



June 13, 2022

Adam Causey, AICP, Director of Planning and Development  
Town of Kittery  
200 Rogers Rd.  
Kittery, ME 03904

**RE: Happy Avenue ROW– Comparison of Existing Conditions with 1998 Wetlands Crossing Plan  
CMA #591-146**

Dear Adam,

In accordance with our task assignment #591.146, we have prepared this letter to summarize our review of existing conditions at the Happy Avenue driveway and proposed Right-of-Way with respect to the March 1998 Wetland Crossing Plan approved by the Kittery Planning Board in July 1999.

We have reviewed the following information:

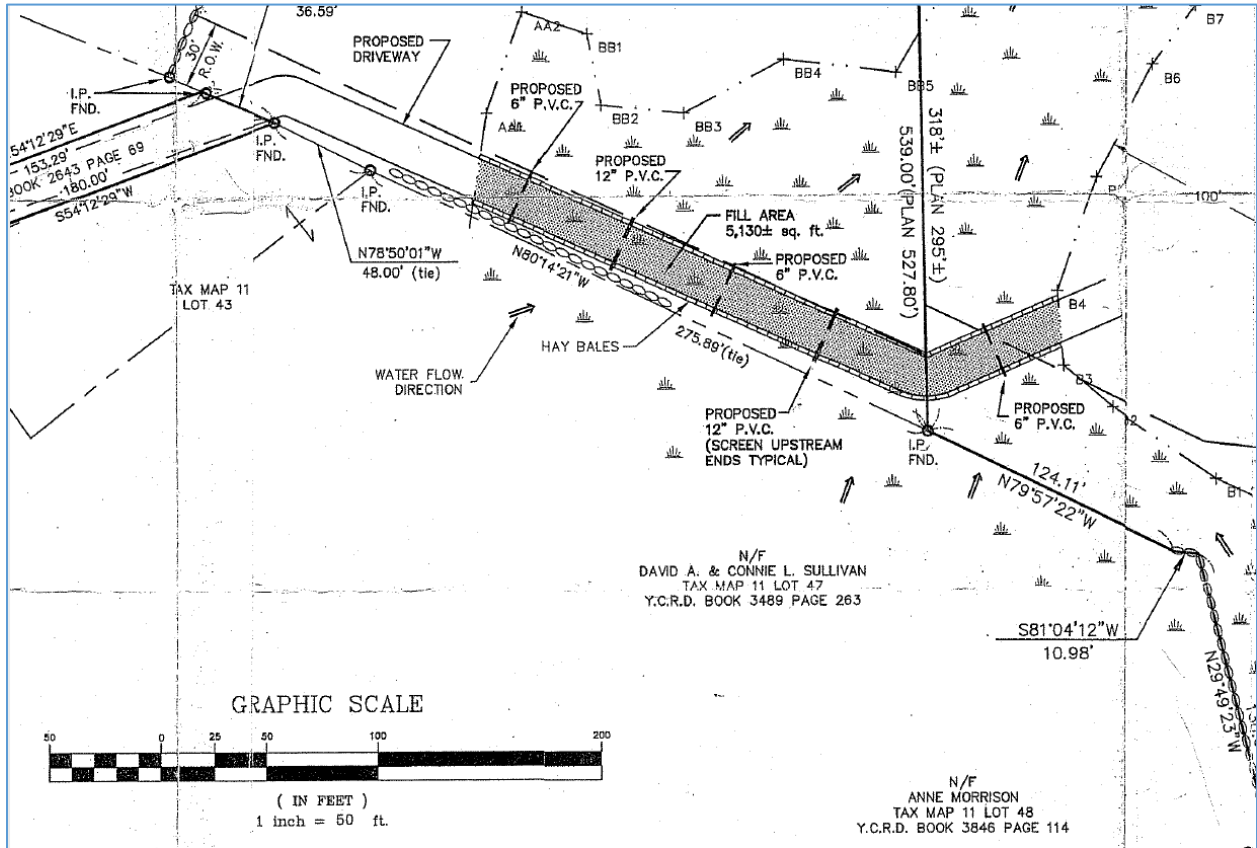
- Plan titled *Wetlands Crossing Plan for Property at Martin Road Kittery Maine dated March 9, 1998* and prepared by Easterly Survey, and approved by the Kittery Planning Board July 8, 1999;
- *Right-of Way Plan off Happy Avenue Kittery Maine Tax Map 11, Lot 29*, dated October 29, 2019, Prepared by Amsden Field Survey for William and Cathy Cullen, and Caroline Hall.
- Application for Right of Way Pan Review to Town of Kittery for 21 Happy Avenue, dated October 19, 2021, on land owned by William and Cathy Cullen of Eliot, ME; and application made by Caroline Hall of 21 Happy Avenue.

The purpose of this current review was to review whether the driveway was constructed in general accordance with the approved 1998 plan. Review of the proposed 2021 ROW has not been done.

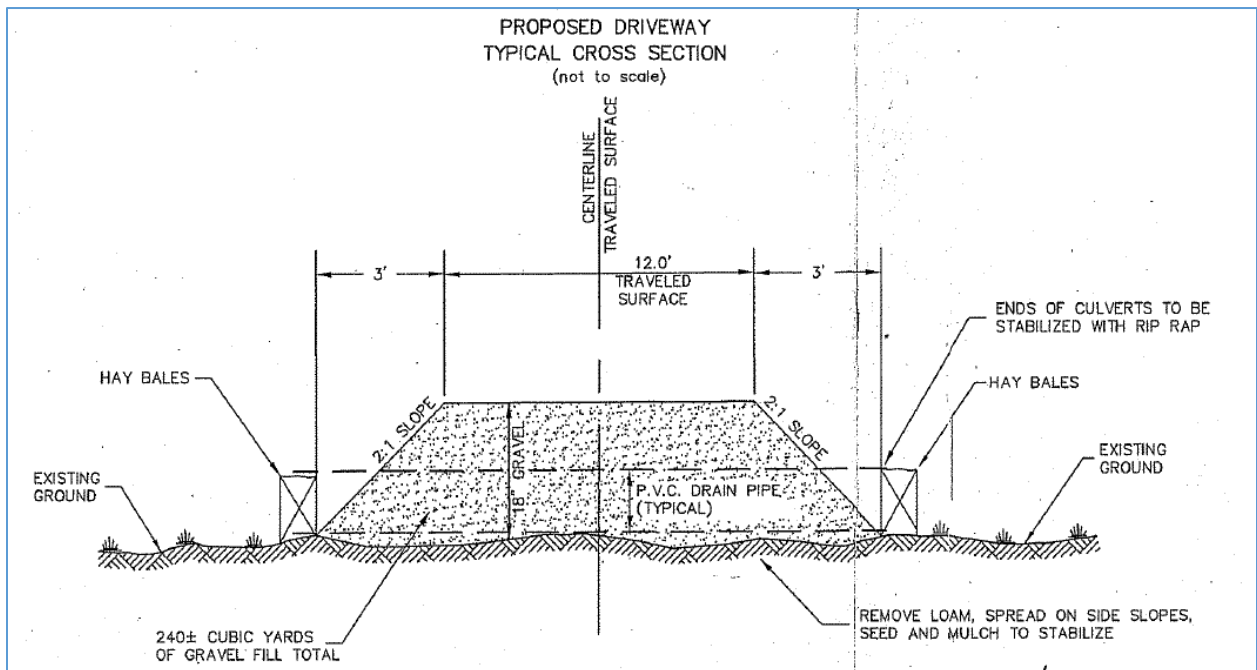
The 1998 wetland crossing plan depicts a 12-foot-wide driveway, with side slopes, constructed over approximately 250 feet of wetlands to access Tax Map 11, Lot 29. A residence has since been constructed on the lot and has been accessed off Happy Avenue for many years. There were four proposed pipes crossing the wetlands fill, to equalize marsh elevations and transmit flow. The alignment was straight and parallel to the property line until a property corner (since eliminated), where the fill was designed to angle to the northeast, and into the property. (*See segments from the 1998 plan.*)

The actual fill coincides with the approved 1998 Wetland Crossing Plan for most of the alignment. However, the driveway at the eastern limit of the alignment diverges and extends easterly/southeasterly into the property and does not follow the permitted northeasterly angle. Approximately 80-100 feet of wetlands were filled outside of the approved plan. It is noted that a similar length of approved for wetlands filling in the 1998 plan remains wetlands and was not filled. (*See figure with comparison, below.*)

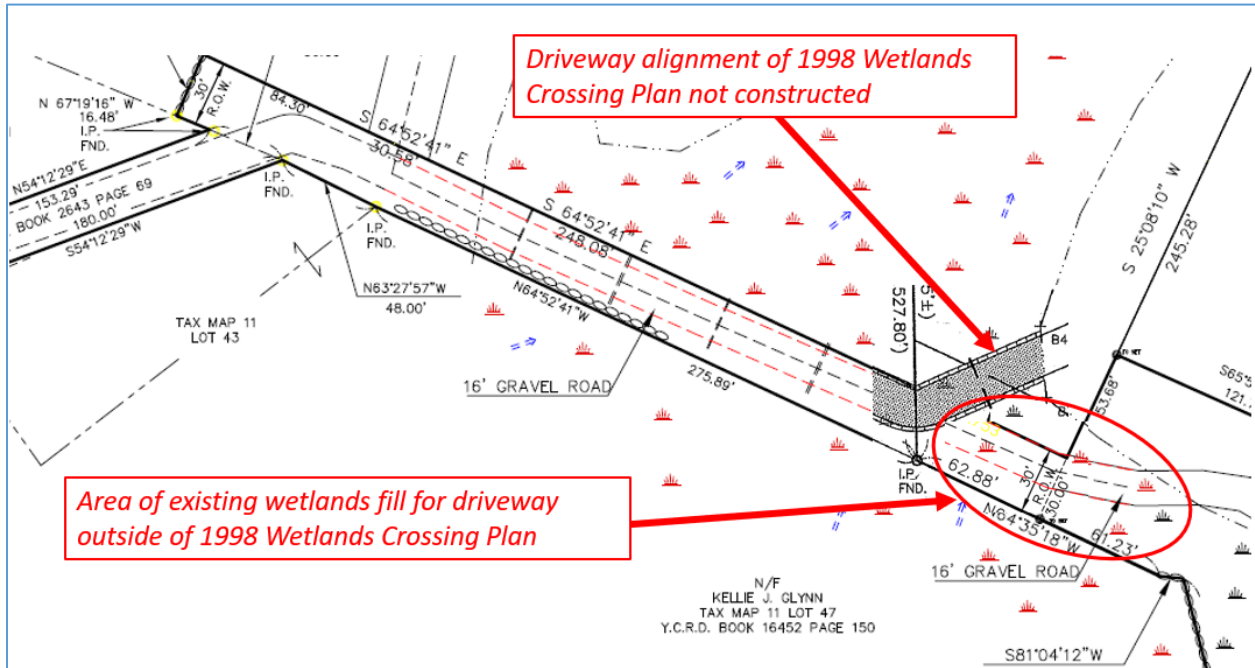
Segment of the 1998 Wetlands Crossing Plan



Roadway Cross-Section from the 1998 Wetlands Crossing Plan



*Comparison of Existing Driveway with 1998 Wetlands Crossing Plan*



With the exception of the alignment issue described above, construction of the driveway was consistent with the details included on the 1998 Wetland Crossing Plan:

- Driveway with was 12 feet wide (or very close);
- Each of the pipe crossings are present, with the diameters indicated, with remnants of erosion control evident;
- The thickness of the fill and side-slopes were consistent with the plan;
- At one if the 12-inch pipes, flow was evident. It was in a southerly direction. The plan indicated flow in a northerly direction. (This observation is noted but is a deviation from the design that was constructed.)
- It is noted that 21 Happy Avenue appears to be accessed only from those driveways, with access to Roseberry Lane blocked off.

If you have any questions, please do not hesitate to call.

Very truly yours,

CMA ENGINEERS, INC.

William A. Straub, P.E.

Principal/Project Manager

WAS:kao