

**Town of Kittery  
 Planning Board Meeting  
 March 10, 2016**

**Seward Farm Lane – Major Subdivision Sketch Plan Review**

Action: Accept or deny application; Approve or deny sketch plan Owner/Applicant Gary Seward et al requests consideration of a 15-lot conventional subdivision on remaining land along a previously approved private Right-of-Way (Seward Farm Lane) located at Piccott Road (Tax Map 46 Lot 4) in the Residential-Rural (R-RL) and Shoreland Overlay (OZ-SL-250) Zones. Agent is Ken Markley, North Easterly Surveying.

**PROJECT TRACKING**

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Review	Scheduled for 3/10/2016	PENDING
YES	Site Visit		
YES	Preliminary Plan Review Completeness/Acceptance		
YES	Public Hearing		
YES	Preliminary Plan Approval		
YES	Final Plan Review and Decision		
<p>Applicant: Prior to the signing of the approved Plan any <b>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.</b> 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>			

**Background**

The Town approved a private right-of-way (ROW) in 1994, followed by approval of a relocation to the ROW and wetland alteration to allow more direct access to five-lots located at the rear of the parcel on June 17, 2004.

The applicant is planning for a 15-lot subdivision using this approved ROW, Seward Farm Lane (“proposed ROW” shown on plan) to create 12 single-family lots and is requesting the Board’s input on not requiring cluster development and allow a conventional subdivision as a special exception.

**Staff Review**

Staff met with the applicant and their agent and discussed their objectives. The main goal is to develop a several more residential lots along their existing private street while still retaining a portion of land to farm (lot 14) and a portion to potentially convey to the Town for future soccer fields (lot 15). The applicant also stated interest in transferring some or all of the farm lot (14) to the Kittery Land Trust (KLT). It was not clear the intentions for the remaining land to the north, not shown on the sketch plan but shown on the GIS website exhibit staff prepared. The letter from the agent mentions a “wood lot”, perhaps this is the land north of the proposed development. Applicant should clarify.

There are a few issues to be resolved at this conceptual sketch plan review so that the applicants can move forward to a preliminary plan application.

For orientation purposes, it should be notes that the applicant’s agent has used the previously approved ROW relocation plan as a base for the sketch plan. Some information presented on the plan may be confusing with considering this. The Sketch Plan, for example, cites a “proposed ROW” that is actually

existing. Plan lists granted waivers that are not been proposed in this application. This should be corrected on future submittals.

- 1. Conventional vs. Cluster.** The proposed subdivision is presented as a major conventional subdivision that does not clearly indicate any preservation of open space. Creating a major conventional subdivision in the Residential Rural Zone (R-RL) requires a 15% retention of common open space and the Board must grant a special exception for the use. Staff met with the applicant and agent and the applicant stated that they intended to provide open space in some manner as part of the proposed development.

