ITEM 3

Town of Kittery

Planning Board Meeting

March 10, 2022

ITEM 3-47 Cutts Road-Sketch Plan Review, Cluster Residential Subdivision

Action: Application acceptance, continue to a subsequent meeting; vote on sketch plan application. Pursuant to Title 30-A M.R.S.A. §4401-4408 *Municipal Subdivision Law* and §16.8, *Subdivision Review* of the Kittery Town Code, the Planning Board shall to consider an application from owners/applicants Chip and Anne Andrews with agent Attar Engineering, Inc. requesting approval for a sketch plan cluster subdivision proposing eleven (11) lots with appurtenant infrastructure and wetland alteration of 5,083-sf on real property with an address of 47 Cutts Road (Tax Map 60, Lot 10-3) located in the Residential-Rural (R-RL) zoning district and Shoreland- (OZ-SL-250) and Resource Protection (OZ-RP) Overlay Zones.

REQ'D	ACTION	COMMENTS	STATUS		
YES	Sketch Plan	March 10, 2022	PENDING		
No	Site Visit	TBD	TBD		
YES	Preliminary Plan Review Completeness/Acceptance	TBD	TBD		
YES	Public Hearing	TBD	TBD		
YES	Preliminary Plan Approval	TBD	TBD		
YES	Final Plan Review and Decision	TBD	TBD		
IES IBD IBD 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 16.4.4.13 - 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. IBD					

Project Introduction

The properties of 47 Cutts Road ("47 Cutts") is located in the Residential-Rural (R-RL) zoning districts in addition to Resource Protection (OZ-RP) and Shoreland (OZ-SL-250') Overlay Zones. The lot have a combination of approximately 36.6 acres of land area of which 11.17 acres are wetlands. Frontage for the properties can be found along Cutts Road. There appears to be an existing right-of-way or easement that services Map 60-10-1 via 60-3. 47 Cutts' existing land use consists of undeveloped land with natural features such as wetlands, forested areas ponds and open areas. Also, in proximity on an adjacent lot to the northwest is a significant vernal pool. Towards the street frontage of the lot, there is an existing trades business which seems to have impacted some of the land to the west of the business' location.

The proposed cluster residential subdivision intends to subdivide the lot into 11 different properties. The lot will be serviced by a new roadway connecting Cutts Road to the development. Public water and private subsurface wastewater systems and underground electrical lines are to be provided. To accommodate the new road, the applicant is proposing to fill approximately 5,083-sf of wetland. Further, to support the new development, stormwater BMPs will be utilized.

The application currently before the Planning Board ("Board") is the first step of the of the subdivision approval process: sketch plan review. The purpose of this phase to for the applicant to introduce the project and for the Board to work with the applicant to agree on a concept layout for the development along with providing guidance and requesting more information where it is lacking.

C 1 D C	§16.8 Subdivision	
Code Ref.	Standard	Comment
§16.8.9.B(3)(a)	The sketch plan must show in simple form on a topographic map the proposed site, subdivision, landscape architectural or architectural design concept, including streets, lots, structures and other features, in relation to existing conditions and municipal land use zone(s) regulations.	This standard appears to be satisfied.
§16.8.9.B(3)(b)	The sketch may be a freehand penciled sketch and must include the data listed below.	Applicant has provided engineered and land surveyed quality plat plans. This standard appears to be satisfied.
§16.8.9.B(4)(a)	 General subdivision information must describe or outline the existing conditions of the site, including: [1]Covenants. [2]High-intensity Class "A" soil survey and soil [3]interpretation sheets. [4]Available community facilities. [5]Utilities. 	This standard appears to be satisfied.
\$16.8.9.B(4) (b)	 Proposed development, such as: [1] Number of residential or business lots and/or dwelling units; [2] Typical lot width and depth; [3] Price range; [4] Business areas; [5] Playgrounds, park areas and other public areas; [6] Protective covenants; [7] Utilities; and [8] Street improvements. 	It is unclear if sidewalks will be proposed in this development, Also missing from the application are the following: price range of new homes, and information on proposed covenants, if any.
Code Ref	§16.8.10.H Cluster Residential Develo	pment
Code Rel	Standard	Comment
§16.8.10.H(5)(a)[1]	 [a]Proposed dimensional modifications and the dimensional standards required in the zone in which the development will be located; [b]All land area identified in 16.5.18 <i>Net Residential Acreage</i> [c] Net residential density; and [d] Open space as defined in 16.8.10.H(6)(e) of this article. 	This standard appears to have been met. However, a devegetation count for land overlaid by the shoreland overlay zoning should be provided.
§16.8.10.H(5)(a)[2]	A map showing constraints to development, such as, but not limited to, wetlands, resource protection zones, shoreland zones, deer wintering areas, side slopes in excess of 33%, easements, rights-of-way, existing roads, driveway entrances and intersections, existing structures, and existing utilities.	This information has been provided. However, it is unclear of the status of the existing right-of- way. Is it an easement, or is it an approved right- of-way? Applicant should confirm if the new roadway would overlay the old -right-of-way entirely or would there be any areas outside of the proposed road? If so, that area will need to be accounted for the in net residential calculations.

§16.8.10.H(5)(a)[3]	A written statement describing the ways the proposed development furthers the purpose and objectives of this article, including natural features which will be preserved or enhanced. Natural features include, but are not limited to, moderate-to-high-value wildlife and waterfowl habitats, important agricultural soils, moderate-to-high-yield aquifers and important natural or historic sites worthy of preservation.	No written statement was provided by the applicant on how they plan on achieving this objective. Rather, general notes on the sketch plan were provided. Planning Board should discuss with the applicant how they plan on satisfying this standard.
§16.8.10.H(5)(a)[4]	The location of each of the proposed building envelopes. Only developments having a total subdivision or site plan with building envelopes will be considered.	The applicant has depicted a lot envelop, but the building footprint for each lot was not provided.
§16.8.10.H(5)(b)	An applicant with a project that includes proposed public open space must obtain Town Council acceptance for the public land or easement following preliminary plan approval. Town Council acceptance is contingent upon receipt of final plan approval by the Planning Board.	There appears to be no dedicated land designated as public open space.

