Town of Kittery
Planning Board Meeting
September 8, 2016

412 Haley Road – Sketch Plan Review

Action: Review application. Approve or deny sketch plan. Owner Marilyn Mann & James Smith and Applicant, Green & Company, requests consideration of a 12-lot subdivision located at 412 Haley Road (Tax Map 34 Lot 3) in the Residential – Rural (R-RL) and Shoreland Overlay (SH-OZ-250') Zones. Agent is Joseph Coronati, Jones and Beach Engineers, Inc.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Review	8/11/2016	HELD
YES	Site Visit	9/1/2016	HELD
YES	Sketch Plan Approval	Scheduled for 9/8/2016	PENDING
YES	Preliminary Plan Review Completeness/Acceptance		
YES	Public Hearing		
YES	Preliminary Plan Approval		
YES	Final Plan Review and Decision		

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

Background

This is an initial, conceptual review of a major subdivision located at 412 Haley Road. The parcel is a conforming lot, 27.45 acres in size, with one, conforming single-family dwelling. The applicant is proposing an 11-lot cluster subdivision, including the existing waterfront residence

A portion of the lot is located with the Shoreland Overlay Zone. Therefore, all shoreland regulations and restrictions apply to any area within 250' of Spruce Creek's highest annual tide elevation.

The Board approved to accept the application and to schedule a site visit and continue the review at a future meeting, not to exceed 90 days. A site walk was held on September 1, 2016. Unapproved minutes of the site walk have been attached for the Board's reference.

Staff met with the applicant to discuss comments from the Board made during the August 11th review. During the site walk, the applicant submitted a revised plan that increased the total number of proposed lots from 11 to 12. The revised plan is included with the Board's 9/8/2016 packet materials, however, a formal review by Staff has not been completed and, therefore, is not reflected in these notes.

The following review is from the August 11th plan review notes with updates highlighted in yellow.

Staff Review

1. *Staff met with the applicant and their agent to discuss objectives to develop. The applicant proposes an 11-lot cluster subdivision with modified frontage, and minimum lot size standards. Cluster subdivision is a permitted use in the R-RL zone. Two waterfront lots are in addition to the primary 9-lot clustered subdivision.*

2. *Existing conditions on the lot is one, single-family dwelling, with frontage along Haley Road. The residence is accessed by an approved 40-ft ROW, approximately 1,400 feet in length. In addition, the gravel drive and ROW from Haley Road provides access and frontage for 3 abutting lots.*

3. *In the July 20 cover letter, the applicant states the minimum land area per dwelling unit for the R-RL zone is 20,000 square feet. The minimum land area per dwelling unit in the R-RL zone is actually 40,000 square feet. However, this may have been a typo in the cover letter, as it appears the applicant used the correct minimum land area per dwelling unit in determining the net residential density of 14 lots. (13.6*43,560/40,000 = 14.8).*

4. *The applicant provides a list of deductions to determine Net Residential Acreage (NRA). Once a formal standard boundary survey and wetland delineation has been completed, the applicant should verify the NRA calculations, referencing Title 16.7.8.2, to ensure all required deductions are included, and no overlaps are present.*

5. *The applicant proposes improving the existing gravel driveway to provide access to the subdivision. A class 3 private street will provide frontage for lots 1, 2, 6, 9, 10, 11, as well as the two existing lots, identified as 402 and 404 Haley Road. A second Class 2 private street will access lots 3 – 7. The two streets will require different names and the applicant will be responsible for any improvements to conform to the street standards as outlined in Table 1 of Chapter 16.8, Article IV. Since the original street ROW was never names, properties identified as 402 & 404 Haley Road will likely need to change their addresses.*

6. *The applicant intends to petition the streets to be accepted by the Town as public, however it is unclear whether that petition will be included with this application.*

7. *As stated on the ROW plan dated 10/29/2001, and revised 6/30/2004, existing underground utilities are located under the northerly and westerly shoulder of the gravel drive. The applicant proposes to extend the waterline into the subdivision, as well as install hydrants along both roads.*

8. *No buffering is provided along the cluster development and abutting properties 424 and 428 Haley Road, located to the east of the proposed development. The Board may want to consider requiring a buffer to preserve the character of abutting properties. This would result in a somewhat reduced building envelope for lots 1, 3, 4 and 5.*

9. *The two waterfront lots begin at the cul-de-sac, extend approximately 500', and expand out to show a building envelope, creating two flag-shaped lots. Flag shaped lots are prohibited per Title 16.8.16.2. In addition, this design provides approximately 25' of frontage for both lots 10 and 11. The applicant may want to consider extending the ROW to end in a cul-de-sac closer to the buildable area of lots 10 and 11, thus resulting in lot shapes consistent with the dimensions outlined in Title 16.8.16.2, Lot Shape. This may also help to ensure the driveway(s) are less than the 500-foot limit.*

10. *The property receives town water. However, it is not on town sewer. Privately shared sewer must be provided unless the applicant can demonstrate, to the Board's satisfaction, individual sewer systems can maintain all state and town setback standards. If the applicant does not plan to provide a shared sewer collection and treatment system, no lot may be smaller than 20,000 square feet per single-family residence, and, though none are proposed, 8,000 square feet per bedroom per multi-family residence, if applicable.*

11. *The location of subsurface wastewater disposal systems and reserve areas are not depicted on the sketch plan. Proposed sites should be included on preliminary and final plans.*

12. *The applicant plans to provide access to Spruce Creek for swimming and recreational activities. It is unclear whether the intent of this access is public, available only to the subdivision property owners. If the latter, the applicant may wish to include access to properties abutting the proposed ROW as well.*

13. *The required open space is divided into three segments: directly to the north of the ROW upon entering the property from Haley Road; on the easterly edge of lot 10; and on the westerly edge of lot 11. Per Title 16.8.11.6.E.6, when possible, open space should be in a contiguous form of unfragmented land. The Board may want to consider if an alternative arrangement of the required contiguous, unfragmented open space exists.*

14. *412 Haley Road is located in a designated MS4 area. Preliminary and final plan application will need to demonstrate a plan to meet the requirements outlined in 16.8.8.1, Stormwater drainage, and 16.8.8.2, Post construction stormwater management. The Shoreland Resource officer will review and approve management to ensure compliance with MS4 general performance requirements.*

15. *The sketch plan incorrectly identifies the name of the road "Goose Point" as "Goose Pond Drive" and should be revised.*

16. Abutters have expressed concerns regarding impact to wildlife, specifically in regards to local deer habitat. As part of their preliminary plan application, the applicant should provide information on wildlife habitats, such as deer yards, and demonstrate the proposed development has no adverse impact.