Cluster residential development (cluster subdivision) is a permitted use in the R-RL Zone. It requires the applicant to designate 50% of total area, including 30% of the net residential acreage, as reserved open space. The Board should determine whether the circumstances warrant a special exception for a conventional subdivision. (See 16.6.4.4. in granting a special exception use, the Board must find the proposed development meets the criteria of Section 16.10.8.3.4 and 16.6.6.) The Board can provide input as to the likelihood of granting the special exception, however, the board's action would not take place until the preliminary plan application.
2. Current floodplain maps show the site is located within a flood zone on the Southerly end of the property, parallel to Picott Road, and has several wetlands, as delineated by Maine certified soil scientist in 2003 & 2004. Wetland delineation should be updated prior to the submission of a preliminary plan. The existing right-of-way also crosses a small stream. No other areas unsuitable for development are identified, per Title 16.7.8 *Net Residential Acreage*.
3. Calculations for Net Residential Acreage and dimensional standards were not submitted with sketch plan. Though no dimensions or lot areas were provided, the majority of lots appear to meet the required dimensional standards for the R-RL zone with the exception of Lot 7. Applicant should provide building envelopes for the proposed lots with preliminary plan application.
4. It is difficult to determine if lots #9 and #10 meet minimum lot size or minimum land area per dwelling unit, when considering the parcel's water bodies. Applicant should depict proposed street frontage and all proposed front and rear yard setbacks. If lot size or minimum land area per dwelling units cannot be met, applicant may to resubmit a sketch plan proposing a cluster subdivision and the board may modify those standards.
5. Space and dimensional standards for the R-RL zone is not depicted on the plan and should be added prior to submission of a preliminary plan.
6. The existing street is a 50-foot wide private way. The proposed development at build-out would require access for 17 lots, generating 170 average daily trips (ADTs) and does not meet the 400 trip threshold which would require a full traffic study. Based on Table 1 of Title 16.8.4, road standards of a Class III private street, or minor public street, would apply under these circumstances and a 60-foot street width is required. If the applicant were to submit a cluster subdivision design, the Board may modify the street width standard and allow the use of the existing 50-foot street. The Board might consider if Title 16.7.4 Waivers is applicable under these circumstances as well.
7. The Board may consider the reservation of an easement in line with a dead end street of 20-feet to provide continuation of pedestrian traffic or utilities to the next street, or 50-feet to provide for continuation of the road where future development is possible. The lot directly abutting the terminus of Seward Farm Lane is vacant land reserved by Webster & Marilyn Kelsey (Tax Map 60 Lot 1). The vacant land is accessed by the neighboring private street to the north, Kelsey Lane.

8. The Board should discuss if the Comprehensive Plan's Scenic Vistas and Roadways should be addressed in any specific way for this parcel and proposed development. Picott Road is listed as a Scenic Street and this particular area is listed as a scenic vista. The view from Picott Road is not uninterrupted to the very far end of the property. The view is shortened by existing vegetation along the tidal creek that is located between the proposed lots 14 and 15. It is not clear how prominent the proposed development might be in the view from Picott Road.

### **Recommendation**

The sketch plan review is an opportunity to consider a concept and make specific suggestions to the applicant. There are challenges and benefits to either a cluster or conventional subdivision on this site. According to the code, residential development in the Rural Zone is expected to be clustered and served by centralized sewer.

Considering the placement of the exiting right-of-way along with the existing five lots at the rear of the property, a conventional subdivision can be more compelling than a cluster development. However, without more definitive information as to where the open space is proposed to be located it is difficult to make a determination. Applicant should identify the 15% open space area on the plan for the Board's consideration.

