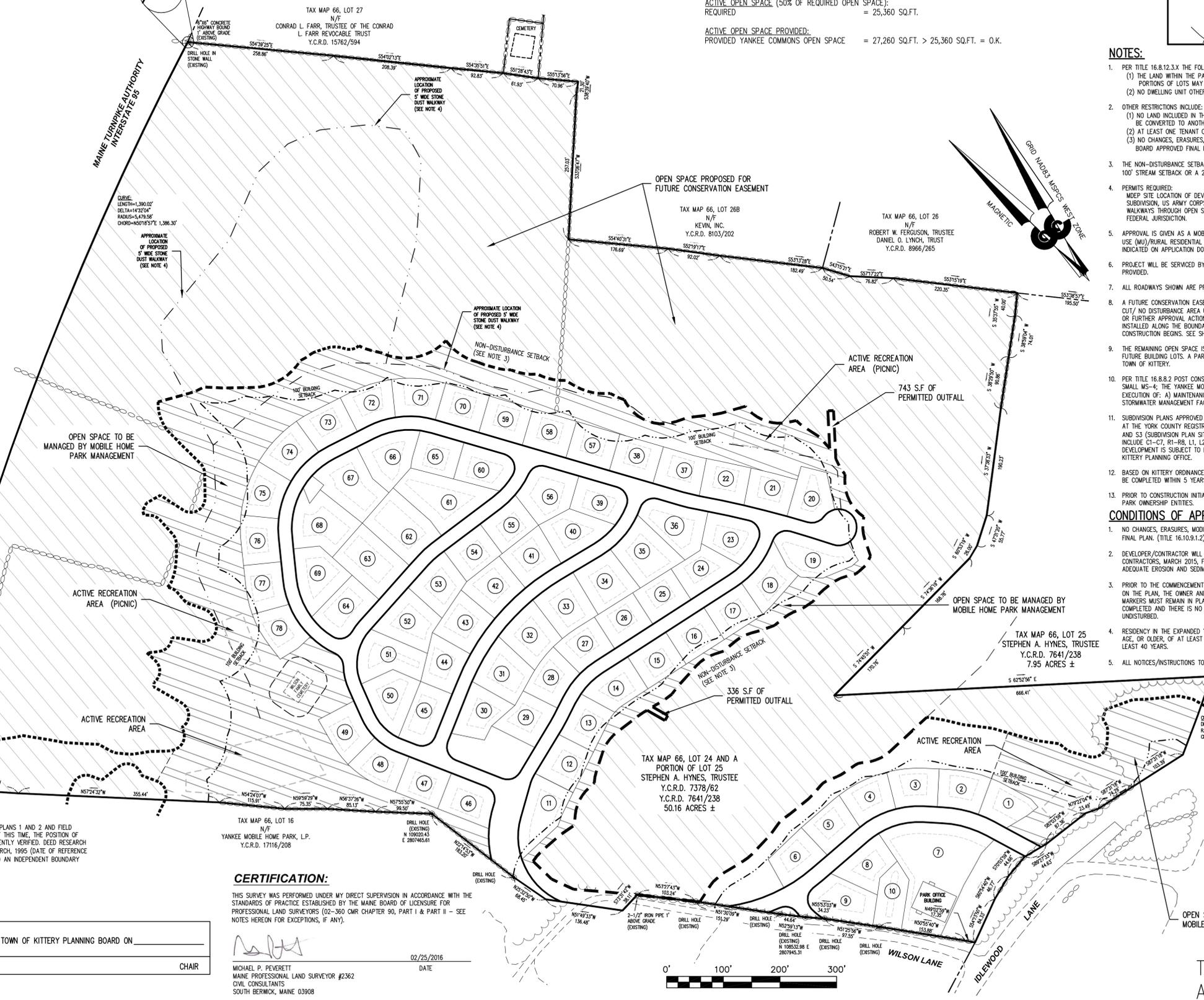
P.O. Box 100
South Berwick
Maine
03908
207-384-2550
civcon@civcon.com

NOTES:

- PER TITLE 16.8.12.3.X THE FOLLOWING RESTRICTIONS APPLY:
(1) THE LAND WITHIN THE PARK MUST REMAIN IN A UNIFIED OWNERSHIP AND THE FEE TO LOTS OR PORTIONS OF LOTS MAY NOT BE TRANSFERRED.
(2) NO DWELLING UNIT OTHER THAN A MOBILE HOME UNIT MAY BE LOCATED WITHIN THE PARK.
- OTHER RESTRICTIONS INCLUDE:
(1) NO LAND INCLUDED IN THIS PROJECT (LOT 24 AND A PORTION OF LOT 25 AS SHOWN HEREON) MAY BE CONVERTED TO ANOTHER USE WITHOUT APPROVAL OF THE PLANNING BOARD.
(2) AT LEAST ONE TENANT OWNER PER SITE MUST BE 55 YEARS OF AGE OR OLDER.
(3) NO CHANGES, ERASURES, MODIFICATIONS, OR REVISIONS MAY BE MADE TO ANY PLANNING BOARD APPROVED FINAL PLAN (TITLE 16.10.9.1.2).
- THE NON-DISTURBANCE SETBACK SHOWN HEREON IS DERIVED FROM A 75' EMERGENT WETLAND SETBACK, A 100' STREAM SETBACK OR A 25' WETLAND SETBACK.
- PERMITS REQUIRED:
MDEP SITE LOCATION OF DEVELOPMENT, MANUFACTURING HOUSING BOARD LICENSE, TOWN OF KITTEERY SUBDIVISION, US ARMY CORPS WETLAND IMPACT WALKWAYS THROUGH OPEN SPACE MAY REQUIRE ADDITIONAL PERMITTING FROM LOCAL, STATE AND FEDERAL JURISDICTION.
- APPROVAL IS GIVEN AS A MOBILE HOME PARK RESULTING IN DIMENSIONAL DIFFERENCES BETWEEN THE MIXED USE (MU)/RURAL RESIDENTIAL (R-RL) DISTRICTS AND THE MANUFACTURED HOUSING REGULATIONS AS INDICATED ON APPLICATION DOCUMENTATION.
- PROJECT WILL BE SERVICED BY PUBLIC WATER AND PUBLIC SEWER. UNDERGROUND UTILITIES WILL BE PROVIDED.
- ALL ROADWAYS SHOWN ARE PRIVATE ROADS AND WILL BE MAINTAINED AS PRIVATE ROADS.
- A FUTURE CONSERVATION EASEMENT FOR THE UNDISTURBED OPEN SPACE IS TO BE MANAGED AS A NO CUT/NO DISTURBANCE AREA UNTIL SUCH TIME AS AN EASEMENT IS ACCEPTED BY THE TOWN OF KITTEERY OR FURTHER APPROVAL ACTION IS GRANTED BY THE KITTEERY PLANNING BOARD. MARKERS ARE TO BE INSTALLED ALONG THE BOUNDARY OF THE CONSERVATION EASEMENT AS SHOWN HEREON BEFORE CONSTRUCTION BEGINS. SEE SHEET S2 FOR A FUTURE CONSERVATION EASEMENT LAYOUT.
- THE REMAINING OPEN SPACE IS DEPICTED HEREON AND THE OPEN SPACE SHOWN MAY NOT BE USED FOR FUTURE BUILDING LOTS. A PART OR ALL OF THE OPEN SPACE MAY BE DEDICATED FOR ACCEPTANCE BY THE TOWN OF KITTEERY.
- PER TITLE 16.8.B.2 POST CONSTRUCTION STORMWATER MANAGEMENT AND THE MDEP GENERAL PERMIT FOR SMALL MS-4: THE YANKEE MOBILE HOME PARK MANAGEMENT IS RESPONSIBLE FOR THE ESTABLISHMENT AND EXECUTION OF: A) MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT; AND B) ANNUAL STORMWATER MANAGEMENT FACILITIES CERTIFICATION.
- SUBDIVISION PLANS APPROVED BY THE PLANNING BOARD INCLUDE THE FOLLOWING SHEETS TO BE RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS: S1 (SUBDIVISION PLAN), S2 (SUBDIVISION PLAN SITE LAYOUT) AND S3 (SUBDIVISION PLAN SITE DETAIL LAYOUT). OTHER SHEETS APPROVED BY THE PLANNING BOARD INCLUDE C1-C7, R1-R8, L1, L2, ES AND EP WHICH PROVIDE REQUIREMENTS AND DETAILS THAT THE DEVELOPMENT IS SUBJECT TO PER THE PLANNING BOARD APPROVAL AND ARE ON RECORD AT THE TOWN OF KITTEERY PLANNING OFFICE.
- BASED ON KITTEERY ORDINANCES AS OF THE DATE OF PROJECT APPLICATION ACCEPTANCE, PROJECT MUST BE COMPLETED WITHIN 5 YEARS OF FINAL APPROVAL.
- PRIOR TO CONSTRUCTION INITIATION, EASEMENTS SHALL BE EXECUTED AS REQUIRED BETWEEN SEPARATE PARK OWNERSHIP ENTITIES.

