

**Town of Kittery
Planning Board Meeting
January 11, 2024**

ITEM 4—4 Bond Road—Major Plan Modification Review

Action: accept application as complete. Approve plan: Josh Schneier, on behalf of owner/applicant Stella B. Hall, proposes to divide a parcel within an approved subdivision into two conforming lots on the property of 4 Bond Road, Tax Map 26, Lot 34, in the Residential Kittery Point Village zone.

PROCESS SUMMARY

REQ'D	ACTION	COMMENTS	STATUS
YES	Planning board determination of completeness	1/4/24	Complete
NO	Site Visit	Not required for plan modifications	TBD
NO	Public Hearing	Not required for plan modification	TBD
YES	Plan Approval	Scheduled for 1/11/24	Pending
<p>Applicant: Prior to the signing of the approved Plan any Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and, when applicable, recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS. <u>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.</u></p>			

PROJECT INTRODUCTION

4 Bond Road is a conforming existing lot created by a subdivision in 1976. The property contains a single-family dwelling and septic systems, as well as 4 garages, three of which are non-conforming due to front and side yard setbacks. The original deed of the subdivision shows that 4 Bond Road was originally approved as two parcels (lots 6 and 7 in the original plan) but merged at some point into one.

The applicant is proposing to re-divide the parcel into two properties. They are proposing a new property boundary, as adhering to the original one would make the existing dwelling non-conforming due to side yard setbacks. No buildings, structures, or septic systems are proposed as a part of this plan, although the survey shows the buildable area envelope allowable for the proposed new lot.

Per **§16.8.11.H.(2).(a)**, any modification of a property boundary contained within a subdivision is considered a major plan modification requiring approval by planning board. There are no wetlands abutting within or abutting the property, nor does the parcel contain any overlay zones. **Staff recommend the planning board approve the application at this time.**

STAFF COMMENTS

Listed below are additional comments provided by staff in addition to general review of standards:

1. The survey shows an allowable buildable area within the proposed new lot. No structures are being proposed as part of this project, nor are they required to be shown.
 - a. If the modification is granted, any development within the new parcel would not need planning board review if it were a permitted use that does not trigger site plan review (such as construction of a single-family dwelling).
2. There is an underground electric utility line running through the proposed new property to connect to the existing home on 4 Bond Road. An easement has been drafted to ensure the property owner has access to the utility line.
3. **§16.5.B.(1)**. Requires new lots not exceed a length to width ratio of 3:1. The proposed lot meets this ratio.

PROJECT ANALYSIS

Staff reviewed the application and provided materials and have provided their determination on the requirements and standards below. All requirements that have not been met or require further discussion are highlighted.

Code Ref.	§16.4 Land Use Zone Standards	
	Standard	Determination
§16.4.12.B/C.	Permitted/Special Exception Uses	The application does not propose any new uses for the existing or new parcel.
§16.4.12.D.(2).(a).	Land area per dwelling unit: 40,000 sq ft.	It appears the standard is satisfied.
§16.4.12.D.(2).(b).	Minimum lot size: 40,000 sq ft	It appears the standard is satisfied
§16.4.12.D.(2).(c).	Minimum street frontage: 150 feet	It appears the standard is satisfied.
§16.4.12.D.(2).(d).	Front setback: 40 ft minimum	There are two existing non-conforming garages within the front yard setback on 4 Bond Road. The proposed lot line division would not increase this nonconformance. It appears the standard is satisfied.
§16.4.12.D.(2).(e).	Building coverage: 20% maximum	It appears the standard is satisfied.
§16.4.12.D.(2).(f).	Side and rear setback: 15 ft minimum	There is an existing non-conforming garage within the side yard setback on 4 Bond Road. The proposed lot line division would not increase this nonconformance. The lot line has been designed to ensure the existing single-family home remains conforming to side yard setbacks. It appears the standard is satisfied.
§16.4.12.D.(2).(g).	Building height: 35 ft maximum	It appears the standard is satisfied.

DISCUSSION, NEXT STEPS, AND RECOMMENDATIONS

By modifying the boundary line of the original subdivision, the applicant ensures the proposed project meets all dimensional standards without creating any new nonconformance. Staff believe the project meets all requirements and can be approved at this time.

RECOMMENDED MOTIONS

Below are recommended motions for the Board's use and consideration:

Motion to accept the application as complete

Move to accept the major subdivision plan modification by Josh Schneier, on behalf of owner/applicant Stella B. Hall.

Motion to approve the application

Move to approve the major subdivision plan modification by Josh Schneier, on behalf of owner/applicant Stella B. Hall,

Kittery Planning Board
Findings of Fact
4 Bond Road
Subdivision Modification Review

DRAFT
M26 L 34

Note: This approval by the Planning Board constitutes an agreement between the Town and the Developer incorporating the Development plan and supporting documentation, the Findings of Fact, and all waivers and/or conditions approved and required by the Planning Board.

WHEREAS: Josh Schneier, on behalf of owner/applicant Stella B. Hall, proposes to divide a parcel within an approved subdivision into two conforming lots on the property of 4 Bond Road, Tax Map 26, Lot 34, in the Residential Kittery Point Village zone.

Pursuant to the Plan Review meetings conducted by the Planning Board as noted in the Plan Review Notes dated 1/11/24

REQ'D	ACTION	COMMENTS	STATUS
YES	Completeness Review	1/4/24	Complete
NO	Public Hearing	Optional	Held
NO	Site Visit	Optional	Held
YES	Plan Approval	1/11/24	Approved

Pursuant to the application and plan and other documents considered to be a part of a plan review decision by the Planning Board in this Finding of Fact consisting of the following (hereinafter the "Plan"):

1. Major Plan Modification received 12/22/23 from Josh Schneier of Easterly Surveying.

NOW THEREFORE, based on the entire record before the Planning Board and pursuant to the applicable standards in the Land Use and Development Code, the Planning Board makes the following factual findings and conclusions:

Chapter 16.8 SUBDIVISION REVIEW

16.8.9.D.(4).(b). Findings of Fact

Action by the Board shall be based upon findings of fact which certify or waive compliance with all the required standards of this title, and which certify that the development satisfies the following requirements:

[1] Development Conforms to Local Ordinances.

Standard: *The proposed development conforms to a duly adopted Comprehensive Plan as per adopted provisions in the Town Code, zoning ordinance, subdivision regulation or ordinance, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.*

Finding: The proposed modification conforms to Title 16 and all dimensional standards in the R-KPV Zone.

