



**TOWN OF KITTERY
PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT**

BOA Meeting Date: June 11, 2019
Item #: AA2019-01

STAFF REPORT – 7-9 STONERIDGE WAY – ADMINISTRATIVE APPEAL

Project Name: 7-9 Stoneridge Way

Owner: Joshua Philbrick

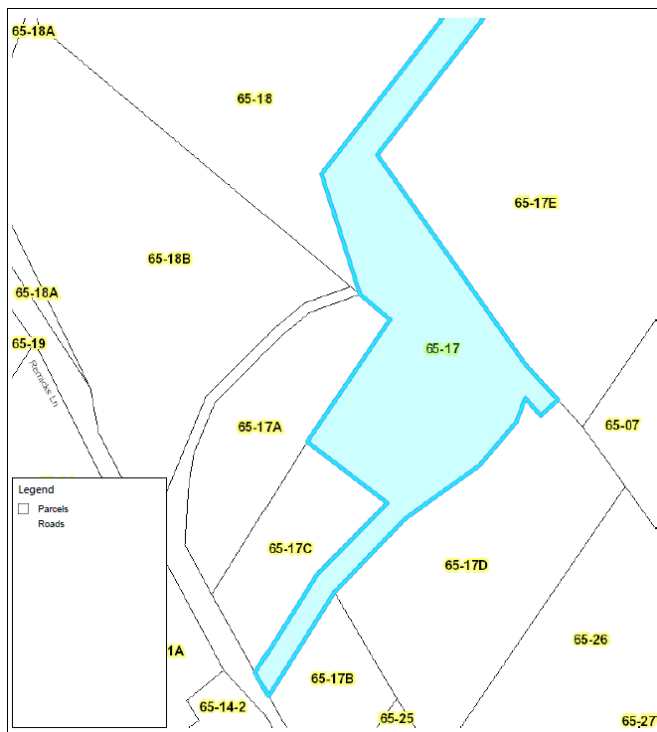
Appellant: Michael Alessi, Jr., abutter, 70 Remicks Lane

Proposed Development: Dwelling units

Requests: Administrative Appeal per Kittery Land Use & Development Code (LUDC) Section 16.6.3., Appeal of Code Enforcement Officer decision.

Site Addresses: 7-9 Stoneridge Way

Map & Lot Numbers: M 65 L 17



Current Zoning:

Residential – Rural (R-RL) - The purpose of the Residential – Rural (R-RL) Zone is to protect the prevailing rural character of the Town and its natural rural quality from development sprawl by prescribing the most appropriate uses and standards.

The following uses are permitted in the R-RL Zone: (1) Dwellings or modular homes, exclusive of mobile homes. The proposed dwelling use is permitted.

District Standards:

| Residential – Rural (R-RL) Zoning District Standards | | | |
|--|-----------|---------------------------|---------|
| Land Area per Dwelling (min.) | 40,000 sf | Front Yard Setback (min.) | 40 feet |
| Maximum Building Coverage | 15% | Rear Yard Setback (min.) | 20 feet |
| Lot Size (min.) | 40,000 sf | Side Yard Setback (min.) | 20 feet |

Current Use: Vacant land.

Surrounding Land Uses:

West: Residential – Rural (R-RL), dwelling

East: Residential – Rural (R-RL), dwelling

North: Residential – Rural (R-RL), dwelling

South: Residential – Rural (R-RL), dwelling

Future Land Use:

The subject property is located within a Limited Growth Area in the Future Land Use Map. A Limited Growth Area is defined in the Comprehensive Plan as “areas that could accommodate a minimal amount of growth.” Lands within a Limited Growth Area include those with: (1) significant resource constraints to development, (2) important agriculture or commercial forestry use, (3) areas that lack public utilities and/or are distant from public service, (4) land that is unsuitable for intense development, (5) where intensive development is discouraged, or (6) where protection of rural characteristics is a priority.

Site Description: 11.96 ± acres accessed via Remicks Lane

History of the Property:

The Planning Board on March 10, 2005 approved a Right-of Way Plan for Raymond Gagner, Jr. & HMA. Inc. for what is now known as Stoneridge Way off of Remicks Lane. A note on the approved plan states that, “the road over this right-of-way shall be built in accordance with the Town of Kittery requirements for design and construction standards for a private way. This right-of-way is to serve four (4) single family dwelling units. Any additional dwelling units would require Planning Board review.” Three dwelling units have since been constructed with access via Stoneridge Way.

On April 10, 2019, the Code Enforcement Officer issued a building permit to the applicant’s builder for the construction of a duplex home, 28’ x 50’ in dimensions with proposed decks and steps, for property at 7-9 Stoneridge Way. The building permit was subsequently revised on May

3, 2019 after it was discovered that the proposed duplex would create an additional dwelling unit over the four (4) permitted under the original approval of the ROW referenced above. The conditions of approval for the duplex in the May 3rd permit required that the applicant return to the Planning Board when the fourth is built to upgrade the road to the required specifications. The Code Enforcement Officer stated he will not issue a Certificate of Occupancy for either unit without Planning Board review of the Right-of-Way Plan.

Description of the Issue:

Michael Alessi, Jr., an abutter to the proposed development at 70 Remicks Lane, has filed an Administrative Appeal of the decision to grant a building permit for 7-9 Stoneridge Way. Mr. Alessi outlines the reasons for his appeal in the attached application and letter. Mr. Alessi contends that the Town's private way standards should not permit Stoneridge Way to serve more than three lots, per Section 16.8.4.3.I. of the LUDC:

Private ways are dead-end, very-low-volume residential streets that connect to streets of a higher classification and function similar to an individual driveway by providing a low standard two-way traffic flow. Private ways may not be used in high-density residential developments or subdivisions of four or more lots. Private ways cannot be dedicated for public acceptance, and all maintenance and improvements must be controlled by proprietorship, corporation, association or deed covenants. The ADT would be 12 to 35 trip ends.

The Stoneridge Way right-of-way plan approved by the Planning Board on March 10, 2005, included the following condition: "The road over this right-of-way shall be built in accordance with the Town of Kittery requirements for design and construction standards for a private way. This right-of-way is to serve four (4) single family dwelling units. Any additional dwelling units would require Planning Board review." The condition of the Planning Board would control this private way, despite the current standards for private ways. The code language for a private way may have been different in 2005 than it is today, but the condition restricting the units allowed access via the approved Right-of-Way Plan would control.

The threshold for Stoneridge Way was set at "four single-family dwelling units." The CEO initially issued a building permit on April 10, 2019, for 2 dwelling units. After further research, the CEO re-issued the building permit with a condition that that "the road is designed for 3 dwellings and when the fourth is built the applicant will need to return to the planning board to upgrade the road to the required specifications. We will not be able to issue a Certificate of Occupancy for either unit without this approval." The CEO appeared to contemplate a compromise where the applicant could continue to build due to the previous issuance of the permit, but not be allowed to occupy either of the units until the Planning Board could review the Right-of-Way Plan. The applicant has applied for such review at the June 13, 2019 Planning Board meeting.

Mr. Alessi also contends that the 2005 Planning Board condition restricts any additional unit to "single family dwelling units," and thus precludes a duplex. While the applicant intends to build two dwelling units as a duplex, each of those dwelling units is technically a single-family dwelling unit. The Town's code does not define "duplex" nor "single-family dwelling unit" but does define "dwelling unit" (per Section 16.2.2):

A room or group of rooms forming a habitable unit for one family, with facilities used or intended to be used for living, sleeping, cooking, eating and sanitary facilities. It comprises at least 650 square feet of habitable floor space, except for elderly housing, an accessory dwelling unit or a temporary, intrafamily dwelling unit. The term does not include a trailer.

Each unit of the duplex would be defined by Kittery's land use code as a dwelling unit.

Administrative Appeal:

Section 16.6.6 requires the Board of Appeals to use the following process when hearing appeals:

§ 16.6.6 Basis for decision.

A. Conditions.

- (1) *In hearing appeals/requests under this section, the Board of Appeals must first establish that it has a basis in law to conduct the hearing and decide the question.*

LUDC Section 16.6.3 states that “a Code Enforcement Officer decision may be appealed to the Board of Appeals as provided in § 16.6.4A.”

- (2) *In hearing appeals/requests under this section, the Board of Appeals must use the following criteria as the basis of a decision, that:*

- (a) *The proposed use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use zones;*

The use will not prevent the orderly and reasonable use of adjacent properties since all adjacent properties are zoned Residential – Rural and contain the same dwelling use as the subject property.

- (b) *The use will not prevent the orderly and reasonable use of permitted or legally established uses in the zone wherein the proposed use is to be located or of permitted or legally established uses in adjacent use zones;*

The use will not prevent the orderly and reasonable use of legally established uses in the zone since the use is the same as adjoining properties and there are no use restrictions among adjacent dwellings.

- (c) *The safety, the health and the welfare of the Town will not be adversely affected by the proposed use or its location; and*

The use will not adversely affect the health and welfare of the Town.

- (d) *The use will be in harmony with and promote the general purposes and intent of this title.*

The use is in harmony with Title 16 and promotes its general purposes.