CONDITIONS OF APPROVAL:

- NO CHANGES, ERASURES, MODIFICATIONS OR REVISIONS MAY BE MADE TO ANY PLANNING BOARD APPROVAL FINAL PLAN. (TITLE 16.10.9.1.2)
- DEVELOPER/CONTRACTOR WILL FOLLOW MAINE EROSION & SEDIMENT CONTROL PRACTICES FIELD GUIDE FOR CONTRACTORS, MARCH 2015, FOR ALL WORK ASSOCIATED WITH SITE AND BUILDING CONSTRUCTION TO ENSURE ADEQUATE EROSION AND SEDIMENT CONTROL AND SLOPE STABILIZATION.
- 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 THAT ARE, PER PLANNING BOARD APPROVAL, TO REMAIN UNDISTURBED.
- RESIDENCY IN THE EXPANDED YANKEE MOBILE HOME PARK SECTION IS AGE-RESTRICTED TO 55 YEARS OF AGE, OR OLDER, OF AT LEAST ONE OF THE TENANT OWNERS. ALL OTHER APPROVED OCCUPANTS TO BE AT LEAST 40 YEARS.
- ALL NOTICES/INSTRUCTIONS TO APPLICANT CONTAINED IN THE FINDING OF FACT (DATED: 03/10/2016)



NO.	REVISIONS	DATE
3	UPDATE NOTES/COA	JAA 02/25/16
2	UPDATE LEGENDS/PLAN NOTES/COA	JAA 02/11/16
1	REVISE NOTES & LOT 68 AREA, ADD COA 2.3	JAA 01/19/16

FINAL PLAN - YANKEE COMMONS MOBILE HOME PARK EXPANSION (2015) IDLEWOOD LANE/ U.S. ROUTE 1 KITTEERY, MAINE

PREPARED FOR:
STEPHEN A. HYNES, TRUSTEE
REAL PROPERTY TRUST AGREEMENT
MAILING ADDRESS: 1571 BELLEVUE AVE., SUITE 210 WEST VANCOUVER, B.C. V7V1A6

CIVIL CONSULTANTS

DRAWN JAA CALC.

DATE 19 NOVEMBER 2015

CHECKED

APPROVED

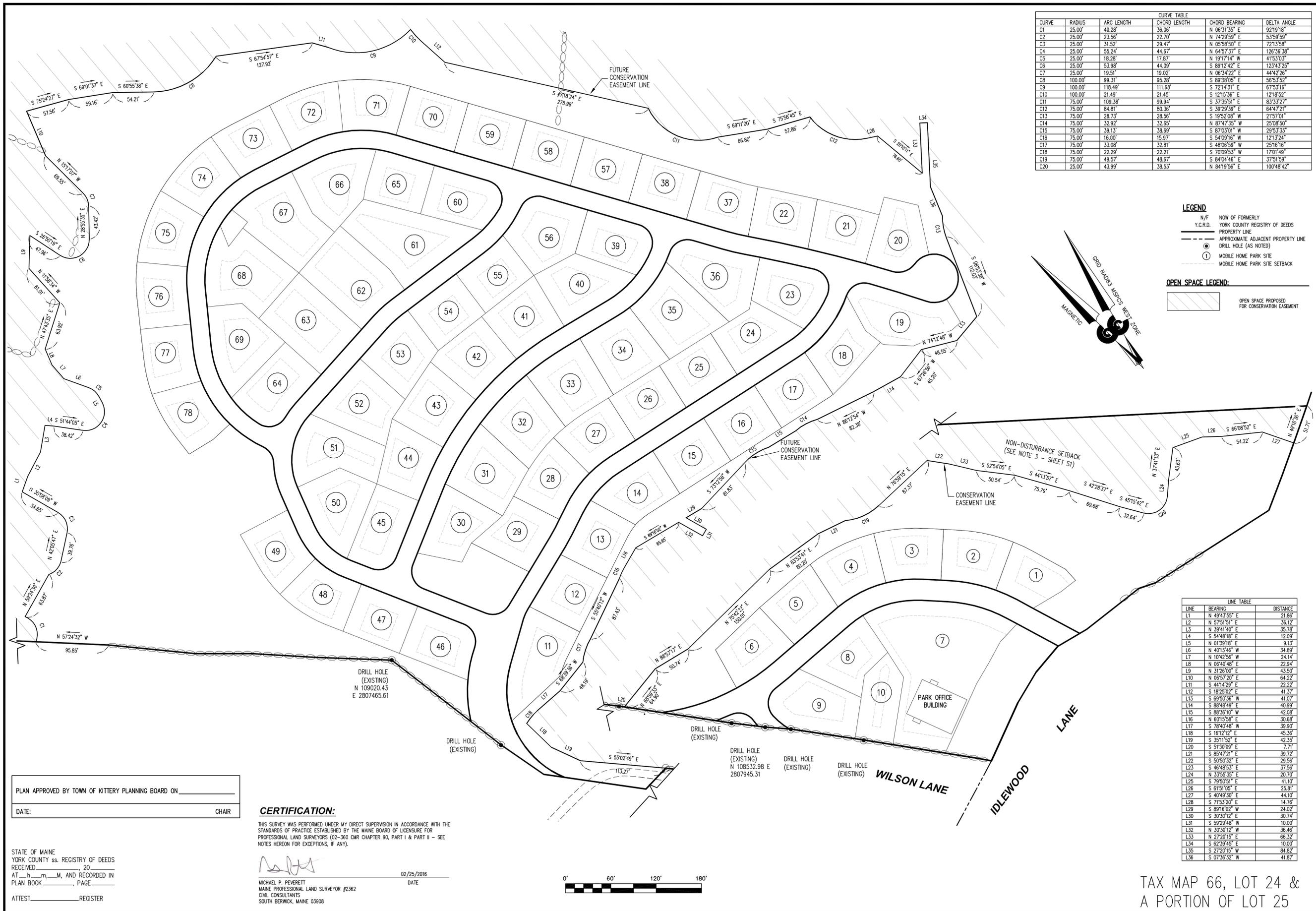
SCALE 1"=100'

SHEET TITLE:
SUBDIVISION PLAN

SHEET NUMBER:
S1

SHEET 1 of 3

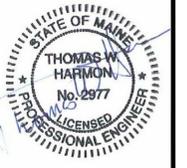
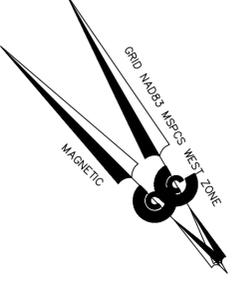
PROJECT # 06-684.02



