

# ATTAR

ENGINEERING, INC

CIVIL · STRUCTURAL · MARINE

Mr. Bart McDonough, Town Planner  
Town of Kittery, Maine  
200 Rogers Road  
Kittery, Maine 03904

November 18<sup>th</sup>, 2021  
Project No.: C228-21

**RE: Wetland Alteration Application – Town Planner Comment Revisions  
52 Goodwin Road, Kittery Point, ME  
Tax Map 58, Lot 51B**

Dear Mr. McDonough:

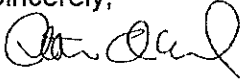
On behalf of Michael and Barbara Murphy, I have enclosed for your review and consideration an updated wetland alteration application, plan set, and associated attachments for the above-referenced project. Revisions have been made to address comments raised by the Town Planner on November 3<sup>rd</sup> upon receipt and review of the original Wetland Alteration Application submitted on September 20<sup>th</sup>. Response items are addressed below in the order they were received:

1. Plan Set Sheets 1, 2, and 4 have been updated to indicate FEMA Floodplain information. A FEMA Firmette for the project area is also attached.
2. The entire plan set has had its shading and hatchwork revised to more clearly demarcate the following sensitive areas on/near the subject parcel.
  - a. Resource Protection Overlay (designated by the FEMA Floodplain)
  - b. Wetland Limits as per National Wetlands Inventory (NWI) information
  - c. Wetland Limits as per Plan Reference #1 (Kimball Survey delineation)
  - d. Shoreland Protection Overlay
  - e. Proposed Wetland Impacts
3. General Note #7 on Sheet 2 has been revised to depict the total square footage and cubic yardage of proposed wetland impacts. Callouts to said wetland impact on Sheets 1 & 3 have been revised to also include this information.
4. The applicant has determined that a zoning table quantifying the portions of square footage/cubic yardage proposed inside or outside of the Resource Protection Overlay is not applicable, as all proposed impacts occur outside the RPO and within the base R-RC zone.
5. A wetland evaluation report prepared by Michael Cuomo, certified wetland scientist, and dated November 16<sup>th</sup>, 2021, is attached. This report satisfies the standard outlined in §16.9.3.12.B(4).
6. The applicant is currently in the process of applying for both the MDEP (Natural Resources Protection Act Tier 1 Wetland Alteration) and ACOE (General Permit) permits. We would like to propose that obtaining the permits prior to construction of the crossing be set as a Condition of Approval for the application. General Note #10 has been added to Sheet #2 to speak to the required permits.

7. An updated draft deed is attached as requested, which references both the wetland mitigation site plan and the no-cut buffer. The plan set has been updated as requested to specify the location of the no-cut buffer and the amount of vegetated area that it shall preserve.
8. General Note #9 on Sheet 2 has been added to document the type, quantity, and origin of the fill required for the proposed development.

If any additional information is required, please contact me. Thank you for your assistance.

Sincerely;



Kenneth A. Wood, P.E.  
President

cc: Michael and Barbara Murphy  
C228-21 Cover Rev 18Nov2021.doc

# PROJECT NARRATIVE

The purpose of the project is to construct a driveway to access a proposed single-family dwelling at 52 Goodwin Road, Kittery Point, Maine.

The wetland alteration will consist of permanent fill to support a residential driveway. A culvert will be installed to maintain drainage through the wetland. Proposed wetland impacts are 1,075 S.F. The wetland crossing is located in the same area as an established pathway.

There is no practicable alternative to impacting the wetland. The wetland lies between Goodwin Road and the lot's buildable area and it traverses the front portion of the parcel. The wetland crossing is proposed at the narrowest portion of the wetland, along the parcel's eastern boundary. Upland areas adjacent to Goodwin Road are insufficient in width (and are located entirely within the 40' front setbacks) to support construction of a dwelling.

The wetland impact has been minimized by siting the crossing at a narrow section of the wetland and by employing 2H:1V embankment side slopes within the impact.

The impact is mitigated by designating a no-cut buffer along the wetlands southern edge which is greater in area than the wetland impact.

The drainage area upstream and downstream of the wetland impact has been analyzed to determine peak flows due to the 25-year and 50-year (24 hour) storm events for both the existing and proposed conditions. The conclusion is that the culvert is adequately sized to handle these storm events and that there is essentially no increase in peak flow at the crossing due to the wetland impact, which is located at the upgradient edge of the wetland. The proposed crossing is a 24" DIA culvert which will have 12" buried to enhance habitat travel through the culvert.

Existing Condition Peak Flows (cfs)		
Analysis Point (AP)	25 Year Storm	50 Year Storm
AP 1	1.43	1.70

Developed Condition Peak Flows (cfs)		
Analysis Point (AP)	25 Year Storm	50 Year Storm
AP 1	1.44	1.70

Change in Peak Flows (cfs)		
Analysis Point (AP)	25 Year Storm	50 Year Storm
AP 1	0.01	0.00

Hydrocad stormwater modeling calculations are attached.



# TOWN OF KITTEERY, MAINE

## TOWN PLANNING DEPARTMENT

200 Rogers Road, Kittery, Maine 03904  
 PHONE: (207) 475-1323  
 Fax: (207) 439-6806  
[www.kittery.org](http://www.kittery.org)

### APPLICATION: WETLAND ALTERATION PLAN REVIEW

<b>MITIGATION FEE TO BE DETERMINED BY THE PLANNING BOARD DURING THE REVIEW PROCESS AND PAID WITH PERFORMANCE GUARANTY.</b>	<b>Application Fee Paid:</b> \$ _____ <b>Date:</b> <u>9/22/21</u> <b>Escrow Fee Paid:</b> \$ _____ <b>Date:</b> _____
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<b>PROPERTY DESCRIPTION</b>	Parcel ID	Map	58	Lot	51B	Zone(s): Base Overlay MS4	R-RC _____ OZ-SL-250' _____ <input type="checkbox"/> YES <input type="checkbox"/> NO	Total Land Area	1.06ac
	Physical Address: <b>52 Goodwin Road</b>								

<b>PROPERTY OWNER'S INFORMATION</b>	Name	Michael & Barbara Murphy	Mailing Address	P.O. Box 135 Kittery Point, ME 03905	
	Phone	941-320-2037			
	Fax				
	Email				

<b>APPLICANT'S AGENT INFORMATION</b>	Name	Kenneth Wood, P.E.	Mailing Address	Attar Engineering, Inc.  1284 State Road Eliot, ME 03903	
	Phone	207-439-6023			
	Fax				
	Email	ken@attarengineering.com			

<b>PROJECT DESCRIPTION</b>	Existing parcel and wetlands:	
	Vacant lot with wooded wetlands.	
	Project Name	52 Goodwin Road Driveway and Wetland Crossing
	Provide a brief summary of the proposed development, its impact on the existing wetlands and the proposed mitigation plan:	
	Proposed construction of a driveway and wetland crossing to access one single family dwelling. The proposed wetland impact is approximately 1,075 sq. ft.	

I certify, to the best of my knowledge, the information provided in this application is true and correct and will not deviate from the plans submitted without notifying the Kittery Planning Department of any changes.

Applicant's Signature:	_____ Date: <u>9/22/21</u>	Owner's Signature:	_____ Date: <u>9/22/21</u>
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# Minimum Application Submission Requirements

- 15 COPIES OF THIS APPLICATION
- 1 PDF OF THE SITE PLAN SHOWING GPS COORDINATES

- 15 COPIES OF THE PLAN – 5 OF WHICH MUST BE 24"X 36"

**IT IS THE RESPONSIBILITY OF THE APPLICANT TO PRESENT A CLEAR UNDERSTANDING OF THE PROJECT.**

**16.28.500** Submission requirements for a Request to Alter a Wetland.

Unless specifically waived by the planning board, all applications must contain the following information:

- A copy of the official documents showing legal interest of the applicant in the property to be affected;

**A narrative describing:**

- The purpose of the project,
- The type of alteration to the wetland (fill, culvert, dredge, etc.),
- Why there is no practicable alternative to impacting the wetland, and
- How the proposed activity has been designed to minimize the impact on the wetland

**The block must contain:**

- The name(s) and address(es) of the applicant or owner,
- The name and address of the preparer of the plan, with professional seal, name of plan,  date of plan preparation,
- a revision number and date, if applicable,
- map and lot number(s) according to Kittery tax maps shown in the lower right-hand corner in bold lettering and 1/8 inches high;

**Site plan:**

- minimum scale is 1" = 100'  indicate the proposed activity
- location and size of all existing and proposed, structures, roads, parking areas, and sewage treatment facilities
- existing and proposed rights-of way, easements and parcels
- 2-foot contours  wetland boundaries  proposed buffers
- protective measures such as sediment control methods
- proposed boundaries and characteristics of the mitigation site, including elevation, sources of water, and proposed vegetation

Show the location (tied by measurement to identifiable structures or boundary points) of all proposed:

- property boundaries  on site wetland boundaries
- offsite wetland areas significantly impacted by the project
- Sq Ft of Wetland areas (onsite area and offsite area, if applicable)
- shorelines  flood plains  vegetation removal
- drainage structures  filling  grading  dredging,
- Include specification for quantity of materials to be added or removed and procedures to be used

Show the direction of natural overland flow in the wetland, and in the proposed alteration area

- 100-year FEMA flood plain boundaries
- number of CY, and type of material to be used as fill
- method of handling, and the location of fill and spoil disposal area, if dredge material is involved
- all owners of property within 150 feet of the proposed alteration together with their mailing addresses and map and lot designations from the assessor's records.
- a vicinity map utilizing a topographic map at a scale no smaller than one inch equals 600 feet showing the boundary of the proposed activity;

**Submit:**

- one set of photographs, taken during the growing season if possible, showing the wetland, adjacent water bodies if applicable, and the alteration area before development begins.

**Drainage:**

- Submit a hydrologic analysis in accordance with the requirements of Article IX of Chapter 16.32

**Wetlands mitigation plan and report.** A wetlands mitigation plan and report is required for activities which, in total, affect or fill more than 500 square feet of wetlands. Wetland Mitigation Plan And Report must contain the following:

- a plan at a scale of 1" = 100' with 2-foot contour intervals, existing wetland boundaries, the area of wetland to be altered, project dimensions and all offsite wetlands, being extensions of the wetland to be altered
- existing wetland characteristics including water depth, vegetation and fauna
- a functional Assessment conducted and prepared by a qualified wetlands scientist or a Maine Certified Soils Scientists

**Maintenance Agreement:**

- The agreement must be approved by the board and recorded in the York County Registry of deeds and must meet, or exceed, the criteria listed in subsection 16.28.500.C.3. parts d through i.

**Conservation Easement:**

- (for projects involving preservation of wetlands or adjacent uplands) a conservation easement must be conveyed or deed restriction imposed so that the parcel will remain undeveloped in perpetuity.

Material not submitted in accordance with the above MUST acquire planning board approval of a Request for Waiver of the material per Section 16.28.180.

**Other materials the board may require are:**

- cross-section drawings showing the nature of the construction, the depth of excavation or height of fill, if applicable, and surface water and groundwater elevations

**The board may require a narrative describing:**

- the specific goals in terms of particular wetland functions and values. These goals must be related to those of the original wetland;
- the available literature or experience to date (if any) for carrying out the mitigation work;
- the proposed implementation and management procedures for the wetlands work;
- the short-term and long-term sources of water for this wetland, including the water quality of these sources;
- plans for re-planting, including a description of plant species, sizes and sources of plant material, as well as how, when and where seeding or planting will take place;
- plans for monitoring the-wetlands work, showing capability for mid-course corrections
- plans, if applicable, for control of non-indigenous plant species.
- wetlands work involving creation, restoration and or enhancement of degraded wetlands,

**Section 16.28.440-E. Abutter Notice.** Owners of property within one hundred and fifty (150) feet, horizontal distance, of the proposed alteration must be notified by first class U.S. mail of any public hearing on the Request for Wetland Alteration.

The applicant must provide 2 sets of mailing labels with the submission of this request.

**APPLICATION SUBMITTALS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE FORWARDED TO THE PLANNING BOARD.**

**Michael & Barbara Murphy**  
PO Box 135  
Kittery Point, ME 03905

September 20, 2021

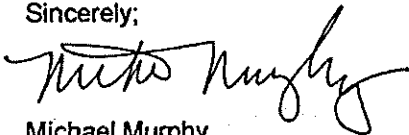
Bart McDonough  
Town Planner  
Town of Kittery  
200 Rogers Road  
Kittery, ME 03904

Dear Mr. McDonough,

Please be informed that Kenneth Wood, P.E. of Attar Engineering, Inc. will be acting as my agent for the applications and permitting of my project located at 52 Goodwin Road in Kittery Point, Maine.

Please contact me if I can provide any additional information.

Sincerely;

A handwritten signature in cursive script, appearing to read "Michael Murphy".

Michael Murphy

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

After recording return to:

**DRAFT ONLY**

Space Above This Line For Recording Data

**WARRANTY DEED**

KNOW ALL PERSONS BY THESE PRESENTS, that we, **BARBARA B. MURPHY** and **MICHAEL M. MURPHY**, with a mailing address of 64 Tower Road, Kittery Point, ME 03905, FOR CONSIDERATION PAID, hereby grant to \_\_\_\_\_, with a mailing address of \_\_\_\_\_, as Joint Tenants/Tenants in Common, with WARRANTY COVENANTS, the following described premises:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

IN WITNESS WHEREOF, Barbara B. Murphy and Michael M. Murphy have hereunder set their hands and seals as of this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Witness

\_\_\_\_\_  
**BARBARA B. MURPHY**

Witness

\_\_\_\_\_  
**MICHAEL M. MURPHY**

STATE OF MAINE  
YORK COUNTY

Personally appeared the above-named **BARBARA B. MURPHY** and **MICHAEL M. MURPHY** and acknowledged the foregoing instrument to be their free act and deed.

Before me,

\_\_\_\_\_  
Attorney at Law/Notary Public

**EXHIBIT A**  
(52 Goodwin Road)

A certain lot or parcel of land, situated in the Town of Kittery, County of York, and State of Maine, and bounded and described as follows:

BEGINNING at a bolt in stone on the northerly sideline of Goodwin Road and the southwesterly corner of Harriott;

THENCE N71°55'34"W along the northerly sideline of Goodwin Road a distance of 106.80 feet to a granite monument at land of Brock;

THENCE N30°12'34"E along land of Brock a distance of 390.53 feet to a T-Bar and other land of Murphy;

THENCE S59°47'26"E along other land of Murphy a distance of 123.62 feet to a stonewall;

THENCE S33°21'12"W continuing along a stonewall and other land of Murphy a distance of 15.02 feet to land of the Fitzgerald Family Irrevocable Trust;

THENCE along lands of the Fitzgerald Family Irrevocable Trust and Harriot partially by the remains of stonewall the following courses and distances:

- S33°21'12"W a distance of 15.02 feet to a point;
- S30°19'43"W a distance of 38.24 feet to a point;
- S26°17'33"W a distance of 30.07 feet to a point;
- S30°18'06"W a distance of 51.30 feet to a point;
- S34°29'45"W a distance of 56.46 feet to a point;
- S37°01'34"W a distance of 127.28 feet to a point;
- S30°25'11"W a distance of 35.86 feet to the point of beginning;

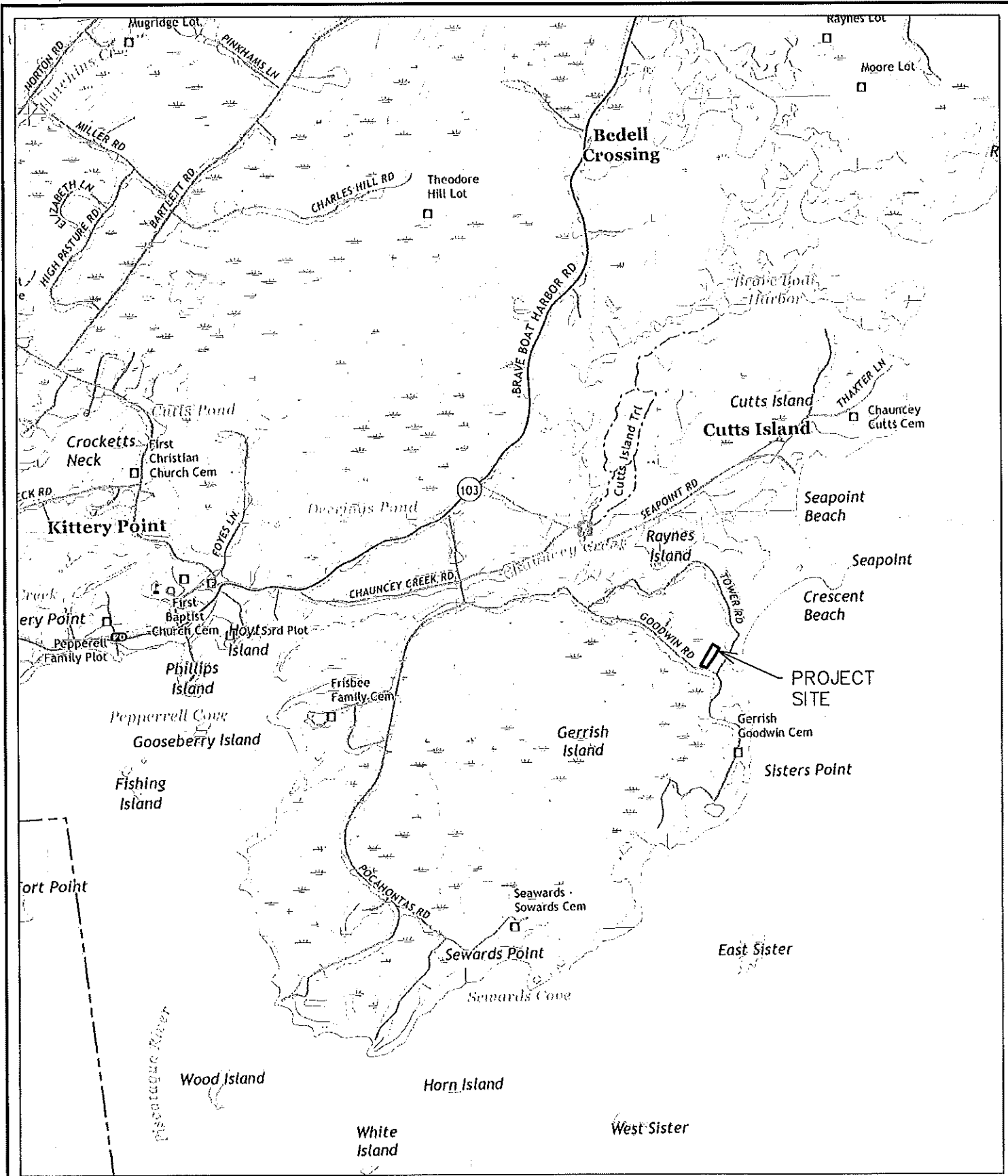
The basis of bearing for the above described parcel is Grid North.

The above described parcel contains 1.02 acres, more or less.

The above described parcel is shown on plan entitled "Plan of Land Map 25, Parcel 51B, 52 Goodwin Road Kittery, Maine," prepared for Michael M. Murphy & Barbara B. Murphy by Kimball Survey & Design, Inc. dated June 10, 2021 to be recorded herewith.

Said conveyance is subject to the Wetland Mitigation Site Plan, including a No-Cut Buffer, as detailed on the plan prepared for Michael and Barbara Murphy by Attar Engineering, Inc. dated \_\_\_\_\_, 2021, to be recorded herewith, and which was approved by the Town of Kittery Planning Board on \_\_\_\_\_, 2021.





<b>ATTAR ENGINEERING, INC.</b> CIVIL ♦ STRUCTURAL ♦ MARINE ♦ SURVEYING 1284 STATE ROAD - ELIOT, MAINE 03903 PHONE: (207)439-6023 FAX: (207)439-2128			<b>LOCATION:</b> GOODWIN ROAD WETLAND ALTERATION 52 GOODWIN ROAD, KITTERY POINT, ME 03905 TAX MAP 58, LOT 51B		MICHAEL & BARBARA MURPHY P.O. BOX 135 KITTERY POINT, ME 03905
<b>SCALE:</b> 1" = 2,000' <b>DATE:</b> 09/21/21	<b>APPROVED BY:</b>  	<b>DRAWN BY:</b> MJS <b>REVISION DATE:</b> A : 10/08/21	<b>INFORMATION:</b> USGS LOCATION MAP 7.5-MINUTE SERIES KITTERY QUADRANGLE		
<b>JOB NO:</b> C228-21	<b>FILE:</b> GOODWIN RD BASE.DWG	<b>SHEET:</b> 1			



# 150 foot Abutters List Report

Kittery, ME  
November 17, 2021

## Subject Property:

Parcel Number: 58-51B  
CAMA Number: 58-51B  
Property Address: 52 GOODWIN ROAD

Mailing Address: MURPHY, MICHAEL M MURPHY,  
BARBARA B  
PO BOX 135  
KITTERY POINT, ME 03905

---

## Abutters:

Parcel Number: 58-41  
CAMA Number: 58-41  
Property Address: 64 TOWER ROAD

Mailing Address: MURPHY, MICHAEL M MURPHY,  
BARBARA B  
PO BOX 135  
KITTERY POINT, ME 03905

Parcel Number: 58-43A  
CAMA Number: 58-43A  
Property Address: 72 TOWER ROAD

Mailing Address: FITZGERALD TRS, SCOTT D, SHAWN E,  
& TODD FITZGERALD FAMILY IRR  
TRUST  
95 EAST DUDLEY STREET  
MARLBOROUGH, MA 01752

Parcel Number: 58-43B  
CAMA Number: 58-43B  
Property Address: 54 GOODWIN ROAD

Mailing Address: HARRIOTT, JESSE S HARRIOTT,  
EVELYN C  
22 PARAMETER ROAD  
SUDBURY, MA 01776-1269

Parcel Number: 58-51C  
CAMA Number: 58-51C  
Property Address: 52 TOWER ROAD

Mailing Address: CARTER WITHERSPOON LIV. TRUST  
WITHERSPOON, JONH C. JR & BROOKE  
52 TOWER ROAD  
KITTERY POINT, ME 03905

Parcel Number: 58-51M  
CAMA Number: 58-51M  
Property Address: 50 GOODWIN ROAD

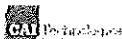
Mailing Address: BROCK, MATTHEW T  
50 GOODWIN ROAD  
KITTERY POINT, ME 03905-5221

Parcel Number: 58-52  
CAMA Number: 58-52  
Property Address: 55 GOODWIN ROAD

Mailing Address: LARIVIERE, RAYMOND M  
6 HUTCHINS COVE DRIVE  
KITTERY, ME 03904-5425

Parcel Number: 58-52A  
CAMA Number: 58-52A  
Property Address: 59 GOODWIN ROAD

Mailing Address: WHITE, RUSSELL B WHITE, NANCY E  
PO BOX 49  
KITTERY POINT, ME 03905-0049



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

11/17/2021

Page 1 of 1



APPROXIMATE SCALE



NATIONAL FLOOD INSURANCE PROGRAM

# FIRM FLOOD INSURANCE RATE MAP

TOWN OF  
KITTERY, MAINE  
YORK COUNTY

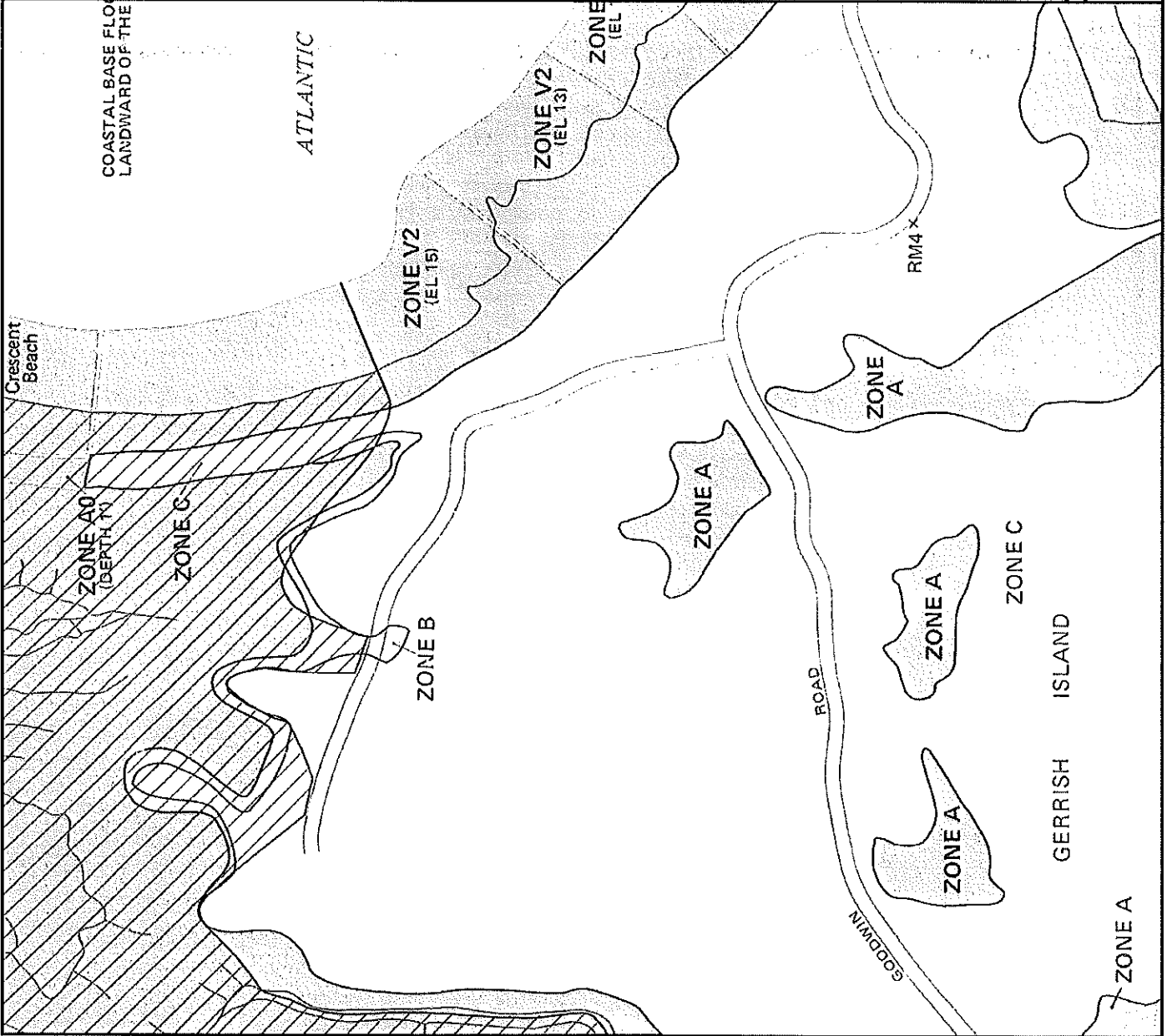
PANEL 3 OF 10  
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER  
230171 0003 C  
EFFECTIVE DATE:  
JULY 5, 1984



Federal Emergency Management Agency

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <http://msc.fema.gov>.



