

## Town of Kittery Planning Board Meeting May 13, 2021

### 164 Rogers Road – Right of Way Plan Review

Action: Accept or deny application; respectively schedule site walk or public hearing; approve or deny plan. Pursuant to §16.10.7.2.S *Right-of-way plan* of the Town of Kittery Land Use and Development Code, owner Melinda Birse and applicant Ryan Birse propose a new Right-Of-Way extending from Rogers Road to access a new lot not created by a subdivision located on real property with the address of 164 Rogers Road (Tax Map 22 Lot 23) in the Residential-Urban (R-U) Zone.

#### PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Site Visit	At the Board's discretion	TBD
YES	Determination of Completeness/Acceptance	Pending	Scheduled for 5/13/2021
NO	Public Hearing	At the Board's discretion	TBD
YES	Preliminary/Final Plan Review and Approval	Pending	Feasible for 5/13/2021
<p><u>Applicant: Prior to the signing of the approved Plan any <b>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.</b> As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.</u></p>			

### Project Introduction

164 Rogers Road ("Development") is located in close proximity of the 236 traffic circle in the Residential-Urban (R-U) zoning district. The lot currently possesses a single-family dwelling unit with a few accessory structures such as a garage, storage sheds and a chicken coop. The lot is approximately 1.77 acres in size and has three individual curb cuts onto Rogers Road. The existing dwelling unit and garage are legally nonconforming considering they violate the front yard setbacks and existed prior to adoption of zoning by the Town in 1977. To the west of the subject property is an ancient cemetery that carries a 25-ft no-disturbance setback pursuant to M.R.S., Title 13, §1371-A *Limitations on construction and excavation near burial sites*. Regarding natural features, there appears to be located on the northern section of the lot is a large wetland presence (>ac), which carries a required 100-ft setback for structures, pursuant to Table 16.9 *Minimum Setbacks from Wetlands and Water Bodies*. Moreover, there is a sewer easement located within the property that runs west to east benefiting the Town of Kittery.

The purpose of the Right-of-Way application is to provide access and road frontage for a future lot intended to host a single-family dwelling unit. Pursuant to M.R.S Title 30-A, c.187, §4401, the proposed division of land is not considered a subdivision as the subject parcel is not creating 3 or more lots and the owner of the principal lot is retaining ownership and maintaining the dwelling unit thereon as their primary residence. It appears, after factoring out the area of the proposed 40-ft ROW, wetlands and easement (to be confirmed), there is enough minimal land for the both lots to host a dwelling unit as the minimal lot size for the RU zone is 20,000-sf. Moreover, the creation of a new lot and right-of-way will not unintentionally make the original parcel nonconforming, albeit some of the structures thereon do become more nonconforming as elaborated herein.

Pursuant to §16.10.7.2.S *Right-of-Way Plan*, the Planning Board has jurisdictional oversight on this land use application. Unlike a site plan or subdivision plan, this application does not require sketch plan review, a site walk or public hearing; albeit a site walk or public hearing could be scheduled by the Planning Board if desired. The applicant is requesting a number of waivers in accordance with §16.7.4.1 *Waiver authorization* as a result of the scale and objectives of the project, topographic challenges and other site constrains. The Planning Board is task to determined if the waiver requests are justified, and whether or the proposed ROW and corresponding waivers satisfy the objective of this Title.

### Staff Review

The purpose of this application is to create road frontage for a future lot to build a residential dwelling unit. Pursuant to §16.8 *Attachment 1: Design Standards for Streets and Pedestrianways* a 40-ft right-of-way is the minimal width permissible to service the proposed development. The application before the Board depicts such a right-of-way,

however, there are many standards found within 16.8 *Attachment 1: Design Standards for Streets and Pedestrianways* that are absent from the plan as the applicant is requesting waivers to deviate therefrom due to existing circumstances. The justification for the waivers boils down to three concepts: (1) scale of the development the road will service, (2) topography of the land, and (3) proximity to an ancient cemetery.