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25.00'	40.28'	36.06'	N 08°31'35" E	92°19'18"
C2	25.00'	23.56'	22.70'	N 74°29'59" E	53°59'59"
C3	25.00'	31.52'	29.47'	N 05°58'50" E	72°13'58"
C4	25.00'	56.24'	44.67'	N 64°57'37" E	126°36'38"
C5	25.00'	18.28'	17.87'	N 19°17'14" W	41°53'03"
C6	25.00'	53.98'	44.09'	S 89°12'42" E	123°43'25"
C7	25.00'	19.51'	19.02'	N 06°34'22" E	44°42'26"
C8	100.00'	99.31'	95.28'	S 89°38'05" E	56°53'52"
C9	100.00'	118.49'	111.68'	S 72°14'31" E	67°53'16"
C10	100.00'	21.49'	21.45'	S 12°15'36" E	121°18'52"
C11	75.00'	109.38'	99.94'	S 37°33'51" E	83°33'27"
C12	75.00'	84.81'	80.36'	S 39°29'39" E	64°47'21"
C13	75.00'	28.73'	28.56'	S 19°52'08" W	21°57'01"
C14	75.00'	32.92'	32.65'	N 87°47'35" W	25°08'50"
C15	75.00'	39.13'	38.69'	S 87°03'01" W	29°53'33"
C16	75.00'	16.00'	15.97'	S 54°09'16" W	121°32'24"
C17	75.00'	33.08'	32.81'	S 48°06'59" W	25°16'16"
C18	75.00'	22.29'	22.21'	S 70°09'53" W	17°01'49"
C19	75.00'	49.57'	48.67'	S 84°04'46" E	37°51'59"
C20	25.00'	43.99'	38.53'	N 84°19'56" E	100°48'42"

LEGEND
 N/F NOW OF FORMERLY
 Y.C.R.D. YORK COUNTY REGISTRY OF DEEDS
 --- PROPERTY LINE
 - - - APPROXIMATE ADJACENT PROPERTY LINE
 ○ DRILL HOLE (AS NOTED)
 ① MOBILE HOME PARK SITE
 ○ MOBILE HOME PARK SITE SETBACK

OPEN SPACE LEGEND:
 [Hatched Box] OPEN SPACE PROPOSED FOR CONSERVATION EASEMENT



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

NO.	REVISIONS	DATE
1 <td>REVISE LOT 68 <td>JAA 01/19/16 </td></td>	REVISE LOT 68 <td>JAA 01/19/16 </td>	JAA 01/19/16
2 <td>UPDATE LEGENDS/PLAN NOTES <td>JAA 02/10/16 </td></td>	UPDATE LEGENDS/PLAN NOTES <td>JAA 02/10/16 </td>	JAA 02/10/16

FINAL PLAN - YANKEE COMMONS
 MOBILE HOME PARK EXPANSION (2015)
 IDLEWOOD LANE/ U.S. ROUTE 1 KITTERY, MAINE
 PREPARED FOR:
 STEPHEN A. HYNES, TRUSTEE
 REAL PROPERTY TRUST AGREEMENT
 MAILING ADDRESS: 1571 BELLEVUE AVE., SUITE 210 WEST VANCOUVER, B.C. V7V4A6

CIVIL CONSULTANTS
 DRAWN JAA CALC.
 DATE 19 NOVEMBER 2015
 CHECKED
 APPROVED
 SCALE 1"=60'
 SHEET TITLE:
 •SUBDIVISION PLAN
 SITE LAYOUT
 SHEET NUMBER:
 S2
 SHEET 2 of 3
 PROJECT # 06-684.02

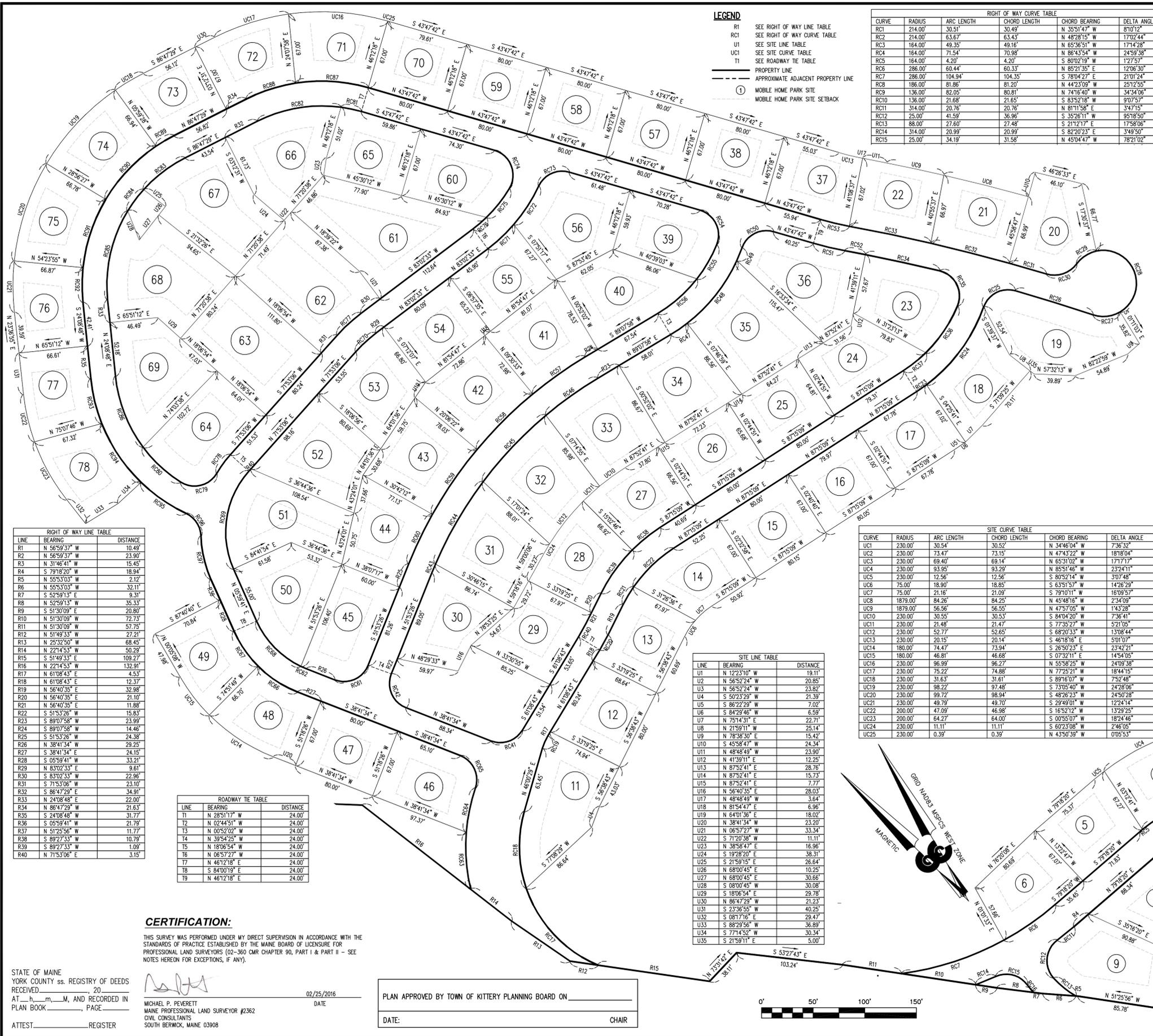
LINE	BEARING	DISTANCE
L1	N 48°43'55" E	21.86'
L2	N 57°51'51" E	36.12'
L3	N 39°41'40" E	35.78'
L4	S 54°48'18" E	12.09'
L5	N 01°39'18" E	9.13'
L6	N 40°13'46" W	34.89'
L7	N 10°42'58" W	24.14'
L8	N 06°40'48" E	22.94'
L9	N 31°28'00" E	43.50'
L10	N 06°57'20" E	64.22'
L11	S 44°14'29" E	22.22'
L12	S 18°25'02" E	41.37'
L13	S 69°50'36" W	41.07'
L14	S 88°48'49" E	40.99'
L15	S 85°36'10" W	42.08'
L16	N 60°15'58" E	30.68'
L17	S 78°40'48" W	39.90'
L18	S 16°12'12" E	45.36'
L19	S 35°11'52" E	42.35'
L20	S 51°30'09" E	7.71'
L21	S 85°47'21" E	39.72'
L22	S 50°50'32" E	29.56'
L23	S 46°48'53" E	37.56'
L24	N 33°55'35" E	20.70'
L25	S 79°50'51" E	41.00'
L26	S 61°51'05" E	25.81'
L27	S 40°49'30" E	44.10'
L28	S 71°53'20" E	14.76'
L29	S 89°16'02" W	24.02'
L30	S 89°30'12" E	30.74'
L31	S 59°29'48" W	10.00'
L32	N 30°30'12" W	36.46'
L33	N 27°20'15" E	66.32'
L34	S 62°39'45" E	10.00'
L35	S 27°20'15" W	84.82'
L36	S 07°36'32" W	41.87'

