

**Town of Kittery
Planning Board Meeting
May 11, 2023**

ITEM 1 – 77 Bartlett Road – Conservation Subdivision – Sketch Plan Review

Action: Accept or deny application, Approve or deny concept plan.

Proposal: To subdivide a 19.11-acre parcel into 9 single-family residential building lots, a private street system, and an open space plot around identified wetlands, vernal pools, and a pre-existing cemetery.

Location: 77 Bartlett Road, Map 62 Lot 26

Zoning District: R- RL: Residential Rural; OZ-RP – Resource Protection Overlay

Owners: Geoff Bowley

Agent: Michael Tadema-Wielandt

PROCESS SUMMARY

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Acceptance/Approval	Scheduled for May 11, 2023 Meeting	Pending
YES	Preliminary Plan Review Completeness/Acceptance		
	Site Visit		
YES	Public Hearing		
YES	Preliminary Plan Approval		
YES	Final Plan Review and Decision		
<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

This is a conceptual review for a proposed 9-lot conservation subdivision located at 77 Bartlett Road in the R-RL Residential Rural zoning district and OZ-RP Resource Protection Overlay Zone. The lots are proposed to be accessed from Bartlett Road through a private street system ending in one cul-de-sac. The property currently contains a single residential dwelling, which will be renovated and remain in lot 8 of the proposed subdivision. A private cemetery, located between proposed lots 1 and 2, will be maintained as open space with public access provided. Public water and sewage are unavailable to the property; the developer proposes installing private septic systems and wells for each individual lot. The site contains wetland areas around the proposed subdivision, including a potential vernal pool located east of the proposed development and an

area containing a wetland of special significance as well as a floodplain abutting the proposed subdivision to the southwest.

APPLICATION & PLAN REVIEW

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

16.4.10 R-RL ZONING DISTRICT REGULATIONS

1. The proposal complies with dimensional standards except for a few lots that appear to have street frontage below the 150 feet minimum. Per §16.10.3, the Planning Board can allow flexibility with dimensional standards such as street frontage. Conservation subdivisions are also not required to meet the minimum 40,000 square feet lot size requirement in the R-RL zone.

2. Several lots within the proposed subdivision abut a Resource Protection Zone Overlay; any new construction would be required to be built at minimum 250 feet away from an abutting resource. As currently proposed, lots 1, 8, and 9 would require a “no-cut, no-disturbance” buffer area to provide the recommended 100-foot setback. Given its orientation to the flood zone, lot 7 may also require a buffer zone, but further review is necessary. Wetlands abut the eastern boundary of lot 4 and appear to continue into the neighboring properties of 11 Lynch Lane and 7 Lynch Lane. The size of the wetlands abutting appear to be larger than previously thought.

3. Per §16.5.4, because the proposed subdivision includes 9 building lots, it does not trigger a requirement for affordable housing units.

16.5.27 STREETS

1. Developers are proposing a 50-foot right of way and 20-foot travel way. The fire department expressed concern about the size of the cul-de-sac, and would like to ensure it is large enough for a truck to turn in. Staff recommended a 40-foot right of way and are waiting for more specific dimensions regarding road size and the radius of the cul-de-sac.

16.8.10 SUBDIVISION PERFORMANCE STANDARDS

1. Public water is not available at 77 Bartlett Road. Developers plan to dig private wells for each lot. Because the developers plan to dig private wells, a written statement prepared by a hydrogeologist is required to attest to the quality of water for the development.

2. Public sewer is not available at 77 Bartlett Road. Developers plan to install private septic systems per lot. Wetland setbacks apply to vegetation removal for septic systems, and individual systems must in no way endanger groundwater supplies. §16.10.5-C lists the full criteria to consider when judging on individual septic systems.

16.10.4 APPLICATION PROCEDURE

1. The sketch plan submittal includes most of the information required for application procedure except for a letter of a written statement of water quality prepared by a hydrogeologist. This statement is required as the developer is planning to provide water access to the proposed lots through individual wells. A wetland scientist’s survey of the potential vernal pool is currently underway, and the property will use CMA Engineers for third-party review of the property for septic viability.