### *Scale of Development*

The proposed ROW intends to service only one (1) future dwelling unit. Looking at the current zoning standards for the Residential-Urban (R-U) zone, it appears only one (1) dwelling unit is permitted to be built due to the amount of land the proposed lot ("Parcel A") will have after factoring out the wetland, easement and right-of-way acreage under the 'minimal land area per dwelling unit' definition, pursuant to 16.2.2 *Definitions*. The applicant contends that the typical standards of a Class 1 Private Way, pursuant to 16.8 *Attachment 1: Design Standards for Streets and Pedestrianways* should not be considered in this application as only one (1) dwelling unit will be serviced. Moreover, adhering to the traditional standards found under 16.8 *Attachment 1* would be financially burdensome, over-engineered and out of scale for the property. As an alternative, the applicant is proposing to extend the driveway within the right-of-way and potentially adding stormwater BMPs to help capture any stormwater run-off therefrom. The applicant will need to provide more information on the type of BMPs proposed to mitigate additional stormwater run-off.

### *Topography*

Looking at the Town's contour data, considering the applicant applied for a waiver not to include it on the plan, there appears to be a significant drop in grade from Rogers Road to the wetlands aft of the proposed dwelling unit on 'Parcel A'. The amount of re-grading to make the right-of-way conform to the design standards would be significant and may consequently disturb more vegetation and soils outside of the right-of-way, thereby causing more harm to the surrounding environment. For that reason, the applicant believes a waiver is warranted not to construct the road within the right-of-way to the applicable standards of a Class I Private Street.

### *Ancient Cemetery*

The primary constraint the proposed application has is the setback requirement from the ancient cemetery located on the adjacent lot (Map 22, Lot 21). State law requires a 25-ft non-disturbance buffer around cemeteries. If a new road were required to be constructed, the project would violate state law and could not proceed as proposed.

### *Other Facts and Considerations*

Factoring in the waiver requests, if the Planning Board were to entertain granting them, it appears the right-of-way site plan largely conforms with the standards found under 16.10.7.2.S and possesses enough applicable information for the Planning Board to accept the plan / application as complete.

The proposed right-of-way would make some of the accessory structures on both parcels nonconforming and would have to be relocated or removed from the property in order to meet the side yard setback requirements found under 16.3.2.4 *Residential—Urban R-U*. The Planning Board should inquire how the applicant plans to resolve this issue.

The existing lot has three curb cuts along Rogers Road. If this plan were to be approved, it is recommended by the Department of Public Works to remove the curb cut at the location where the existing garage is situated, as the removal would improve public safety by eliminating the opportunity for vehicles to collide with one another and improve site distance.

From a planning staff perspective, given the circumstances and site considerations, the proposed plan is acceptable with the caveat that a few minor additions are to be added to the final plan. Planning staff has reached out to the Department of Public Works, Fire Department, Sewer Department and Water Department for comment, all of whom had no major concerns and offered a few recommendations to improve the plan. Please see their letters for reference.

### **May 6, 2021 Update**

Planning Staff received an updated site plan, dated April 21, 2021, that appears to include all the missing elements and suggestions from both the March 25, 2021 PRN and Planning Board meeting. Staff does not have any other concerns with the proposed right-of-way application and is comfortable with the Planning Board moving forward with a vote to approve with some recommended conditions.

### **Recommendations**

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In the instance the Planning Board were to waive the requested standards and motion to approve the application, Planning Staff has the following recommendations for conditions of approval:

1. Update the plan with the following revisions.
  - a. Depict all structures conforming to dimensional standards.
  - b. Depict all locations for stormwater BMPs
  - c. Demonstrate that the easement is included in the minimal area per dwelling unit calculation.
  - d. Incorporate professional land surveyor / engineer stamp.
2. Submit a Street Naming Application to Town
3. Confirm that the future lots will conform to code standards including lot size, street frontage and minimum land area per dwelling unit.
4. Submit a Road Opening Permit with DPW
5. The approved right-of-way will never be accepted by the Town.

With the plan revisions and additional information listed above, the application meets the submittal criteria for a completed Right-of-Way application, as outlined in §16.10.7.2.S. Planning staff recommends the Board consider accepting the application as complete, determine the need for a public hearing or site walk, and if not, render a decision on the application

## **Recommended Motions**

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

### *Waivers:*

Move to grant the following waivers as their absence from the proposed right-of-way plan will not adversely impact the proposed site and surrounding neighborhood:

1. 16.8.4.4—Street Design Standards with the exception of “Street Width Design—a. Right-of-Way.
2. 16.8.4.6—Centerline
3. 16.8.4.11—Street Construction
4. 16.10.5.2(B)(4)—Standard Boundary Survey
5. 16.10.5.2(B)(10)(G)—Road Profile and Section Plan
6. 16.10.5.2(B)(10)(K)—Existing and Proposed Contours
7. 16.10.5.2(C)(6), (7),(8),(9)—Erosion and Sedimentation Control Plan, Stormwater Management Plan, Soil Survey, Vehicular Traffic Report.