17. The Right-of-Way (ROW) was originally approved by he Planning Board 11-09-1995. An amendment to extend the ROW to provide frontage for a proposed new lot was approved on 12-13-2001 (copy of approved plan attached). Questions have arisen regarding the following plan notes from the 2001 amended plan:
    a. Plan note 7 - No more than five dwelling units can use the right of way with the gravel road improved to 16-foot wide; one dwelling unit on each of the following lots: 3, 3-4, 3-3, 3-3A and the new lot.
    b. Plan note 13 - The right of way will remain privately owned and maintained by the land owners. The road will not become a "town road".

    These plan notes appear to be a result of deliberations during the approval process for the 1995 ROW application. Minutes of the 11/9/1995 Planning Board meeting reflect a discussion regarding waivers to street standards. The proposed ROW was longer than what was permitted at the existing 12-foot width. The Board discussed plan note restricting use of the ROW to no more than four dwelling units "at its existing 12' width" in an attempt to avoid the addition of lots on a narrow street. The 2001 amendment permitted up to five dwelling units, with consideration of a width increase from 12' to 16'.

    These restrictions are recommendations made by previous Planning Boards, specific to the application review at the time. These restrictions may be modified, pending approval by the current Board. No covenants or restrictions appear to be associated with the property's deed that limit the number of units allowed or condition of the ROW. The current application is proposing to improve

the road to Town standards as outlined in Table 1 Title 16.8 Article IV, in order to support the proposed use of 15 lots (12 in the proposed subdivision, 3 existing abutters).

18. Ms. Mann returned to the Planning Board for review on July 8, 2004, with a request to, again, amend approved ROW plan to change the language of Plan note 15 from "all lot owners" to a "majority of property owners" must sign a road maintenance agreement. The result of this application is inconclusive at the time of preparing these notes. There are no known ROW amendments or approvals following the 2001 approval.

19. During the initial review held on August 11, 2016, several Board members expressed questions regarding the potential of restrictive covenants on the property that may prohibit any future development. Staff completed a preliminary search and was able to identify covenants related to the conveyance of the land to the north of Haley Road (Bartlett Farms subdivision), as well as one abutting parcel, however, did not identify any conclusive evidence of covenants related to the Mann's property (34-3). During the site walk, the applicant stated they are completing a full Title search and should be prepared to provide evidence in regards to the existence, or non-existence, of any restrictive covenants, prior to the submission of a preliminary plan application. In addition, during the site walk an abutter commented they had information to share regarding this topic.

Recommendation

With the exception of a high intensity soil survey, the sketch plan appears to be sufficient for the Board to initiate a review per Title 16.10.4.2.1 and with consideration of Title 16.8.11.5. The Board should determine if the proposal is in general conformance with Title 16 and if there is additional information/suggestions the Board wants to convey to the applicant prior to submitting a preliminary plan application.

Action

If the Board determines the sketch plan is in general conformance to the Code, with consideration of comments by Staff and Board members, the Board may approve the sketch plan.

Move to approve the Sketch Plan for owner/applicant Marilyn Mann & James Smith for a 12-lot subdivision located at 412 Haley Road (Tax Map 34, Lot 3) in the Residential – Rural (R-RL) and Shoreland Overlay (OZ-SL-250) Zones.

16.10.6.1.A. Within six months after approval/classification of a sketch plan by the Board, the applicant must submit an application for approval of a subdivision preliminary plan or site plan preliminary plan.

Unapproved

Major Subdivision Site Walk

Purpose: To review the sketch plan for a major subdivision

Thursday, September 1, 2016 – 8:00 am, 412 Haley Road

Attendees:

Planning Board Members: Ann Grinnell, Karen Kalmar, Debbie Driscoll-Davis, Mark Alesse, Bob Harris

Staff: Chris Di Matteo, Rebecca Spitko, Jessa Kellogg

Other Participants: Phyllis Ford, Anne Formalarie, Richard Green, Jenna Green, Nanci Lonett, Greg Orso, Joe Coronati, Karen Saltus, David McCarney, Lainey McCartney, Peter V., Maureen Bilodeau, Stephen Hall, James Tyssen, Shaye Robbins, John Robbins, Paul Hodes, Peggy Horstmann Hodes, Kalle Matso, Ray Ledgett, Paul Ledgett, Mike Pinkham, Ray Grenier, Craig Wilson

Handouts:

11x17 – revised sketch plan, Jones & Beach Engineers, Inc.

Meeting:

Chair, Ann Grinnell, called the site walk to order at 8:08 am. Joe Coronati gave a summary of the proposed development: an approximate 27 acre parcel under agreement with Green and Company, to be developed into a 12 lot cluster subdivision, upgrading the existing driveway to town standards. The site walk commenced approximately across from the proposed lot 10, continued to the edge of the class 1 road, through and around lots 11 and 12, returned to walk long the driveway to the site of the proposed intersection, and concluded at the site of the proposed cul-de-sac. Development and site features (proposed lot lines, road centerlines, flood plains, etc.) were not marked on the site as a full survey of the site and wetland delineation is not completed.

Highlights of the site walk are as follows:

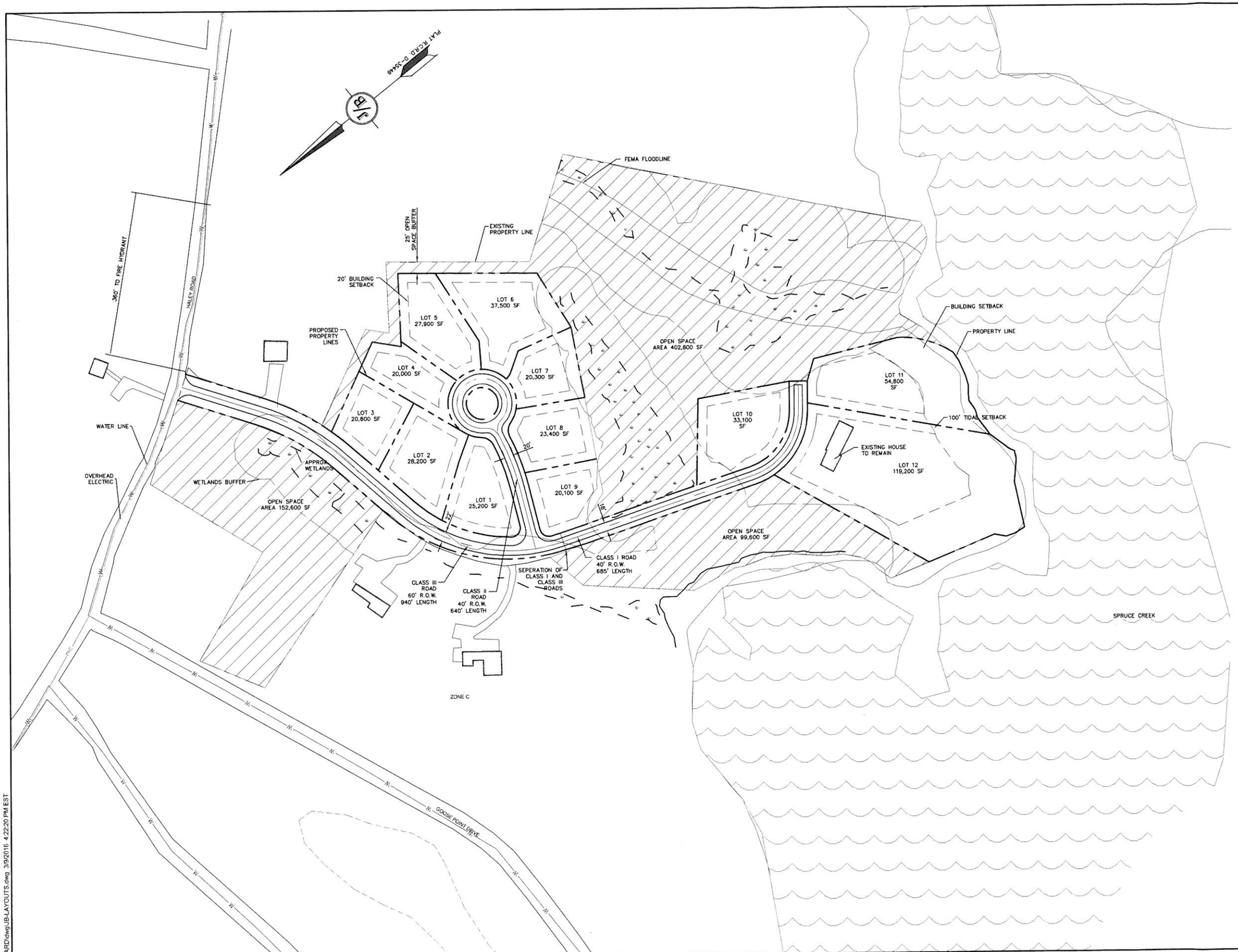
- Joe Noel has completed approximately 30 test pits on the site. The applicant reported all test pits were passing.
- The exact location of the shared access "community dock" has not been finalized and is not depicted on the revised sketch plan. Additionally, it is not determined the type of access to be proposed (working dock, foot access, etc.). The applicant does not plan to begin a process with the Kittery Port Authority until proposal details are finalized.
- The site is not on town sewer. The proposed development includes individual septic systems. Several attendees expressed concerns regarding the impact of 12 septic systems on Spruce Creek.
- The sketch plan proposes to pave approximately 900' of the existing driveway. The surface of the remainder of the existing driveway will be gravel, similar to existing conditions. The proposed cul-de-sac will also have a paved surface.
- The applicant would like to petition the Town to accept the street as public. In preparation of this, all roads will be developed to Town Standards. A road maintenance association to determine maintenance responsibilities while the road is classified as a private road is not written, and would be developed during the preliminary plan application process.
- There is no known road association for the existing driveway. Maintenance is managed informally between the property owner and three abutters who utilize the right-of-way.

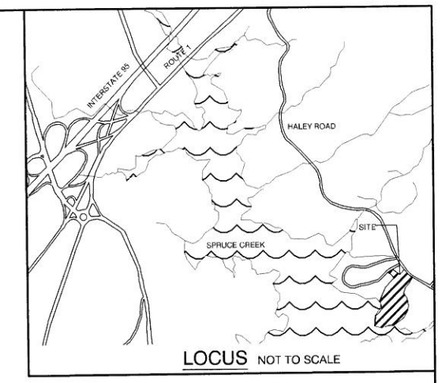
- The applicant's lawyer reported a title search has not found any restrictive covenants on the property. An abutter stated he is aware of covenants, and agreed to present them to the Planner for further review and dissemination.
- Historically, Green and Company have included style and design covenants with their developments. Specific covenants for this development have not been written and will be developed during the preliminary or final plan review process.
- Three lots exist outside of the principal footprint of development. A conversation ensued as to whether this conforms with the purpose of "cluster development". At this time, there are no known restrictions preventing a cluster development with more than one development footprint.
- The Shoreland Resource Officer reviewed restrictions regarding the existing wooded buffer along the edge of the property. Restrictions include but are not limited to:
    - No open space greater than 6-feet may be created
    - Certain situations allow for the removal of a tree (ex: dead or diseased vegetation), however a replanting plan may be required
    - No "clear-cut" clearing to create a water view is permitted.
    - "Limbing" the bottom 1/3 of a tree is allowed, however "limbing" or shaping the top 2/3 of vegetation to create uniformity is not permitted
- An attendee presented a request to the applicant to voluntarily place a "no cut, no disturb" restriction on the shoreland buffer.
- The Planning Staff agreed to review the abutter list to ensure all abutters are receiving required notification, specifically in regards to abutters across Spruce Creek.
- 3 abutters reported having right-of-way access to Spruce Creek, which is not depicted on the plan. The applicant noted detailed descriptions of the abutter right-of-ways are difficult to find, but agreed to note this access on the plan.
- The development includes three classes of streets: Class I, II and III. Each class has a limit in regards to length and the number of houses it is able to provide access for. Street standards are found in Table 1 of Title 16.8.4.
- Concern was expressed in regards to the animals who utilize the land as a pass through and could be displaced by the proposed development.
- The applicant stated they would like to preserve some of the existing trees on the lot surrounding the cul-de-sac, but stated they do not have a specific plan to maintain a buffer. No "internal" buffer requirements (such as, between lots) exist, but there are "external" (surrounding the entirety of the development) requirements. It is the Board's discretion to determine whether the applicant satisfies the buffer requirement.
- At this time, the applicant proposes the development be built at grade. There are no current plans to bring down the slope of the hill.
- The property is located within a designated MS4 area and will need to comply with all local and state MS4 regulations. The applicant would like to connect with Town infrastructure, but does not know if this would be possible. The applicant will explore this further during preliminary and final application process.