Factors for consideration. In making such determination, the Board of Appeals must also give consideration, among other things, to:

- (1) *The character of the existing and probable development of uses in the zone and the peculiar suitability of such zone for the location of any of such uses;*

The use involved is legally permitted in the zone.

- (2) *The conservation of property values and the encouragement of the most appropriate uses of land;*

Dwelling units are an appropriate and compatible use of the land.

- (3) *The effect that the location of the proposed use may have upon the congestion or undue increase of vehicular traffic congestion on public streets or highways;*

There is increase in density of the that will create an appreciable effect on congestion for public streets.

- (4) *The availability of adequate and proper public or private facilities for the treatment, removal or discharge of sewage, refuse or other effluent (whether liquid, solid, gaseous or otherwise) that may be caused or created by or as a result of the use;*

The project contains adequate septic systems as reviewed by the Code Enforcement Officer.

- (5) *Whether the use, or materials incidental thereto, or produced thereby, may give off obnoxious gases, odors, smoke or soot;*

The use produces no obnoxious gases, odors, smoke or soot.

- (6) *Whether the use will cause disturbing emission of electrical discharges, dust, light, vibration or noise;*

The use causes no disturbing emission of electrical discharges, dust, light, vibration or noise.

- (7) *Whether the operations in pursuance of the use will cause undue interference with the orderly enjoyment by the public of parking or of recreational facilities, if existing, or if proposed by the Town or by other competent governmental agency;*

No undue interference should result from this use.

- (8) *The necessity for paved off-street parking;*

The project contains suitable space for paved off-street parking.

- (9) *Whether a hazard to life, limb or property because of fire, flood, erosion or panic may be created by reason or as a result of the use, or by the structures to be used, or by the inaccessibility of the property or structures thereon for the convenient entry and operation of fire and other emergency apparatus, or by the undue concentration or assemblage of persons upon such plot;*

No hazards should result from this use.

- (10) *Whether the use, or the structures to be used, will cause an overcrowding of land or undue concentration of population or unsightly storage of equipment, vehicles or other materials;*

No overcrowding should result from this use.

- (11) *Whether the plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof;*

The existing lot is a legal, conforming lot of record. The proposed dwelling units meet the density requirements for the R-RL zone.

- (12) *Whether the proposed use will be adequately screened and buffered from contiguous properties;*

Adequate existing vegetation exists.

- (13) *The assurance of adequate landscaping, grading and provision for natural drainage;*

The project includes adequate landscaping and drainage.

- (14) *Whether the proposed use will provide for adequate pedestrian circulation;*

The proposal is for a dwelling unit access via private way. No existing pedestrian infrastructure connects to the area.

- (15) *Whether the proposed use anticipates and eliminates potential nuisances created by its location; and*

No new nuisances are expected from the dwelling use.

- (16) *The satisfactory compliance with all applicable performance standard criteria contained in Chapters 16.8 and 16.9.*

The proposal conforms to the applicable standards in Title 16.8 and 16.9.



TOWN OF KITTERY
CODE ENFORCEMENT OFFICE
200 ROGERS ROAD, KITTERY, MAINE 03904
PHONE: (207) 475-1305
FAX: (207) 439-6806

Application to the
BOARD OF APPEALS

| | |
|----------------|---------|
| DATE SUBMITTED | 5/20/19 |
| MAP & LOT | 67-15 |
| ASA FEE | |
| DATE PAID | |
| DATE COMPLETE | |
| HEARING DATE | |

LAND USE ADMINISTRATIVE APPEAL

I hereby request the Board consider a Land Use Administrative Appeal as I contest the interpretation or application of ordinance / regulation, and seek relief from the: (CHECK ONLY ONE)

☒ DECISION

☒ LACK OF ACTION

of the following individual(s):

- | | |
|--|--|
| <input type="checkbox"/> Town Planner | <input type="checkbox"/> Sewer Superintendent |
| <input checked="" type="checkbox"/> Code Enforcement Officer | <input type="checkbox"/> Public Works Commissioner |
| <input type="checkbox"/> Police Chief | <input type="checkbox"/> Superintendent of Schools |
| <input type="checkbox"/> Fire Chief | <input type="checkbox"/> Other (Specify) |

I have reviewed Town Code Title 16, Board of Appeals By-Laws, and the Ordinance(s) pertinent to this application. My appeal is based on the following:

| | | | | | | | | | |
|-------|---------|---------|------|---------|-------------|-----------------------|---------|------|--|
| TITLE | | CHAPTER | | SECTION | PRIVATE RDW | BOOK 301 | PAGE 45 | PAGE | |
| TITLE | ARTICLE | CHAPTER | 16.8 | SECTION | 4.3 | STREET CLASSIFICATION | | PAGE | |

IN ORDER FOR AN APPLICATION TO BE DETERMINED COMPLETE AND SCHEDULED FOR A PUBLIC HEARING:
APPLICATIONS FORMS MUST BE COMPLETE; 10 SETS OF DOCUMENTATION PROVIDED; & ALL FEE(S) PAID

PROPERTY INFORMATION

| | | | | | |
|---------------|--------------------|-------|------------------|----------|------------------|
| ADDRESS | 7-9 STONERIDGE WAY | | | | |
| MAP | 65 | LOT # | 17 | LOT SIZE | APPROX. 3.8 ACRE |
| BASE ZONE(S): | | | OVERLAY ZONE(S): | | |

The subject property:

[is / is not] in a Shoreland overlay or Resource Protection zone; [is / is not] in a floodplain; AND
[does / does not] have outstanding code violations; and, if so, granting this appeal provides resolution .

PROPERTY OWNER: I have right, title or interest in the affected property, or issue, as shown by:

| | | | | | |
|-----------------|--------------------|-------|-----|----------|-------------------------|
| NAME(S) | MICHAEL ALESSI JR. | | | | |
| MAILING ADDRESS | 70 REMICKS LANE | | | | |
| CITY | KITTERY | STATE | ME. | ZIP CODE | 03904 |
| PHONE No. | (207) 752-0319 | | | e-MAIL: | MIKE_ALESSI@COMCAST.NET |

NOTE: You may have an attorney represent you, but such representation is not necessary. You may also be represented by a designated agent (e.g. family member, neighbor, engineer, contractor) as you so desire.

APPLICANT (if different) I am an agent of the applicant with standing, OR, I am an aggrieved party in the subject property, or issue, as shown by:

| | | | | | |
|-----------------|--|-------|--|----------|--|
| NAME(S) | | | | | |
| MAILING ADDRESS | | | | | |
| CITY | | STATE | | ZIP CODE | |
| PHONE No. | | | | e-MAIL: | |

To the best of my knowledge, all information submitted on and with this application is true and correct.

Date:

5/19/19

By:

[Signature]
(Signature)

MICHAEL ALESSI JR.
(Print Name)

STATEMENTS:

I wish to appeal to the Board of Appeals because I have a problem in regard to a matter of Town Code Title 16, Land Use and Development: (Section, Title, Page No.) ARTICLE IV STREET DESIGN CLASSIFICATION
16.8.4.3

The decision/lack of action I object to is [Include formal documents related to the matter]:

THIS APPEAL IS BASED ON THE DECISION TO GRANT BUILDING PERMIT BP-19-55 ISSUED ON MAY 03, 2019. THE ATTACHED LETTER EXPLAINS TWO FACTORS THAT PROVE THE BUILDING PERMIT IS IN ERROR. ATTACHED: 1. PLAN DEPICTING A "RIGHT OF WAY" 2. ARTICLE IV STREET DESIGN CLASSIFICATION 16.8.4.3

What relief is requested and why should the appeal be granted?

THE BUILDING PERMIT SHOULD BE REVOKED WITH THE GRANTING OF THIS APPEAL.

PLANNING BOARD HAS NOT REVIEWED SUBDIVISION APPROVAL FOR THE PROPOSED USE. THE CURRENT ROAD CLASSIFICATION IS A PRIVATEWAY WHICH MAY NOT BE USED FOR (4) FOUR OR MORE LOTS

Unlike others in the community, I will suffer a particularized injury in this matter if not resolved in my favor. I am adversely and directly affected by:

PLANNING BOARD APPROVED STONERIDGE WAY WITH CERTAIN LIMITATIONS. INCREASED DEVELOPMENT WILL EFFECT THE DECISIONS MADE BY PLANNING BOARD.

THE PRIVATE SECTION OF REMICKS LANE IS OWNED + MAINTAINED BY ME. ADDITIONAL DWELLINGS IS IMPACT AND AN OVER-BURDEN TO MY PROPERTY.

I object to the decision / lack of action for the following reason(s):

STONERIDGE WAY HAS (3) THREE DEVELOPED LOTS: 3 STONERIDGE WAY, 4 STONERIDGE WAY AND 10 STONERIDGE WAY. ADDITIONAL DEVELOPMENT IS NOT APPROVED. PLANNING BOARD HAS NOT APPROVED FURTHER DEVELOPMENT AND SET DESIGN AND PERFORMANCE STANDARDS FOR ROAD IMPROVEMENTS. THE PUBLIC HEARING HAS NOT BEEN HELD AND ADJUTERS NOT NOTIFIED WITHOUT PROPER TOWN DEVELOPMENT PLANNING.