2.The sketch plan currently does not contain the required locations or footprints of the proposed building envelopes for each lot.

16.10.6 DESIGN STANDARDS

1. Developers plan to maintain a vegetated buffer of 40 feet along the front lot line.
2. Lot 4 potentially conflicts with §16.5.14 B-1, which prohibits flag-shaped lots.
3. Because the conservation subdivision ordinance strongly recommends all buildings within the subdivision be designed for maximum energy efficiency and use for heating and, it is suggested that buildings be designed as south-facing whenever possible in this subdivision.

16.10.7 OPEN SPACE AND NATURAL RESOURCE REQUIREMENTS

1. The proposal meets the 60% minimum and the 40% net res. acreage minimum required in the R-RL Zone per §16.10.7A-2. Historic notable features within the property include a private cemetery between lots 1 and 2 and stone walls bordering most of the proposed subdivision. The Payne Cemetery is included within the proposed open space area and will receive public access and assurances of no development within 25 feet, as per state regulation. The stone wall is being preserved to the greatest possible extent and will remain on the development of the subdivision.
2. Significant wetlands on the eastern portion of the property are being protected as open space. As mentioned above, lots 1, 8, and 9 will require a no-cut, no-disturbance buffer to maintain the recommended 100-foot setback from each relevant resource, and lots 4 and 7 may also require buffers after further review. A potential vernal pool has been identified in the eastern portion of the parcel. While testing is currently underway, the area of the potential vernal pool is within the land currently designated for open space and will not be subject to development in the proposed plan.
3. There is one existing residential dwelling on lot 8. The proposed plan involves retaining the household with renovations. The existing driveway will be removed and revegetated (which will improve conformity of the lot to the Resource Protection Overlay Zone), and road access will be provided via the proposed private road. A pre-existing shed will either be removed or moved within the proposed boundaries of lot 8.

DISCUSSION, NEXT STEPS, AND RECOMMENDATIONS

After review, staff suggest moving to continue to allow the Board to consider the sketch plan. The developer has been receptive with fielding questions and ensuring proper setbacks of identified natural and cultural resources. All missing reports are currently ongoing or being planned for, but the information currently provided is sufficient to allow the project to move forward.