Conclusion: This standard appears to be met.

Vote of __ in favor __ against __ abstaining

[2] Freshwater Wetlands Identified

Standard: *All freshwater wetlands within the project area have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.*

Finding: There are no wetlands on or adjacent to the site.

Conclusion: This standard appears to be met.

Vote of __ in favor __ against __ abstaining

[3] River, Stream, or Brook Identified.

Standard: *Any river, stream or brook within or abutting the proposed project area has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in 38 M.R.S.A. § 480-B, Subsection 9.*

Finding: There are no wetlands on or adjacent to the site.

Conclusion: This standard appears to be met.

Vote of __ in favor __ against __ abstaining

[4] Water Supply Sufficient.

Standard: *The proposed development has sufficient water available for the needs of the development.*

Finding: The proposed modification will not generate increased water capacity needs.

Conclusion: This standard does not appear applicable.

Vote of __ in favor __ against __ abstaining

[5] Municipal Water Supply Available.

Standard: *The proposed development will:*

The proposed development will not cause an unreasonable burden on an existing water supply, if one is to be used.

Finding: The proposed modification will not require Municipal Water. Any future development proposed on either lot will have to confirm water capacity with the Kittery Water District.

Conclusion: This standard does not appear applicable.

Vote of __ in favor __ against __ abstaining

[6] Sewage Disposal Adequate.

Standard: *The proposed development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services, if they are utilized.*

Finding: The proposed modification will not generate sewage waste.

Conclusion: This standard does not appear applicable.

Vote of __ in favor __ against __ abstaining

[7] Municipal solid waste disposal available.

Standard: *The proposed development will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be used.*

Finding: The proposed modification will not generate solid waste.
Conclusion: This standard does not appear applicable.
Vote of __ in favor __ against __ abstaining
[8] Water body quality and shoreline protected.
Standard: <i>Whenever situated entirely or partially within 250 feet of any wetland, the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water..</i>
Finding: The proposed modification is not located near any water body or shoreland.
Conclusion: This standard does not appear applicable.
Vote of __ in favor __ against __ abstaining

[9] Groundwater protected.
Standard: <i>The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.</i>
Finding: It appears the proposed modification will not cause any unreasonable adverse effects of the quantity or quality of groundwater.
Conclusion: This standard appears to be met.
Vote of __ in favor __ against __ abstaining

[10] Flood areas identified and development conditioned.
Standard: <i>All flood-prone areas within the project area have been identified on maps submitted as part of the application, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps and information presented by the applicant. If the proposed development, or any part of it, is in such an area, the applicant must determine the 100-year flood elevation and flood hazard boundaries within the project area. The proposed plan must include a condition of plan approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.</i>
Finding: No flood areas have been identified on the site.
Conclusion: This standard appears to be met.
Vote of __ in favor __ against __ abstaining

[11] Stormwater Managed.
Standard: <i>The proposed development will provide for adequate stormwater management.</i>
Finding: The proposed modification does not include development that would require stormwater management. Any future development proposed would provide all relevant stormwater management practices.
Conclusion: This standard does not appear applicable.
Vote of __ in favor __ against __ abstaining

[12] Erosion Controlled.

Standard: *The proposed development will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.*

Finding: The proposed modification does not include any disturbance of soil or development that would cause erosion.

Conclusion: This standard does not appear applicable.

Vote of __ in favor __ against __ abstaining

[13] Traffic Managed.

Standard: *The proposed development will:*

[a] *Not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed; and*

[b] *Provide adequate traffic circulation, both on-site and off-site.*

Finding: The proposed modification is not anticipated to generate traffic.

Conclusion: This standard does not appear applicable.

Vote of __ in favor __ against __ abstaining

[14] Water and Air Pollution Minimized.

Standard: *The proposed development will not result in undue water or air pollution. In making this determination, the following must be considered:*

[a] *Elevation of the land above sea level and its relation to the floodplains:*

[b] *Nature of soils and subsoils and their ability to adequately support waste disposal;*

[c] *Slope of the land and its effect on effluents;*

[d] *Availability of streams for disposal of effluents;*

[e] *Applicable state and local health and water resource rules and regulations; and*

[f] *Safe transportation, disposal and storage of hazardous materials.*

Finding: The proposed modification is not anticipated to generate water or air pollution.

Conclusion: This standard does not appear applicable.

Vote of __ in favor __ against __ abstaining

[15] Aesthetic, cultural and natural values protected.

Standard: *The proposed development will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas, or any public rights for physical or visual access to the shoreline.*

Finding: It appears that the proposed development is designed in a manner that respects the natural capabilities of the lot.

Conclusion: This standard appears to be met.

Vote of __ in favor __ against __ abstaining

[16] Developer financially and technically capable.

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

Finding: The proposed modification will not require a cost estimate.

Conclusion: This standard does not appear applicable.

Vote of __ in favor __ against __ abstaining

Based on the foregoing Findings, the Kittery Planning Board finds the applicant has satisfied each of the review standards for approval and, therefore, the Kittery Planning Board hereby grants final approval for the Development at the above referenced property, including any waivers granted or conditions as noted.

Waivers:

None

Conditions of Approval (to be included as notes on the final plan in addition to the existing notes):

1. Without prior approval, no changes, erasures, modifications or revisions may be made to any Planning Board approved final plan.
2. Applicant/contractor will follow Maine DEP Best Management Practices for all work associated with site and building construction to ensure adequate erosion control and slope stabilization.
3. Prior to the commencement of grading and/or construction within a building envelope, as shown on the Plan, the owner and/or developer must stake all corners of the envelope. These markers must remain in place until the Code Enforcement Officer determines construction is completed and there is no danger of damage to areas that are, per Planning Board approval, to remain undisturbed.
4. All Notices to Applicant contained in the Findings of Fact (dated: 1/11/24).

Conditions of Approval (Not to be included as notes on the final plan):

1. Incorporate any plan revisions on the site plan as recommended by Staff, Planning Board, or Peer Review Engineer, and submit for Staff review prior to endorsement and recording of the plan.

Notices to Applicant:

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

The Planning Board authorizes the Planning Board Chair, or Vice Chair, to sign the Final Plan and the Findings of Fact upon confirmation of compliance with any conditions of approval.

Vote of __ in favor __ against __ abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON 1/11/24

Dutch Dunkelberger, Planning Board Chair

Per Title 16.2.12.B(1) - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.