Additional Information

1. Please complete this application in its entirety. You may add other information as may be needed to adequately describe the purpose of seeking relief from the Board of Appeals.

[Support with citations(s), of pertinent ordinance(s), deeds, maps, documents, etc. Describe in detail what decision you are appealing; the date on which the decision was made; and, by whom, the facts surrounding this appeal, what you think is wrong about the decision which you are appealing, and what action you want the Board of Appeals to take in this matter. Also, please indicate how that Board's decision will affect you and/or your property. Use extra sheets if necessary and attach them to this application.]

2. A detailed plot plan or diagram must be provided showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic features (wetlands, streams, etc) of the lot in question. This plot plan should also include the distances to the nearest structures on abutting properties and show the detail of any rights-of-way, easements, or other encumbrances.

3. Blueprints, surveys, photos and other documents may be helpful in explaining your request and should be included.

ADMINISTRATIVE APPEAL-MICHAEL J. ALESSI, JR.

I, Michael J. Alessi, Jr., owner of property which abuts 7-9 Stoneridge Way, a private right of way off Remicks Lane, Kittery, Maine, and also identified as Tax Map 67, Lot 15 of the Town of Kittery Tax Maps, appeals the grant of a building permit dated May 3, 2019 to Rob Melvin, a contractor, to construct a duplex home of 28' by 50' with proposed decks and steps at 7-9 Stoneridge Way, for the following reasons:

1. This road on which the duplex is being constructed was approved by the Kittery Planning Board as a private right of way on March 10, 2005. This is shown on a plan which has been recorded on June 22, 2005 at Plan Book 301, Page 45 of the York County Registry of Deeds. The Notes on the Plan provide for certain limitations for this private right of way, including the following which is described in Note 13:

“The road over this right-of-way shall be built in accordance with the Town of Kittery requirements for design and construction standards for a private way. This right-of-way is to serve four (4) single family dwelling units. Any additional dwelling units would require Planning Board review.”

There are currently three single family homes which have been built on this private right of way, and which use this private right of way for access. This approved building permit would be the fourth and fifth dwellings using this private right of way. Thus, since the Planning Board must first review any proposed use of the private right of way which would serve more than four single family dwelling units, and this would be the fourth and fifth dwelling units, the approval of this building permit is in violation of the specific approval by the Kittery Planning Board (it is also not a single family dwelling but instead is a duplex.) Thus, even though the code enforcement officer acknowledges in the building permit that the applicant will need planning board approval to upgrade the road in order to receive a certificate of occupancy, no building permit should have been issued

for a duplex, or a fifth dwelling, until the Planning Board had first reviewed the private right of way and allowed such additional dwelling.

2. Also, in accordance with the street classification for the Kittery Zoning Ordinances and zoning code, Article IV, section 16.8.4.3, Street Classification, paragraph I, it provides the following requirement for private ways:

“Private ways are dead-end, very-low-volume residential streets that connect to streets of a higher classification and function similar to an individual driveway by providing a low standard two-way traffic flow. Private ways may not be used in high-density residential developments or subdivisions of four or more lots. Private ways cannot be dedicated for public acceptance, and all maintenance and improvements must be controlled by proprietorship, corporation, association or deed covenants. The ADT would be 12-35 trip ends.”

(emphasis added). This private way currently serves three lots with single family dwellings of them. Thus, the fourth lot to be served by the duplex, violates the Kittery Zoning Ordinances with regarding to private ways. Therefore, for this reason as well the building permit should be denied.

The decision of the Code Enforcement Officer should be reversed and the building permit denied at this time.

X:\Archive\WPDOCS\allessibuildingpermitappeal.docx



Building Permit

Town of Kittery

200 Rogers Road
Kittery, ME 03904
(207) 475-1308
swilson@kitteryme.org

Permit Number:
BP-19-55
Date of Issue:
May 03, 2019
Permit Expiration:
April 10, 2021
Construction Cost:
\$300000
Permit Fee Paid:
\$4940

Owner:

Owner Address: 45 Martin Road Kittery, ME 03904

Applicant: Rob Melvin

Contractor: Rob Melvin **License:** DL90001031

Contractor Address: 1 Limerick Road Arundel, ME 04046

Phone: 207-432-6414

Property Address: 7-9 Stoneridge Way

Map/Lot: 67-15 **Zoning:**

Building Code: Maine Uniform Building & Energy Code - ICC Codes 2015 and IECC 2009

Description of Work:

Building of a Duplex Home 28' x 50' with proposed decks and steps.

Conditions of Approval/Staff Comments:

Permit is for only 2 dwelling units. No additional dwellings allowed for following 5 years of issuance of second C of O without subdivision approval. A street sign for Stoneridgeridge way and a Stop Sign for Stoneridge traffic must be present at the intersection of Stoneridge way and Remicks prior to issuance on any C of O. Please review the new attachment for the previously approved Right of way plan. in the noted it was a prior condition of approval that the road is designed for 3 dwellings and when the fourth is built the applicant will need to return to the planning board to upgrade the road to the required specifications. We will not be able to issue a Certificate of Occupancy for either unit without this approval.

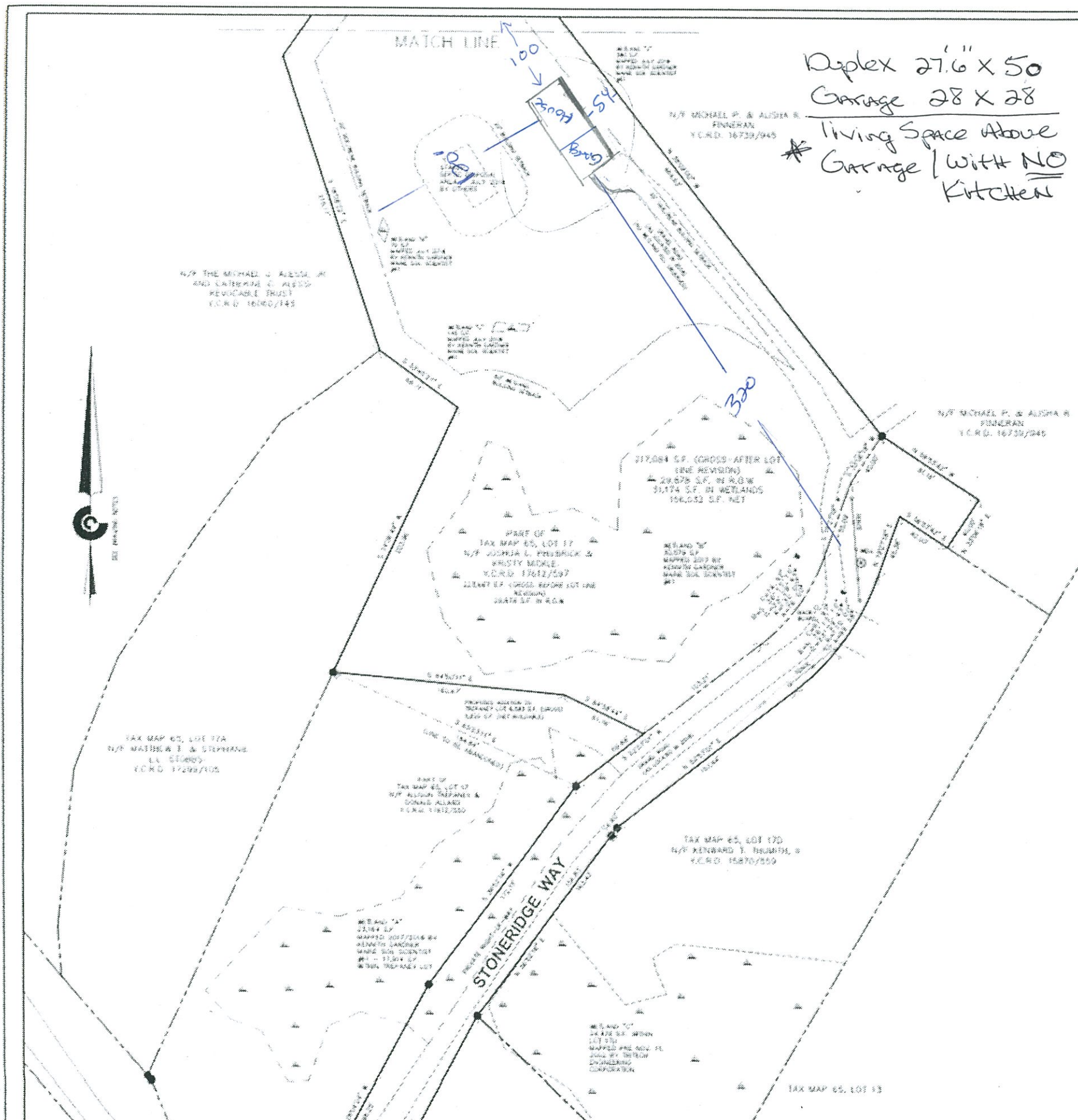
Certification:

The Owner/Applicant has certified that the information contained in this application and any related submissions to be true and accurate to the best of their knowledge. The Owner/Applicant understands that they are responsible for compliance with all applicable Town, State and Federal regulations and that failure to comply may result in the imposition of fines, legal fees, and the abatement of any violations to include abandonment of use and occupancy and corrective action such as the removal or modification of improvements if setbacks or other requirements have not been met and satisfied. The Owner/Applicant understands that this they will not make use of the improvements without first having obtained an Occupancy Permit and will notify the Code Enforcement Officer of any changes to this application. By signing this permit, the Owner/Applicant authorizes property access by town officials to conduct interior and exterior inspections and property tax assessments during and/or after the construction process.