The meeting concluded with a review of the application process (sketch, preliminary, final). Mr. Alesse requested Staff produce a "flow chart" to provide to residents to assist with explaining the process. Ms.

Grinnell reviewed the next review of the sketch plan will take place on September 8th, however, this review does not include public comment. Ms. Grinnell stated the Board will vote on that time on the possibility of a second site walk to be held during the preliminary/final plan application period. In the event of a second site walk, Ms. Grinnell requested the applicant flag all site and development features to demonstrate the proposed development.

The site walk of Seward Farm Lane adjourned at 9:30 am.





LOCUS NOT TO SCALE

LEGEND

EXISTING	PROPOSED	DESCRIPTION
		PROPERTY LINES
		SETBACK LINES
		CENTERLINE
		FRESHWATER WETLANDS LINE
		TIDAL WETLANDS LINE
		FLOOD PLAIN LINE
		EDGE OF PAVEMENT
		WETLAND IMPACT
		OPEN WATER
		FRESHWATER WETLANDS

SITE NOTES:

1. THE INTENT OF THIS PLAN IS TO DEPICT THE PROPOSED SUBDIVISION FOR THE PARCEL OF LAND AT 412 HALEY ROAD IN KITTEY MAINE. DEPICTED ON THIS CONCEPTUAL PLAN ARE THE PROPOSED PROPERTY LINES FOR THE SUBDIVISION.

2. ZONING DISTRICT: RESIDENTIAL RURAL ZONE. R-RL
MINIMUM LOT SIZE: 20,000 SF

BUILDING SETBACKS (MINIMUM):
FRONT SETBACK = 40'
SIDE SETBACK = 20'
REAR SETBACK = 20'
MAX. BUILDING HEIGHT = 35'

CLUSTER RESIDENTIAL AND CLUSTER MIXED-USE DEVELOPMENT ZONING APPLICABLE
MINIMUM LOT SIZE: 20,000 SF

BUILDING SETBACKS (MINIMUM):
FRONT SETBACK = 40'
SIDE SETBACK = 20'
REAR SETBACK = 20'
MAX. BUILDING HEIGHT = 35'

3. REQUIRED OPEN SPACE: 13.7 ACRES (598,450 SQ.FT.)
PROPOSED OPEN SPACE: 15.0 ACRES (655,000 SQ. FT.)

4. THIS PLAN SET HAS BEEN PREPARED BY JONES & BEACH ENGINEERS, INC., FOR MUNICIPAL AND STATE APPROVALS BASED ON DATA OBTAINED FROM KITTERY GIS MAPS, KITTERY TAX MAPS, USGS TOPOGRAPHIC MAPS, AND WEST ENVIRONMENTAL.

PROJECT PARCEL
TOWN OF KITTERY
TAX MAP 34, LOT 3

APPLICANT
GREEN AND COMPANY
11 LAFAYETTE RD
NORTH HAMPTON, NH 03862

OWNER
MARILYN MANN AND
JAMES SMITH
412 HALEY RD
KITTERY, ME 03904

TOTAL LOT AREA
1,197,900 SQ. FT.
27.5 ACRES

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Design: EAF	Draft: EAF	Date: 7/20/16
Checked: JAC	Scale: 1:100	Project No.: 16030
Drawing Name: 16030 CONCEPT2-PROPOSED PL.dwg		

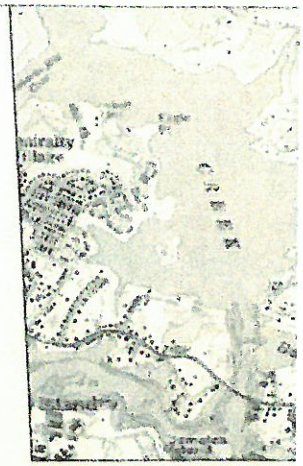
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.

REV.	DATE	REVISION	BY
0	7/20/16	ISSUED FOR REVIEW	EAF

Designed and Produced in NH
J/B Jones & Beach Engineers, Inc.
Civil Engineering Services
85 Portsmouth Ave.
PO Box 219
Stratham, NH 03885
603-772-4746
FAX: 603-772-0227
E-Mail: JBE@JONESANDBEACH.COM

Plan Name:	PROPOSED CONDITIONS-SKETCH PLAN
Project:	WETLANDS AND PROPERTY LINES 412 HALEY ROAD, KITTERY, ME
Owner of Record:	MARILYN MANN AND JAMES SMITH 412 HALEY ROAD, KITTERY, MAINE

DRAWING No.
C4
SHEET 4 OF 6
JBE PROJECT NO. 16030



NOTES:

1. THE PURPOSE OF THIS PLAN AND APPROVAL IS TO EXTEND A PRIVATE RIGHT OF WAY ACROSS THE REMAINER OF LOT 3 ON TAX MAP 34 TO CREATE FRONTAGE FOR A NEW LOT.

2. TOTAL AREA OF LOT (APPROX.) 25.0± ACRES
   AREA OF NEW LOT (APPROX.) 1.71± ACRES
   AREA OF EXIST ROW 0.95± ACRES
   AREA OF NEW ROW 0.55± ACRES

3. EXISTING UNDERGROUND UTILITIES ARE LOCATED UNDER THE NORTHERLY AND WESTERLY SHOULDER OF THE EXISTING GRAVEL ROAD.

4. EXTERIOR BOUNDARY INFORMATION IS BASED ON REFERENCE PLAN #1.

5. A PEDESTRIAN RIGHT OF WAY OVER AND ACROSS THE EXISTING DRIVEWAY (APPROX. 1,000 FEET) AND TO THE HIGH WATER MARK (200 FEET) OF SPRUCE CREEK EXISTS. (SEE DEED REFERENCE 2.)

41-7

ANGLO VICTOR RAPA

6. NO STRUCTURE EXISTS WITHIN 40 FEET OF THE EXISTING OR PROPOSED RIGHT OF WAY.

7. NO MORE THAN FIVE DWELLING UNITS CAN USE THE RIGHT OF WAY WITH THE GRAVEL ROAD IMPROVED TO 16 FOOT WIDE; ONE DWELLING UNIT ON EACH OF THE FOLLOWING LOTS: 3, 3-4, 3-3, 3-3A, AND THE NEW LOT.

8. ANY FUTURE CONVEYANCES PERMITTING USE OF THE RIGHT OF WAY SHALL CONTAIN THE RESTRICTIONS STATED IN THE NOTES.

9. ANY WIDENING OF THE GRAVEL ROAD WILL CONFORM WITH SECTION 7.12, "CONSERVATION OF KITTERY WETLANDS" OF THE "LAND USE AND DEVELOPMENT CODE ZONING ORDINANCE FOR THE TOWN OF KITTERY, MAINE".