Next Steps

There are a couple of elements that need clarification before the sketch plan can move forward. Also, staff discovered a letter from DEP, dated describing the presence of a vernal pool on the lot. Considering that the applicant recently had a wetland delineation performed, the applicant should confirm that the vernal pool (#3234) is the same vernal pool as depicted in the sketch plan. If not, the applicant should confirm the location of vernal pool #3234 and adjust the cluster subdivision plan accordingly. Staff is of the opinion that the plan is substantially complete, but more information will need to be provided before the Board votes on the sketch plan.

Recommended Motions

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

Motion to accept application as complete

Move to accept the cluster residential subdivision sketch plan application as complete from owners/applicants Chip and Anne Andrews with agent Attar Engineering, Inc. requesting approval for a sketch plan cluster subdivision proposing eleven (11) lots with appurtenant infrastructure and wetland alteration of 5,083-sf on real property with an address of 47 Cutts Road (Tax Map 60, Lot 10-3) located in the Residential-Rural (R-RL) zoning district and Shoreland- (OZ-SL-250) and Resource Protection (OZ-RP) Overlay Zones.

Motion to continue application

Move to continue the cluster residential subdivision sketch plan application to (Insert Date) from owners/applicants Chip and Anne Andrews with agent Attar Engineering, Inc. requesting approval for a sketch plan cluster subdivision proposing eleven (11) lots with appurtenant infrastructure and wetland alteration of 5,083-sf on real property with an address of 47 Cutts Road (Tax Map 60, Lot 10-3) located in the Residential-Rural (R-RL) zoning district and Shoreland- (OZ-SL-250) and Resource Protection (OZ-RP) Overlay Zones.

Motion to approve sketch plan

Move to approve the cluster residential subdivision sketch plan application as complete from owners/applicants Chip and Anne Andrews with agent Attar Engineering, Inc. requesting approval for a sketch plan cluster subdivision proposing eleven (11) lots with appurtenant infrastructure and wetland alteration of 5,083-sf on real property with an address of 47 Cutts Road (Tax Map 60, Lot 10-3) located in the Residential-Rural (R-RL) zoning district and Shoreland- (OZ-SL-250) and Resource Protection (OZ-RP) Overlay Zones.



ALIAK ENGINEERING, INC

Mr. Bart McDonough, Town Planner Town of Kittery, Maine 200 Rogers Road Kittery, Maine 03904 February 8th, 2022 Project No. C160-21

RE: Cluster Development – Sketch Plan Review Application Cutts Road Subdivision (Tax Map 60, Lot 10-3) 47 Cutts Road, Kittery, Maine

Dear Mr. McDonough:

On behalf of Chip and Anne Andrews, I have enclosed a Cluster Development Sketch Plan Review Application and associated documents for your review and consideration. The site is located on Cutts Road, contains approximately 36.06 acres, and is located in the Residential-Rural (R-L), Resource Protection Overlay (RPO), and 250' Shoreland Protection Overlay (SPO-250) zoning districts.

The applicant is proposing to develop the subject parcel into an 11-lot clustered residential subdivision containing single-family dwellings and accessed by two Secondary Collector roadways. The development shall additionally be serviced by municipal water (KWD) and individual private subsurface wastewater disposal systems (SSWDS).

A wetland delineation, vernal pool study, and High-Intensity Soil Survey have been completed for this development. Wetland flags and test pits have been survey located by Attar Engineering, Inc. and included in the attached plan set.

We look forward to discussing this project with the Planning Board at their next available meeting. Please contact me for any additional information or clarifications required.

Sincerely;

Michael J. Sudak, E.I.T. Staff Engineer

cc: Chip & Anne Andrews C160-21 Sketch Cover 08Feb2022

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TOWN OF KITTERY MAINE TOWN PLANNING AND DEVELOPMENT DEPARTMENT

200 Rogers Road, Kittery, Maine 03904 Phone: (207) 475-1323 Fax: (207) 439-6806 www.kittery.org

CLUSTER DEVELOPMENT - SKETCH PLAN REVIEW

Application Fee:	ion Fee: 🖬 \$300.00			Amount Paid: \$ <u>300</u> Date: <u>02/08/2022</u>				
an a	Parcel	el Map Zone(s). 60 Base:		R-L	R-L		36.06 Acres	
PROPERTY DESCRIPTION			RPO, SPO-	250	MS4	YES NO		
	Physical Address	47 Ci	utts Road, K	ittery ME 0	3904	*****	like na fasika kata kata kata kata kata kata kata k	an all welling with the second sec
	Name	Chip a	nd Anne An	drews			mannakarika di bari tari da bada di Karana Angelan Karana Karana Karana Karana di Karana di Karana di Karana K	
PROPERTY OWNER'S	Phone	207.28	52.3872	1911-1911-1911-1911-1911-1911-1911-191	Mailing			
INFORMATION	fax				Address			
	Émall	andrev	vsats@com	cast.net		28 Andy's L	ane, Kittery ME 0	3904
•	Name	Micha	el J. Sudak		Name of Business	Attar Engine	eering, Inc.	
APPLICANT'S	Phone	207.43	89.6023					
AGENT INFORMATION	Fax				Mailing			
	Email	mike@	attarengine)	ering.com	Address	1284 State	Road, Eliot ME 0	3903

MENT		ntial and Cluster Mixed-Use Development required at sketch plan submittal)
CLUSTER DEVELOPME CHECKLIST	See Title 16.8.11.5:Image: Dimensional Modifications/Standards RequiredImage: Dimensional Modifications/Standards RequiredImage: Dimensional Modifications/Standards RequiredImage: Dimensional ModificationsImage: Dimensional Modificational ModificationsImage: Dimensional Modificational ModificationsImage: Dimensional Modificational ModificationsImage: Dimensional Modificational Modifi	 Development Constraints Map Written Statement Building Envelopes Located

Property ownership (Title 16.8.11.4)

Existing use(s) of land (describe):

Single 3,375 sq. ft. structure in east corner of parcel along frontage, use of construction company. Single-family dwelling in northwest corner of parcel near northerly waterbody. Both structures to be incorporated into proposed subdivision.