1021 Goodwin Road, Unit 1 · Eliot, Maine 03903 · (207) 439-6333

December 14, 2023

Kittery Planning Board
Town of Kittery
200 Rogers Road
Kittery, Maine 03904

Re: Subdivision Modification Application
4 Bond Road (Tax Map 26 Lot 34)

To Whom It May Concern:

Attached is an application submitted on behalf of Stella B. Hall for property located on Bond Road in Kittery Point, Maine (Tax Map 26 Lot 34). The purpose of this application is to seek approval for a modification to a Planning Board approved subdivision plan.

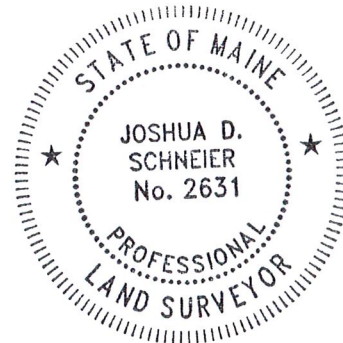
The following documents are enclosed:

1. Project Narrative
2. Original Subdivision Plan approved by Kittery Planning Board on 1/12/1976
3. "Subdivision Modification Plan" prepared by North Easterly Surveying
4. Current deed to the subject parcel

Thank you for considering this application. Should you have any questions while reviewing the enclosed documents, do not hesitate to contact me.

Sincerely,

Josh D. Schneier, P.L.S.
Project Manager
North Easterly Surveying
A DBA of Tidewater Engineering & Surveying, Inc.
(207) 439-6333
josh@easterlysurveying.com





1021 Goodwin Road, Unit 1 · Eliot, Maine 03903 · (207) 439-6333

December 14, 2023

Kittery Planning Board
Town of Kittery
200 Rogers Road
Kittery, Maine 03904

Re: Project Narrative - Subdivision Modification Application
4 Bond Road (Tax Map 26 Lot 34)

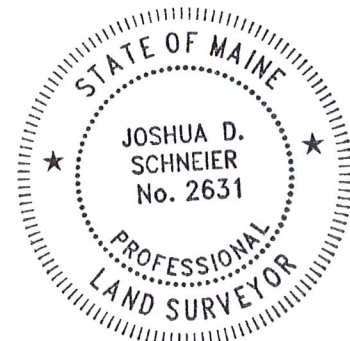
To Whom It May Concern:

The reason and purpose for this proposed Subdivision Plan modification is to “re-divide” Tax Map 26 Lot 34 into two conforming lots, as once existed. Tax Map 26 Lot 34 is made up of two historical subdivision lots, Lot 6 & Lot 7 as shown on a plan entitled "Subdivision of Land of Mrs. William Brewster, Kittery Point - Maine", recorded at the Y.C.R.D. as plan book 83 page 6. This plan was approved by the Kittery Planning Board on 1/12/1976. At some point these two lots were merged into what is now known as Tax Map 26 Lot 34. Due to the location of the existing septic system serving the singular house on Tax Map 26 Lot 34, and the location of the house itself, using the historical division line to “re-divide” Tax Map 26 Lot 34 would not work as it would result in the septic system being almost entirely on “Lot 6”, and the existing house would become a non-conforming structure with regards to the side setback line. For these reasons, we are proposing an adjustment to the common boundary line between “Lot 6” and “Lot 7” as shown on the previously approved subdivision plan. By making this adjustment and “re-dividing” Tax Map 26 Lot 34, we end up with two conforming lots (as once existed), that meet all the dimensional requirements of the R-KPV zone.

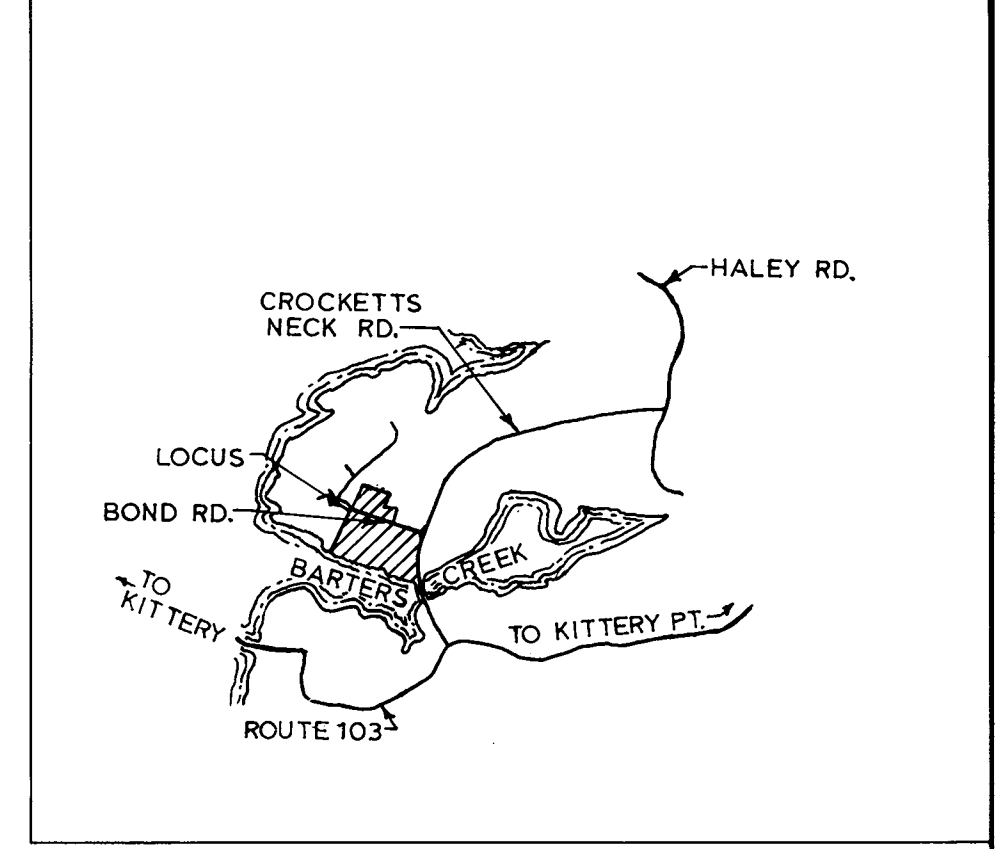
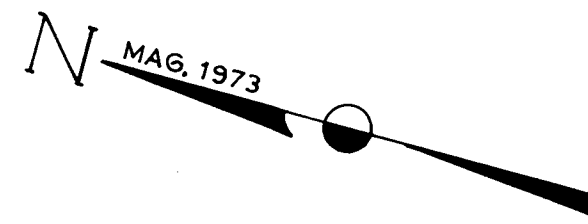
Thank you for considering this application.

Sincerely,

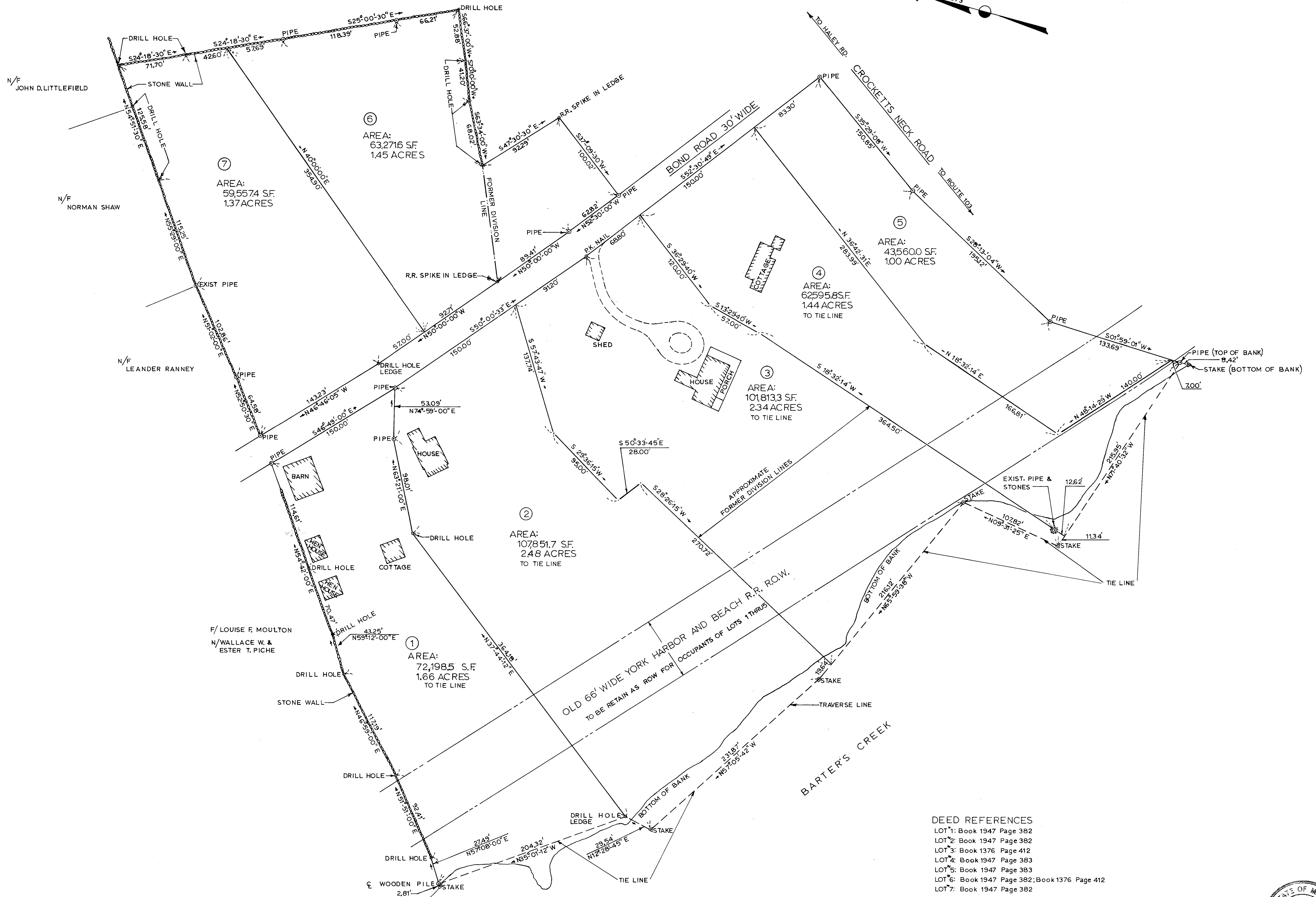
Josh D. Schneier, P.L.S.
Project Manager
North Easterly Surveying
A DBA of Tidewater Engineering & Surveying, Inc.
(207) 439-6333
josh@easterlysurveying.com



F/ JAMES W. REMICK
N/ RICHARD DILL

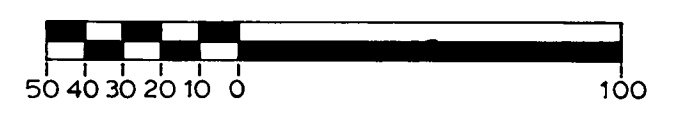


LOCATION MAP
NO SCALE



APPROVED BY THE KITTERY PLANNING BOARD
KITTERY - MAINE
JANUARY 12, 1976

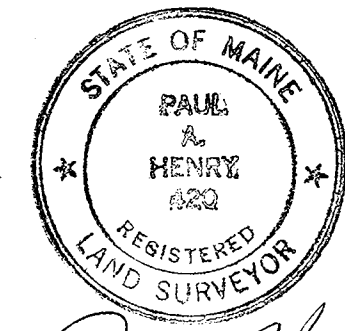
William C. Deschamps
James C. Deschamps
Dennis C. Deschamps



DEED REFERENCES
LOT 1: Book 1947 Page 382
LOT 2: Book 1947 Page 382
LOT 3: Book 1376 Page 412
LOT 4: Book 1947 Page 383
LOT 5: Book 1947 Page 383
LOT 6: Book 1947 Page 382; Book 1376 Page 412
LOT 7: Book 1947 Page 382

F. B. K 10, PG. 20-26
PG. 88-93
PG. 104-107

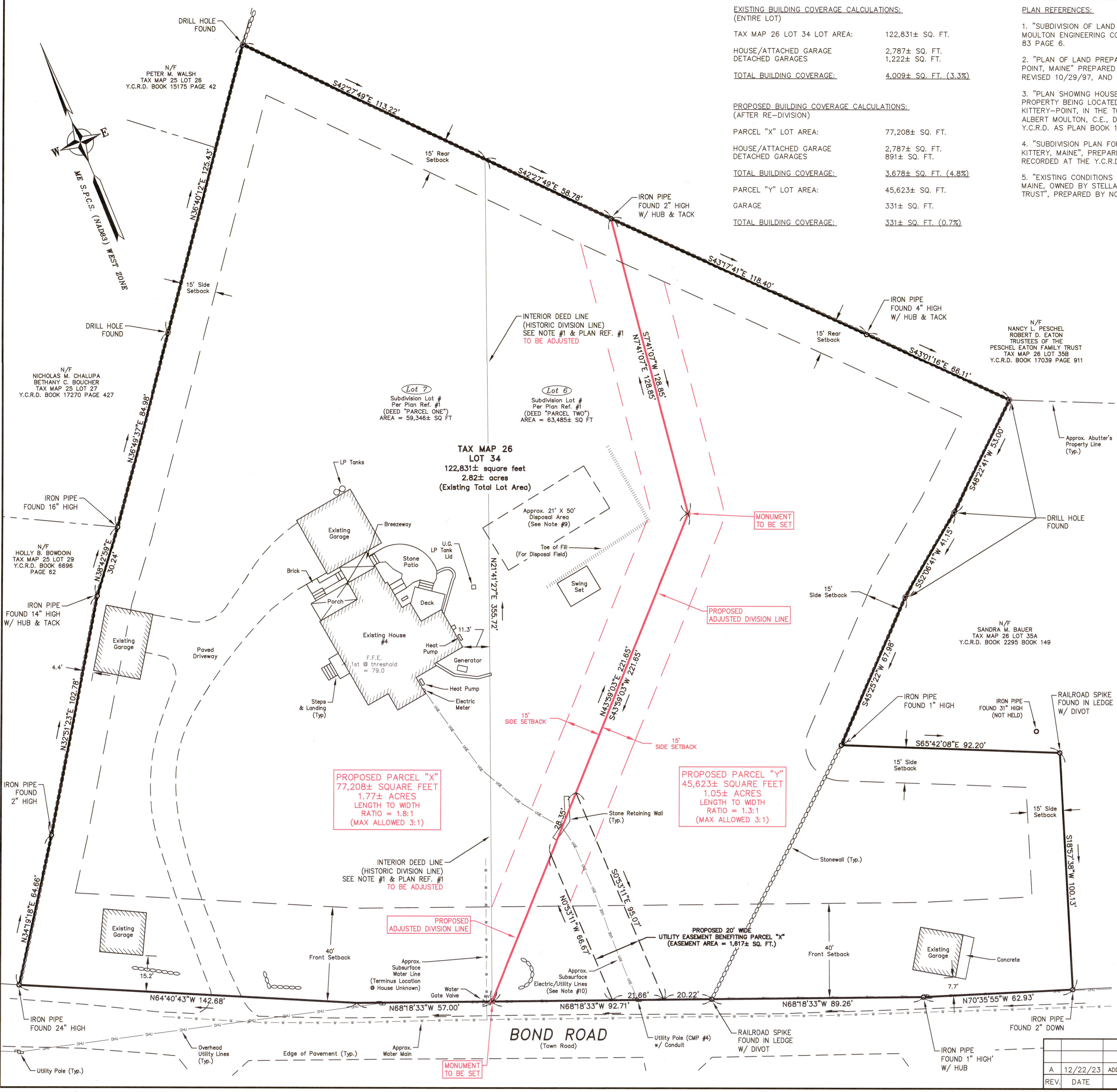
YORK, ss. REGISTRY OF DEEDS
Received AUG 17 1976
at 9 h 30 m A.M. and
Filed in Plan Book 83 Page 6
WITNESSES: *William C. Deschamps* and *Richard Dill*



moulton engineering co.
DIVISION OF DES ROBERTS AND HENRY, INC.
LAND SURVEYORS / ENGINEERS
KITTERY / BIDEFORD MAINE

SUBDIVISION
OF LAND OF
MRS. WILLIAM BREWSTER
KITTERY POINT - MAINE

SCALE	DRAWN	CHECKED	DATE	PLAN NO.
1" = 50'	E.H.H.	B.P.	7-21-75	2874M-33-00



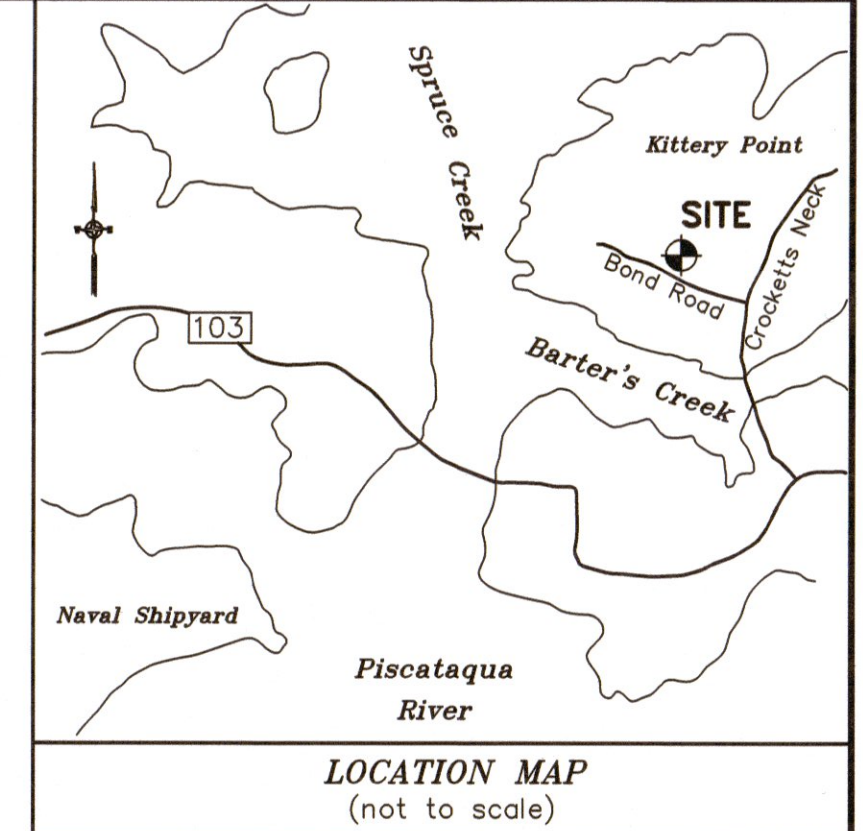
EXISTING BUILDING COVERAGE CALCULATIONS:
(ENTIRE LOT)

TAX MAP 26 LOT 34 LOT AREA:	122,831± SQ. FT.
HOUSE/ATTACHED GARAGE	2,787± SQ. FT.
DETACHED GARAGES	1,222± SQ. FT.
TOTAL BUILDING COVERAGE:	4,009± SQ. FT. (3.3%)

PROPOSED BUILDING COVERAGE CALCULATIONS:
(AFTER RE-DIVISION)

PARCEL "X" LOT AREA:	77,208± SQ. FT.
HOUSE/ATTACHED GARAGE	2,787± SQ. FT.
DETACHED GARAGES	891± SQ. FT.
TOTAL BUILDING COVERAGE:	3,678± SQ. FT. (4.8%)
PARCEL "Y" LOT AREA:	45,623± SQ. FT.
GARAGE	331± SQ. FT.
TOTAL BUILDING COVERAGE:	331± SQ. FT. (0.7%)

- PLAN REFERENCES:**
- "SUBDIVISION OF LAND OF MRS. WILLIAM BREWSTER, KITTERY POINT, MAINE" PREPARED BY MOULTON ENGINEERING CO., DATED 7/21/1975, AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 83 PAGE 6.
 - "PLAN OF LAND PREPARED FOR THANE PEARSON & HOLLY BOWDOIN, 10 BOND ROAD, KITTERY POINT, MAINE" PREPARED BY MCENEANEY SURVEY ASSOCIATES, INC., DATED 4/25/1996, LAST REVISED 10/29/97, AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 238 PAGE 26.
 - "PLAN SHOWING HOUSE LOTS AND STREETS LOCATED ON PROPERTY OF PHILIP A. FOLEY, SAID PROPERTY BEING LOCATED ON THE NORTH EASTERLY SIDE OF THE BOND ROAD AT KITTERY-POINT, IN THE TOWN OF KITTERY, COUNTY OF YORK, STATE OF MAINE" PREPARED BY ALBERT MOULTON, C.E., DATED 12/7/1940, LAST REVISED 3/10/1941, AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 16 PAGES 29-30.
 - "SUBDIVISION PLAN FOR LEDGETT AND SUMRALL, CROCKETT NECK ROAD, KITTERY POINT, KITTERY, MAINE", PREPARED BY LAND USE CONSULTANTS, INC., DATED 7/26/1977, AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 87 PAGE 49.
 - "EXISTING CONDITIONS PLAN FOR PROPERTY AT 4 BOND ROAD, KITTERY POINT, YORK COUNTY, MAINE, OWNED BY STELLA B. HALL, TRUSTEE OF THE STELLA B. HALL 2008 REVOCABLE LIVING TRUST", PREPARED BY NORTH EASTERLY SURVEYING, PROJECT NO. 23674, DATED 12/1/2023.



ZONING DATA PER KITTERY ZONING ORDINANCE
(LAST AMENDED 5/8/23); *SEE NOTE #7*

BASE ZONE: Residential - Kittery Point Village (R-KPV)

BASE ZONE REQUIREMENTS: (SEE §16.4.12)

MINIMUM LAND AREA PER DWELLING UNIT:	40,000 Sq Ft
MINIMUM LOT SIZE:	40,000 Sq Ft
MINIMUM STREET FRONTAGE:	150 Ft
MINIMUM FRONT YARD:	40 Ft
MINIMUM REAR AND SIDE YARDS:	20%
MINIMUM REAR AND SIDE YARDS:	15 Ft
MINIMUM BUILDING HEIGHT:	35 Ft
MINIMUM WATER BODY SETBACK FOR WATER-DEPENDENT USES:	0 Ft

YORK,ss REGISTRY OF DEEDS

Received _____ at _____ h _____ m _____ P.M., and Filed in Plan Book _____ Page _____

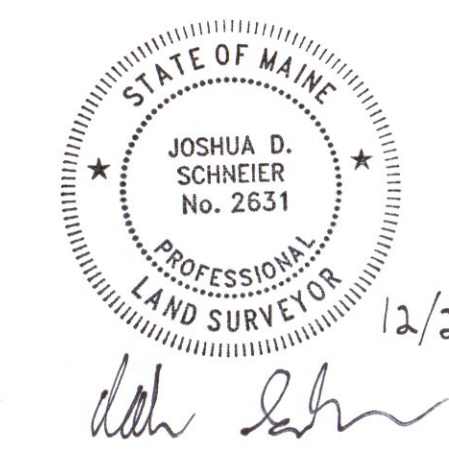
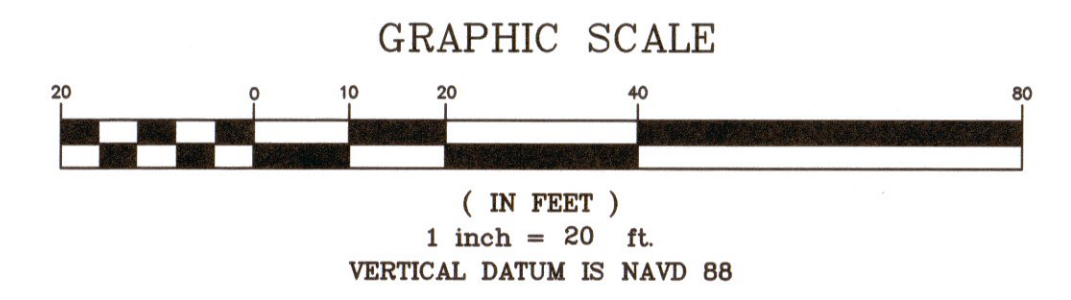
ATTEST: _____ Register

