

**Town of Kittery
Planning Board Meeting
July 13, 2023**

ITEM 3 – 163 and 165 Rogers Road – Conventional Subdivision – Sketch Plan Review

Action: Accept sketch plan or continue review.

Proposal: To merge two existing parcels into a single 2.84 acre-lot subdivided by unit into five single-family residential dwellings, all along a shared driveway with individual private septic systems.

Location: 163 and 165 Rogers Road, Map 14 Lots 53 & 53-1

Zoning District: R-U: Residential Urban

Owners: Ruth E. and Karen L. Bouffard

Agent: Rick Chellman

PROCESS SUMMARY

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Acceptance/Approval	Scheduled for July 13, 2023 Meeting	Pending
YES	Preliminary Plan Review Completeness/Acceptance		
	Site Visit		
YES	Public Hearing	Required for Preliminary Site Plan or Subdivision Approval	
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.L - 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.

PROJECT INTRODUCTION

This is a conceptual review for a proposed major subdivision by unit at the properties of 163 and 165 Rogers Road in the R-U Residential-Urban Zone. 163 Rogers Road is a lot of approximately 103,200 square feet; directly north of it is 165 Rogers Road, a spaghetti-shaped lot of 20,290 square feet. Both properties are legally non-conforming due to street frontage and contain one single-family residential dwelling connected by a shared driveway and are surrounded by open fields and a forest covering the majority of each lot. The plan proposes merging both properties into a single lot that conforms to dimensional standards, then extending the shared driveway further into the property to construct three new single-family dwellings. The subdivision will total up to 5 units, all of which will be converted into condos. The applicant identified a wetland pocket in the wooded area of the lot totaling 9,315 sq ft. Although this deducts land from the development's net residential acreage calculations outlined in §16.5.8, the resource is too far to trigger any setback requirements for the proposed development.

36 **APPLICATION & PLAN REVIEW**
 37 _____

38 Staff reviewed the submitted application and plan and have the following comments:
 39

40 **16.4.13 R-U ZONING DISTRICT REGULATIONS**

- 41 1. The application appears to meet dimensional standards and open space requirements, although the site
 42 plan does not have the envelopes for the proposed and existing dwellings.
 43 2. Conservation subdivisions are permitted use in the R-U zone, while conventional subdivisions are a
 44 special exception use requiring planning board approval. When asked, the applicant said a conventional
 45 subdivision was more appealing due to the focus on shared septic systems in the conservation
 46 subdivision ordinance.
 47 3. The minimum size per dwelling for a lot in the R-U zone is 20,000 square feet. With an approximate
 48 lot size of 123,500 square feet, this allows for up to 6 dwellings. In accordance with net residential
 49 acreage calculations per **§16.5.18.B**, the size of the wetland lowers the amount of land to 114,185 sq ft,
 50 meaning only 5 dwellings are allowed on the lot.
 51 a. Staff advised the applicant that if the pending soil survey identifies any soil deemed “poorly
 52 drained” or “somewhat poorly drained,” they must revise their net residential acreage
 53 calculations in accordance with **§16.5.18.B**.
 54 4. Per **§16.5.4**, because the proposed subdivision includes less than 10 building lots, it does not trigger a
 55 requirement for affordable housing units.
 56

57 **16.5.27 STREETS**

- 58 1. Staff requested the applicant provide information on the total length of the existing driveway and
 59 proposed expansion. Per the definition in **§16.3**, a driveway may not exceed 500 feet in length;
 60 otherwise, it would be considered a private street and would be subject to the width and fire access
 61 requirements of a right-of-way.
 62 a. Driveways are excluded from net residential acreage calculations. If the proposal is determined
 63 to be long enough to be considered a street, the dimensions of the right-of-way would have to
 64 be deducted in the net residential acreage calculations per **§16.5.18.B.(5)**.
 65 2. The applicant inquired about the requirement threshold for a traffic impact analysis, as Rogers Road is
 66 utilized by workers commuting to the Kittery Shipyard. Per **§16.8.9.C.(6).(h)**, this analysis is required
 67 for “developments involving 40 or more parking spaces, or which are projected to generate more than
 68 400 vehicle trips per day,” neither of which appear applicable to the proposed development.
 69

70 **16.8.9 SUBDIVISION REVIEW PROCESS**

- 71 1. The applicant is working on finishing a class A soil survey and soil interpretation.
 72 a. While a soil survey is a requirement at the sketch plan stage, full net residential acreage
 73 calculations are not a requirement until the preliminary stage.
 74