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MINIMUM PLAN SUBMITTAL REQUIREMENTS - SKETCH PLAN

15 Copies of this Application and Required Information , Vicinity Map, and the Sketch Plan (5 of which must be 24"X 36")

Sketch Plan format and content:

A) Paper Size; no less than 11" X 17" or greater than 24" X 36"

B) Plan Scale

Under 10 acres: no greater than 1'' = 30'

10 + acres: 1" = 50'

C) Title Block

Displicant's name and address

12 Name of preparer of plan with professional information

A Parcel's Kittery tax map identification (map – lot) in bottom right corner

Vicinity Map - map or aerial photo showing 1,000 feet around the site.

Sketch Plan must include the fo	llowing existing and proposed information:
Existing:	Proposed: (Plan must show the lightened existing topography under the proposed plan for comparison.)
 Land Use Zone and boundary Topographic map (optional) Wetlands and flood plains Water bodies and water courses Parcel area Lot dimensions Utilities (Sewer/septic, water, electric, phone) Streets, driveways and rights-of-way 	 Recreation areas and open space Number of lots and lot areas Setback lines and building envelopes Lot dimensions Utilities (Sewer/septic, water, electric, phone) Streets, driveways and rights-of-way Structures
Structures	Distance to:
	Nearest driveways and intersections
	🖬 Nearest fire hydrant
	😼 Nearest significant water body

NOTE TO APPLICANT:

PRIOR TO A PLANNING BOARD SITE WALK, TEMPORARY MARKERS MUST BE ADEQUATELY PLACED THAT ENABLE THE PLANNING BOARD TO READILY LOCATE AND EVALUATE THE DEVELOPMENT'S DESIGN.

I certify, to the best of my knowledge, the information provided in this Application is true and correct, abutters to the project have								
been notified, and I will not deviate from the approved plan without following code requirements. Permission is granted to Town								
Staff to access	Staff to access the property associated with this application to aid in the regulatory review.							
Applicant's	11/1/1/1/	Owner's						
Signature:	Muchan Sudch	Signature:						
-	agent							
Date:	02/08/2022	Date:						
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Chip & Anne Andrews 28 Andy's Lane Kittery, ME 03904

Mr. Bart McDonough, Town Planner Town of Kittery 200 Rogers Rd Kittery, ME 03904 February 8th, 2022

Dear Mr. McDonough,

Please be informed that Kenneth Wood, P.E. and Michael Sudak, E.I.T. of Attar Engineering, Inc. will be acting as my agents for the applications and permitting of the Cutts Road Subdivision located at Tax Map 60, Lot 10-3 on Cutts Road in Kittery, ME.

Please contact me if I can provide any additional information.

Sincerely;

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Andrews Andrews

Chip & Anne Andrews

cc: Kenneth Wood, P.E. Attar Engineering, Inc.

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Return to: Whitney Mundy & Mundy PO Box 187 So, Berwick, ME 03908



Bk 17694 PG 548 Instr # 2018013670 04/13/2018 11:57:37 AM Pages 3 YORK CO

QUITCLAIM DEED WITH COVENANT

Maine Statutory Short Form

Joint Tenancy

I, Arthur W. Andrews, Jr. of 61 Cutts Road, Kittery, County of York and State of Maine, grant to Arthur W. Andrews, Jr. and Anne Andrews, both of 61 Cutts Road, Kittery, County of York and State of Maine, with Quitclaim Covenant, as Joint Tenants, the real property in the Town of Kittery, County of York, and State of Maine, described more particularly as follows:

A certain lot or parcel of land together with the buildings and improvements thereon, containing 22.59 acres, located on the westerly sideline of Cutts Road, in the Town of Kittery, County of York and State of Maine, and shown on a plan titled "PROPOSED LOT LINE ADJUSTMENT FOR PROPERTY AT CUTTS ROAD, KITTERY, YORK COUNTY, MAINE, OWNED BY ARTHUR W. ANDREWS JR., 8 DEER RIDGE LANE, KITTERY, ME 03904 AND ARTHUR W. ANDREWS REVOCABLE TRUST, MARTY THRON, TRUSTEE, P.O. BOX 96, KITTERY POINT, ME 03905," prepared by Easterly Surveying, Inc., dated March 22, 2017 and recorded at the York County Registry of Deeds in Plan Book 387, Page 48. Said parcel is more particularly described as follows:

Beginning at an iron pipe found on the westerly sideline of Cutts Road, the northeasterly corner of the parcel herein described, and the southeasterly corner of land now or formerly of Judith E. Andrews; thence running along the westerly sideline of Cutts Road for the following three courses and distances: South 06° 44' 02" East 41.59 feet to a point; South 07° 29' 48" East 60.72 feet to a point; South 07° 40' 08" East 61.28 feet to an iron rod found 7-inches high with cap marked 2362; thence continuing along the westerly sideline of Cutts Road South 07° 55' 32" East 237.90 feet to the northerly sideline of a private 40-foot-wide right-of-way described more particularly in the plan titled "STANDARD BOUNDARY SURVEY PLAN OF LAND OF ARTHUR W. & ROSEANN ANDREWS," prepared by Civil Consultants, dated July 28, 2000, and recorded at the York County Registry of Deeds in Book 289, Page 46;