Kittery, Maine - Planning Board Approval

Date of Approval _____

Chairman _____ Date _____

- NOTES:**
- OWNERS OF RECORD: TAX MAP 26 LOT 34* STELLA B. HALL, TRUSTEE OF THE STELLA B. HALL 2008 REVOCABLE LIVING TRUST Y.C.R.D. BOOK 19041 PAGE 545 DATED APRIL 6, 2022
 - THE LOCUS PARCEL APPEARS TO BE TAXED AS A SINGULAR LOT, HOWEVER RECORD CONVEYANCES DESCRIBE THE PROPERTY SHOWN HEREON AS TWO SEPARATE PARCELS, AS SHOWN ON PLAN REFERENCE #1. NO RECORDS WERE FOUND INDICATING THE TWO RECORD PARCELS WERE VOLUNTARILY MERGED.
 - TOTAL EXISTING PARCEL AREA: TAX MAP 26 LOT 34 2.82± Acres
 - BASIS OF BEARING IS PER MAINE STATE PLANE COORDINATE SYSTEM (NAD83) WEST ZONE, US FOOT. VERTICAL DATUM IS NAVD 88.
 - APPROXIMATE ABUTTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
 - THE LOCUS PARCEL SEEMS TO HAVE THE BENEFIT OF AN ACCESS EASEMENT BY FOOT ONLY OVER AN EXISTING (OR ONCE EXISTING) FOOT PATH SITUATED ALONG THE NORTHWESTERLY BOUNDARY OF "LOT 3" ON THE SUBDIVISION PLAN RECORDED AT Y.C.R.D. PLAN BOOK 83 PAGE 6 (PLAN REF. #1). SAID LOT 3 IS KNOWN AS KITTERY TAX MAP 26 LOT 33. REFERENCE IS MADE TO Y.C.R.D. DEED BOOK 7880 PAGE 231 AND Y.C.R.D. DEED BOOK 7880 PAGE 225 FOR FURTHER DESCRIPTION OF SAID EASEMENT. CURRENT STATUS OF SAID FOOT PATH IS UNKNOWN AT THIS TIME.
 - EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.
 - ZONING INFORMATION AND SETBACKS SHOWN HEREON ARE FOR REFERENCE PURPOSES. CONFIRM CURRENT ZONING REQUIREMENTS WITH THE TOWN OF KITTERY PRIOR TO DESIGN OR CONSTRUCTION.
 - THE BOUNDARY SHOWN HEREON IS DETERMINED FROM WRITTEN RECORDS, FIELD EVIDENCE AND PAROL TESTIMONY RECOVERED AT THE TIME OF SURVEY AND MAY BE SUBJECT TO CHANGE IF OTHER EVIDENCE BECOMES AVAILABLE.
 - ALL SUBSURFACE WASTEWATER DETAILS SHOWN HEREON ARE APPROXIMATE. REFERENCE IS MADE TO SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION FORM HHE-200 COMPLETED BY MICHAEL CUOMO, SE #211, DATED 1/27/1999.
 - ALL SUBSURFACE UTILITY LOCATIONS SHOWN HEREON ARE APPROXIMATE AND MAY NOT BE ENTIRELY ACCURATE OR COMPLETE. THE SUBSURFACE ELECTRIC/UTILITY LINES CURRENTLY SERVING PROPOSED PARCEL "X" CROSS UNDER A PORTION OF PROPOSED PARCEL "Y", AND SHALL BE ADDRESSED IN A UTILITY EASEMENT.



SUBDIVISION MODIFICATION PLAN
FOR PROPERTY AT
4 Bond Road
Kittery Point, York County, Maine
OWNED BY
Stella B. Hall, Trustee of the Stella B. Hall 2008 Revocable Living Trust
4 Bond Road
Kittery Point, ME 03905

North
W **EASTERLY SURVEYING**

SURVEYORS IN N.H. & MAINE 1021 GOODWIN ROAD, UNIT #1
(207) 439-6333 ELIOT, MAINE 03903

SCALE: 1" = 20'	PROJECT NO: 23674	DATE: 12/14/23	SHEET: 1 OF 1	DRAWN BY: J.D.S.	CHECKED BY: P.L.A.
DRAWING No: 23674 DIVISION		Tax Map 26 Lot 34			
FIELD BOOK No: "Kittery Point #17"					

PURPOSE OF PLAN:
THE PURPOSE OF THIS PLAN IS TO PROPOSE A MODIFICATION TO THE PLANNING BOARD APPROVED SUBDIVISION PLAN RECORDED AT THE Y.C.R.D. AS PLAN BOOK 83 PAGE 6. ANY FUTURE PROPOSED DEVELOPMENT ON EITHER LOT WILL BE IN THE PURVIEW OF CODE ENFORCEMENT AND WILL NOT REQUIRE PLANNING BOARD REVIEW.

REV.	DATE	STATUS	BY	CHKD	APPD.
A	12/22/23	ADD 20' WIDE UTILITY EASEMENT	J.D.S.	J.D.S.	J.D.S.

6
J
395

After recording, please return to:
Brennan & Rogers, PLLC
Attention: Smilie Gregg Rogers, Esq.
P. O. Box 467
York, Maine 03909
Phone: (207) 361-4680

NANCY E HAMMOND, REGISTER OF DEEDS
Bk 19041 PG 545
Instr # 2022023944
06/03/2022 01:36:00 PM
Pages 3 YORK CO



QUITCLAIM DEED WITH COVENANT

I, **STELLA B. HALL**, of 4 Bond Road, Kittery (Kittery Point), York County, Maine 03905, for full value and consideration paid, hereby grant to **STELLA B. HALL**, as Trustee of the **STELLA B. HALL 2008 REVOCABLE LIVING TRUST**, dated February 1st, 2008, said Trustee having a mailing address of 4 Bond Road, Kittery (Kittery Point), Maine 03905, with QUITCLAIM COVENANT, my entire tenant in common interest in the following lot(s) or parcel(s) of land, together with the buildings and improvements thereon, located in the Town of Kittery (Kittery Point), County of York and State of Maine:

Two certain lots or parcels of land, with any and all buildings thereon, situated in Kittery Point, County of York, and State of Maine, and further bounded and described as follows:

PARCEL ONE

Beginning at a pipe located along the apparent northeasterly right-of-way line of Bond Road in said Kittery point, said pipe being the southernmost point of land now or formerly owned by Leander Ranney; thence North fifty-two degrees fifty minutes thirty seconds East (N 52° 50' 30" E) along a stone wall sixty-four and fifty-eight hundredths (64.58) feet to an iron pipe in said stone wall; thence North fifty-one degrees two minutes zero seconds East (N 51° 02' 00" E) along a stone wall one hundred two and eighty-six hundredths (102.86) feet to a pipe in said stone wall; thence North fifty-five degrees twenty-nine minutes zero seconds East (N 55° 29' 00" E) along a stone wall one hundred fifteen and twenty-five hundredths (115.25) feet to a drill hole in said stone wall; thence North fifty-four degrees fifty-one minutes thirty seconds East (N 54° 51' 30" E) along a stone wall one hundred twenty-five and fifty-eight hundredths (125.58) feet to a drill hole found at the intersection of two stone walls; thence South twenty-four degrees eighteen minutes thirty seconds East (S 24° 18' 30" E) along a stone wall seventy-one and seventy hundredths (71.70) feet to a drill hole in said stone wall; thence continuing on the same course South twenty-four degrees eighteen minutes thirty seconds East (S 24° 18' 30" E) forty-two and sixty hundredths (42.60) feet to a point in said stone wall; thence South forty degrees zero minutes zero seconds West (S 40° 00' 00" W) three hundred fifty-four and ninety hundredths (354.90) feet to a point along the apparent northeasterly right-of-way line of said Bond Road; thence North fifty degrees zero minutes zero seconds West (N 50° 00' 00" W) along said apparent northeasterly right-of-way line of Bond Road fifty-seven and no hundredths (57.00) feet to a drill hole in ledge in said apparent northeasterly right-of-way line of said Bond Road; thence North forty-six degrees forty-six minutes five seconds

No R.E. Transfer Tax Paid

West (N 46° 46' 05" W) along the apparent northeasterly right-of-way line of said Bond Road one hundred forty-three and twenty-three hundredths (143.23) feet to the point of beginning.