75 **16.8.10 SUBDIVISION PERFORMANCE STANDARDS**

- 76 1. Public water is available along Rogers Road and both existing properties are connected. The applicant
 77 plans to connect the proposed new development to the existing water main.
 78 2. Public sewers are not available at this property. The sketch plan indicates the approximate leach fields
 79 of the existing properties. Test pits are in the process of being dug to determine soil quality for the
 80 proposed new dwellings.
 81 3. Per **§16.8.10.N**, any proposed development must limit clearing of trees to areas designated on the plan.
 82
 83
 84
 85

86 **DISCUSSION, NEXT STEPS, AND RECOMMENDATIONS**
87

88 After review, staff suggest moving to continue or accept the sketch plan. All missing reports are currently
89 ongoing or being planned for, but the information currently provided is sufficient to allow the project to
90 move forward.

91
92 **RECOMMENDED MOTIONS**
93

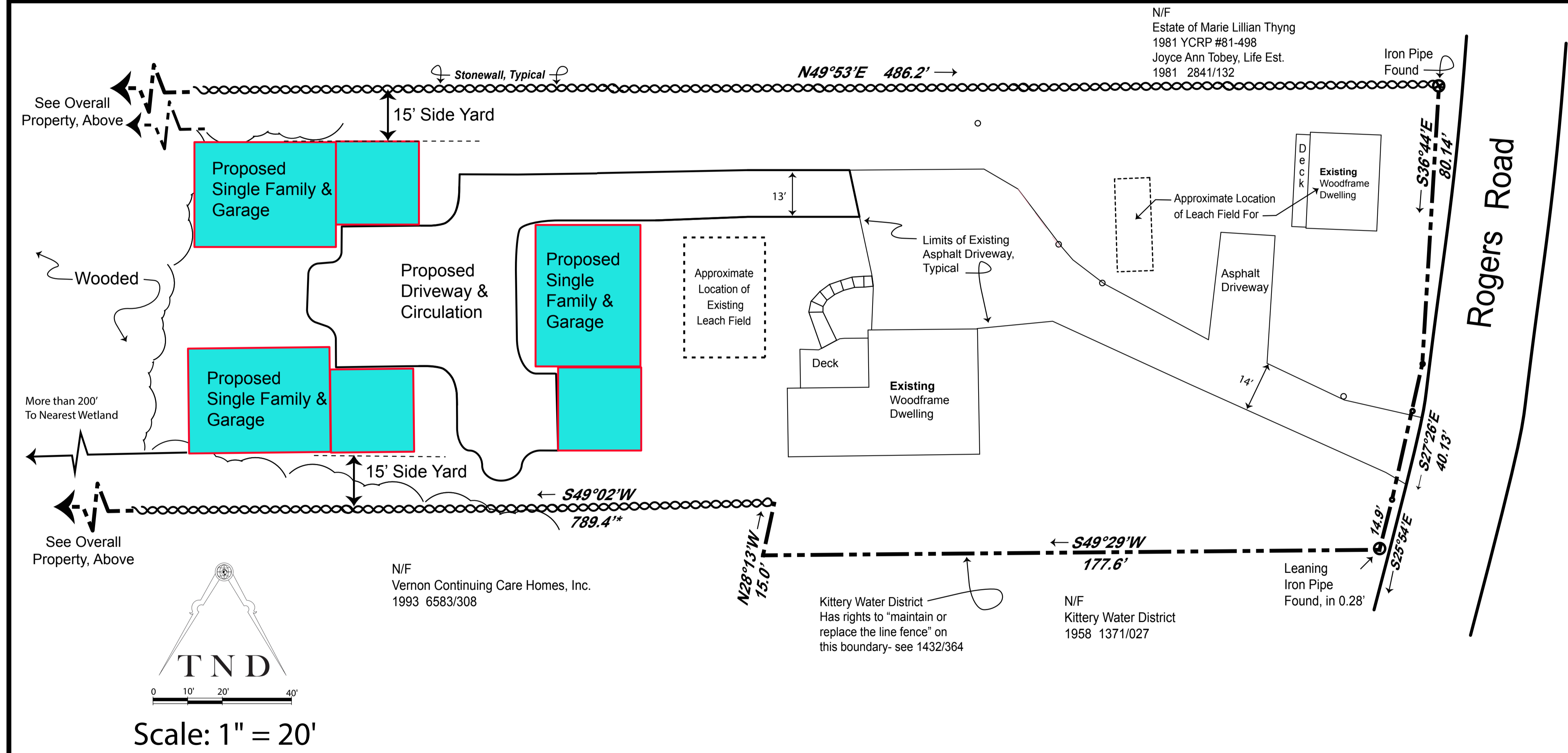
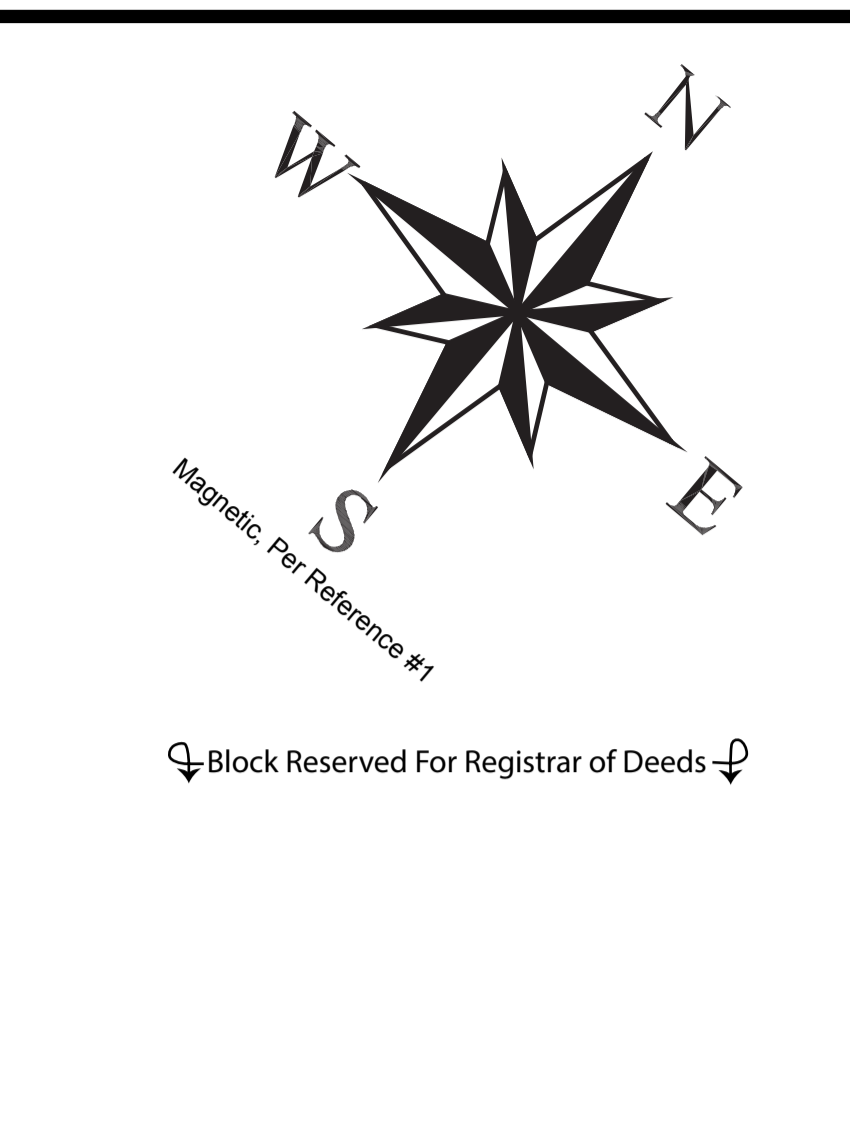
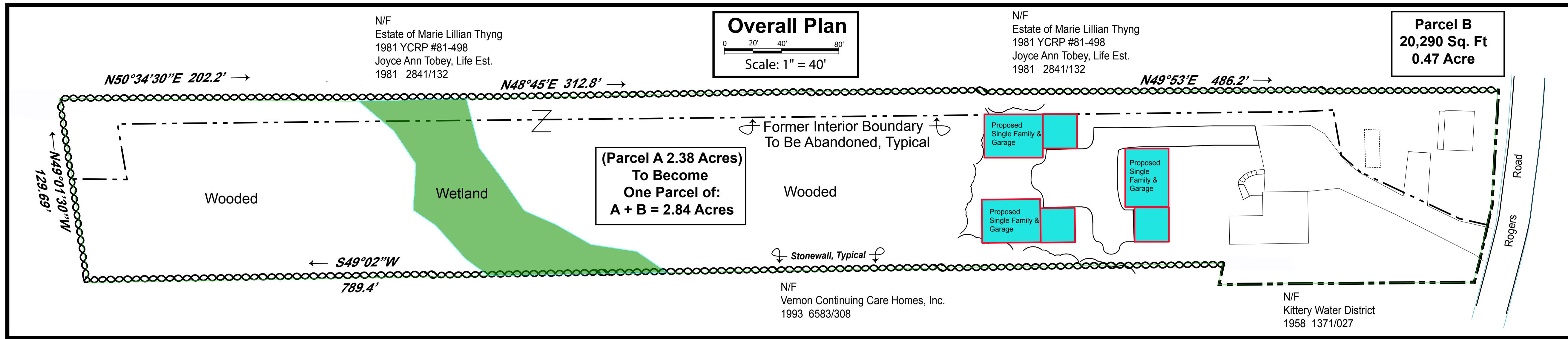
94 The sketch plan review is an opportunity to consider a concept, ask and answer questions, and **make**
95 **specific suggestions** to the applicant.