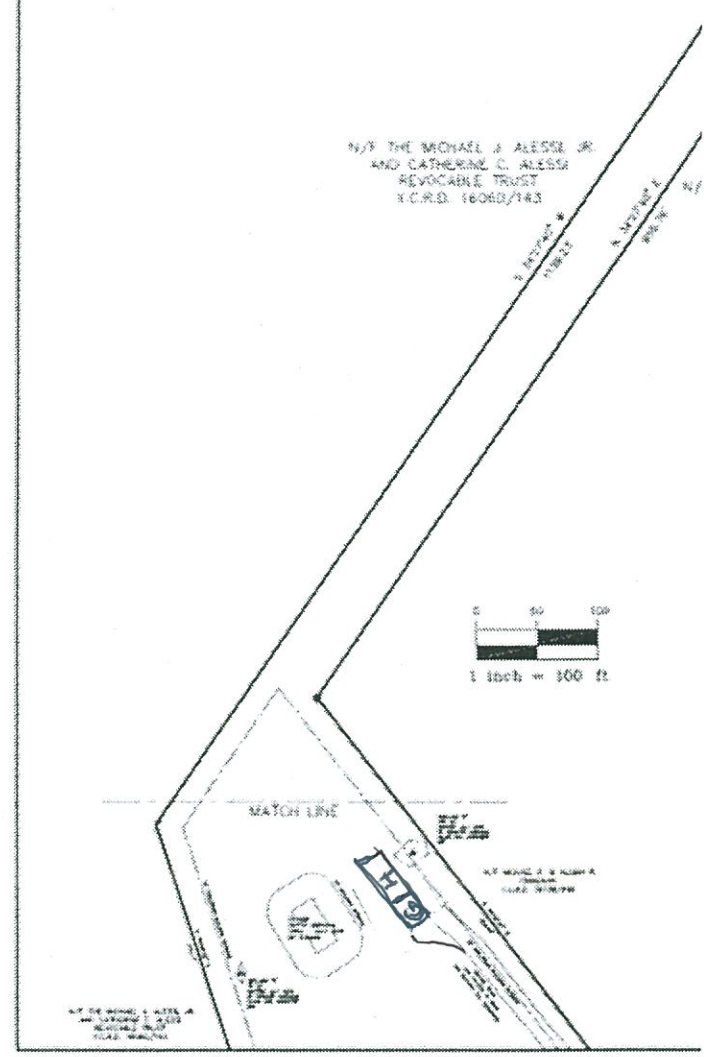
THIS PERMIT ISSUED IS SUBJECT TO APPLICABLE ORDINANCES AND MUBEC AS ADOPTED BY THE STATE OF MAINE AND TOWN OF KITTERY AND IS ONLY VALID FOR WORK AS DESCRIBED ON THIS PERMIT APPLICATION.

This permit is expired if substantial work has not commenced within six months from date of issue and substantially completed within two years per Title 16.5.2.4.

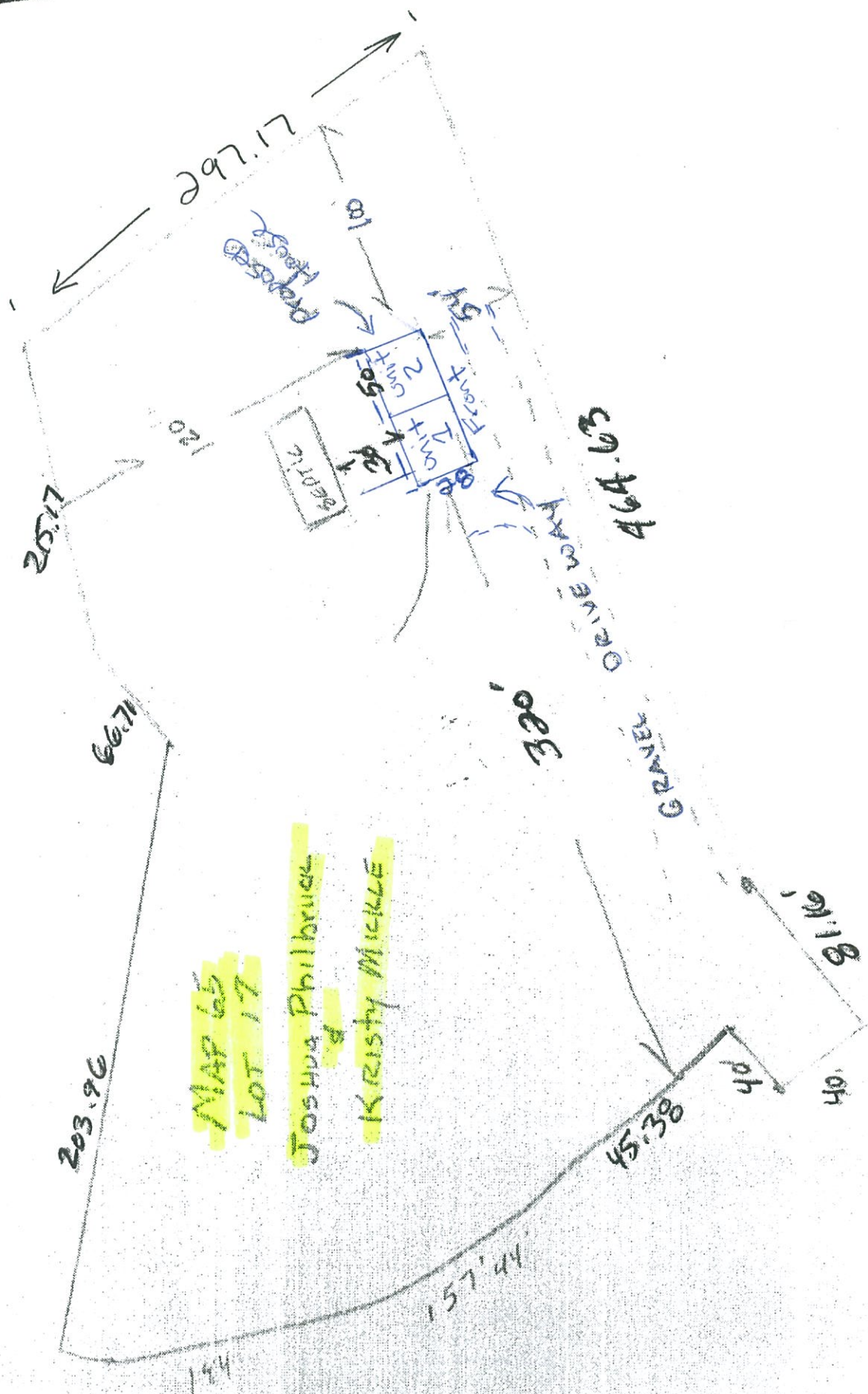
THIS PERMIT CARD SHALL BE POSTED AND VISIBLE FROM THE STREET DURING CONSTRUCTION



Joshua Philbrick
 and
 Kristy Mickle
 - Map 65
 - Lot 17



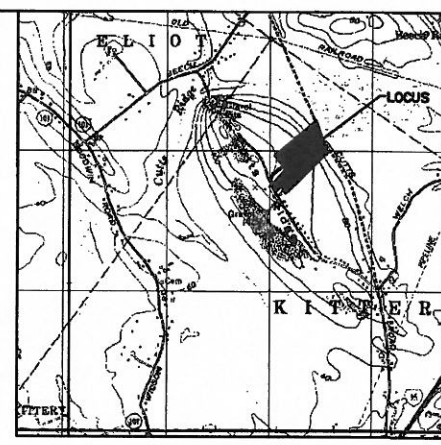
LEGEND:



| LINE TABLE | | | |
|------------|--------|---------------|--|
| LINE | LENGTH | BEARING | |
| L1 | 85.37 | S 82°00'00" E | |
| L2 | 8.82 | S 78°30'00" E | |
| L3 | 55.82 | S 38°22'24" E | |
| L4 | 53.11 | S 32°30'00" E | |
| L5 | 3.49 | S 40°41'37" E | |
| L6 | 100.37 | N 33°33'00" E | |
| L7 | 85.47 | N 21°45'04" E | |
| L8 | 108.48 | N 08°36'31" E | |
| L9 | 25.45 | N 03°15'00" E | |
| L10 | 1.50 | N 17°48'30" W | |
| L11 | 36.30 | S 42°30'37" W | |
| L12 | 28.50 | S 38°00'00" E | |
| L13 | 44.44 | S 21°27'37" W | |
| L14 | 61.07 | S 30°15'00" W | |
| L15 | 83.22 | S 41°07'24" W | |
| L16 | 99.90 | S 30°48'30" W | |
| L17 | 99.90 | S 42°30'37" W | |
| L18 | 44.50 | S 52°23'37" W | |
| L19 | 64.30 | S 48°07'11" W | |
| L20 | 42.83 | S 45°38'31" W | |
| L21 | 99.90 | N 48°43'00" W | |
| L22 | 1.50 | N 42°30'37" W | |
| L23 | 43.30 | S 19°27'18" W | |
| L24 | 43.00 | S 56°52'45" E | |
| L25 | 43.00 | N 33°06'18" E | |
| L26 | 81.15 | N 35°25'18" E | |
| L27 | 59.97 | S 19°27'18" W | |