### *Motion to continue application*

Move to continue the right-of-way plan application to the May 27, 2021 Planning Board meeting from owner Melinda Birse and applicant Ryan Birse requesting approval to create a new right-of-way from Rogers Road to access a new lot not created by a subdivision on real property with an address of 164 Rogers Road, Tax Map 22, Lot 23, in the Residential-Urban(R-U) zone.

### *Motion to set public hearing*

Move to schedule a public hearing for the right-of-way plan application to the June 13, 2021 Planning Board meeting from owner Melinda Birse and applicant Ryan Birse requesting approval to create a new right-of-way from Rogers Road to access a new lot not created by a subdivision on real property with an address of 164 Rogers Road, Tax Map 22, Lot 23, in the Residential-Urban(R-U) zone.

### *Motion to approve with conditions*

Move to approve the right-of-way plan application from owner Melinda Birse and applicant Ryan Birse requesting approval to create a new right-of-way from Rogers Road to access a new lot not created by a subdivision on real property with an address of 164 Rogers Road, Tax Map 22, Lot 23, in the Residential-Urban(R-U) zone with the following conditions:

1. Update the plan with the following revisions.
  - a. Incorporate professional land surveyor / engineer stamp.
  - b. Add approved street name to final plan.
  - c. Add approved waivers to final plan.
2. Submit a Street Naming Application to Town

3. Prior to the issuance of a building permit to construct a dwelling unit that will obtain its frontage on the new right-of-way, the applicant shall submit a Road Opening Permit with DPW to remove the curb cut servicing the existing garage that abuts Rogers Road.
4. The approved right-of-way shall never be accepted by the Town as a public right-of-way.

**KITTERY PLANNING BOARD  
FINDINGS OF FACT -  
for  
164 Rogers Road  
Right-of-Way Plan**

**UNAPPROVED**

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:** owner Melinda Birse and applicant Ryan Birse proposing a new right-of-way extending from Rogers Road to access a new lot not created by a subdivision located on real property with the address of 164 Rogers Road (Tax Map 22 Lot 23) in the Residential-Urban (R-U) Zone.

Hereinafter the “Development”.

Pursuant to the Plan Review meetings conducted by the Planning Board as duly noted in the Plan Review Notes dated 5/13/2021;

Determination of Completeness/Acceptance	Held	3/25/2021; (cont.) 5/13/21
Preliminary/Final Plan Review and Approval	Held	3/25/2021 (cont.) 5/13/21

and pursuant to the Project Application and Plan and other documents considered to be a part of the approval by the Planning Board in this finding consist of the following and as noted in the Plan Review Notes dated 3/25/2021 (Hereinafter the “Plan”).

1. Application: Right-of-Way Plan Review, received March 3, 2021
2. Proposed Right-of-Way Plan, Anderson Livingston Engineers, Inc, dated March 3, 2021 and last revised April 21, 2021

**NOW THEREFORE,** based on the entire record before the Planning Board as and pursuant to the applicable standards in the Land Use and Development Code, the Planning Board makes the following factual findings as required by Section §16.10.8.3.D and as recorded below:

**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:

**A. Development Conforms to Local Ordinances.**

*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 right-of-way appears to conform to applicable Title 16 standards with the waivers and conditions of approval included herein.

Conclusion: This standard appears to be met.

Vote of \_\_ in favor \_\_ against \_\_ abstaining

**B. Freshwater Wetlands Identified.**

# ITEM 3

*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: All wetlands have been identified and no impacts are proposed.

Conclusion: This standard appears to be met.

Vote of \_\_ in favor\_\_ against \_\_ abstaining

### **C. River, Stream or Brook Identified.**

*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. §480-B, Subsection 9.*

Finding: No rivers, streams, or brooks have been identified on site.