Thence continuing along the westerly sideline of Cutts Road and the easterly sideline of said right-of-way South 06° 58' 41' East for a distance of 40.30 feet to a point; thence continuing along the westerly sideline of Cutts Road for the following courses and distances: South 05° 54" 28" East

46.69 feet; South 05° 11' 05" East 41.69 feet; South 04° 09' 49" East 38.43 feet to an iron pipe found flush at the northeasterly corner of land now or formerly of Steven E. Brake;

Thence turning and running by and along the northerly sideline of land now or formerly of said Brake North 80° 11' 14" West 264.00 feet to an iron rod with cap marked #2485; thence continuing along the northerly sideline of land now or formerly of said Brake North 80° 11' 14" West 374.33 feet to an iron pipe found; thence turning and running still by and along land of Brake through an iron pipe found, South 32° 43' 33" West 614.13 feet to an iron pipe found;

Thence turning and running by land now or formerly of the Arthur W. Andrews Revocable Trust as described in a deed recorded in Book 16935, Page 411 of the York County Registry of Deeds, North 11° 29' 19" West 1,603.36 feet to an iron rod set in the remnants of a cemetery stone wall; thence turning and running along a cemetery stone wall North 70° 42' 46" East 26.51 feet to a point; thence turning and running still by and along said cemetery stone wall North 22° 28' 25" West 22.50 feet to land now or formerly of Frank H. Woodman and Earline A. Woodman; thence turning and running along a stone wall and by land now or formerly of said Woodman for the following courses and distances: North 81° 37' 53" East 167.37 feet to a point; North 81° 20' 51" East 158.97 feet to a point; North 80° 03' 22" East 99.68 feet to an iron rod found in a stone wall at land now or formerly of Jeffrey R. Thorsen and Andrea M. Thorsen; thence turning and running by land now or formerly of said Thorsen South 34° 45' 57" East 251.27 feet to an iron rod found at land now or formerly of Judith E. Andrews; thence turning and running by land now or formerly of said Judith E. Andrews South 27° 43' 38" East 609.63 feet to an iron pipe found; thence turning and running still by and along land now or formerly of Judith E. Andrews, North 81° 29' 22" East 349.89 feet to the point of beginning, containing 22.59 acres of land.

Excepting from this conveyance land that was granted to Eric B. Harris and Judith E. Harris (also known as Judith E. Andrews) by deed of Andrew W. Andrews and Roseann Andrews, dated May 13, 1981 and recorded at the York County Registry of Deeds in Book 2823, Page 148.

The above-described parcel is conveyed subject to a 40-foot-wide right-of-way as described in the above-mentioned deed, Book 2823, Page 148 and as shown on "STANDARD BOUNDARY SURVEY PLAN OF LAND OF ARTHUR W. & ROSEANN ANDREWS," prepared by Civil Consultants, dated July 28, 2000, and recorded at the York County Registry of Deeds in Book 289, Page 46.

The above-described parcel is conveyed subject to another 40-footwide right-of-way as described in deed of Roseann Andrews, dated May 27, 2009 and recorded in the York County Registry of Deeds in Book 15642, Page 917 and shown on the aforementioned plan recorded in Plan Book 387 Page 48.

The above-described parcel is subject to all notes, easements, rights-of-way and conditions set forth on the plans.

Meaning to describe and conveying the same premises described in the deed of Mary Thorn, Trustee of the Arthur W. Andrews Revocable Trust to Arthur W. Andrews, Jr., dated March 28, 2017 and recorded at said Registry in Book 17444, Page 259, and the deed of Mary Thorn, Trustee of the Arthur W. Andrews Revocable Trust to Arthur W. Andrews, Jr., dated August 17, 2016 and recorded at said Registry in Book 17308, Page 186.

Witness my hand and seal this 6th day of April, 2018.

Budde

Arthur W. Andrews.

STATE OF MAINE COUNTY OF YORK

April 6, 2018

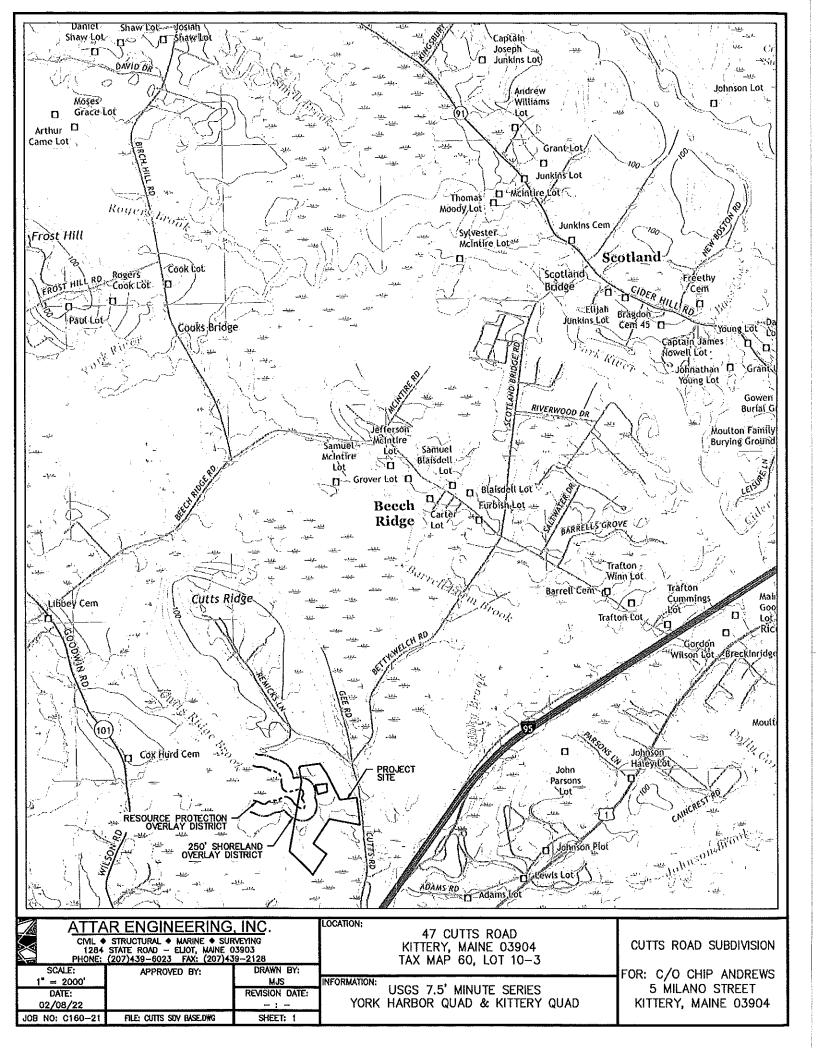
Then personally appeared the above-named Arthur W. Andrews, Jr. and acknowledged the foregoing instrument to be his free act and deed, before me:

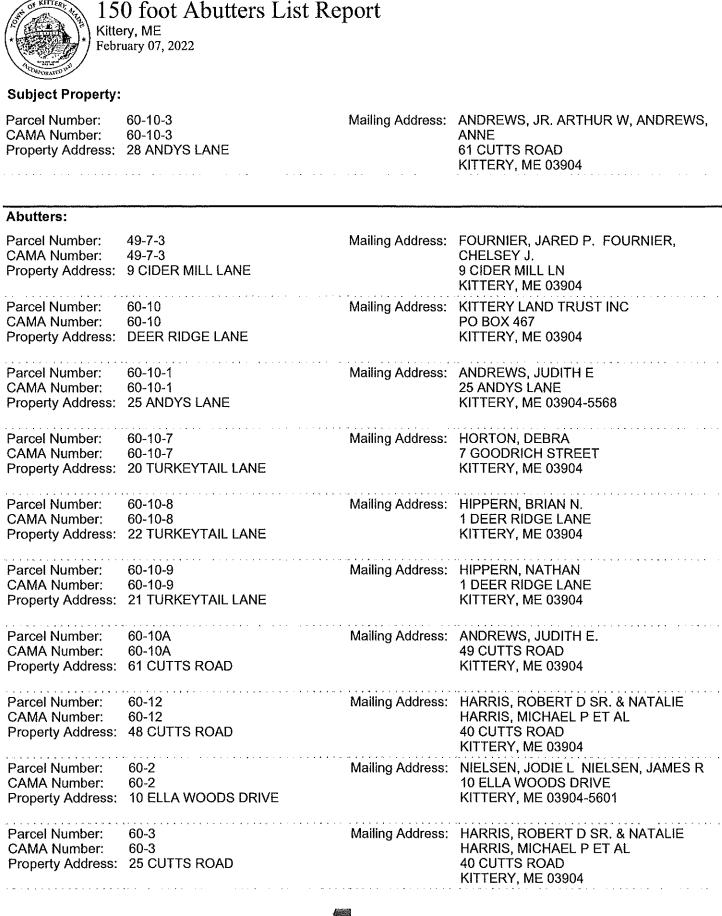
Emily U. Mundy, Attorney a

Bar No. 5153

EWM: Andrews deed

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2/7/2022

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Page 1 of 2

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Parcel Number: CAMA Number: Property Address:	60-9 60-9 45 CUTTS ROAD	Mailing Address:	JOHNSON, JR, DAVID GEORGE 45 CUTTS ROAD KITTERY, ME 03904
Parcel Number: CAMA Number: Property Address:	65-3 65-3 69 CUTTS ROAD	Mailing Address:	THORSEN, JEFFREY R THORSEN, ANDREA M 69 CUTTS ROAD KITTERY, ME 03904-5568
Parcel Number: CAMA Number: Property Address:	65-6 65-6 5 REMICKS LANE	Mailing Address:	COLLINS, COURTNEY L. LAMBIASE, BRIAN F. 5 REMICKS LANE KITTERY, ME 03904
Parcel Number: CAMA Number: Property Address:	66-7 66-7 54 CUTTS ROAD	Mailing Address:	MOULTON, DAVID S 54 CUTTS ROAD KITTERY, ME 03904-5566
Parcel Number: CAMA Number: Property Address:	66-7-3 66-7-3 58 CUTTS ROAD	Mailing Address:	TRESHINSKY, ALEXANDER TRESHINSKY, PATRICIA 58 CUTTS ROAD KITTERY, ME 03904