| CURVE TABLE | | | | | |
|-------------|--------|--------|---------------|---------|---------------|
| CURVE | LENGTH | RADIUS | CENTRAL ANGLE | TANGENT | CHORD BEARING |
| C1 | 99.36 | 175.00 | 32°29'43" | 51.15 | N 38°12'10" E |
| C2 | 78.00 | 130.00 | 33°29'43" | 39.17 | N 38°12'10" E |

| ABUTTING LAND OWNERS - MAILING ADDRESSES - KITTERY TAX MAP & LOT | | | |
|---|--|---|--|
| LAWRENCE G. DYER & VERNA M. DYER JEREMY G. DAVIS & KAREN DAVIS KATHLEEN D. WICKOLSON VALERIE E. RUOCCO RAYMOND GAGNER, JR. EDNA R. HILTON MICHAEL J. ALESSI, JR. GEORGE MASTERS WOODWELL, ET AL ELEANOR M. DOWNS, TRUSTEE RALPH A. SEAVEY & STEWART L. SEAVEY STEVEN R. DUBOIS ANN M. COLSON | 35 REMICKS LANE, KITTERY, MAINE 03904 37 REMICKS LANE, KITTERY, MAINE 03904 34 REMICKS LANE, KITTERY, MAINE 03904 7 MARTIN ROAD, KITTERY, MAINE 03904 48 REMICKS LANE, KITTERY, MAINE 03904 P.O. BOX 28, GREENLAND, NH 03840-0028 84 CHURCH STREET, WOODS HOLE, MA 02543 1034 SECOND STREET, WENDELL, NH 03094-0028 20 CHESAPEAKE DRIVE, ALFRED, ME 04902-3741 48 REMICKS LANE, KITTERY, ME 03904-3873 2 CUTTS ROAD, KITTERY, ME 03904 | MAP 85, LOT 14-2 MAP 85, LOT 15-A MAP 85, LOT 16 MAP 85, LOT 17 & REMAINDER OF LOT 17B MAP 85, PORTION OF LOT 17B MAP 85, LOT 18 MAP 85, LOT 19 MAP 85, LOT 20 MAP 85, LOT 21 MAP 85, LOT 22 MAP 85, LOT 23 | |



- NOTES:**
- THE OWNER OF RECORD IS RAYMOND GAGNER, JR. BY VIRTUE OF A DEED RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN BOOK 14172, PAGE 253 - LOT "B" AND H M A, INC. IN BOOK 14172, PAGE 250 - LOT "A". THE LOCUS IS DEPICTED AS LOTS 17 AND 17B ON KITTERY TAX MAP 85.
 - NORTH AS DEPICTED HEREON IS BASED ON GRID NORTH MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE.
 - REFERENCE IS MADE TO YORK COUNTY REGISTRY OF DEEDS BOOK 6833, PAGE 337 REGARDING THE SIXTY (60) FOOT WIDE RIGHT-OF-WAY WHICH RUNS FROM REMICKS LANE INTO LAND OF MICHAEL J. ALESSI, JR. SEE PLAN REFERENCE 2 BELOW.
 - THIS PLAN HAS BEEN PREPARED FROM FIELD NOTES AND PLANS IN THE FILES OF CIVIL CONSULTANTS.
 - CIVIL CONSULTANTS HAS NOT PERFORMED ANY FIELDWORK IN PREPARING THIS PLAN. SEE NOTE 10.
 - CIVIL CONSULTANTS HAS NOT PERFORMED ANY RECORDS RESEARCH IN PREPARING THIS PLAN OTHER THAN REVIEWING THE DEEDS REFERENCED ABOVE.
 - THE SLOPE AND CENTERLINE OF OLD CUTTS ROAD, AS DEPICTED HEREON WAS CALCULATED BASED ON UTILIZING INFORMATION IN THE ORIGINAL LAYOUT (YORK COUNTY COMMISSIONERS RECORDS VOLUME 17, PAGE 112), FOUND MONUMENTATION AND STONE WALLS WHERE APPLICABLE. CIVIL CONSULTANTS HAS FIELD LOCATED THIS EVIDENCE (SEE PLAN REFERENCE 3), FROM THE NORTHERLY CORNER OF THE LOCUS SOUTHEASTERNLY TO THE BETTY WELCH ROAD. IN OCTOBER OF 1943 THAT PORTION OF CUTTS ROAD FROM THE TOWN LINE TO THE BETTY WELCH ROAD WAS DISCONTINUED (SEE YORK COUNTY COMMISSIONERS RECORDS VOLUME 28, PAGE 280).
 - THIS AREA BETWEEN THE STONE WALLS APPEARS TO BE A PORTION OF THE LANE REFERRED TO IN THE DIVISION BETWEEN JOEL NOWELL AND HANNAH CUTTS. REFERENCE IS MADE TO YORK COUNTY REGISTRY OF DEEDS IN BOOK 201, PAGE 352 AND BOOK 233, PAGE 280. THIS AREA APPEARS TO BE OWNED IN COMMON BY MICHAEL J. ALESSI, JR. AND RAYMOND GAGNER, JR. THE SAID RAYMOND GAGNER, JR. HAVING ACQUIRED HIS INTEREST FROM EDNA R. HILTON AS SURVIVING JOINT TENANT IN YORK COUNTY REGISTRY OF DEEDS BOOK 1116, PAGE 174. SEE PLAN REFERENCE 3.
 - SUBSTANTIAL PORTIONS OF THIS STONE WALL HAVE BEEN REMOVED AS OF THE 1983 DATE OF PLAN REFERENCE 3.
 - THE HOUSE ON THE LOT RETAINED BY EDNA R. HILTON WAS LOCATED ON JULY 15, 2004.
 - RECORDS ON FILE WITH THE KITTERY CODE ENFORCEMENT OFFICE INDICATE THAT FRONTAGE FOR THE LOT FORMERLY OWNED BY RUSSELL K. HILTON WAS ADJACENT STREET FRONTAGE ALONG THE OLD LANE. SEE RECENT DEEDS CONVEYING LAND TO RUSSELL K. HILTON. THESE DEEDS ARE RECORDED. TOTAL AREA OF LAND FORMERLY OWNED BY RUSSELL K. HILTON IS 57,869.73 SQUARE FEET, OR 1.33 ACRES.
 - THE GRAVEL ROAD, WOODS ROAD, THE PROPOSED LEACH FIELD, TEST PITS & RAY GAGNER'S HOUSE LOCATION WERE LOCATED ON AUGUST 23, 2004 BY CIVIL CONSULTANTS UTILIZING A TRIMBLE PRO "XRS" GPS RECEIVER.
 - THE ROAD OVER THIS RIGHT-OF-WAY SHALL BE BUILT IN ACCORDANCE WITH THE TOWN OF KITTERY REQUIREMENTS FOR DESIGN AND CONSTRUCTION STANDARDS FOR A PRIVATE WAY. THIS RIGHT-OF-WAY IS TO SERVE FOUR (4) SINGLE FAMILY DWELLING UNITS. ANY ADDITIONAL DWELLING UNITS WOULD REQUIRE PLANNING BOARD REVIEW.
- PLAN REFERENCES:**
- "PLAN OF LAND FOR ALICE K. DAVIS KITTERY, MAINE" DATED SEPTEMBER 16, 1981 BY FRANK EMERY - ENGINEERS/SURVEYORS, SCALE: 1" = 50', DRAWING NO. 77991. SAID PLAN IS UNRECORDED. A COPY WAS ACQUIRED FROM JEREMY G. DAVIS.
 - "PLAN OF LAND OF PRIVATE WAY OVER LAND OF TERRANCE E. CHICK REMICKS LANE REMICKS LANE, KITTERY, ME, FOR TERRANCE CHICK" DATED APRIL 13, 1989 BY CIVIL CONSULTANTS. SAID PLAN WAS APPROVED BY THE KITTERY PLANNING BOARD ON APRIL 13, 1989 AND RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 186, PAGE 5.
 - "STANDARD BOUNDARY SURVEY PLAN LAND OFF REMICKS LANE AND ADJACENT TO OLD CUTTS ROAD KITTERY - MAINE PREPARED FOR BANK OF NEW HAMPSHIRE - PORTSMOUTH" DATED JULY 27, 1993 BY CIVIL CONSULTANTS, PROJECT NO. 87-268.02. SAID PLAN IS UNRECORDED AND ON FILE AT THE OFFICES OF CIVIL CONSULTANTS IN SOUTH BERWICK, MAINE.
 - "PLAN DEPICTING A 'RIGHT-OF-WAY' REMICKS LANE - KITTERY - MAINE PREPARED FOR CHAD ESKEW (MAILING ADDRESS: 78 BOG ROAD, YORK, MAINE 03908) JEREMY G. & KAREN DAVIS (MAILING ADDRESS: 37 REMICKS LANE, KITTERY, MAINE 03904) TOWN OF KITTERY - YORK COUNTY - MAINE" DATED MAY 22, 2002 BY CIVIL CONSULTANTS. SAID PLAN BEING RECORDED AT THE Y.C.R.D. IN PLAN BOOK 273, PAGE 9.
 - "PLAN OF LANDS OWNED BY EDNA R. HILTON & RUSSELL K. HILTON (MAILING ADDRESS: 48 REMICKS LANE, KITTERY, MAINE 03904 - 54 REMICKS LANE, KITTERY, MAINE 03904) PREPARED FOR RAYMOND GAGNER (MAILING ADDRESS: 7 MARTIN ROAD, KITTERY, MAINE 03904) FOR LAND LOCATED ON REMICKS LANE TOWN OF KITTERY - YORK COUNTY - MAINE" DATED JULY 16, 2004 BY CIVIL CONSULTANTS. SAID PLAN BEING RECORDED AT THE Y.C.R.D. IN PLAN BOOK 292, PAGE 44.
 - "PLAN DEPICTING A 'RIGHT-OF-WAY' REMICKS LANE - KITTERY - MAINE PREPARED FOR MICHAEL J. ALESSI, JR. (MAILING ADDRESS: 240 MIDDLE STREET, APT. #7, PORTSMOUTH, NEW HAMPSHIRE 03801) FOR LAND LOCATED OFF REMICKS LANE TOWN OF KITTERY - YORK COUNTY - MAINE" DATED JULY 19, 2004 AND LAST REVISED AUGUST 24, 2004 BY CIVIL CONSULTANTS. SAID PLAN HAS BEEN APPROVED BY THE KITTERY PLANNING BOARD IN AUGUST 2004.

