

# ITEM 4

**Town of Kittery  
Planning Board Meeting  
January 12, 2023**

**ITEM 4 – 39 Badgers Island, Sketch Plan Review – Minor Subdivision**

**Action: review for completeness, continue review, approve, or deny plan:** Pursuant to §16.4 Land Use Regulations and §16.9.3 Shoreland Development Review requirements of the Town of Kittery Land Use and Development Code, owner applicant B.I.W. Group, LLC and agent Chris Atwood Otter Creek homes with Ambit Engineering propose to subdivide the 0.48-acre parcel identified as Lot 38 of Tax Map 1 into 4 residential condominiums. The property is located at 39 Badgers Island West, in the Mixed-Use Badgers Island Zoning District (MU-BI) and Shoreland Overlay Zone (OZ-SL-250’).

**PROJECT TRACKING**

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan – Minor Subdivision	01/12/23	Pending
NO	Site Visit	N/A	N/A
NO	Public Hearing	N/A	N/A
YES	Subdivision - Final Plan Review Shoreland Development Plan Review	N/A	N/A

Applicant: Plan Review Notes reflect comments and recommendations regarding applicability of Town Land Use Development Code, and standard planning and development practices. Only the PB makes final decisions on code compliance and approves, approves with conditions or denies final plans. Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and, when applicable, recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4” HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

**Project Introduction**

39 Badgers Island West (“Property”) is a 21,029 square-foot (0.48 acres) property located along the middle portion of the looping road of Badger Island West, within the Mixed-Use Badgers Island (MU-BI) zoning district. The entire parcel is also within the Shoreland Overlay Zone (OZ-SL-250).

The proposed project is to create (4) 1,037 sqft buildings noted on the plan as A, B, C, D. Each building will contain 3 bedrooms/ 2 ½ baths with parking for 2 vehicles in enclosed garages, driveway parking for 2 more vehicles, and walkways and patios surfaced with pavers.

**Staff Review Notes: Title 16: Land Use and Development Code**

- Single family dwellings are a permitted use in MU-BI zoning districts per § 16.4.24(B)
- Plan complies with development standards for MU-BI zoning districts (unit density, setbacks, open space) of § 16.4.24 (D) and (E) and with the OZ-SL Shoreland Overlay Zone of § 16.4.28. Maximum devegetated area is 60% of lot; applicant proposes to achieve 45% devegetated area.
- Plan complies with Net residential acreage, Dwellings in Shoreland Overlay Zones, of § 16.5 Performance Standards. Sprinkler systems are required in buildings three or more stories or 36 or more feet in height (§ 16.5.25)

# ITEM 4

- 33 • § 16.8 Subdivision Review. Review process § 16.8.9 outlined in above table. A subdivision of 4 units  
34 comprises a Minor Subdivision per § 16.3.2. Minor subdivisions are reviewed via Sketch and Final  
35 Subdivision applications. A public hearing is not required.
- 36 • The applicant provided a complete sketch plan submission including 10 detailed plan sheets depicting  
37 existing conditions, utilities, grading, and lighting; a drainage analysis prepared by a licensed  
38 engineer, a quitclaim deed and associated authorization letters, site photographs, a soils report,  
39 lighting specifications, and perspective building drawings. The applicant is not requesting any  
40 **waivers**.
- 41 • § 16.8.10 Performance Standards. Public water and sewer utilities available. Stormwater and erosion  
42 control requirements to be reviewed by qualified peer review consultants. Staff and consultant review  
43 of proposed driveway configuration (emergency vehicle access, curb cuts) pending January 10  
44 Technical Review Committee meeting. Vehicular trip generation should be typical of residential uses.  
45 Snow storage proposed in open space areas east of driveway and at driveway terminus.
- 46 • Applicant must demonstrate financial and technical capacity prior to project approval and provide a  
47 financial guarantee prior to start of construction. Maintenance and inspection of stormwater facilities  
48 is required after project completion. Easements may be required to enable inspectors to access on-site  
49 facilities.
- 50 • Proposed exterior lighting is comprised of wall-mounted fixtures over driveways and one 12'-foot tall  
51 pole light located east of the driveway. Offsite light spillage or glare is anticipated to be minimal and  
52 generally complies with applicable standards.

53  
54 **Discussion Items:**

55 Landscape schedule includes **Spirea** to be planted along south edge of property. Spirea is a non-native  
56 plant that is not a listed invasive species but may self-propagate in a similar manner to invasive plants,  
57 according to Town staff. Alternate shrub species may be considered.

58  
59 **Signage** is proposed in public right-of-way area near the proposed driveway entrance. Signage should be  
60 removed or relocated to an area within property lines.

61  
62 **Recommendations**

63 This proposal substantially complies with applicable standards. Staff recommend **approving** this  
64 sketch minor subdivision plan or **continuing review** if additional information is needed from the  
65 applicant, staff, or peer review consultants.

66  
67 **Motions**

68  
69 ***Move to accept sketch plan site plan application as complete***

*Move to accept sketch plan application from owner/applicant owner applicant B.I.W. Group, LLC and agent Chris Atwood Otter Creek homes with Ambit Engineering request approval to create a subdivision of 4 residential lots on a legally conforming lot located on real property with the address of 39 Badgers Island West, Tax Map 1, Lot 38, in the Mixed-Use Badgers Island Zone (MU-BI), Shoreland Overlay Zone (OZ-SL-250').*

70  
71 ***Move to set a site visit for the sketch plan site plan application***

*Move to set a site visit for the sketch plan from owner/applicant owner B.I.W. Group, LLC and agent Chris Atwood Otter Creek homes with Ambit Engineering request approval to create a subdivision of 4 residential lots on a legally conforming lot located on real property with the address of 39 Badgers Island West, Tax Map 1, Lot 38, in the Mixed-Use Badgers Island Zone (MU-BI), Shoreland Overlay Zone (OZ-SL-250').*

## ITEM 4

- 72 ***Move to continue the sketch plan site plan application***  
*Move to continue sketch plan application from owner/applicant B.I.W. Group, LLC and agent Chris Atwood Otter Creek homes with Ambit Engineering request approval to create a subdivision of 4 residential lots on a legally conforming lot located on real property with the address of 39 Badgers Island West, Tax Map 1, Lot 38, in the Mixed-Use Badgers Island Zone (MU-BI), Shoreland Overlay Zone (OZ-SL-250’).*
- 73
- 74 ***Move to deny the sketch plan site plan application***  
*Move to accept sketch plan application from owner/applicant B.I.W. Group, LLC and agent Chris Atwood Otter Creek homes with Ambit Engineering request approval to create a subdivision of 4 residential lots on a legally conforming lot located on real property with the address of 39 Badgers Island West, Tax Map 1, Lot 38, in the Mixed-Use Badgers Island Zone (MU-BI), Shoreland Overlay Zone (OZ-SL-250’).*
- 75

**AMBIT ENGINEERING, INC.** CIVIL ENGINEERS AND LAND SURVEYORS  
200 Griffin Road, Unit 3, Portsmouth, NH 03801  
Phone (603) 430-9282 Fax 436-2315

27 October 2022

Dutch Dunkelberger, Chair  
Kittery Planning Board  
Town of Kittery  
200 Rogers Road  
Kittery, ME 03904

**Re: Sketch Plan Application; Amended Site Plan – Residential Development  
Tax Map 1, Lot 38  
39 Badgers Island West  
Kittery, ME**

Dear Dutch and Planning Board Members:

On behalf of BIW Group LLC – Owner and **Otter Creek Homes - Applicant** we submit herewith the attached package for Amended Site Plan Approval – Sketch Plan Submission at the site. We hereby request that we be placed on the Agenda for the **November 17 Planning Board Meeting**. In support thereof, we are submitting a Site Plan set with the associated exhibits and requirements. This proposal is to construct four free-standing Residential units. Currently the site served as parking and day care for the Green Pages office at the west end of Badgers Island. The proposed use we believe fits the predominately residential uses on Badgers Island. The Existing Conditions Plan reflects the state of the site today; however the building which existed on the site has been recently demolished.

The project conforms to the Kittery Land Use and Development Code for the zone it occupies for allowable number of dwelling units, open space (a reduction from the existing), and building setbacks. A portions of the lot may be within the 250 Shoreland Zone, our analysis based on field measurements is ongoing; but we do not believe that the exact location of the 250 setback line will impact the proposal.

The intent is to develop the site as a Condominium. The proposed units will be slab on grade construction with parking on the lower level. The unit will accommodate two cars; with a guest parking area for 4 vehicles. The units will be 3 bedroom / 2 ½ bath with elevated finishes appropriately priced. The exteriors will be fitted with patios, as allowed. There will be a larger common area gathering space, with a walkway leading to it. The development will have an exterior mailbox tree. The site is gently sloping; storm water run-off exits the site in 2 directions. It is anticipated that those directions will be maintained; and due to the decrease in impervious surface run-off will be reduced. The site will be served by existing street utilities.



The following plans are included in our submission:

- Cover Sheet – This plan shows the design team and Legend for the Plan Set.
- Existing Conditions Plan C1 – This plan shows the current improvements on the property and the site boundary.
- Site Concept Plan C2 – This plan shows the location of the proposed buildings, walk, parking, and driveway entrances. The plan highlights, in color, the existing and proposed preliminary landscaping.
- Site Detail Plan C3 – This plan shows the **Architectural Concept** of the proposed buildings. The building siting takes advantage of available views. The Site Vicinity view gives the development its context to the neighborhood.

Please also find the attached in support of this proposal:

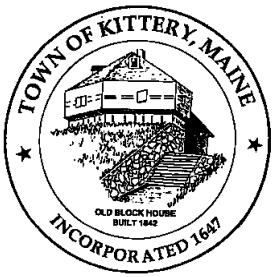
Sketch Plan Application  
Authorizations  
USGS Map  
Vicinity map  
Tax Map  
Subcatchment Map  
Site Photographs  
Soil Report

We look forward to your review of this submission and our in person presentation at the Planning Board meeting. Thank you for your time and attention to this proposal. Please contact me if you have any questions or concerns regarding this application.

Sincerely,

*John Chagnon*

John R. Chagnon, PE  
Ambit Engineering, Inc.  
CC: Project Team



# TOWN OF KITTERY MAINE

## TOWN PLANNING AND DEVELOPMENT DEPARTMENT

200 Rogers Road, Kittery, Maine 03904

Phone: (207) 475-1323

Fax: (207) 439-6806

[www.kittery.org](http://www.kittery.org)

### APPLICATION: SITE OR SUBDIVISION-SKETCH PLAN REVIEW

<b>Application Fee:</b>		<input checked="" type="checkbox"/> \$200.00	<b>Amount Paid:\$</b> _____		<b>Date:</b> 10-27-2022		
<b>PROPERTY DESCRIPTION</b>	<b>Parcel ID</b>	<b>Map</b>	1	<b>Zone(s)-Base:</b>	MU-B1	<b>Total Land Area</b>	21,029
		<b>Lot</b>	38		<b>Overlay:</b>	OZ-SL-250	<b>MS4</b>
	<b>Physical Address</b>	39 Badgers Island West					
<b>PROPERTY OWNER'S INFORMATION</b>	<b>Name</b>	BIW Group, LLC			<b>Mailing Address</b>	41 Industrial Drive Unit 20 Exeter, NH 03833	
	<b>Phone</b>						
	<b>Fax</b>						
	<b>Email</b>	steven.wilson@hdcgc.net					
<b>APPLICANT'S AGENT INFORMATION</b>	<b>Name</b>	John Chagnon			<b>Name of Business</b>	Ambit Engineering, Inc.	
	<b>Phone</b>	(603) 430-9282			<b>Mailing Address</b>	200 Griffin Road Unit 3 Portsmouth, NH 03801	
	<b>Fax</b>	(603) 436-2315					
	<b>Email</b>	jrc@ambitengineering.com					
<b>PROJECT DESCRIPTION</b>	<i>See reverse side regarding information to be provided.</i>						
	<b>Existing Land Use(s):</b>						
	Day care/parking.						
	<b>Proposed Land Use(s) and Development:</b>						
	4 residential units.						
	<b>Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)</b>						
	Edge of property may be in the shoreland zone.						
I certify, to the best of my knowledge, this application information is true and correct and I will not deviate from the Plan submitted without notifying the Town Planning and Development Department of any changes.							
<b>Applicant's Signature:</b>	<u>John Chagnon</u>			<b>Owner's Signature:</b>	See Authorization		
<b>Date:</b>	<u>10-27-22</u>			<b>Date:</b>	_____		

## MINIMUM PLAN SUBMITTAL REQUIREMENTS

**15 Copies of this Application, Vicinity Map, and the Sketch Plan - 5 of which must be 24"X 36"**

**Sketch Plan format and content:**

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

B) Plan Scale

- Under 10 acres: no greater than 1" = 30'
- 10 + acres: 1" = 50'

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

C) Title Block

- Applicant's name and address
- Name of preparer of plan with professional information
- Parcel's Kittery tax map identification (map – lot) in bottom right corner

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

**Sketch Plan must include the following existing and proposed information:**

**Existing:**

- Land Use Zone and boundary
- Topographic map (optional)
- Wetlands and flood plains
- Water bodies and water courses
- Parcel area
- Lot dimensions
- Utilities (Sewer/septic, water, electric, phone)
- Streets, driveways and rights-of-way
- Structures

**Proposed:** (Plan must show the lightened existing topography under the proposed plan for comparison.)

- Recreation areas and open space
- Number of lots and lot areas
- Setback lines and building envelopes
- Lot dimensions
- Utilities (Sewer/septic, water, electric, phone)
- Streets, driveways and rights-of-way
- Structures

Distance to:

- Nearest driveways and intersections
- Nearest fire hydrant
- Nearest significant water body

**AN APPLICATION THE TOWN PLANNER DEEMS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE SCHEDULED FOR PLANNING BOARD REVIEW.**

25 October, 2022

**To Whom It May Concern**

**RE: Client Representation for a proposed Amended Site Plan for BIW Group, LLC at 39 Badgers Island West, Kittery, Maine**

This letter is to inform the Town of Kittery, and other parties in accordance with approval procedures that Otter Creek Homes of North Hampton, NH is authorized to represent the above-mentioned property as the Applicant for the approval process. This includes signatory powers on any and all applications.

Please feel free to call me if there is any question regarding this authorization.

Sincerely,

**Shayne Forsley**  
**BIW Group, LLC**

Authorized Representative  
41 Industrial Drive, Unit 20  
Exeter, NH  
03833

25 October, 2022

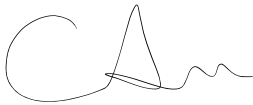
**To Whom It May Concern**

**RE: Client Representation for a proposed Amended Site Plan for BIW Group,  
LLC at 39 Badgers Island West, Kittery, Maine**

This letter is to inform the Town of Kittery, and other parties in accordance with approval procedures that Ambit Engineering is authorized to represent the above-mentioned property as our agent in the approval process. This includes signatory powers on any and all applications.

Please feel free to call me if there is any question regarding this authorization.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Atwood". The signature is fluid and cursive, with a large initial "C" and a distinct "A".

**Chris Atwood**  
**Otter Creek Homes**

Authorized Representative  
198 Lafayette Road, Unit 1  
North Hampton, NH  
03862



OTTER CREEK HOMES  
39 BADGERS ISLAND WEST  
KITTERY, MAINE

JOB NUMBER: 3430.01  
SCALE: 1" = 1000'  
SUBMITTED: 10-12-2022





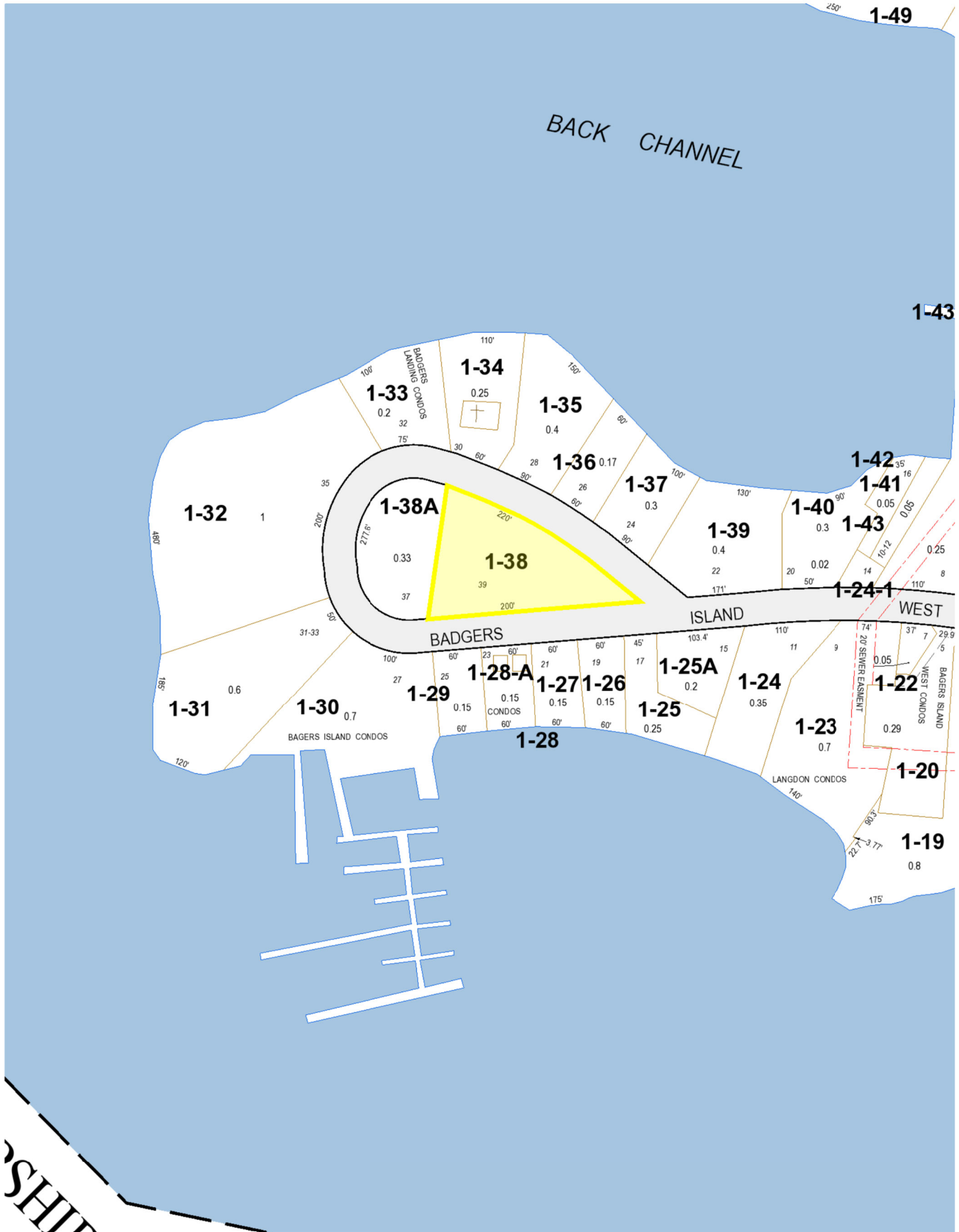
OTTER CREEK HOMES  
39 BADGERS ISLAND WEST  
KITTERY, MAINE

JOB NUMBER: 3430.01  
SCALE: 1" = 100'  
SUBMITTED: 10-12-2022



OTTER CREEK HOMES  
39 BADGERS ISLAND WEST  
KITTERY, MAINE

JOB NUMBER: 3430.01  
NTS  
SUBMITTED: 10-12-2022





OTTER CREEK HOMES  
39 BADGERS ISLAND WEST  
KITTERY, MAINE

JOB NUMBER: 3430.01  
SCALE: 1" = 30'  
SUBMITTED: 10-12-2022





Site Photograph #1

October 2022



Site Photograph #2

October 2022





Site Photograph #3

October 2022



Site Photograph #4

October 2022





Site Photograph #5

October 2022



Site Photograph #6

October 2022





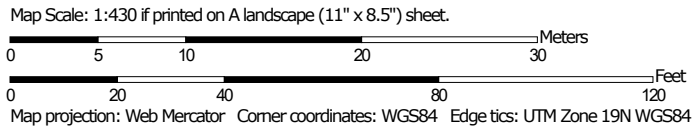
# Custom Soil Resource Report for York County, Maine



# Custom Soil Resource Report Soil Map



Soil Map may not be valid at this scale.



### MAP LEGEND

**Area of Interest (AOI)**

 Area of Interest (AOI)


**Soils**


 Soil Map Unit Polygons


 Soil Map Unit Lines


 Soil Map Unit Points

**Special Point Features**

 Blowout

 Borrow Pit


 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water

 Perennial Water

 Rock Outcrop

 Saline Spot

 Sandy Spot

 Severely Eroded Spot


 Sinkhole


 Slide or Slip

 Sodic Spot


 Spoil Area

 Stony Spot


 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

**Water Features**

 Streams and Canals


**Transportation**

 Rails


 Interstate Highways

 US Routes

 Major Roads

 Local Roads

**Background**

 Aerial Photography

### MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: York County, Maine  
 Survey Area Data: Version 21, Aug 30, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 19, 2020—Sep 20, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
UH	Urban land-Hooksan complex, 0 to 8 percent slopes	0.5	100.0%
<b>Totals for Area of Interest</b>		<b>0.5</b>	<b>100.0%</b>

## Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.



## Custom Soil Resource Report

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

## York County, Maine

### UH—Urban land-Hooksan complex, 0 to 8 percent slopes

#### Map Unit Setting

*National map unit symbol:* 2x111  
*Elevation:* 0 to 50 feet  
*Mean annual precipitation:* 36 to 71 inches  
*Mean annual air temperature:* 39 to 55 degrees F  
*Frost-free period:* 140 to 240 days  
*Farmland classification:* Not prime farmland

#### Map Unit Composition

*Urban land, coastal:* 50 percent  
*Hooksan and similar soils:* 30 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Urban Land, Coastal

##### Setting

*Landform:* Dunes  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear

##### Typical profile

*M - 0 to 10 inches:* cemented material

##### Properties and qualities

*Slope:* 0 to 8 percent  
*Depth to restrictive feature:* 0 inches to manufactured layer  
*Runoff class:* Very high  
*Capacity of the most limiting layer to transmit water (Ksat):* Very low (0.00 to 0.00 in/hr)  
*Frequency of flooding:* Rare  
*Available water supply, 0 to 60 inches:* Very low (about 0.0 inches)

##### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 8  
*Hydrologic Soil Group:* D  
*Hydric soil rating:* Unranked

#### Description of Hooksan

##### Setting

*Landform:* Dunes  
*Landform position (two-dimensional):* Summit, shoulder, backslope, footslope  
*Landform position (three-dimensional):* Side slope, base slope, crest  
*Down-slope shape:* Convex  
*Across-slope shape:* Convex, linear  
*Parent material:* Sandy eolian deposits

##### Typical profile

*C1 - 0 to 20 inches:* sand  
*C2 - 20 to 30 inches:* sand  
*C3 - 30 to 64 inches:* sand

## Custom Soil Resource Report

### Properties and qualities

*Slope:* 0 to 8 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Excessively drained

*Runoff class:* Negligible

*Capacity of the most limiting layer to transmit water (Ksat):* Very high (14.17 to 99.90 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* Rare

*Frequency of ponding:* None

*Maximum salinity:* Nonsaline (0.0 to 1.9 mmhos/cm)

*Available water supply, 0 to 60 inches:* Low (about 5.4 inches)

### Interpretive groups

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 7e

*Hydrologic Soil Group:* A

*Ecological site:* R149BY002MA - Coastal Dunes

*Hydric soil rating:* No



# RESIDENTIAL DEVELOPMENT

39 BADGERS ISLAND WEST

KITTERY, MAINE

## (AMENDED) SITE PLAN SKETCH PLAN APPLICATION

**OWNER:**  
B.I.W. GROUP, LLC  
41 INDUSTRIAL DRIVE, UNIT 20  
EXETER, N.H. 03833

**APPLICANT:**  
OTTER CREEK HOMES  
198 LAFAYETTE ROAD, UNIT 1  
NORTH HAMPTON, N.H. 03862  
(603) 833-0784

**CIVIL ENGINEER & LAND SURVEYOR:**  
AMBIT ENGINEERING, INC.  
200 GRIFFIN ROAD, UNIT 3  
PORTSMOUTH, N.H. 03801-7114  
TEL: (603) 430-9282  
FAX: (603) 436-2315

**BUILDING DESIGN:**  
DESIGN WORTH CALLING HOME  
PO BOX 547  
GREENLAND, NH 03840  
(603) 767-3232

### INDEX OF SHEETS

- C1 - EXISTING CONDITIONS PLAN
- C2 - PROPOSED SITE CONCEPT PLAN
- C3 - PROPOSED SITE DETAILS

OWNER:

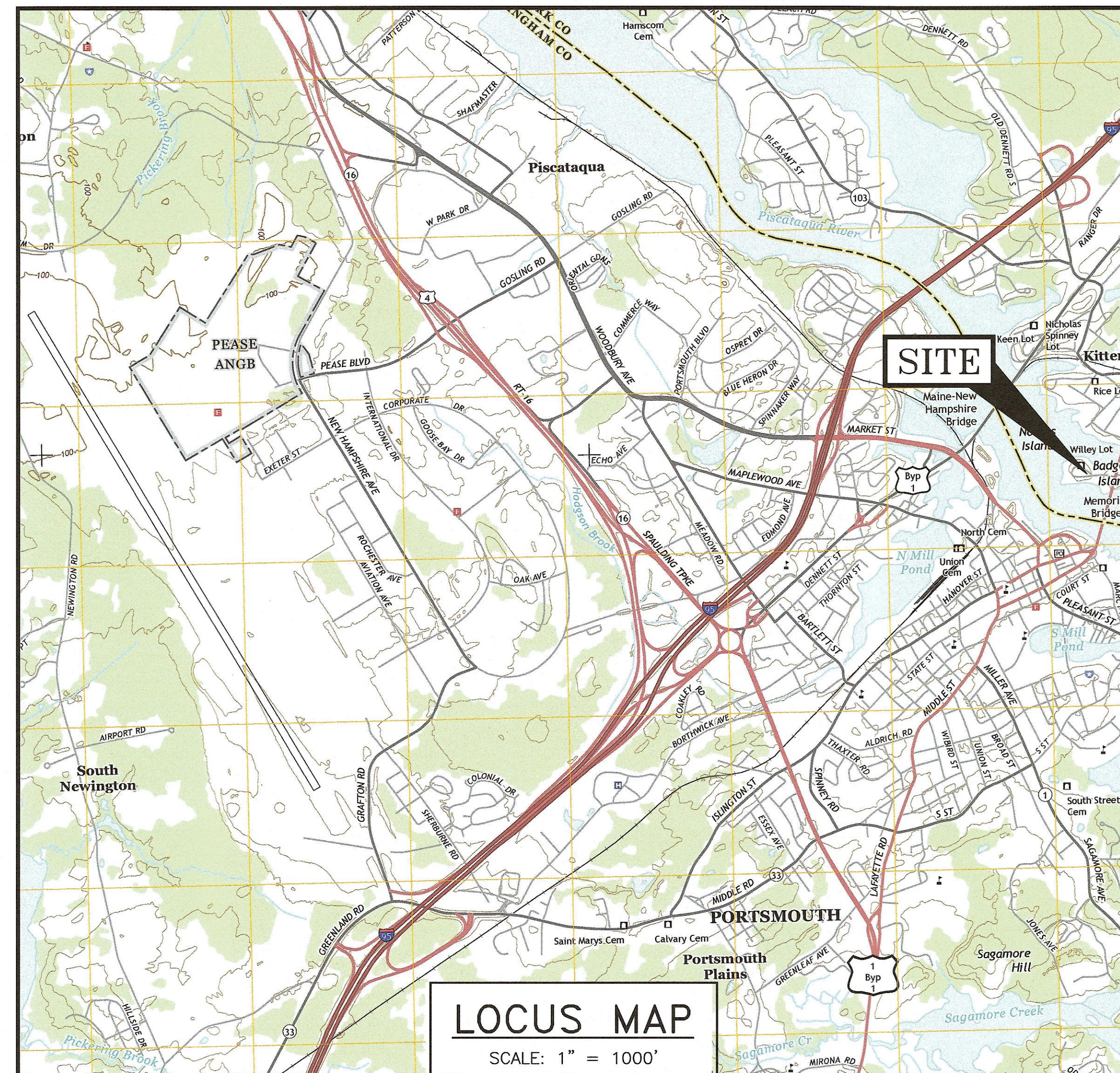
SIGNATURE

DATE

APPROVED BY THE KITTERY PLANNING BOARD

CHAIRMAN

DATE



LEGEND:	
N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
YCRD	YORK COUNTY REGISTRY
	OF DEEDS
(11/21)	MAP 11/LOT 21
RR SPK FND	RAILROAD SPIKE FOUND / SET
IR FND	IRON ROD FOUND / SET
IP FND	IRON PIPE FOUND / SET
DH FND	DRILL HOLE FOUND
BND w/DH	BOUND WITH DRILL HOLE
ST BND w/DH	STONE BOUND WITH DRILL HOLE
RR SPK SET	RAILROAD SPIKE FOUND / SET
IR SET	IRON ROD FOUND / SET
IP SET	IRON PIPE FOUND / SET
DH SET	DRILL HOLE FOUND
BND w/DH	BOUND WITH DRILL HOLE
ST BND w/DH	STONE BOUND WITH DRILL HOLE
EXISTING	PROPOSED
FM	FM
S	S
G	G
D	D
W	W
	FORCE MAIN
	SEWER LINE
	GAS LINE
	STORM DRAIN
	WATER LINE
	UNDERGROUND ELECTRIC
	OVERHEAD ELECTRIC/WIRES
	EDGE/¼ OF WATER BODY
	EDGE OF WETLAND
	EDGE OF RESOURCE PROTECTION AREA
	AREA OF WETLAND DISTURBANCE
	¼ OF DITCH/SWALE
100	CONTOUR
97x3	SPOT ELEVATION
	EDGE OF PAVEMENT (EP)
	WOODS / TREE LINE
	SECURITY FENCE
	WETLANDS
	SOIL SERIES
	UTILITY POLE
	WATER SHUT OFF/CURB STOP
	GAS SHUT OFF
	GATE VALVE
	HYDRANT
	CATCH BASIN
	TELEPHONE MANHOLE
	SEWER MANHOLE
	DRAIN MANHOLE
	WELL
	ASBESTOS CEMENT PIPE
	CENTERLINE
	CAST IRON PIPE
	CORRUGATED METAL PIPE
	COPPER PIPE
	CORRUGATED PLASTIC PIPE
	DUCTILE IRON PIPE
	ELEVATION
	EDGE OF PAVEMENT
	FINISHED FLOOR
	INVERT
	POLYVINYL CHLORIDE PIPE
	REINFORCED CONCRETE PIPE
	TO BE DETERMINED
	TEMPORARY BENCH MARK
	TYPICAL
	VITRIFIED CLAY PIPE
	PARKING SPACE COUNT

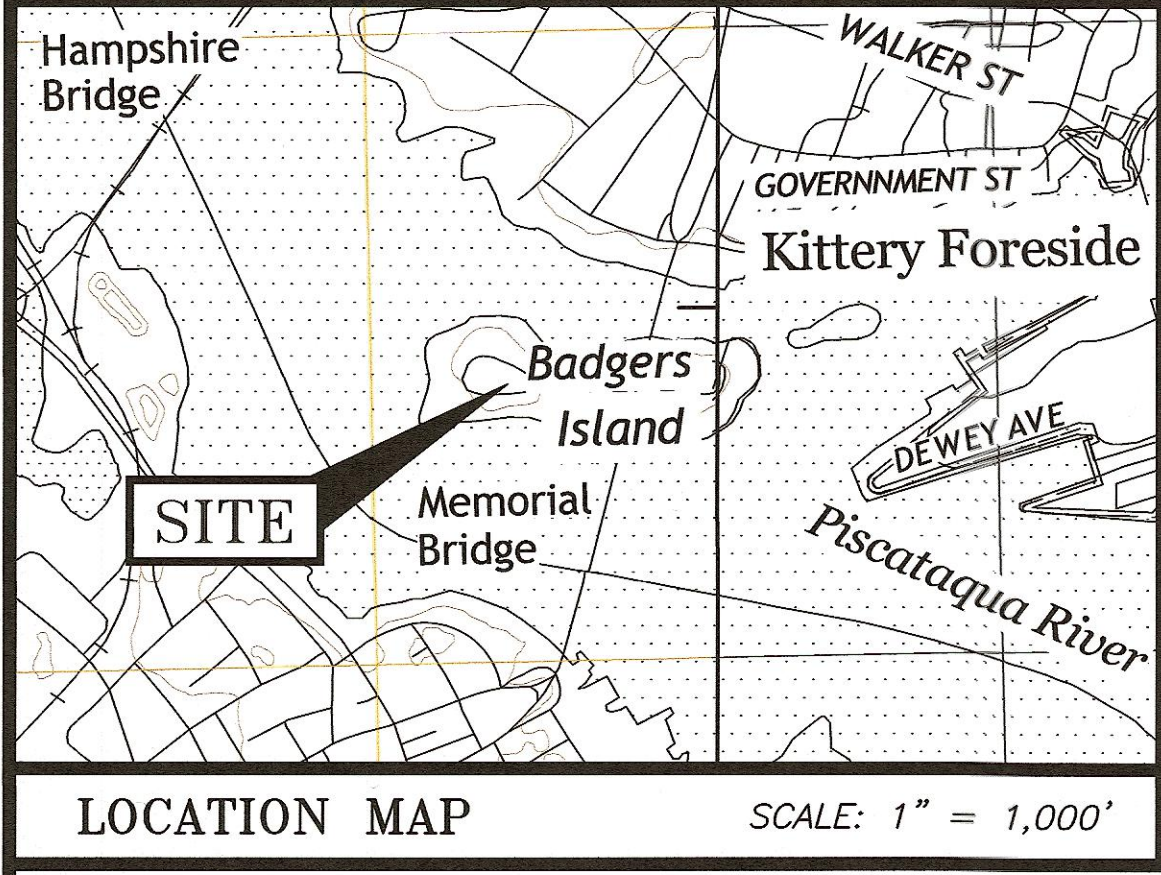


(AMENDED) SITE PLAN  
TAX MAP 1, LOT 38  
RESIDENTIAL DEVELOPMENT  
39 BADGERS ISLAND WEST  
KITTERY, MAINE

**AMBIT ENGINEERING, INC.**  
Civil Engineers & Land Surveyors  
200 Griffin Road, Unit 3  
Portsmouth, N.H. 03801-7114  
Tel (603) 430-9282  
Fax (603) 436-2315

PLAN SET SUBMITTAL DATE: 27 OCTOBER 2022



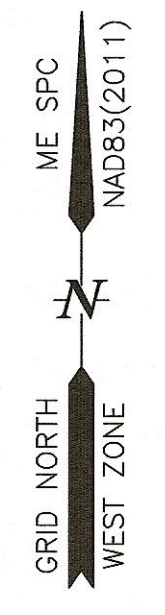


**PLAN REFERENCES:**

- 1) "STANDARD BOUNDARY SURVEY OF TAX MAP 1, LOT 38 ON BADGERS ISLAND, KITTERY, MAINE, FOR LIL'S GREENDREAM, INC.," PREPARED BY DOUCET SURVEY, INC., DATED JUNE 16, 1995 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 224 PAGE 42.
- 2) "PLAN OF LOTS BADGERS ISLAND, KITTERY, MAINE, OWNED BY JOSEPH W. THORNER", PREPARED BY JOHN W. DURGIN, DATED APRIL, 1936 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 22 PAGE 31.
- 3) EXISTING CONDITIONS PLAN, 39 BADGERS ISLAND WEST, SCALE: 1"=10. DATED 4/19/22. PREPARED BY EASTERLY SURVEY (NOT RECORDED).

**CURVE TABLE:**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	80.00'	15.03'	15.01'	S62°01'10"E	10°45'46"
C2	25.00'	62.92'	47.58'	S12°55'30"W	144°12'22"



**AMBIT ENGINEERING, INC.**  
 Civil Engineers & Land Surveyors  
 200 Griffin Road - Unit 3  
 Portsmouth, N.H. 03801-7114  
 Tel (603) 430-9282  
 Fax (603) 436-2315

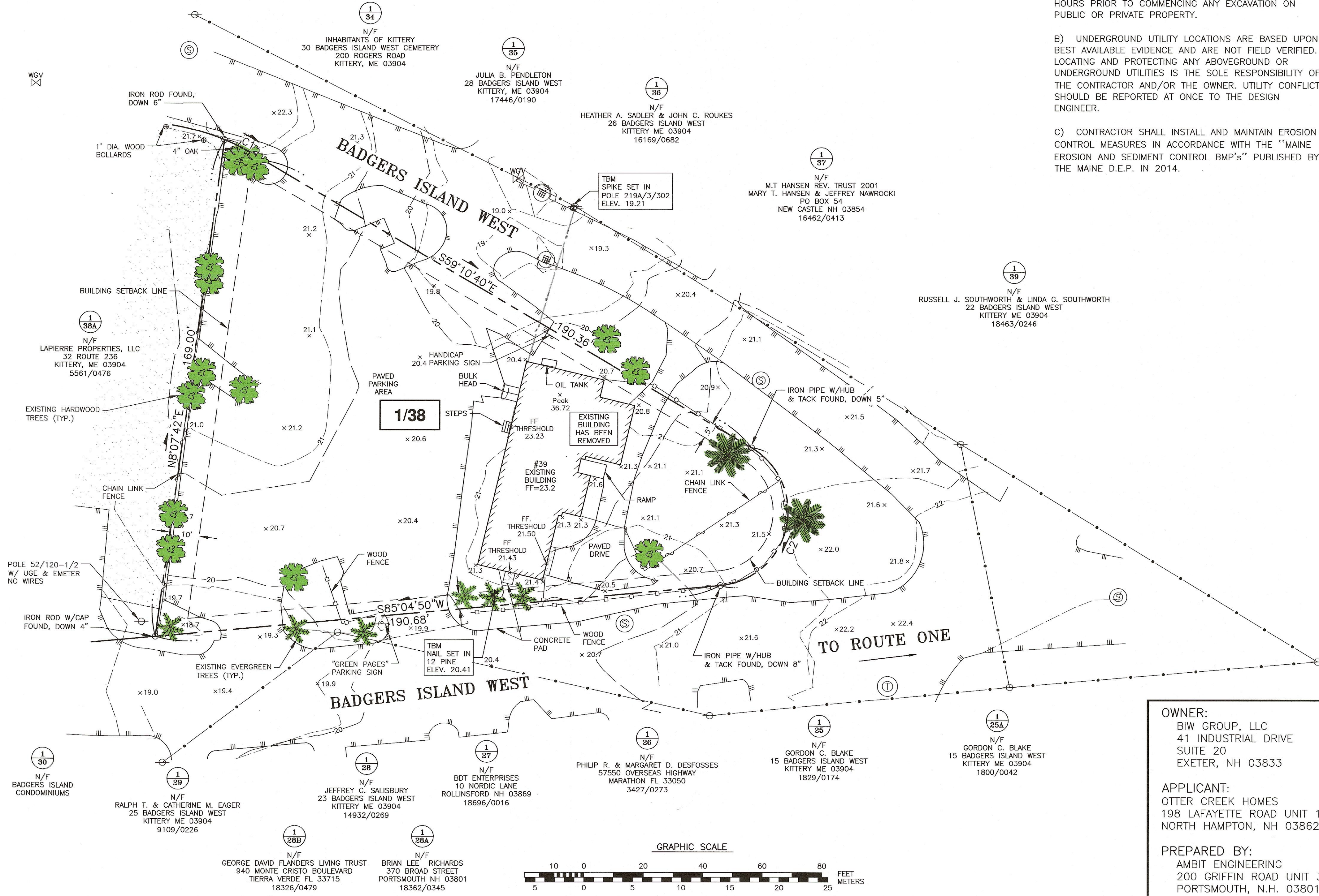
**NOTES:**

- 1) PARCEL IS SHOWN ON THE TOWN OF KITTERY ASSESSOR'S MAP 1 AS LOT 38.
- 2) OWNER OF RECORD:  
BIW GROUP, LLC  
41 INDUSTRIAL DRIVE, SUITE 20  
EXETER, NH 03833  
18503/331
- 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD ZONE (ZONE C) AS SHOWN ON FIRM PANEL 2301710008D. EFFECTIVE DATE JULY 3, 1986.
- 4) EXISTING LOT AREA:  
21,029 S.F.  
0.4828 ACRES
- 5) THE BOUNDARY SHOWN HEREON IS FROM PLAN REFERENCE 3.
- 6) DATUM: NAVD88 GPS.
- 7) PARCEL ZONING INFORMATION:  
BASE ZONE: MIXED USE - BADGERS ISLAND (MU-BI)  
OVERLAY ZONES:  
WATER BODY/WETLAND PROTECTION AREA - 250' (OZ-SL-250')  
COMMERCIAL FISHERIES/MARITIME USES - (CFMU)
- 8) DIMENSIONAL REQUIREMENTS:  
MU-BI BASE ZONE REQUIREMENTS:  
MINIMUM LAND AREA PER DWELLING UNIT:  
3,000 SQ. FT. (UNITS 1 & 2)  
6,000 SQ. FT. (UNITS 3+)  
MINIMUM LOT SIZE: 6,000 SQ. FT.  
MINIMUM STREET FRONTAGE: 50 FT.  
MINIMUM FRONT YARD: 5 FT.  
MINIMUM REAR AND SIDE YARDS: 10 FT.  
MAXIMUM BUILDING HEIGHT: 40 FT.  
MINIMUM OPEN SPACE: 40%  
OZ-SL-250' REQUIREMENTS (SEE 16.3.2.17):  
MAXIMUM DEVEGETATED COVERAGE: 60%  
PRINCIPAL AND ACCESSORY STRUCTURES SETBACK: 75 FT.  
ACCESSORY PATIO/DECK < 500 SQ.FT. SETBACK: 75 FT.
- 9) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON ASSESSOR'S MAP 1 LOT 38 IN THE TOWN OF KITTERY.

**NOTES:**

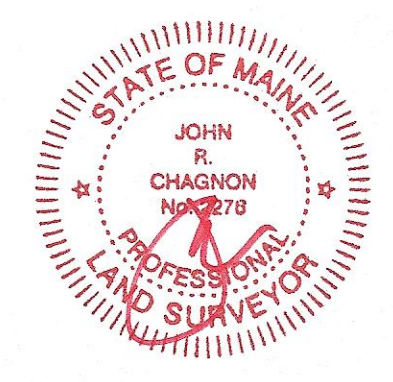
- A) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- B) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- C) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL BMP'S" PUBLISHED BY THE MAINE D.E.P. IN 2014.

**LEGEND:**  
\*SEE COVER SHEET.



**SITE REDEVELOPMENT  
39 BADGERS ISLAND WEST  
KITTERY, ME**

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	10/24/22
REVISIONS		



**OWNER:**  
BIW GROUP, LLC  
41 INDUSTRIAL DRIVE  
SUITE 20  
EXETER, NH 03833

**APPLICANT:**  
OTTER CREEK HOMES  
198 LAFAYETTE ROAD UNIT 1  
NORTH HAMPTON, NH 03862

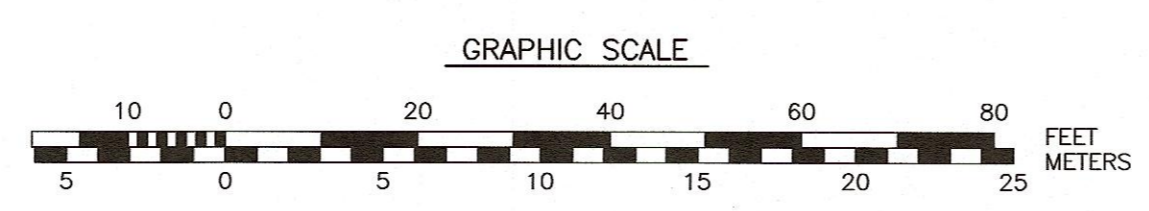
**PREPARED BY:**  
AMBIT ENGINEERING  
200 GRIFFIN ROAD UNIT 3  
PORTSMOUTH, N.H. 03801

SCALE: 1"=20'      OCTOBER 2022

**EXISTING CONDITIONS PLAN**      **C1**



DEVEGETATED COVERAGE CALCULATION (TO LOT LINE)		
STRUCTURE	PRE-CONSTRUCTION (S.F.)	POST-CONSTRUCTION (S.F.)
MAIN STRUCTURES	2,071	3,688
PAVEMENT	13,286	5,492
STAIRS/RAMP	51	0
BULKHEAD	25	0
CONCRETE PADS	29	0
WALKWAY	0	616
TOTAL	15,462	9,796
LOT SIZE	21,029	21,029
% DEVEGETATED AREA	73.5%	46.6%



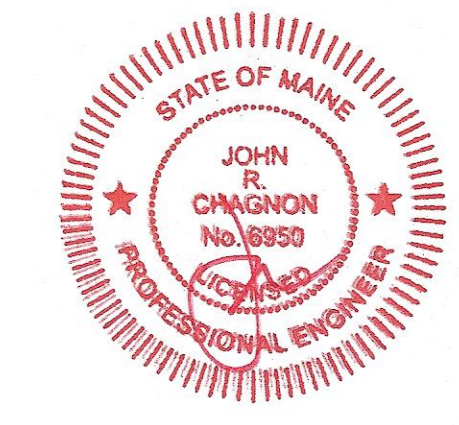
ME SPC  
NAD83(2011)  
GRID NORTH  
WEST ZONE

**AMBIT ENGINEERING, INC.**  
Civil Engineers & Land Surveyors  
200 Griffin Road Unit 3  
Portsmouth, N.H. 03801-7114  
Tel (603) 430-9282  
Fax (603) 436-2315

- NOTES:**
- 1) PARCEL IS SHOWN ON THE TOWN OF ELIOT ASSESSOR'S MAP 1 AS LOT 38.
  - 2) OWNER OF RECORD:  
BIW GROUP, LLC  
41 INDUSTRIAL DRIVE, SUITE 20  
EXETER, NH 03833  
18503/331  
  
APPLICANT:  
OTTER CREEK HOMES  
198 LAFAYETTE ROAD, UNIT 1  
NORTH HAMPTON, NH 03862
  - 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD ZONE (ZONE C) AS SHOWN ON FIRM PANEL 2301710008D, EFFECTIVE DATE JULY 3, 1986.
  - 4) EXISTING LOT AREA:  
21,029 S.F.  
0.4828 ACRES
  - 5) PARCEL ZONING INFORMATION:  
BASE ZONE: MIXED USE - BADGERS ISLAND (MU-BI)  
OVERLAY ZONES:  
WATER BODY/WETLAND PROTECTION AREA - 250' (OZ-SL-250')  
COMMERCIAL FISHERIES/MARITIME USES - (CFMU)
  - 6) DIMENSIONAL REQUIREMENTS:  
MU-BI BASE ZONE REQUIREMENTS:  
MINIMUM LAND AREA PER DWELLING UNIT:  
3,000 SQ. FT. (UNITS 1 & 2)  
6,000 SQ. FT. (UNITS 3+)  
MINIMUM LOT SIZE: 6,000 SQ. FT.  
MINIMUM STREET FRONTAGE: 50 FT.  
MINIMUM FRONT YARD: 5 FT.  
MINIMUM REAR AND SIDE YARDS: 10 FT.  
MAXIMUM BUILDING HEIGHT: 40 FT.  
MINIMUM OPEN SPACE: 40%  
  
OZ-SL-250' REQUIREMENTS (SEE 16.3.2.17):  
MAXIMUM DEVEGETATED COVERAGE: 60%  
PRINCIPAL AND ACCESSORY STRUCTURES SETBACK: 75 FT.  
ACCESSORY PATIO/DECK < 500 SQ.FT.  
SETBACK: 75 FT.
  - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED STRUCTURES & SITE IMPROVEMENTS ON ASSESSOR'S MAP 1 LOT 38 IN THE TOWN OF KITTERY.

**SITE REDEVELOPMENT  
39 BADGERS ISLAND WEST  
KITTERY, ME**

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	10/24/22



OWNER:  
BIW GROUP, LLC  
41 INDUSTRIAL DRIVE  
SUITE 20  
EXETER, NH 03833  
  
APPLICANT:  
OTTER CREEK HOMES  
198 LAFAYETTE ROAD UNIT 1  
NORTH HAMPTON, NH 03862  
  
PREPARED BY:  
AMBIT ENGINEERING  
200 GRIFFIN ROAD UNIT 3  
PORTSMOUTH, N.H. 03801

SCALE: 1"=20'      OCTOBER 2022

**SITE CONCEPT PLAN**      **C2**

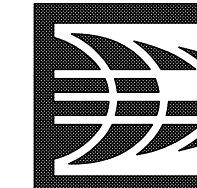




CONCEPT ARCHITECTURAL



SITE VICINITY



**AMBIT ENGINEERING, INC.**  
 Civil Engineers & Land Surveyors  
 200 Griffin Road - Unit 3  
 Portsmouth, N.H. 03801-7114  
 Tel (603) 430-9282  
 Fax (603) 436-2315

**NOTES:**

- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH MAINE EROSION AND SEDIMENT CONTROL PRACTICES FIELD GUIDE FOR CONTRACTORS, MARCH 2015.
- 4) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.

ME SPC  
 NAD83(2011)  
 GRID NORTH  
 WEST ZONE

**SITE REDEVELOPMENT  
 39 BADGERS ISLAND WEST  
 KITTERY, ME**

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	10/24/22
REVISIONS		

SCALE: AS SHOWN      OCTOBER 2022

SITE  
 DETAILS

C3





REAR PERSPECTIVE  
NOT TO SCALE



FRONT PERSPECTIVE  
NOT TO SCALE

*Design*  
WORTH CALLING  
**HOME** LLC  
603.767.3232

PROGRESS  
12.15.2022  
Plans may not be copied or used until  
watermark has been removed.  
EXTERIOR PERSPECTIVES

**BADGER ISLAND**  
KITTERY, ME  
Design Worth Calling Home



**QUITCLAIM DEED WITH COVENANT**  
DLN: 1002040126646

Maine R.E. Transfer Tax Paid


GP Technology Solutions, LLC, a Delaware limited liability company with a mailing address of PO Box 9001, Kittery, ME 03904 (the "Grantor"), FOR CONSIDERATION PAID, grants to B.I.W. Group, LLC, a Maine limited liability company with a mailing address of 41 Industrial Drive, Unit 20, Exeter, NH 03833 (the "Grantee"), certain real property, together with any improvements thereon, located in the Town of Kittery, County of York, and State of Maine, more particularly described on Exhibit A attached hereto and made a part hereof.

Meaning and intending to convey the same premises conveyed to Grantor by Quitclaim Deed from GreenPages, Inc. dated November 19, 2020, and recorded in the York County Registry of Deeds in Book 18460, Page 790.

IN WITNESS WHEREOF, GP Technology Solutions, LLC has caused this instrument to be executed by Ronald Dupler, its duly-authorized Manager, thereunto duly authorized, as of this 22 day of December, 2020.

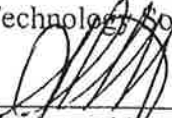
GP Technology Solutions, LLC

  
\_\_\_\_\_  
Witness

By:   
\_\_\_\_\_  
Ronald Dupler  
Its duly-authorized Manager

Commonwealth of Massachusetts  
County of Middlesex

On this 22<sup>nd</sup> day of December, 2020 before me, the undersigned Notary Public, personally appeared Ronald Dupler and proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the person who signed the preceding document in my presence, and acknowledged to me that he signed it voluntarily for its stated purpose, that it was his free act and deed in his capacity as Manager of GP Technology Solutions, LLC, and that it was the free act and deed of said LLC.

  
\_\_\_\_\_  
Notary Public

Ashley Dotchin  
\_\_\_\_\_  
Print Name  
My Commission expires: 12/31/24

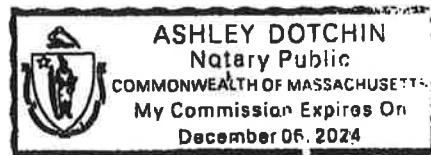


Exhibit A

Land with all improvements thereon, situated in the Town of Kittery, County of York, State of Maine, bounded and described as follows:

Four certain lots or parcels of land, situated on the Northerly side of Badgers Island in said Kittery, being more particularly described as Lots No. 14, 15, 16 and 17 on a certain plan of land, Badgers Island, Maine, dated April 1936, John W. Durgin, C.E., which plan is recorded in the York County Registry of Deeds, Plan Book 22, Page 31, subject however, to the existing rights of and public use of Veta Messaro and Ella E. Messaro to lay and maintain an overflow pipe across said Lot 14 as more particularly described in the deed from Annie E. Horner dated April, 1955 and recorded in the York County Registry of Deeds in Book 1301, Page 275.

Subject to and together with the benefit of the terms and provisions of a Boundary Line Agreement by and between Terry Gagner and William Seaward dated April 5, 1988 and recorded in the said Registry of Deeds in Book 4676, Page 184.

Excepting from the above described premises the land conveyed to the Town of Kittery by virtue of a Release Deed granted by GreenPages, Inc. et al , dated September 13, 1995 and recorded in the York County Registry of Deeds in Book 7561, Page 300.

Subject to the restrictions that installation of groundwater extraction wells is prohibited except with the consent of the State of Maine Department of Environmental Protection, or any successor agency. Nothing herein shall obligate the Grantee herein, or its successors and assigns, to obtain the consent of any party other than the Maine Department of Environmental Protection or its successor agency, including without limitations the Grantor herein or its successors or assigns, in order to undertake any of the activities specific to this paragraph.

Also, all right, title and interest in and to any filled lands between the lots described above and the Piscataqua River and in and to the shore and flats between the lots described above and the Piscataqua River.

Meaning and intending to describe the same premises in a Warranty Deed granted by William W. Seaward, Jr. dated October 17, 1994 and recorded in the York County Registry of Deeds in Book 7224, Page 202.

39  
=

Also another certain lot or parcel of land, together with the buildings thereon, situated on the westerly side of Badgers Island, in the Town of Kittery, County of York, State of Maine, said lot being bounded and described as follows:

Beginning at a capped rebar set in the ground in the northerly sideline of a road called Badgers Island, West, at the southwesterly corner of the land herein conveyed as land of Charles Patten and thence running by said Patten land N 24 degrees 18' 14" E one hundred sixty-seven and twenty-three hundredths (167.23') feet to capped rebar set as the sideline of said road; thence turning and running by said road the following course; thence by said road southeasterly along a curve to the right having a radius of eight (80.00') feet and an arc length of fourteen and forty-four hundredths (14.44') feet to an iron pipe found; thence by said road S 42 degrees 55' 17" E one hundred ninety and thirty-six hundredths (190.36') feet to a

capped rebar set; thence by said road southerly along a curve to the right having a radius of twenty-five (25.00') feet and as arc length of sixty-two and eighty-three hundredths (62.83') feet to a capped rebar set; N78 degrees 55' 26" W one hundred ninety and thirty-six hundredths (190.36') feet to the point of beginning.

Meaning and intending to describe the same premises in a Warranty Deed granted by Lil's GreenDream, Inc. dated January 31, 2003 and recorded in the York County Registry of Deeds in Book 12483, Page 210.

The above-described properties are conveyed subject to all easements, covenants, restrictions, and agreements of record to the extent applicable and in effect.