Conclusion: This standard is not applicable.

Vote of \_\_ in favor\_\_ against \_\_ abstaining

### **D. Water Supply Sufficient. {and}**

*The proposed development has sufficient water available for the reasonably foreseeable needs of the development.*

### **E. Municipal Water Supply Available.**

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

Finding: Currently, water is provided for the existing dwelling unit and likewise for the future dwelling unit when it is constructed. These residential lots appear not to adversely impact the water system as indicated by the Kittery Water District.

Conclusion: This standard appears to be met.

Vote of \_\_ in favor\_\_ against \_\_ abstaining

### **F. Sewage Disposal Adequate.**

*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: Municipal services are currently use by the existing dwelling unit and the future dwelling unit shall connect into the sewer system.

Conclusion: This standard appears to be met.

Vote of \_\_ in favor\_\_ against \_\_ abstaining

### **G. Municipal Solid Waste Disposal Available.**

*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 Street ROW and future residential lot pose no significant burden on solid waste use.

# ITEM 3

Conclusion: This standard appears to be met.
Vote of __ in favor__ against __ abstaining
<b>H. Water Body Quality and Shoreline Protected.</b>
<i>Whenever situated entirely or partially within two hundred fifty (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: There is no development proposed within a setback of the wetland. The right-of-way is not located in the shoreland overlay zone.
Conclusion: This standard is not applicable.
Vote of __ in favor__ against __ abstaining
<b>I. Groundwater Protected.</b>
<i>The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.</i>
Finding: Sewer treatment currently exists and is proposed to be used for the future residential lot, demonstrating that the groundwater quality and quantity will not be impaired.
Conclusion: This standard appears to be met.
Vote of __ in favor__ against __ abstaining
<b>J. Flood Areas Identified and Development Conditioned.</b>
<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 one hundred (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 one hundred (100) year flood elevation.</i>
Finding: There is no proposed construction located within a flood prone area.
Conclusion: This standard is not applicable.
Vote of __ in favor__ against __ abstaining
<b>K. Stormwater Managed.</b>
<i>Stormwater Managed. The proposed development will provide for adequate stormwater management</i>
Finding: The proposed right-of-way construction will produce marginal stormwater sheet flow with proposed stormwater BMPs to capture and mitigate any run-off therefrom.
Conclusion: This standard appears to be met.
Vote of __ in favor__ against __ abstaining
<b>L. Erosion Controlled.</b>

# ITEM 3

*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 right-of-way construction appears not to create unreasonable soil erosion and shall follow Maine DEP best practices.

Conclusion: This standard appears to be met.

Vote of \_\_ in favor \_\_ against \_\_ abstaining

## **M. Traffic Managed.**

*The proposed development will:*

1. *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*
2. *Provide adequate traffic circulation, both on-site and off-site.*

Finding: The proposed right-of-way does not meet the threshold for a full traffic study, as the paved way shall consist of a small driveway to access the new residential lot that plans to host one (1) dwelling unit. Moreover, an existing curb cut will be removed from 164 Rogers Road so as to improve public safety.

Conclusion: This standard appears to be met.

Vote of \_\_ in favor \_\_ against \_\_ abstaining

## **N. Water and Air Pollution Minimized.**

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

1. *Elevation of the land above sea level and its relation to the floodplains;*
2. *Nature of soils and sub-soils and their ability to adequately support waste disposal;*
3. *Slope of the land and its effect on effluents;*
4. *Availability of streams for disposal of effluents;*
5. *Applicable state and local health and water resource rules and regulations; and*
6. *Safe transportation, disposal and storage of hazardous materials.*

1. All proposed development is located outside of a Flood Hazard Area.
2. No sewage disposal is proposed at this time. Septic disposal in the future will require a licensed professional engineer.
- 3 thru 6. Not applicable to the proposed development.

Finding: It does not appear the proposed development will result in undue water or air pollution

Conclusion: This standard appears to be met.

Vote of \_\_ in favor \_\_ against \_\_ abstaining

## **O. Aesthetic, Cultural and Natural Values Protected.**

*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: The property does not include any significant aesthetic, cultural or natural values that require protection, however, an ancient cemetery does exist on the abutting lot, which carries a 25-ft no-disturbance setback. The ground disturbance aspects of the proposed right-of-way plan does not encroach onto this 25-ft setback.