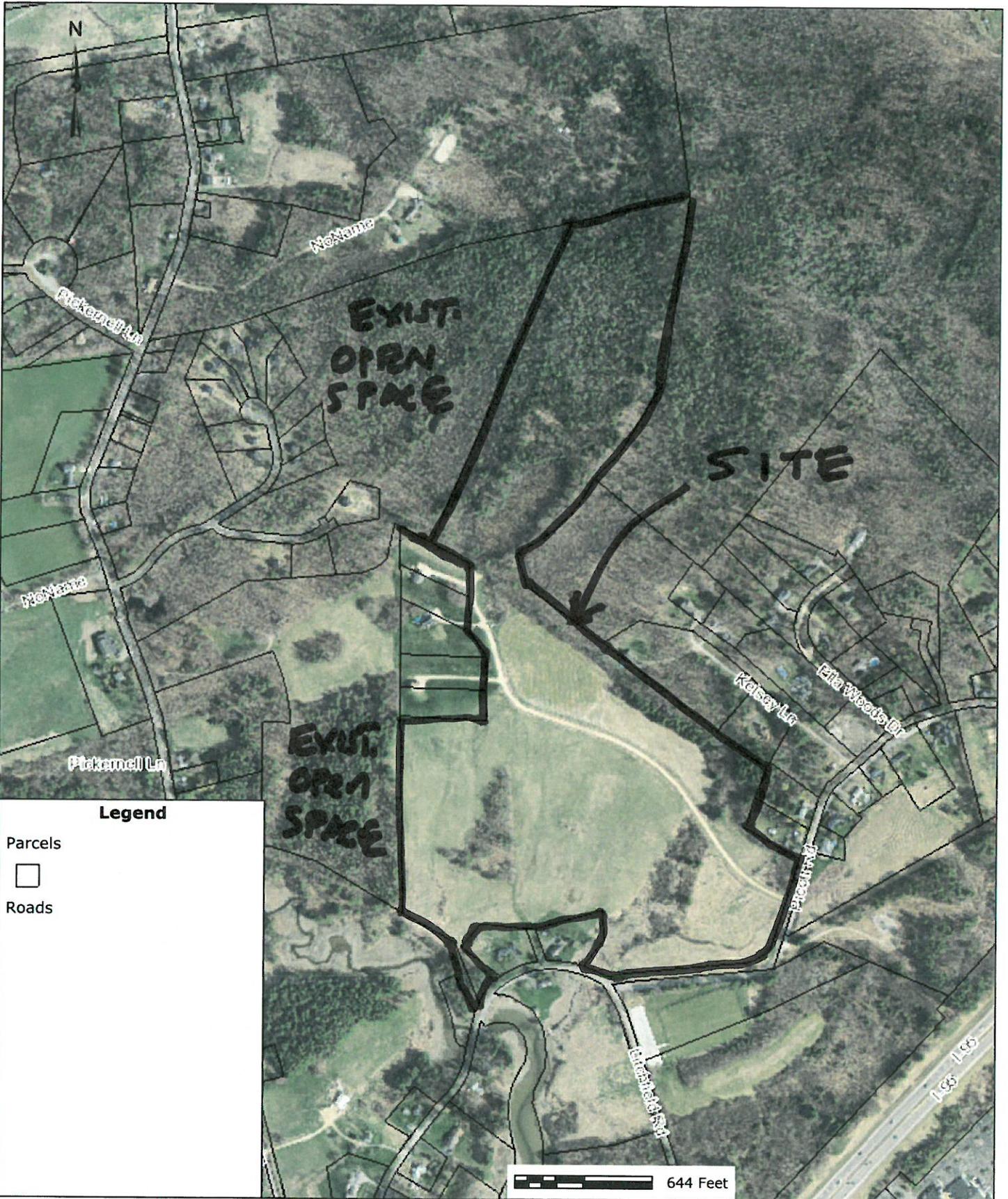
### **Action**

The sketch plan submittal appears sufficiently complete, conditioned on the submittal of additional information the Board deems it needs to continue the review. If the Board determines no further information is needed the Board may accept the sketch plan.

***Move to accept the sketch plan application dated February 17, 2016 from owner/applicant Gary Seward et al for a 15-lot subdivision on remaining land from a previously approved private Right-of-Way, Seward Farm Lane, located at 39 Picott Road (Tax Map 46, Lot 4) in the Residential – Rural (R-RL) and Shoreland Overlay (OZ-SL-250) Zones.***

*The Board should consider whether a site walk is warranted at this time. The Board should also discuss the question of conventional vs. cluster and determine if there is information needed from the applicant before determining the likelihood of the Board granting a special exception use. Or if the Board can make that determination they can approve the Sketch Plan. A suggested motion to continue the sketch plan and schedule a site visit is provided below.*

***Move to schedule a site walk and continue the Sketch Plan for owner/applicant Gary Seward et al for a 15-lot subdivision on remaining land from a previously approved private Right-of-Way, Seward Farm Lane, located at 39 Picott Road (Tax Map 46, Lot 4) in the Residential – Rural (R-RL) and Shoreland Overlay (OZ-SL-250) Zones not to exceed 90 days.***



**Legend**

Parcels  
 □  
 Roads

**Map 46 Lot 4 Seward Farm Lane**

**Town of Kittery,  
 Maine**

*This information has been compiled from various public and private sources. While every attempt has been made to provide accurate information, neither the municipality nor the service host guarantee the accuracy of information provided herein.*

North  
W  EASTERLY  
SURVEYING, Inc.

191 State Road, Suite #1 • Kittery, Maine 03904 • (207) 439-6333 • Fax (207) 439-1354

RECEIVED  
FEB 17 2016  
BY \_\_\_\_\_

February 17, 2016

Kittery Planning Board  
c/o Chris DeMatteo - Town Planner  
200 Rogers Road  
Kittery, ME 03904

Planning Board Review – Sketch Plan Subdivision Review – Gary R. Seward etal - Picott Road, Kittery, ME  
Job# 03618

Dear Planner and Planning Board Members,

The Seward family and others would like their conceptual subdivision reviewed at the March planning board meeting. The present farm is located on the north side of Picott Road across from the Town of Kittery soccer fields. The right of way that serviced a family 5 lot subdivision was relocated in 2005 and the road was built at that time. They would like to conclude the division of their farm by proposing a conventional 12 house lot subdivision on the existing road, transfer some land to the Town of Kittery for soccer fields, continue to farm a portion of the fields and possibly transfer ownership of a woodlot to the Kittery Land Trust. Attached you will find a Conceptual Subdivision Plan with an aerial photo background showing the proposed lots and areas to be transferred.

As you can see the objectives of the code are being met by the owners and would like the planning board to approve this sketch plan as a conventional subdivision and provide them with the guidance they need to proceed.

Please feel free to contact me should you have any questions.

Sincerely:

  
Kenneth D. Markley R.L.S.  
President – North Easterly Surveying, Inc.



# TOWN OF KITTERY MAINE

## TOWN PLANNING AND DEVELOPMENT DEPARTMENT

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

### APPLICATION: SITE OR SUBDIVISION-SKETCH PLAN REVIEW

Application Fee:  \$300.00      Amount Paid: \$ \_\_\_\_\_      Date: \_\_\_\_\_

<b>PROPERTY DESCRIPTION</b>	Parcel ID	Map	46	Zone(s)-Base:	R-RL	Total Land Area	69 AC
		Lot	4	Overlay:	02-SL-250	MS4	___ YES ___ NO
	Physical Address	PICOTT ROAD					

<b>PROPERTY OWNER'S INFORMATION</b>	Name	GARY R. SEWARD ET AL		<b>Mailing Address</b>	39 PICOTT ROAD KITTERY, ME 03904		
	Phone						
	Fax						
	Email	BACON04@COMCAST.NET					

<b>APPLICANT'S AGENT INFORMATION</b>	Name	KEN MARKLEY		<b>Mailing Address</b>	NORTH EASTERLY SURVEYING, INC. 191 STATE ROAD KITTERY, ME 03904		
	Phone	207-439-6333					
	Fax						
	Email	KEN@EASTERLYSURVEYING.COM					

<b>PROJECT DESCRIPTION</b>	<i>See reverse side regarding information to be provided.</i>						
	<b>Existing Land Use(s):</b>	FARM AND WOODLOT					
	<b>Proposed Land Use(s) and Development:</b>	FARM, WOODLOT, SOCCER FIELDS & SINGLE FAMILY RESIDENCES					
	<b>Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)</b>	THE ROAD IS ALREADY CONSTRUCTED. THERE ARE WETLANDS, A FLOOD ZONE BOUNDARY AND A SHORELAND OVERLAY ZONE ON OTHER PARTS OF THE PROPERTY					

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

<b>Applicant's Signature:</b>		<b>Owner's Signature:</b>	
<b>Date:</b>	2/17/16	<b>Date:</b>	2/17/16

## MINIMUM PLAN SUBMITTAL REQUIREMENTS

- 15 Copies of this Application, Vicinity Map, and the Sketch Plan - 5 of which must be 24" X 36"

### Sketch Plan format and content:

A) Paper Size; no less than 11" X 17" or greater than 24" X 36"

B) Plan Scale

Under 10 acres: no greater than 1" = 30'

10 + acres: 1" = 50'    1" = 100'

C) Title Block

Applicant's name and address

Name of preparer of plan with professional information

Parcel's Kittery tax map identification (map - lot) in bottom right corner

NOTE TO APPLICANT: PRIOR TO A PLANNING BOARD SITE WALK, TEMPORARY MARKERS MUST BE ADEQUATELY PLACED THAT ENABLE THE PLANNING BOARD TO READILY LOCATE AND EVALUATE THE DEVELOPMENT'S DESIGN.

**Vicinity Map – map or aerial photo showing 1,000 feet around the site.**

### Sketch Plan must include the following existing and proposed information:

#### Existing:

- Land Use Zone and boundary
- Topographic map (optional)
- Wetlands and flood plains *SOME*
- Water bodies and water courses
- Parcel area
- Lot dimensions *FOR EXISTING*
- Utilities (Sewer/septic, water, electric, phone)
- Streets, driveways and rights-of-way
- Structures

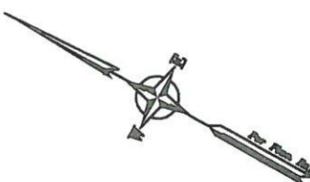
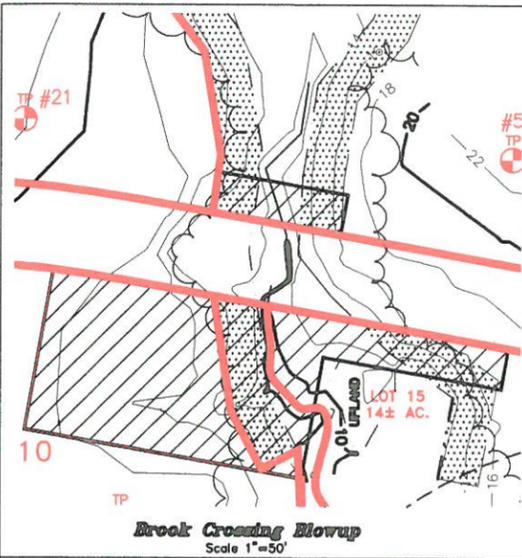
**Proposed:** (Plan must show the lightened existing topography under the proposed plan for comparison.)

- Recreation areas and open space.
- Number of lots and lot areas
- Setback lines and building envelopes
- Lot dimensions
- Utilities (Sewer/septic, water, electric, phone)
- Streets, driveways and rights-of-way
- Structures

#### Distance to:

- Nearest driveways and intersections
- Nearest fire hydrant
- Nearest significant water body

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



**RIGHT OF WAY LINE & CURVE DATA:**

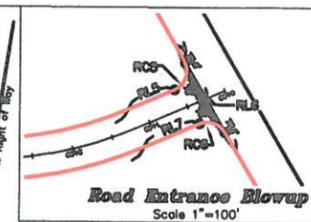
RL1	S78°47'27"E	20.00'
RL2	S131°2'33"W	50.00'
RL3	N78°47'27"W	20.00'
RL4	S131°2'33"W	14.21'
RL5	S51°51'37"E	61.51'
RL6	S30°59'39"W	100.78'
RL7	N51°51'37"W	74.05'
RL8	N00°01'23"W	61.58'
RC1	R=30.00'	L=47.12'
RC2	R=30.00'	L=47.12'
RC3	R=125.00'	L=62.73'
RC4	R=475.00'	L=275.17'
RC5	R=25.00'	L=42.39'
RC6	R=25.00'	L=36.15'
RC7	R=525.00'	L=304.14'

**NATURAL VEGETATED BUFFER CONSERVATION EASEMENT LINE & CURVE DATA:**

BL1	N131°2'33"E	89.12'
BL2	S78°47'27"E	49.59'
BL3	S00°01'23"E	120.88'
BL4	N56°30'53"W	82.36'
BL5	S00°01'23"E	44.12'
BL6	N78°23'05"W	87.36'
BL7	N131°2'33"E	70.87'
BL8	S18°40'05"E	48.31'
BL9	N71°19'55"E	25.00'
BL10	S18°40'05"E	80.00'
BL11	S71°19'55"W	25.00'
BL12	N18°40'05"W	80.00'
BL13	S18°40'05"E	239.22'
BL14	S71°19'55"W	25.00'
BL15	N18°40'05"W	100.00'
BL16	S71°19'55"W	75.00'
BL17	N18°40'05"W	170.00'
BL18	N71°19'55"E	98.93'
BL19	R=775.00'	L=40.80'

**MITIGATION AREA LINE & CURVE DATA:**

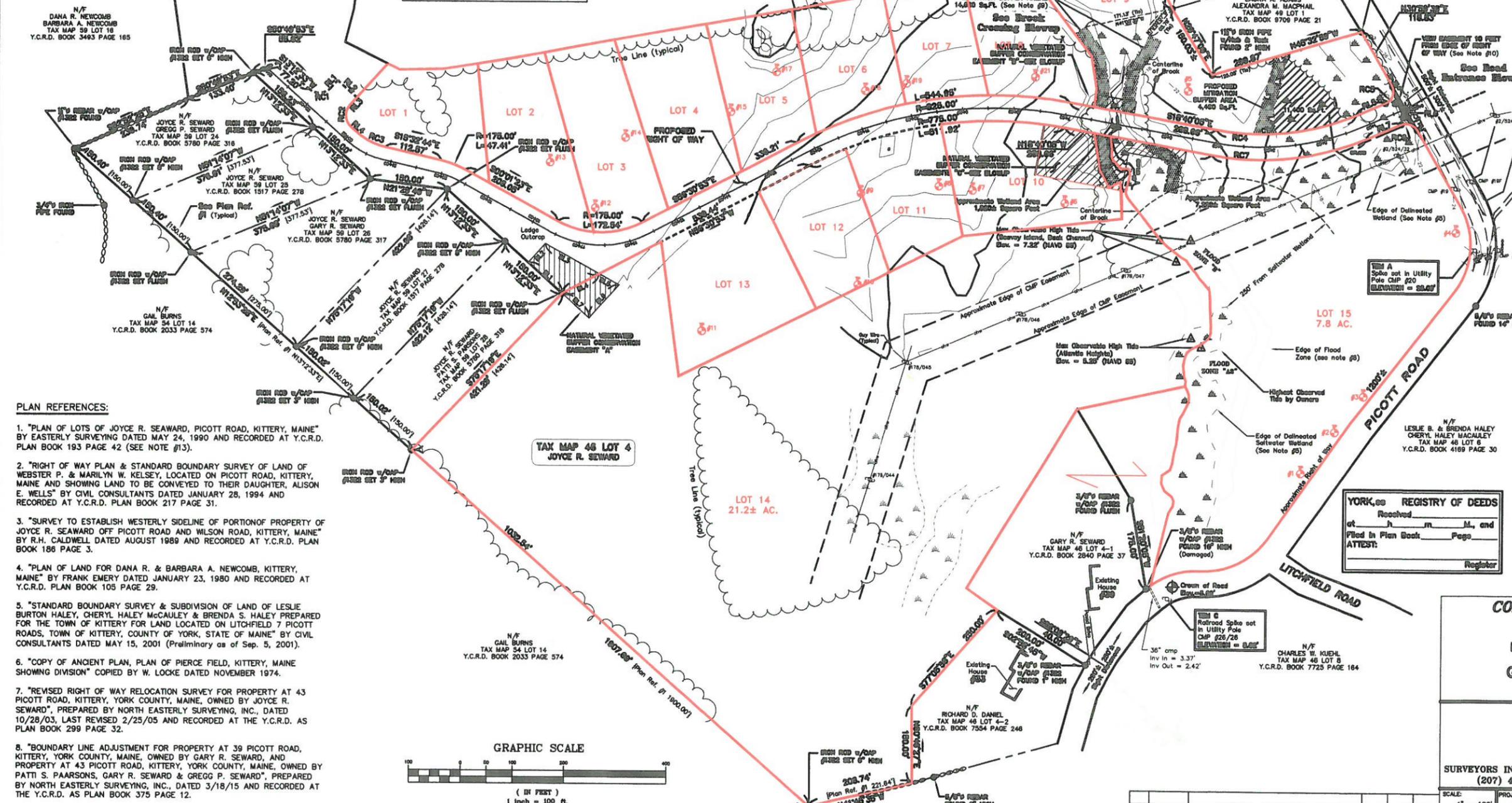
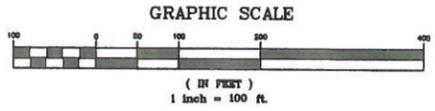
L1	N78°08'19"E	155.54'
L2	S45°32'59"E	30.00'
L3	S78°08'19"W	117.64'
L4	S54°46'48"W	44.45'
C1	R=475.00'	AL=43.44'
		CL=43.48'