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ALL REAL		FIRM .		- PROMINENT				-	BROWN	
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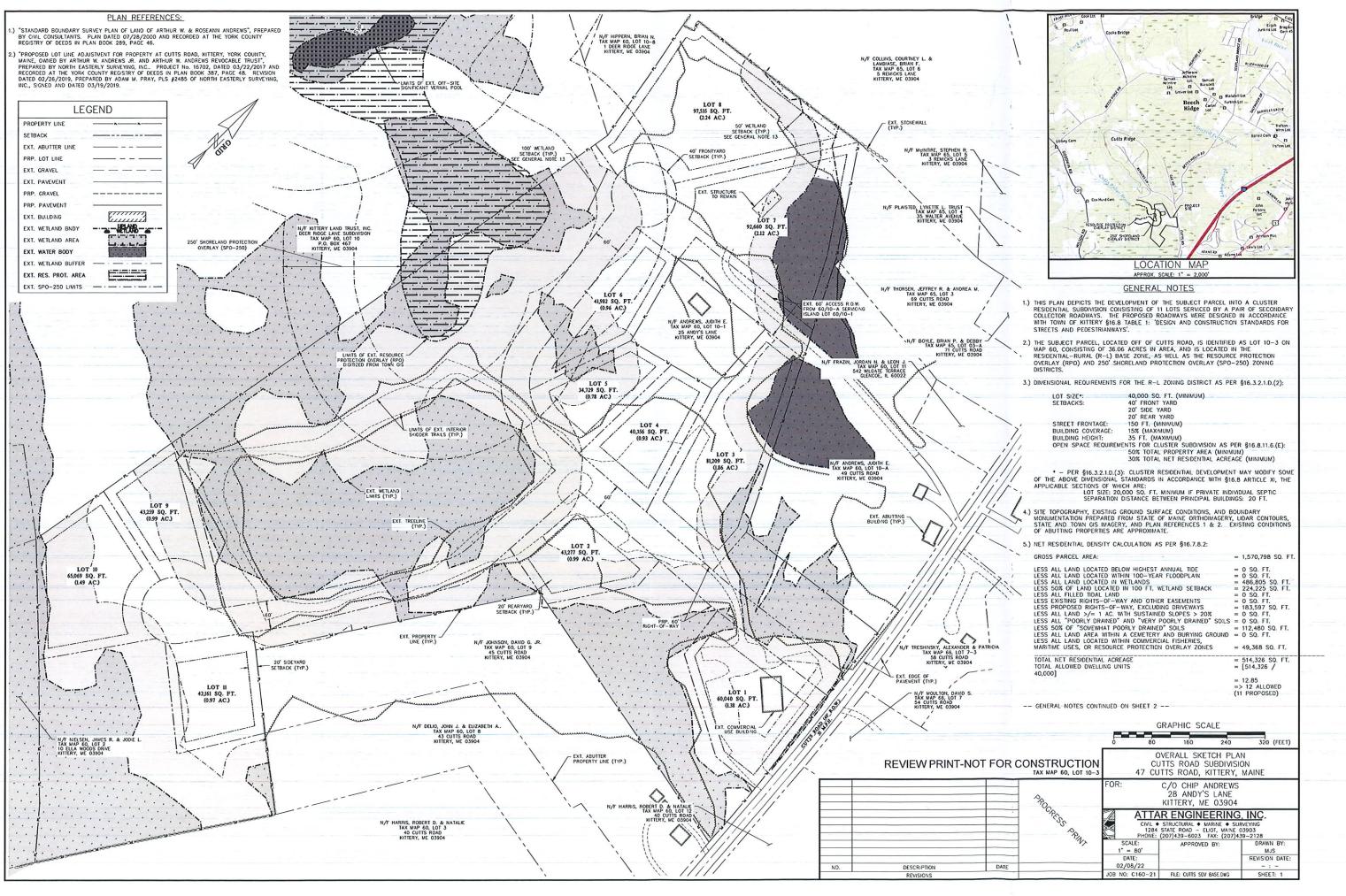
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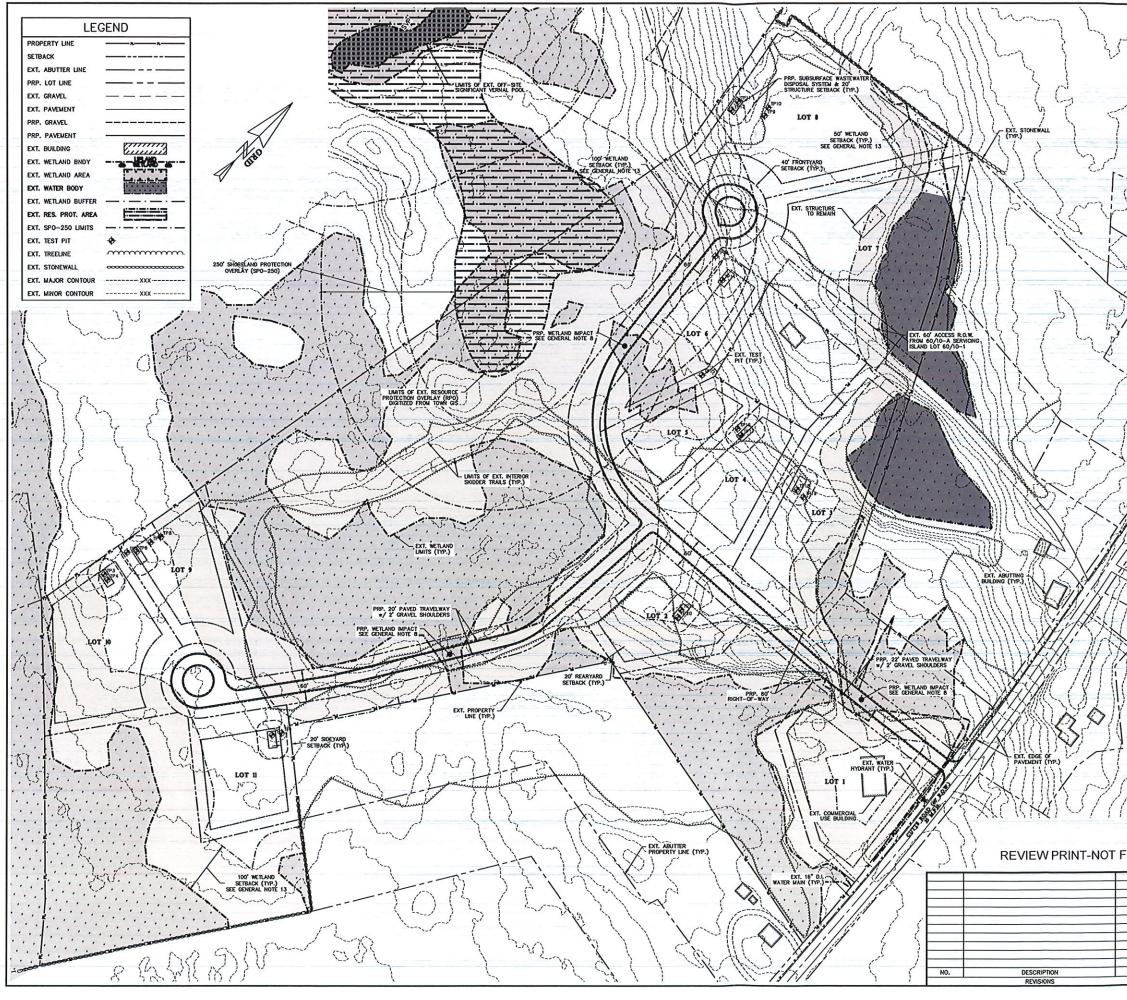
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	3	_ <u>c</u>	Factor 1	Restrictive Layer				Factor" %	Restrictive Layer Bedrock De De-th
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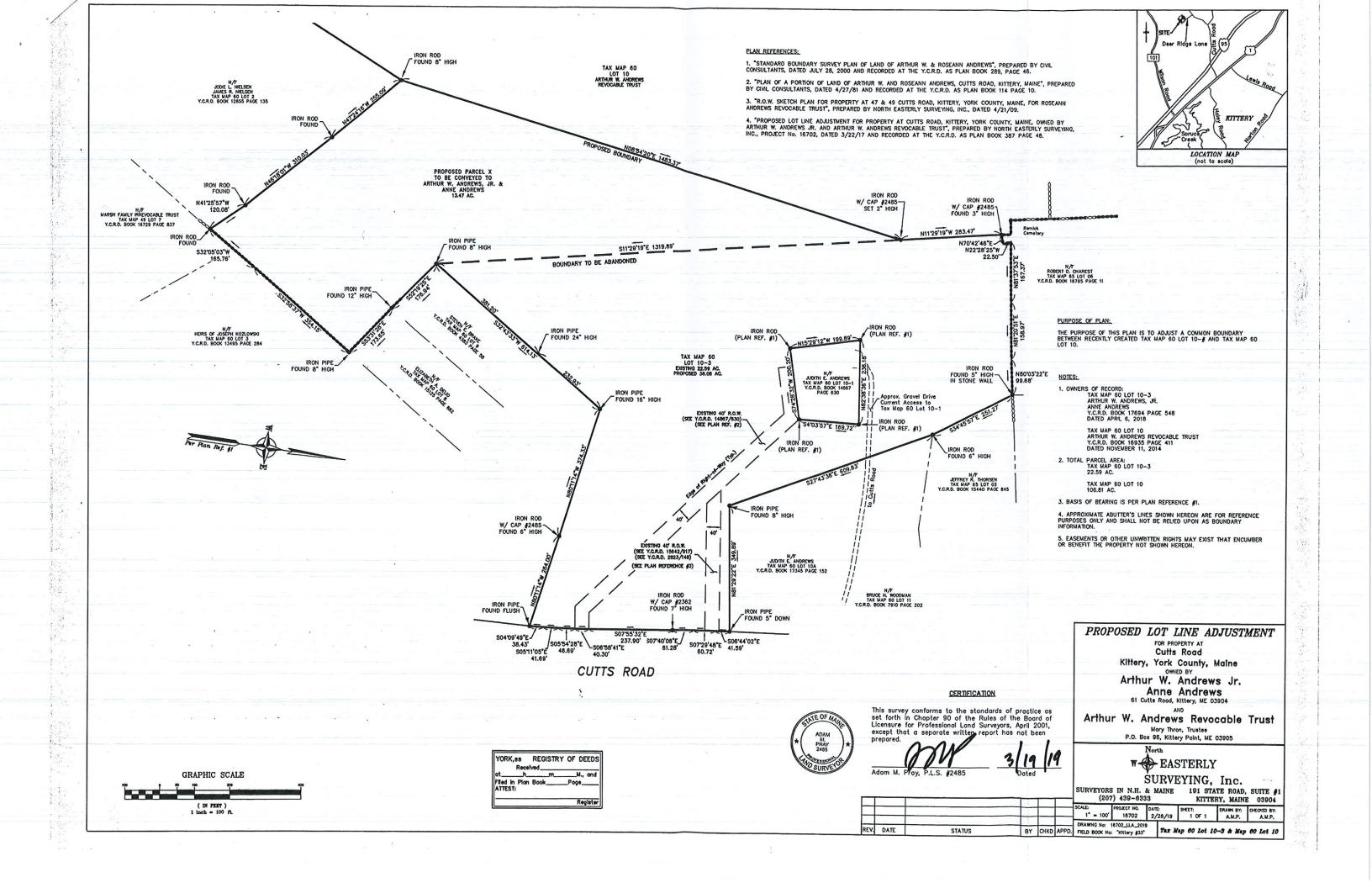
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y			GENERAL NO	DTES (CONT.)		
J.A	6.)	BUILDING COVERAGE CA	LCULATION:			
- 1	Ŷ	GROSS PARCEL AREA MAXIMUM ALLOWABLE C	OVERAGE (15%)	= 1,570,798 SQ. FT. = 235,620 SQ. FT.		
0	1	LESS BUILDING AREA LI	OT 1 OT	= 1,680 SQ. FT. = 3,375 SQ. FT.		
-{(ļ	NET AVAILABLE BUILDIN	IG AREA	= 230,565 SQ. FT. (9	LOTS REM.)	
/	7.) (MUST RE DESIGNATED	AS FOLLOWS: (A) (8.11.6.E, TOTAL CALCULATED PPEN SPACE, RESERVED; (B) LIC. OPEN SPACE SHOULD E ND TO PROTECT NATURAL R	OPEN SPACE.	
11				8 SQ. FT. TOTAL] = 50.6%		
$(\setminus$		TOTAL WETLAND IMPAC			-	
5		SCIENTIST #209 IN AUC ATTAR ENGINEERING, IN PERFORMED BY JOSEPH THERE WERE NO OBSEP OFF-SITE VERNAL POO	GUST OF 2021, OCT IC, IN NOVEMBER O I NOEL, MAINE CER RVED SIGNIFICANT V L IS IDENTIFIED ON		COATED BY DY WAS N MAY OF 2021. LE THE CLOSEST	
-5	- 10.	CLASS A HIGH-INTENSI CERTIFIED SOIL SCIENTI FIELD LOCATED BY ATT	TY SOIL SURVEY WAST #209 IN OCTOBE	AS PERFORMED BY JOSEPH ER OF 2021. PROPOSED TES NOVEMBER AND DECEMBER	NOEL, MAINE ST PITS WERE OF 2021.	