**Michael Cuomo, Soil Scientist**  
6 York Pond Road, York, Maine 03909  
207 363 4532  
mcuomosoil@gmail.com

16 November 2021

Michael and Barbara Murphy  
PO Box 135  
Kittery Point, ME 03905

Dear Mr. & Mrs. Murphy;

This report is in reference to your vacant 1.02 acre property at 52 Goodwin Road in Kittery, Maine. This is identified as tax map 58, lot 51B. A single family home is proposed. It is necessary to cross a wetland to access the only possible upland building area on this lot. The proposed driveway will fill about 1,075 square feet of forested and shrub wetland.

A detailed plan has been prepared by Attar Engineering as part of your application. Kittery also requires a functional assessment of the wetland that "analyzes the wetland's value based on the functions it serves and how the wetland will be affected by the proposed alteration" (16.9.3.12.C.c). This report will fulfill that requirement.

#### Method

The wetland was evaluated in November 2021 using The *Highway Methodology Workbook Supplement*, developed by the US Army Corps of Engineers, New England District. This 'Highway Method' was first published in 1999 and has been used extensively by wetland scientists and federal, state, and local review agencies. It is the method preferred by the US Army Corps of Engineers, New England District. The Highway Method uses predictors to guide the reviewer in determining the primary functions of the wetland. The worksheet is attached and the results are interpreted below.

#### Wetland Characteristics

This is a freshwater forested and shrub wetland. Red maples are the only trees in the wetland near the proposed driveway. The shrub strata is predominantly winterberry holly, highbush blueberry, and European buckthorn, with a few white pine saplings. The herb strata is dominated by cinnamon fern,

sensitive fern, and sphagnum moss.

At the site of the proposed driveway, the soils are very poorly drained glacial till, with a shallow layer of muck at the surface over mineral soils. The soils are similar to the very poorly drained Peacham soil series.

This un-named wetland lies on the northerly side of Goodwin Road and drains south through a road culvert to a larger wetland. The proposed driveway crosses the wetland at the narrowest possible point. The wetland in this area has no waterbody or stream, and lacks marsh or emergent aquatic vegetation. There are some invasive plants in this area, primarily the shrub European buckthorn. There is an old ditch in the center of the wetland leading to the Goodwin Road culvert.

#### Highway Method Results

The principal wetland function is Floodflow Alteration, which is defined in the Highway Method as follows:

*FLOODFLOW ALTERATION (Storage & Desynchronization) - This function considers the effectiveness of the wetland in reducing flood damage by attenuation of floodwaters for prolonged periods following precipitation events.*

The wetland performs this function well because of it's position in the upper watershed, and because the physical characteristics of the wetland cause flood waters to move through it slowly. Note this wetland is not associated with a watercourse, so the 'flooding' referred to here is not classic overbank flooding, but rather due to excess precipitation.

A second principal function identified is Wildlife Habitat, which is defined in the Highway method as follows:

*WILDLIFE HABITAT - This function considers the effectiveness of the wetland to provide habitat for various types and populations of animals typically associated with wetlands and the wetland edge. Both resident and/or migrating species must be considered.*

The wetland performs this function well because it is near a large tract of undeveloped land, wildlife food is available, and because the density of vegetation provides ample refuge for wildlife.

The wetland performs these functions to a moderate degree: Sediment/Toxicant Retention; Nutrient Removal; Production Export; and Visual Quality/Aesthetics.

The wetland does not have the physical components necessary to

perform these functions:

Groundwater Recharge/Discharge; Fish and Shellfish Habitat;  
Shoreline Stabilization; Recreation (non consumptive);  
Educational/Scientific Value; and Uniqueness/Heritage

Regarding Endangered Species Habitat, a database search was done by others and there have been no reports of on-site endangered species or their habitats.

#### Discussion

All development has negative impact on the natural environment. The effort must and is being made to limit the wetlands impacts of this project to the greatest extent possible while still meeting the goal of the applicant to allow a single family home on this vacant residential lot.

The impact of this project on the Floodflow Alteration function is limited by the small size of the wetland fill in relation to the wetland size, the small area to be cleared in the uplands, and the use of erosion control measures. Further, the proposed wetland fill does not change the direction of existing flow paths or alter the existing Goodwin Road culvert.

The impact of this project on Wildlife Habitat is limited by the small size of the wetland fill in relation to the wetland size, and the small area to be cleared in the uplands. The quality of the habitat lost is moderate due to invasive plant species, which by definition are poor habitat for native wildlife. Openings in the forest canopy like this proposed development can create opportunities for invasive species to spread, but also diversifies the habitat with forest openings or edge habitat. Development also lessens the size of the undisturbed lands in the center of Gerrish Island, making the area generally less attractive to animals that require large unbroken forest habitat.

A plan has been developed by Attar Engineering in support of the wetland permit application which has favorable aspects that lessen the impact of the proposed driveway on wetland functions.

1. The proposed house and wastewater disposal system must meet the town's wetland setback requirements.
2. Erosion control barrier is specified along the edge of construction disturbance.
3. Upland clearing is limited to outside the 100 foot wetland buffer.
4. The driveway crosses the wetland at it's narrowest location.
5. The wetland impact is small compared to the size of the lot and the size of the wetland.

6. A culvert under the driveway is proposed which will allow surface water flow to continue to the wetland from the abutting property.

7. Overall direction of pre-project flow will not be changed.

The wetland fill is necessary to develop this lot. There is no better access alternative available that has less wetland impact. The wetland impact is small considering the overall wetland size and the development project is modest in scope. The wetland impact has been limited as much as practical.

Please call if you have questions regarding this work.

Sincerely,

Michael Cuomo  
Maine Soil Scientist #211

View of wetland at site of proposed driveway, looking northerly  
Murphy, 52 Goodwin Road, Kittery  
15 November 2021



Michael Cuomo

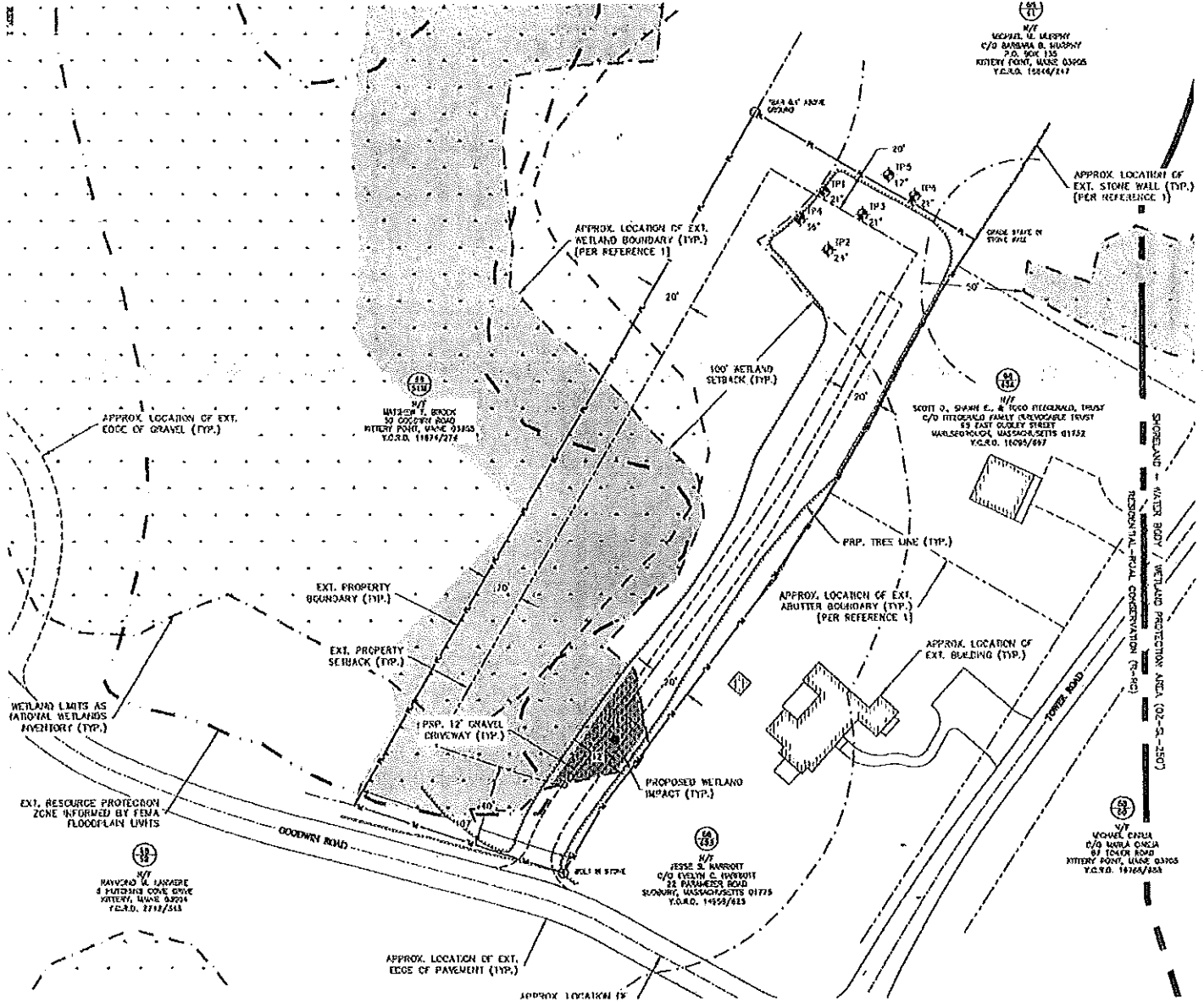


View of wetland at site of proposed driveway, looking westerly  
Murphy, 52 Goodwin Road, Kittery  
15 November 2021



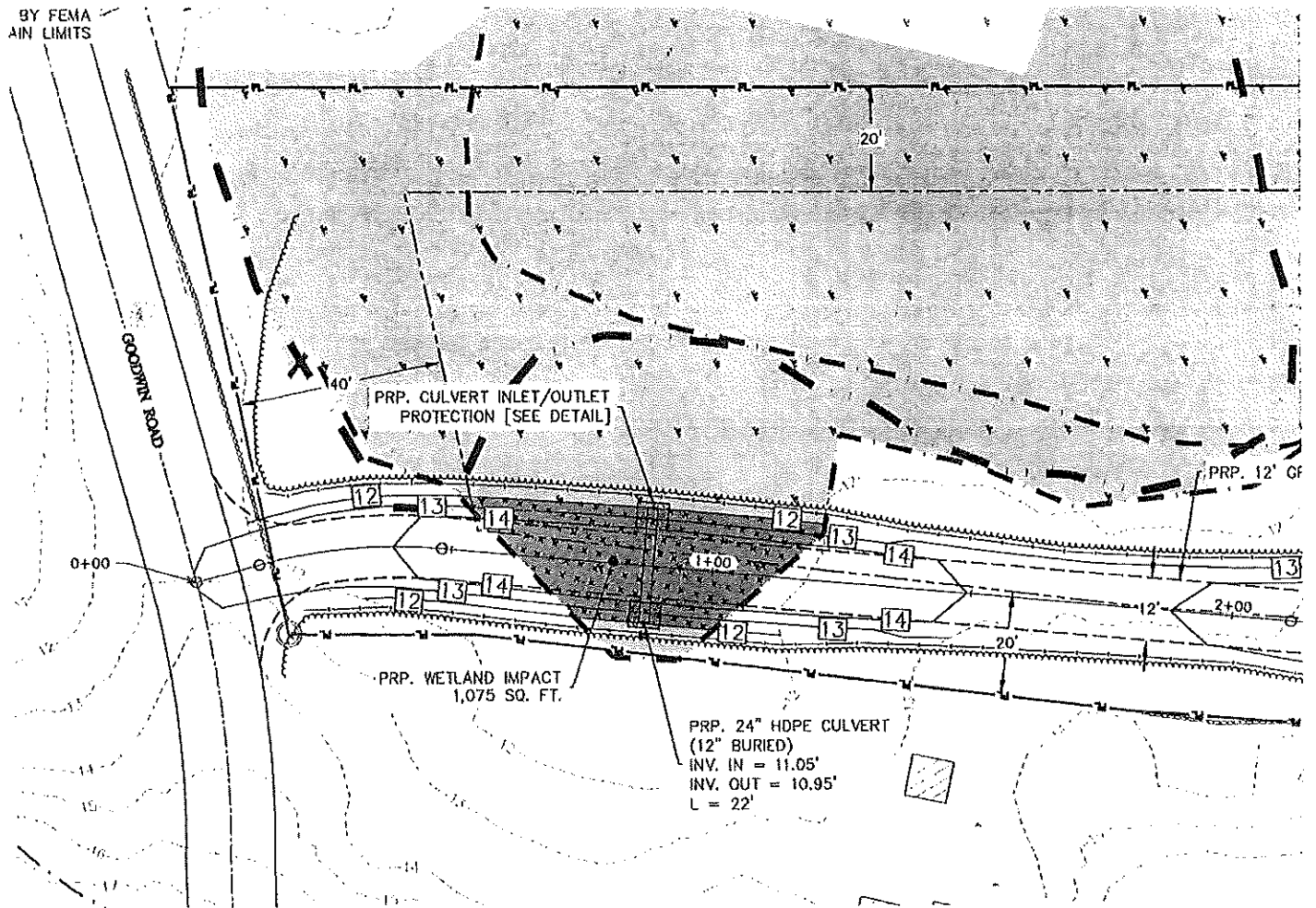
Michael Cuomo

Part of Plan by Attar Engineering Showing Overall Lot  
Murphy, 52 Goodwin Road, Kittery



Michael Cuomo  
15 November 2021

Part of Plan by Attar Engineering Showing Proposed Wetland Impact  
Murphy, 52 Goodwin Road, Kittery



Michael Cuomo  
15 November 2021

WETLAND FUNCTION-VALUE ASSESSMENT

WETLAND I.D. \_\_\_\_\_

Murphy

PROJECT NAME:

52 Goodwin Road, Kittery

PROJECT LOCATION:

PREPARED BY: Cuomo

DATE: 15 November 2021

TOTAL APPROXIMATE AREA OF WETLAND: <5 acres

IS WETLAND PART OF A WILDLIFE CORRIDOR? yes

OR A "HABITAT ISLAND"? no

ADJACENT LAND USE? low density residential

MAN MADE? no

DISTANCE TO NEAREST ROADWAY OR OTHER DEVELOPMENT <100ft

DOMINANT WETLAND SYSTEMS PRESENT: Forested and shrub swamp

CONTIGUOUS UNDEVELOPED BUFFER ZONE PRESENT? no

IS THE WETLAND A SEPARATE HYDRAULIC SYSTEM? no

IF NOT, WHERE DOES THE WETLAND LIE IN THE DRAINAGE BASIN? upper part

# OF TRIBUTARIES INTO THE WETLAND? none

AQUATIC DIVERSITY/ABUNDANCE \_\_\_\_\_

VEGETATIVE DIVERSITY/ABUNDANCE \_\_\_\_\_

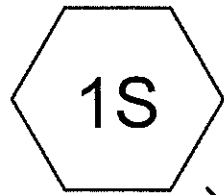
WILDLIFE DIVERSITY/ABUNDANCE average

ANTICIPATED IMPACTS driveway fill

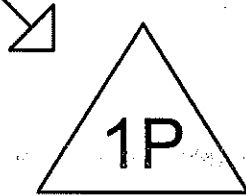
WETLAND AREA IMPACTED: 1075sf

TREES	SHRUBS	HERBS	WILDLIFE	COMMENTS
Red maple White pine saplings	High bush blueberry European buckthorn Winterberry holly	Cinnamon fern Sensitive fern Shagnum moss		Very poorly drained glacial till soils with shallow muck over mineral soil in the area of the proposed driveway.

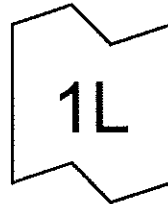
FUNCTION	Occurrence		Rationale Numbers	Principal Valuable Function(s)	Comments
	Y	N			
Groundwater Recharge/Discharge	No	No	1, 2		Lacks indicators or data to support this function
Floodflow Alteration	Yes		1,2,3,6,7,8,9,15,18	Yes	Not connected to watercourse
Sediment/Shoreline Stabilization	No	No			Lacks permanent open water
Sediment/Toxicant Retention	Yes		3, 4, 6, 7, 8		
Nutrient Removal	Yes		1, 3, 6, 7, 8, 9, 11		
Production Export (Nutrient)	Yes		1, 2, 4, 5, 7, 12		
Fish & Shellfish Habitat	No	No			No shoreline or streambank associated with this wetland
Wildlife Habitat	Yes		1, 8, 11, 13, 19, 20	Yes	
Endangered Species Habitat	No	No			None known
Visual Quality/Asaesthetics	Yes		3, 4, 6, 7, 8		
Educational Scientific Value	No	No	2, 5		Private property, no access or parking
Recreation ((Non)Consumptive)	No	No	3, 5		No watercourse, limited opportunity
Uniqueness/Heritage	No	No	5, 12, 16		No known unique of heritage features



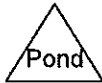
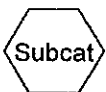
Subcat 1S



15" CMP Culvert



Analysis Point 1



**GOODWIN ROAD - SWA EXT**

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**Area Listing (all nodes)**

Area (acres)	CN	Description (subcatchment-numbers)
1.027	80	>75% Grass cover, Good, HSG D (1S)
0.124	96	Gravel surface, HSG D (1S)
0.095	98	Paved parking, HSG D (1S)
0.133	98	Roofs, HSG D (1S)
7.741	77	Woods, Good, HSG D (1S)
<b>9.120</b>	<b>78</b>	<b>TOTAL AREA</b>

**GOODWIN ROAD - SWA EXT**

Type III 24-hr 2-YR Rainfall=4.01"

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Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points  
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN  
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

**Subcatchment 1S: Subcat 1S**

Runoff Area=397,266 sf 2.50% Impervious Runoff Depth>1.74"  
Flow Length=1,054' Tc=36.8 min CN=78 Runoff=10.31 cfs 1.319 af

**Pond 1P: 15" CMP Culvert**

Peak Elev=12.29' Storage=41,292 cf Inflow=10.31 cfs 1.319 af  
15.0" Round Culvert w/ 8.0" inside fill n=0.025 L=34.0' S=0.0588 '/ Outflow=0.72 cfs 0.421 af

**Link 1L: Analysis Point 1**

Inflow=0.72 cfs 0.421 af  
Primary=0.72 cfs 0.421 af

**Total Runoff Area = 9.120 ac Runoff Volume = 1.319 af Average Runoff Depth = 1.74"**  
**97.50% Pervious = 8.892 ac 2.50% Impervious = 0.228 ac**



**GOODWIN ROAD - SWA EXT**

Type III 24-hr 25-YR Rainfall=7.71"

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Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points  
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN  
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

**Subcatchment 1S: Subcat 1S**

Runoff Area=397,266 sf 2.50% Impervious Runoff Depth=4.77"  
Flow Length=1,054' Tc=36.8 min CN=78 Runoff=27.93 cfs 3.624 af

**Pond 1P: 15" CMP Culvert**

Peak Elev=12.85' Storage=115,940 cf Inflow=27.93 cfs 3.624 af  
15.0" Round Culvert w/ 8.0" inside fill n=0.025 L=34.0' S=0.0588 '/ Outflow=1.79 cfs 1.125 af

**Link 1L: Analysis Point 1**

Inflow=1.79 cfs 1.125 af  
Primary=1.79 cfs 1.125 af

**Total Runoff Area = 9.120 ac Runoff Volume = 3.624 af Average Runoff Depth = 4.77"**  
**97.50% Pervious = 8.892 ac 2.50% Impervious = 0.228 ac**

**GOODWIN ROAD - SWA EXT**

Type III 24-hr 2-YR Rainfall=4.01"

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**Summary for Subcatchment 1S: Subcat 1S**

Runoff = 10.31 cfs @ 12.53 hrs, Volume= 1.319 af, Depth> 1.74"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs  
Type III 24-hr 2-YR Rainfall=4.01"

Area (sf)	CN	Description
44,736	80	>75% Grass cover, Good, HSG D
5,401	96	Gravel surface, HSG D
4,138	98	Paved parking, HSG D
5,793	98	Roofs, HSG D
337,198	77	Woods, Good, HSG D
397,266	78	Weighted Average
387,335		97.50% Pervious Area
9,931		2.50% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
9.5	75	0.0800	0.13		<b>Sheet Flow, SF 75'</b> Woods: Light underbrush n= 0.400 P2= 3.38"
27.3	979	0.0143	0.60		<b>Shallow Concentrated Flow, SCF 979'</b> Woodland Kv= 5.0 fps
36.8	1,054	Total			

**Summary for Pond 1P: 15" CMP Culvert**

Inflow Area = 9.120 ac, 2.50% Impervious, Inflow Depth > 1.74" for 2-YR event  
 Inflow = 10.31 cfs @ 12.53 hrs, Volume= 1.319 af  
 Outflow = 0.72 cfs @ 16.74 hrs, Volume= 0.421 af, Atten= 93%, Lag= 252.9 min  
 Primary = 0.72 cfs @ 16.74 hrs, Volume= 0.421 af

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs  
 Peak Elev= 12.29' @ 16.74 hrs Surf.Area= 126,022 sf Storage= 41,292 cf

Plug-Flow detention time= 252.1 min calculated for 0.421 af (32% of inflow)  
 Center-of-Mass det. time= 157.1 min ( 980.7 - 823.5 )

Volume	Invert	Avail.Storage	Storage Description
#1	11.90'	136,432 cf	<b>Custom Stage Data (Prismatic)</b> Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
11.90	500	0	0
12.00	120,150	6,032	6,032
13.00	140,650	130,400	136,432

Device	Routing	Invert	Outlet Devices
#1	Primary	11.90'	<b>15.0" Round CMP_Round 15" w/ 8.0" inside fill</b> L= 34.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 11.23' / 9.23' S= 0.0588 '/ Cc= 0.900

**GOODWIN ROAD - SWA EXT**

Type III 24-hr 2-YR Rainfall=4.01"

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n= 0.025 Corrugated metal, Flow Area= 0.56 sf

Primary OutFlow Max=0.72 cfs @ 16.74 hrs HW=12.29' (Free Discharge)

↑-1=CMP\_Round 15" (Inlet Controls 0.72 cfs @ 1.63 fps)

**Summary for Link 1L: Analysis Point 1**

Inflow Area = 9.120 ac, 2.50% Impervious, Inflow Depth > 0.55" for 2-YR event  
Inflow = 0.72 cfs @ 16.74 hrs, Volume= 0.421 af  
Primary = 0.72 cfs @ 16.74 hrs, Volume= 0.421 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs

**GOODWIN ROAD - SWA EXT**

Type III 24-hr 25-YR Rainfall=7.71"

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**Summary for Subcatchment 1S: Subcat 1S**

Runoff = 27.93 cfs @ 12.50 hrs, Volume= 3.624 af, Depth> 4.77"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs  
Type III 24-hr 25-YR Rainfall=7.71"

Area (sf)	CN	Description
44,736	80	>75% Grass cover, Good, HSG D
5,401	96	Gravel surface, HSG D
4,138	98	Paved parking, HSG D
5,793	98	Roofs, HSG D
337,198	77	Woods, Good, HSG D
397,266	78	Weighted Average
387,335		97.50% Pervious Area
9,931		2.50% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
9.5	75	0.0800	0.13		<b>Sheet Flow, SF 75'</b> Woods: Light underbrush n= 0.400 P2= 3.38"
27.3	979	0.0143	0.60		<b>Shallow Concentrated Flow, SCF 979'</b> Woodland Kv= 5.0 fps
36.8	1,054	Total			

**Summary for Pond 1P: 15" CMP Culvert**

Inflow Area = 9.120 ac, 2.50% Impervious, Inflow Depth > 4.77" for 25-YR event  
 Inflow = 27.93 cfs @ 12.50 hrs, Volume= 3.624 af  
 Outflow = 1.79 cfs @ 16.42 hrs, Volume= 1.125 af, Atten= 94%, Lag= 235.3 min  
 Primary = 1.79 cfs @ 16.42 hrs, Volume= 1.125 af

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs  
 Peak Elev= 12.85' @ 16.42 hrs Surf.Area= 137,631 sf Storage= 115,940 cf

Plug-Flow detention time= 268.2 min calculated for 1.121 af (31% of inflow)  
 Center-of-Mass det. time= 164.6 min ( 965.5 - 800.9 )

Volume #1	Invert	Avail.Storage	Storage Description
	11.90'	136,432 cf	<b>Custom Stage Data (Prismatic)</b> Listed below (Recalc)
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
11.90	500	0	0
12.00	120,150	6,032	6,032
13.00	140,650	130,400	136,432

Device #1	Routing	Invert	Outlet Devices
	Primary	11.90'	<b>15.0" Round CMP_Round 15" w/ 8.0" inside fill</b> L= 34.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 11.23' / 9.23' S= 0.0588 ' S= 0.0588 ' Cc= 0.900

**GOODWIN ROAD - SWA EXT**

Type III 24-hr 25-YR Rainfall=7.71"

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n= 0.025 Corrugated metal, Flow Area= 0.56 sf

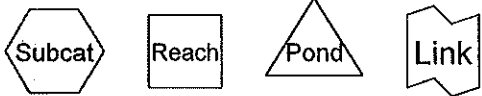
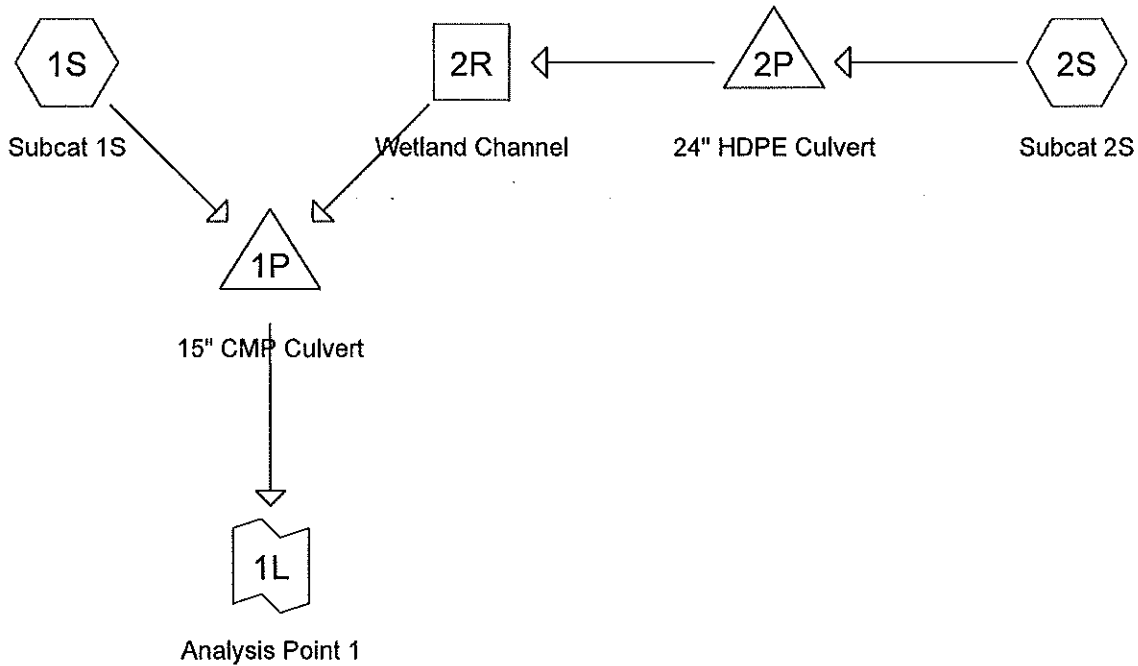
Primary OutFlow Max=1.79 cfs @ 16.42 hrs HW=12.85' (Free Discharge)

↳1=CMP\_Round 15" (Inlet Controls 1.79 cfs @ 3.18 fps)

**Summary for Link 1L: Analysis Point 1**

Inflow Area = 9.120 ac, 2.50% Impervious, Inflow Depth > 1.48" for 25-YR event  
Inflow = 1.79 cfs @ 16.42 hrs, Volume= 1.125 af  
Primary = 1.79 cfs @ 16.42 hrs, Volume= 1.125 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs



**Routing Diagram for GOODWIN ROAD - SWA PRP**  
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**GOODWIN ROAD - SWA PRP**

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**Area Listing (all nodes)**

Area (acres)	CN	Description (subcatchment-numbers)
1.027	80	>75% Grass cover, Good, HSG D (1S, 2S)
0.077	91	Gravel roads, HSG D (1S, 2S)
0.124	96	Gravel surface, HSG D (1S)
0.094	98	Paved parking, HSG D (1S, 2S)
0.133	98	Roofs, HSG D (1S, 2S)
7.665	77	Woods, Good, HSG D (1S, 2S)
<b>9.120</b>	<b>78</b>	<b>TOTAL AREA</b>

**GOODWIN ROAD - SWA PRP**

Type III 24-hr 2-YR Rainfall=4.01"

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Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points  
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN  
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

**Subcatchment 1S: Subcat 1S** Runoff Area=373,832 sf 1.83% Impervious Runoff Depth>1.74"  
Flow Length=1,054' Tc=36.8 min CN=78 Runoff=9.71 cfs 1.241 af

**Subcatchment 2S: Subcat 2S** Runoff Area=23,435 sf 13.01% Impervious Runoff Depth>2.06"  
Flow Length=176' Tc=2.8 min CN=82 Runoff=1.52 cfs 0.093 af

**Reach 2R: Wetland Channel** Avg. Flow Depth=0.56' Max Vel=0.45 fps Inflow=0.93 cfs 0.091 af  
n=0.035 L=110.0' S=0.0005 ' Capacity=0.71 cfs Outflow=0.88 cfs 0.091 af

**Pond 1P: 15" CMP Culvert** Peak Elev=12.29' Storage=41,677 cf Inflow=10.33 cfs 1.332 af  
15.0" Round Culvert w/ 8.0" inside fill n=0.025 L=34.0' S=0.0588 ' Outflow=0.73 cfs 0.427 af

**Pond 2P: 24" HDPE Culvert** Peak Elev=12.37' Storage=681 cf Inflow=1.52 cfs 0.093 af  
24.0" Round Culvert w/ 12.0" inside fill n=0.013 L=22.0' S=0.0045 ' Outflow=0.93 cfs 0.091 af

**Link 1L: Analysis Point 1** Inflow=0.73 cfs 0.427 af  
Primary=0.73 cfs 0.427 af

**Total Runoff Area = 9.120 ac Runoff Volume = 1.334 af Average Runoff Depth = 1.75"**  
**97.51% Pervious = 8.893 ac 2.49% Impervious = 0.227 ac**



**GOODWIN ROAD - SWA PRP**

Type III 24-hr 2-YR Rainfall=4.01"

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**Summary for Subcatchment 1S: Subcat 1S**

Runoff = 9.71 cfs @ 12.53 hrs, Volume= 1.241 af, Depth> 1.74"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs  
Type III 24-hr 2-YR Rainfall=4.01"

Area (sf)	CN	Description
37,810	80	>75% Grass cover, Good, HSG D
1,699	91	Gravel roads, HSG D
5,401	96	Gravel surface, HSG D
2,744	98	Paved parking, HSG D
4,095	98	Roofs, HSG D
322,083	77	Woods, Good, HSG D
373,832	78	Weighted Average
366,993		98.17% Pervious Area
6,839		1.83% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
9.5	75	0.0800	0.13		<b>Sheet Flow, SF 75'</b>
					Woods: Light underbrush n= 0.400 P2= 3.38"
27.3	979	0.0143	0.60		<b>Shallow Concentrated Flow, SCF 979'</b>
					Woodland Kv= 5.0 fps
36.8	1,054	Total			

**Summary for Subcatchment 2S: Subcat 2S**

Runoff = 1.52 cfs @ 12.05 hrs, Volume= 0.093 af, Depth> 2.06"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs  
Type III 24-hr 2-YR Rainfall=4.01"

Area (sf)	CN	Description
6,926	80	>75% Grass cover, Good, HSG D
1,655	91	Gravel roads, HSG D
1,350	98	Paved parking, HSG D
1,699	98	Roofs, HSG D
11,805	77	Woods, Good, HSG D
23,435	82	Weighted Average
20,386		86.99% Pervious Area
3,049		13.01% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.6	25	0.0068	0.70		<b>Sheet Flow, SF 25'</b>
					Smooth surfaces n= 0.011 P2= 3.38"
2.2	151	0.0529	1.15		<b>Shallow Concentrated Flow, SCF 151'</b>
					Woodland Kv= 5.0 fps
2.8	176	Total			

**GOODWIN ROAD - SWA PRP**

Type III 24-hr 2-YR Rainfall=4.01"

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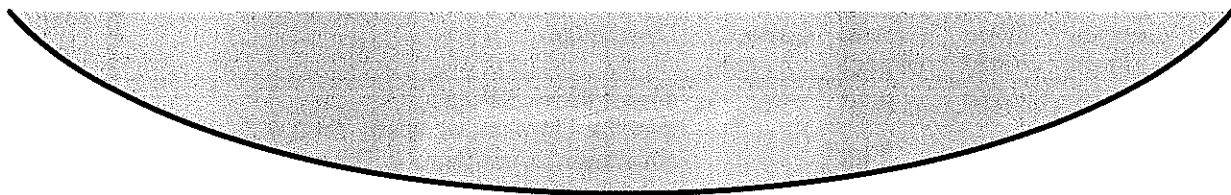
**Summary for Reach 2R: Wetland Channel**

Inflow Area = 0.538 ac, 13.01% Impervious, Inflow Depth > 2.04" for 2-YR event  
 Inflow = 0.93 cfs @ 12.14 hrs, Volume= 0.091 af  
 Outflow = 0.88 cfs @ 12.27 hrs, Volume= 0.091 af, Atten= 5%, Lag= 7.8 min

Routing by Stor-Ind+Trans method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs  
 Max. Velocity= 0.45 fps, Min. Travel Time= 4.0 min  
 Avg. Velocity = 0.19 fps, Avg. Travel Time= 9.7 min

Peak Storage= 214 cf @ 12.20 hrs  
 Average Depth at Peak Storage= 0.56'  
 Bank-Full Depth= 0.50' Flow Area= 1.7 sf, Capacity= 0.71 cfs

5.00' x 0.50' deep Parabolic Channel, n= 0.035 Earth, dense weeds  
 Length= 110.0' Slope= 0.0005 '/'  
 Inlet Invert= 11.95', Outlet Invert= 11.90'



**Summary for Pond 1P: 15" CMP Culvert**

Inflow Area = 9.120 ac, 2.49% Impervious, Inflow Depth > 1.75" for 2-YR event  
 Inflow = 10.33 cfs @ 12.51 hrs, Volume= 1.332 af  
 Outflow = 0.73 cfs @ 16.71 hrs, Volume= 0.427 af, Atten= 93%, Lag= 252.2 min  
 Primary = 0.73 cfs @ 16.71 hrs, Volume= 0.427 af

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs  
 Peak Elev= 12.29' @ 16.71 hrs Surf.Area= 126,085 sf Storage= 41,677 cf

Plug-Flow detention time= 252.6 min calculated for 0.427 af (32% of inflow)  
 Center-of-Mass det. time= 157.5 min ( 980.1 - 822.6 )

Volume	Invert	Avail.Storage	Storage Description
#1	11.90'	136,432 cf	Custom Stage Data (Prismatic) Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
11.90	500	0	0
12.00	120,150	6,032	6,032
13.00	140,650	130,400	136,432

Device	Routing	Invert	Outlet Devices
#1	Primary	11.90'	<b>15.0" Round CMP_Round 15" w/ 8.0" inside fill</b> L= 34.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 11.23' / 9.23' S= 0.0588 '/ Cc= 0.900 n= 0.025 Corrugated metal, Flow Area= 0.56 sf

**GOODWIN ROAD - SWA PRP**

Type III 24-hr 2-YR Rainfall=4.01"

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Primary OutFlow Max=0.73 cfs @ 16.71 hrs HW=12.29' (Free Discharge)

↳1=CMP\_Round 15" (Inlet Controls 0.73 cfs @ 1.64 fps)

**Summary for Pond 2P: 24" HDPE Culvert**

Inflow Area = 0.538 ac, 13.01% Impervious, Inflow Depth > 2.06" for 2-YR event  
 Inflow = 1.52 cfs @ 12.05 hrs, Volume= 0.093 af  
 Outflow = 0.93 cfs @ 12.14 hrs, Volume= 0.091 af, Atten= 39%, Lag= 5.5 min  
 Primary = 0.93 cfs @ 12.14 hrs, Volume= 0.091 af

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs  
 Peak Elev= 12.37' @ 12.14 hrs Surf.Area= 2,502 sf Storage= 681 cf

Plug-Flow detention time= 18.8 min calculated for 0.091 af (99% of inflow)  
 Center-of-Mass det. time= 14.0 min ( 801.7 - 787.7 )

Volume	Invert	Avail.Storage	Storage Description
#1	12.05'	2,731 cf	Custom Stage Data (Prismatic) Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
12.05	1,700	0	0
13.00	4,050	2,731	2,731

Device	Routing	Invert	Outlet Devices
#1	Primary	12.05'	<b>24.0" Round Culvert w/ 12.0" inside fill</b> L= 22.0' CPP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 11.05' / 10.95' S= 0.0045 '/ Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 1.57 sf

Primary OutFlow Max=0.92 cfs @ 12.14 hrs HW=12.37' (Free Discharge)

↳1=Culvert (Inlet Controls 0.92 cfs @ 1.45 fps)

**Summary for Link 1L: Analysis Point 1**

Inflow Area = 9.120 ac, 2.49% Impervious, Inflow Depth > 0.56" for 2-YR event  
 Inflow = 0.73 cfs @ 16.71 hrs, Volume= 0.427 af  
 Primary = 0.73 cfs @ 16.71 hrs, Volume= 0.427 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs

**GOODWIN ROAD - SWA PRP**

Type III 24-hr 25-YR Rainfall=7.71"

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Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points  
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN  
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

**Subcatchment 1S: Subcat 1S** Runoff Area=373,832 sf 1.83% Impervious Runoff Depth>4.77"  
Flow Length=1,054' Tc=36.8 min CN=78 Runoff=26.28 cfs 3.410 af

**Subcatchment 2S: Subcat 2S** Runoff Area=23,435 sf 13.01% Impervious Runoff Depth>5.27"  
Flow Length=176' Tc=2.8 min CN=82 Runoff=3.75 cfs 0.236 af

**Reach 2R: Wetland Channel** Avg. Flow Depth=1.00' Max Vel=0.54 fps Inflow=2.34 cfs 0.234 af  
n=0.035 L=110.0' S=0.0005 '/ Capacity=0.71 cfs Outflow=2.23 cfs 0.233 af

**Pond 1P: 15" CMP Culvert** Peak Elev=12.86' Storage=116,567 cf Inflow=27.81 cfs 3.643 af  
15.0" Round Culvert w/ 8.0" inside fill n=0.025 L=34.0' S=0.0588 '/ Outflow=1.79 cfs 1.131 af

**Pond 2P: 24" HDPE Culvert** Peak Elev=12.67' Storage=1,542 cf Inflow=3.75 cfs 0.236 af  
24.0" Round Culvert w/ 12.0" inside fill n=0.013 L=22.0' S=0.0045 '/ Outflow=2.34 cfs 0.234 af

**Link 1L: Analysis Point 1** Inflow=1.79 cfs 1.131 af  
Primary=1.79 cfs 1.131 af

**Total Runoff Area = 9.120 ac Runoff Volume = 3.646 af Average Runoff Depth = 4.80"**  
**97.51% Pervious = 8.893 ac 2.49% Impervious = 0.227 ac**

**GOODWIN ROAD - SWA PRP**

Type III 24-hr 25-YR Rainfall=7.71"

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**Summary for Subcatchment 1S: Subcat 1S**

Runoff = 26.28 cfs @ 12.50 hrs, Volume= 3.410 af, Depth> 4.77"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs  
Type III 24-hr 25-YR Rainfall=7.71"

Area (sf)	CN	Description
37,810	80	>75% Grass cover, Good, HSG D
1,699	91	Gravel roads, HSG D
5,401	96	Gravel surface, HSG D
2,744	98	Paved parking, HSG D
4,095	98	Roofs, HSG D
322,083	77	Woods, Good, HSG D
373,832	78	Weighted Average
366,993		98.17% Pervious Area
6,839		1.83% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
9.5	75	0.0800	0.13		<b>Sheet Flow, SF 75'</b>
					Woods: Light underbrush n= 0.400 P2= 3.38"
27.3	979	0.0143	0.60		<b>Shallow Concentrated Flow, SCF 979'</b>
					Woodland Kv= 5.0 fps
36.8	1,054	Total			

**Summary for Subcatchment 2S: Subcat 2S**

Runoff = 3.75 cfs @ 12.05 hrs, Volume= 0.236 af, Depth> 5.27"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs  
Type III 24-hr 25-YR Rainfall=7.71"

Area (sf)	CN	Description
6,926	80	>75% Grass cover, Good, HSG D
1,655	91	Gravel roads, HSG D
1,350	98	Paved parking, HSG D
1,699	98	Roofs, HSG D
11,805	77	Woods, Good, HSG D
23,435	82	Weighted Average
20,386		86.99% Pervious Area
3,049		13.01% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.6	25	0.0068	0.70		<b>Sheet Flow, SF 25'</b>
					Smooth surfaces n= 0.011 P2= 3.38"
2.2	151	0.0529	1.15		<b>Shallow Concentrated Flow, SCF 151'</b>
					Woodland Kv= 5.0 fps
2.8	176	Total			

**GOODWIN ROAD - SWA PRP**

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Type III 24-hr 25-YR Rainfall=7.71"

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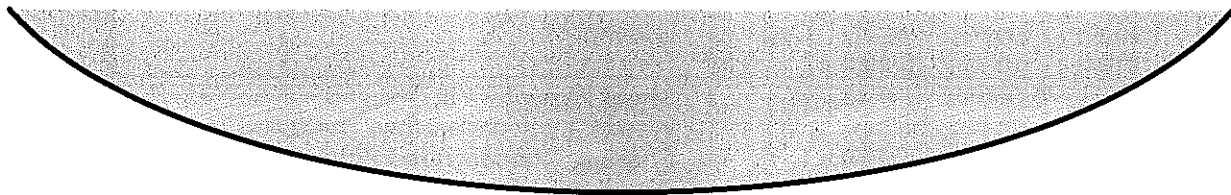
**Summary for Reach 2R: Wetland Channel**

Inflow Area = 0.538 ac, 13.01% Impervious, Inflow Depth > 5.23" for 25-YR event  
 Inflow = 2.34 cfs @ 12.13 hrs, Volume= 0.234 af  
 Outflow = 2.23 cfs @ 12.25 hrs, Volume= 0.233 af, Atten= 5%, Lag= 7.2 min

Routing by Stor-Ind+Trans method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs  
 Max. Velocity= 0.54 fps, Min. Travel Time= 3.4 min  
 Avg. Velocity = 0.23 fps, Avg. Travel Time= 8.0 min

Peak Storage= 458 cf @ 12.19 hrs  
 Average Depth at Peak Storage= 1.00'  
 Bank-Full Depth= 0.50' Flow Area= 1.7 sf, Capacity= 0.71 cfs

5.00' x 0.50' deep Parabolic Channel, n= 0.035 Earth, dense weeds  
 Length= 110.0' Slope= 0.0005 '/  
 Inlet Invert= 11.95', Outlet Invert= 11.90'



**Summary for Pond 1P: 15" CMP Culvert**

Inflow Area = 9.120 ac, 2.49% Impervious, Inflow Depth > 4.79" for 25-YR event  
 Inflow = 27.81 cfs @ 12.49 hrs, Volume= 3.643 af  
 Outflow = 1.79 cfs @ 16.41 hrs, Volume= 1.131 af, Atten= 94%, Lag= 235.5 min  
 Primary = 1.79 cfs @ 16.41 hrs, Volume= 1.131 af

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs  
 Peak Elev= 12.86' @ 16.41 hrs Surf.Area= 137,724 sf Storage= 116,567 cf

Plug-Flow detention time= 268.9 min calculated for 1.128 af (31% of inflow)  
 Center-of-Mass det. time= 165.0 min ( 964.9 - 799.9 )

Volume	Invert	Avail.Storage	Storage Description
#1	11.90'	136,432 cf	<b>Custom Stage Data (Prismatic)</b> Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
11.90	500	0	0
12.00	120,150	6,032	6,032
13.00	140,650	130,400	136,432

Device	Routing	Invert	Outlet Devices
#1	Primary	11.90'	<b>15.0" Round CMP Round 15" w/ 8.0" inside fill</b> L= 34.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 11.23' / 9.23' S= 0.0588 '/ Cc= 0.900 n= 0.025 Corrugated metal, Flow Area= 0.56 sf

**GOODWIN ROAD - SWA PRP**

Type III 24-hr 25-YR Rainfall=7.71"

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Primary OutFlow Max=1.79 cfs @ 16.41 hrs HW=12.86' (Free Discharge)

↑1=CMP\_Round 15" (Inlet Controls 1.79 cfs @ 3.19 fps)

**Summary for Pond 2P: 24" HDPE Culvert**

Inflow Area = 0.538 ac, 13.01% Impervious, Inflow Depth > 5.27" for 25-YR event  
 Inflow = 3.75 cfs @ 12.05 hrs, Volume= 0.236 af  
 Outflow = 2.34 cfs @ 12.13 hrs, Volume= 0.234 af, Atten= 38%, Lag= 4.9 min  
 Primary = 2.34 cfs @ 12.13 hrs, Volume= 0.234 af

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs  
 Peak Elev= 12.67' @ 12.13 hrs Surf.Area= 3,243 sf Storage= 1,542 cf

Plug-Flow detention time= 15.5 min calculated for 0.234 af (99% of inflow)  
 Center-of-Mass det. time= 12.1 min ( 777.7 - 765.6 )

Volume	Invert	Avail.Storage	Storage Description
#1	12.05'	2,731 cf	Custom Stage Data (Prismatic) Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
12.05	1,700	0	0
13.00	4,050	2,731	2,731

Device	Routing	Invert	Outlet Devices
#1	Primary	12.05'	<b>24.0" Round Culvert w/ 12.0" inside fill</b> L= 22.0' CPP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 11.05' / 10.95' S= 0.0045 '/ Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 1.57 sf

Primary OutFlow Max=2.32 cfs @ 12.13 hrs HW=12.67' (Free Discharge)

↑1=Culvert (Barrel Controls 2.32 cfs @ 2.60 fps)

**Summary for Link 1L: Analysis Point 1**

Inflow Area = 9.120 ac, 2.49% Impervious, Inflow Depth > 1.49" for 25-YR event  
 Inflow = 1.79 cfs @ 16.41 hrs, Volume= 1.131 af  
 Primary = 1.79 cfs @ 16.41 hrs, Volume= 1.131 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs

**GOODWIN ROAD - SWA PRP**

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Type III 24-hr 25-YR Rainfall=7.71"

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Page 1

**Summary for Subcatchment 1S: Subcat 1S**

Runoff = 26.28 cfs @ 12.50 hrs, Volume= 3.410 af, Depth> 4.77"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs  
Type III 24-hr 25-YR Rainfall=7.71"

Area (sf)	CN	Description
37,810	80	>75% Grass cover, Good, HSG D
1,699	91	Gravel roads, HSG D
5,401	96	Gravel surface, HSG D
2,744	98	Paved parking, HSG D
4,095	98	Roofs, HSG D
322,083	77	Woods, Good, HSG D
373,832	78	Weighted Average
366,993		98.17% Pervious Area
6,839		1.83% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
9.5	75	0.0800	0.13		<b>Sheet Flow, SF 75'</b> Woods: Light underbrush n= 0.400 P2= 3.38"
27.3	979	0.0143	0.60		<b>Shallow Concentrated Flow, SCF 979'</b> Woodland Kv= 5.0 fps
36.8	1,054	Total			

**Summary for Subcatchment 2S: Subcat 2S**

Runoff = 3.75 cfs @ 12.05 hrs, Volume= 0.236 af, Depth> 5.27"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs  
Type III 24-hr 25-YR Rainfall=7.71"

Area (sf)	CN	Description
6,926	80	>75% Grass cover, Good, HSG D
1,655	91	Gravel roads, HSG D
1,350	98	Paved parking, HSG D
1,699	98	Roofs, HSG D
11,805	77	Woods, Good, HSG D
23,435	82	Weighted Average
20,386		86.99% Pervious Area
3,049		13.01% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.6	25	0.0068	0.70		<b>Sheet Flow, SF 25'</b> Smooth surfaces n= 0.011 P2= 3.38"
2.2	151	0.0529	1.15		<b>Shallow Concentrated Flow, SCF 151'</b> Woodland Kv= 5.0 fps
2.8	176	Total			



**GOODWIN ROAD - SWA PRP**

Type III 24-hr 25-YR Rainfall=7.71"

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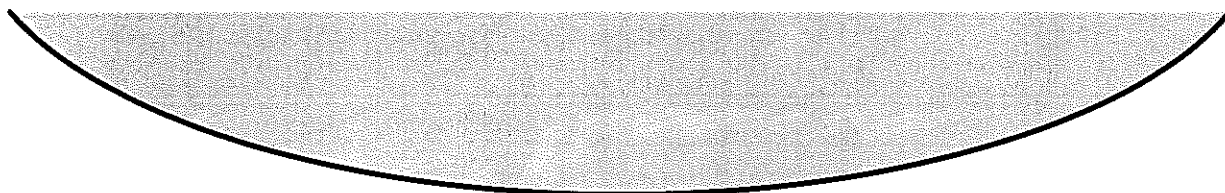
**Summary for Reach 2R: Wetland Channel**

Inflow Area = 0.538 ac, 13.01% Impervious, Inflow Depth > 5.23" for 25-YR event  
 Inflow = 2.34 cfs @ 12.13 hrs, Volume= 0.234 af  
 Outflow = 2.23 cfs @ 12.25 hrs, Volume= 0.233 af, Atten= 5%, Lag= 7.2 min

Routing by Stor-Ind+Trans method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs  
 Max. Velocity= 0.54 fps, Min. Travel Time= 3.4 min  
 Avg. Velocity = 0.23 fps, Avg. Travel Time= 8.0 min

Peak Storage= 458 cf @ 12.19 hrs  
 Average Depth at Peak Storage= 1.00'  
 Bank-Full Depth= 0.50' Flow Area= 1.7 sf, Capacity= 0.71 cfs

5.00' x 0.50' deep Parabolic Channel, n= 0.035 Earth, dense weeds  
 Length= 110.0' Slope= 0.0005 '/  
 Inlet Invert= 11.95', Outlet Invert= 11.90'



**Summary for Pond 1P: 15" CMP Culvert**

Inflow Area = 9.120 ac, 2.49% Impervious, Inflow Depth > 4.79" for 25-YR event  
 Inflow = 27.81 cfs @ 12.49 hrs, Volume= 3.643 af  
 Outflow = 1.79 cfs @ 16.41 hrs, Volume= 1.131 af, Atten= 94%, Lag= 235.5 min  
 Primary = 1.79 cfs @ 16.41 hrs, Volume= 1.131 af

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs  
 Peak Elev= 12.86' @ 16.41 hrs Surf.Area= 137,724 sf Storage= 116,567 cf

Plug-Flow detention time= 268.9 min calculated for 1.128 af (31% of inflow)  
 Center-of-Mass det. time= 165.0 min ( 964.9 - 799.9 )

Volume	Invert	Avail.Storage	Storage Description
#1	11.90'	136,432 cf	Custom Stage Data (Prismatic) Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
11.90	500	0	0
12.00	120,150	6,032	6,032
13.00	140,650	130,400	136,432

Device	Routing	Invert	Outlet Devices
#1	Primary	11.90'	15.0" Round CMP_Round 15" w/ 8.0" inside fill L= 34.0' CMP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 11.23' / 9.23' S= 0.0588 '/ Cc= 0.900 n= 0.025 Corrugated metal, Flow Area= 0.56 sf

**GOODWIN ROAD - SWA PRP**

Type III 24-hr 25-YR Rainfall=7.71"

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Primary OutFlow Max=1.79 cfs @ 16.41 hrs HW=12.86' (Free Discharge)

↳1=CMP\_Round 15" (Inlet Controls 1.79 cfs @ 3.19 fps)

**Summary for Pond 2P: 24" HDPE Culvert**

Inflow Area = 0.538 ac, 13.01% Impervious, Inflow Depth > 5.27" for 25-YR event  
 Inflow = 3.75 cfs @ 12.05 hrs, Volume= 0.236 af  
 Outflow = 2.34 cfs @ 12.13 hrs, Volume= 0.234 af, Atten= 38%, Lag= 4.9 min  
 Primary = 2.34 cfs @ 12.13 hrs, Volume= 0.234 af

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs  
 Peak Elev= 12.67' @ 12.13 hrs Surf.Area= 3,243 sf Storage= 1,542 cf

Plug-Flow detention time= 15.5 min calculated for 0.234 af (99% of inflow)  
 Center-of-Mass det. time= 12.1 min ( 777.7 - 765.6 )

Volume	Invert	Avail.Storage	Storage Description
#1	12.05'	2,731 cf	<b>Custom Stage Data (Prismatic)</b> Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
12.05	1,700	0	0
13.00	4,050	2,731	2,731

Device	Routing	Invert	Outlet Devices
#1	Primary	12.05'	<b>24.0" Round Culvert w/ 12.0" inside fill</b> L= 22.0' CPP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 11.05' / 10.95' S= 0.0045 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 1.57 sf

Primary OutFlow Max=2.32 cfs @ 12.13 hrs HW=12.67' (Free Discharge)

↳1=Culvert (Barrel Controls 2.32 cfs @ 2.60 fps)

**Summary for Link 1L: Analysis Point 1**

Inflow Area = 9.120 ac, 2.49% Impervious, Inflow Depth > 1.49" for 25-YR event  
 Inflow = 1.79 cfs @ 16.41 hrs, Volume= 1.131 af  
 Primary = 1.79 cfs @ 16.41 hrs, Volume= 1.131 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs

**SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION**

Maine Dept. Health & Human Services  
 Division of Environmental Health  
 (207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation

Street, Road, Subdivision

APPL. Owner's Name

Kittery

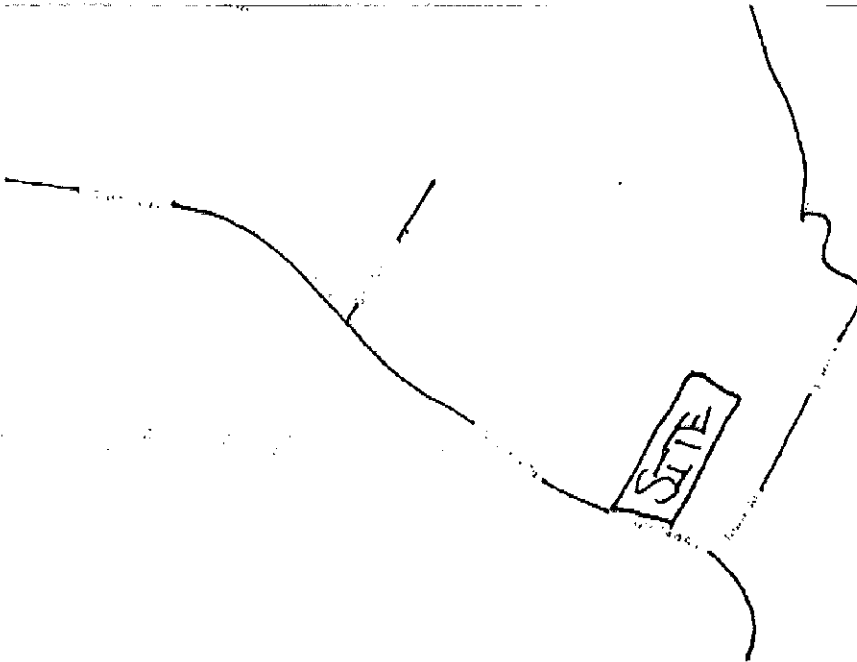
52 Goodwin Road

Doherty

SITE PLAN

Scale 1" = NTS ft. or as shown

SITE LOCATION PLAN



Test pits 1 to 4 are on abutting parcel.

**SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)**

Observation Hole 5  Test Pit  Boring  
 1" Depth of Organic Horizon Above Mineral Soil

Observation Hole 6  Test Pit  Boring  
 1" Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0			very dark	
0-10	stony fine sandy loam	friable	gray Dk. Yl. Br.	no
10-20			light yellowish brown	yes
20-30			olive brown	
30-40		firm	brown	
40-50	Bedrock			

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0			very Dk. Br.	
0-10	stony fine sandy loam	friable	strong brown	no
10-20			Dk. Yl. Br.	yes
20-30			dark brown	
30-40		firm	brown	
40-50	Bedrock			

Soil Classification <b>3 C/AIII</b> Profile Condition	Slope <b>4</b> %	Limiting Factor <b>17/34"</b> Pit Depth	<input checked="" type="checkbox"/> Ground Water Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
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Soil Classification <b>3 C/AIII</b> Profile Condition	Slope <b>4</b> %	Limiting Factor <b>21/36"</b> Pit Depth	<input checked="" type="checkbox"/> Ground Water Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
---	---------------------	--	--

*Michael Corno*  
 Site Evaluator Signature

211

SE #

14 June 2021

Date

Town: KITTERY Street: 52 GOODWIN RD. <sup>OWNERS</sup> APPLICANT: DONHERTY

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### Required Notes on Design Plans

---

1. This system (~~is~~ is not) designed for the use of a garbage disposal.
2. This system is not designed for backwash from a water softener.
3. On raised systems, the organic loam layer must be removed from trench or bed and slope extension areas prior to fill placement. A bucket with teeth is best used for this construction step as buckets without teeth can compact and smear the underlying soil.
4. Scarify subsoil prior to fill placement.
5. Backfill material shall meet Section 11(E) Table 11A of the Maine Rules. All backfill material shall be clean bank run sand, free of topsoil or humus and dredging directly beneath the EDA.
6. The 6" underneath and 9" surrounding the GSF modules shall be installed using a medium to coarse washed sand with an effective size of 0.25 to 2.0 mm, no greater than 10% passing a #100 sieve and no greater than 5% passing a #200 sieve, and no particles larger than .375", or materials meeting the ASTM C33 specification with less than 10% passing a #100 sieve and less than 5% passing a #200 sieve. Washed concrete sand easily meets the above specification and is a reliable choice. Suitability of bank run sand must be verified.
7. Fill (cover material) and Backfill material (fill added below and around the GSF Specified Sand envelope) shall be bank run sand with less than 4 to 8% passing a #200 sieve and clay less than 2% and no stones larger than 3" in any dimension to a minimum depth of 12" over the GSF modules with the last 4" to 6" of cover being clean loam.
8. Any system which is more than 18" below finish grade as measured from the top of the modules shall be vented.
9. This design complies with and must be installed in accordance with the Eljen Design and Installation Manual.

#### MAINE'S ELJEN DISTRIBUTOR

Construction Consultants, Inc.  
483 Roosevelt Trail Windham, ME 04092  
www.indrain.com  
(207) 894-7141 Fax (207) 894-7143

*Michael Cerino* SE# 211 Date 14 JUNE 2021 Page 5 of 6

Town: KITTERY

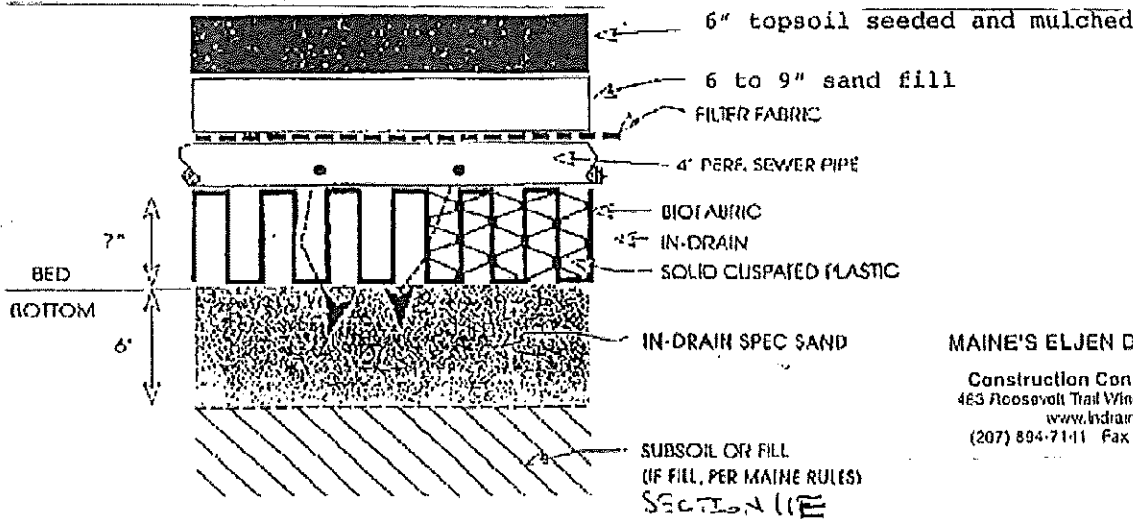
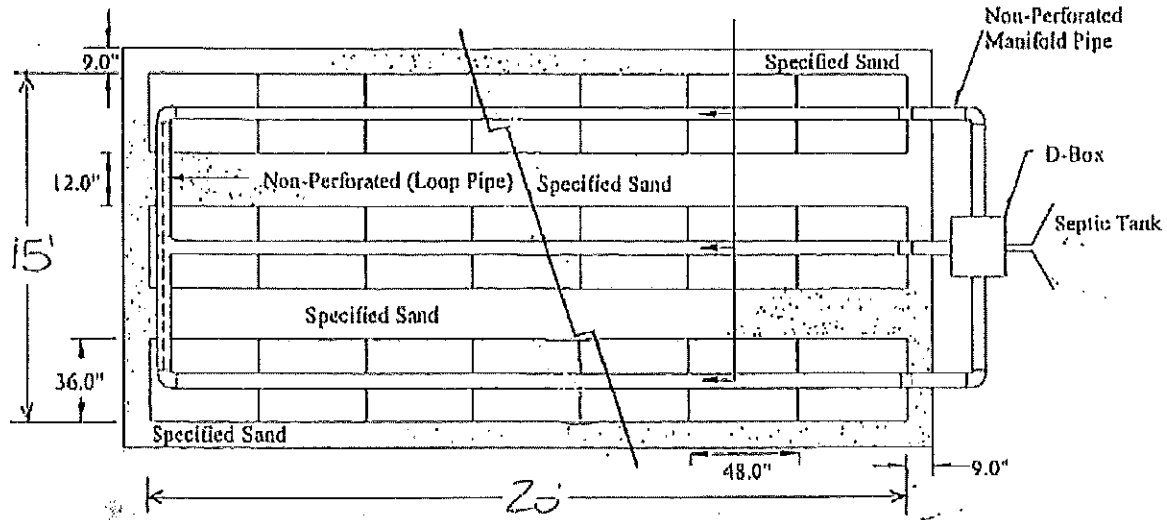
Street: 52 GOODWIN RD

Owner: APR. DORSETT

**TYPICAL PLAN VIEW**

This system has 4 rows  
Each row has 5 units

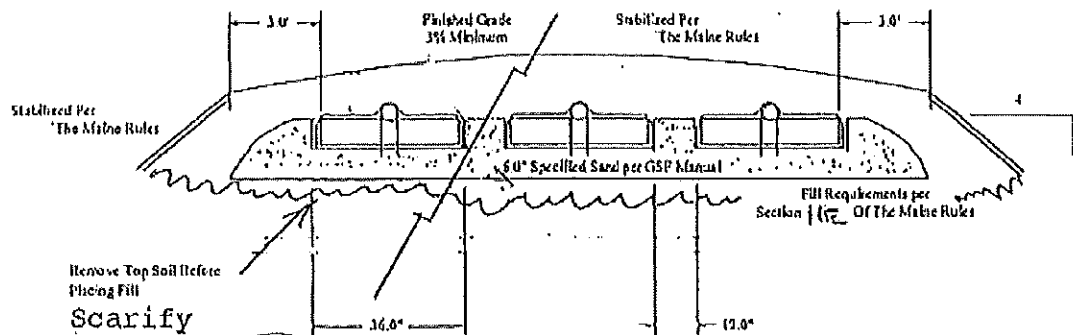
Perforated Distribution Pipe  
Over GSF Modules Only



**MAINE'S ELJEN DISTRIBUTOR**  
 Construction Consultants, Inc.  
 463 Roosevelt Trail Windham, ME 04082  
 www.eljain.com  
 (207) 894-7141 Fax (207) 894-7143

**TYPICAL CROSS SECTION**

This system has 4 rows  
Each row has 5 units



Michael Carmo

SE# 211

Date: 14 JUNE 2021

Town, City, Plantation **KITTERY** Street, Road, Subdivision **52 GOODWIN RD** APPL. Owner's Name **DOHERTY**

**SUBSURFACE WASTEWATER DISPOSAL PLAN**

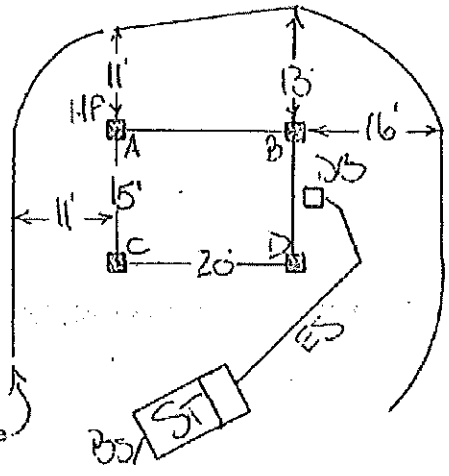
SCALE: 1" = 20 FT.

DISPOSAL FIELD MUST BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS, STATE RULES, AND THIS PLAN

4 ROWS OF ELJEN GSF x 5 UNITS PER ROW = 20 GSF UNITS

Disposal field

Corner	A	B	C	D
Existing Grade				
Below Nail:	61"	67"	61"	71"
Proposed Fill Above				
Existing Grade:	24"	30"	24"	31"



- ABBREVIATIONS**
- BS Building Sewer 2 1/2 min.
  - CS Cross Section
  - DB Distribution box
  - ES Effluent Sewer 1 1/2 min.
  - HP High Point
  - ST Septic tank
  - Intersection of fill slope and existing grade

Temporary stake at corners of 15x20 ft. disposal field

FILL REQUIREMENTS	CONSTRUCTION ELEVATIONS	ELEVATION REFERENCE POINT
Depth of Fill (Upslope) <u>+24"</u>	Finished Grade Elevation <u>-38"</u>	Location & Description: <u>SEE PAGE 2</u>
Depth of Fill (Downslope) <u>+34"</u>	Top of Distribution Pipe or Proprietary Device <u>-50"</u>	Reference Elevation: <u>NAIL = 25.20</u>
	Bottom of Disposal Area <u>-62"</u>	

**DISPOSAL AREA CROSS SECTION**

Scale N/A  
 Horizontal 1" =      ft.  
 Vertical 1" =      ft.

- \* If the septic tank (ST) outlet is no more than 25 ft from the distribution box, the invert of the ST outlet must be no lower than 49 inches below the nail to achieve gravity flow.
- \* Location of ST may vary; change will require recalculation of outlet elevation. ST must be at least 8ft off foundation, 10 ft off property line, 10ft off water line, and 50ft off well.
- \* Where septic tank access cover is more than 6" below grade, a watertight riser at least 18" dia. must be provided to within 6" of finish grade.
- \* DBox must be frost protected with 2" HD expanded rigid polystyrene insulation. The DBox may be placed at either end of the disposal field.
- \* Do not work soil when wet.

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services  
 Division of Health Engineering  
 (207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation

Street, Road, Subdivision

APPL.

OWNER'S Name

KITTERY

52 GOODWEN A

D. O'NEAL

SITE PLAN

Scale 1" = 20 ft.

SITE LOCATION PLAN  
 SEE LAST PAGE

Elevation Reference Points

E.R.P.1:

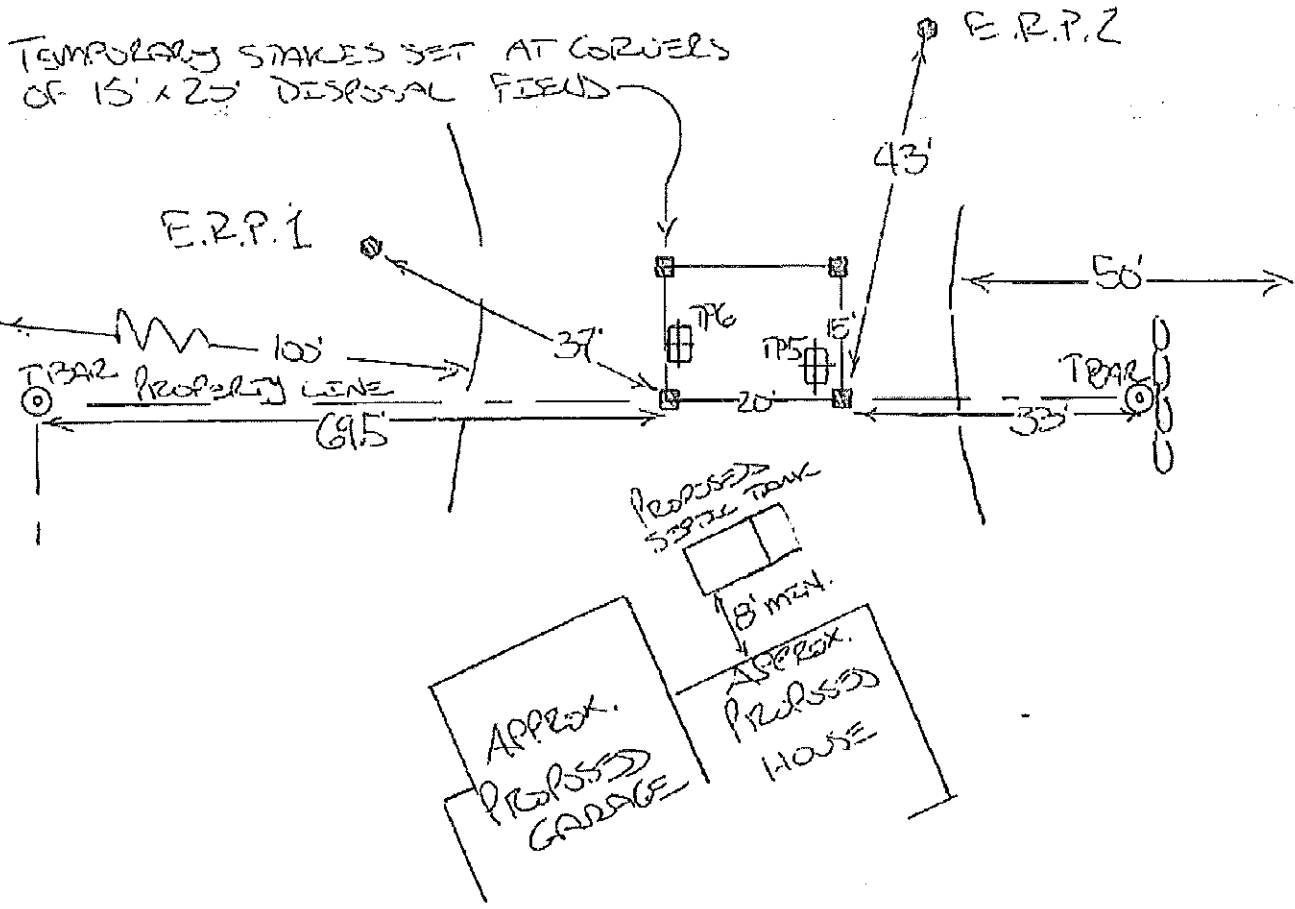
Nail set 15" above ground at  
 assumed zero in 15" dia.  
 red oak tree.

E.R.P.2:

Nail set 24" above ground at  
 assumed zero in 7" dia. Norway  
 maple tree.

WETLAND MORE THAN ONE ACRE

WETLAND LESS THAN ONE ACRE



Disposal field is on Murphy property.  
 Deed easement is required.

Michael Cuomo

211

14 JUNE 2021

Site Evaluator Signature

SE #

Date

# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Dept. Health & Human Services  
Div. Environmental Health, 1181IS  
(207) 287-2070 Fax: (207) 287-4172

<b>PROPERTY LOCATION</b>		<b>&gt;&gt; CAUTION: LPI APPROVAL REQUIRED &lt;&lt;</b>	
City, Town, or Plantation	Kittery	Town/City	Permit #
Street or Road	52 Goodwin Road	Date Permit Issued	Fee: \$ Double Fee Charged <input type="checkbox"/>
Subdivision, Lot #		Local Plumbing Inspector Signature	L.P.I. #
<b>OWNER/APPLICANT INFORMATION</b>		Fee: \$ state min fee \$ Locally adopted fee	Copy: <input type="checkbox"/> Owner <input type="checkbox"/> Town <input type="checkbox"/> State
Name (last, first, MI)	Doherty, Kevin <del>XXXXXX</del> Applicant	The Subsurface Wastewater Disposal System shall not be installed until a Permit is issued by the Local Plumbing Inspector. The Permit shall authorize the owner or installer to install the disposal system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.	
Mailing Address of Owner/Applicant	266 North Amherst Road Bedford, NH 03110	Municipal Tax Map #	58 Lot # 51B
Daytime Tel. #	603 345 8417	<b>CAUTION: INSPECTION REQUIRED</b> I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application. (1st) date approved	
<b>OWNER OR APPLICANT STATEMENT</b> I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a Permit. X _____ X _____ Signature of Owner or Applicant Date		Local Plumbing Inspector Signature (2nd) date approved	

PERMIT INFORMATION		
<b>TYPE OF APPLICATION</b>	<b>THIS APPLICATION REQUIRES</b>	<b>DISPOSAL SYSTEM COMPONENTS</b>
<input checked="" type="checkbox"/> 1. First Time System <input type="checkbox"/> 2. Replacement System Type replaced: _____ Year installed: _____ <input type="checkbox"/> 3. Expanded System a. <25% Expansion b. ≥25% Expansion <input type="checkbox"/> 4. Experimental System <input type="checkbox"/> 5. Seasonal Conversion	<input checked="" type="checkbox"/> 1. No Rule Variance <input type="checkbox"/> 2. First Time System Variance a. Local Plumbing Inspector Approval b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 3. Replacement System Variance a. Local Plumbing Inspector Approval b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 4. Minimum Lot Size Variance <input type="checkbox"/> 5. Seasonal Conversion Permit	<input type="checkbox"/> 1. Complete Non-engineered System <input type="checkbox"/> 2. Primitive System (graywater & all. toilet) <input type="checkbox"/> 3. Alternative Toilet, specify: _____ <input type="checkbox"/> 4. Non-engineered Treatment Tank (only) <input type="checkbox"/> 5. Holding Tank, _____ gallons <input type="checkbox"/> 6. Non-engineered Disposal Field (only) <input type="checkbox"/> 7. Separated Laundry System <input type="checkbox"/> 8. Complete Engineered System (2000 gpd or more) <input type="checkbox"/> 9. Engineered Treatment Tank (only) <input type="checkbox"/> 10. Engineered Disposal Field (only) <input type="checkbox"/> 11. Pre-treatment, specify: _____ <input type="checkbox"/> 12. Miscellaneous Components
<b>SIZE OF PROPERTY</b>	<b>DISPOSAL SYSTEM TO SERVE</b>	<b>TYPE OF WATER SUPPLY</b>
1.02 <input type="checkbox"/> SQ. FT. <input checked="" type="checkbox"/> ACRES	<input checked="" type="checkbox"/> 1. Single Family Dwelling Unit, No. of Bedrooms: 3 <input type="checkbox"/> 2. Multiple Family Dwelling, No. of Units: _____ <input type="checkbox"/> 3. Other: _____ (specify) Current Use <input type="checkbox"/> Seasonal <input type="checkbox"/> Year Round <input checked="" type="checkbox"/> Undeveloped	<input checked="" type="checkbox"/> 1. Drilled Well <input type="checkbox"/> 2. Dug Well <input type="checkbox"/> 3. Private <input type="checkbox"/> 4. Public <input type="checkbox"/> 5. Other
<b>SHORELAND ZONING</b>	<b>DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)</b>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

<b>TREATMENT TANK</b>	<b>DISPOSAL FIELD TYPE &amp; SIZE</b>	<b>GARBAGE DISPOSAL UNIT</b>	<b>DESIGN FLOW</b>
<input checked="" type="checkbox"/> 1. Concrete 1250 a. Regular b. Low Profile 2 comptmt. <input type="checkbox"/> 2. Plastic septic <input type="checkbox"/> 3. Other: _____ tank _____ GAL. CAPACITY: _____ GAL.	<input type="checkbox"/> 1. Stone Bed <input type="checkbox"/> 2. Stone Trench <input checked="" type="checkbox"/> 3. Proprietary Device a. cluster array <input type="checkbox"/> c. Linear b. regular load <input type="checkbox"/> d. H-20 load <input type="checkbox"/> 4. Other: 20 Eljon GSF= _____ SIZE: 960 <input checked="" type="checkbox"/> sq. ft. <input type="checkbox"/> lin. ft.	<input checked="" type="checkbox"/> 1. No <input type="checkbox"/> 2. Yes <input type="checkbox"/> 3. Maybe If Yes or Maybe, specify one below: <input type="checkbox"/> a. multi-compartment tank <input type="checkbox"/> b. _____ tanks in series <input type="checkbox"/> c. Increase in tank capacity <input type="checkbox"/> d. Filter on Tank Outlet	270 gallons per day BASED ON: <input checked="" type="checkbox"/> 1. Table 4A (dwelling unit(s)) <input type="checkbox"/> 2. Table 4C (other facilities) SHOW CALCULATIONS for other facilities <input type="checkbox"/> 3. Section 4G (meter readings) ATTACH WATER METER DATA
<b>SOIL DATA &amp; DESIGN CLASS</b>	<b>DISPOSAL FIELD SIZING</b>	<b>EFFLUENT/EJECTOR PUMP</b>	<b>LATITUDE AND LONGITUDE</b>
PROFILE CONDITION 3 /C/III at Observation Hole # 5 Depth 17" of Most Limiting Soil Factor	<input type="checkbox"/> 1. Medium--2.6 sq. ft. / gpd <input checked="" type="checkbox"/> 2. Medium--Large 3.3 sq. ft. / gpd <input type="checkbox"/> 3. Large--4.1 sq. ft. / gpd <input type="checkbox"/> 4. Extra Large--5.0 sq. ft. / gpd	<input type="checkbox"/> 1. Not Required <input checked="" type="checkbox"/> 2. May Be Required <input type="checkbox"/> 3. Required Specify only for engineered systems: DOSE: _____ gallons	at center of disposal area Lat. 43 d 4 m 57.45 Lon. 70 d 40 m 40 s if g.p.s, state margin of error: _____

SITE EVALUATOR STATEMENT		
I certify that on 10 June 2021 (date) I completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).		
_____ Site Evaluator Signature	211 SE #	14 June 2021 Date
Michael Cuomo Site Evaluator Name Printed	207 363 4532 Telephone Number	mcuomosoil@gmail.com E-mail Address



**SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION**

Department of Human Services  
 Division of Health Engineering  
 (207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation

Street, Road, Subdivision

APP.

Owner's Name

KITTELY

52 GOODWIN A

DONHERTY

**SITE PLAN**

Scale 1" = 20 ft.

**SITE LOCATION PLAN**

SEE LAST PAGE

**Elevation Reference Points**

E.R.P.1:

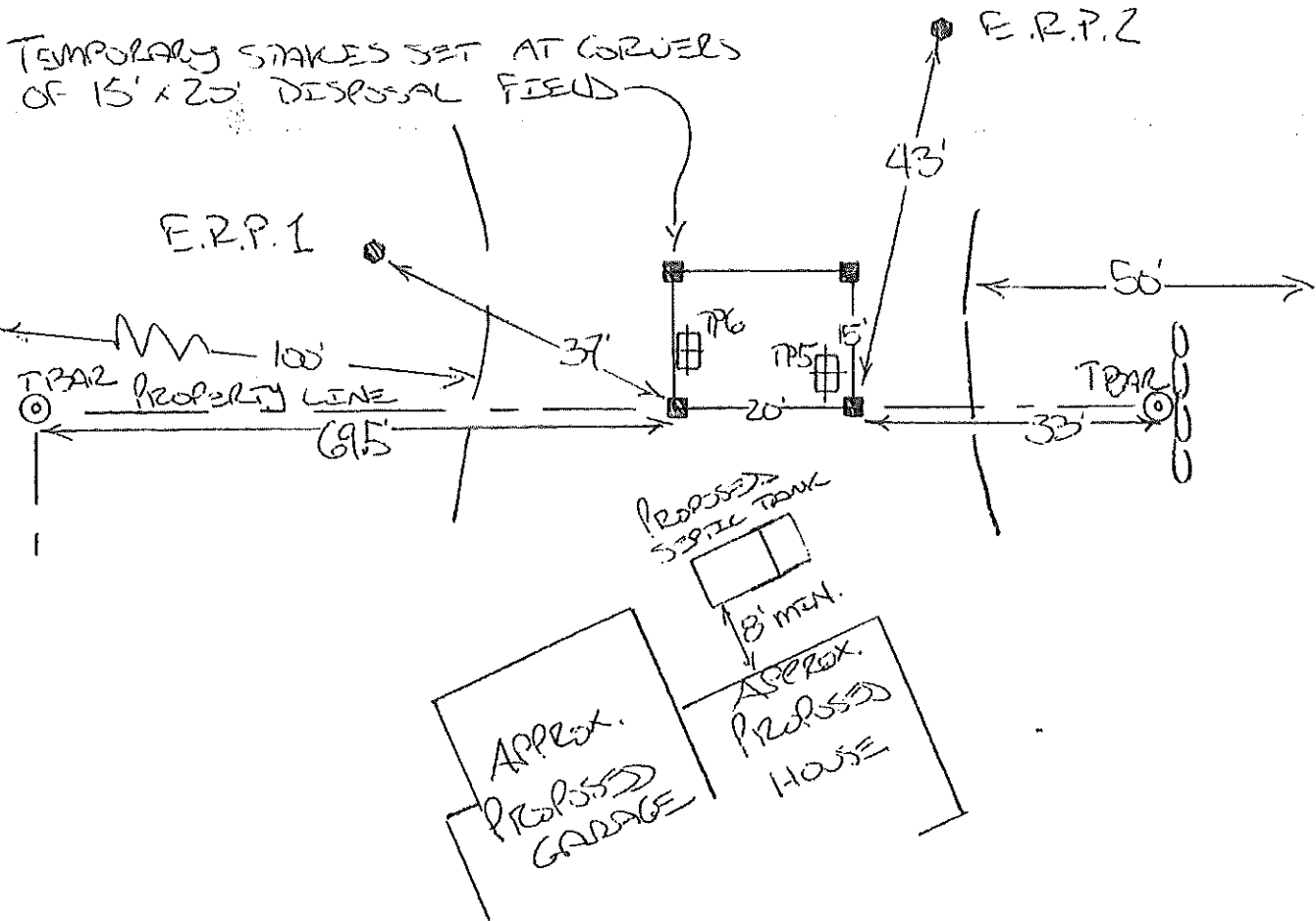
Nail set 15" above ground at  
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E.R.P.2:

Nail set 24" above ground at  
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WETLAND LESS THAN ONE ACRE



Disposal field is on Murphy property.  
 Deed easement is required.

Michael Curcio

211

14 JUNE 2021

Site Evaluator Signature

SE #

Date

<b>SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION</b>		Department of Human Services Division of Health Engineering (207) 287-5672 Fax: (207) 287-3165
Town, City, Plantation <u>KITTERY</u>	Street, Road, Subdivision <u>52 GOODWIN RD</u>	APP. Owner's Name <u>DOHERTY</u>

**SUBSURFACE WASTEWATER DISPOSAL PLAN**

SCALE: 1" = 20 FT.

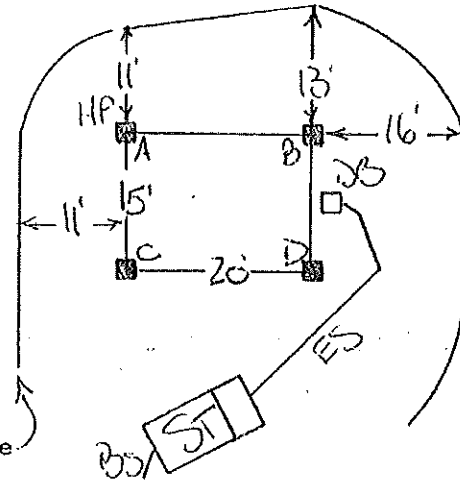
DISPOSAL FIELD MUST BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS, STATE RULES, AND THIS PLAN

4 ROWS OF ELJEN GSF x 5 UNITS PER ROW = 20 GSF UNITS

Disposal field				
Corner	A	B	C	D
Existing Grade				
Below Nail:	61"	67"	61"	71"
Proposed Fill Above				
Existing Grade:	24"	30"	24"	34"

**ABBREVIATIONS**

- BS Building Sewer 2% min.
- CS Cross Section
- DB Distribution box
- ES Effluent Sewer 1% min.
- HP High Point
- ST Septic tank
- Intersection of fill slope and existing grade



Temporary stake at corners of 15x20 ft. disposal field

FILL REQUIREMENTS	CONSTRUCTION ELEVATIONS		ELEVATION REFERENCE POINT
Depth of Fill (Upslope) <u>+24"</u>	Finished Grade Elevation	<u>-32"</u>	Location & Description:
Depth of Fill (Downslope) <u>+34"</u>	Top of Distribution Pipe or Proprietary Device	<u>-50"</u>	<u>ESS PAGE 2</u>
	Bottom of Disposal Area	<u>-61"</u>	Reference Elevation: <u>NAEL = 2520</u>

**DISPOSAL AREA CROSS SECTION**

Scale N/A  
Horizontal 1" =      ft.  
Vertical 1" =      ft.

- \* If the septic tank (ST) outlet is no more than 25 ft from the distribution box, the invert of the ST outlet must be no lower than 49 inches below the nail to achieve gravity flow.
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- \* Where septic tank access cover is more than 6" below grade, a watertight riser at least 18" dia. must be provided to within 6" of finish grade.
- \* DBox must be frost protected with 2" HD expanded rigid polystyrene insulation. The DBox may be placed at either end of the disposal field.
- \* Do not work soil when wet.

<u>Michael Cuomo</u> Site Evaluator Signature	<u>211</u> SE #	<u>14 JUNE 2021</u> Date	Page 3 of 6 HHE-200 Rev. 10/02
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Town: KITTERY

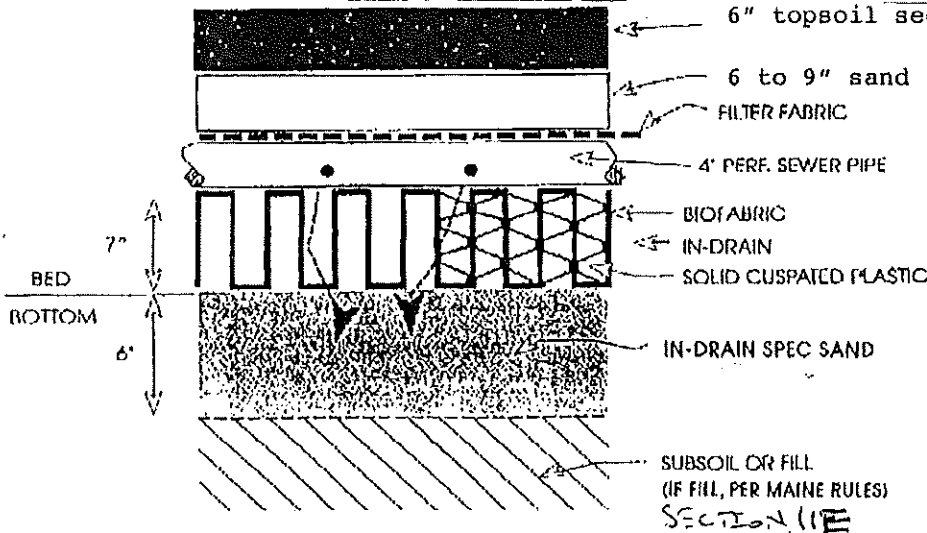
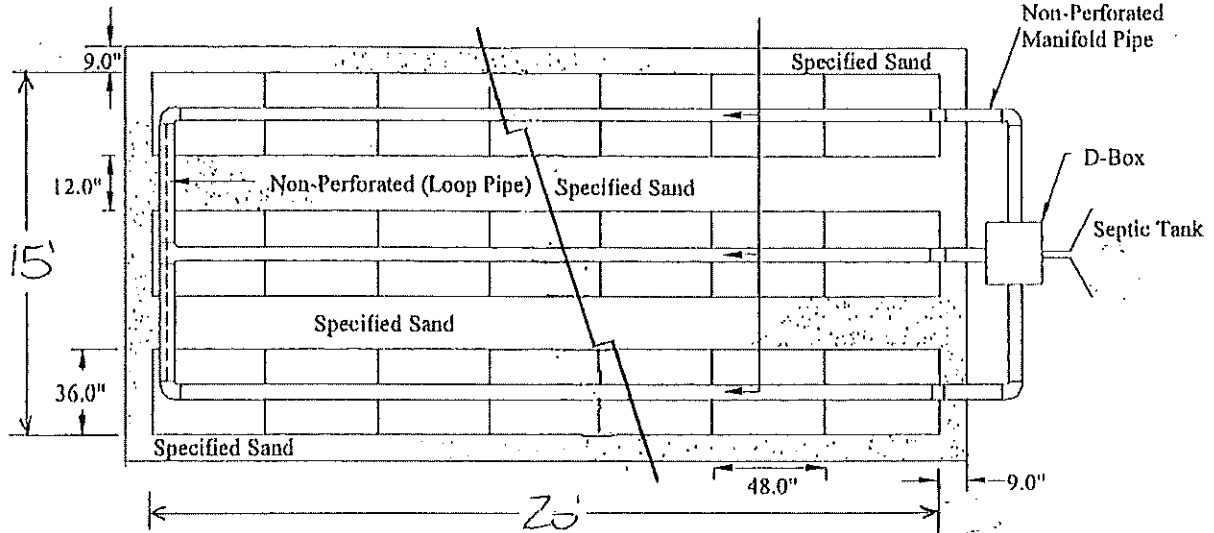
Street: 52 GOODWIN RD.

Owner: APR. DONOFRY

**TYPICAL PLAN VIEW**

This system has 4 rows  
Each row has 5 units

Perforated Distribution Pipe  
Over GSF Modules Only

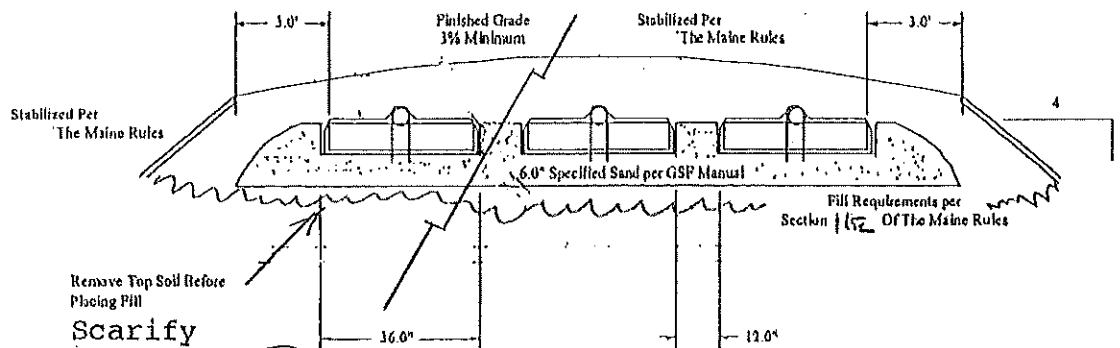


**MAINE'S ELJEN DISTRIBUTOR**

Construction Consultants, Inc.  
483 Roosevelt Trail Windham, ME 04062  
www.Indrain.com  
(207) 894-7141 Fax (207) 894-7143

**TYPICAL CROSS SECTION**

This system has 4 rows  
Each row has 5 units



*Michael Camo*

SE# 211 Date: 14 JUNE 2021

Town: KITTERY Street: S2 GOODWIN RD Owner: APPLICANT: DOHERTY

Required Notes on Design Plans

1. This system (~~is~~ is not) designed for the use of a garbage disposal.
2. This system is not designed for backwash from a water softener.
3. On raised systems, the organic loam layer must be removed from trench or bed and slope extension areas prior to fill placement. A bucket with teeth is best used for this construction step as buckets without teeth can compact and smear the underlying soil.
4. Scarify subsoil prior to fill placement.
5. Backfill material shall meet Section 11(E) Table 11A of the Maine Rules. All backfill material shall be clean bank run sand, free of topsoil or humus and dredging directly beneath the EDA.
6. The 6" underneath and 9" surrounding the GSF modules shall be installed using a medium to coarse washed sand with an effective size of 0.25 to 2.0 mm, no greater than 10% passing a #100 sieve and no greater than 5% passing a #200 sieve, and no particles larger than .375", or materials meeting the ASTM C33 specification with less than 10% passing a #100 sieve and less than 5% passing a #200 sieve. Washed concrete sand easily meets the above specification and is a reliable choice. Suitability of bank run sand must be verified.
7. Fill (cover material) and Backfill material (fill added below and around the GSF Specified Sand envelope) shall be bank run sand with less than 4 to 8% passing a #200 sieve and clay less than 2% and no stones larger than 3" in any dimension to a minimum depth of 12" over the GSF modules with the last 4" to 6" of cover being clean loam.
8. Any system which is more than 18" below finish grade as measured from the top of the modules shall be vented.
9. This design complies with and must be installed in accordance with the Eljen Design and Installation Manual.

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Michael Cerino SE# 211 Date 14 JUNE 2021 Page 5 of 6

**SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION**

Maine Dept. Health & Human Services  
 Division of Environmental Health  
 (207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation

Street, Road, Subdivision

APPL. Owner's Name

Kittery

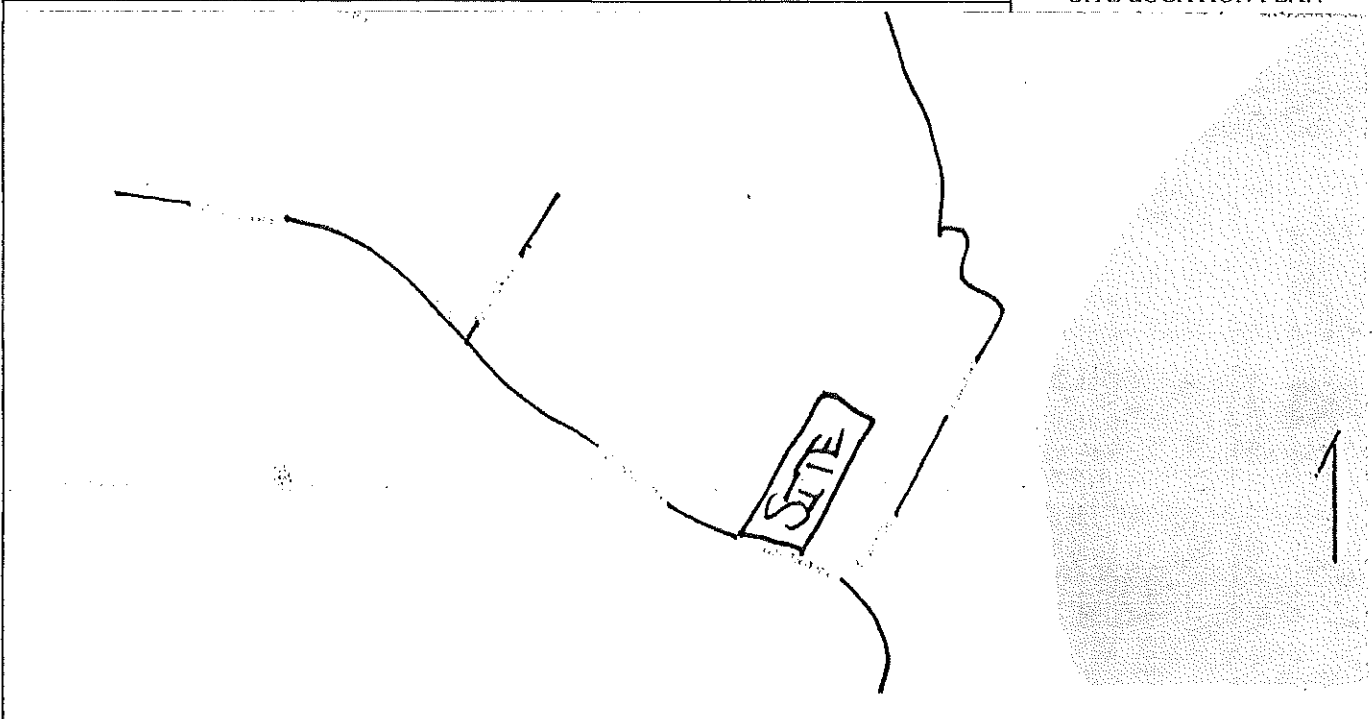
52 Goodwin Road

Doherty

**SITE PLAN**

Scale 1" = NTS ft. or as shown

**SITE LOCATION PLAN**



Test pits 1 to 4 are on abutting parcel.

**SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)**

Observation Hole 5  Test Pit  Boring  
 1" Depth of Organic Horizon Above Mineral Soil

Observation Hole 6  Test Pit  Boring  
 1" Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0			very dark	
			dark	no
			gray	
10	stony fine	friable	Dk. Yl. Br.	
20	sandy loam		light yellowish	
			brown	yes
30		firm	olive brown	
40			Bedrock	
50				

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0			very	
			Dk. Br.	
10	stony fine	friable	strong brown	no
20	sandy loam		Dk. Yl. Br.	
				yes
30		firm	dark brown	
40			Bedrock	
50				

Soil Classification Profile	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water
3 C/III	4 %	17/34"	<input type="checkbox"/> Restrictive Layer
			<input type="checkbox"/> Bedrock
			<input type="checkbox"/> Pit Depth

Soil Classification Profile	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water
3 C/III	4 %	21/36"	<input type="checkbox"/> Restrictive Layer
			<input type="checkbox"/> Bedrock
			<input type="checkbox"/> Pit Depth

*Michael Cerino*

211

14 June 2021

Page 2022 656  
 HHS-200 Rev. 8/01

Site Evaluator Signature

SB #

Date



Gregory P. Braun  
Milda A. Castner  
Scott M. Edmunds  
Casey A. Fournier  
William J. Gallitto, III  
Julia Keenan  
Michael W. Macleod-Ball  
Thomas R. Miscio



Sarah B. Neault  
Durward W. Parkinson  
Erin E. Sherman  
*Of Counsel*  
Barbara I. Belik  
*Retired*  
Christian L. Barner  
*In Memoriam*  
Wayne T. Adams

January 24, 2022

Town of Kittery  
Attn: Mr. McDonough, Town Planner  
200 Rogers Road  
Kittery, Maine 03904

**Re: Michael and Barbara Murphy - 52 Goodwin Road and 64 Tower Road**

Dear Mr. McDonough:

Our firm represents Michael and Barbara Murphy concerning two parcels of land in the Town of Kittery located at 52 Goodwin Road (the "Goodwin Parcel"), and 64 Tower Road (the "Tower Parcel") (collectively, the "Lots"). You have requested that we submit a legal opinion to the Planning Board supporting that the Lots have not merged to meet a dimensional standard and that they remain individual, nonconforming lots of record pursuant to Section 16.7.3.5(a) of the Town of Kittery Zoning Ordinances.

The Goodwin Parcel and the Tower Parcel exist independently as lots on two plans pre-dating the zoning ordinance (defined below) and have been treated as separate lots by the Town of Kittery for tax purposes. The Lots are separated by a paper street that only recently was vacated for a development project. At all relevant points in time, the paper street delineated on the two plans separated the Lots as noncontiguous parcels. The Lots have been in continuous existence as nonconforming lots of record, and it is our opinion that the Lots have never merged pursuant to the Town of Kittery Zoning Ordinance.

Both of the Lots are nonconforming lots of record because they were legally created when recorded, as shown on two plans pre-dating the zoning ordinance. The relevant plans are entitled as follows:

1. "Plan of Island Acres Inc." prepared by John W. Durgin, C. E., dated December, 1949 and recorded in the York County Registry of Deeds in Plan Book 40, Page 44 (the "1949 Plan"); and
2. "Plan of 'Rocky Shore Front' of Island Acres Inc." prepared by John W. Durgin, dated March, 1950 and recorded in the York County Registry of Deeds in Plan Book 22, Page 64 (the "1950 Plan").

The Goodwin Parcel and the Tower Parcel are Nonconforming Lots of Record. Nonconforming Lots of Record are lots that were legally existing when created and are “grandfathered” into compliance with the dimensional standards set forth in the ordinance, even if the lots fail to meet the minimum requirements for lot area or width. Each of the Lots is comprised entirely of separate lots identified on recorded plans pre-dating the zoning ordinance, and are therefore deemed Nonconforming Lots of Record. **Because the Lots are grandfathered into the current zoning ordinance, they are exempt from the dimensional requirements and therefore the, the Lots have not merged. The Lots should remain separate and distinct Nonconforming Lots of Record located on Map 58-51B and Map 58-41 respectively.**

## 1. Nonconforming Lots of Record

Section 16.7.3.5(a) states, in relevant part, as follows:

- a. Nonconforming lots of record.
  1. Nonconforming lots. In any district, notwithstanding limitations imposed by other sections of this title, single noncontiguous lots legally created when recorded may be built upon consistent with the uses in the particular zone. These provisions apply *even though such lots fail to meet the minimum requirements for area or width . . .* (emphasis added)

The deeds conveying title to the Lots provide support for the determination that both Lots are Nonconforming Lots of Record because they both reference the recorded plans above in the property descriptions.

The warranty deed attached to this letter as Exhibit A, from Frank G. Meanor, Jr., successor Trustee of the Robert L. Bailey Revocable Trust, to Barbara B. Murphy and Michael M. Murphy, dated July 1, 2014 and recorded in the York County Registry of Deeds in Book 16846, at Page 247, directly and explicitly references and incorporates the lots of record shown the 1950 Plan in the legal description for 64 Tower Road by stating “Lots 43, 44, and 45 as shown on the 1950 Plan.”

The lots of record for 52 Goodwin Road are shown on the 1950 Plan as lots 46 through 51 and are also described by reference to the 1949 Plan. The legal description for these lots of record is as follows:

“Beginning at a point on the northerly line of Goodwin Road at the intersection of stonewalls, said point being about 115’ westerly of the intersection of the said northerly line of Goodwin Road and the westerly line of Ocean Road, thence northerly by said stone wall about 730’ to the southeast corner of Lot No. 52 as shown on a plan entitled “Plan of Island Acres, Inc.” prepared by John W. Durgin, C.E. and dated December, 1949 showing subsequent purchase of Bristol property and filed in the York County Registry of Deeds as Plan Book 40, Page 44; thence westerly by Lot No. 52, 110’ to the southwesterly corner of said Lot No. 52; thence southerly a figured distance of about 700’ to the northerly line of said Goodwin Road; thence easterly by Goodwin Road 110’ to the point of beginning.”

Though this description is not drafted as clearly as would be desired, the intention is to delineate the which of the lots of record, as shown on both the 1950 and 1949 Plans, make up the 52 Goodwin Road lot. The two recorded plans were created and recorded for Island Acres, Inc., and created new lots



of record for much of Kittery Point within that two-year timeframe. The metes and bounds shown on the 1949 Plan are identical to the lots measured on the 1950 Plan, so even though the deed does not specifically state the lot numbers for 52 Goodwin Road that are shown on the 1950 Plan, it uses the exact measurements of those lots and references both plans of record. It is evident that the intention of the 1949 Plan was to measure and create the lots shown on the 1950 Plan., These two plans are recorded and accepted plans with the Town of Kittery.

The lots shown on these two plans of record make up much of Kittery Point and the neighborhood in which the Lots at issue are situated. The Lots at issue here are both entirely comprised of the legally existing lots shown and described on these two plans of record, which predate the adoption of a zoning ordinance. Given these facts, the Lots at issue should be considered Nonconforming Lots of Record under Section 16.7.3.5(a) and therefore exempt from the current zoning restrictions regarding lot size.

## **2. Non-Merger of Lots**

Because the Lots at issue are Nonconforming Lots of Record and therefore exempt from the current zoning restrictions regarding lot size, Section 16.7.3.5(B)(3) of the zoning ordinances concerning the merger of contiguous lots under common ownership does not apply.

Section 16.7.3.5(B)(3) of the ordinance states, in relevant part:

“(3) Contiguous partially built-upon lot. If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of or since adoption or amendment of this title, if any of these lots do not individually meet the dimensional requirements of this title . . . and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined . . .”

The Lots at issue here are legally exempt from the dimensional requirements of the ordinance and therefore do not merge pursuant to this section. As a Nonconforming Lot of Record, the Lots need not be in compliance with the dimensional ordinances as they now stand, but must only exist in a manner which was lawful at the time the Plans were recorded. A Nonconforming Lot of Record cannot be categorically exempt from dimensional standards pursuant to one section of the zoning ordinance, but then without further reasoning or explanation be included in and subject to dimensional standards in another section of the zoning ordinances. This was our legal opinion when we first looked at the zoning ordinances and consulting with the Code Enforcement Officers, and for the Board to find otherwise leads to inconsistent results for residents attempting in good faith to navigate the Town’s ordinances.

## **3. Conclusion**

After reviewing the Town of Kittery Zoning Ordinances, the Plans of record, and the title to the two Lots at issue, it is our legal opinion that the Lots have not merged pursuant to § 16.7.3.5(B)(3) of the Town of Kittery Ordinances. The Lots at issue here are both comprised entirely of existing lots of record which predate the zoning ordinances, and are therefore “grandfathered” in and exempt from the dimensional requirements set forth in the zoning ordinance. Because both lots are Nonconforming Lots of Record, they are exempt from the dimensional requirements in the ordinances and therefore should not be subject to the merger ordinance set forth in Section 16.7.3.5(B)(3).

This same issue concerning our review of the two Lots at issue and the Town's interpretation of the zoning ordinances had been previously discussed with the Code Enforcement Officers before moving forward with plans for the lot located at 52 Goodwin Road. We do not raise these conversations or opinions to argue that they are binding on the Planning Board, but want to note for the Board that our legal opinion is consistent with how the same ordinances have likely been interpreted by the Town of Kittery in the past concerning parcels in Kittery Point and the 1949 and 1950 Plans setting out many of the current Nonconforming Lots of Record in Kittery Point.

Sincerely,

A handwritten signature in black ink, appearing to read 'SME', written in a cursive style.

Scott M. Edmunds

**EXHIBIT A**



BK 16846 PGS 247 - 250 07/02/2014 10:23:26 AM  
 INSTR # 2014023814 DEBRA ANDERSON  
 RECEIVED YORK SS REGISTER OF DEEDS

Maine R.E. Transfer Tax Paid

**WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS, That, I, FRANK G. MEANOR, JR., as SUCCESSOR TRUSTEE of THE ROBERT L. BAILEY REVOCABLE TRUST OF 1995, u/d/t dated March 9, 1995 and as SUCCESSOR TRUSTEE of THE MARJORIE A. BAILEY REVOCABLE TRUST OF 1995, u/d/t dated March 9, 1995 and as CONSERVATOR (See York County Probate Court, Maine, Docket #2013-0731 for appointment) of ROBERT L. BAILEY, SR., of One New Hampshire Avenue, Suite 125, Portsmouth, New Hampshire, 03801 for consideration paid, grant to BARBARA B. MURPHY and MICHAEL M. MURPHY, of 830 N. Jackson Road, Venice, Florida, 34292, as joint tenants with rights of survivorship, *WITH WARRANTY COVENANTS*, the following described premises:

A certain lot or parcel of land, with any improvements thereon, situated on the north side of Goodwin Road on Gerrish Island, Kittery Point, County of York, State of Maine, bounded and described as follows:

Beginning at a point on the northerly line of Goodwin Road at the intersection of stonewalls, said point being about 115' westerly of the intersection of the said northerly line of Goodwin Road and the westerly line of Ocean Road, thence northerly by said stone wall about 730' to the southeast corner of Lot No. 52 as shown on a plan entitled "Plan of Island Acres, Inc." prepared by John W. Durgin, C. E. and dated December, 1949 showing subsequent purchase of Bristol property and filed in the York County Registry of Deeds as Plan Book 40, Page 44; thence westerly by Lot No. 52, 110' to the southwest corner of said Lot No. 52; thence southerly a figured distance of about 700' to the northerly line of said Goodwin Road; thence easterly by Goodwin Road 110' to the point of beginning.

Also, a certain parcel of land, with any improvements thereon, situated in the marsh area, so-called, on Gerrish Island in Kittery Point, York County, Maine and being westerly of Crescent Beach, also called Goodwin Beach, and bound and described as follows:

HP-7 MCEALHORN

Commencing at a point on the westerly line of land of Town of Kittery, said point being 150' northeasterly of the northeast corner of land now or formerly of Brennan; thence northeasterly by the westerly line of said Town of Kittery land 300'; thence north 45° 08' west parallel to the northerly line of said Brennan land 300' ; thence southwesterly about 300' to a point; thence south 45° 08' east and parallel to the northerly line of said Brennan land 300' to the point of beginning.

There is further conveyed a right of way over Goodwin Road, Tower Road and other ways as may be developed on those premises above described, and this conveyance is made subject to any and all existing rights of way, if any, across the above described parcels.

Also, certain lots or parcels of land, with any improvements thereon, located on Gerrish Island in Kittery, Maine, as follows:

Lots number forty-three (43), forty-four (44), and forty-five (45) according to a plan of lots known as "Rocky Shore Front" of Island Acres, Inc. located on Gerrish Island in Kittery, State of Maine; said plan of lots being recorded in the York County Registry of Deeds in Alfred in the State of Maine in Plan Book number twenty-two (22), Page sixty-four (64).

Also conveying herewith a right of way for all purposes from the end of the town or state highway abutting said grantor's property, along Goodwin Road, so-called, and along a proposed road running northeasterly from said Goodwin Road to the northwesterly of said lots, said right of way being more particularly shown on the above said plan and a certain plan described as "Plan A" of the "Creek Shore Area of Island Acres, Inc." made by John Durgin, C. E., said plan being recorded in Plan Book 17, Page 54, to which more particular reference may be had.

Meaning and intending to convey the same premises conveyed to Robert L. Bailey, as Trustee of The Robert L. Bailey Revocable Trust of 1995 and Marjorie A. Bailey, as Trustee of The Marjorie A. Bailey Revocable Trust of 1995 by deed of Robert L. Bailey and Marjorie A. Bailey, dated March 9, 1995 and recorded in the York County Registry of Deeds at Book 7402, Page 180 (in which Book 1687, Page 420 was erroneously referred to as Book 1637, Page 420 by scrivener's error). See also deeds at Book 5928, Page 009; Book 2222, Page 209; Book 2222, Page 207; Book 2222, Page 204; Book 1687, Page 420; and Book 1570, Page 110. See also death certificate for Marjorie A. Bailey recorded herewith.

The undersigned, Frank G. Meanor, Jr., Successor Trustee of The Robert L. Bailey Revocable Trust of 1995, under Declaration of Trust dated March 9, 1995 and The Marjorie A. Bailey Revocable Trust of 1995, under Declaration of Trust dated March 9, 1995, has full and absolute power pursuant to and in accordance with said Trust Agreements to convey any real estate or interest in real estate held in said Trusts, and no purchaser or third party shall be bound to inquire whether the Trustee has said power or is properly exercising said power, or shall be bound to see the application of any money, property, asset paid to the Trustee for a conveyance thereof. I further certify that I am the Successor Trustee, and that said Trusts have not been revoked, and remain in full force and effect.

Furthermore, the undersigned, Frank G. Meanor, Jr., Conservator of Robert L. Bailey, Sr., under Appointment by the York County Probate Court, Maine, Docket #2013-0731, has full and absolute power pursuant to and in accordance with said Appointment to convey any real estate or interest in real estate held by Robert L. Bailey, Sr. I further certify that I am the Conservator, and my power has not been revoked, and remains in full force and effect.

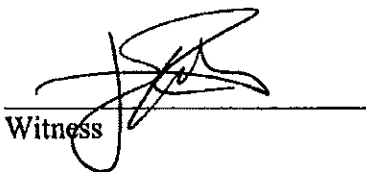
Dated this 1<sup>st</sup> day of July, 2014.

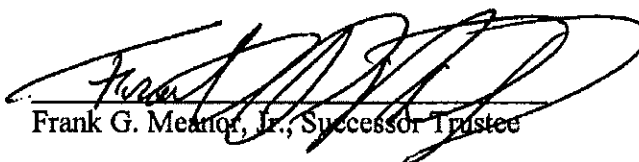
THE ROBERT L. BAILEY REVOCABLE TRUST  
OF 1995

  
Witness

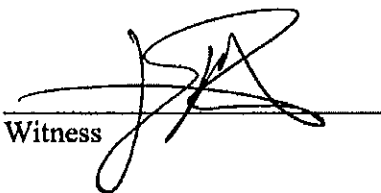
  
Frank G. Meanor, Jr., Successor Trustee

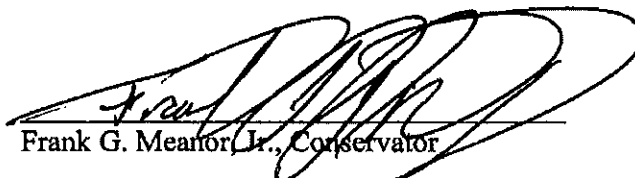
THE MARJORIE A. BAILEY REVOCABLE  
TRUST OF 1995

  
Witness

  
Frank G. Meanor, Jr., Successor Trustee

CONSERVATOR OF ROBERT L. BAILEY, SR.


  
Witness


  
Frank G. Meanor, Jr., Conservator

STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM

Personally appeared this 1<sup>st</sup> day of July, 2014, the above-named Frank G. Meanor, Jr., who acknowledged himself to be the Successor Trustee of The Robert L. Bailey Revocable Trust of 1995 and The Marjorie A. Bailey Revocable Trust of 1995, and as such Successor Trustee, being authorized so to do, he executed the forgoing instrument for the purposes therein contained on behalf of said Trusts; Frank G. Meanor, Jr. also acknowledges himself to be the Conservator of Robert L. Bailey, Sr., and as such Conservator, being authorized to do so, he executed the foregoing instrument for the purposed therein contained on behalf of Robert L. Bailey, Sr.

Before me,

  
\_\_\_\_\_  
Notary Public/Justice of Peace  
My Commission Expires



NICHOLAS A. KALL  
MY  
COMMISSION  
EXPIRES  
AUG. 11, 2016  
NOTARY PUBLIC  
NEW HAMPSHIRE

**NOTICE**

By virtue of the Maine Revised Statutes, Title 23, section 3032, the following way was deemed by law to have been vacated by the municipal officers of the Town of Kittery, Maine. The vacated way is shown on a plan titled "Plan of 'Rocky Shore Front' of Island Acres Inc. Gerrish Island, Kittery, ME" dated March 1950 and recorded in the York County Registry of Deeds, Book of Plans, Volume 22, Page 64 (the "Plan") and is more particularly described as follows:

Beginning at a point on the southern corner of Lot 43 at the intersection with Tower Road, thence northwesterly for approximately 258' along the lines of Lot 43 and Lot 49 to the western corner of Lot 49, thence southwesterly across the way to the northern corner of Lot 48, thence southeasterly for approximately 261' along the lines of Lot 48 and Lot 42 to the eastern corner of Lot 42 at the intersection with Tower Road, thence northeasterly by Tower Road to the point of beginning (the "Claimed Area").

The above-described Claimed Area is approximately 30' in width and bounded along its length by Lots 42, 43, 48, and 49 of the Plan.

The undersigned each claim ownership of the portion(s) of the Claimed Area which is adjacent to the Lot(s) they currently own, from the boundary line of their Lot to the center line of the vacated way. Any person claiming an adverse interest to the Claimed Area must file a written claim, under oath, in the York County Registry of Deeds within one year from the date this notice was recorded and must commence an action in Superior Court in York County within 180 days thereafter, in accordance with the Maine Revised Statutes, Title 23, Section 3033.

A copy of this notice shall be recorded in the York County Registry of Deeds on the same day that the notice is mailed to the current record owners and mortgagees of all property depicted on the Plan referenced above. A full list of the owners and mortgagees receiving this notice shall be attached to and recorded with this notice.

*[Space Intentionally Left Blank - Signature Page Follows]*



DATED this 14<sup>th</sup> day of February, 2020.

Marie L. Fisher  
Witness

Scott D. Fitzgerald  
Scott D. Fitzgerald, Co-Trustee  
The Fitzgerald Family Irrevocable  
Trust, u/a dated April 21, 2011

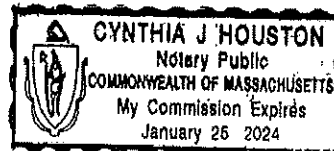
STATE OF Massachusetts  
COUNTY OF Middlesex

February 14, 2020

Then personally appeared the above-named Scott D. Fitzgerald and acknowledged the foregoing to be his free act and deed.

Before me,

Cynthia J. Houston  
Notary Public/Attorney at Law



DATED this 11<sup>th</sup> day of February, 2020.

*Maria S. Dwyer*

Witness

*Todd E. Fitzgerald*

Todd E. Fitzgerald, Co-Trustee  
The Fitzgerald Family Irrevocable  
Trust, w/a dated April 21, 2011

STATE OF Massachusetts  
COUNTY OF Middlesex

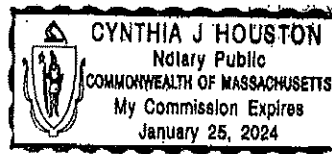
February 14, 2020

Then personally appeared the above-named Todd E. Fitzgerald and acknowledged the foregoing to be his free act and deed.

Before me,

*Cynthia J. Houston*

Notary Public/Attorney at Law



**Gerrish Island Record Owners and Mortgagees**

40, 41	<u>54 Goodwin Road</u>	Jesse S. and Evelyn C. Harriott 22 Parameter Road Sudbury, MA 01776	14959/825	American Internet Mortgage 4121 Camino Del Rio South San Diego, CA 92108	16592/856	58-43B
39	<u>55 Goodwin Road</u>	Raymond M. Lariviere 6 Hutchins Cove Drive Kittery, ME 03904-5425	2742/348	N/A		58-52
51	<u>56 Tower Road</u>	Mary E. Quinn Rev. Trust 28 Partridge Hill Road Newfields, NH 03856	17857-791	Santander Bank 824 North Market St. Suite 100 Wilmington, DE 19801	17396/336	58-40
37, 38	<u>59 Goodwin Road</u>	Russell B. and Nancy E. White P.O. Box 49 Kittery Point, ME 03905	15421/762	Service Credit Union 2032 Lafayette Road Portsmouth, NH 03801	17546/605	58-52A
43, 44, 45, 49, 50	<u>64 Tower Road</u>	Michael M. & Barbara B. Murphy 830 North Jackson Road Venice, FL 34292	16846/247	Service Credit Union 2032 Lafayette Road Portsmouth, NH 03801 TD Bank, N.A. One Portland Square Portland, ME 04101	16220/249 16886/53	58-41
26, 34	<u>66 Goodwin Road</u>	Grant Kvalheim & Wendy A. Kvalheim 4225 Province Line Road Princeton, NJ 08540	16811/767	N/A		58-47
CASH	<u>68 Goodwin Road</u>	Wendy A. and Grant Kvalheim 68 Goodwin Rd QFR Trusts 4225 Province Line Road Princeton, NJ 08540	15570/815	N/A		58-53

**Gerrish Island Record Owners and Mortgagees**

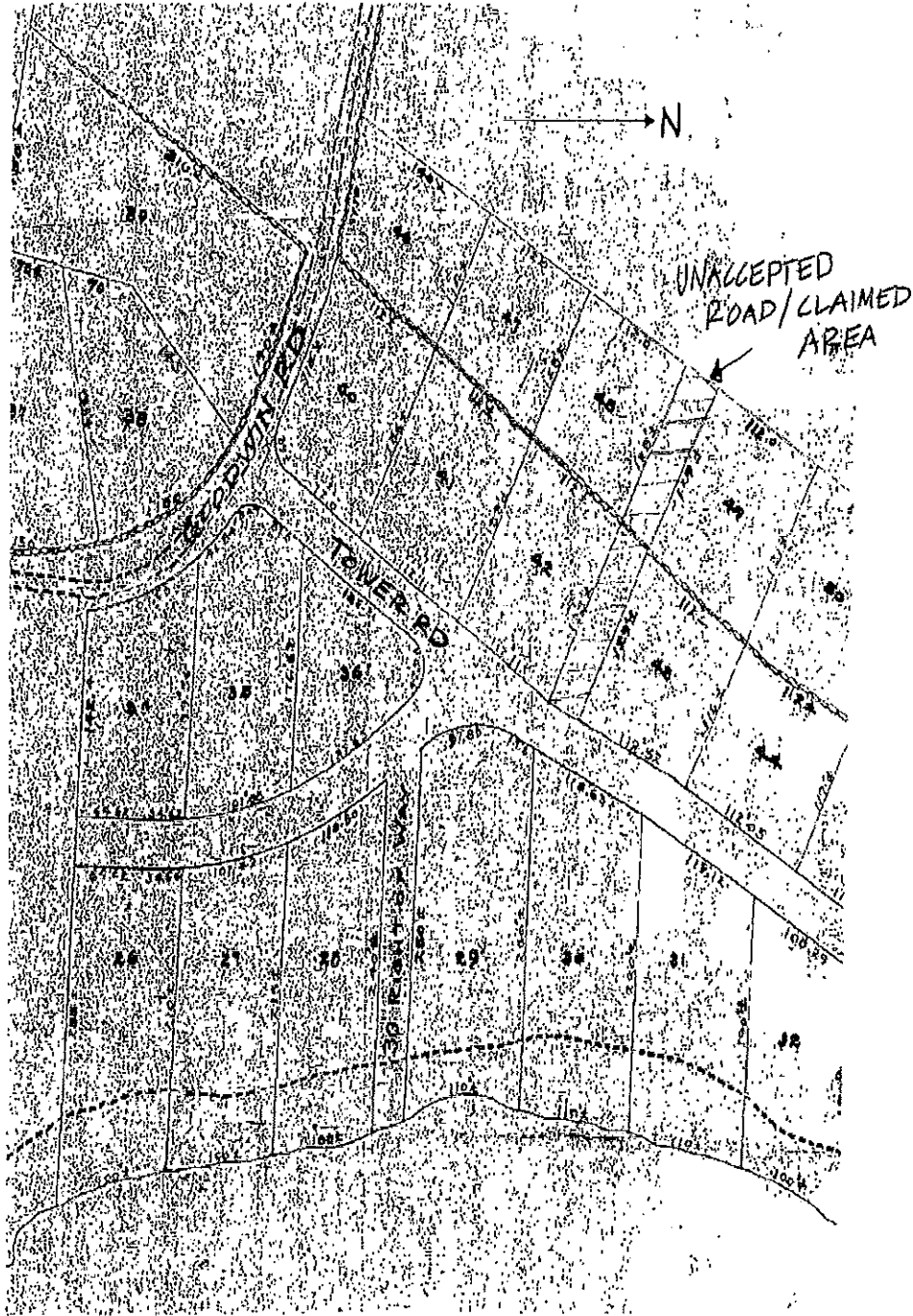
25	<u>74 Goodwin Road</u>	Brian B. and Patricia A. Flynn 74 Goodwin Road Kittery Point, ME 03905	16005/102	Provident Fundraising Association, L.P. 1633 Bayshore Highway, Suite 155 Burlington, CA 94010	16005/104	58-56
	<u>75 Goodwin Road</u>	Floyd N. and Sheila H. Palm 75 Goodwin Road Kittery Point, ME 03905	14049/786	N/A		53-1-5
	<u>76 Goodwin Road</u>	Agnes S., Sarah E., Roger B. & Rosemary A. Charlesworth P.O. Box 600 Kittery, ME 03904	14998/223	N/A		58-57
30	<u>77 Tower Road</u>	Joseph M. & Katherine Machado 15 Finn Avenue Newfields, NH 03856	18071/719	N/A		58-43
17, 18, 24	<u>78 Goodwin Road</u>	Kevin M. Casey Rev. Trust 1996 Kevin M. Casey, Trustee 150 Brickmill Road Bedford, NH 03110	17877/64	N/A		58-58
	<u>79 Goodwin Road</u>	Henry Marshal and Elizabeth Ann Lowe Niels P.O. Box 750 Kittery, ME 03904	17895/477	N/A		58-68
29	<u>79 Tower Road</u>	Donald E. & Linda K. Gingras 7 Cameron Drive Nashua, NH 03062	17988/311	Enterprise Bank and Trust Company 222 Merrimack St. Lowell, MA 01852	17988/313	58-44

**Gerrish Island Record Owners and Mortgagees**

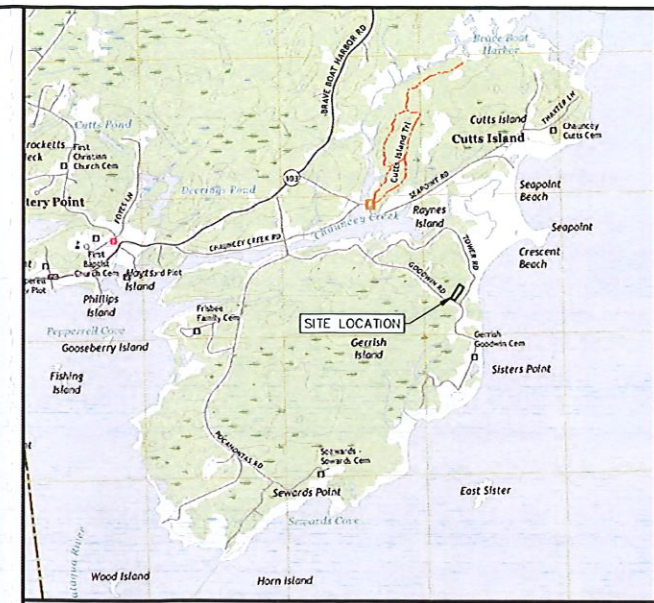
36	<u>87 Tower Road</u>	Michael Cinilia & Marla Cinilia 87 Tower Road Kittery Point, ME 03905	16786/988	Mortgage Network, Inc. 300 Rosewood Dr Danvers, MA 01923	16967/913	58-50
19	<u>89 Goodwin Road</u>	David M. Labbe & Mary Jean Labbe 87 Goodwin Road Kittery Point, ME 03905	16855/807	Mortgage Network, Inc. 300 Rosewood Dr Danvers, MA 01923	16855/809	58-64
35	<u>89 Tower Road</u>	Natalie R. and Jaime G. Guzman P.O. Box 613 Grantham, NH 03753-0613	15507/669	William & Georgia Thurston 2003 Holly Street Tallahassee, FL 32303	15507/671	58-49
12	<u>90 Goodwin Road</u>	Richard W. Bisig and Jannynne Lynne Banser Wolstat 90 Goodwin Road Kittery Point, ME 03905	5301/212	Fiscataqua Savings Bank 15 Pleasant St Portsmouth, NH 03801	3042/104	58-63
	<u>91 Goodwin Road</u>	Marsha H. Stelman 2004 Rev. Trust 300 Second Ave Unit #2189 Needham, MA 02494	15318/314	Wells Fargo Bank, N.A. 1000 Blue Gcmtian Road Eagan, MN 55121	16601/109	53-1-4
	<u>93 Goodwin Road</u>	Amanda K. Demetri-Lewis and Francis Lewis 93 Goodwin Road Kittery Point, ME 03905	15987/282	Bank of America, N.A. 100 North Tryon St. Charlotte, NC 8255	17240/122	53-1-3
	<u>94 Goodwin Road</u>	James A. Masiello Trust & Steven M. Burke Trust 234 Lafayette Road Hampton, NH 03842	17591/323	Mortgage Electronic Registration Systems, Inc. P.O. Box 2026 Flint, MI 48501-2026 N/A		53-2-1

Portion of:

"Plan of 'Rocky Shore Front' of Island Acres Inc. Gerrish Island, Kittery, ME." dated March 1950 and recorded in the York County Registry of Deeds in Plan Book 22, Page 64.



\*\*The shaded portion of the plan above is the specific parcel at issue.



**SITE LOCATION MAP**  
APPROXIMATE SCALE 1" = 2000'

**GENERAL NOTES**

- THIS PLAN PROVIDES THE DETAILS FOR THE PROPOSED CONSTRUCTION OF A DRIVEWAY AND WETLAND CROSSING FOR THE PROPERTY LOCATED AT 52 GOODWIN ROAD IN KITTERY POINT, MAINE.
- THE PARCEL IS IDENTIFIED ON THE TOWN OF KITTERY TAX ASSESSOR'S MAP 58 AS LOT 51B AND IS SITUATED IN THE RESIDENTIAL-RURAL CONSERVATION (R-RC), RESOURCE PROTECTION OVERLAY, AND 250' SHORELAND PROTECTION OVERLAY ZONING DISTRICTS. THE PARCEL IS 1.02 ACRES IN SIZE.
- DIMENSIONAL STANDARDS - AS PER §16.3.2.6.(D):

**RESIDENTIAL-RURAL CONSERVATION (R-RC) ZONE**

MINIMUM LOT SIZE	= 80,000 SQ. FT.
MINIMUM STREET FRONTAGE	= 200 FT.
MINIMUM FRONT YARD SETBACK	= 40 FT.
MINIMUM REAR YARD SETBACK	= 20 FT.
MINIMUM SIDE YARD SETBACK	= 20 FT.
MAXIMUM BUILDING COVERAGE	= 6%
MAXIMUM BUILDING HEIGHT	= 35 FT.

- THE WETLAND SHOWN ON THIS PLAN IS A 2.49-ACRE FRESHWATER FORESTED/SHRUB WETLAND (PSSIC) AS CHARACTERIZED BY THE U.S. FISH AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY. AS PER §16.9.4.5, TABLE 16.9, THE MINIMUM SETBACKS FROM WETLANDS GREATER THAN 1 ACRE ARE AS FOLLOWS:

**MINIMUM SETBACKS FROM WETLANDS & WATER BODIES (> 1 ACRE)**

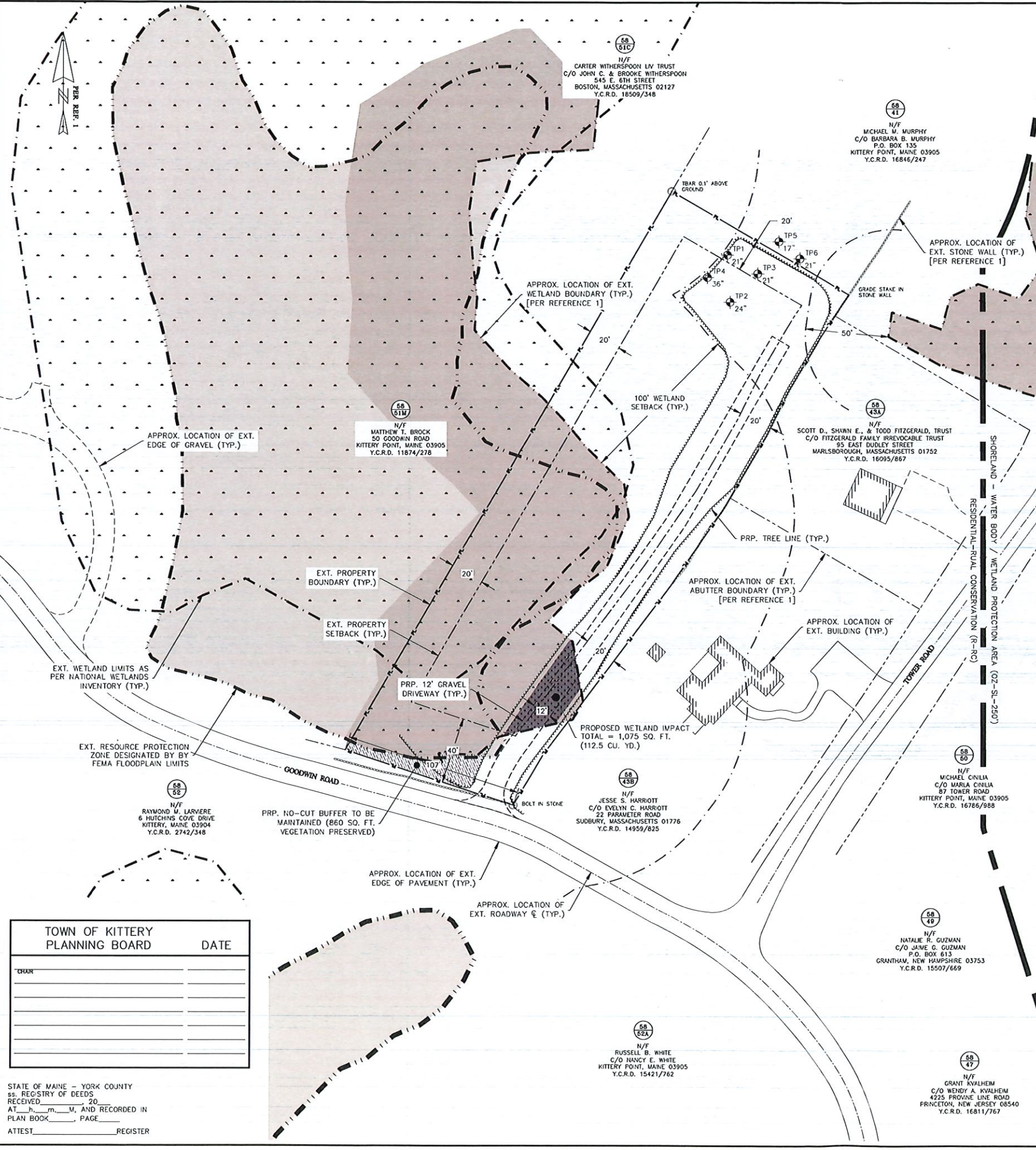
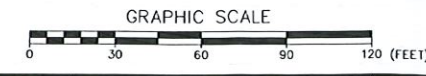
DRAINAGE STRUCTURES	= 10 FT. / 75 FT. (SEE NOTE A)
DRIVEWAYS	= 10 FT. / 30 FT. (SEE NOTE B)
PARKING AREAS	= 20 FT.
BUILDINGS/STRUCTURES	= 100 FT. (SEE NOTE C)
PATIOS/DECKS/ACCESSORY STRUCTURES	= 50 FT. / 100 FT. (SEE NOTE C)
SUBSURFACE SEWAGE DISPOSAL SYSTEMS	= 100 FT.

- DRAINAGE STRUCTURES OUTSIDE THE SHORELAND OVERLAY - WATER BODY/WETLAND PROTECTION AREA (OZ-SL-250') ZONE SHALL HAVE A MINIMUM SETBACK OF 10 FEET FROM THE TOE OF THE SLOPE. FOR DRAINAGE STRUCTURES WITHIN THE SHORELAND OVERLAY - WATER BODY/WETLAND PROTECTION AREA (OZ-SL-250'), RESOURCE PROTECTION (OZ-RP), WETLANDS OF SPECIAL SIGNIFICANCE, AND SHORELAND - STREAM PROTECTION AREA (OZ-SP-75') ZONES SHALL HAVE A MINIMUM SETBACK OF 75 FEET.
  - TRAVELED WAYS OF ROAD OR DRIVEWAYS OF 18 FEET OR LESS IN WIDTH SHALL HAVE A MINIMUM SETBACK OF 10 FEET FROM THE TOE OF THE SLOPE. FOR TRAVELED WAYS OF ROAD OR DRIVEWAYS GREATER THAN 18 FEET IN WIDTH SHALL HAVE A MINIMUM SETBACK OF 30 FEET OR 10 FEET FROM THE TOE OF THE SLOPE, WHICHEVER IS GREATER.
  - PATIOS OR DECK AREAS NO LARGER THAN 500 SQUARE FEET IN SIZE AND DETACHED RESIDENTIAL STORAGE SHEDS NO LARGER THAN 120 SQUARE FEET IN SIZE SHALL HAVE A MINIMUM SETBACK OF 50 FEET. BUILDINGS OR STRUCTURES (INCLUDING PATIOS OR DECKS LARGER THAN 500 SQUARE FEET IN SIZE) SHALL HAVE A MINIMUM SETBACK OF 100 FEET.
- EXISTING TOPOGRAPHY TAKEN FROM THE STATE OF MAINE OFFICE OF GEOGRAPHIC INFORMATION SYSTEMS (GIS). FLOOD EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD ZONE INFORMATION TAKEN FROM THE STATE OF MAINE GEOLIBRARY. EXISTING CONDITIONS AND BOUNDARY INFORMATION TAKEN FROM REFERENCE 1 OR OTHERWISE SHOWN IN APPROXIMATE LOCATIONS PER THE STATE OF MAINE ORTHOIMAGERY.

- GENERAL NOTES CONTINUED ON SHEET 2 -

**LEGEND**

PROPERTY LINE	---
SETBACK	---
EXT. ABUTTER LINE	---
EXT. PAVEMENT	---
CENTERLINE OF ROAD	---
EXT. GRAVEL	---
PRP. GRAVEL	---
EXT. BUILDING	---
PRP. TREELINE	---
EXT. STONEWALL	---
EXT. WETLAND BNDY	---
EXT. FLOOD ZONE	---
EXT. NW WETLANDS	---
EXT. SURVEY WETLANDS	---
PRP. WETLAND IMPACT	---
EXT. ZONING BOUNDARY	---
EXT. WETLAND BUFFER	---



**TOWN OF KITTERY PLANNING BOARD**

DATE	

STATE OF MAINE - YORK COUNTY  
SS. REGISTRY OF DEEDS  
RECEIVED \_\_\_\_\_ 20\_\_\_\_  
AT \_\_\_\_\_ M., AND RECORDED IN  
PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
ATTEST \_\_\_\_\_ REGISTER

NO.	DESCRIPTION	DATE
B	TOWN PLANNER COMMENT REVISIONS	11/18/21
A	PAPER STREET ABANDONMENT REVISIONS	10/08/21

TAX MAP 3, LOT 1

**SITE PLAN**  
GOODWIN ROAD WETLAND ALTERATION  
52 GOODWIN ROAD, KITTERY POINT, MAINE 03905

FOR: MICHAEL & BARBARA MURPHY  
P.O. BOX 135  
KITTERY POINT, MAINE 03905

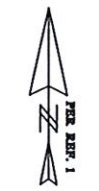
**ATTAR ENGINEERING, INC.**  
CIVIL • STRUCTURAL • MARINE • SURVEYING  
1284 STATE ROAD - ELIOT, MAINE 03903  
PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: 1" = 30'  
DATE: 09/21/21  
JOB NO: C206-21 FILE: GOODWIN RD BASE.DWG

APPROVED BY: \_\_\_\_\_  
DRAWN BY: MJS  
REVISION DATE: B : 11/18/21  
SHEET: 1 OF 4

**GENERAL NOTES (CONT.)**

6. THE CONTRACTOR MUST CONTACT DIG SAFE AND ALL LOCAL UTILITIES PRIOR TO THE START OF CONSTRUCTION TO VERIFY THE LOCATION OF ANY EXISTING SUBSURFACE UTILITIES AND CONDITIONS. LOCATING AND PROTECTING ANY UNDERGROUND OR ABOVE GROUND UTILITY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
7. TOTAL IMPACTED WETLANDS:  
= 1,075 SQ. FT.  
= 112.5 CU. YD. EXPECTED FILL FOR IMPACTED SPAN
8. ALL PROPOSED WETLAND IMPACTS SHALL TAKE PLACE OUTSIDE OF THE RESOURCE PROTECTION OVERLAY AND WITHIN THE BASE R-RC ZONE. LIMITS OF THE RP OVERLAY ARE DEPICTED ON THE PLAN SET.
9. CULVERT TO BE MAINTAINED FREE AND CLEAR OF DEBRIS WITH A 12" DEEP NATURAL BED BOTTOM.
10. THE TOTAL PROPOSED VOLUME OF FILL REQUIRED FOR THE DEVELOPMENT IS ~300 CU. YD., COMPRISED OF A COMBINATION OF GRAVEL BASE AND GRAVEL SUBBASE SATISFACTORY TO THE STANDARDS DESCRIBED IN THE DRIVEWAY CROSS-SECTION DETAIL ON SHEET 4. FILL SHALL BE SOURCED FROM A LOCAL GRAVEL PIT
11. THIS PROJECT IS SUBJECT TO AN ARMY CORPS OF ENGINEERS (ACOE) GENERAL PERMIT AND A NATURAL RESOURCES PROTECTION ACT (NRPA) TIER 1 PERMIT FOR WETLAND ALTERATION.



58  
48  
N/F  
ROBERT RAWOS  
73 TOWER ROAD  
KITTERY POINT, MAINE 03905  
Y.C.R.D. 17028/071

58  
45  
N/F  
JOSEPH M. MACHADO  
C/O KATHERINE MACHADO  
15 FINN AVENUE  
NEWFIELDS, NEW HAMPSHIRE 03856  
Y.C.R.D. 18071/719

58  
44  
N/F  
DONALD E. GINGRAS  
C/O LINDA K. GINGRAS  
7 CAMERON DRIVE  
NASHUA, NEW HAMPSHIRE 03062  
Y.C.R.D. 17988/311

58  
80  
N/F  
MICHAEL CHILIA  
C/O MARLA CHILIA  
57 TOWER ROAD  
KITTERY POINT, MAINE 03905  
Y.C.R.D. 16788/988

58  
78  
N/F  
NATALIE R. GUZMAN  
C/O JAME G. GUZMAN  
P.O. BOX 813  
GRANTHAM, NEW HAMPSHIRE 03753  
Y.C.R.D. 15507/669

58  
82  
N/F  
RUSSELL B. WHITE  
C/O NANCY E. WHITE  
KITTERY POINT, MAINE 03905  
Y.C.R.D. 15421/762

58  
81  
N/F  
CARTER WITHERSPOON LV TRUST  
C/O JOHN C. & BROOKE WITHERSPOON  
545 E. 6TH STREET  
BOSTON, MASSACHUSETTS 02127  
Y.C.R.D. 18509/348

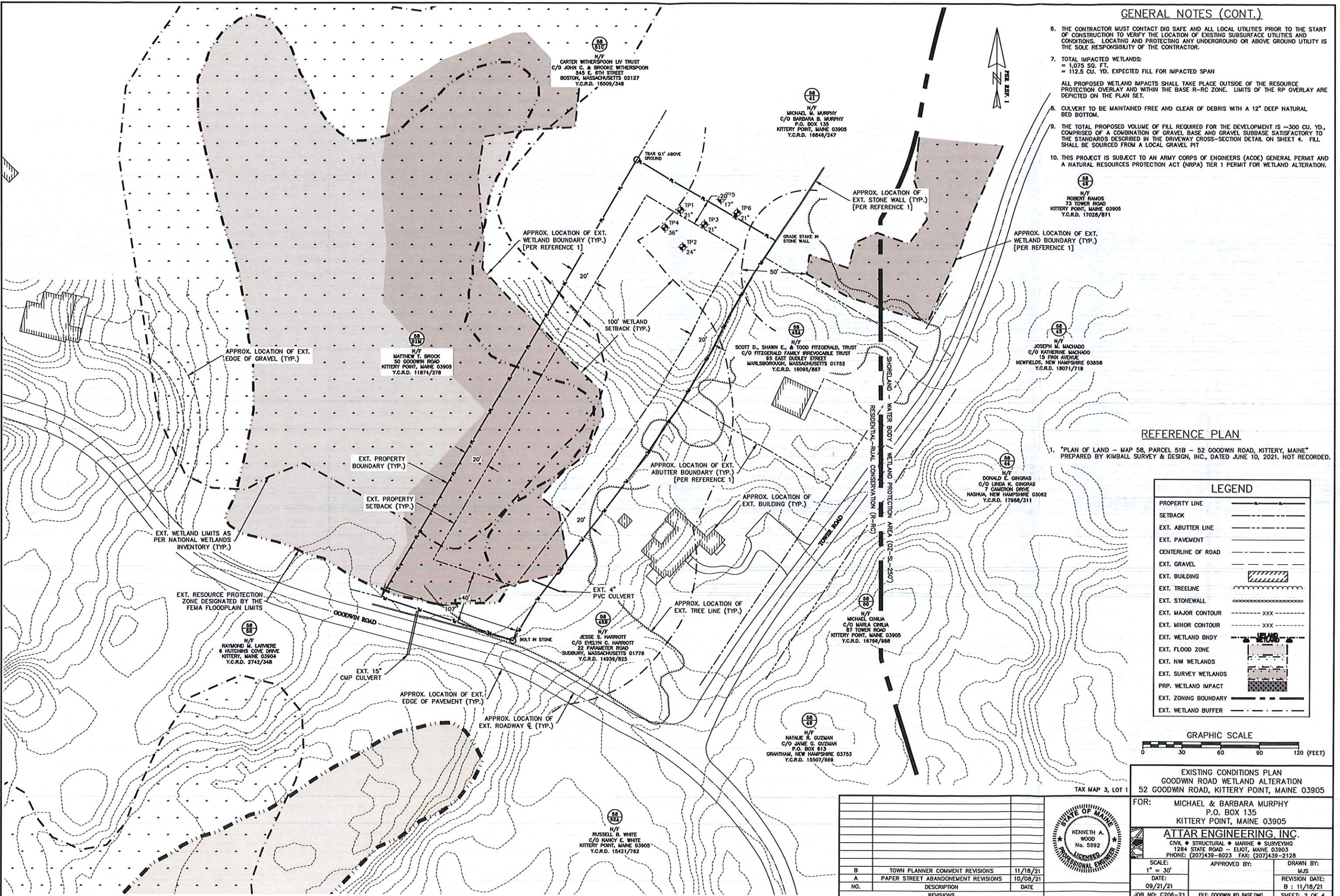
58  
81  
N/F  
MICHAEL M. MURPHY  
C/O BARBARA B. MURPHY  
P.O. BOX 135  
KITTERY POINT, MAINE 03905  
Y.C.R.D. 16846/247

58  
83  
N/F  
SCOTT D., SHAWN E. & TODD FITZGERALD, TRUST  
C/O FITZGERALD FAMILY IRREVOCABLE TRUST  
85 EAST DUDLEY STREET  
MARLBOROUGH, MASSACHUSETTS 01752  
Y.C.R.D. 16095/867

58  
83  
N/F  
JESSE S. HARROTT  
C/O EVELYN C. HARROTT  
22 PARAMETER ROAD  
SUDBURY, MASSACHUSETTS 01776  
Y.C.R.D. 14959/825

58  
81  
N/F  
MATTHEW T. BROOK  
50 GOODWIN ROAD  
KITTERY POINT, MAINE 03905  
Y.C.R.D. 11874/278

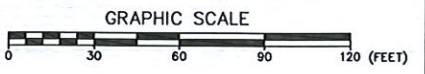
58  
82  
N/F  
RAYMOND M. LARVIERE  
6 HUTCHINS COVE DRIVE  
KITTERY, MAINE 03904  
Y.C.R.D. 2742/348



**REFERENCE PLAN**  
1. "PLAN OF LAND - MAP 58, PARCEL 51B - 52 GOODWIN ROAD, KITTERY, MAINE"  
PREPARED BY KIMBALL SURVEY & DESIGN, INC., DATED JUNE 10, 2021. NOT RECORDED.

**LEGEND**

PROPERTY LINE	---
SETBACK	---
EXT. ABUTTER LINE	---
EXT. PAVEMENT	---
CENTERLINE OF ROAD	---
EXT. GRAVEL	---
EXT. BUILDING	▨
EXT. TREELINE	---
EXT. STONEWALL	---
EXT. MAJOR CONTOUR	---XXX---
EXT. MINOR CONTOUR	---XXX---
EXT. WETLAND BNDY	---
EXT. FLOOD ZONE	---
EXT. NW WETLANDS	---
EXT. SURVEY WETLANDS	---
PRP. WETLAND IMPACT	---
EXT. ZONING BOUNDARY	---
EXT. WETLAND BUFFER	---



EXISTING CONDITIONS PLAN  
GOODWIN ROAD WETLAND ALTERATION  
52 GOODWIN ROAD, KITTERY POINT, MAINE 03905

FOR: MICHAEL & BARBARA MURPHY  
P.O. BOX 135  
KITTERY POINT, MAINE 03905



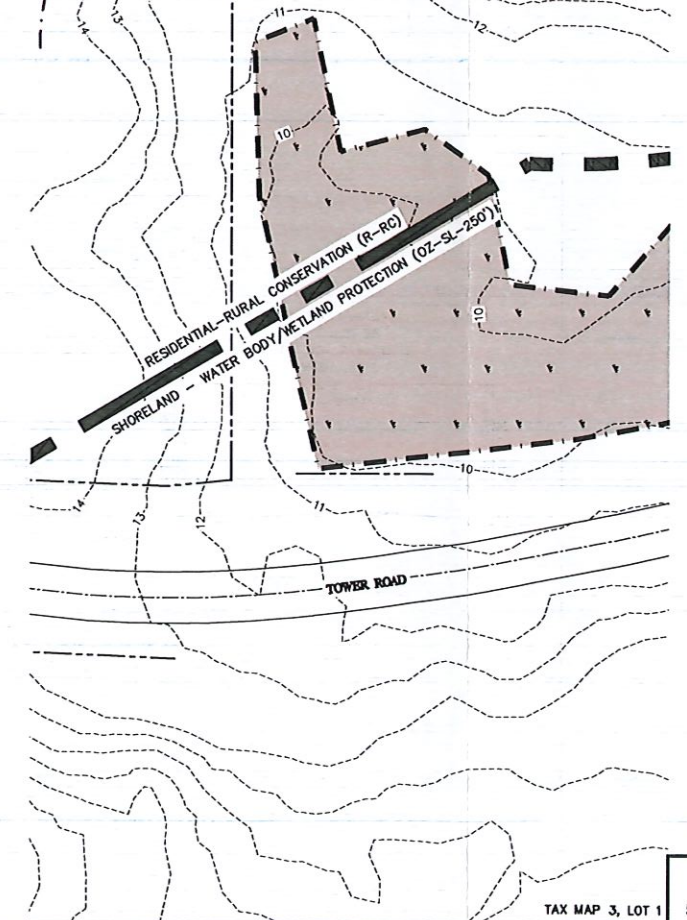
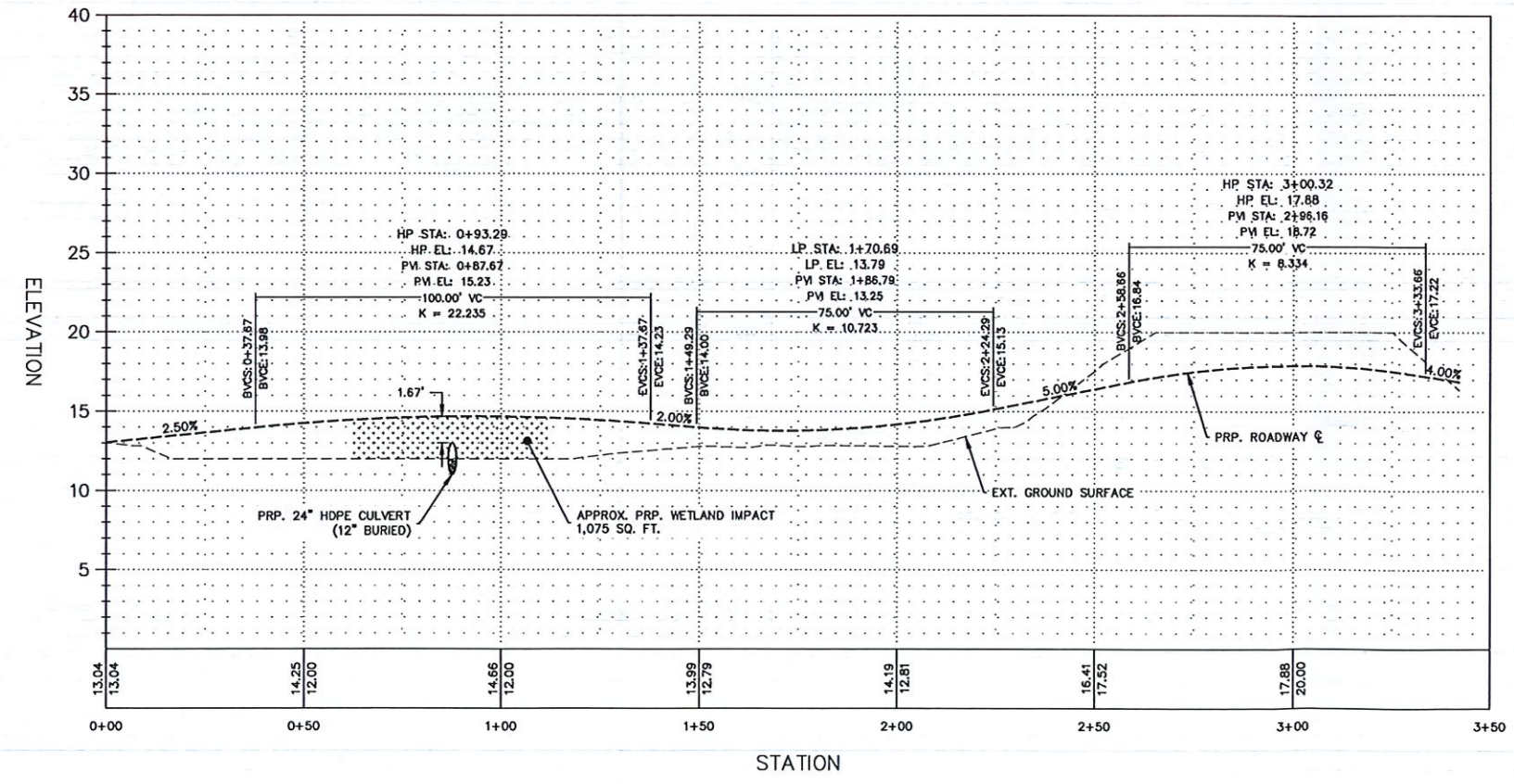
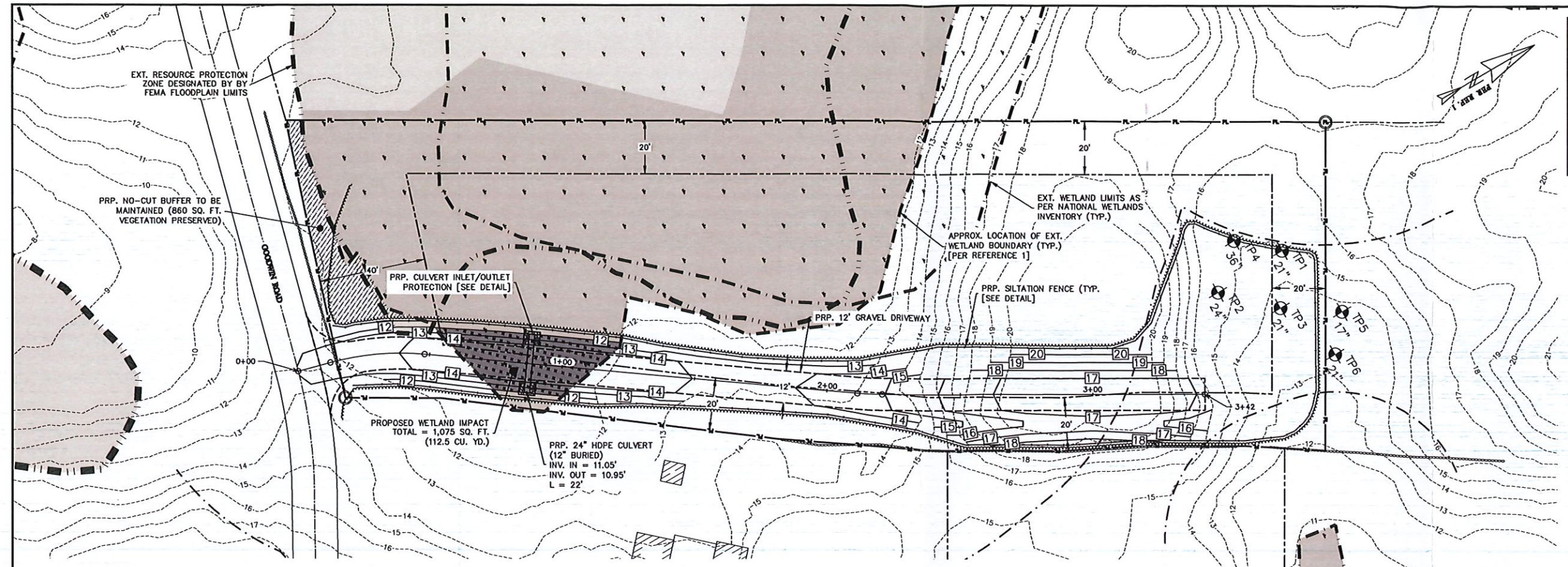
**ATTAR ENGINEERING, INC.**  
CIVIL ♦ STRUCTURAL ♦ MARINE ♦ SURVEYING  
1284 STATE ROAD - ELIOT, MAINE 03903  
PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: 1" = 30'	APPROVED BY:	DRAWN BY: MJS
DATE: 09/21/21		REVISION DATE: B : 11/18/21
JOB NO: C206-21	FILE: GOODWIN RD BASE.DWG	SHEET: 2 OF 4

NO.	DESCRIPTION	DATE
B	TOWN PLANNER COMMENT REVISIONS	11/18/21
A	PAPER STREET ABANDONMENT REVISIONS	10/08/21
	REVISIONS	



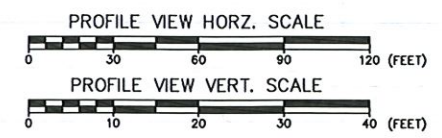
TOWN OF KITTERY PLANNING BOARD	DATE



LEGEND	
PROPERTY LINE	---
SETBACK	---
EXT. ABUTTER LINE	---
CENTERLINE OF ROAD	---
EXT. PAVEMENT	---
EXT. GRAVEL	---
PRP. GRAVEL	---
EXT. MAJOR CONTOUR	---XXX---
EXT. MINOR CONTOUR	---XXX---
PRP. MAJOR CONTOUR	---XXX---
PRP. MINOR CONTOUR	---XXX---
EXT. WETLAND BNDY	---WETLAND---
EXT. WETLAND AREA	---WETLAND---
EXT. FLOOD ZONE	---WETLAND---
EXT. NW WETLANDS	---WETLAND---
EXT. SURVEY WETLANDS	---WETLAND---
PRP. WETLAND IMPACT	---WETLAND---
EXT. ZONING BOUNDARY	---WETLAND---
EXT. WETLAND BUFFER	---WETLAND---
PRP. STORM LINE	---WETLAND---
PRP. SILTATION FENCE	---WETLAND---



STATE OF MAINE - YORK COUNTY  
ss. REGISTRY OF DEEDS  
RECEIVED \_\_\_\_\_ 20\_\_\_\_  
AT \_\_\_\_\_ M, AND RECORDED IN  
PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
ATTEST \_\_\_\_\_ REGISTER



NO.	DESCRIPTION	DATE
B	TOWN PLANNER COMMENT REVISIONS	11/18/21
A	PAPER STREET ABANDONEMENT REVISIONS	10/08/21

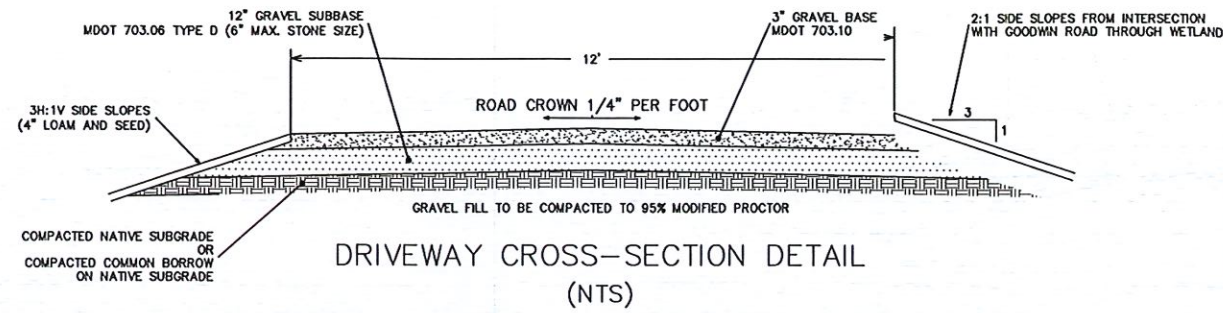


ROAD PLAN & PROFILE  
GOODWIN ROAD WETLAND ALTERATION  
52 GOODWIN ROAD, KITTERY POINT, MAINE 03905

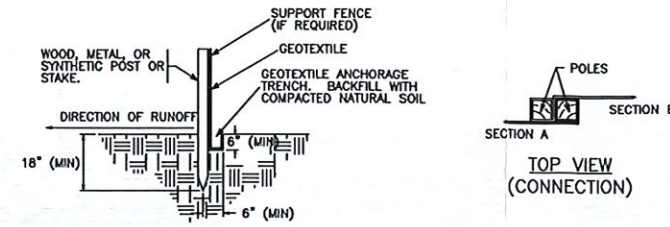
FOR: MICHAEL & BARBARA MURPHY  
P.O. BOX 135  
KITTERY POINT, MAINE 03905

ATTAR ENGINEERING, INC.  
CIVIL • STRUCTURAL • MARINE • SURVEYING  
1284 STATE ROAD - ELIOT, MAINE 03903  
PHONE: (207)439-6023 FAX: (207)439-2128

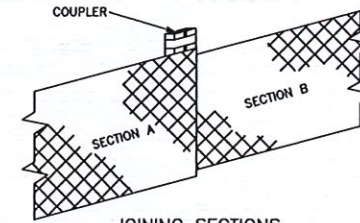
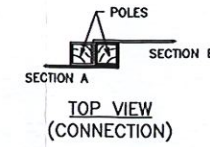
SCALE: AS NOTED	APPROVED BY: MJS	DRAWN BY: MJS
DATE: 09/21/21	REVISION DATE: B : 11/18/21	
JOB NO: C206-21	FILE: GOODWIN RD BSC.DWG	SHEET: 3 OF 4



DRIVEWAY CROSS-SECTION DETAIL  
(NTS)



TOE - IN METHOD

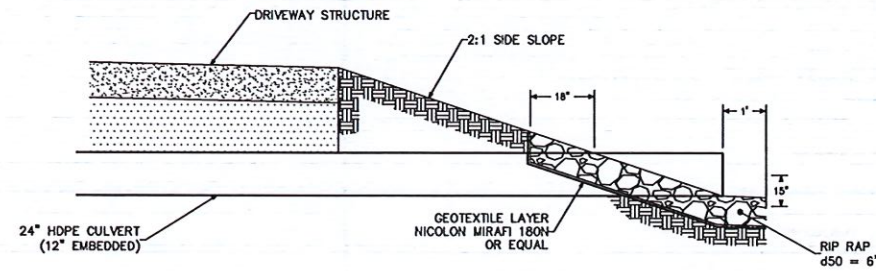


JOINING SECTIONS  
THE COUPLER CAN BE ANY ACCEPTABLE DEVICE USED TO TIE THE POLES TOGETHER

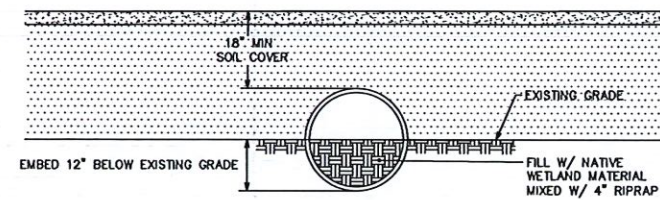
**NOTES**

1. DEPENDING UPON THE CONFIGURATION, ATTACH GEOTEXTILE TO WIRE MESH WITH HOG RINGS, TO STEEL POSTS WITH THE WIRES, AND TO WOOD POSTS WITH STAPLES.
2. POSTS MAY BE WIRED TOGETHER WHEN JOINING SECTIONS.

SILTATION FENCE DETAIL  
(NTS)



CULVERT INLET/OUTLET PROTECTION DETAIL  
(NTS)



CULVERT ELEVATION DETAIL  
(NTS)

NO.	DESCRIPTION	DATE



TAX MAP 3, LOT 1

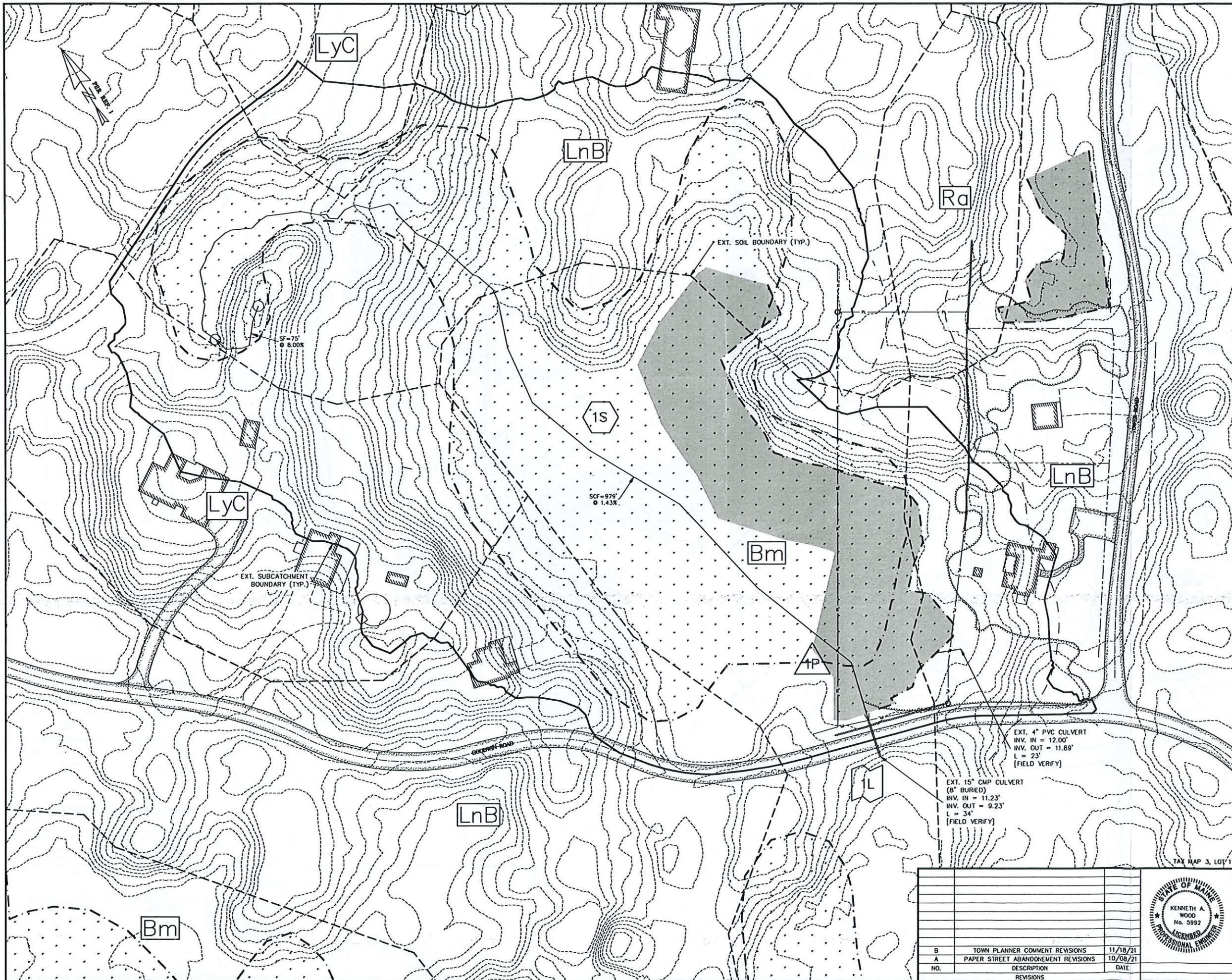
**SITE DETAILS**  
GOODWIN ROAD WETLAND ALTERATION  
52 GOODWIN ROAD, KITTERY POINT, MAINE 03905

FOR: MICHAEL & BARBARA MURPHY  
P.O. BOX 135  
KITTERY POINT, MAINE 03905

**ATTAR ENGINEERING, INC.**  
CIVIL ♦ STRUCTURAL ♦ MARINE ♦ SURVEYING  
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PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: AS NOTED	APPROVED BY: 	DRAWN BY: MJS
DATE: 09/21/21		REVISION DATE: 

JOB NO: C206-21 FILE: GOODWIN RD BASE.DWG SHEET: 4 OF 4



**1S** SUBCATCHMENT

**1R** REACH

**1P** POND

**1L** ANALYSIS POINT

**FLOW TYPES**

SF - SHEET FLOW

SCF - SHALLOW CONCENTRATED FLOW

CF - CHANNEL FLOW

**LEGEND**

SOIL TYPE BOUNDARY

EXT. SUBCATCHMENT

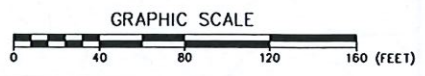
EXT. Tc FLOW LINE

EXT. Tc GRADE CALC

PRP. SUBCATCHMENT

PRP. Tc FLOW LINE

PRP. Tc GRADE CALC



EXT. 4" PVC CULVERT  
 INV. IN = 12.00'  
 INV. OUT = 11.89'  
 L = 23'  
 [FIELD VERIFY]

EXT. 15" CMP CULVERT  
 (8" BURIED)  
 INV. IN = 11.23'  
 INV. OUT = 9.23'  
 L = 34'  
 [FIELD VERIFY]

NO.	DESCRIPTION	DATE
B	TOWN PLANNER COMMENT REVISIONS	11/18/21
A	PAPER STREET ABANDONMENT REVISIONS	10/08/21
	REVISIONS	



STORMWATER: EXISTING DRAINAGE CONDITIONS  
 GOODWIN ROAD WETLAND ALTERATION  
 52 GOODWIN ROAD, KITTERY, MAINE 03905

FOR: MICHAEL & BARBARA MURPHY  
 P.O. BOX 135  
 KITTERY POINT, MAINE 03905

**ATTAR ENGINEERING, INC.**  
 CIVIL • STRUCTURAL • MARINE • SURVEYING  
 1284 STATE ROAD - ELIOT, MAINE 03903  
 PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: 1" = 40'

DATE: 08/12/21

JOB NO: C206-21 FILE: GOODWIN RD BASE.DWG

APPROVED BY:

DRAWN BY: MJS

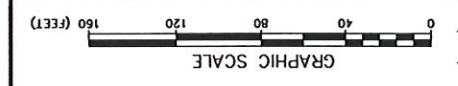
REVISION DATE: B : 11/18/21

SHEET: 1 OF 2

JOB NO. C206-21	FILE: GOODWIN RD BSE/DWG
DATE: 08/12/21	SHEET: 2 OF 2
REVISION DATE: B : 11/18/21	
APPROVED BY: MJS	
SCALE: 1" = 40'	
ATTAR ENGINEERING, INC. CIVIL, STRUCTURAL & MARINE SURVEYING 1254 STATE ROAD - FLOOR, MAINE 03905 PHONE: (207) 439-6023 FAX: (207) 439-2128	

NO.	DESCRIPTION	DATE
B	TOWN PLANNER CONVEY REVISIONS	11/18/21
A	PAPER STREET ABANDONMENT REVISIONS	10/08/21

FOR: MICHAEL & BARBARA MURPHY  
 52 GOODWIN ROAD, KITTERY, MAINE 03905  
 STORMWATER DEVELOPED DRAINAGE CONDITIONS  
 TAK MAP 3, LOT 1



**LEGEND**

PREP. TO GRADE CALC	PRP. TO GRADE CALC
PREP. TO FLOW LINE	PRP. TO FLOW LINE
PREP. SUBCATCHMENT	PREP. SUBCATCHMENT
EXT. TO GRADE CALC	EXT. TO GRADE CALC
EXT. TO FLOW LINE	EXT. TO FLOW LINE
EXT. SUBCATCHMENT	EXT. SUBCATCHMENT
SOL TYPE BOUNDARY	SOL TYPE BOUNDARY

**FLOW TYPES**

SF - SHEET FLOW	SCF - SHALLOW CONCENTRATED FLOW	CF - CHANNEL FLOW
-----------------	---------------------------------	-------------------

1S	SUBCATCHMENT
1R	REACH
1P	POND
1L	ANALYSIS POINT



EXT. 15' CMP CULVERT  
 INV. IN = 11.23  
 INV. OUT = 9.23  
 L = 34'  
 [FIELD VERIFY]

EXT. 4' PVC CULVERT  
 INV. IN = 12.00  
 INV. OUT = 11.89  
 L = 23'  
 [FIELD VERIFY]

PREP. 24" HDPE CULVERT  
 INV. IN = 11.05  
 INV. OUT = 10.95  
 L = 22'  
 REACH-110'  
 Ø 300X

SCF-979' Ø 1.43X

SF-75' Ø 8.00X

EXT. SOIL BOUNDARY (TRP)

EXT. SUBCATCHMENT (TRP)

EXT. SOIL BOUNDARY (TRP)

EXT. SUBCATCHMENT (TRP)

EXT. SOIL BOUNDARY (TRP)

EXT. SUBCATCHMENT (TRP)

**From:** [Adam Causey](#)  
**To:** [Bart McDonough](#)  
**Subject:** Fwd: [Kittery ME] Re: Michael and Barbara Murphy, 52 Goodwin Road (Sent by Casey Fournier, cfournier@bergenparkinson.com)  
**Date:** Thursday, February 3, 2022 7:10:47 PM

---

See below

Begin forwarded message:

**From:** "Langsdorf, Stephen E. F." <SLangsdorf@preti.com>  
**Date:** February 3, 2022 at 6:49:09 PM EST  
**To:** Adam Causey <ACausey@kitteryme.org>, "Collins, Kristin M." <KCollins@preti.com>  
**Subject: RE: [Kittery ME] Re: Michael and Barbara Murphy, 52 Goodwin Road (Sent by Casey Fournier, cfournier@bergenparkinson.com)**

Adam, You have asked us to review the staff's interpretation of the Zoning Ordinance, as it differs from the interpretation set forth in the letter dated January 24, 2022 from Scott Edmunds to Bart McDonough. We agree with the staff's interpretation that the so-called Goodwin parcel and Tower parcel have merged as one lot pursuant to Section 16.7.3.5(a). Initially, we agree that the 2 lots were separate non-conforming lots prior to the vacation of the paper street between the lots. Because title to both lots and the former paper street vested in a single owner of record since the adoption of the ordinance, and one or the other of the lots does not individually meet the dimensional requirements...and one or more lot is vacant or contains no principal structure, the lots shall be combined. We disagree with Edmunds' opinion that because non-conforming lots may be built upon without regard to dimensional requirements, that the lots are exempt from this section. At least one lot clearly does not individually meet the dimensional requirements applicable in the zone. If Edmunds' interpretation was correct the section would be a nullity. Please let us know if you have questions.

**Stephen E. F. Langsdorf**  
**PretiFlaherty**

---

**From:** Adam Causey <ACausey@kitteryme.org>  
**Sent:** Thursday, January 27, 2022 11:12 AM  
**To:** Collins, Kristin M. <KCollins@preti.com>; Langsdorf, Stephen E. F. <SLangsdorf@preti.com>  
**Subject:** [Kittery ME] Re: Michael and Barbara Murphy, 52 Goodwin Road (Sent by Casey Fournier, cfournier@bergenparkinson.com)

Note: \*\*\* This email originated from outside of Preti. Please do not click on any links or open attachments unless you can verify the sender and content.\*\*\*

A new request here.

We have a property owner that differs in staff's interpretation of Town code related to how to develop non-conforming lots of common ownership. Normally we would wait until the Planning Board requests legal opinion, but an opinion from the Town's legal will weigh heavily on whether the property owner moves forward with an application. Can schedule a call with staff to provide context, if needed.

Thank you,

Adam Causey, AICP  
Director of Planning & Development

Town of Kittery  
200 Rogers Road  
Kittery, ME 03904  
Phone (207) 475-1307  
[acausey@kitteryme.org](mailto:acausey@kitteryme.org)

-----Original Message-----

From: Bart McDonough <[BMcDonough@kitteryme.org](mailto:BMcDonough@kitteryme.org)>  
Sent: Monday, January 24, 2022 12:57 PM  
To: Adam Causey <[ACausey@kitteryme.org](mailto:ACausey@kitteryme.org)>  
Cc: Craig Alfis <[CEO@kitteryme.org](mailto:CEO@kitteryme.org)>; Dave Evans <[DEvans@kitteryme.org](mailto:DEvans@kitteryme.org)>  
Subject: FW: [Kittery ME] Re: Michael and Barbara Murphy, 52 Goodwin Road (Sent by Casey Fournier, [cfournier@bergenparkinson.com](mailto:cfournier@bergenparkinson.com))

Can we get the Town's Attorney opinion on the whether the lots merged or not?

-----Original Message-----

From: [cmsmailer@civicplus.com](mailto:cmsmailer@civicplus.com) <[cmsmailer@civicplus.com](mailto:cmsmailer@civicplus.com)>  
Sent: Monday, January 24, 2022 12:22 PM  
To: Bart McDonough <[BMcDonough@kitteryme.org](mailto:BMcDonough@kitteryme.org)>  
Subject: [Kittery ME] Re: Michael and Barbara Murphy, 52 Goodwin Road (Sent by Casey Fournier, [cfournier@bergenparkinson.com](mailto:cfournier@bergenparkinson.com))

Hello bmcdonough,

Casey Fournier ([cfournier@bergenparkinson.com](mailto:cfournier@bergenparkinson.com)) has sent you a message via your contact form (<https://www.kitteryme.gov/user/3484/contact>) at Kittery ME.

If you don't want to receive such e-mails, you can change your settings at <https://www.kitteryme.gov/user/3484/edit>.

Message:

Good afternoon Mr. McDonough,

Bergen & Parkinson, LLC is representing Mr. and Mrs. Murphy of 52 Goodwin Road, Kittery, ME in a matter before the Planning Board in anticipation of their upcoming meeting. I am attaching electronic copies of our opinion letter and exhibit A regarding the lots located at 52 Goodwin Road and 64 Tower Road. Hard copies are being dispatched via FedEx today, January 24, 2022. If you have any other questions, please don't hesitate to reach out to myself, or Attorney Scott Edmunds ([sedmunds@bergenparkinson.com](mailto:sedmunds@bergenparkinson.com)). We look forward to hearing the Planning Board's opinion on this matter.

Thank you,  
Casey Fournier, Esq.

---

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**PretiFlaherty**

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Adam Causey, AICP  
Director of Planning & Development

Town of Kittery  
200 Rogers Road  
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Phone (207) 475-1307  
[acausey@kitteryme.org](mailto:acausey@kitteryme.org)

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Subject: FW: [Kittery ME] Re: Michael and Barbara Murphy, 52 Goodwin Road (Sent by Casey Fournier, [cfournier@bergenparkinson.com](mailto:cfournier@bergenparkinson.com))

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-----Original Message-----

From: [cmsmailer@civicplus.com](mailto:cmsmailer@civicplus.com) <[cmsmailer@civicplus.com](mailto:cmsmailer@civicplus.com)>  
Sent: Monday, January 24, 2022 12:22 PM  
To: Bart McDonough <[BMcDonough@kitteryme.org](mailto:BMcDonough@kitteryme.org)>  
Subject: [Kittery ME] Re: Michael and Barbara Murphy, 52 Goodwin Road (Sent by Casey Fournier, [cfournier@bergenparkinson.com](mailto:cfournier@bergenparkinson.com))

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Thank you,  
Casey Fournier, Esq.

---

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