Conclusion: This standard appears to be met.



<b>Vote of __ in favor__ against __ abstaining</b>
<b>P. Developer Financially and Technically Capable.</b>
<i>Developer is financially and technically capable to meet the standards of this section.</i>
Finding: Considering the scale of the road is in its nature a driveway, it has been determine a performance guarantee is not required.
Conclusion: This standard is not applicable.
<b>Vote of __ in favor__ against __ abstaining</b>
<b>S. For a Right of Way.</b>
<i>The proposed ROW:</i> <i>1. Does not create any nonconforming lots or buildings; and</i> <i>2. Could reasonably permit the right of passage for an automobile.</i>
Finding: The proposed development does not appear to create any nonconforming lots and appears to provide adequate passage for an automobile. The plan does create nonconforming structures for which the applicant has agreed to relocate or demolish noncomplying structures, or take any other action relative to coming into compliance with this standard.
Conclusion: This standard appears to be met.
<b>Vote of __ in favor__ against __ abstaining</b>

**NOW THEREFORE** the Kittery Planning Board adopts each of the foregoing Findings of Fact and based on these Findings determines the proposed Development will have no significant detrimental impact, and 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:

1. 16.8.4.4—Street Design Standards with the exception of “Street Width Design—a. Right-of-Way.
2. 16.8.4.6—Centerline
3. 16.8.4.11—Street Construction
4. 16.10.5.2(B)(4)—Standard Boundary Survey
5. 16.10.5.2(B)(10)(G)—Road Profile and Section Plan
6. 16.10.5.2(B)(10)(K)—Existing and Proposed Contours
7. 16.10.5.2(C)(6), (7),(8),(9)—Erosion and Sedimentation Control Plan, Stormwater Management Plan, Soil Survey, Vehicular Traffic Report.

Conditions of Approval (to be included on the final plan):

1. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan in accordance with 16.10.9.1, 16.10.9.1.2. & 16.10.9.1.3.
2. Applicant/contractor will follow Maine DEP Best Management Practices for all work associated with right-of-way construction to ensure adequate erosion control and slope stabilization.
3. Prior to the issuance of a building permit to construct a dwelling unit that will obtain its frontage on the new right-of-way, the applicant shall submit a Road Opening Permit with DPW to remove the curb cut servicing the existing garage that abuts Rogers Road.
4. The approved right-of-way shall never be accepted by the Town as a public right-of-way.
5. All Notices to Applicant contained in the Findings of Fact (dated: 3/25/2021).

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

Update the plan with the following revisions:

- a. Depict all structures conforming to dimensional standards.
- b. Incorporate professional land surveyor / engineer stamp.
- c. Add approved street name to final plan
- d. Add approved waivers to final plan
6. Submit a Street Naming Application to Town
7. Confirm that the future lots will conform to code standards including lot size, street frontage and minimum land area per dwelling unit.

Notices to Applicant: (not to be included on the final plan)

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 plan (recorded plan if applicable) 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 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 May 13, 2021

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Dutch Dunkelberger, Planning Board Chair

Per Title 16.6.2.A - 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.

**PLAN REFERENCES:**

- "SHEPARD'S COVE SENIOR HOUSING COMMUNITY, TAX MAP 22, LOT 21 KITTELY, MAINE, REVISED RIGHT OF WAY AND EASEMENT, SHEET NUMBER SU-1R", PREPARED BY ALTUS ENGINEERING, INC., AND NORTH EASTERLY SURVEYING, INC., DATED AUGUST 1, 2003, AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 286 PAGE 37.
- "SHEPARD'S COVE ON SPRUCE CREEK, MAP 22 LOT 21, AMENDED SITE/SUBDIVISION AMENDMENT #3, SHEET NUMBER C-1", PREPARED BY ALTUS ENGINEERING, INC. AND NORTH EASTERLY SURVEYING, INC., DATED OCTOBER 14, 2014, AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 373 PAGE 18.
- "PLAN OF LAND PREPARED FOR JOHN MCCRILLIS, KITTELY, MAINE", PREPARED BY THOMAS F. MORAN, INC., DATED AUGUST 3, 1989, LAST REVISED NOVEMBER 26, 1990, AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 196 PAGE 11.
- "EXISTING CONDITIONS PLAN FOR PROPERTY AT 184 ROGERS ROAD, KITTELY, YORK COUNTY, MAINE PREPARED FOR RYAN BIRSE", PREPARED BY NORTH EASTERLY SURVEYING, INC., PROJECT No. 18707 DATED 1/25/2021.