۰. او	11.		ORMAL HIGH-WATER	AVE BEEN LOCATED OUTSIDE LINE (INTERPRETED AS RES 5.8.4.14.B.		
Ser	12.	ALL PROPOSED LOTS W	ATH BUILDING ENVEL	LOPES THAT PARTIALLY OR THEIR DWELLINGS COMPLY W		
10	13.	DEVELOPMENT CODE TA BODIES":	BLE 16.9 MINIMUM	MED BY TOWN OF KITTERY L SETBACKS FROM WETLANDS	S AND WATER	
1		50' SETBAC 100' SETBA	K FOR TOTAL WETL	AND/WATERBODY SIZE < 1 LAND/WATERBODY SIZE > 1	ACRE	
X	14.	START OF CONSTRUCTION	ON TO VERIFY THE	FE AND ALL LOCAL UTILITIES LOCATION OF EXISTING SUBS TING ANY UNDERGROUND OF THE CONTRACTOR.	SURFACE UTILITIES	
)	115.	WATER (KWD) AND IND	IMDUAL PRIVATE SU	ELOPMENT SHALL BE SERVICE DISSURFACE WASTEWATER DIS INSTEMS ARE SHOWN ON THE	POSAL SYSTEMS	
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17	/			GRAPHIC SCALE		
			0 80		320 (FEET)	
OR	0	NSTRUCTION TAX MAP 60, LOT 10-3	CL 47 CU	Sketch grading plat JTTS Road Subdivisio JTTS Road, Kittery,	NC	-
1		2	FOR:	C/O CHIP ANDREWS 28 ANDY'S LANE		
	}	PROGRESS PRINT		KITTERY, ME 03904	. INC.	
		'S'	CMI	STRUCTURAL & MARINE & SUB	VEYING	
		RINT	SCALE:	STATE ROAD - ELIOT, MAINE 0 (207)439-6023 FAX: (207)43 APPROVED BY:	9-2128 DRAWN BY:	
			1" = 80' DATE:		MJS REVISION DATE:	
DATE			02/08/22 JOB NO: C160-21	FILE: CUTTS SOV BASE,DWG	- : - SHEET: 2	
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DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF LAND RESOURCES