10. SIGHT DISTANCES WERE MEASURED IN ACCORDANCE WITH SECTION 8.5.8.4 OF THE ORDINANCE.

11. NO BUILDING PERMITS WILL BE GRANTED UNLESS THE CONDITIONS OF THIS PLAN AND APPROVAL ARE UPHELD.

12. WETLAND LIMITS WERE DELINEATED BY LEONARD A. LORD CSS #271 ACCORDING TO THE 1989 FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS.

13. THE RIGHT OF WAY WILL REMAIN PRIVATELY OWNED AND MAINTAINED BY THE LAND OWNERS. THE ROAD <u>WILL</u> <u>NOT</u> BECOME A "TOWN ROAD".

14. THIS PLAN REPRESENTS A SURVEY OF THE RIGHT OF WAY ONLY. NO UPDATED BOUNDARY SURVEY WAS DONE ON ANY OF THE LOTS SHOWN.

15. A ROAD MAINTENANCE ASSOCIATION WILL BE ESTABLISHED CONSISTING OF ALL THE LOT OWNERS USING THE RIGHT OF WAY IN ORDER TO MAINTAIN THE 16 FOOT WIDE TRAVEL WAY SPECIFIED ON THIS PLAN. THE ASSOCIATION BY LAWS WILL BE RECORDED AND BINDING TO EACH LOT OWNER AND THEIR HEIRS OR ASSIGNS.

REFERENCE PLANS:

1. PLAN OF LAND PREI
F. MORAN, INC.; DATEI

2. TOPOGRAPHIC PLAN
THOMAS F. MORAN, IN

3. RIGHT OF WAY PLA
LIVINGSTON ENGINEER
RECORDED Y.C.R.D. PI

4. WETLAND ALTERAT
J. AND JULIA A. KILC
ENGINEERS, INC.; DA
PLAN BOOK

REFERENCE DEED

1. GEORGE E. MILIKE
DATED OCTOBER 13
PAGE 255

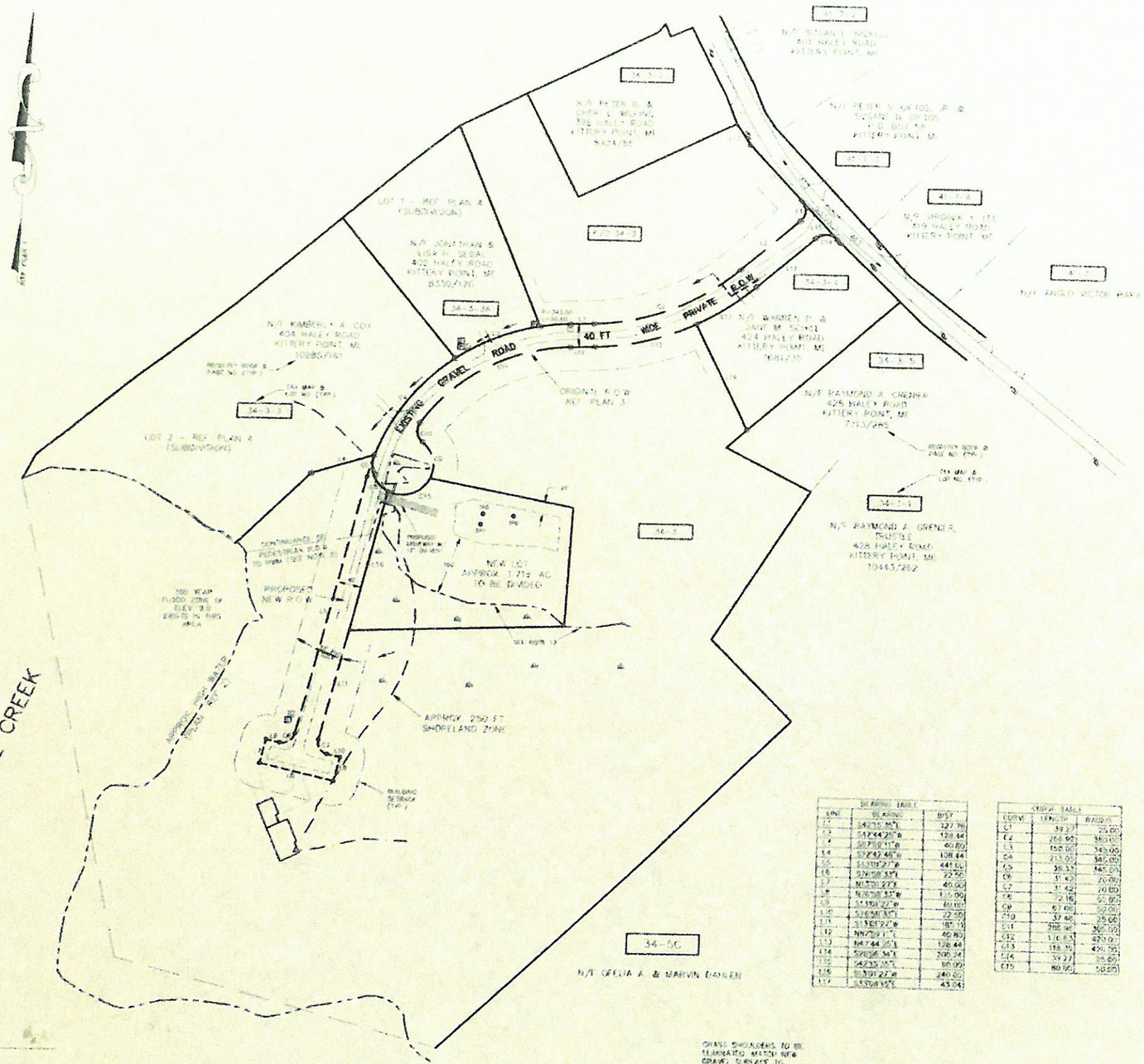
2. ALEXANDER D.
JUDITH F. TON; DA
BOOK 5110 PAGE

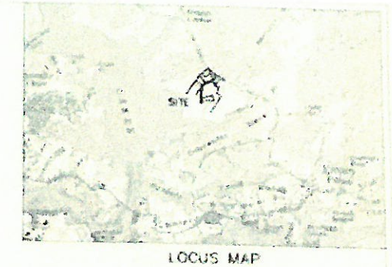
3. ALEXANDER D.
DATED JANUARY
35

4. ALEXANDER D.
KILCHENSTEIN; D
BOOK 7688 PAGE

5. ALEXANDER D
JANUARY 3, 199

6. ALEXANDER
ADAMS; DATED
9163 PAGE 46.





LOCUS MAP

NOTES

1. THE PURPOSE OF THIS PLAN AND APPROVAL IS ESTABLISH A PRIVATE RIGHT OF WAY ACROSS THE REMAINDER OF LOT 1 (TAX MAP 34) TO CREATE FRONTAGE FOR A NEW LOT.