PLAN APPROVED BY TOWN OF KITTERY PLANNING BOARD ON _____
 DATE: _____ CHAIR

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 OMR CHAPTER 90, PART I & PART II - SEE NOTES HEREON FOR EXCEPTIONS, IF ANY).
 MICHAEL P. PEVERETT
 MAINE PROFESSIONAL LAND SURVEYOR #2362
 CIVIL CONSULTANTS
 SOUTH BERWICK, MAINE 03908
 DATE 02/25/2016

STATE OF MAINE
 YORK COUNTY ss. REGISTRY OF DEEDS
 RECEIVED _____ 20____
 AT _____ h _____ m _____ M, AND RECORDED IN
 PLAN BOOK _____ PAGE _____
 ATTEST _____ REGISTER





LEGEND

- RI SEE RIGHT OF WAY LINE TABLE
- RCI SEE RIGHT OF WAY CURVE TABLE
- UCI SEE SITE LINE TABLE
- UCI SEE SITE CURVE TABLE
- TI SEE ROADWAY TIE TABLE
- PROPERTY LINE
- - - - - APPROXIMATE ADJACENT PROPERTY LINE
- MOBILE HOME PARK SITE
- MOBILE HOME PARK SITE SETBACK

RIGHT OF WAY CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
RC1	214.00'	30.51'	30.49'	N 35°51'47" W	8°10'12"
RC2	214.00'	63.67'	63.43'	N 48°28'15" W	17°02'44"
RC3	164.00'	49.35'	49.16'	N 65°36'51" W	17°14'28"
RC4	164.00'	71.54'	70.98'	N 86°43'54" W	24°59'38"
RC5	164.00'	4.20'	4.20'	S 80°02'19" W	12°25'17"
RC6	286.00'	60.44'	60.33'	N 85°21'35" E	12°06'30"
RC7	286.00'	104.94'	104.35'	S 78°04'27" E	21°01'24"
RC8	186.00'	81.86'	81.20'	N 44°23'09" W	25°12'55"
RC9	136.00'	82.05'	80.81'	N 74°16'40" W	34°34'06"
RC10	136.00'	21.68'	21.65'	S 83°52'18" W	9°07'57"
RC11	314.00'	20.76'	20.76'	N 81°11'58" E	3°47'15"
RC12	25.00'	41.59'	36.96'	S 35°26'11" W	95°18'50"
RC13	68.00'	27.60'	27.48'	S 21°21'17" E	17°38'06"
RC14	314.00'	20.99'	20.99'	S 82°20'23" W	3°49'40"
RC15	25.00'	34.19'	31.58'	N 45°04'47" W	78°21'02"

RIGHT OF WAY CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
RC16	112.00'	9.21'	9.21'	S 08°15'40" E	4°42'49"
RC17	124.00'	104.78'	101.69'	S 13°00'15" E	48°24'46"
RC18	124.00'	75.33'	74.17'	S 28°36'19" W	34°48'21"
RC19	50.00'	13.21'	13.17'	N 53°34'36" W	15°08'14"
RC20	212.00'	16.53'	16.53'	N 38°54'39" E	4°28'07"
RC21	138.00'	59.81'	59.85'	S 60°48'06" W	8°15'01"
RC22	138.00'	53.77'	53.43'	S 76°05'23" W	27°19'33"
RC23	162.00'	11.64'	11.64'	N 85°11'40" E	4°06'59"
RC24	162.00'	94.77'	93.42'	N 62°22'38" E	33°31'05"
RC25	25.00'	37.65'	34.19'	N 87°14'14" W	86°17'21"
RC26	1788.00'	78.94'	78.93'	N 42°49'41" W	2°31'46"
RC27	32.00'	27.50'	26.66'	S 66°10'59" W	49°14'33"
RC28	32.00'	90.18'	83.16'	N 08°28'45" E	16°28'11"
RC29	32.00'	23.13'	22.63'	S 87°02'12" W	41°24'54"
RC30	27.00'	33.15'	31.10'	S 78°29'00" E	70°20'30"
RC31	1812.00'	37.37'	37.37'	S 45°54'13" W	11°05'44"
RC32	1812.00'	78.35'	78.35'	N 45°43'59" W	2°28'39"
RC33	1812.00'	80.71'	80.70'	N 48°14'53" W	2°33'07"
RC34	1788.00'	73.56'	73.55'	N 47°41'28" W	2°21'26"
RC35	25.00'	43.36'	38.13'	N 03°10'22" E	99°22'15"
RC36	138.00'	54.81'	54.45'	S 64°14'09" E	22°45'20"
RC37	138.00'	28.03'	27.98'	N 81°25'59" W	11°38'20"
RC38	182.00'	34.77'	34.71'	S 81°06'12" W	12°17'55"
RC39	162.00'	51.68'	51.46'	S 65°48'55" W	18°16'39"
RC40	188.00'	14.66'	14.66'	N 58°54'39" E	4°28'07"
RC41	25.00'	34.98'	32.19'	S 78°46'25" E	80°09'43"
RC42	25.00'	39.52'	35.53'	S 06°35'56" W	90°34'59"
RC43	388.00'	9.48'	9.48'	S 52°35'25" W	17°33'59"
RC44	388.00'	92.24'	92.02'	S 60°06'03" W	13°25'17"
RC45	388.00'	88.68'	88.49'	S 73°27'32" W	13°05'43"
RC46	388.00'	61.80'	61.74'	S 84°34'11" W	9°07'34"
RC47	162.00'	19.55'	19.54'	N 85°40'29" E	6°54'57"
RC48	162.00'	77.93'	77.19'	N 68°26'06" E	27°33'50"
RC49	162.00'	13.61'	13.61'	N 52°14'45" E	4°48'53"
RC50	25.00'	37.68'	34.22'	N 86°58'42" W	86°21'59"
RC51	312.00'	31.20'	31.28'	S 46°39'44" E	54°34'44"
RC52	1788.00'	20.42'	20.42'	N 49°11'40" W	0°38'15"
RC53	288.00'	28.80'	28.78'	S 46°39'34" E	54°34'44"
RC54	25.00'	41.90'	37.16'	N 04°12'54" E	96°10'12"
RC55	138.00'	38.28'	38.15'	N 60°10'15" E	15°53'30"
RC56	138.00'	50.62'	50.34'	N 78°37'29" E	21°00'58"
RC57	412.00'	62.14'	62.08'	S 84°48'43" W	8°38'30"
RC58	412.00'	76.20'	76.09'	S 75°13'35" W	10°35'50"
RC59	412.00'	78.20'	78.09'	S 84°34'11" W	10°35'50"
RC60	412.00'	53.28'	53.22'	S 55°35'37" W	7°24'22"
RC61	25.00'	39.02'	35.17'	S 83°24'04" E	89°25'01"
RC62	88.00'	6.01'	6.01'	S 36°44'07" E	35°45'53"
RC63	176.00'	55.36'	55.13'	S 25°33'39" W	18°01'17"
RC64	176.00'	43.81'	43.69'	S 41°42'06" W	14°15'38"
RC65	25.00'	38.19'	34.58'	N 05°04'11" E	87°31'29"
RC66	112.00'	48.05'	45.72'	S 26°54'52" E	23°33'22"
RC67	112.00'	41.31'	41.07'	S 04°34'15" E	21°07'52"
RC68	88.00'	62.62'	61.31'	S 14°23'30" E	40°46'21"
RC69	88.00'	101.20'	95.72'	S 38°56'24" W	65°53'25"
RC70	138.00'	26.87'	26.83'	S 77°27'50" W	11°09'27"
RC71	162.00'	34.36'	34.29'	N 76°58'00" E	12°09'07"
RC72	162.00'	44.54'	44.40'	N 63°00'49" E	15°45'15"
RC73	25.00'	35.37'	32.50'	N 84°19'45" W	81°04'07"
RC74	25.00'	45.77'	39.64'	N 08°38'56" E	104°53'16"
RC75	138.00'	35.82'	35.72'	N 68°31'45" E	14°52'24"
RC76	138.00'	17.04'	17.03'	N 79°30'15" E	7°04'36"
RC77	162.00'	31.55'	31.50'	S 77°27'50" W	11°09'27"
RC78	112.00'	22.49'	22.45'	S 66°08'00" W	11°30'11"
RC79	25.00'	40.20'	36.00'	S 73°33'22" E	92°07'27"
RC80	138.00'	50.02'	49.75'	S 17°06'37" E	20°46'03"
RC81	138.00'	20.22'	20.20'	N 47°59'30" W	82°33'35"
RC82	138.00'	83.34'	82.08'	N 89°29'23" W	34°41'11"
RC83	138.00'	50.88'	50.59'	S 82°38'50" W	21°07'33"
RC84	138.00'	25.91'	25.88'	S 66°42'24" W	10°45'30"
RC85	138.00'	89.55'	87.99'	S 42°44'13" W	37°10'51"
RC86	138.00'	74.36'	73.46'	S 08°42'36" W	30°52'24"
RC87	162.00'	71.20'	70.63'	N 56°23'08" W	25°10'52"
RC88	162.00'	50.37'	50.17'	N 77°53'01" W	17°48'54"
RC89	162.00'	20.18'	20.16'	S 89°38'26" W	7°08'10"
RC90	162.00'	71.46'	70.86'	S 73°36'10" W	28°16'22"
RC91	162.00'	70.04'	69.49'	S 48°24'52" W	24°46'14"
RC92	162.00'	33.60'	33.54'	S 30°05'17" W	11°52'57"
RC93	162.00'	44.80'	44.65'	S 16°13'29" W	15°50'37"
RC94	162.00'	68.89'	68.37'	S 03°52'43" E	24°21'48"
RC95	162.00'	53.14'	52.90'	S 25°27'28" E	18°47'41"
RC96	25.00'	27.44'	26.08'	N 03°24'33" W	62°53'31"
RC97	112.00'	43.09'	42.82'	S 17°00'57" W	22°02'32"