**WAIVERS:**  
 1.) 16.32.1180 - USE PRIVATE WAY STANDARDS INSTEAD OF PRIVATE LANE STANDARDS.  
 2.) 16.32.1180 - LONGER CUL-DE-SAC LENGTH ALLOWED.

- NOTES:**
- THE PURPOSE OF THIS PLAN IS TO DEPICT A PROPOSED SUBDIVISION.
  - OWNER OF RECORD:  
TAX MAP 46 LOT 4  
GARY R. SEWARD  
GREGG P. SEWARD  
PATTI S. PARSONS  
Y.C.R.D. BOOK 16782 PAGE 850  
DATED FEBRUARY 25, 2014
  - BASIS OF BEARING IS PER PLAN REFERENCE #1.
  - ELEVATIONS ARE BASED UPON DISK "A 201" LOCATED ON THE SOUTHWEST CORNER BRIDGE ABUTMENT ON THE NORTH SIDE OF SPRUCE CREEK ALONG THE SOUTHWEST LANE OF INTERSTATE 95, ELEVATION = 12.81' (NAVD 88 DATUM).
  - WETLAND DELINEATION WAS PERFORMED BY JOSEPH NOEL, MAINE CERTIFIED SOIL SCIENTIST IN SEPTEMBER 2003 & JANUARY 2004. SALTWATER WETLAND DELINEATION WAS PERFORMED IN FEBRUARY 2004.
  - FLOOD ZONE INFORMATION WAS OBTAINED FROM "FIRM FLOOD INSURANCE RATE MAP, TOWN OF KITTERY, MAINE" COMMUNITY PANEL No. 230171 0004 C, EFFECTIVE DATE JULY 5, 1984.
  - ZONE: RR
  - VEHICULAR TRAFFIC: 3 LOTS ARE PROPOSED FOR BUILDING AT THIS TIME. 3 SINGLE FAMILY RESIDENCES @ 9.5 AVERAGE DAILY TRIPS = 28.5 AVERAGE DAILY TRIPS PROJECTED.
  - TOTAL WETLAND AREA DISTURBED IS 9,040± SQUARE FEET. TOTAL MITIGATION BUFFER AREAS AREA 19,140± SQUARE FEET PLUS 11,400 SQUARE FEET OF HAYFIELD WETLAND ALLOWED TO REESTABLISH ITS NATURAL VEGETATION. MITIGATION BUFFER AREAS TO BE LEFT IN NATURAL STATE.
  - A NEW EASEMENT WILL BE ESTABLISHED TO ALLOW MINIMAL VEGETATION REMOVAL TO MAINTAIN SIGHT DISTANCE.
  - ROADWAY WILL BE UPGRADED TO 16 FOOT PAVED WITH 1 FOOT SHOULDERS OR TO HIGHER STANDARDS EXCEPT FOR LENGTH, IF MORE THAN 3 DWELLING UNITS USE IT AS ACCESS.
  - ANY FURTHER DEVELOPMENT USING THIS RIGHT OF WAY FOR FRONTAGE OR ACCESS WOULD HAVE TO BE APPROVED BY THE PLANNING BOARD.
  - THIS PLAN SUPERSEDES THE RECORDED PLAN REFERENCE #1. THE WESTERLY SIDELINE (1900±) WAS REVISED BASED UPON UNRECORDED PLAN REFERENCE #6 WHICH WAS PROVIDED TO THIS FIRM BY THE ABUTTER, GAIL BURNS.