96
97 ***Motion to continue the application***
98

99 Move to continue review of the subdivision sketch plan by Rick Chellman, for owners Ruth and Karen
100 Bouffard, who proposes to merge two parcels into a single 2.85 acre-lot containing a total of three buildings
101 and up to six condominium dwellings, all along a shared driveway with individual private septic systems,
102 located at the address of 163 and 165 Rogers Road, Tax Map 14, Lots 53 & 53-1, in the Residential – Urban
103 (R-U) Zone.

104
105 ***Motion to accept the application as complete***
106

107 Move to accept the subdivision sketch plan by Rick Chellman, for owners Ruth and Karen Bouffard, who
108 proposes to merge two parcels into a single 2.85 acre-lot containing a total of three buildings and up to six
109 condominium dwellings, all along a shared driveway with individual private septic systems, located at the
110 address of 163 and 165 Rogers Road, Tax Map 14, Lots 53 & 53-1, in the Residential – Urban (R-U) Zone.



- REFERENCES**
- 1) "Survey of Property of Karen L. Bouffard" by Russell H. Caldwell, June, 1982; Approved by Kittery Planning Board 9/9/82, YCRD Book 120, Page 18.
 - 2) "Plan of Land of Weston Keyes and Penelope Brewster" by Civil Consultants, June 1986 YCRD 148/019.
 - 3) York County Registry of Deeds (YCRD).
 - 4) York County Registry of Probate (YCRP).

Proposal

Description:
The existing property has 2 single family homes on 2 lots. This proposal is to merge the lots and construct 3 new, single-unit buildings to create a total of 5 condominium units on the existing total of 123,500 sq ft of land as one parcel with a shared driveway.

Zoning:
Property Zone: R-U (Residential-Urban)
Permitted Uses: Single-family and Multi-family Dwellings (§16.4.13 B.(5) & (6))
Minimum Lot Size: 20,000 sq. ft./Dwelling (§16.4.13 D (2) (a))
Minimum Yards: Front- 30 feet; Side- 15 feet (§16.4.13 D (2) (d) & (e))
Minimum Frontage: 100 feet req. (§16.4.13 D (2) (c))- 135.17' Existing

Density Calculations:
Site Area: 123,500 sq. ft.
Wetlands: 9,315 sq. ft. (mapped by Ambit Engineering)
Soils: Poorly (xx sq ft), very poorly (yy sq ft) & somewhat poorly drained (zz sq ft)=
Net Area (sq. ft.): 123,500 - wetlands of 9,315 = 114,185 sq ft or 22,835 sq. ft./Dwelling (Soils Mapping not yet complete)

Preparer:
Chester Chellman, P.E., P.L.S.
TND Engineering
224 State Street
Portsmouth, NH 03801
603.479.7195

Town of Kittery
Approved

By: _____ Date _____
Its: _____

Certification
This is a plan for subdivision-sketch plan review with the Town of Kittery. More details and information to follow.

June 22, 2023
Chester E. Chellman, P.L.S.
Seal

Plan of Subdivision-Sketch Plan Review
For:
Ledge Development, L.L.C.
#163 & #165 Rogers Road
(Tax Parcels 14-53 & 14-53-1)
Kittery, Maine

TND Engineering
Revised: July 5, 2023
June 22, 2023



Vicinity Map on Aerial Base
Ledge Development LLC
Tax Map 14 Parcels 53 and 53-1
Kittery, Me.

SITE

Villas

The Fabulous Find

Just Us Chickens

7-Eleven

Dairy Queen Grill & Chill

Sunrise Grill

North Star Therapeutic Massage

A Lebro Center For Well Being

Highland Cemetery