WETLANDS DEPICTED HEREON WERE SCANNED FROM A PLAN ENTITLED "CONCEPTUAL SUBDIVISION PLAN, JIM WOLCOTT, REMICKS LANE, KITTERY, MAINE" DATED NOVEMBER 11, 2002 BY TRITECH ENGINEERING CORPORATION, 428 NO. 621A, SCALE: 1" = 100'

TOPOGRAPHIC INFORMATION DEPICTED HEREON WAS DIGITIZED FROM AERIAL PHOTOGRAPHY MAPPED FOR CIVIL CONSULTANTS IN NOVEMBER 1988 BY B.H.O. MAPPING CORPORATION

- LEGEND**
- N/F
 - Y.C.R.D. 2258/282
 - OHU
 - W/
 - SQ. FT.
 - 5/8" REBAR TO BE SET W/PLASTIC I.D. CAP (TYPICAL)
 - NOW OR FORMERLY
 - YORK COUNTY REGISTRY OF DEEDS
 - DEED BOOK / PAGE NUMBER
 - EXISTING IRON PIPE (TYPICAL)
 - APPROXIMATE ADJOINING PROPERTY LINE
 - LOCUS PROPERTY LINE
 - OVERHEAD UTILITIES
 - EXISTING IRON ROD (TYPICAL)
 - STONE WALL
 - WITH
 - UTILITY POLE
 - SQUARE FEET

ZONING INFORMATION

RURAL RESIDENCE - RR ZONE

MINIMUM LAND AREA PER DWELLING UNIT 40,000 SQUARE FEET

MINIMUM LOT SIZE 40,000 SQUARE FEET

MINIMUM STREET FRONTAGE 150 FEET

MINIMUM FRONT YARD 15 PERCENT

MAXIMUM BUILDING COVERAGE 25 PERCENT

MINIMUM REAR AND SIDE YARDS 35 FEET

MAXIMUM BUILDING HEIGHT

LENGTH OF PROPOSED ROW 686'± ALONG CENTERLINE TO TURN-T WETLANDS WITHIN PROPOSED ROW AS DEPICTED 4,136 S.F.±

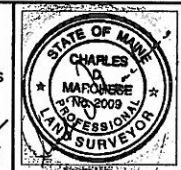
STATE OF MAINE
YORK COUNTY REGISTRY OF DEEDS
RECEIVED 6-22-2004
AT 2:44 P.M. & RECORDED IN
PLAN BOOK 301, PAGE 43

ATTEST *Charles D. Marchese* REGISTER
Deputy

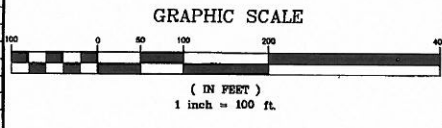
CERTIFICATION

THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH CHAPTER 90, PART 1 (PROFESSIONAL STANDARDS OF PRACTICE) AND PART 2 (TECHNICAL STANDARDS OF PRACTICE) OF THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS.

Charles D. Marchese Sept 15, 2004
CHARLES D. MARCHESE, MAINE P.L.S. 2009 DATE



| NO. | REVISIONS | INT. | DATE |
|-----|-----------|------|------|
| | | | |



DATE: SEPT. 15, 2004
PROJECT NO. 04-499.03
DRAWN BY: CDM
CHECKED BY: CDM
SCALE: 1" = 100'
NOTEBOOK: N/A

CIVIL CONSULTANTS

Engineers
Planners
Surveyors

P.O. Box 100
South Berwick
Maine
03908
207-864-2550
civil@chickco.com

PLAN DEPICTING A "RIGHT-OF-WAY"
REMICKS LANE - KITTERY - MAINE
PREPARED FOR
RAYMOND GAGNER, JR. & H M A, INC.
(MAILING ADDRESS: 7 MARTIN ROAD, KITTERY, MAINE 03904)
FOR LAND LOCATED ON
REMICKS LANE
TOWN OF KITTERY - YORK COUNTY - MAINE

PART OF
TAX MAP 65, LOT 17
N/F JOSHUA L. PHILBRICK &
KRISTY MICKLE.
Y.C.R.D. 17612/597

WETLAND
30,879
MAPPE
KENNETH
MAINE
#81

S 84°50'11" E
160.67'

S 84°38'44" E
61.75'

S 52°57'01" W
GRAVEL ROAD
(AS LOCATED IN 2018)

GRAVEL

PART OF
TAX MAP 65, LOT 17
N/F ALLISON TREPANEY &
DONALD ALLARD
Y.C.R.D. 17612/550 & DEED OF
RECENT DATE

27' WETLAND BUILDING SETBACK
30' WETLAND
BUILDING SETBACK

60,006 S.F. (GROSS AREA)
41,147 S.F. NET
BUILDABLE AREA

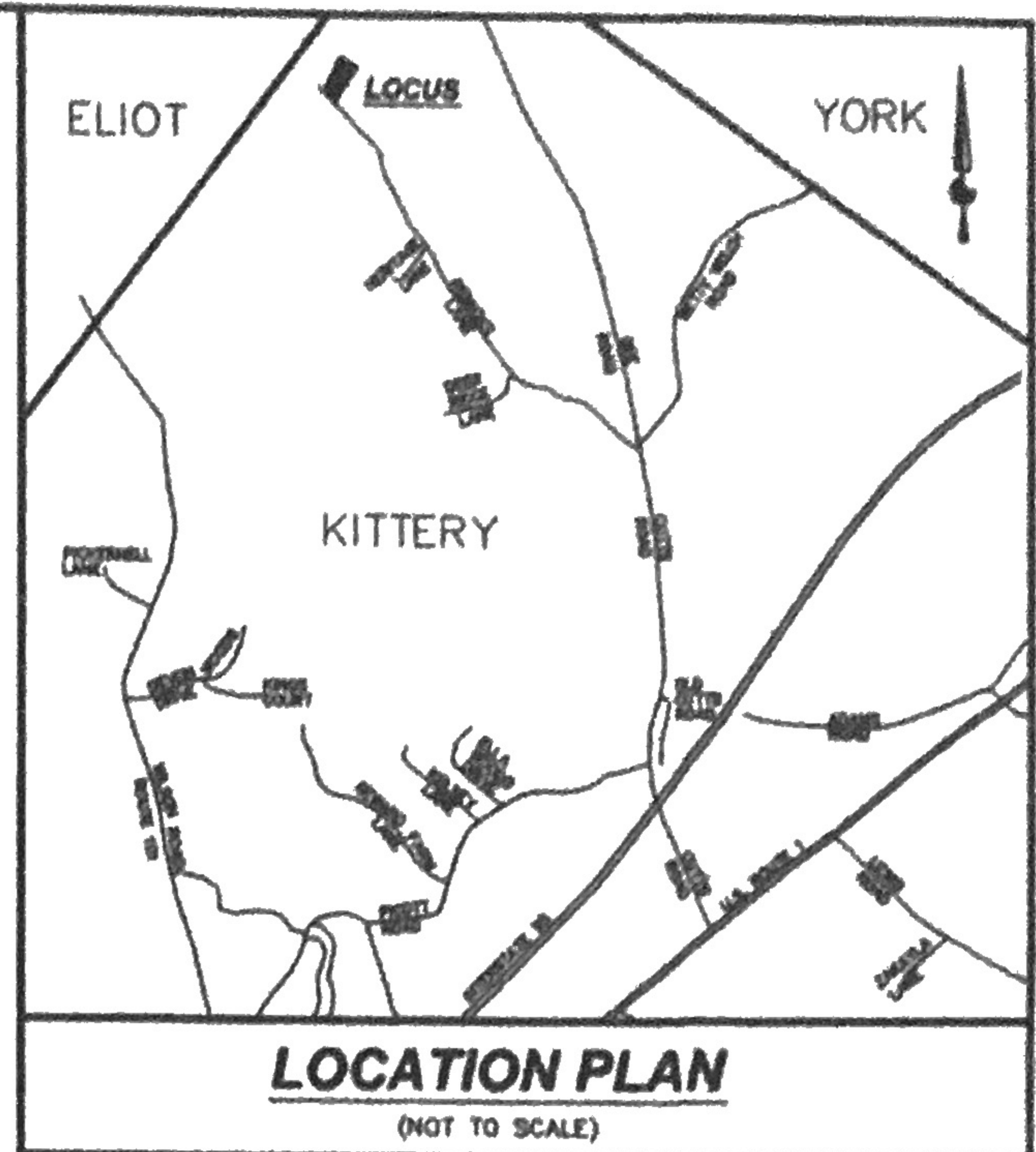
WETLAND "A"
23,184 S.F.
MAPPED 2017/2018 BY
KENNETH GARDNER
MAINE SOIL SCIENTIST
#81 - 17,914 S.F.
WITHIN TREPANEY LOT