**ZONING DATA PER KITTELY ZONING ORDINANCE (E-CODE ONLINE JULY 22, 2020):**

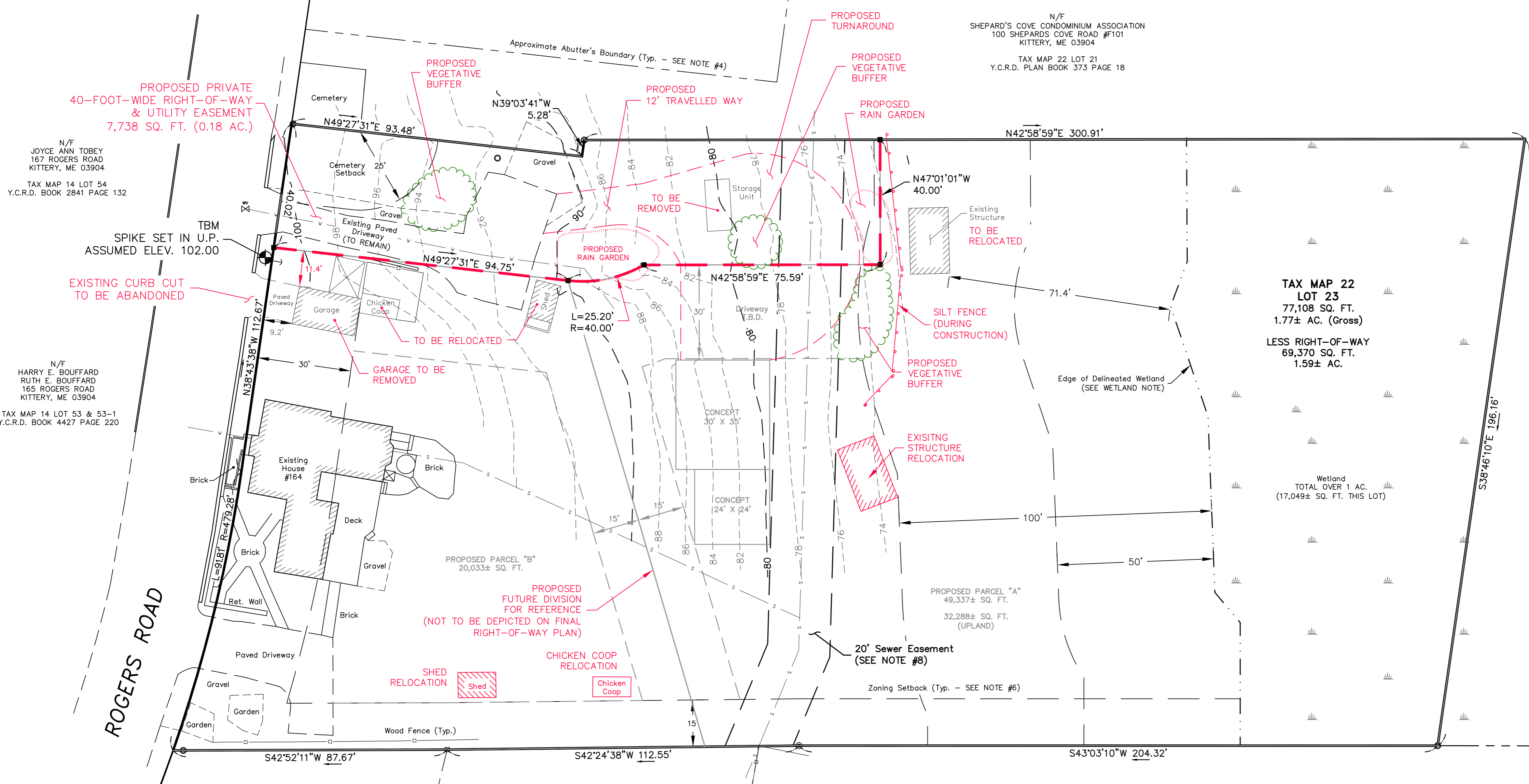
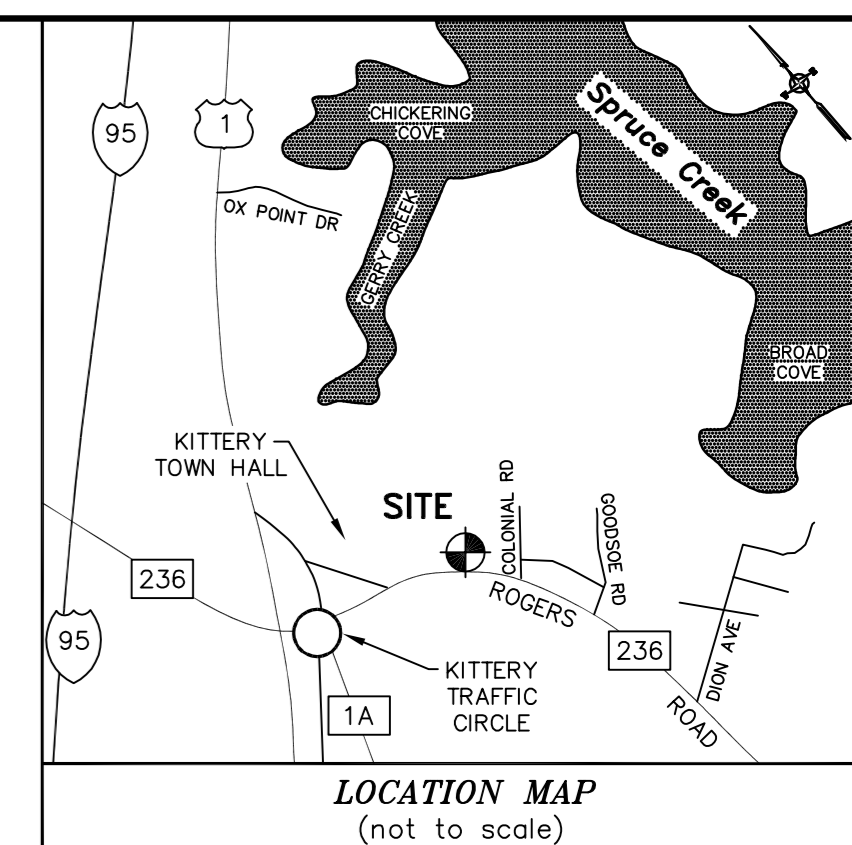
BASE ZONE: Residential-Urban (R-U)