FIELD DETERMINATION FORM

CONTACT ID 11830

2/22/2018

		ALC: N
CONTACT	DIRECTIONS]
JOE NOEL PO BOX 174 SOUTH BERWICK, ME 03908	Entered property from the end of Deer Ridge lane, but it is listed as 47 Cutts rd.	
PROPERTY_OWNER		
THRON, MARY ARTHUR W ANDREWS REV. TRUST		
RITTERY POINT, ME 03905 PO Box 96		
STAFF ADAMS, CAMERON	SITE TOWN KITTERY	
	00 10-3	

MEMO

On February 13th, 2018, I met with Joe Noel at 47 Cutts Rd in Kittery. I was asked to inspect the site and indicate how the area is regulated under the Natural Resources Protection Act (NRPA).

The lot contains freshwater wetlands as defined by the NRPA, 38 M.R.S. §480-B(4). In addition, there are several vernal pools on the property that Joe identified and surveyed during the 2017 breeding season. Pool #3234 is contained within the wetland complex and has poorly defined limits. Joe also identified a possible permanent outlet from the pool that would potentially preclude it from being considered significant. Upon review by the Department of Inland Fisheries and Wildlife (DIFW), the pool was determined to be potentially significant pending further review of these uncertainties. Joe requested that I assist in constraining the jurisdictional edge of the vernal pool and inspect the outlet to assist DIFW in making final determination about the pool's significance.

Upon inspecting the area and discussing Joe's observations related to the indicator species activity, I was able to better define the limits of the vernal pool. Joe updated the resource survey for the property to reflect my findings. Joe and I also observed the channelized outlet that he had identified at the opposite end of wetland complex from the pool. The outlet was frozen over at the time of inspection and difficult to fully inspect. However, the distance of the outlet from the vernal pool suggests it is not a permanent outlet from the pool itself and therefore would not impact the significance determination. No final judgment was made as to whether the outlet is considered a stream pursuant to the NRPA §480-B(9). Based on my observations, I recommended to DIFW that pool #3234 be considered significant.

The wetland complex that contains the significant vernal pool is considered wetland of special significance as defined by the Wetland and Waterbodies Protection Rules, NRPA Chapter 310 (4). A permit would be required for direct impacts to the wetland area, but the wetland does not have a setback itself. The significant vernal pool is subject to the Significant Wildlife Habitat Rules, NRPA Chapter 355 (9).

Please make sure that all local permits, as well as applicable DEP permits, have been obtained prior to starting any work.

Erosion control devices must be installed and maintained on the project site during any soil disturbance activity. A Stormwater Management Law PBR or Maine Construction General Permit "NOI" and "NOT" must be filed with the Department if more than 1 acre

N	٨	M	F.

RECEIVED 2/9/2018 SITE VISIT 2/13/2018 COMPLETED	2
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DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF LAND RESOURCES

2/22/2018

FIELD DETERMINATION FORM

CONTACT ID 11830

of area is going to be disturbed on the project site at any given time during construction.

NAME:						
	RECEIVED	2/9/2018	SITE VISIT	2/13/2018	COMPLETED	2/22/2018