2. TOTAL AREA OF LOT (APPROX.) 25.01 ACRES
AREA OF NEW LOT (APPROX.) 1.71 ACRES
AREA OF EXIST. ROW 0.101 ACRES
AREA OF NEW ROW 0.501 ACRES

3. EXISTING UNDERGROUND UTILITIES ARE LOCATED LARGELY ON BOUNDARY AND WITHIN SHOULDER OF THE EXISTING GRAVEL ROAD.

4. EXTERIOR BOUNDARY INFORMATION IS BASED ON REFERENCE PLAN 4.

5. A PEDESTRIAN RIGHT OF WAY OVER AND ACROSS THE EXISTING DRIVEWAY (APPROX. 1,000 FEET) AND TO THE HIGH WATER MARK (200 FEET) OF SPRUCE CREEK EXISTS. (SEE DEED REFERENCE 2.)

6. NO STRUCTURE EXISTS WITHIN 40 FEET OF THE EXISTING OR PROPOSED RIGHT OF WAY.

7. NO MORE THAN FIVE DWELLING UNITS CAN USE THE RIGHTS OF WAY WITH THE GRAVEL ROAD IMPROVED TO 16 FOOT WIDE ON A DWELLING UNIT ON EACH OF THE FOLLOWING LOTS: 3, 3-A, 3-B, 3-1A AND THE NEW LOT.

8. ANY FUTURE CONVEYANCES PERMITTING USE OF THE RIGHT OF WAY SHALL CONTAIN THE RESTRICTIONS STATED IN THE NOTES.

9. ANY WORKING OF THE GRAVEL ROAD WILL CONFORM WITH SECTION 7.12, "CONSERVATION OF KITTERY WETLANDS" OF THE "LAND USE AND DEVELOPMENT CODE ZONING ORDINANCE FOR THE TOWN OF KITTERY, MAINE".

10. SIGHT DISTANCES WERE MEASURED IN ACCORDANCE WITH SECTION 8.5.3.6 OF THE ORDINANCE.

11. NO BUILDING PERMITS WILL BE GRANTED UNLESS THE CONDITIONS OF THIS PLAN AND APPROVAL ARE MET.

12. WETLAND LIMITS WERE DELINEATED BY LEONARD A. LORD CSS, KITT ACCORDING TO THE 1989 FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS.

13. THE RIGHT OF WAY AND REMAIN PRIVATELY OWNED AND MAINTAINED BY THE LAND OWNERS. THE ROAD WILL NOT BECOME A "TOWN ROAD".

14. THIS PLAN REPRESENTS A SURVEY OF THE RIGHT OF WAY ONLY. NO UPDATED BOUNDARY SURVEY WAS DONE ON ANY OF THE LOTS SHOWN.

15. A ROAD MAINTENANCE ASSOCIATION WILL BE ESTABLISHED CONSISTING OF ALL THE LOT OWNERS USING THE RIGHT OF WAY IN ORDER TO MAINTAIN THE 16 FOOT WIDE GRAVEL WAY SPECIFIED ON THIS PLAN. THE ASSOCIATION BY LAWS WILL BE RECORDED AND BINDING TO EACH LOT OWNER AND THEIR HEIRS OR ASSIGNS.

REFERENCE PLANS:

1. PLAN OF LAND PREPARED FOR A. DAVID MANN, BY THOMAS F. MORAN, INC., DATED MAY 16, 1985.

2. TOPOGRAPHIC PLAN OF LAND FOR A. DAVID MANN, BY THOMAS F. MORAN, INC., DATED NOVEMBER 12, 1985.

3. RIGHT OF WAY PLAN FOR A. DAVID MANN, BY ANDERSON LIVINGSTON ENGINEERS, INC., DATED SEPTEMBER 1995, RECORDED Y.C.R.D. PLAN BOOK 223 PAGE 44.

4. WETLAND ALTERATION AND SUBDIVISION PLAN FOR MICHAEL J. AND JULIA A. KILCHENSTEIN, BY ANDERSON LIVINGSTON ENGINEERS, INC., DATED DECEMBER 1996, RECORDED Y.C.R.D. PLAN BOOK

REFERENCE DEEDS:

1. GEORGE F. MUNSEN TO ALEXANDER D. AND MARILYN MANN DATED OCTOBER 13, 1978, RECORDED Y.C.R.D. BOOK 2427 PAGE 255.

2. ALEXANDER D. AND MARILYN MANN TO DOUGLAS A. AND JUDITH F. TOW, DATED JUNE 28, 1985 RECORDED Y.C.R.D. BOOK 3410 PAGE 46.

3. ALEXANDER D. MANN TO WARREN P. AND JANE M. SCHILL, DATED JANUARY 3, 1990, RECORDED Y.C.R.D. BOOK 2851 PAGE 33.

4. ALEXANDER D. MANN TO MICHAEL J. AND JULIA A. KILCHENSTEIN, DATED JANUARY 12, 1996, RECORDED Y.C.R.D. BOOK 7696 PAGE 337.

5. ALEXANDER D. MANN TO RAYMOND A. GRENER, JR., DATED JANUARY 3, 1996, RECORDED Y.C.R.D. BOOK 7713 PAGE 285.

6. ALEXANDER D. MANN AND MARILYN M. MANN TO KIM C. ADAMS, DATED OCTOBER 23, 1996, RECORDED Y.C.R.D. BOOK 8163 PAGE 46.

BEARING TABLE		
LINE	BEARING	DIST
L1	N43°01'30"E	127.76
L2	S12°44'25"E	128.44
L3	S07°59'11"E	60.80
L4	S72°42'48"W	108.44
L5	S13°01'27"W	441.51
L6	S26°58'33"E	22.92
L7	N13°01'27"E	40.00
L8	N26°58'33"W	15.00
L9	S13°01'27"W	60.00
L10	S26°58'33"E	22.92
L11	S13°01'27"W	187.19
L12	N07°59'11"E	60.80
L13	N72°44'25"E	128.44
L14	S72°36'34"E	200.24
L15	S42°33'13"E	50.00
L16	S13°01'27"W	240.00
L17	S33°58'33"E	43.04

CURVE TABLE		
CURVE	LENGTH	RADIUS
C1	59.37	25.00
C2	258.60	58.00
C3	150.00	145.00
C4	213.00	58.00
C5	35.33	145.00
C6	31.42	20.00
C7	31.42	20.00
C8	72.16	55.00
C9	57.00	52.00
C10	39.46	25.00
C11	208.46	300.00
C12	176.63	425.00
C13	118.35	425.00
C14	39.27	25.00
C15	80.95	58.00

Waivers Granted

10.32 - Figure 1: Design and Construction Standards for Streets

APPROVED BY THE PLANNING BOARD OF KITTERY, MAINE FOR RIGHT OF WAY

Maxwell Wade, Chair, KPB
per Board Approval 12/13/2001

APPLICANT DATE

ZONE: RS - RURAL RESIDENTIAL
ZONE: SHORELAND

SETBACKS: FRONT 40 FT
SIDE & REAR 20 FT
WETLAND 100 FT

FRONTAGE 150 FT
LOT SIZE 40,000 SQ FT

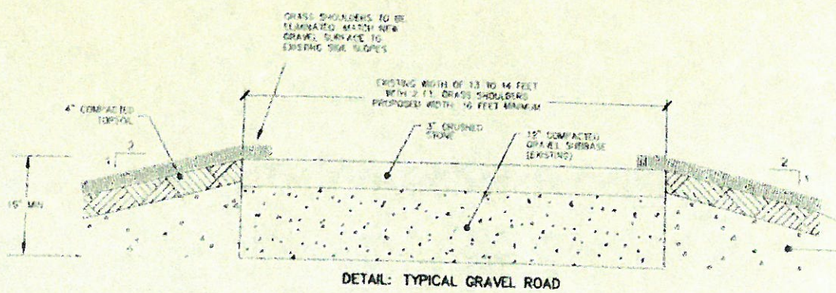
RIGHT OF WAY PLAN FOR MARILYN MANN OFF HALEY ROAD KITTERY, MAINE

LEGEND

- UTILITY POLE
- 5/8" IRON PIPE FOUND
- MONUMENT TO BE SET
- PASSING SIGHT TEST PIT
- ELECTRIC BOX
- CABLE BOX
- PHONE BOX

GRAPHIC SCALE

1 in = 100 ft



DETAIL: TYPICAL GRAVEL ROAD

STATE OF MAINE
YORK SS REGISTRY OF DEEDS
RECEIVED
AT ___H___M___M AND
Filed in Plan Book _____ Page _____
ATTEST
REGISTER

CERTIFICATION
This survey conforms to the Maine Board of Licensure for Professional Land Surveyors Chapter 90 Standards of Practice effective date April 1, 2001 except as noted on this plan.

ANDERSON LIVINGSTON ENGINEERS, INC.
Suite 401 Cottage Place
433 U.S. Route One
York, Maine 03909
(207)363-4414

Scale: 1 in = 100 ft
Date: October 29, 2001
REVISIONS
DEC. 20, 2001 NOTE AS ADDED

OWNER
KIM C. ADAMS
P.O. BOX 492
KITTERY, ME. 03904

APPLICANT
MARILYN M. MANN
P.O. BOX 492
KITTERY, ME. 03904

Sheet 1 of 1

FILE NO.: 5565.004
PLAN NO.: 1319.010901
FIELD BOOK NO.: KITTERY 12

Abutter Comments

Rebecca Spitko

From: Cheri Wilkins <pandcwilkins@comcast.net>
Sent: Thursday, September 01, 2016 9:08 AM
To: Rebecca Spitko
Cc: Shaye Robbins
Subject: Request for a 2nd walkthru of proposed development at 412 Haley Road

Good Morning - As we were not able to attend this morning's walk thru, I'd like to add our names to those who may request a 2nd walk thru at a different date.

Peter & Cheri Wilkins
398 Haley Road
Kittery Point, ME 03905
pandcwilkins@comcast.net

Rebecca Spitko

From: janeschill@myfairpoint.net
Sent: Monday, August 29, 2016 5:55 PM
To: Rebecca Spitko
Subject: Site walk at 412 Haley Rd.

Hi Rebecca

Per our conversation last week, my husband & I will not be able to attend the site walk on 9/1/16, but we have some concerns. We are abutters to this proposed cluster project at 424 Haley Rd.

1) We are concerned that we had to have so many feet set back from wetland at the back of our property. We assume the same will be true for anything going in on the other side of this wetland area.

2) We are also wondering about what kind of buffer would be put in place, or if existing trees would be left along the property lines.

3) Are there covenants on this property?

4) Who will be responsible for the winter maintenance of a new road until the town takes it over, if it ever does?

I know this is in preliminary stages, but we are directly affected. Thank you for forwarding this on to planning board members.

Paul & Jane Schill
424 Haley Rd.
207-439-4939

Rebecca Spitko

From: Chris DiMatteo
Sent: Monday, August 29, 2016 3:52 PM
To: Earldean Wells; Ann Grinnell
Cc: Rebecca Spitko
Subject: RE: 412 Haley Road Development

Hi Earldean,

Thanks for the email.
When does the KCC plan to respond to Ms. Robbins?

We will provide in the packet for the 9/8 meeting as well as a copy to the applicant.

Chris

-----Original Message-----
From: Earldean Wells [mailto:earldeanwells@myfairpoint.net]
Sent: Monday, August 29, 2016 3:16 PM
To: Chris DiMatteo <CDiMatteo@kitteryme.org>; Ann Grinnell <annhgrinnell@icloud.com>
Subject: FW: 412 Haley Road Development

Hello Chris,
I have received the attached letter from a neighbor of the 412 Haley Road property that is to be site walked this Thursday.
Roger has an appointment in Boston that morning so I will not be attending the walk but there should be a KCC member or two also there.
Please include this letter in the packet with other material for this proposed development.
Thank you
Earldean

-----Original Message-----
From: Shaye Robbins [mailto:shayemr@gwi.net]
Sent: Friday, August 26, 2016 1:14 PM
To: earldeanwells@myfairpoint.net
Subject: 412 Haley Road Development

Hello Earldean,

I am writing to you in your capacity as Chair of the Conservation Commission, to ask that your committee take a look at the proposed 11 lot subdivision adjacent to wetlands and Spruce Creek, and with acreage that supports significant wildlife that is working its way through the planning process. There is a site walk this Thursday, Sept 1 at 8AM. I have followed your work on behalf of Kittery and appreciate you input.