REQUIREMENTS:

MINIMUM LAND AREA PER DWELLING UNIT:	20,000 Sq Ft
MINIMUM LOT SIZE:	20,000 Sq Ft
MINIMUM STREET FRONTAGE:	100 Ft
MINIMUM FRONT YARD:	30 Ft
MINIMUM REAR AND SIDE YARDS:	15 Ft*
MAXIMUM BUILDING HEIGHT:	35 Ft*
MAXIMUM BUILDING COVERAGE:	20%

**NOTES:**

- OWNERS OF RECORD:  
TAX MAP 22 LOT 23  
MATTHEW G. BIRSE  
MELINDA L. BIRSE  
Y.C.R.D. BOOK 12405 PAGE 38  
DATED NOVEMBER 22, 2002
- TOTAL EXISTING PARCEL AREA:  
TAX MAP 22 LOT 23  
1.77± AC.
- BASIS OF BEARING IS PER PLAN REFERENCE #1.
- APPROXIMATE ABUTTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
- 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 KITTELY 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.
- TAX MAP 22 LOT 23 IS SUBJECT TO A SEWER EASEMENT. REFERENCE IS MADE TO Y.C.R.D. BOOK 5945 PAGE 300.



TAX MAP 22  
LOT 23  
77,108 SQ. FT.  
1.77± AC. (Gross)  
LESS RIGHT-OF-WAY  
69,370 SQ. FT.  
1.59± AC.