- PLAN REFERENCES:**
- "PLAN OF LOTS OF JOYCE R. SEWARD, PICOTT ROAD, KITTERY, MAINE" BY EASTERLY SURVEYING DATED MAY 24, 1990 AND RECORDED AT Y.C.R.D. PLAN BOOK 193 PAGE 42 (SEE NOTE #13).
  - "RIGHT OF WAY PLAN & STANDARD BOUNDARY SURVEY OF LAND OF WEBSTER P. & MARILYN W. KELSEY, LOCATED ON PICOTT ROAD, KITTERY, MAINE AND SHOWING LAND TO BE CONVEYED TO THEIR DAUGHTER, ALISON E. WELLS" BY CIVIL CONSULTANTS DATED JANUARY 28, 1994 AND RECORDED AT Y.C.R.D. PLAN BOOK 217 PAGE 31.
  - "SURVEY TO ESTABLISH WESTERLY SIDELINE OF PORTION OF PROPERTY OF JOYCE R. SEWARD OFF PICOTT ROAD AND WILSON ROAD, KITTERY, MAINE" BY R.H. CALDWELL DATED AUGUST 1989 AND RECORDED AT Y.C.R.D. PLAN BOOK 186 PAGE 3.
  - "PLAN OF LAND FOR DANA R. & BARBARA A. NEWCOMBS, KITTERY, MAINE" BY FRANK EMERY DATED JANUARY 23, 1980 AND RECORDED AT Y.C.R.D. PLAN BOOK 105 PAGE 29.
  - "STANDARD BOUNDARY SURVEY & SUBDIVISION OF LAND OF LESLIE BURTON HALEY, CHERYL HALEY MCCAULEY & BRENDA S. HALEY PREPARED FOR THE TOWN OF KITTERY FOR LAND LOCATED ON LITCHFIELD 7 PICOTT ROADS, TOWN OF KITTERY, COUNTY OF YORK, STATE OF MAINE" BY CIVIL CONSULTANTS DATED MAY 15, 2001 (Preliminary as of Sep. 5, 2001).
  - "COPY OF ANCIENT PLAN, PLAN OF PIERCE FIELD, KITTERY, MAINE SHOWING DIVISION" COPIED BY W. LOCKE DATED NOVEMBER 1974.
  - "REVISED RIGHT OF WAY RELOCATION SURVEY FOR PROPERTY AT 43 PICOTT ROAD, KITTERY, YORK COUNTY, MAINE, OWNED BY JOYCE R. SEWARD", PREPARED BY NORTH EASTERLY SURVEYING, INC., DATED 10/28/03, LAST REVISED 2/25/05 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 299 PAGE 32.
  - "BOUNDARY LINE ADJUSTMENT FOR PROPERTY AT 39 PICOTT ROAD, KITTERY, YORK COUNTY, MAINE, OWNED BY GARY R. SEWARD, AND PROPERTY AT 43 PICOTT ROAD, KITTERY, YORK COUNTY, MAINE, OWNED BY PATTI S. PARSONS, GARY R. SEWARD & GREGG P. SEWARD", PREPARED BY NORTH EASTERLY SURVEYING, INC., DATED 3/18/15 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 375 PAGE 12.



**YORK, ME REGISTRY OF DEEDS**  
 Received \_\_\_\_\_ M., and  
 Filed in Plan Book \_\_\_\_\_ Page \_\_\_\_\_  
 ATTEST:  
 Register

**CONCEPTUAL SUBDIVISION**  
 FOR PROPERTY AT  
**39 Picott Road**  
 Kittery, York County, Maine  
 OWNED BY  
**Gary R. Seward et. al.**  
 39 Picott Road  
 Kittery, Maine 03904

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

SCALE: 1" = 100' PROJECT NO. 03618 DATE: 1/26/16 SHEET: 1 OF 1 DRAWN BY: A.M.P. CHECKED BY: K.D.M.  
 DRAWING No: 03618 Conceptual Subdivision FIELD BOOK No: "Kittery #15" Tax Map 46 Lot 4

REV.	DATE	STATUS	BY	CHKD	APPD.