RIGHT OF WAY LINE TABLE

LINE	BEARING	DISTANCE
R1	N 56°59'37" W	10.46'
R2	N 58°59'37" W	23.90'
R3	N 31°46'41" W	15.45'
R4	S 79°18'20" W	18.94'
R5	N 55°53'03" W	2.12'
R6	N 55°53'03" W	32.11'
R7	S 52°59'13" E	9.31'
R8	N 52°59'13" E	35.33'
R9	S 51°30'09" E	20.80'
R10	N 51°30'09" W	72.73'
R11	N 51°30'09" W	57.75'
R12	N 51°49'33" W	27.21'
R13	N 25°32'50" W	68.45'
R14	N 22°14'53" W	50.29'
R15	S 51°49'33" E	109.27'
R16	N 22°14'53" W	132.91'
R17	N 61°08'43" E	4.53'
R18	N 61°08'43" E	12.37'
R19	N 56°40'35" E	32.98'
R20	N 56°40'35" E	21.10'
R21	N 56°40'35" E	11.88'
R22	S 51°53'26" W	15.83'
R23	S 89°07'58" W	23.99'
R24	S 89°07'58" W	14.46'
R25	S 51°53'26" W	24.38'
R26	N 38°41'34" W	29.25'
R27	S 38°41'34" E	24.15'
R28	S 05°59'41" W	33.21'
R29	N 83°02'33" E	9.61'
R30	S 83°02'33" W	22.96'
R31	S 71°53'06" W	23.10'
R32	S 84°08'48" E	34.91'
R33	N 24°08'48" E	22.00'
R34	N 84°74'29" W	21.63'
R35	S 24°08'48" W	31.77'
R36	S 05°59'41" W	21.79'
R37	N 51°25'56" W	11.77'
R38	S 89°27'33" W	10.79'
R39	S 89°27'33" W	1.09'
R40	N 71°53'06" E	3.15'

ROADWAY TIE TABLE

LINE	BEARING	DISTANCE
T1	N 28°51'17" W	24.00'
T2	N 02°44'51" W	24.00'
T3	N 00°52'02" W	24.00'
T4	N 39°54'29" W	24.00'
T5	N 18°06'54" W	24.00'
T6	N 08°57'27" W	24.00'
T7	N 46°12'18" E	24.00'
T8	S 84°00'19" E	24.00'
T9	N 46°12'18" E	24.00'

SITE LINE TABLE

LINE	BEARING	DISTANCE
U1	N 12°23'10" W	19.11'
U2	N 56°52'24" W	20.85'
U3	N 56°52'24" W	23.82'
U4	S 50°23'29" W	21.39'
U5	S 86°22'28" W	7.02'
U6	S 84°29'46" W	6.59'
U7	N 75°14'31" E	22.71'
U8	N 75°14'31" E	25.14'
U9	N 78°38'30" E	15.42'
U10	S 45°58'47" W	24.34'
U11	N 48°48'49" W	23.90'
U12	N 41°39'11" E	12.25'
U13	N 87°52'41" E	28.76'
U14	N 87°52'41" E	15.73'
U15	N 87°52'41" E	7.77'
U16	N 89°40'35" W	28.03'
U17	N 48°48'48" W	3.64'
U18	N 81°54'47" E	6.96'
U19	N 64°01'36" E	18.02'
U20	N 38°41'34" W	23.20'
U21	N 06°57'27" W	33.34'
U22	S 71°20'38" W	11.11'
U23	N 39°54'29" W	16.96'
U24	S 19°28'20" E	38.31'
U25	S 21°58'15" E	26.64'
U26	N 68°00'45" E	10.25'
U27	N 68°00'45" E	30.66'
U28	S 08°00'45" W	30.08'
U29	S 18°06'54" W	29.78'
U30	N 84°74'29" W	21.23'
U31	S 23°36'55" W	40.25'
U32	S 08°17'16" E	29.47'
U33	S 88°29'56" W	36.89'
U34	S 77°14'52" W	30.34'
U35	S 21°59'11" E	5.00'

SITE CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
UC1	230.00'	30.54'	30.52'	N 34°46'04" W	7°36'32"
UC2	230.00'	73.47'	73.15'	N 47°43'22" W	18°18'04"
UC3	230.00'	69.40'	69.14'	N 65°31'02" W	17°17'17"
UC4	230.00'	93.95'	93.29'	N 80°51'46" W	23°24'11"
UC5	230.00'	12.56'	12.56'	S 80°52'14" W	3°07'48"
UC6	75.00'	18.90'	18.85'	S 63°55'17" W	14°26'29"
UC7	75.00'	21.16'	21.09'	S 79°10'11" W	16°03'50"
UC8	1879.00'	84.26'	84.25'	N 45°48'16" W	2°34'09"
UC9	1879.00'	56.56'	56.55'	N 47°57'05" W	14°33'28"
UC10	230.00'	30.55'	30.53'	S 84°04'20" W	7°36'41"
UC11	230.00'	21.48'	21.47'	S 77°35'27" W	5°21'05"
UC12	230.00'	52.77'	52.65'	S 68°20'33" W	13°08'44"
UC13	230.00'	20.15'	20.14'	S 46°18'16" E	5°07'07"
UC14	180.00'	74.47'	73.94'	S 25°52'23" E	23°42'21"
UC15	180.00'	46.81'	46.88'	S 07°32'11" E	14°54'05"
UC16	230.00'	96.99'	96.27'	N 55°58'25" W	24°09'38"
UC17	230.00'	75.22'	74.88'	N 77°25'21" W	18°44'15"
UC18	230.00'	31			