PARCEL TWO

Beginning at a point in the apparent northeasterly right-of-way line of Bond Road in said Kittery Point, said point of beginning being located South fifty degrees zero minutes zero seconds East (S 50° 00' 00" E) fifty-seven and no hundredths (57.00) feet from a drill hole and ledge found in the apparent northeasterly right-of-way line of said Bond Road, said drill hole in ledge being located South forty-six degrees forty-six minutes five seconds East (S 46° 46' 05" E) one hundred forty-three and twenty-three hundredths (143.23) feet from a pipe located at the end of a stone wall along the apparent northeasterly right-of-way line of said Bond Road, marking the southernmost point of land now or formally of Leander Ranney; thence North forty degrees zero minutes zero seconds East (N 40° 00' 00" E) three hundred fifty-four and ninety hundredths (354.90) feet to a point in a stone wall along land now or formally of Richard Dill; thence South twenty-four degrees eighteen minutes thirty seconds East (S 24° 18' 30" E) along a stone wall fifty-seven and sixty-nine hundredths (57.69) feet to pipe in said stone wall; thence South twenty-five degrees zero minutes thirty seconds East (S 25° 00' 30" E) along said stone wall one hundred eighteen and thirty-nine hundredths (118.39) feet to a pipe in said stone wall; thence continuing on the same course South twenty-five degrees zero minutes thirty seconds East (S 25° 00' 30" E) along said stone wall sixty-six and twenty-one hundredths (66.21) feet to a drill hole at the intersection of two stone walls; thence South sixty-six degrees thirty-seven minutes zero seconds West (S 66° 37' 00" W) along a stone wall fifty-two and eighty-eight hundredths (52.88) feet to a drill hole in said stone wall; thence South seventy degrees ten minutes zero seconds West (S 70° 10' 00" W) along said stone wall forty-one and twenty hundredths (41.20) feet to a drill hole in said stone wall; thence South sixty-three degrees thirty-four minutes zero seconds West (S 63° 34' 00" W) along said stone wall sixty-eight and two hundredths (68.02) feet to a drill hole in said stone wall; thence South forty-seven degrees thirty minutes thirty seconds East (S 47° 30' 30" E) ninety-two and twenty-nine hundredths (92.29) feet to a railroad spike in ledge; thence South thirty-seven degrees nine minutes thirty seconds West (S 37° 09' 30" W) one hundred and two hundredths (100.02) feet to a pipe located in the apparent northeasterly right-of-way line of said Bond Road; thence North fifty-two degrees thirty minutes zero seconds West (N 52° 30' 00" W) along said apparent northeasterly right-of-way line of Bond Road sixty-two and eighty-two hundredths (62.82) feet to a pipe in said apparent northeasterly right-of-way line of said Bond Road; thence North fifty degrees zero minutes zero seconds West (N 50° 00' 00" W) along said apparent northeasterly right-of-way line of said Bond Road eighty nine and forty-one hundredths (89.41) feet to a railroad spike in ledge located in said apparent northeasterly right-of-way line of said Bond Road; thence continuing along the same course North fifty degrees zero minutes zero seconds West (N 50° 00' 00" W) along said apparent northeasterly right-of-way line of said Bond Road ninety two and seventy-one hundredths (92.71) feet to the point of beginning.

There is also conveyed to the above-named grantee, heirs, personal representatives, successors and assigns forever, a perpetual easement, running with the land, for access by

foot only from the properties herein conveyed over an existing foot path situated along the northwesterly boundary of a certain lot or parcel of land conveyed to William Brewster, Jr. and Frederick B. Brewster, Trustees of the Kittery Point Qualified Personal Residence Trust u/a dated April 3, 1996, by deed recorded in the York County Registry of Deeds, said foot path being located along said northwest bound, leading from the apparent southwesterly right-of-way line of Bond Road to the northeast bank of Barter's Creek. Grantee shall be responsible for all maintenance relating to said foot path. Said foot path shall not be expanded as to size beyond what is currently located on the face of the earth and shall further not be expanded as to use beyond those uses specifically set forth hereinabove.

Parcel One is depicted as Lot 7 and Parcel Two is depicted as Lot 6 on a certain subdivision plan of land of Mrs. William Brewster prepared by Moulton Engineering Co., dated July 21, 1975 under plan number 2874M-33-00, a copy of which is on file at the offices of Isaacson & Raymond, P.A., 75 Park Street, Lewiston, Maine. Pursuant to said subdivision plan, Parcel One above derives from a certain deed recorded in the York County Registry of Deeds at Book 1947, Page 382, and Parcel Two derives from two deeds recorded in the York County Registry of Deed at Book 1376, Page 412 and Book 1947, Page 382.

Being the same premises conveyed to **STELLA B. HALL**, by deed from **STELLA B. HALL**, Trustee of the **STEPHEN F. HALL 2008 REVOCABLE LIVING TRUST**, dated February 1st, 2008, dated this same day and recorded in the York County Registry of Deeds.

Witness my hand this 6th day of April, 2022.

In the presence of:





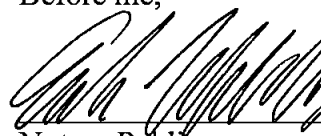
STELLA B. HALL

STATE OF MAINE
COUNTY OF YORK, ss.

April 6th, 2022

Personally appeared the above-named **STELLA B. HALL** and acknowledged the foregoing instrument to be her free act and deed.

Before me,



Notary Public

Emilee Wooldrige
NOTARY PUBLIC
State of Maine
My Commission Expires 3/05/2026