RECOMMENDED MOTIONS

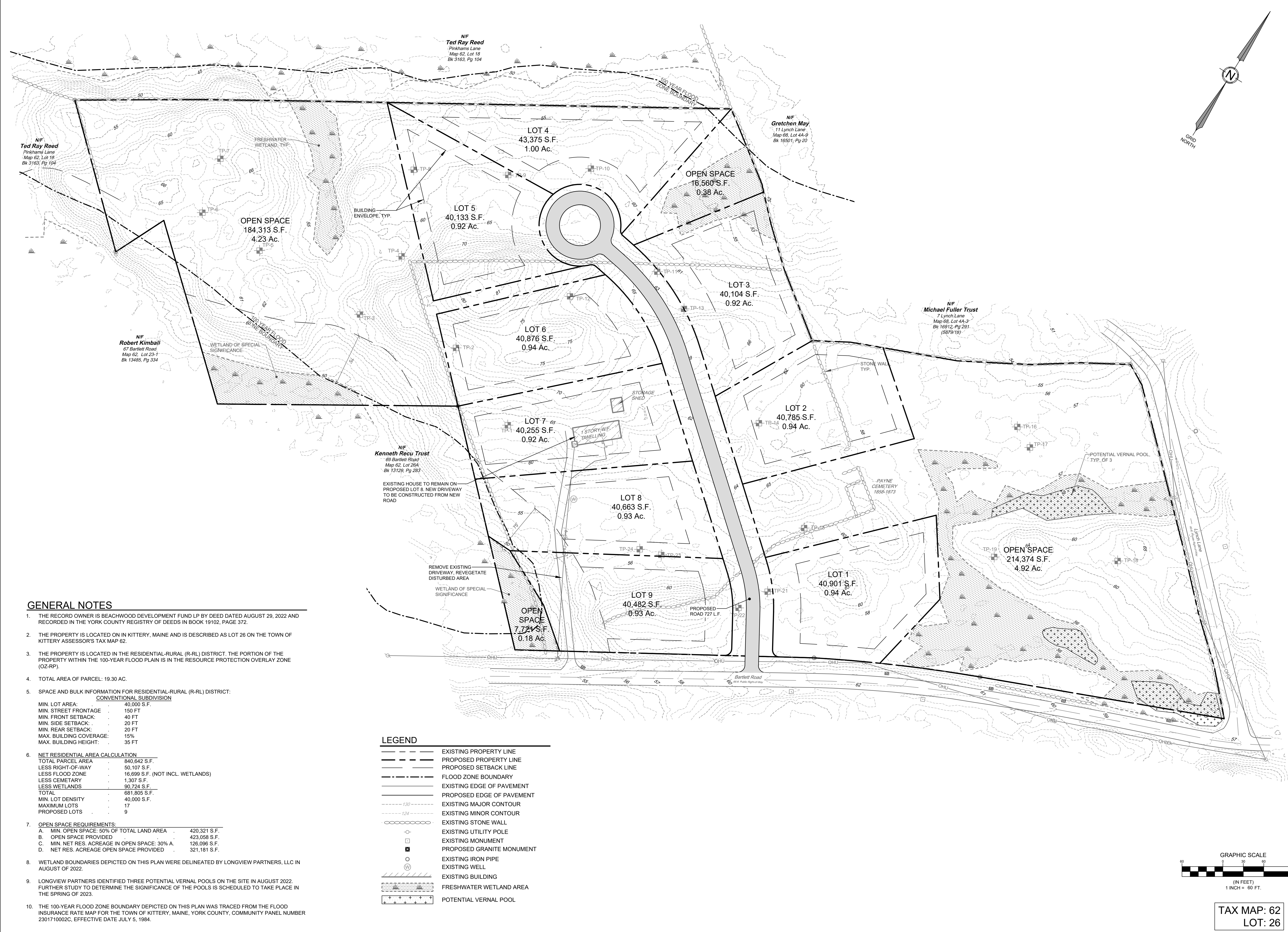
The sketch plan review is an opportunity to consider a concept, ask questions, and **make specific suggestions** to the applicant.

Motion to continue the application

109 Move to continue review of the subdivision sketch plan by Michael Tadema-Wielandt, for owner
110 Geoff Bowley, who proposes to subdivide a 19.11-acre parcels into a 9-lot single family
111 residential subdivision on property located at the address of 77 Bartlett Road, Tax Map 62, Lot 26,
112 in the Residential – Rural (R-RL), and Resource Protection Overlay Zone (OZ-RP).
113

114 ***Motion to accept the application as complete***
115

116 Move to accept the subdivision sketch plan by Michael Tadema-Wielandt, for owner Geoff
117 Bowley, who proposes to subdivide a 19.11-acre parcels into a 9-lot single family residential
118 subdivision on property located at the address of 77 Bartlett Road, Tax Map 62, Lot 26, in the
119 Residential – Rural (R-RL), and Resource Protection Overlay Zone (OZ-RP).