PRIVATE RIGHT-OF-WAY
STONERIDGE WAY
172.15'

WETLAND "C"
24,479 S.F. WITHIN
LOT 17D
MAPPED PRE NOV. 11,
2002 BY TRITECH
ENGINEERING
CORPORATION

TAX
N/F KE
Y.C.

7A
PHANIE



NOTES:

1. BOUNDARY INFORMATION SHOWN HEREON IS BASED ON REFERENCE PLAN 1 AND REFERENCED DEED FOR THE LOCUS PARCEL. NO OTHER RECORDS WORK WAS PERFORMED BY THIS INVESTIGATOR.
2. NORTH AS DEPICTED HEREON IS REFERENCED TO GRID NORTH, NAD83, MAINE STATE PLANE COORDINATE SYSTEM WEST ZONE BASED ON REFERENCE PLAN 1.
3. NO UTILITY INVESTIGATION HAS BEEN PERFORMED AS PART OF THIS SURVEY. CONTRACTORS NEED TO CONTACT DIOSAFE AND FIELD VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.
4. THE LOCUS PROPERTY IS IN THE RURAL RESIDENCE ZONE. DIMENSIONAL REQUIREMENTS ARE AS FOLLOWS: MINIMUM LOT SIZE=40,000 SQUARE FEET, MINIMUM STREET FRONTAGE=150', MINIMUM SETBACK FROM STREET RIGHT-OF-WAY=40', MINIMUM SIDE AND REAR SETBACK=20', MAXIMUM BUILDING HEIGHT=35', MAXIMUM BUILDING COVERAGE=15%, MINIMUM SETBACK FROM WETLANDS, 501 S.F. TO 1-ACRE IN SIZE, FOR BUILDINGS LARGER THAN 500 S.F.=50'. FOR COMPLETE ZONING INFORMATION REFER TO THE TOWN OF KITTERY ZONING ORDINANCE.

REFERENCE PLANS:

1. PLAN DEPICTING A "RIGHT-OF-WAY" REMICKS LANE - KITTERY - MAINE PREPARED FOR RAYMOND GAGNER, JR. & HMA, INC., DATED SEPTEMBER 15, 2004, BY CIVIL CONSULTANTS, APPROVED BY THE KITTERY PLANNING BOARD MARCH 10, 2005, RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 301, PAGE 45 (CIVCON PROJECT 04-499.03).
2. CONCEPTUAL SUBDIVISION PLAN, JIM WOLCOTT, REMICKS LANE, KITTERY, MAINE, DATED NOVEMBER 11, 2002, BY TRITECH ENGINEERING CORPORATION.

MAIN HOUSE 26x32
DETACHED GARAGE 14x24
LEAD TOW 12x24

CERTIFICATION:

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

Christopher H. Mende OCT. 15, 2018

CHRISTOPHER H. MENDE DATE:
MAINE PROFESSIONAL LAND SURVEYOR #1302
CIVIL CONSULTANTS
SOUTH BERWICK, MAINE 03908

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

ATTEST _____ REGISTER

TAX MAP 65, LOT 17

| | | | |
|---|--------------|--|---------------------|
| CALC. CHM DIB ECTOR FILE | SHEET TITLE: | PLAN SHOWING PROPOSED HOUSE LOCATION LAND OF ALLISON TREPANNEY & DONALD ALLARD 50 REMICKS LANE, KITTERY, YORK COUNTY, MAINE | SHEET NUMBER: |
| | • SETBACKS | | SB1 |
| | | | SHEET 1 OF 1 |
| | | | PROJECT # 04-499.08 |
| PREPARED FOR: ALLISON TREPANNEY & DONALD ALLARD MAILING ADDRESS: 83 CARRIAGE LANE, LACONIA, NH 03248 | | COORDINATE FILE: J:\AAA\2004\0449908\CARLSON\POINTS\TREPANNEY.CRD | |



TAX MAP 65, LOT 17A
N/F MATTHEW T. & STEPHANIE
L.L. STOBBS
Y.C.R.D. 17299/105

PART OF
TAX MAP 65, LOT 17
N/F ALISON TREPANEY &
DONALD ALLARD
Y.C.R.D. 17812/550 & DEED OF
RECENT DATE

WETLAND "A"
23,184 S.F.
MAPPED 2017/2018 BY
KENNETH GARDNER
MAINE SOIL SCIENTIST
#01 - 17,914 S.F.
WITHIN TREPANEY LOT

PART OF
TAX MAP 65, LOT 17
N/F JOSHUA L. PHILBRICK &
KRISTY MICKLE
Y.C.R.D. 17612/597

WETLAND "B"
20,979 S.F.
MAPPED 2017 BY
KENNETH GARDNER
MAINE SOIL SCIENTIST
#01

TAX MAP 65, LOT 17D
N/F KENWARD T. THUMTH, II
Y.C.R.D. 15870/559

TAX MAP 65, LOT 17B
N/F THOMAS GIOVANNIELLO, ET AL
Y.C.R.D. 16533/587

LEGEND:

- — DIA. REBAR
- ▲ — WETLAND AREA
- Y.C.R.D. 4532/29
- DEED REFERENCE
- LOCUS PARC
- APPROXIMATE
- N/F — NOW OR FORMER
- S.F. — SQUARE FEET
- ⊗ — TEST PIT



CIVIL CONSULTANTS



CIVIL CONSULTANTS
Engineers
Planners
Surveyors
P.O. Box 100
South Berwick
Maine
04869
207-284-2550
civil@ccnll.com

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

| | |
|-----|-----------|
| 8 | |
| 7 | |
| 6 | |
| 5 | |
| 4 | |
| 3 | |
| 2 | |
| 1 | |
| NO. | REVISIONS |

PART OF
TAX MAP 65, LOT 17
N/F ALLISON TREPANEY &
DONALD ALLARD
Y.C.R.D. 17812/500 & DEED OF
RECENT DATE

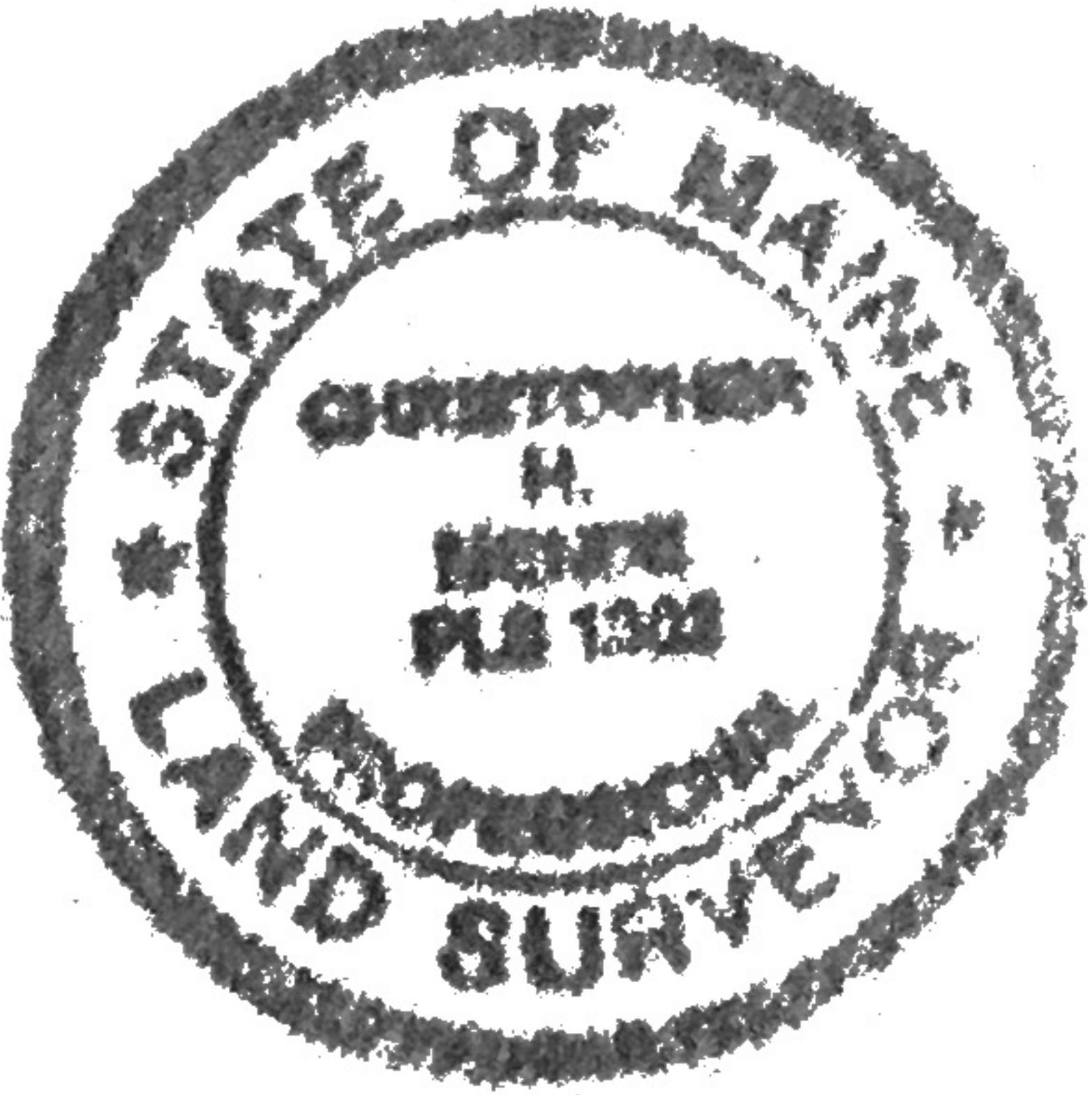
60,005 S.F. (GROSS AREA)
41,147 S.F. NET
BUILDABLE AREA