MEMORANDUM

TO: Chris DiMatteo, Kittery Town Planner
FROM: Jay Stephens, P.E.
SUBJECT: Plan Changes
DATE: 1 MARCH 2016
PROJECT: YANKEE COMMONS MOBILE HOME PARK EXPANSION 06-684

Pursuant to a request by a planning board member, the following information is provided regarding changes made to the plans since they were presented to the Planning Board in December 2015:

Boundary Plan – No changes

Sheet S1:

- Wording in Open Space Calculation section to address concerns of Planning Office (PO)
- Order and wording of Notes & Conditions of Approval to address PO concerns
- Modify legends to clarify symbols to address PO concerns
- Adjust area of site 68 to reflect change in parking layout based on PO concerns
- Change references to Conservation Easement to reflect being a Future Easement
- Modify Planning Board approval block per Town Planner request.

Sheet S2:

- Modify legends to address PO concerns
- Adjust sidelines of site 68 to reflect change in parking layout based on PO concerns
- Changes references to Conservation Easement to reflect being a Future Easement
- Modify Planning Board approval block per Town Planner request.

Sheet S3:

- Adjust sidelines of site 68 to reflect change in parking layout based on PO concerns
- Modify Planning Board approval block per Town Planner request.

Sheet C1 - No Changes

Sheet C2 - Reflects adjustment to site 68 and modified parking layout

Sheet C3 – Includes references to walkway details for roadways A & F

Sheet C4 - Reflects adjustment to site 68, modified parking layout & reference to walkway detail

Sheet C5 - No Changes

Sheet C6 - No Changes (but does reflect adjustment to site 68 & modified parking layout)

Sheets C7 & C8 - No Changes

Sheet R1 R2 & R3 - No Changes (but do reflect modified parking layout)

Sheet R4 - No Changes (but does reflect adjustment to site 68 & modified parking layout)

Sheet R5 - No Changes

Sheet R6 – Revised Roadway Sections for Two Way Road & Boulevard to reflect walkways.

Sheets R7, R8, L1, L2, ES & EP – No Changes

End of Plan Sheets

j://aaa/2006/0668402/planning board/20160310submittal/20160301-PlanChanges-0668402



**CIVIL
CONSULTANTS**

P.O. Box 100 South Berwick, Maine 03908 207-384-2550



Transmittal

Town of Kittery
200 Rogers Road
Kittery, ME 03904

Date February 11 , 2016
Job No. 06-684.02 Yankee Commons Expansion
Attention Chris Di Matteo, Town Planner

We are sending you attached prints other
 shop drawings copy of letter specifications under separate
 plans work sheets change order cover (via)

<i>copies</i>	<i>date</i>	<i>pages</i>	<i>description</i>
1	11 Feb 2016	1	Wetland Application
1	11 Feb 2016	3	Wetland Alteration Finding of Fact
1	9 Sept 2012	1	Overall Land Use Plan

These are transmitted as checked below:

for approval for your use as requested for review & comment
 submit copies for distribution for your information prints returned after loan to us

Remarks: These materials are provided for continued Final Plan Review of the subject project.
Attached is a application for Wetlands Alteration along with our interpretation of the findings of fact. We have attached an "Overall Land Use Plan" that was prepared in 2012 showing the approximate areas of the overall land use for the project.
We have not completed the submittal page of the app as that material has been submitted with the project application.
If you would like additional copies, let me know.

Tom

Copies:

Signed:

Thomas W. Harmon, P.E.



Town of Kittery, Maine
TOWN PLANNING AND DEVELOPMENT DEPARTMENT
 200 Rogers Road, Kittery, Maine 03904
 Phone: (207) 475-1323
 Fax: (207)439-6806
 www.kittery.org

**APPLICATION: 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 Fee Paid: Date: _____ Escrow Fee Paid: \$ _____ Date _____
----------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------

PROPERTY DESCRIPTION	Parcel ID	Map	66	Lot	24	Zone (s) Base Overlay MS4	MU & R-RL ____ YES ____ NO	Total Land Area	50.1 acres
	Physical Address	Idlewood Lane/U.S. Route 1							

PROPERTY OWNER'S INFORMATION	Name	STEPHEN A HYNES, TRUSTEE REAL PROPERTY TRUST AGREEMENT	Mailing Address	1571 Belleview Ave Ste 210 West Vancouver BC V7V1A6
	Phone	Gary Beers 207-451-0747		
	Email	Gb-pksvc@hotmail.com		

APPLICANT'S AGENT INFORMATION	Name	Thomas W. Harmon, PE	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	Existing Parcel and wetlands:	
	Wetlands impacted are an isolated 900 s.f. wetland apparently resulting from prior development. The wetland is adjacent to but not connected to an emergent wetland.	
	Project Name	Yankee Commons Mobile Home Park
	Provide a brief summary of the proposed development, its impact on the existing wetlands and the proposed mitigation plan.	
The development consists of development of a 77 unit mobile home park with a community facility on a 50.1 acres parcel of land. The proposal will fill the 900 s.f. wetland to allow access and drainage improvements. Mitigation included 34.5 acres of dedicated open space including significant area of non disturbance buffering protected resources.		

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.

Applicant's Signature:		Owner's Signature:	
Date:	February 11, 2016	Date:	

Minimum Plan Submission Requirements (Title 16.28.500)

15 COPIES OF THIS APPLICATION

15 COPIES OF THE PLAN – 5 OF WHICH MUST BE 24"X 36"

1 PDF OF THE SITE PLAN SHOWING GPS COORDINATES

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,
- Name and address of preparer of 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.

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 midcourse 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.

1 **16.9.3.7 Wetlands Alteration Approval Criteria**

2 **A. In making the final determination as to whether a wetland application should be approved, the**
3 **Planning Board will consider existing wetland destruction and the cumulative effect of reasonably**
4 **anticipated future uses similar to the one proposed.**

5 *Preference will be given to activities that meet wetland setbacks, have a reasonable stormwater*
6 *management plan (subject to Planning Board review and approval), and that dedicate easements for the*
7 *purposes of maintaining the wetland and the associated drainage system. Approval to alter a wetland*
8 *will not be granted for dredging or ditching solely for the purpose of draining wetlands and*
9 *creating dry buildable land areas. An application for a wetlands alteration will not be approved*
10 *for the purpose of creating a sedimentation or retention basin in the wetland. Increased peak runoff*
11 *rates resulting from an increase in impermeable surfaces from development activities are not allowed.*

12 Finding: This alteration requirement stems from the Board request to reroute the entrance from a Route 1
13 curb cut and impact to 4,500sf of wetland crossing, as well as reconfiguring of Wilson Lane to remove the
14 access street further away from an emergent wetland.

15 The 900sf impacted was determined by the MDEP to be “low value”. Construction in the area will result
16 in better subsurface and stormwater drainage into the emergent wetland area. Peak runoff rates are not
17 increased.

18
19

20 Conclusion: The standard appears to have been met.

21 **Vote of ___ in favor___ against ___ abstaining**

22 **B. It is the responsibility and burden of the applicant to show that the proposed use meets the**
23 **purposes of this Code and the specific standards listed below to gain Planning Board approval to alter**
24 **a wetland.**

25 *The Planning Board will not approve a wetlands alteration unless the applicant provides clear and*
26 *convincing evidence of compliance with the Code.*

27 Finding: As shown in the application and detailed in these notes.

28 Conclusion: The standard appears to have been met.

29 **Vote of ___ in favor___ against ___ abstaining**

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

35 Finding: Not requested

36 Conclusion: The standard appears to have been met.

37 **Vote of ___ in favor___ against ___ abstaining**

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

43 Finding: The project includes a reasonable and practicable mitigation plan which includes protection of
44 approximately 36 acres planning board approved as 13 acres of open space, 11 acres of non disturbed
45 wetlands and 12 acres of no disturbance buffers.

46

47 Conclusion: The standard appears to have been met.

48

Vote of ___ in favor___ against ___ abstaining

49 **E.** *The applicant must submit applicable documentation that demonstrates there is no*
50 *practicable alternative to the proposed alteration of the wetland.*

51 *In determining if no practicable alternative exists, the Board will consider the following:*

52 *The proposed use:*

53 *1. Uses, manages or expands one or more other areas of the site that will avoid or reduce the*
54 *wetland impact;*

55 Approved plan utilizes buffering and restrictions to enhance existing remaining 10.7 acres of wetlands.

56 *2. Reduces the size, scope, configuration or density of the project as proposed, thereby avoiding or*
57 *reducing the wetland impact;*

58 Net residential density allowance of 135 lots reduced to 78 and access street reroute avoids all but 900sf
59 required to construct street.

60 *3. Provides alternative project designs, such as cluster development, roof gardens, bridges, etc., that*
61 *avoid or lessen the wetland impact; and*

62 50.1 acre site clustered to allow development on only 14.4 acres (roadways and lots); Original plan had
63 preliminary DEP approval for impact of approximately 4,000 s.f. of emergent wetland.

64 *4. Demonstrates that the proposed development meets or exceeds best management practices for*
65 *stormwater management in the wetland areas.*

66 Finding: MDEP and Town Peer Review Engineer have approved storm water management plan.

67 Conclusion: The standard appears to have been met.

68

Vote of ___ in favor___ against ___ abstaining

69 **F.** *In determining if the proposed development plan affects no more wetland than is necessary the*
70 *Planning Board will consider if the alternatives discussed above in subsection A of this section*
71 *accomplish the following project objectives:*

72 *The proposed use will not:*

73 *1. Unreasonably impair or diminish the wetland's existing capacity to absorb, store, and slowly*
74 *release stormwater and surface water runoff;*

75 Minimal change to storm water detention.

76 *2. Unreasonably increase the flow of surface waters through the wetland;*

77 No apparent variation in stormwater flow

78 3. *Result in a measurable increase in the discharge of surface waters from the wetland;*

79 Unchanged

80 4. *Unreasonably impair or diminish the wetland's capacity for retention and absorption of silt,*
81 *organic matter, and nutrients;*

82 Minimal change

83 5. *Result in an unreasonable loss of important feeding, nesting, breeding or wintering habitat for*
84 *wildlife or aquatic life; all crossings must be designed to provide a moist soil bed in culvert inverts*
85 *and to not significantly impede the natural migration of wildlife across the filled area;*

86 Not applicable. Wetland is in a developed area.

87 6. *Result in a measurable increase of the existing seasonal temperature of surface waters in the*
88 *wetland or surface waters discharged from the wetlands.*

89 Minimal impact on ambient area temperatures.

90 7. *Result in a measurable alteration or destruction of a vernal pool.*

91 Not applicable

92

93 Conclusion: The standard appears to have been met.

94

Vote of ___ in favor ___ against ___ abstaining

OPEN SPACE:

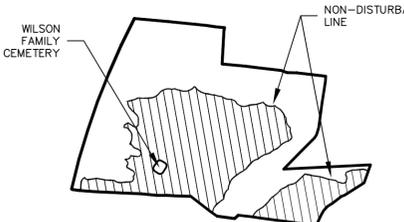
TOTAL LOT AREA=	50.1± acres (100%)
WETLAND AREA=	10.7± acres (21%)
ROADWAY AREA=	2.8± acres (6%)
LOT AREA=	11.6± acres (23%)
NON-DISTURBANCE AREA=	12.4± acres (25%)
OPEN SPACE=	12.6± acres (25%)

NOTES:

- NO LAND INCLUDED IN THIS PROJECT (i.e. WITHIN LOT 24 AS MODIFIED) MAY BE CONVERTED TO ANOTHER USE WITHOUT APPROVAL OF THE PLANNING BOARD.
- THE LAND WITHIN THE PARK MUST REMAIN IN A UNIFIED OWNERSHIP AND THE FEE TO LOTS OR PORTIONS OF LOTS MAY NOT BE TRANSFERRED.
- NO DWELLING UNIT OTHER THAN A MOBILE HOME UNIT MAY BE LOCATED WITHIN THE PARK.
- THE NON-DISTURBANCE SETBACK SHOWN HEREON IS EITHER 75' EMERGENT WETLAND SETBACK, THE 100' STREAM SETBACK OR THE 25' WETLAND SETBACK.
- NON-DISTURBANCE SETBACK LINE TO BE FLAGGED PRIOR TO INITIAL CONSTRUCTION.

SETBACK LEGEND:

NON-DISTURBANCE SETBACK:	75' EMERGENT WETLAND SETBACK
---	100' STREAM SETBACK
---	25' WETLAND SETBACK
---	100' BUILDING SETBACK



WILSON FAMILY CEMETERY
NON-DISTURBANCE LINE

ALLOWABLE DENSITY PER MAINE MANUFACTURER HOUSING REGULATIONS:

AVAILABLE AREA=	983,949 sq.ft.
LESS 20% ROADS=	196,790 sq.ft.
LESS 10% OPEN SPACE=	98,395 sq.ft.
AVAILABLE AREA FOR SITES=	688,764 sq.ft.
© 5000 sq.ft./SITE =	137 POTENTIAL SITES

AS PROPOSED:

AVAILABLE AREA=	983,949 sq.ft. (100%)
ACTUAL ROW (ROADWAYS)=	120,960 sq.ft. (13%)
ACTUAL SITE AREAS=	504,355 sq.ft. (52%) 77 SITES
REMAINING OPEN SPACE (BY DEFAULT)=	358,634 sq.ft. (35%)

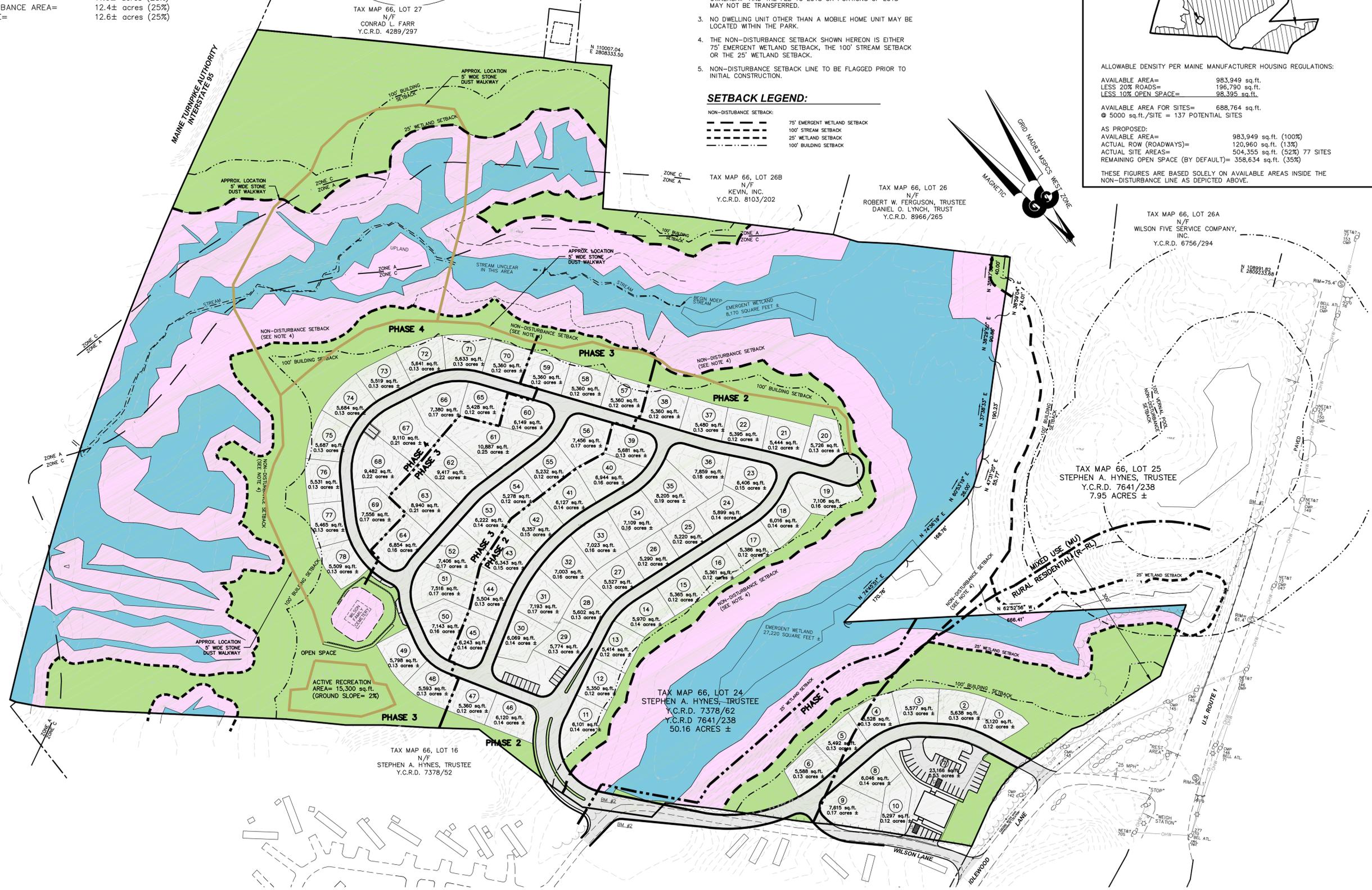
THESE FIGURES ARE BASED SOLELY ON AVAILABLE AREAS INSIDE THE NON-DISTURBANCE LINE AS DEPICTED ABOVE.

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CIVIL CONSULTANTS

Engineers
Planners
Surveyors

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South Berwick
Maine
03908
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NO.	REVISIONS	INT.	DATE
1			

YANKEE COMMONS
MOBILE HOME PARK EXPANSION
IDLEWOOD LANE/ U.S. ROUTE 1 KITTERY, MAINE

PREPARED FOR:
STEPHEN A. HYNES, TRUSTEE
REAL PROPERTY TRUST AGREEMENT
MAILING ADDRESS: 1571 BELLEVUE AVE., SUITE 210 WEST VANCOUVER, B.C. V7V4A6

CIVIL CONSULTANTS

DRAWN JAA | CALC. |
DATE 12 SEPTEMBER 2012
CHECKED |
APPROVED |
SCALE 1"=100'
SHEET TITLE:
• OVERALL LAND USE PLAN
SHEET NUMBER:
C2A
SHEET C2A of C2A
PROJECT # 06-684.02

Chris DiMatteo

From: William Straub <wstraub@cmaengineers.com>
Sent: Tuesday, February 23, 2016 2:41 PM
To: Chris DiMatteo; Moore, Donald (Auburn)
Cc: Tom Harmon; Rebecca Spitko; Jodie Bray Strickland
Subject: RE: Yankee Commons Mobile Home Park Expansion - Kittery Planning Board Presentation Summary 06-684.02

Chris,

We have reviewed the written information provided by Cliff Lippitt C. G. of SW Cole (transmitted by Tom Harmon of Civil Consultants following the Planning Board meeting on February 11) regarding interpretations of changes in runoff, infiltration, groundwater flow, and recharge to wetlands at the proposed Yankee Commons Mobile Home Park expansion.

We find the explanations and interpretations to be consistent with SW Cole's previous memos on these issues. They provide additional detail and information that elaborates on SW Cole's interpretation that construction of the project will not appreciably alter the runoff or groundwater flow regime, or result in impacts to recharge to the surrounding wetlands. We believe the explanations are supportable, and reasonably describe the probable effects of project development.

To have any questions, please do not hesitate to contact us.

Best,

Bill
Bill Straub, PE

CMA
ENGINEERS

(603) 431-6196

From: Chris DiMatteo [mailto:CDiMatteo@kitteryme.org]
Sent: Thursday, February 18, 2016 8:54 AM
To: Moore, Donald (Auburn) <Donald.Moore2@stantec.com>; William Straub <wstraub@cmaengineers.com>
Cc: Tom Harmon <tharmon@civcon.com>; Rebecca Spitko <RSpitko@kitteryme.org>
Subject: FW: Yankee Commons Mobile Home Park Expansion - Kittery Planning Board Presentation Summary 06-684.02

Hi Don and Bill.

Please review and let me know if you have any questions and/or comments.

Thanks
Chris

From: Tom Harmon [<mailto:tharmon@civcon.com>]
Sent: Thursday, February 18, 2016 8:51 AM
To: Chris DiMatteo <CDiMatteo@kittery.me>
Cc: Gary Beers <gb-pksvc@hotmail.com>; 'Jay Stephens' <jay@civcon.com>; 'Brian Rayback' <brayback@PierceAtwood.com>; 'Cliff Lippitt' <Cliff.Lippitt@swcole.com>
Subject: FW: Yankee Commons Mobile Home Park Expansion - Kittery Planning Board Presentation Summary 06-684.02

Morning Chris-
Can you pass this along as appropriate.

Thanks

Tom

From: Cliff Lippitt [<mailto:Cliff.Lippitt@swcole.com>]
Sent: Wednesday, February 17, 2016 1:47 PM
To: Tom Harmon
Subject: Yankee Commons Mobile Home Park Expansion - Kittery Planning Board Presentation Summary

Tom,
The attached files include our Planning Board Presentation Summary, with attachments that include our infiltration calculations, hydrologic soil groups for the calculations, profiles across the site, drainage on proposed site, and the stormwater treatment.
Please forward this information to the Planning Board and the Conservation Commission.
Please contact us if you have any questions or require further information.

Thanks.

Cliff

Clifford R. Lippitt, C.G., P.G. | Senior Geologist

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Bangor, Maine 04401-5784

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Town of Kittery, Maine

Conservation Commission

P.O. Box 808, Kittery, Maine 03904

DATE: March 2, 2016

TO: Chris DiMatteo, Kittery Town Planner
Ann Grinnell, Planning Board Chair

FROM: Donald Moore, KCC

RE: Review of S.W Cole's February 17, 2016 Hydrogeological Evaluation letter.

I have received and reviewed S.W. Cole's Hydrogeological Evaluation and Summary of Planning Board Hydrogeological Presentation letter dated February 17, 2016. This letter was written in response to KCC's comment letter dated December 9, 2015. SW Cole's letter provides appropriate figures and calculations to address KCC's central question of whether the proposed blasting and removal of bedrock would change or alter the groundwater regime and/or recharge characteristics to the surrounding wetlands.

SW Cole presents information that describes the bedrock underlying the proposed development as being relatively fresh and unaltered with limited fracturing. This indicates that the bedrock is tight and that infiltration into the bedrock, and subsequent flow and recharge, due to precipitation will be minor. SW Cole further presents adequate data and calculations that describe how (due to the type and slope of the existing soils and tight bedrock) the primary recharge to the surrounding wetlands will likely be due to surface water drainage (or overland flow).

SW Cole's calculations indicate that under existing conditions approximately 21.34 million gallons per year (MGY) will recharge the surrounding wetland areas and that after development approximately 22.35 MGY will recharge the surrounding wetland areas. Based on my review of SW Cole's letter, the presented data, calculations, and figures indicate that the proposed development will likely not adversely affect the overall groundwater and recharge characteristics of the surrounding wetland areas.