GENERAL NOTES

- THE RECORD OWNER IS BEACHWOOD DEVELOPMENT FUND LP BY DEED DATED AUGUST 29, 2022 AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS IN BOOK 19102, PAGE 372.
- THE PROPERTY IS LOCATED ON IN KITTERY, MAINE AND IS DESCRIBED AS LOT 26 ON THE TOWN OF KITTERY ASSESSOR'S TAX MAP 62.
- THE PROPERTY IS LOCATED IN THE RESIDENTIAL-RURAL (R-RL) DISTRICT. THE PORTION OF THE PROPERTY WITHIN THE 100-YEAR FLOOD PLAIN IS IN THE RESOURCE PROTECTION OVERLAY ZONE (OZ-RP).
- TOTAL AREA OF PARCEL: 19.30 AC.
- SPACE AND BULK INFORMATION FOR RESIDENTIAL-RURAL (R-RL) DISTRICT:
CONVENTIONAL SUBDIVISION
MIN. LOT AREA: 40,000 S.F.
MIN. STREET FRONTAGE: 150 FT
MIN. FRONT SETBACK: 40 FT
MIN. SIDE SETBACK: 20 FT
MIN. REAR SETBACK: 20 FT
MAX. BUILDING COVERAGE: 15%
MAX. BUILDING HEIGHT: 35 FT
- NET RESIDENTIAL AREA CALCULATION
TOTAL PARCEL AREA: 840,642 S.F.
LESS RIGHT-OF-WAY: 50,107 S.F.
LESS FLOOD ZONE: 16,699 S.F. (NOT INCL. WETLANDS)
LESS CEMETARY: 1,307 S.F.
LESS WETLANDS: 90,724 S.F.
TOTAL: 681,805 S.F.
MIN. LOT DENSITY: 40,000 S.F.
MAXIMUM LOTS: 17
PROPOSED LOTS: 9
- OPEN SPACE REQUIREMENTS:
A. MIN. OPEN SPACE: 50% OF TOTAL LAND AREA: 420,321 S.F.
B. OPEN SPACE PROVIDED: 423,058 S.F.
C. MIN. NET RES. ACREAGE IN OPEN SPACE: 30% A: 126,096 S.F.
D. NET RES. ACREAGE OPEN SPACE PROVIDED: 121,181 S.F.
- WETLAND BOUNDARIES DEPICTED ON THIS PLAN WERE DELINEATED BY LONGVIEW PARTNERS, LLC IN AUGUST OF 2022.
- LONGVIEW PARTNERS IDENTIFIED THREE POTENTIAL VERNAL POOLS ON THE SITE IN AUGUST 2022. FURTHER STUDY TO DETERMINE THE SIGNIFICANCE OF THE POOLS IS SCHEDULED TO TAKE PLACE IN THE SPRING OF 2023.
- THE 100-YEAR FLOOD ZONE BOUNDARY DEPICTED ON THIS PLAN WAS TRACED FROM THE FLOOD INSURANCE RATE MAP FOR THE TOWN OF KITTERY, MAINE, YORK COUNTY, COMMUNITY PANEL NUMBER 2301710002C, EFFECTIVE DATE JULY 5, 1984.

LEGEND

- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- PROPOSED SETBACK LINE
- FLOOD ZONE BOUNDARY
- EXISTING EDGE OF PAVEMENT
- PROPOSED EDGE OF PAVEMENT
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING STONE WALL
- EXISTING UTILITY POLE
- EXISTING MONUMENT
- PROPOSED GRANITE MONUMENT
- EXISTING IRON PIPE
- EXISTING WELL
- EXISTING BUILDING
- FRESHWATER WETLAND AREA
- POTENTIAL VERNAL POOL

STATE OF MAINE
MICHAEL E. TADEMA-WIELANDT
N.E.C.
LICENSED PROFESSIONAL ENGINEER

DATE: 4/11/2023
P.E.: MICHAEL TADEMA-WIELANDT

APPROVED BY

REVISIONS

DATE

NO.

565 CONGRESS STREET
SUITE 201
PORTLAND, ME 04102

41 CAMPUS DRIVE
SUITE 301
NEW GLOUCESTER, ME 04260

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www.terradyndesign.com

TERRADYN
CONSULTANTS, LLC

Civil Engineering | Land Planning | Stormwater Design | Environmental Permitting

PERMIT DRAWING
NOT FOR CONSTRUCTION

PROJECT:
KITTERY, MAINE

SHEET TITLE:
CONVENTIONAL CONCEPT PLAN

CLIENT:
BEACHWOOD DEVELOPMENT FUND
P.O. BOX 281
KENNEBUNK, MAINE 04043

DATE: 4/11/2023

SCALE: 1"=60'

DESIGNED: MTW

JOB NO: 22-145

SHEET C-3

C:\ODI\terradyndesign\Projects\2022\22-145\Bartlett Road Subdivision\CAD\Concepts\22-145-82 CONVENTIONAL OPTION.dwg

TAX MAP: 62
LOT: 26



Kittery, ME

1 inch = 500 Feet



August 23, 2022

www.cai-tech.com



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