N/F  
SHEPARD'S COVE CONDOMINIUM ASSOCIATION  
100 SHEPARD'S COVE ROAD #101  
KITTELY, ME 03904  
TAX MAP 22 LOT 21  
Y.C.R.D. PLAN BOOK 373 PAGE 18

YORK,ss REGISTRY OF DEEDS  
Received  
at \_\_\_\_\_ h \_\_\_\_\_ m \_\_\_\_\_ M., and  
Filed in Plan Book \_\_\_\_\_ Page \_\_\_\_\_  
ATTEST:  
\_\_\_\_\_  
Register

**PURPOSE OF PLAN:**  
THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED RIGHT-OF-WAY. SAID RIGHT-OF-WAY IS TO FACILITATE A DIVISION OF LAND AND IS TO BE USED AS AN ACCESS WAY FOR A SINGLE FAMILY DWELLING.

**WETLAND NOTES:**

1) THE WETLAND BOUNDARY AS DEPICTED ON THIS PLAN WAS DELINEATED/FLAGGED BY JOSEPH W. NOEL, MAINE LICENSED SOIL SCIENTIST #209 AND WETLAND SCIENTIST ON JUNE 15, 2020. THE FLAGS WERE SURVEY LOCATED BY NORTH EASTERLY SURVEYING, INC. THE DELINEATION WAS CONDUCTED IN ACCORDANCE WITH THE U.S. ARMY CORPS OF ENGINEERS DOCUMENT CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, (1987) ALONG WITH THE REQUIRED REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTH-CENTRAL AND NORTHEAST REGION, (VERSION 2, JANUARY 2012).

**BUILDING COVERAGE CALCULATION:**

LOT AREA:	77,108± SQ. FT.
<b>EXISTING</b>	
MAIN HOUSE:	1,428± SQ. FT.
STRUCTURE:	265± SQ. FT.
GARAGE:	247± SQ. FT.
SHED:	99± SQ. FT.
CHICKEN COOP:	78± SQ. FT.
TOTAL:	2,117± SQ. FT. (2.7%)

**MONUMENTATION LEGEND:**

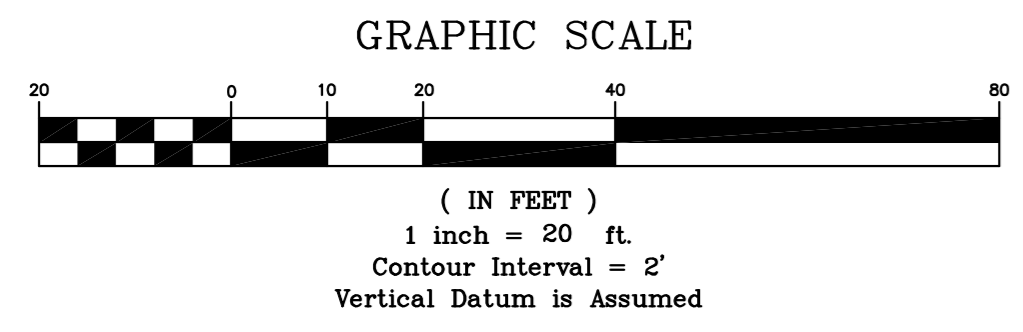
- IRON PIPE FOUND
- DRILL HOLE FOUND
- CONCRETE BOUND FOUND
- MONUMENT TO BE SET

Kitterly, Maine - Planning Board Approval

Date of Approval \_\_\_\_\_

Chair \_\_\_\_\_ Date \_\_\_\_\_

**FOR REVIEW**



**PRIVATE RIGHT-OF-WAY PLAN**  
FOR PROPERTY AT  
**164 Rogers Road**  
Kitterly, York County, Maine

OWNED BY  
**Matthew G. Birse & Melinda L. Birse**  
164 Rogers Road, Kitterly, ME 03904

PREPARED FOR  
**Ryan Birse**  
164 Rogers Road, Kitterly, ME 03904

North  
**EASTERLY SURVEYING, Inc.**  
SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1  
(207) 439-6333 KITTELY, MAINE 03904

SCALE:	PROJECT NO.:	DATE:	SHEET:	DRAWN BY:	CHECKED BY:
1" = 20'	18707	3/4/2021	1 OF 1	A.M.P.	A.M.P.
DRAWING No: 18707_ROW		FIELD BOOK No: "KITTELY #38"			
REV. DATE		STATUS		BY CHKD APPD.	

**Tax Map 22 Lot 23**