Although it is still very early in the process, and the planning dept is working diligently, and the planning board has worked very hard on the cluster development zoning rules, with I understand input from across the community, we are still concerned and are reaching out to open a conversation.

The neighbors to this proposed development are wondering if there has ever been a wetlands assessment or wildlife assessment done on this property. We ask because the nature of the proposed development is rather intensive, and we wonder if the wetlands should start to degrade as a result of this intensive development what to do? We also wondered "how long" for wildlife to rebound to using the space, or "is it enough" dry land set aside in the process to support the wildlife activities currently on the site. The dryland where the development is proposed has hosted numerous births, nesting, bedding and denning areas over the years. Many of which have been chronicled by our neighbor a photographer. The land has also been used for hunting as the current owner (it is being sold to a development company) has allowed this use. The hunters have many years of experience with who lives there, where the travel etc.

We wondered, if we don't know what is there now, because it has been private for so many years, how will we be able to compare later to alleviate any damages or make changes to Kittery Zoning in the future if we find that this type of intensive development in this type of area (wetlands, adjacent to water, and wildlife).

At the very least, we at least thought you should know,

If you have a moment to speak to me, I am available at
207-703-0353
or 207-522-8117 (text and/or call)

Thank you,

Shaye

Rebecca Spitko

From: Chris DiMatteo
Sent: Monday, August 29, 2016 8:23 AM
To: Rebecca Spitko
Subject: FW: Concerns regarding 412 Haley Rd. Project

FYI

From: Lainey McCartney [mailto:deplus3@gmail.com]
Sent: Sunday, August 28, 2016 9:42 PM
To: Deb Driscoll <debi57d@aol.com>; Karen Kalmar <those7@comcast.net>; Mark Alessi <mark.alesse@gmail.com>; annhgrinnell@icloud.com; drummr1@comcast.net; dutchdunkelberger@gmail.com; Rebecca Spitko <RSpitko@kitteryme.org>; Chris DiMatteo <CDiMatteo@kitteryme.org>
Subject: Concerns regarding 412 Haley Rd. Project

Hello All,

My name is Lainey McCartney and I am writing to voice my concerns regarding this proposed cluster development on 412 Haley. My husband David and I live directly across from this proposal at 404 Haley.

Before purchasing this house we were given a document/plan from the Kittery Planning Board, dated 12/13/2001, and signed by Russell White. This document indicated to us that The Town of Kittery had made a decision regarding the right of way access to this property and the lot across from us. It was stated simply.

Note #13 on this plan states that, "the road <u>will</u> <u>not</u> become a "Town Road" "

It also says that no more than five dwelling units can use the right of way (note #7).

This means that 15 years ago, the Town agreed to ONE MORE HOME on our road, and that it WOULD NOT become a town road. How is this proposal possible with documents like this in hand and on record?

The new proposal is only possible on a town road.

Our rights aside, there are wetland issues with the road, the area is an established wild life corridor with trailways criss-crossing that property, 22 more cars minimum on that road, run-off in an already compromised Spruce Creek.....

I could go on and on. I'm anxious and sad beyond words.

I felt compelled to write and let you know of that plan if you were not aware of it already. I think it's important.

Best Regards,

Lainey McCartney

Rebecca Spitko

From: Lainey McCartney <deplus3@gmail.com>
Sent: Sunday, August 28, 2016 9:42 PM
To: Deb Driscoll; Karen Kalmar; Mark Alessi; annhgrinnell@icloud.com; drummr1 @comcast.net; dutchdunkelberger@gmail.com; Rebecca Spitko; Chris DiMatteo
Subject: Concerns regarding 412 Haley Rd. Project

Hello All,

My name is Lainey McCartney and I am writing to voice my concerns regarding this proposed cluster development on 412 Haley. My husband David and I live directly across from this proposal at 404 Haley.

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I could go on and on. I'm anxious and sad beyond words.

I felt compelled to write and let you know of that plan if you were not aware of it already. I think it's important.

Best Regards,

Lainey McCartney

Good Day. My husband Peter Wilkins and I live at 398 Haley Road. As directly abutting residents of the proposed development of a major subdivision at 412 Haley Road, we are writing to express our concerns about the plan, as we understand it.

We, as well as other nearby and abutting residents, have concerns about legal and code issues, such as management and preservation of wetlands, preservation of open space, storm runoff, wastewater disposal, impact on wildlife and vegetation, and correctly sized lots, homes built in accordance with code, ROW access to Spruce Creek, and road improvement as mentioned in the Sketch Plan Review of 8/11/16.

We also have concerns about issues not mention in the Plan.

We have lived at 398 Haley for 20+ years. When we first purchased the property, there were no other houses except for that owned by Marilyn and David Mann, which was as the end of the existing dirt road. Gradually, a few more houses were developed fronting that road. These homes had large lots and are located quite a distance from ours, so we didn't feel they were intrusive in any way.

This is, and has been, a quiet neighborhood. While I don't know for sure, but might assume, the other residents may have built homes here because they, as we do, highly value our slightly isolated lots and the peace and quiet they afford, our view of Spruce Creek and the open space surrounding us. And though everyone may not agree, we also enjoy sharing our open space – at a distance and in a limited way - with deer, groundhogs, chipmunks, ducks, turkeys, skunks, foxes, raccoons, the occasional coyote and once, a moose that crossed our property and swam across Spruce Creek! We would not like to see the character of the land we live on change in a way that might eliminate these chance encounters.

Eleven new homes could mean a dramatic increase in traffic – most families own 2 or even more cars – which would mean more cars on Haley Road, which is already heavily travelled, generally at speeds well over the 25 mph limit. There is also the issue of construction vehicles as lots are cleared, land filled and graded, and houses constructed, and what that could mean for access to the dirt road for the families fronting it. It could mean an increase in noise levels, certainly during construction, but also as families occupy these homes. Additionally, if there is to be a ROW for residents, there will need to be a dramatic improvement to allow children to swim and boats to be launched, as this area is wet, full of tall grasses and rocks and presents little, if any, beach area. Impact on Spruce Creek for such activities is also of concern.

There is also a concern about impact on services such as fire and police, and access to and from what appears to be two cul-de-sacs.

My husband and I are not opposed to development, per se. As a one-time member of the Portsmouth, NH Planning Board I am well aware of the need to find the "highest and best use" of land. However, the size of this proposed subdivision could dramatically alter the quality of life in this small community and we hope the Planning Board will give these concerns careful consideration as well.