WETLAND "A"
23,164 S.F.
MAPPED 2017/2018 BY
KENNETH GARDNER
MAINE SOIL SCIENTIST
#01 - 17,914 S.F.
WITHIN TREPANEY LOT

TAX MAP 65
N/F THOMAS GIOV
Y.C.R.D. 18

REMICKS LANE

STONER



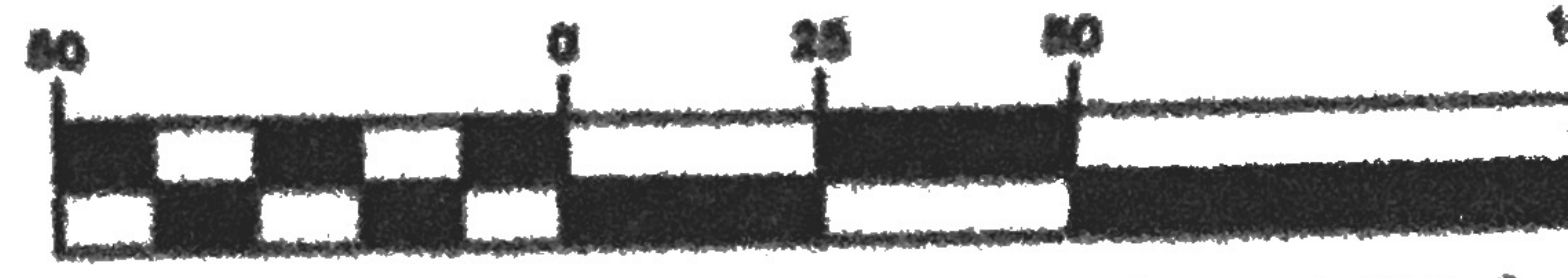
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**CIVIL
CONSULTANTS**

Engineers
Planners
Surveyors

P.O. Box 100
South Berwick
Maine
03906
207-384-2850
civilcon@civilcon.com



GRAPHIC SCALE

(IN FEET)
1 inch = 50 feet

Article IV Streets and Pedestrianways/Sidewalks Site Design Standards

[Amended 9-24-2012 by Ord. No. 12-11]

§ 16.8.4.1 Purpose.

The design of streets must provide for proper continuation of streets from adjacent development and for proper projection into adjacent undeveloped and open land. These design standards must be met by all streets within Kittery and control street shoulders, curbs, pedestrianways/sidewalks, drainage systems, culverts and other appurtenances.

§ 16.8.4.2 Layout.

- A. Streets are to be designed to discourage through traffic on minor streets within a residential subdivision.
- B. Reserve strips controlling access to streets are prohibited except where control is definitely placed with the municipality.
- C. Any development expected to generate average daily traffic of 201 or more trips per day is to have at least two street connections with existing public street(s).
- D. Where a development borders an existing narrow street (below standards set herein) or when the Comprehensive Plan indicates plans for realignment or widening of a street that would require use of some of the land in a development, the plans must indicate reserved areas for widening or realigning such streets, marked on the plan "reserved for street widening/realignment purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of this title.
- E. Where a development abuts or contains an existing or proposed arterial street, the Board may require marginal access streets (i.e., street parallel to arterial street providing access to adjacent lots), reverse frontage (i.e., frontage on a street other than the existing or proposed arterial street) with screen planting contained in a non-access reservation along the rear property line, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- F. Entrances onto existing or proposed arterial highways/secondary arterials may not exceed a frequency of one per 1,000 feet of street frontage.

§ 16.8.4.3 Street classification.

Streets are classified by purpose, function and use frequency.

- A. Arterial highways are major traffic ways that provide connections with other thoroughfare or interstate roads and have a high potential for the location of significant community activity centers as well as retail, commercial and industrial facilities. The average daily traffic count (ADT) would be 9,001 or more trip ends.
- B. Secondary arterials carry relatively high volumes of traffic to or from arterial highways, adjacent communities and through local residential areas, activity centers and minor commercial establishments. The ADT would be 3,001 to 9,000 trip ends.
- C. Commercial, light industrial and mixed-use zone developments are located in areas where street design is oriented to accommodate community-wide and regional interests with limited residential uses. The intended uses, ADT, peak hour traffic, and any other additional information that may be required by the Board will determine their classification, which may not be lower than a secondary collector.
- D. Primary collectors may be residential or business, or both, and serve both as collectors to lesser residential streets and as connections to or between arterials. The ADT would be from 801 to 3,000 trip ends, and in the interests of traffic and public

safety must be owned and maintained by the Town.

- E. Secondary collectors may be residential or business, or both, and connect to or between streets of a higher classification, and/or may collect traffic from minor streets or private ways. The ADT would be 201 to 800 trip ends.
- F. Minor streets are predominantly single-family residential short or dead-end streets, which may have branching minor streets, private lanes or private ways and conduct traffic to streets of higher classification. This is the lowest level of public street in the hierarchy and must serve at least four dwelling units. The ADT would be 35 to 200 trip ends.
- G. Private streets function exclusively as residential streets serving high-density housing developments, including clustered housing, apartments, elderly housing, and mobile home parks, and may not be dedicated for public acceptance. Maintenance and improvements must be controlled by proprietorship, corporation, association or deed covenants. The ADT would be 72 to 800 trip ends. Design and construction is to be in accordance with the applicable standards and specifications for minor streets or secondary collectors.
- H. Private lanes are short low-traffic volume residential dead-end streets which may serve part of a high-density development or other residential uses conforming to the applicable standard residential space requirements enumerated in this title. Private ways may not be dedicated for public acceptance, and improvements must be controlled by proprietorship, corporation, association or deed covenants. The ADT would be 35 to 71 trip ends.
- I. Private ways are dead-end, very-low-volume residential streets that connect to streets of a higher classification and function similar to an individual driveway by providing a low standard two-way traffic flow. Private ways may not be used in high-density residential developments or subdivisions of four or more lots. Private ways cannot be dedicated for public acceptance, and all maintenance and improvements must be controlled by proprietorship, corporation, association or deed covenants. The ADT would be 12 to 35 trip ends.
- J. Average daily traffic (ADT) is computed using the latest Institute for Transportation Engineers (ITE) codes and figures.

§ 16.8.4.4 Street design standards.

Design standards for classified streets and sidewalks are those contained in Table 1 for this chapter, which is attached to this chapter.

§ 16.8.4.5 Access control and traffic impacts.

Provision must be made for vehicular access to a development and circulation upon the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and within the development, to avoid traffic congestion on any street and to provide safe and convenient circulation on public streets and within the development. Access and circulation must also conform to the standards and criteria listed below.

- A. Vehicular access to the development must be arranged to avoid traffic use of local residential streets.
- B. Where a lot has frontage on two or more streets, the access to the lot must be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
- C. The street giving access to the lot and neighboring streets which can be expected to carry traffic to and from the development must have traffic-carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed use. No development may increase the volume/capacity ratio of any street above 0.8 nor reduce any intersection or link level of service to "D" or below.
- D. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision must be made for turning lanes, traffic directional islands, frontage roads, driveways and traffic controls within public streets.
- E. Accessways must be of a design and have sufficient capacity to avoid hazardous queuing of entering vehicles on any street.
- F. Where topographic and other conditions allow, provision must be made for circulation driveway connections to adjoining lots of similar existing or potential use: