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

ITEM 5 – 47 Cutts Road – Residential Subdivision – Sketch Plan Review

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

Proposal: to subdivide a 36-acre parcel into 10 residential building lots, a private street system, and a tract to be dedicated to the Kittery Land Trust.

Location: 47 Cutts Road, Map 60 Lot 10-3

Zoning District: R- RL: Residential Rural; OZ-SL – Shoreland Overlay

Owners: Chip and Anne Andrews, 28 Andy’s Lane, Kittery

Agent: Michael J. Sudak, Attar Engineering, Inc.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Acceptance/Approval	Scheduled for January 12, 2023 Meeting	PENDING
YES	Site Visit		
YES	Preliminary Plan Review Completeness/Acceptance		
YES	Public Hearing		
YES	Preliminary Plan Approval		
YES	Final Plan Review and Decision		

Applicant: Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and, when applicable, recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS. As per Section 16.4.4.L - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.**

Other Permits Required:

- Wetland Alteration Permit (Town)
- Curb cut and utility permits (Town)
- Natural Resources Protection Act Permit (Maine DEP)
- Maine General Permit (DEP)

Summary

This is a conceptual review for a proposed 10-lot residential subdivision located at 47 Cutts Road in the R-RL Residential- Rural zoning district. The lots are proposed to be accessed from Cutts Road via a private street system which terminates in two culs-de-sac. The property currently contains a commercial building which is proposed to remain on an “out-parcel” Lot 1. A landlocked parcel identified as Lot 10-1 of Tax Map 60 lies within the subdivision area. Existing access facilities and easements associated with this parcel may affect the proposed development. Public water is available to serve this development but public sewer facilities are not. The site contains wetlands and wetland buffer areas, some of which are associated with a Significant Vernal Pool located off-site to the west. As currently configured, direct impacts to wetland and buffer areas for road construction are proposed and would require mitigation if approved by the board. Conventional subdivisions are a special exception use in R-RL zoning districts.

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

ITEM 5

28 The sketch plan submittal includes most of the information required under 16.10.4.2.2 with the exception
29 of a high intensity Class A soil survey.

30

31 16.4.10 R-RL Zoning District Regulations

32 C. Major Subdivision (more than 4 lots) = ***Special Exception Use***

33 D. Dimensional Standards: complies *except for 150-foot minimum street frontage of D.2.c*

34 E. Shoreland Overlay in R-RL: *dwelling are only permitted if located farther than 100 feet from the*
35 *upland edge of a wetland (E.1.c); also 16.4.28-E.3*

36

37 Most of Lot 7 and a portion of Lot 8 are located in a Shoreland Overlay zone. Wetlands and
38 corresponding 100-foot buffer areas are shown on plans. Development of Lot 7 would necessitate
39 disturbance of wetland or buffer areas as currently proposed.

40

41 16.5.9 Wetlands

42 Alterations to wetlands proposed for road construction. **Applicant must demonstrate that there is no**
43 **practicable alternative and that the proposal affects no more wetland than necessary.** Approval of a
44 mitigation plan and payment of wetlands preservation fees are also required per KTC 16.5.9.I.

45

46 16.5.27 Streets

47 60-foot ROW with 20-foot pavement width & 2-foot gravel shoulders proposed. *Wouldn't a Class II*
48 *private street benefit the Town and the applicant by having less physical impact and preventing future*
49 *Town ownership?*

50 *5-foot wide sidewalks required?*

51 Roads and driveways in Shoreland Zone: must be setback 100 feet from wetland edge; Planning Board
52 may reduce setback to 50 feet "if no other reasonable alternative exists"

53 **Wetland Alteration permit required for road construction in wetland buffer/ Shoreland areas**

54

55 16.5.30 Wetland setbacks

56 Minimum setbacks for roads and driveways and residential parking areas = 10 or 30 feet

57 Buildings (residences) setback: 100 feet (shown on plans); 50-foot setback for wetlands < 1 acre

58 Septic tanks & disposal areas: 100-foot setbacks; 50-foot setback for wetlands < 1 acre

59 *Conceptual development plan should be provided to show potential locations for building footprints,*
60 *driveways, septic tanks, and leach fields. Sketch or preliminary plan requirement?*

61

62 16.8.9 Subdivision Sketch Plan Review

63 Board must determine whether proposal complies with standards and, where necessary, make specific
64 suggestions in writing for future submissions: Approve, Continue, or Deny

65 *Covenants/ Easements/ Rights of Way?*

66

67 16.8.10 Subdivision Performance Standards

68 C. Water: Public Water available in Cutts Road. Written verification of KWD service availability
69 required.

70 D. Sewage disposal: Public sewer not available. Board may allow individual or common septic systems.
71 Verification of soil suitability required. Review by Town Peer Review Engineer required. Minimum
72 wetland setbacks apply to vegetation removal for septic systems.

73 E. Drainage/ stormwater: 30-foot drainage easements may be required for runoff control structures near
74 wetland areas

75 O. Open Space: Tree clearing limits must be shown on development plans. Vegetation cutting prohibited
76 within 100 feet of wetlands in Shoreland Overlay. (See Wetland Alteration comment above).

ITEM 5

77 Landscape plan required showing preservation of existing trees \geq 10 inches DBH, street trees, wetland
78 and buffer areas, etc
79 P. Financial and Technical Capacity: must be demonstrated by applicant prior to final approval by the
80 Board

81 82 **Discussion Items**

83 Existing commercial building:

84 Applicant describes existing commercial building as an “out-parcel.” However, this building lies within
85 the lot proposed for subdivision. The use of the shop is a special exception that was investigated
86 and documented by the Code Enforcement Officer and the Town’s attorney at that time (2017)
87 after abutters complained. The special exception use dates from 1993 and was affirmed with
88 conditions that are outlined in the CEO’s letter to Chip Andrews dated September 27, 2017.
89 These letters are included in the packet for Board review.

90 16.1.8 B. Conformity

91 No new lot may be created except in conformity with all of the regulations herein specified
92 for the zone where it is located, *unless such structure or use exists as a legally*
93 *nonconforming use*
94 *Should **buffering** between the existing commercial use and abutting residential properties be*
95 *considered?*

96 97 ROW/ easements:

98 Lot 10-1 currently lies entirely within the Lot 10-3 which is proposed for development. Town
99 maps indicate the existence of a right-of-way/ easement in the general location of the proposed
100 street. Property rights and access associated with Lot 10-1 must be demonstrated and verified
101 prior to subdivision approval.

102 103 **Recommendation / Action**

104 Move to approve, deny, or continue review.

105 The sketch plan review is an opportunity to consider a concept and **make specific suggestions** to the
106 applicant.

107
108 *Move to (accept and approve, deny, or continue review to a later meeting not to exceed 90 days) the*
109 *subdivision sketch plan revised November 17, 2022 by Attar Engineering, Inc., for owner Chip Andrews,*
110 *who proposes to subdivide the 5.73-acre parcel identified as Lot 10-3 of Tax Map 60 and located at 47*
111 *Cutts Road in the R- RL Residential- Rural zoning district into 10 separate residential building lots.*

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115



ATTAR

ENGINEERING, INC

CIVIL STRUCTURAL MARINE

Mr. Adam Causey, Director of Planning & Development
Town of Kittery, Maine
200 Rogers Road
Kittery, Maine 03904

August 4th, 2022
Project No. C160-22

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

Dear Mr. Causey:

On behalf of Chip and Anne Andrews, I have enclosed for your review and consideration a revised Plan Set and associated attachments for the above-referenced project. Revisions have been made to supplement the Cover Letter and attachments presented to the Town on March 10th, 2022, as well as to address comments presented in the Memo prepared by the Kittery Conservation Commission on March 18th, 2022.

- A Class-A High Intensity Soil Survey has been included in the Plan Set as Sheet 3, and has been prepared and signed by Joseph Noel, Maine Certified Soil Scientist #209 and project Wetland Scientist.
- Additional Test Pits #23 thru #30 have been added to the Plan Set, and logs for this range of pits are attached. This work was performed by Joseph Noel in May of 2022, and while performing said test pits several additional pockets of wetlands were discovered and flagged. Attar Engineering field-located these additional wetland flags and test pits in June of 2022, and all affected linework within the Plan Set has been updated. General Notes #9 and #10 on Sheet 2 have been updated to reflect this additional information.
- Sheet 2 has been updated to include building envelopes for all proposed lots, as well as the location of Subsurface Wastewater Disposal Systems (SSWDS), with each septic field sited on a valid test pit. Setbacks from proposed SSWDS locations have been added for eventual building footprints, and reserve septic field locations have been provided on Lots with test pits that have inadequate depth to refusal.
- Sheets 1 and 2 have been updated to include the MDIFW New England Cottontail focus area limits, digitized from the Town of Kittery GIS and Beginning with Habitat maps. The majority of said area on-site falls within Open Space Blocks B & C, and the Applicant intends to deed-restrict the backyard of proposed Lot 11 to prevent any disturbance within the portion of the lot that falls within the Cottontail focus area.
- In response to comments from Town Staff on access to the abutting Kittery Land Trust area, a 20' access easement has been added within Open Space Block A, extending from the proposed travelway just south of Lot 8. This access easement will allow for the potential construction of a walking path and allow pedestrian egress from the roadway.

- General Note #7 on Sheet 2 has been updated to reflect the different Open Space Blocks throughout the proposed development. Open Space A, the largest block that runs along the western third of the subject parcel and directly abuts the Kittery Land Trust, is designated as 'Reserved' with the intention of being incorporated into the Kittery Land Trust, thereby extending its connected land. Open Space Blocks B & C are currently designated as 'Common' to be maintained by an Association formed for this Subdivision and of use to residents within said development, but the Applicant is open to conversations with the Town and Kittery Land Trust on dedicating these Blocks elsewhere if a reasonable plan of connectivity could be made.
- Regarding all of the comments presented in the March 18th Memo prepared by the Kittery Conservation Commission, a response Memo has been prepared by Joseph Noel dated April 3rd, 2022, wherein Mr. Noel has requested that said Memo be submitted to the Planning Board for Town record.

We look forward to discussing this project with the Planning Board at the March 10th meeting. Please contact me for any additional information or clarifications required.

Sincerely;



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

cc: Chip & Anne Andrews
C160-22 Cover Rev 04Aug2022



TOWN OF KITTERY MAINE
TOWN PLANNING AND DEVELOPMENT DEPARTMENT

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

CLUSTER DEVELOPMENT - SKETCH PLAN REVIEW

Application Fee: \$300.00 **Amount Paid:** \$ 300 **Date:** 02/08/2022

PROPERTY DESCRIPTION	Parcel ID	Map	60	Zone(s)-Base:	R-L	Total Land Area	36.06 Acres
		Lot	10-3	Overlay:	RPO, SPO-250	MS4	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
	Physical Address	47 Cutts Road, Kittery ME 03904					

PROPERTY OWNER'S INFORMATION	Name	Chip and Anne Andrews		Mailing Address	28 Andy's Lane, Kittery ME 03904
	Phone	207.252.3872			
	Fax				
	Email	andrewsats@comcast.net			

APPLICANT'S AGENT INFORMATION	Name	Michael J. Sudak		Name of Business	Attar Engineering, Inc.
	Phone	207.439.6023		Mailing Address	1284 State Road, Eliot ME 03903
	Fax				
	Email	mike@attarengineering.com			

CLUSTER DEVELOPMENT CHECKLIST	Article XI, Chapter 8 – Cluster Residential and Cluster Mixed-Use Development (The following information is required at sketch plan submittal)	
	See Title 16.8.11.5: <input checked="" type="checkbox"/> Dimensional Modifications/Standards Required <input checked="" type="checkbox"/> Non-buildable Areas <input checked="" type="checkbox"/> Net Residential Acreage/Net Residential Density <input checked="" type="checkbox"/> Open Space Calculations (see Title 16.8.11.6)	<input checked="" type="checkbox"/> Development Constraints Map <input checked="" type="checkbox"/> Written Statement <input checked="" type="checkbox"/> Building Envelopes Located

Property ownership (Title 16.8.11.4)

Existing use(s) of land (describe):

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

MINIMUM PLAN SUBMITTAL REQUIREMENTS – SKETCH PLAN

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

Sketch Plan format and content:

- A) Paper Size; no less than 11" X 17" or greater than 24" X 36"
 B) Plan Scale
 Under 10 acres: no greater than 1" = 30'
 10 + acres: 1" = 50'
 C) Title Block
 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.

In addition to the Cluster Development Checklist requirements, the 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

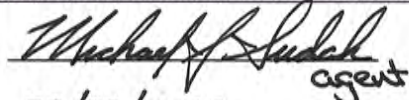
Distance to:

- 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.

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

I certify, to the best of my knowledge, the information provided in this Application is true and correct, abutters to the project have been notified, and I will not deviate from the approved plan without following code requirements. Permission is granted to Town Staff to access the property associated with this application to aid in the regulatory review.

Applicant's Signature:	 <i>agent</i>	Owner's Signature:	<hr style="border: 0; border-top: 1px solid black;"/>
Date:	<u>02/08/2022</u>	Date:	<hr style="border: 0; border-top: 1px solid black;"/>

Chip & Anne Andrews
28 Andy's Lane
Kittery, ME 03904

Mr. Bart McDonough, Town Planner
Town of Kittery
200 Rogers Rd
Kittery, ME 03904


February 8th, 2022

Dear Mr. McDonough,

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

Please contact me if I can provide any additional information.

Sincerely;

Handwritten signature of Chip Andrews in cursive script.

Chip & Anne Andrews

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

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

DEBRA L. ANDERSON, REGISTER OF DEEDS
Bk 17694 PG 548
Instr # 2018013670
04/13/2018 11:57:37 AM
Pages 3 YORK CO



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P
E

QUITCLAIM DEED WITH COVENANT

Maine Statutory Short Form

Joint Tenancy

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

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

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

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

No R E Transfer Tax Paid

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

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

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

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

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

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

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

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

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

Rachely Bredde
Witness

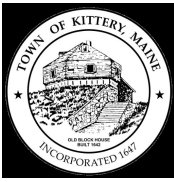
Arthur W. Andrews, Jr.
Arthur W. Andrews, Jr.

**STATE OF MAINE
COUNTY OF YORK**

April 6, 2018

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

Emily W. Mundy
Emily W. Mundy, Attorney at Law
Bar No. 5153



150 foot Abutters List Report

Kittery, ME
February 07, 2022

Subject Property:

Parcel Number: 60-10-3
CAMA Number: 60-10-3
Property Address: 28 ANDYS LANE

Mailing Address: ANDREWS, JR. ARTHUR W, ANDREWS,
ANNE
61 CUTTS ROAD
KITTERY, ME 03904

Abutters:

Parcel Number: 49-7-3
CAMA Number: 49-7-3
Property Address: 9 CIDER MILL LANE

Mailing Address: FOURNIER, JARED P. FOURNIER,
CHELSEY J.
9 CIDER MILL LN
KITTERY, ME 03904

Parcel Number: 60-10
CAMA Number: 60-10
Property Address: DEER RIDGE LANE

Mailing Address: KITTERY LAND TRUST INC
PO BOX 467
KITTERY, ME 03904

Parcel Number: 60-10-1
CAMA Number: 60-10-1
Property Address: 25 ANDYS LANE

Mailing Address: ANDREWS, JUDITH E
25 ANDYS LANE
KITTERY, ME 03904-5568

Parcel Number: 60-10-7
CAMA Number: 60-10-7
Property Address: 20 TURKEYTAIL LANE

Mailing Address: HORTON, DEBRA
7 GOODRICH STREET
KITTERY, ME 03904

Parcel Number: 60-10-8
CAMA Number: 60-10-8
Property Address: 22 TURKEYTAIL LANE

Mailing Address: HIPPERN, BRIAN N.
1 DEER RIDGE LANE
KITTERY, ME 03904

Parcel Number: 60-10-9
CAMA Number: 60-10-9
Property Address: 21 TURKEYTAIL LANE

Mailing Address: HIPPERN, NATHAN
1 DEER RIDGE LANE
KITTERY, ME 03904

Parcel Number: 60-10A
CAMA Number: 60-10A
Property Address: 61 CUTTS ROAD

Mailing Address: ANDREWS, JUDITH E.
49 CUTTS ROAD
KITTERY, ME 03904

Parcel Number: 60-12
CAMA Number: 60-12
Property Address: 48 CUTTS ROAD

Mailing Address: HARRIS, ROBERT D SR. & NATALIE
HARRIS, MICHAEL P ET AL
40 CUTTS ROAD
KITTERY, ME 03904

Parcel Number: 60-2
CAMA Number: 60-2
Property Address: 10 ELLA WOODS DRIVE

Mailing Address: NIELSEN, JODIE L NIELSEN, JAMES R
10 ELLA WOODS DRIVE
KITTERY, ME 03904-5601

Parcel Number: 60-3
CAMA Number: 60-3
Property Address: 25 CUTTS ROAD

Mailing Address: HARRIS, ROBERT D SR. & NATALIE
HARRIS, MICHAEL P ET AL
40 CUTTS ROAD
KITTERY, ME 03904



www.cai-tech.com

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150 foot Abutters List Report

Kittery, ME
February 07, 2022

Parcel Number: 60-8
CAMA Number: 60-8
Property Address: 43 CUTTS ROAD

Mailing Address: DELIO, ELIZABETH A DELIO SR, JOHN J
43 CUTTS ROAD
KITTERY, ME 03904-5568

Parcel Number: 60-9
CAMA Number: 60-9
Property Address: 45 CUTTS ROAD

Mailing Address: JOHNSON, JR, DAVID GEORGE
45 CUTTS ROAD
KITTERY, ME 03904

Parcel Number: 65-3
CAMA Number: 65-3
Property Address: 69 CUTTS ROAD

Mailing Address: THORSEN, JEFFREY R THORSEN,
ANDREA M
69 CUTTS ROAD
KITTERY, ME 03904-5568

Parcel Number: 65-6
CAMA Number: 65-6
Property Address: 5 REMICKS LANE

Mailing Address: COLLINS, COURTNEY L. LAMBIASE,
BRIAN F.
5 REMICKS LANE
KITTERY, ME 03904

Parcel Number: 66-7
CAMA Number: 66-7
Property Address: 54 CUTTS ROAD

Mailing Address: MOULTON, DAVID S
54 CUTTS ROAD
KITTERY, ME 03904-5566

Parcel Number: 66-7-3
CAMA Number: 66-7-3
Property Address: 58 CUTTS ROAD

Mailing Address: TRESHINSKY, ALEXANDER
TRESHINSKY, PATRICIA
58 CUTTS ROAD
KITTERY, ME 03904

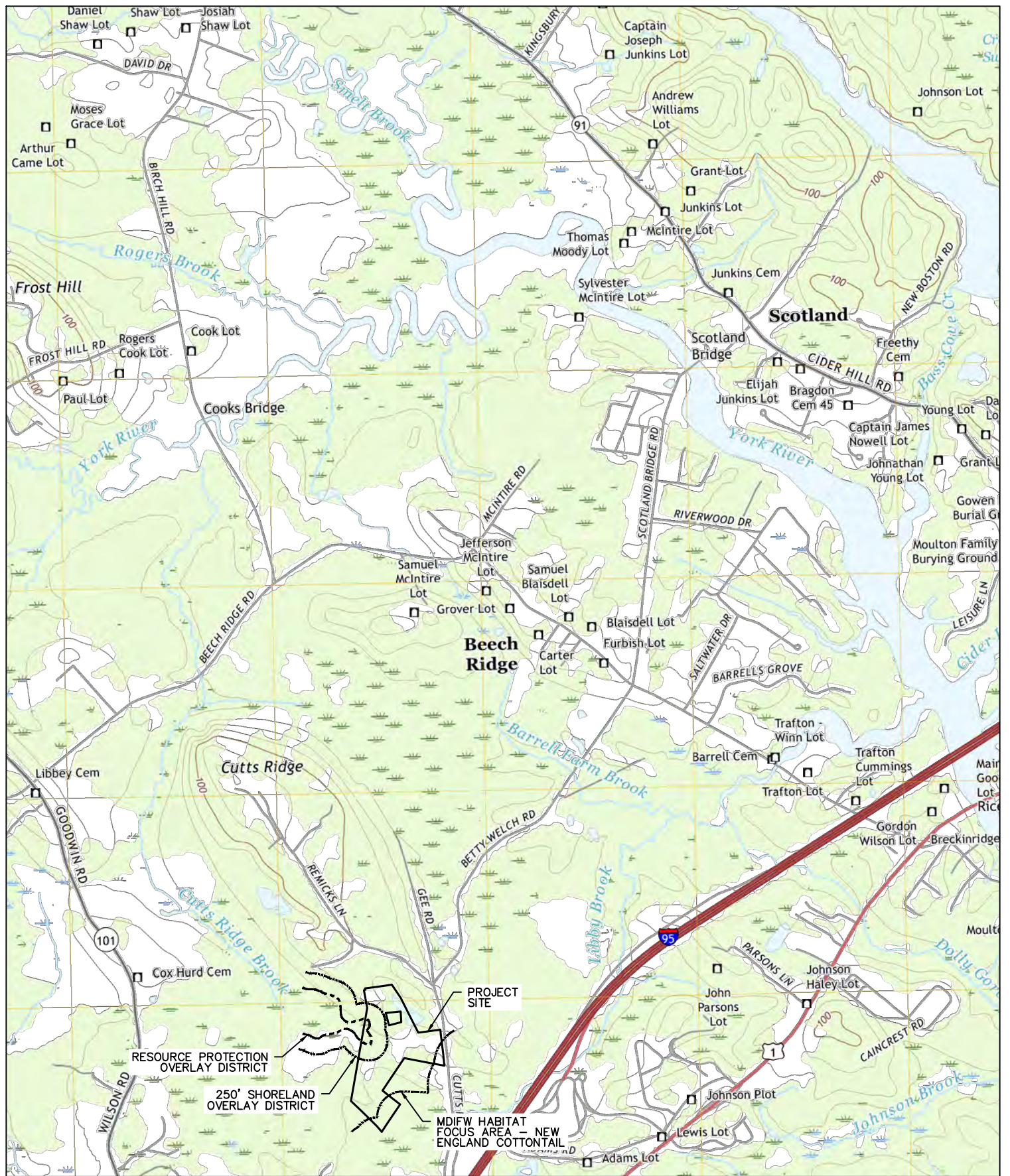


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2/7/2022

Page 2 of 2



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

SCALE: 1" = 2000'	APPROVED BY:	DRAWN BY: MJS
DATE: 02/08/22		REVISION DATE: A : 08/01/22
JOB NO: C160-21	FILE: CUTTS SDV BASE.DWG	SHEET: 1

LOCATION: 47 CUTTS ROAD
 KITTERY, MAINE 03904
 TAX MAP 60, LOT 10-3

INFORMATION: USGS 7.5' MINUTE SERIES
 YORK HARBOR QUAD & KITTERY QUAD

CUTTS ROAD SUBDIVISION

FOR: C/O CHIP ANDREWS
 5 MILANO STREET
 KITTERY, MAINE 03904

SOIL PROFILE/CLASSIFICATION INFORMATION

Project Name:
CUTTS ROAD SUBDIVISION

Applicant Name:
ARTHUR W. ANDREWS, JR.

Project Location (municipality)
28 ANDYS LANE - KITTERY, MAINE

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

Texture	Consistency	Color	Mottling
FINE		DARK	
SANDY	FRIABLE	YELLOWISH	NONE
LOAM		BROWN	
SANDY		LIGHT	COMMON
LOAM	FIRM	OLIVE	DISTINCT
TO		BROWN	
LOAMY			
SAND			
L.O.E. @ 48"			

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water <input checked="" type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
<u>3</u> Profile	<u>C</u> Condition	<u>30</u> %	

Observation Hole 2 Test Pit Boring
2 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
FINE		DARK	
SANDY	FRIABLE	YELLOWISH	NONE
LOAM		BROWN	
LOAMY		LIGHT	COMMON
FINE	FIRM	OLIVE	DISTINCT
SAND		BROWN	
L.O.E. @ 48"			

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water <input checked="" type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
<u>3</u> Profile	<u>C</u> Condition	<u>26</u> %	

BACKHOE EXCAVATED TEST PITS WERE CONDUCTED ON OCTOBER 1, 2021. SUITABLE SOILS AT THE STATE LEVEL FOR WASTEWATER DISPOSAL FOR NEW SYSTEMS ARE SOILS THAT HAVE AT LEAST 9 INCHES (OUTSIDE SHORELAND ZONE) AND 15 INCHES (WITHIN SHORELAND ZONE) OF NATURAL MINERAL SOIL MATERIAL FREE OF RESTRICTIVE FEATURES (LIMITING FACTORS) WITH SLOPES 20 PERCENT OR LESS THAT MEET ALL RELEVANT STATE RULES. PER THE MAINE RULES, THESE SOIL CONDITIONS ARE SUITABLE FOR WASTEWATER DISPOSAL THESE AREAS SHOULD BE PROTECTED FROM DISTURBANCE. ADDITIONAL TEST PITS MAY BE REQUIRED IF WELLS ARE DRILLED, PROPERTY LINES CHANGE, SHORELAND ZONE DESIGNATION CHANGE, ETC. THAT INFRINGE UPON THE REQUIRED LOCAL & STATE SETBACKS/REGULATIONS OR REGULATIONS ARE CHANGED/UPDATED. REFER TO PROJECT PLANS FOR SLOPE INFORMATION.

Observation Hole 3 Test Pit Boring
2 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
FINE		DARK	
SANDY	FRIABLE	YELLOWISH	NONE
LOAM		BROWN	
SANDY		LIGHT	COMMON
LOAM	FIRM	OLIVE	DISTINCT
		BROWN	
L.O.E. @ 48"			

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water <input checked="" type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
<u>3</u> Profile	<u>C</u> Condition	<u>24</u> %	

Observation Hole 4 Test Pit Boring
2 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
FINE		DARK	
SANDY	FRIABLE	YELLOWISH	NONE
LOAM		BROWN	
SANDY		LIGHT	COMMON
LOAM	FIRM	OLIVE	DISTINCT
		BROWN	
L.O.E. @ 48"			

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water <input checked="" type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
<u>3</u> Profile	<u>C</u> Condition	<u>24</u> %	

Joseph W. Nail
Signature

221 209
SE # SS#

10/13/21
Date

SOIL PROFILE/CLASSIFICATION INFORMATION

Project Name:
CUTT'S ROAD SUBDIVISION

Applicant Name:
ARTHUR W. ANDREWS, JR.

Project Location (municipality)
28 ANDYS LANE - KITTERY, MAINE

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

Texture	Consistency	Color	Mottling
FINE SANDY LOAM	FRIABLE	DARK YELLOWISH BROWN	NONE
SANDY LOAM	FIRM	LIGHT OLIVE BROWN	COMMON DISTINCT
L.O.E. @ 40"			

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water <input checked="" type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
<u>3</u> Profile <u>C</u> Condition	____ %	<u>16</u> "	

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

Texture	Consistency	Color	Mottling
FINE SANDY LOAM	FRIABLE	DARK YELLOWISH BROWN	NONE
SANDY LOAM	FIRM	LIGHT OLIVE BROWN	COMMON DISTINCT
L.O.E. @ 48"			

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

BACKHOE EXCAVATED TEST PITS WERE CONDUCTED ON OCTOBER 1, 2021. SUITABLE SOILS AT THE STATE LEVEL FOR WASTEWATER DISPOSAL FOR NEW SYSTEMS ARE SOILS THAT HAVE AT LEAST 9 INCHES (OUTSIDE SHORELAND ZONE) AND 15 INCHES (WITHIN SHORELAND ZONE) OF NATURAL MINERAL SOIL MATERIAL FREE OF RESTRICTIVE FEATURES (LIMITING FACTORS) WITH SLOPES 20 PERCENT OR LESS THAT MEET ALL RELEVANT STATE RULES. PER THE MAINE RULES, THESE SOIL CONDITIONS ARE SUITABLE FOR WASTEWATER DISPOSAL ASSUMING TP8 IS OUTSIDE SHORELAND ZONE (I.E., LIMITING FACTOR IS LESS THAN 15 INCHES). THESE AREAS SHOULD BE PROTECTED FROM DISTURBANCE. ADDITIONAL TEST PITS MAY BE REQUIRED IF WELLS ARE DRILLED, PROPERTY LINES CHANGE, SHORELAND ZONE DESIGNATION CHANGE, ETC. THAT INFRINGE UPON THE REQUIRED LOCAL & STATE SETBACKS/REGULATIONS OR REGULATIONS ARE CHANGED/UPDATED. REFER TO PROJECT PLANS FOR SLOPE INFORMATION.

Observation Hole 7 Test Pit Boring
2 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
FINE SANDY LOAM	FRIABLE	DARK YELLOWISH BROWN	NONE
SANDY LOAM	FIRM	LIGHT OLIVE BROWN	COMMON DISTINCT
L.O.E. @ 48"			

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water <input checked="" type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
<u>3</u> Profile <u>C</u> Condition	____ %	<u>15</u> "	

Observation Hole 8 Test Pit Boring
2 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
FINE SANDY LOAM	FRIABLE	DARK YELLOWISH BROWN	NONE
SANDY LOAM	FIRM	LIGHT OLIVE BROWN	COMMON DISTINCT
L.O.E. @ 40"			

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water <input checked="" type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
<u>3</u> Profile <u>D</u> Condition	____ %	<u>14</u> "	

John W. Mail
Signature

221 209
SE # SS#

10/13/21
Date

SOIL PROFILE/CLASSIFICATION INFORMATION

Project Name:
CUTTS ROAD SUBDIVISION

Applicant Name:
ARTHUR W. ANDREWS, JR.

Project Location (municipality)
28 ANDYS LANE - KITTERY, MAINE

Observation Hole 9 Test Pit Boring
1 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
		DARK BROWN	
FINE	FRIABLE	DARK	NONE
		YELLOWISH	
		BROWN	
SANDY		LIGHT	COMMON
	FIRM	OLIVE	DISTINCT
LOAM		BROWN	
DISTURBED REGRADED AREA		L.O.E. @ 42"	

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water
<u>3</u> Profile	<u>D</u> Condition	<u>14</u> "	<input checked="" type="checkbox"/> Restrictive Layer
	%	<input type="checkbox"/> Bedrock	<input type="checkbox"/> Pit Depth

Observation Hole 10 Test Pit Boring
1 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
		DARK BROWN	
FINE	FRIABLE	DARK	NONE
		YELLOWISH	
		BROWN	
SANDY		LIGHT	COMMON
	FIRM	OLIVE	DISTINCT
LOAM		BROWN	
DISTURBED REGRADED AREA		L.O.E. @ 45"	

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water
<u>3</u> Profile	<u>C</u> Condition	<u>16</u> "	<input checked="" type="checkbox"/> Restrictive Layer
	%	<input type="checkbox"/> Bedrock	<input type="checkbox"/> Pit Depth

BACKHOE EXCAVATED TEST PITS WERE CONDUCTED ON OCTOBER 1, 2021. SUITABLE SOILS AT THE STATE LEVEL FOR WASTEWATER DISPOSAL FOR NEW SYSTEMS ARE SOILS THAT HAVE AT LEAST 9 INCHES (OUTSIDE SHORELAND ZONE) AND 15 INCHES (WITHIN SHORELAND ZONE) OF NATURAL MINERAL SOIL MATERIAL FREE OF RESTRICTIVE FEATURES (LIMITING FACTORS) WITH SLOPES 20 PERCENT OR LESS THAT MEET ALL RELEVANT STATE RULES. PER THE MAINE RULES, THESE SOIL CONDITIONS ARE SUITABLE FOR WASTEWATER DISPOSAL ASSUMING TP9 IS OUTSIDE SHORELAND ZONE (I.E., LIMITING FACTORS IS LESS THAN 15 INCHES). THESE AREAS SHOULD BE PROTECTED FROM DISTURBANCE. ADDITIONAL TEST PITS MAY BE REQUIRED IF WELLS ARE DRILLED, PROPERTY LINES CHANGE, SHORELAND ZONE DESIGNATION CHANGE, ETC. THAT INFRINGE UPON THE REQUIRED LOCAL & STATE SETBACKS/REGULATIONS OR REGULATIONS ARE CHANGED/UPDATED. REFER TO PROJECT PLANS FOR SLOPE INFORMATION.

Observation Hole 11 Test Pit Boring
2 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
		DARK	
FINE	FRIABLE		NONE
		YELLOWISH	
SANDY		BROWN	
LOAM		LIGHT	COMMON
	FIRM	OLIVE	FAINT
SANDY		BROWN	FEW
LOAM			DISTINCT
L.O.E. @ 48"			

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water
<u>3</u> Profile	<u>C</u> Condition	<u>25</u> "	<input checked="" type="checkbox"/> Restrictive Layer
	%	<input type="checkbox"/> Bedrock	<input type="checkbox"/> Pit Depth

Observation Hole 12 Test Pit Boring
2 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
		DARK	
FINE	FRIABLE	YELLOWISH	NONE
SANDY		BROWN	
LOAM		LIGHT	COMMON
	FIRM	OLIVE	DISTINCT
SANDY		BROWN	
LOAM			
L.O.E. @ 48"			

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water
<u>3</u> Profile	<u>C</u> Condition	<u>24</u> "	<input checked="" type="checkbox"/> Restrictive Layer
	%	<input type="checkbox"/> Bedrock	<input type="checkbox"/> Pit Depth

John W. Noil
Signature

221 209
SE # SS#

10/13/21
Date

SOIL PROFILE/CLASSIFICATION INFORMATION

Project Name:
CUTT'S ROAD SUBDIVISION

Applicant Name:
ARTHUR W. ANDREWS, JR.

Project Location (municipality)
28 ANDYS LANE - KITTERY, MAINE

Observation Hole 13 Test Pit Boring
2 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
FINE		DARK	
SANDY	FRIABLE	YELLOWISH	NONE
LOAM		BROWN	
SANDY	FIRM	LIGHT	COMMON
LOAM		OLIVE	DISTINCT
		BROWN	
L.O.E. @ 48"			

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water
<u>3</u> Profile	<u>C</u> Condition	<u>28</u> "	<input checked="" type="checkbox"/> Restrictive Layer
	%		<input type="checkbox"/> Bedrock
			<input type="checkbox"/> Pit Depth

Observation Hole 14 Test Pit Boring
2 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
		DARK BROWN	
FINE		DARK	
SANDY	FRIABLE	YELLOWISH	NONE
LOAM		BROWN	
SANDY	FIRM	LIGHT	COMMON
LOAM		OLIVE	DISTINCT
		BROWN	
L.O.E. @ 48"			

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water
<u>3</u> Profile	<u>C</u> Condition	<u>25</u> "	<input checked="" type="checkbox"/> Restrictive Layer
	%		<input type="checkbox"/> Bedrock
			<input type="checkbox"/> Pit Depth

BACKHOE EXCAVATED TEST PITS WERE CONDUCTED ON OCTOBER 1, 2021. SUITABLE SOILS AT THE STATE LEVEL FOR WASTEWATER DISPOSAL FOR NEW SYSTEMS ARE SOILS THAT HAVE AT LEAST 9 INCHES (OUTSIDE SHORELAND ZONE) AND 15 INCHES (WITHIN SHORELAND ZONE) OF NATURAL MINERAL SOIL MATERIAL FREE OF RESTRICTIVE FEATURES (LIMITING FACTORS) WITH SLOPES 20 PERCENT OR LESS THAT MEET ALL RELEVANT STATE RULES. PER THE MAINE RULES, THESE SOIL CONDITIONS ARE SUITABLE FOR WASTEWATER DISPOSAL THESE AREAS SHOULD BE PROTECTED FROM DISTURBANCE. ADDITIONAL TEST PITS MAY BE REQUIRED IF WELLS ARE DRILLED, PROPERTY LINES CHANGE, SHORELAND ZONE DESIGNATION CHANGE, ETC. THAT INFRINGE UPON THE REQUIRED LOCAL & STATE SETBACKS/REGULATIONS OR REGULATIONS ARE CHANGED/UPDATED. REFER TO PROJECT PLANS FOR SLOPE INFORMATION.

Observation Hole 15 Test Pit Boring
2 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
FINE	FRIABLE	DARK BROWN	NONE
SANDY		YELLOWISH	
LOAM		BROWN	
	FIRM	OLIVE	COMMON
			PROMINENT
SILT		OLIVE	
LOAM		GRAY	
L.O.E. @ 40"			

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water
<u>8</u> Profile	<u>C</u> Condition	<u>16</u> "	<input checked="" type="checkbox"/> Restrictive Layer
	%		<input type="checkbox"/> Bedrock
			<input type="checkbox"/> Pit Depth

Observation Hole 16 Test Pit Boring
2 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
FINE		DARK BROWN	
SANDY	FRIABLE	DARK	NONE
LOAM		YELLOWISH	
	FIRM	BROWN	
SANDY	FIRM	LIGHT	COMMON
LOAM		OLIVE	DISTINCT
		BROWN	
L.O.E. @ 48"			

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water
<u>3</u> Profile	<u>C</u> Condition	<u>27</u> "	<input checked="" type="checkbox"/> Restrictive Layer
	%		<input type="checkbox"/> Bedrock
			<input type="checkbox"/> Pit Depth

John W. Hill
Signature

221 209
SE # SS#

10/13/21
Date

SOIL PROFILE/CLASSIFICATION INFORMATION

Project Name:
CUTTS ROAD SUBDIVISION

Applicant Name:
ARTHUR W. ANDREWS, JR.

Project Location (municipality)
28 ANDYS LANE - KITTERY, MAINE

Observation Hole 17 Test Pit Boring
2 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
		DARK BROWN	
FINE		DARK	
SANDY	FRIABLE	YELLOWISH	NONE
LOAM		BROWN	
SANDY	FIRM	LIGHT	COMMON
LOAM		OLIVE	DISTINCT
		BROWN	
L.O.E. @ 48"			

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water <input checked="" type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
<u>3</u> Profile	<u>C</u> Condition	<u>26</u> %	

Observation Hole 18 Test Pit Boring
1 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
		DARK BROWN	
SANDY	FRIABLE	DARK	NONE
		YELLOWISH	
		BROWN	
LOAM			COMMON
	FIRM	OLIVE	DISTINCT
L.O.E. @ 48"			

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water <input checked="" type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
<u>3</u> Profile	<u>C</u> Condition	<u>18</u> %	

BACKHOE EXCAVATED TEST PITS WERE CONDUCTED ON OCTOBER 1, 2021. SUITABLE SOILS AT THE STATE LEVEL FOR WASTEWATER DISPOSAL FOR NEW SYSTEMS ARE SOILS THAT HAVE AT LEAST 9 INCHES (OUTSIDE SHORELAND ZONE) AND 15 INCHES (WITHIN SHORELAND ZONE) OF NATURAL MINERAL SOIL MATERIAL FREE OF RESTRICTIVE FEATURES (LIMITING FACTORS) WITH SLOPES 20 PERCENT OR LESS THAT MEET ALL RELEVANT STATE RULES. PER THE MAINE RULES, THESE SOIL CONDITIONS ARE SUITABLE FOR WASTEWATER DISPOSAL. THESE AREAS SHOULD BE PROTECTED FROM DISTURBANCE. ADDITIONAL TEST PITS MAY BE REQUIRED IF WELLS ARE DRILLED, PROPERTY LINES CHANGE, SHORELAND ZONE DESIGNATION CHANGE, ETC. THAT INFRINGE UPON THE REQUIRED LOCAL & STATE SETBACKS/REGULATIONS OR REGULATIONS ARE CHANGED/UPDATED. REFER TO PROJECT PLANS FOR SLOPE INFORMATION.

Observation Hole 19 Test Pit Boring
2 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
		DARK BROWN	
FINE		DARK	
SANDY	FRIABLE	YELLOWISH	NONE
LOAM		BROWN	
			COMMON
	FIRM	OLIVE	DISTINCT
L.O.E. @ 48"			

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water <input checked="" type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
<u>3</u> Profile	<u>C</u> Condition	<u>25</u> %	

Observation Hole 20 Test Pit Boring
2 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
		DARK BROWN	
GRAVELLY	FRIABLE	DARK	NONE
		YELLOWISH	
		BROWN	
SANDY			COMMON
LOAM	FIRM	OLIVE	FAINT
			FEW
			DISTINCT
L.O.E. @ 48"			

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water <input checked="" type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock <input type="checkbox"/> Pit Depth
<u>3</u> Profile	<u>C</u> Condition	<u>22</u> %	

Josh W. Neil
Signature

221 209
SE # SS#

10/13/21
Date

SOIL PROFILE/CLASSIFICATION INFORMATION

Project Name:
CUTTS ROAD SUBDIVISION

Applicant Name:
ARTHUR W. ANDREWS, JR.

Project Location (municipality)
28 ANDYS LANE - KITTERY, MAINE

Observation Hole 21 Test Pit Boring
2 " Depth of Organic Horizon Above Mineral Soil

	Texture	Consistency	Color	Mottling
0				
10	GRAVELLY TO COBBLY SANDY LOAM	FRIABLE	DARK BROWN	NONE
20	FINE		STRONG BROWN	
30	SANDY			
40	LOAM	FIRM	LIGHT OLIVE BROWN	COMMON DISTINCT
50	L.O.E. @ 48"			
Soil Classification		Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water
<u>3</u> Profile	<u>C</u> Condition	%	<u>26</u> "	<input type="checkbox"/> Restrictive Layer
				<input type="checkbox"/> Bedrock
				<input type="checkbox"/> Pit Depth

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

	Texture	Consistency	Color	Mottling
0				
10				
20				
30				
40				
50				
Soil Classification		Slope	Limiting Factor	<input type="checkbox"/> Ground Water
Profile	Condition	%	"	<input type="checkbox"/> Restrictive Layer
				<input type="checkbox"/> Bedrock
				<input type="checkbox"/> Pit Depth

BACKHOE EXCAVATED TEST PITS WERE CONDUCTED ON OCTOBER 1, 2021. SUITABLE SOILS AT THE STATE LEVEL FOR WASTEWATER DISPOSAL FOR NEW SYSTEMS ARE SOILS THAT HAVE AT LEAST 9 INCHES (OUTSIDE SHORELAND ZONE) AND 15 INCHES (WITHIN SHORELAND ZONE) OF NATURAL MINERAL SOIL MATERIAL FREE OF RESTRICTIVE FEATURES (LIMITING FACTORS) WITH SLOPES 20 PERCENT OR LESS THAT MEET ALL RELEVANT STATE RULES. PER THE MAINE RULES, THESE SOIL CONDITIONS ARE SUITABLE FOR WASTEWATER DISPOSAL. THESE AREAS SHOULD BE PROTECTED FROM DISTURBANCE. ADDITIONAL TEST PITS MAY BE REQUIRED IF WELLS ARE DRILLED, PROPERTY LINES CHANGE, SHORELAND ZONE DESIGNATION CHANGE, ETC. THAT INFRINGE UPON THE REQUIRED LOCAL & STATE SETBACKS/REGULATIONS OR REGULATIONS ARE CHANGED/UPDATED. REFER TO PROJECT PLANS FOR SLOPE INFORMATION.

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

	Texture	Consistency	Color	Mottling
0				
10				
20				
30				
40				
50				
Soil Classification		Slope	Limiting Factor	<input type="checkbox"/> Ground Water
Profile	Condition	%	"	<input type="checkbox"/> Restrictive Layer
				<input type="checkbox"/> Bedrock
				<input type="checkbox"/> Pit Depth

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

	Texture	Consistency	Color	Mottling
0				
10				
20				
30				
40				
50				
Soil Classification		Slope	Limiting Factor	<input type="checkbox"/> Ground Water
Profile	Condition	%	"	<input type="checkbox"/> Restrictive Layer
				<input type="checkbox"/> Bedrock
				<input type="checkbox"/> Pit Depth

John W. Andrews, Jr.
Signature

221 209
SE # SS#

10/13/21
Date

JOSEPH W. NOEL
P.O. BOX 174
SOUTH BERWICK, MAINE 03908
(207) 384-5587

CERTIFIED SOIL SCIENTIST * *WETLAND SCIENTIST* * *LICENSED SITE EVALUATOR*

MEMORANDUM

DATE: April 3, 2022
TO: Mr. Ken Wood – Attar Engineering, Inc.
FROM: Joseph W. Noel
JOB #: JWN #16-70
RE: Cutts Road Subdivision

This memo summarizes the wetland flagging and vernal pool survey work conducted on the above-referenced project along with additional work that needs to be completed (e.g., test pits for soil suitability). More detailed reports will be submitted for the Planning Board review.

The wetland boundary for the property (106.8+/- acres) was originally flagged from July 16, 2016 to August 8, 2018.

The wetland boundary for the Cutts Road Subdivision. (36+/- acres) was reflagged around portions of the ponds and portions of the commercial warehouse on Jan. 20, 2021. On October 5, 2021, two new wetland pockets were flagged and have been placed on the project plans. In addition, on October 12, 2021, prior to starting the soil map, I requested that Attar Engineering, Inc. re-establish a number of wetland flag locations so I could review the wetland boundary while conducting the soil mapping. During the soil mapping one area of the wetland was expanded on November 30, 2021. This area needs to be added to the project plans. In closing, the wetland boundary in the project area has either been re-flagged or reviewed and has been changed/updated from the original delineation. The Conservation Commission most likely was not aware of this additional wetland work.

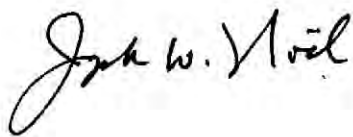
The vernal pool survey (fieldwork portion) on the balance of the property (i.e., Cutts Road Subdivision) was conducted April 6, 2021 and April 22, 2021. No additional vernal pools were observed. The fieldwork for the vernal pools was not conducted in May of 2021 as stated in the information provided by the Conservation Commission. The dates for vernal pool fieldwork varies each year due to weather conditions, etc. Last year, the vernal pool season was early. While the Maine Department of Environmental Protection (MDEP) has recommended periods to count egg masses, this is just a range, it is up to the wetland scientist based on site conditions (i.e., early or late spring) to know when the best time is to do a vernal pool survey. In the spring

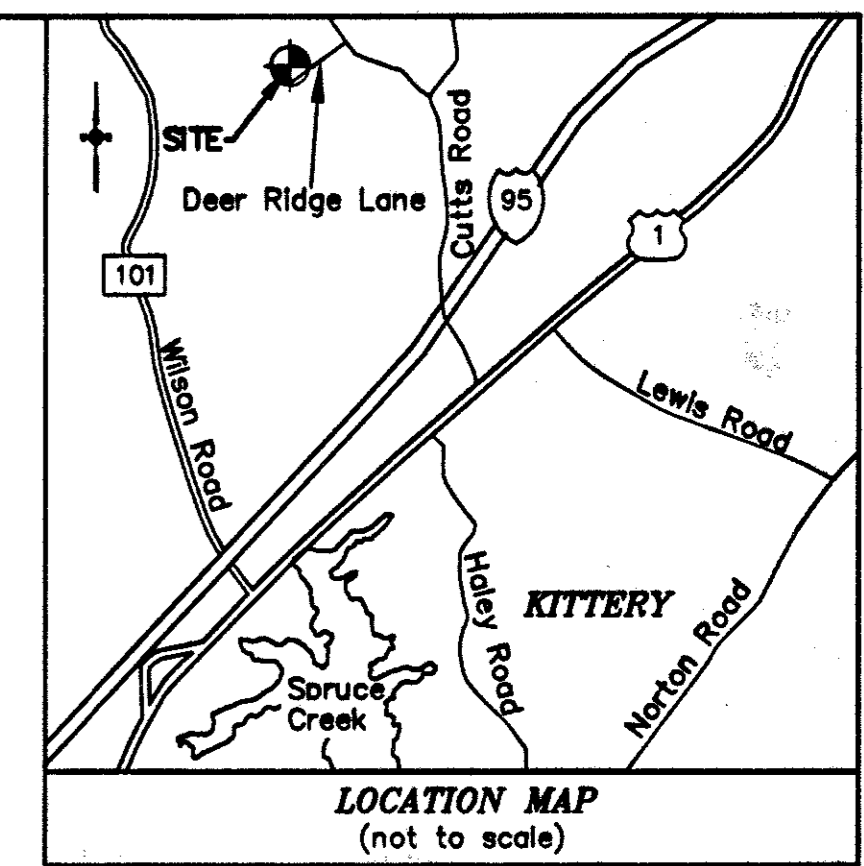
of 2017, sixteen vernal pools were documented on the Andrews Subdivision. Seven natural or natural modified vernal pools were documented and Maine State Vernal Pool Assessment Forms were sent to the Maine Department of Inland Fisheries & Wildlife/MDEP for official determinations. Once these determinations are made the vernal pool status does not change for non-significant vernal pools regardless if a new survey is conducted. The balance of the vernal pools for the Andrews Subdivision were man-made by skidder ruts/ATV disturbance. Man-made pools do not meet the definition of a MDEP vernal pool. These man-made pools are potential Army Corps of Engineers (Corps) vernal pools and as such should be on the project plans. A Corps vernal pool can be man-made and there are no requirements on the number of egg masses, etc. so resurveying these pools would not change their status. Which pools the Corps chooses to exert jurisdiction over is up to them and this information should be provided with the wetland permit for their review. There should be no need to revisit the vernal pools but this would be up to the Planning Board to decide.

In addition to the test pit work that needs to be completed, there is a one small segment of a MDEP stream and an intermittent stream that still need to be added to the project plans. The two ponds appear to meet MDEP WOSS criteria (this assumes they are at least 20,000 square feet in size). The definition for open water areas has changed from the previous Chapter 310 rules which excluded artificial ponds or impoundments from the WOSS designation. All wetland size determinations and wetland setbacks were conducted by Attar Engineering, Inc.

Most of the Cutts Road Subdivision will required pretreatment for wastewater disposal (as required by the Town of Kittery). This is due to the mapped aquifer on most of the site. It is important that the areas around the test pits (i.e., leachfield boxes) not be designated as no cut or no disturbed buffers as many of the fill extensions will need to go near or to the property lines.

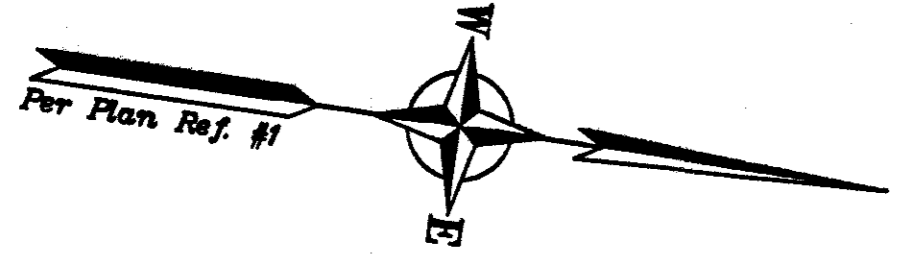
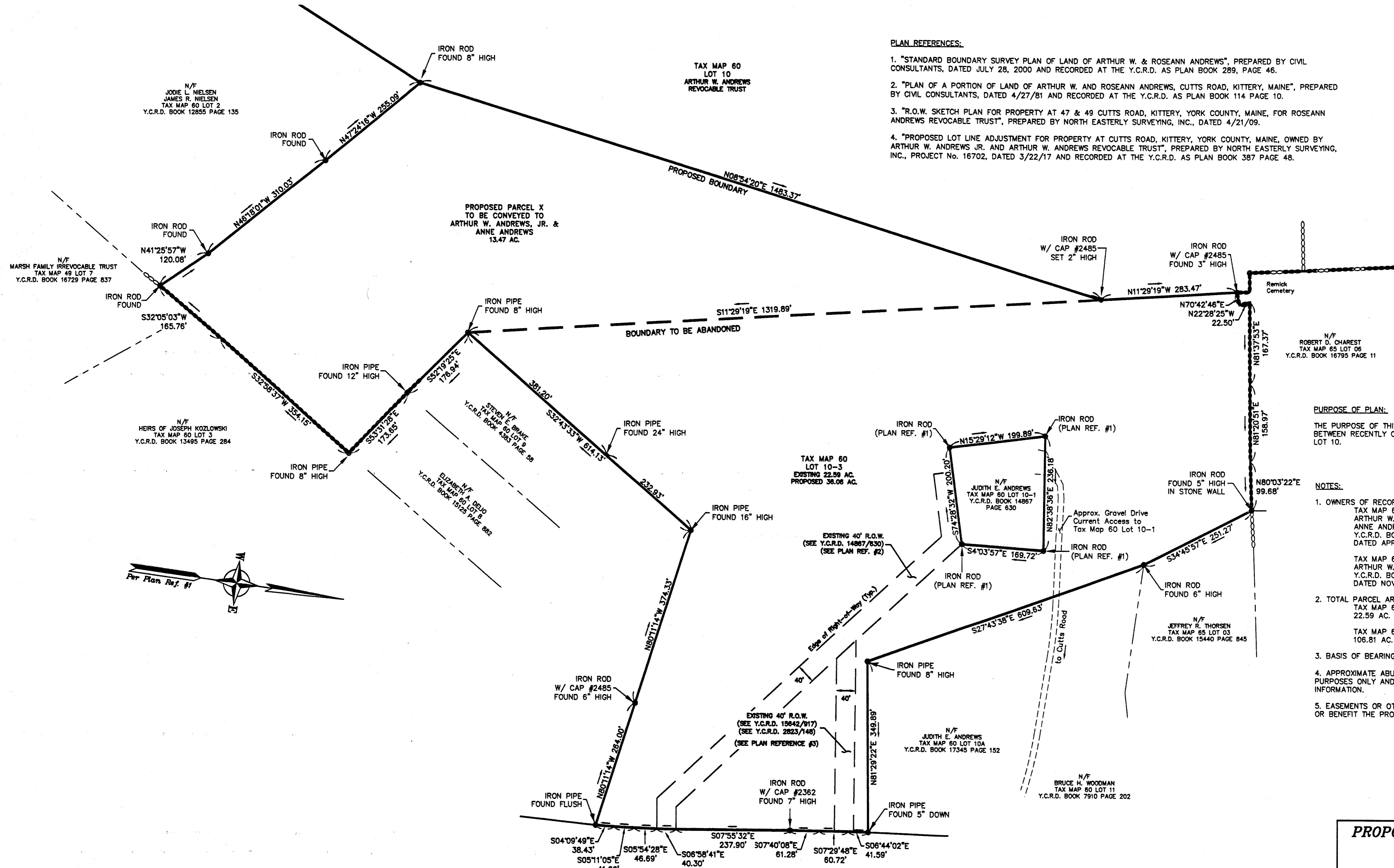
I hope this information helps to clarify what has been completed to date by the undersigned. This memo should be submitted to the Planning Board to assure that there are no misunderstandings of what has been completed to date.





PLAN REFERENCES:

- "STANDARD BOUNDARY SURVEY PLAN OF LAND OF ARTHUR W. & ROSEANN ANDREWS", PREPARED BY CIVIL CONSULTANTS, DATED JULY 28, 2000 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 289, PAGE 46.
- "PLAN OF A PORTION OF LAND OF ARTHUR W. AND ROSEANN ANDREWS, CUTTS ROAD, KITTERY, MAINE", PREPARED BY CIVIL CONSULTANTS, DATED 4/27/81 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 114 PAGE 10.
- "R.O.W. SKETCH PLAN FOR PROPERTY AT 47 & 49 CUTTS ROAD, KITTERY, YORK COUNTY, MAINE, FOR ROSEANN ANDREWS REVOCABLE TRUST", PREPARED BY NORTH EASTERLY SURVEYING, INC., DATED 4/21/09.
- "PROPOSED LOT LINE ADJUSTMENT FOR PROPERTY AT CUTTS ROAD, KITTERY, YORK COUNTY, MAINE, OWNED BY ARTHUR W. ANDREWS JR. AND ARTHUR W. ANDREWS REVOCABLE TRUST", PREPARED BY NORTH EASTERLY SURVEYING, INC., PROJECT No. 16702, DATED 3/22/17 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 387 PAGE 48.



PURPOSE OF PLAN:

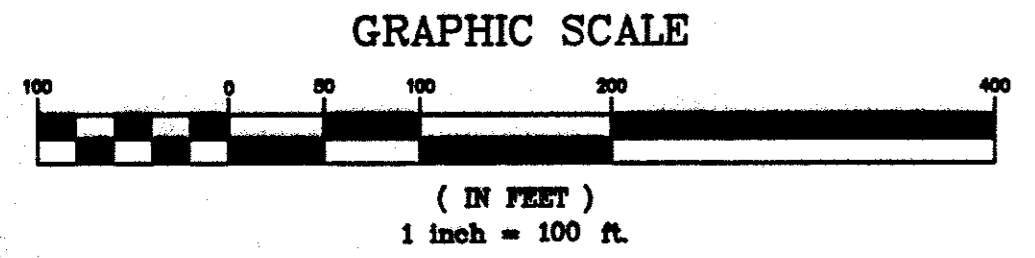
THE PURPOSE OF THIS PLAN IS TO ADJUST A COMMON BOUNDARY BETWEEN RECENTLY CREATED TAX MAP 60 LOT 10-# AND TAX MAP 60 LOT 10.

NOTES:

- OWNERS OF RECORD:
TAX MAP 60 LOT 10-3
ARTHUR W. ANDREWS, JR.
ANNE ANDREWS
Y.C.R.D. BOOK 17694 PAGE 548
DATED APRIL 6, 2018

TAX MAP 60 LOT 10
ARTHUR W. ANDREWS REVOCABLE TRUST
Y.C.R.D. BOOK 16935 PAGE 411
DATED NOVEMBER 11, 2014
- TOTAL PARCEL AREA:
TAX MAP 60 LOT 10-3
22.59 AC.

TAX MAP 60 LOT 10
106.81 AC.
- BASIS OF BEARING IS PER PLAN REFERENCE #1.
- APPROXIMATE ABUTTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
- EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.



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



This survey conforms to the standards of practice as set forth in Chapter 90 of the Rules of the Board of Licensure for Professional Land Surveyors, April 2001, except that a separate written report has not been prepared.

[Signature] 3/19/19
 Adam M. Pray, P.L.S. #2485 Dated

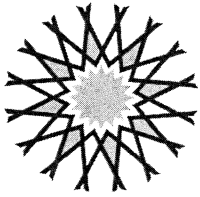
CERTIFICATION

PROPOSED LOT LINE ADJUSTMENT

FOR PROPERTY AT
 Cutts Road
 Kittery, York County, Maine
 OWNED BY
 Arthur W. Andrews Jr.
 Anne Andrews
 61 Cutts Road, Kittery, ME 03904
 AND
 Arthur W. Andrews Revocable Trust
 Mary Thron, Trustee
 P.O. Box 96, Kittery Point, ME 03905

North
EASTERLY
SURVEYING, Inc.
 SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1
 (207) 439-8333 KITTERY, MAINE 03904

SCALE: 1" = 100'	PROJECT NO. 16702	DATE: 2/26/19	SHEET: 1 OF 1	DRAWN BY: A.M.P.	CHECKED BY: A.M.P.
DRAWING No: 16702_LLA_2019					
FIELD BOOK No: "Kittery #33"					
REV.	DATE	STATUS	BY	CHKD	APPD.



ATTAR

ENGINEERING, INC

CIVIL • STRUCTURAL • MARINE

Mr. Jordan Kelley, Town Planner
Town of Kittery, Maine
200 Rogers Road
Kittery, Maine 03904

December 22nd, 2022
Project No. C160-22

**RE: Major Subdivision – Sketch Application, Additional Content Submission
Cutts Road Subdivision (Tax Map 60, Lot 10-3)
47 Cutts Road, Kittery, Maine**

Dear Mr. Kelley:

On behalf of Chip and Anne Andrews, I have enclosed for your review and consideration revised Plan Set sheets and associated attachments for the Major Subdivision Sketch Application at the above-referenced location. Revisions have been made in response to comments and suggestions received from Town Staff during informal discussions of the project on August 17th and December 1st, 2022.

The proposed development continues to be declared as a conventional Major Subdivision, containing 10 single-family dwellings, as outlined in previous iterations of the application package and Plan Set. Major Subdivisions are a Special Exception use in the Residential-Rural (R-RL) zone, and as discussed with Town Staff, the recommendation has been made to discuss the proposed development through the lens of §16.2.12 “Decision appeal, variance, and other requests” of the Town of Kittery Code of Ordinances, which is what the following narrative shall accomplish.

The Applicant believes that the Planning Board has the right to review this Special Exception request based on §16.2.12.D.(4).(b), which reads:

The Planning Board will review, decide and may approve an applicant’s special exception use request where the proposed project requires Planning Board review as defined in §16.7.2B or is located in a Shoreland or Resource Protection Overlay Zone. The Planning Board must find the proposed project and use meets the criteria set forth in §16.7.10.D and §16.2.12.F.

Since §16.7.10.D. covers plan review requirements for which all major and minor site plans are subjected to, the Applicant will focus this narrative on the basis for decision when hearing a Special Exemption appeal as outlined in §16.2.12.F. Applicable subsections will be presented and discussed as necessary.

§16.2.12.F.(1): Conditions

§16.2.12.F.(1).(b).[1]: The proposed use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use zones;

§16.2.12.F.(1).(b).[2]: The use will not prevent the orderly and reasonable use of permitted or legally established uses in the zone wherein the proposed use is to be located or of permitted or legally established uses in adjacent use zones;

§16.2.12.F.(1).(b).[3]: The safety, the health and the welfare of the Town will not be adversely affected by the proposed use or its location; and

§16.2.12.F.(1).(b).[4]: The use will be in harmony with and promote the general purposes and intent of this title.

When looking at the surrounding community of the subject parcel, all of the abutting properties, as well as all of the properties within a sizable distance from the subject parcel, are residential use. This use consists of frontage lots along Cutts Road, Remicks Lane, and Betty Welch Road, with parcel sizes ranging from 0.4 to 2.0 acres. There is also the abutting Conservation Subdivision (formerly known as Cluster Subdivision), with frontage lots along the recently-constructed Deer Ridge Lane and Turkey Tail Lane. Lots within this development range from 0.5 to 1.1 acres in size. The proposed conventional subdivision, with lot sizes ranging from 1.2 to 3.5 acres in size, would be aesthetically similar and in-keeping with the surrounding residential developments within this portion of the R-RL zone, and would not negatively impact any of the existing abutting uses.

§16.2.12.F.(2): Factors for Consideration

§16.2.12.F.(2).(b): The conservation of property values and the encouragement of the most appropriate uses of land;

§16.2.12.F.(2).(c): The effect that the location of the proposed use may have upon the congestion or undue increase of vehicular traffic congestion on public streets or highways;

§16.2.12.F.(2).(g): Whether the operations in pursuance of the use will cause undue interference with the orderly enjoyment by the public of parking or of recreational facilities, if existing, or if proposed by the Town or by other competent governmental agency;

§16.2.12.F.(2).(j): Whether the use, or the structures to be used, will cause an overcrowding of land or undue concentration of population or unsightly storage of equipment, vehicles, or other materials;

§16.2.12.F.(2).(k): Whether the plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof;

§16.2.12.F.(2).(l): Whether the proposed use will be adequately screened and buffered from contiguous properties;

§16.2.12.F.(2).(m): The assurance of adequate landscaping, grading and provision for natural drainage;

§16.2.12.F.(2).(n): Whether the proposed use will provide for adequate circulation; and

§16.2.12.F.(2).(o): Whether the proposed use anticipates and eliminates potential nuisances created by its location.

The Applicant believes the proposed development and Special Exception use is nearly identical in nature to the surrounding existing uses; single-family residential dwellings with an emphasis on retaining land for conservation – both of those elements hold true in the subdivision proposed by this application. Proposed interior travelways shall be designed and constructed to Town standards to provide adequate circulation and avoid congestion, and building envelopes retain existing vegetation at property lines to screen the development from abutting properties. Nearly half of the subject parcel (48.6%) shall be dedicated to the Kittery Land Trust, with all of said dedicated land abutting existing KLT land to provide congruity in the conserved space. An access path from one of the proposed travelways shall provide egress to the KLT lands which will add to the public's enjoyment of conserved lands.

In addition to the above justifications pursuant to the Special Exception appeal, the Applicant would also like to present the following narrative in relation to sections of the newly-adopted Conservation Subdivision ordinance language which can and cannot reasonably apply to the subject parcel. The following quoted subsections are contained within §16.10.1 "Purpose", which outlines the defining concepts of a Conservation Subdivision:

§16.10.1.B: Preservation of areas with the highest ecological value as well as areas with significant value not otherwise protected by law.

§16.10.1.C: Location of buildings, streets and structures on those portions of the site most appropriate for development based on environmentally-aware site design.

§16.10.1.D: Connections to open space on adjoining lands whenever possible.

§16.10.1.F: Expansion of outdoor recreation opportunities wherever possible.

§16.10.1.H: Minimization of residential development's footprint, including streets, utilities, and driveways, to lower the impact on the municipality, neighboring properties, and the natural environment.

When considering all of these highlighted subsections together, the Applicant feels that a conventional Major Subdivision is the most appropriate use for the subject parcel, as opposed to a Conservation Subdivision which is permitted in this zone without Special Exception. When taking a look at the Plan Set, there are many environmentally-sensitive areas within the subject parcel, and avoiding development within these areas and their setbacks (as this proposed development does) results in the most suitable area for development being in the far south and far north of the parcel – the most geographically distant from the parcel's frontage on Cutts Road.

To reference the above Conservation Subdivision subsections, it in essence would be impossible to honor subsections B & C – locating the development in the portions of the site most suitable for development while also preserving the areas of most ecological value – while also honoring subsection H – minimizing the development's footprint. In comparison to the abutting Conservation Subdivision that produced Deer Ridge Lane and Turkey Tail Lane, that parcel was perfectly suited for such a use as all of the land most appropriate for development was close to the existing frontage, and all of the land most suitable for preservation was in the rear of the parcel. Infrastructure costs could be kept low and lots could be situated in a compact manner that kept utility costs low and the overall footprint minimal. In contrast, due to the limitations of the parcel (wetlands and buffers), infrastructure lengths and costs will be similar for both Conservation and Major (conventional) Subdivisions.


While the Applicant maintains that a Conservation Subdivision is not the most appropriate use for the subject parcel, there are still portions of the use that have been honored with the proposed development. 17.5 acres of the 36.06 acre parcel are proposed to be dedicated to the Kittery Land Trust, and the proposed area to be conserved abuts the existing KLT land that was dedicated from the above-mentioned Deer Ridge and Turkey Tail development. The conserved land includes the majority of the large wetland complex on the subject parcel, as well as all of the documented vernal pools that, while determined to be non-significant, are still of ecological value and worth preserving in perpetuity. An access easement from one of the proposed travelways shall provide permanent public access to the KLT lands and continue to promote use of available recreational space.

Lastly, the attached Plan Set is largely the same as the resubmitted Sketch Application from October of 2022. The only changes are as follows:

- Sheet 1 has been updated to include General Note #17, which outlines the separation of the existing Landscaping business from the proposed residential subdivision.
- Sheet 3 has been updated to cover a minor travelway width reduction to the interior road that services Lots 1, 2, & 3. This travelway is now proposed to be designed to Class I Private Street standards, an 18' paved width and no shoulders. The Applicant feels that this change is appropriate given that the travelway services 3 lots, yielding a total of 30 Average Daily Trips which falls within the Class I design window per Table 1 of §16.8, Attachment 1 "Design and Construction Standards for Streets and Pedestrianways". All other portions of the proposed travelways shall be designed to Minor Street standards, and both proposed culs-de-sac shall be designed to Town standards.

We look forward to discussing this project with the Planning Board at the January 12th meeting. Please contact me for any additional information or clarifications.

Sincerely;

A handwritten signature in black ink that reads "Michael J. Sudak". The signature is written in a cursive style with a large, stylized initial "M".

Michael J. Sudak, E.I.
Staff Engineer

cc: Chip & Anne Andrews
C160-22 Cover Rev 22Dec2022

GENERAL NOTES (CONT.)

PLAN REFERENCES:

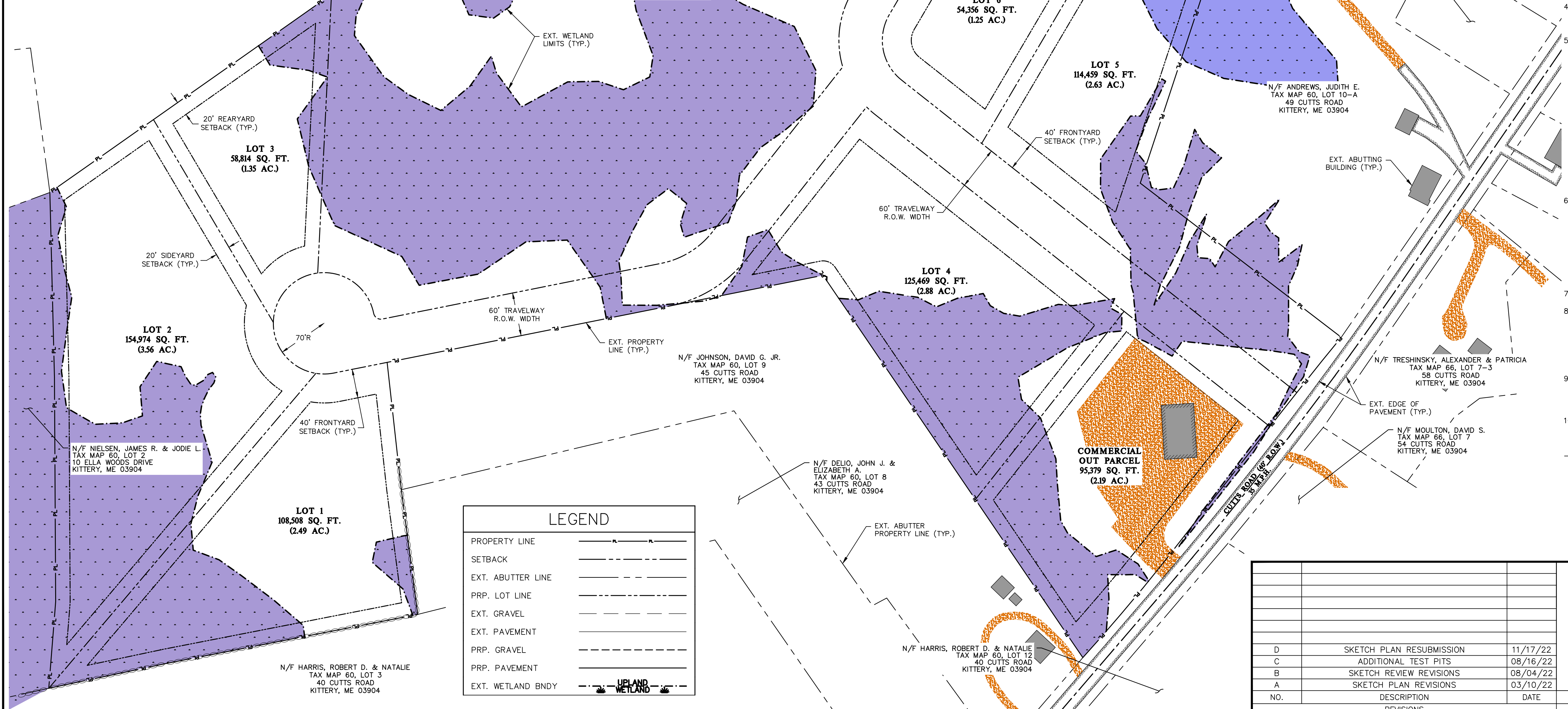
- ALL PROPOSED LOTS WITH BUILDING ENVELOPES THAT PARTIALLY OR ENTIRELY FALL WITHIN THE SPO-250 ZONE (LOTS 7 & 8) SHALL HAVE THEIR DWELLINGS COMPLY WITH THE GUIDELINES OF §16.8.28.1.
- DEPICTED WETLAND SETBACKS TO PRINCIPAL BUILDINGS OR STRUCTURES ARE INFORMED BY TOWN OF KITTERY LAND USE AND DEVELOPMENT CODE TABLE 16.5.30 "MINIMUM SETBACKS FROM WETLANDS AND WATER BODIES":
50' SETBACK FOR TOTAL WETLAND/WATERBODY SIZE < 1 ACRE
100' SETBACK FOR TOTAL WETLAND/WATERBODY SIZE > 1 ACRE
- THE CONTRACTOR MUST CONTACT DIG SAFE AND ALL LOCAL UTILITIES PRIOR TO THE START OF CONSTRUCTION TO VERIFY THE LOCATION OF EXISTING SUBSURFACE UTILITIES AND CONDITIONS. LOCATING AND PROTECTING ANY UNDERGROUND OR ABOVE-GROUND UTILITY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
- THE PROPOSED CONVENTIONAL RESIDENTIAL DEVELOPMENT SHALL BE SERVICED BY MUNICIPAL WATER (KWD) AND INDIVIDUAL PRIVATE SUBSURFACE WASTEWATER DISPOSAL SYSTEMS (SSWDs). TEST PITS FOR SAID SEPTIC SYSTEMS ARE SHOWN ON THE PLANS.
- DEVEGETATED AREA CALCULATION - AS PER §16.3.2.17.D(1)(d):
TOTAL AREA WITHIN SHORELAND OVERLAY = 249,491 SQ. FT. (5.73 AC.)
TOTAL DEVEGETATED AREA PROPOSED:
LOT 7 & LOT 8 BUILDING FOOTPRINTS = 5,090 SQ. FT.
LOT 7 & LOT 8 DRIVEWAYS = 2,088 SQ. FT.
TRAVELWAY & KLT ACCESS PATH = 14,684 SQ. FT.
[5,090 + 2,088 + 14,684] = 21,862 SQ. FT. (0.50 AC.)
[21,862 / 249,491] = 8.76% < 20% = OK
- STREET DESIGN STANDARDS AS PER §16.8, TABLE 1, "DESIGN AND CONSTRUCTION STANDARDS FOR STREETS AND PEDESTRIANWAYS"
MINOR STREET STANDARDS (35-200 AVERAGE DAILY TRIPS):
RIGHT-OF-WAY WIDTH = 60 FEET
TRAVEL PAVEMENT WIDTH = 20 FEET
SIDEWALK WIDTH = 5 FEET
GRAVEL SHOULDER WIDTH = 2 FEET, BOTH SIDES
ENCLOSED DRAINAGE = NOT REQUIRED
MINIMUM LONGITUDINAL SLOPE = 0.05%
MAXIMUM LONGITUDINAL SLOPE = 8%
STREET LENGTH TO CUL-DE-SAC RADIUS = 1,200 FEET
MINIMUM BOUNDARY RADIUS = 60 FEET
MINIMUM PAVED RADIUS = 50 FEET
TANGENT LENGTH BETWEEN REVERSE CURVES = 100 FEET
MINIMUM CENTERLINE RADIUS = 150 FEET

- "STANDARD BOUNDARY SURVEY PLAN OF LAND OF ARTHUR W. & ROSEANN ANDREWS", PREPARED BY CIVIL CONSULTANTS. PLAN DATED 07/28/2000 AND RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 289, PAGE 46.
- "PROPOSED LOT LINE ADJUSTMENT FOR PROPERTY AT CUTTS ROAD, KITTERY, YORK COUNTY, MAINE, OWNED BY ARTHUR W. ANDREWS JR. AND ARTHUR W. ANDREWS REVOCABLE TRUST", PREPARED BY NORTH EASTERLY SURVEYING, INC.. PROJECT No. 16702, DATED 03/22/2017 AND RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 387, PAGE 48. REVISION DATED 02/26/2019, PREPARED BY ADAM M. PRAY, PLS #2485 OF NORTH EASTERLY SURVEYING, INC., SIGNED AND DATED 03/19/2019.

COLOR LEGEND

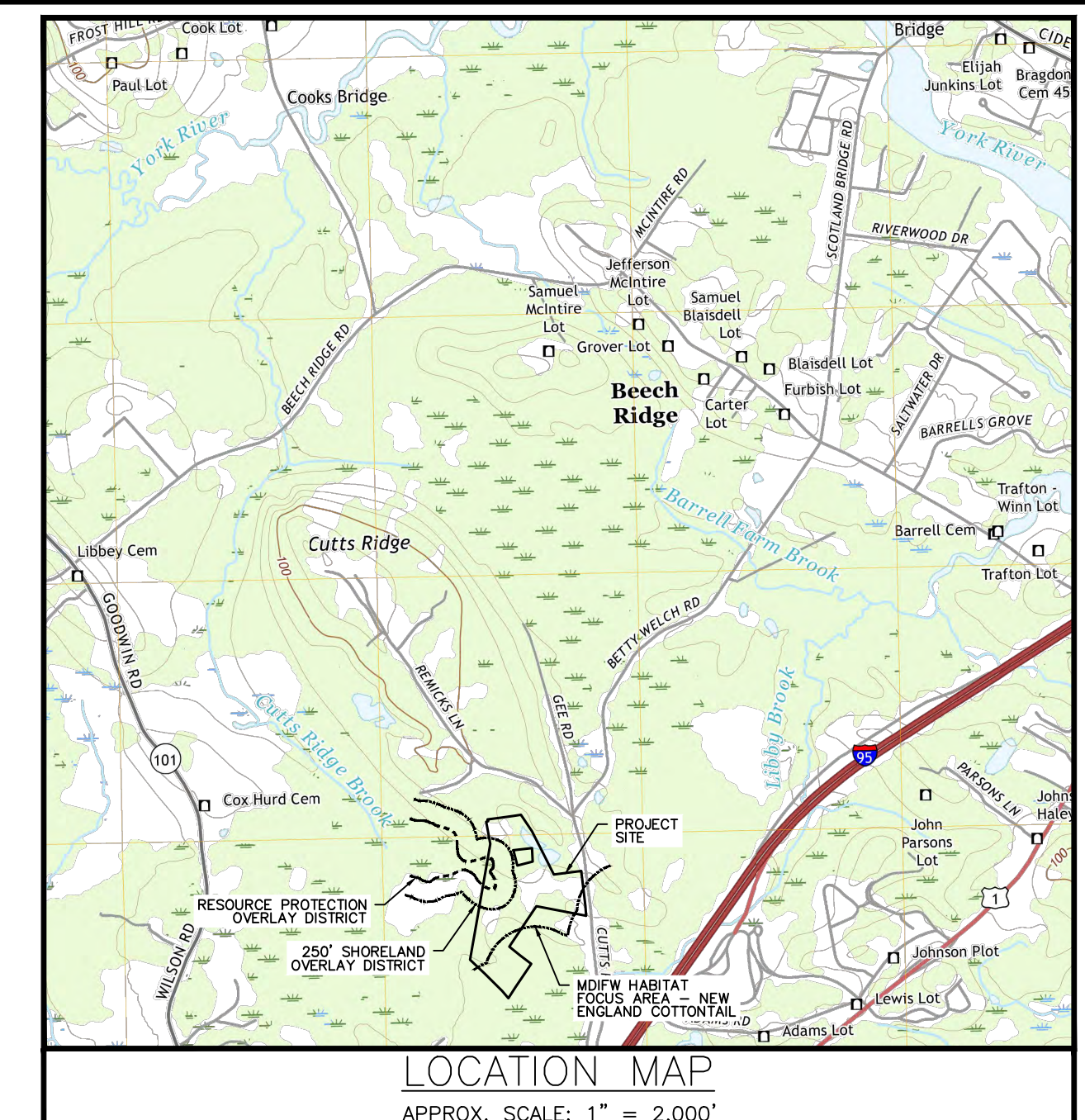
- EXT. STRUCTURE
- EXT. GRAVEL SURFACE
- EXT. WETLAND AREA
- EXT. WATER BODY

LAND TO BE DEDICATED TO KITTERY LAND TRUST
765,007 SQ. FT. (17.56 AC.)



LEGEND

- PROPERTY LINE
- SETBACK
- EXT. ABUTTER LINE
- PRP. LOT LINE
- EXT. GRAVEL
- EXT. PAVEMENT
- PRP. GRAVEL
- PRP. PAVEMENT
- EXT. WETLAND BNDY



- GENERAL NOTES**
- THIS PLAN DEPICTS THE DEVELOPMENT OF THE SUBJECT PARCEL INTO A MAJOR SUBDIVISION CONSISTING OF 10 SINGLE-FAMILY RESIDENTIAL LOTS SERVICED BY A PAIR OF SECONDARY COLLECTOR ROADWAYS. THE PROPOSED ROADWAYS WERE DESIGNED IN ACCORDANCE WITH TOWN OF KITTERY §16.8 TABLE 1: "DESIGN AND CONSTRUCTION STANDARDS FOR STREETS AND PEDESTRIANWAYS".
 - THE SUBJECT PARCEL, LOCATED OFF OF CUTTS ROAD, IS IDENTIFIED AS LOT 10-3 ON MAP 60, CONSISTING OF 36.06 ACRES IN AREA, AND IS LOCATED IN THE RESIDENTIAL-RURAL (R-RL) BASE ZONE, AS WELL AS THE RESOURCE PROTECTION OVERLAY (RPO) AND 250' SHORELAND PROTECTION OVERLAY (SPO-250) ZONING DISTRICTS.
 - DIMENSIONAL REQUIREMENTS FOR THE R-RL ZONING DISTRICT AS PER §16.3.2.1.D.(2):
LOT SIZE*: 40,000 SQ. FT. (MINIMUM)
SETBACKS: 40' FRONT YARD
20' SIDE YARD
20' REAR YARD
STREET FRONTAGE: 150 FT. (MINIMUM)
BUILDING COVERAGE: 15% (MAXIMUM)
BUILDING HEIGHT: 35 FT. (MAXIMUM)
 - SITE TOPOGRAPHY, EXISTING GROUND SURFACE CONDITIONS, AND BOUNDARY MONUMENTATION PREPARED FROM STATE OF MAINE ORTHOIMAGERY, LIDAR CONTOURS, STATE AND TOWN GIS IMAGERY, AND PLAN REFERENCES 1 & 2. EXISTING CONDITIONS OF ABUTTING PROPERTIES ARE APPROXIMATE.
 - NET RESIDENTIAL DENSITY CALCULATION AS PER §16.7.8.2: (ALL PROSPECTIVE REDUCTIONS WITH ZERO CONTRIBUTION ARE NOT ENUMERATED)
GROSS PARCEL AREA: = 1,570,798 SQ. FT.
LESS ALL LAND LOCATED IN WETLANDS = 521,616 SQ. FT.
LESS 50% OF LAND LOCATED IN 100 FT. WETLAND SETBACK: = 272,081 SQ. FT.
LESS EXISTING RIGHTS-OF-WAY AND OTHER EASEMENTS = 33,739 SQ. FT.
LESS PROPOSED RIGHTS-OF-WAY, EXCLUDING DRIVEWAYS = 168,368 SQ. FT.
LESS 50% OF "SOMEWHAT POORLY DRAINED" SOILS = 112,480 SQ. FT.
LESS ALL LAND LOCATED WITHIN COMMERCIAL FISHERIES, MARITIME USES, OR RESOURCE PROTECTION OVERLAY ZONES = 49,368 SQ. FT.
TOTAL NET RESIDENTIAL ACREAGE = 413,146 SQ. FT.
TOTAL ALLOWED DWELLING UNITS = [413,146 / 40,000] = 10.32 LOTS
=> 10 ALLOWED (10 PROPOSED)
 - BUILDING COVERAGE CALCULATION:
GROSS PARCEL AREA = 1,570,798 SQ. FT.
MAXIMUM ALLOWABLE COVERAGE (15%) = 235,620 SQ. FT.
LESS BUILDING AREA COMMERCIAL PARCEL = 3,375 SQ. FT.
LESS BUILDING AREA LOT 7 = 1,680 SQ. FT.
NET AVAILABLE BUILDING AREA: [235,620 - 3,375 - 1,680] = 230,565 SQ. FT. (9 LOTS REMAINING)
 - TOTAL WETLAND IMPACTS = 8,282 SQ. FT.
 - WETLAND DELINEATION WAS PERFORMED BY JOSEPH NOEL, MAINE CERTIFIED SOIL SCIENTIST #209 IN AUGUST OF 2021, OCTOBER OF 2021, AND FIELD LOCATED BY ATTAR ENGINEERING, INC. IN NOVEMBER OF 2021. A VERNAL POOL STUDY WAS PERFORMED BY JOSEPH NOEL, MAINE CERTIFIED WETLAND SCIENTIST IN MAY OF 2021. ALL VERNAL POOLS OBSERVED ON-SITE WERE DETERMINED TO BE NON-SIGNIFICANT, WHILE THE CLOSEST OFF-SITE SIGNIFICANT VERNAL POOL (#3234) IS IDENTIFIED ON THE PLANS. A SUPPLEMENTAL WETLAND DELINEATION WAS PERFORMED BY JOSEPH NOEL IN MAY OF 2022, AND ADDITIONAL FLAGGING WAS FIELD LOCATED BY ATTAR ENGINEERING, INC. IN JUNE OF 2022.
 - CLASS A HIGH-INTENSITY SOIL SURVEY WAS PERFORMED BY JOSEPH NOEL, MAINE CERTIFIED SOIL SCIENTIST #209 IN OCTOBER OF 2021. PROPOSED TEST PITS WERE FIELD LOCATED BY ATTAR ENGINEERING IN NOVEMBER AND DECEMBER OF 2021. ADDITIONAL TEST PITS WERE PERFORMED IN MAY OF 2022 AND FIELD LOCATED IN JUNE OF 2022.
 - ALL PROPOSED ROADS AND DRIVEWAYS HAVE BEEN LOCATED OUTSIDE THE 100' SETBACK FROM THE NORMAL HIGH-WATER LINE (INTERPRETED AS RESOURCE PROTECTION OVERLAY LIMITS) AS PER §16.8.4.14.B. AND AS DEPICTED ON SHEET 3.

--- GENERAL NOTES CONTINUED ELSEWHERE ON SHEET 1 ---

GRAPHIC SCALE
0 80 160 240 320 (FEET)

TAX MAP 60, LOT 10-3

OVERALL SKETCH PLAN
CUTTS ROAD SUBDIVISION
47 CUTTS ROAD, KITTERY, MAINE

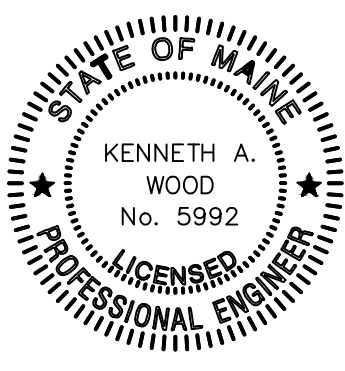
FOR: C/O CHIP ANDREWS
28 ANDY'S LANE
KITTERY, ME 03904

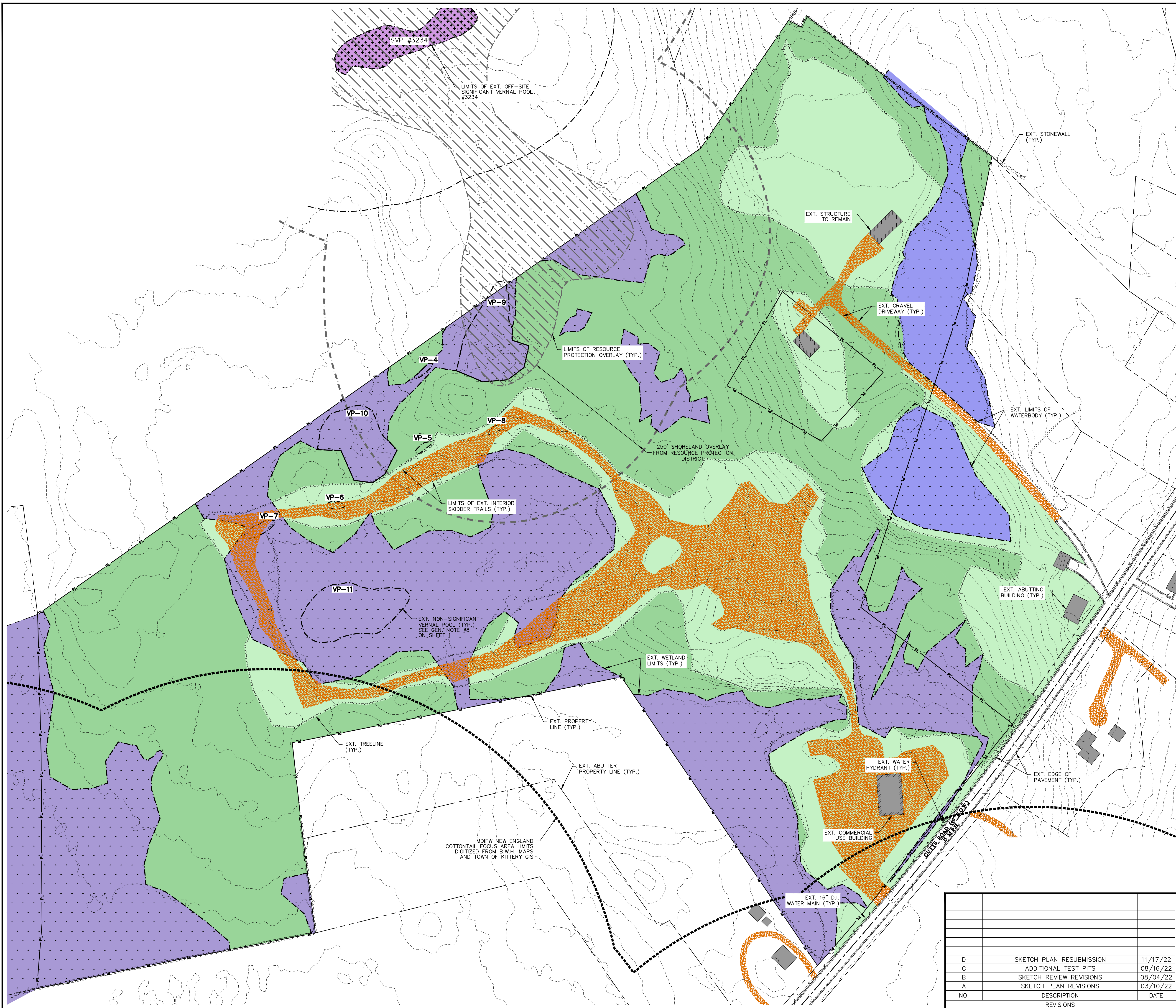
ATTAR ENGINEERING, INC.
CIVIL • STRUCTURAL • MARINE • SURVEYING
1284 STATE ROAD - ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: 1" = 80'
DATE: 02/08/22
JOB NO: C160-21 FILE: CUTTS SDV BASE 2022.DWG SHEET: 1

APPROVED BY: MJS
DRAWN BY: MJS
REVISION DATE: D : 11/17/22

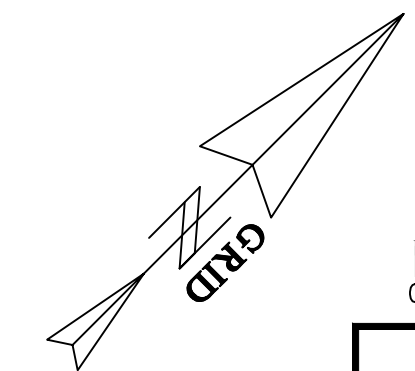
NO.	DESCRIPTION	DATE
D	SKETCH PLAN RESUBMISSION	11/17/22
C	ADDITIONAL TEST PITS	08/16/22
B	SKETCH REVIEW REVISIONS	08/04/22
A	SKETCH PLAN REVISIONS	03/10/22
NO.	DESCRIPTION	DATE





LEGEND	
PROPERTY LINE	---
SETBACK	---
EXT. ABUTTER LINE	---
EXT. GRAVEL	--- (orange hatched) ---
EXT. PAVEMENT	---
EXT. WETLAND BNDY	--- (blue hatched) ---
EXT. RES. PROT. AREA	--- (diagonal lines) ---
EXT. SPO-250 LIMITS	--- (dashed) ---
EXT. TREELINE	--- (wavy) ---
EXT. STONEWALL	--- (dotted) ---
EXT. MAJOR CONTOUR	--- (dashed) ---
EXT. MINOR CONTOUR	--- (dotted) ---

COLOR LEGEND	
EXT. STRUCTURE	Grey
EXT. WOODS ROAD	Orange hatched
EXT. FORESTED UPLAND	Dark Green
EXT. GRASSED UPLAND	Light Green
EXT. WETLAND AREA	Blue hatched
EXT. WATER BODY	Blue
EXT. SIG. VERNAL POOL	Purple



EXISTING CONDITIONS PLAN
CUTTS ROAD SUBDIVISION
47 CUTTS ROAD, KITTERY, MAINE

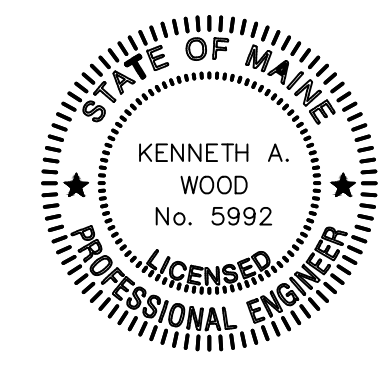
FOR: C/O CHIP ANDREWS
28 ANDY'S LANE
KITTERY, ME 03904

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

SCALE: 1" = 80'	APPROVED BY:	DRAWN BY: MJS
DATE: 02/08/22		REVISION DATE: D : 11/17/22

JOB NO: C160-21 FILE: CUTTS SDV BASE 2022.DWG SHEET: 2

NO.	DESCRIPTION	DATE
D	SKETCH PLAN RESUBMISSION	11/17/22
C	ADDITIONAL TEST PITS	08/16/22
B	SKETCH REVIEW REVISIONS	08/04/22
A	SKETCH PLAN REVISIONS	03/10/22
	REVISIONS	



MDIFW NEW ENGLAND
COTTONTAIL FOCUS AREA LIMITS
DIGITIZED FROM B.W.H. MAPS
AND TOWN OF KITTERY GIS

EXT. PROPERTY LINE (TYP.)
EXT. ABUTTER PROPERTY LINE (TYP.)

EXT. TREELINE (TYP.)

EXT. NON-SIGNIFICANT
VERNAL POOL (TYP.)
SEE GEN. NOTE #8
ON SHEET 1

LIMITS OF EXT. INTERIOR
SKIDDER TRAILS (TYP.)

LIMITS OF RESOURCE
PROTECTION OVERLAY (TYP.)

LIMITS OF EXT. OFF-SITE
SIGNIFICANT VERNAL POOL
#3234

EXT. STRUCTURE
TO REMAIN

EXT. GRAVEL
DRIVEWAY (TYP.)

EXT. STONEWALL
(TYP.)

EXT. LIMITS OF
WATERBODY (TYP.)

250' SHORELAND OVERLAY
FROM RESOURCE PROTECTION
DISTRICT

EXT. ABUTTING
BUILDING (TYP.)

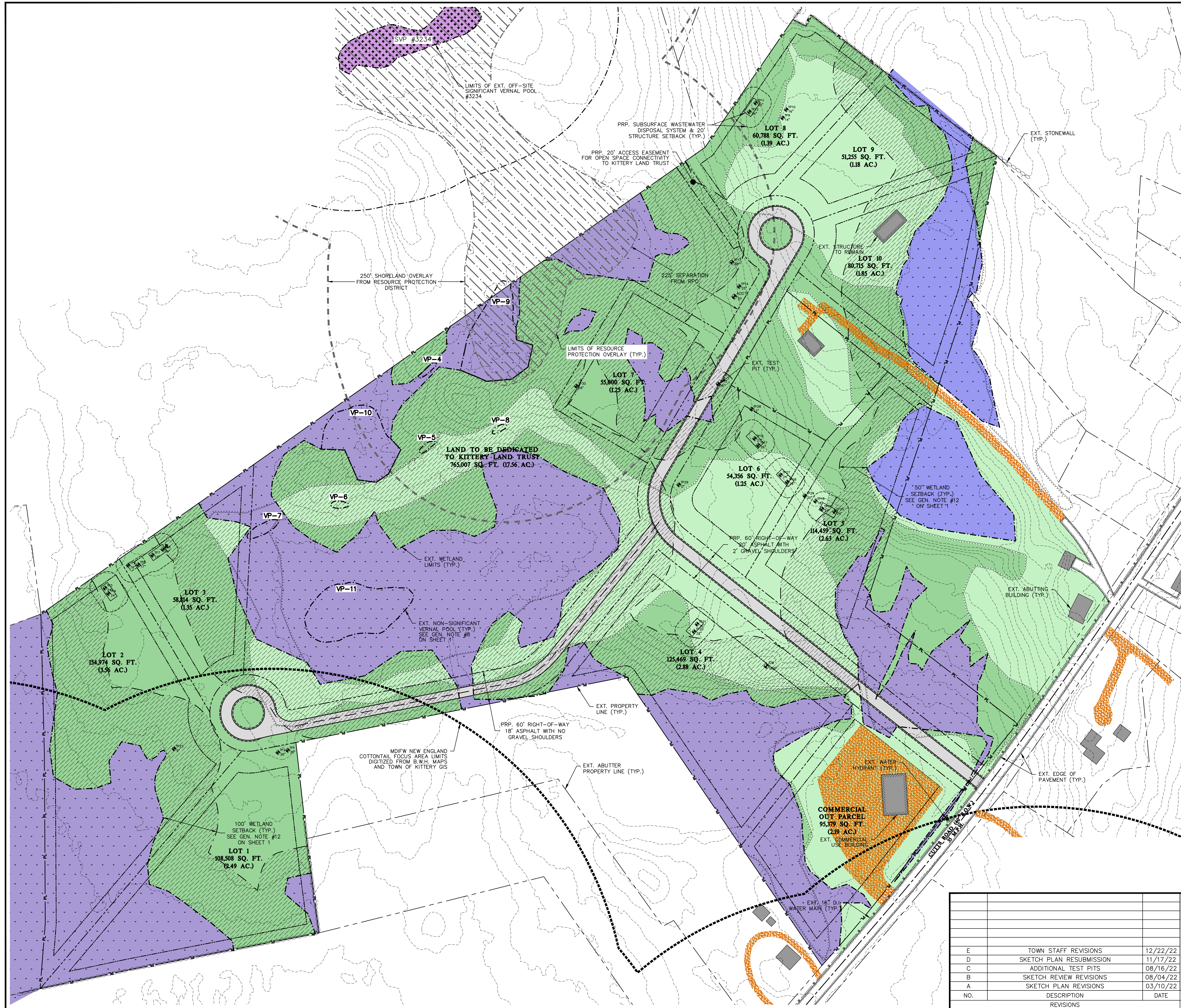
EXT. WETLAND
LIMITS (TYP.)

EXT. WATER
HYDRANT (TYP.)

EXT. COMMERCIAL
USE BUILDING

EXT. 16" D.I.
WATER MAIN (TYP.)

EXT. EDGE OF
PAVEMENT (TYP.)

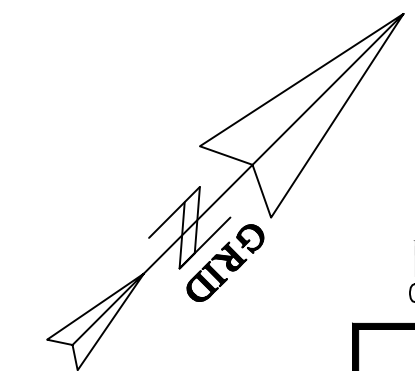
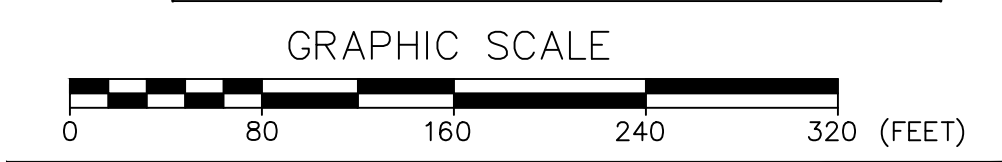


LEGEND

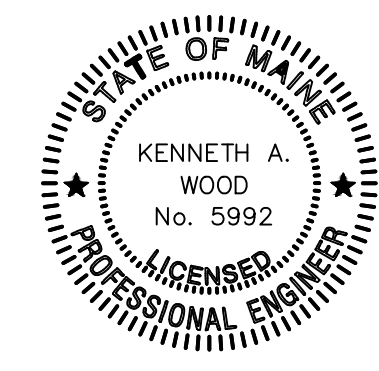
PROPERTY LINE	---
SETBACK	- - - - -
EXT. ABUTTER LINE	---
PRP. LOT LINE	---
EXT. GRAVEL	---
EXT. PAVEMENT	---
PRP. GRAVEL	---
PRP. PAVEMENT	---
EXT. WETLAND BNDY	--- UPLAND WETLAND ---
EXT. WETLAND SETBACK	---
EXT. RES. PROT. AREA	---
EXT. SPO-250 LIMITS	---
EXT. TEST PIT	+
EXT. TREELINE	~ ~ ~ ~ ~
EXT. STONEWALL	---
EXT. MAJOR CONTOUR	---
EXT. MINOR CONTOUR	---

COLOR LEGEND

EXT. STRUCTURE	█
PRP. TRAVELWAY	█
EXT. WOODS ROAD	█
EXT. FORESTED UPLAND	█
EXT. GRASSED UPLAND	█
EXT. WETLAND AREA	█
EXT. WATER BODY	█
EXT. SIG. VERNAL POOL	█



NO.	DESCRIPTION	DATE
E	TOWN STAFF REVISIONS	12/22/22
D	SKETCH PLAN RESUBMISSION	11/17/22
C	ADDITIONAL TEST PITS	08/16/22
B	SKETCH REVIEW REVISIONS	08/04/22
A	SKETCH PLAN REVISIONS	03/10/22
NO.	DESCRIPTION	DATE
	REVISIONS	



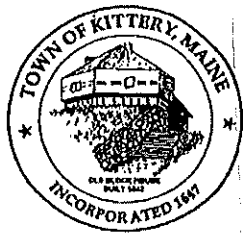
TAX MAP 60, LOT 10-3

SKETCH GRADING & UTILITIES PLAN
CUTTS ROAD SUBDIVISION
47 CUTTS ROAD, KITTERY, MAINE

FOR: C/O CHIP ANDREWS
28 ANDY'S LANE
KITTERY, ME 03904

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SCALE: 1" = 80'	APPROVED BY:	DRAWN BY: MJS
DATE: 02/08/22		REVISION DATE: E : 12/22/22
JOB NO: C160-21	FILE: CUTTS SDV BASE 2022.DWG	SHEET: 3



TOWN OF KITTERY MAINE

Code Enforcement Office

200 Rogers Rd. Kittery, Maine 03904

(207) 475-1308

September 25, 2017

Andrews Construction
Arthur Andrews Jr.
61 Cutts Road – Map 60 Lot 10-3
Kittery, ME 03904

Dear Chip,

As you know, some concerns about the operation of Andrews Construction on its Cutts Road site have been voiced by abutters. Their concerns are as follows:

1. Does the Special Exception “Shop in Pursuit of Trade” pertain to Arthur Andrews or Andrews Construction?
2. Is Andrews Construction exceeding the scope of their “Special Exception” approval?
3. Why are the buffer areas not maintained?

We have also been supplied with letters from abutters in support of Andrews Construction.

To answer number 1. We had the Town Attorney, issue an opinion on the “Special Exception”. Please see the attached letter from Duncan McEachern. In summary, the “Special Exception” use & all related restrictions still apply.

Number 2. Is also answered in Duncan’s letter in that the “Special Exception” applies only to that portion of the property that Andrews Construction occupied in 1993. All activity must be compliant with the Zoning Board of Appeals decision of 1993.

Related to 1 & 2, the buffer areas must be maintained per the 1993 decision.

In summation,

This “Special Exception” is for Andrews Construction only.

The berms must be maintained.

No rock crushing is allowed.

Screening is allowed.

The storing of some bulk material is allowed for disbursement to jobs.

Fire wood is not allowed.

No selling of material except an occasional load.

No dumping of snow from 8:00PM to 7:00AM.

The rest of the property is subject to current zoning.

Regards,

Robert Marchi
Code Enforcement Officer

September 5, 2017

Mr. Robert Marchi
Kittery Code Enforcement Officer
s200 Rogers Road
Kittery, ME 03904

Re: Andrews Construction Co., Inc.
Cutts Road

Dear Bob:

You seek a legal opinion on the current permissive use of the property occupied by Andrews Construction Co., Inc. ("Andrews Construction") on the Cutts Road. The parcel at issue is a portion of Tax Map 60, Lot 10 formerly owned by Arthur W. Andrews ("Andy Andrews") who used this parcel as part of his Andrews Construction Company operation. The property is located in the Rural Residence Zone that allows a special exception for a shop in pursuit of trade.

Brief Factual Background

In 1993, Andy Andrews applied to the Board of Appeals (the "Board") for a special use exception to allow his company, Andrews Construction, ". . ." to build a shop in pursuit of trade to garage, maintain, etc. construction equipment solely to be used by Andrews Construction Co., Inc. at his 61 Cutts Road,

Mr. Robert Marchi, CEO
Re: Andrews Construction Co., Inc./Cutts Road
September 5, 2017
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Kittery." At the time, Andy Andrews owned a large parcel of land (Tax Map 60, Lot 10) but his use of his property for Andrews Construction was confined to a much smaller portion (the "Andrews Construction portion") of the larger lot abutting Cutts Road. For several years prior to 1993, Andrews Construction used this smaller portion of Andy Andrews' property to repair, maintain, and store equipment and vehicles used by his company, Andrews Construction Co., Inc.

In 1993, the Board approved Andy Andrews' special use exception request, subject to certain conditions set forth in the Board's decision. No one appealed the Board's decision and, as such, it became a final determination for the use of this Andrews Construction portion of the property owned by Andy Andrews. I understand that Andy's son Chip purchased Andrews Construction Co., Inc. sixteen or more years ago and has continued to operate and maintain Andrews Construction Co., Inc. equipment on this smaller portion even though his father had continued to hold title to the whole of Map 60, Lot 10 which included this small portion.

Andy Andrews died in March of 2016. His son Chip continues

Mr. Robert Marchi, CEO
Re: Andrews Construction Co., Inc./Cutts Road
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as the owner of Andrews Construction to operate on this site under the 1993 special use exception.

Based on the above, you asked me to address the following questions.

Question #1

Does the 1993 Board-granted special use exception "to build a shop in pursuit of trade to garage, maintain, etc. construction equipment" continue to apply to Andrews Construction Co., Inc. even though Andy Andrews is now deceased and Andrews Construction is owned and operated by his son, Chip Andrews, from this location.

In my opinion, Andrews Construction remains entitled to the benefit of the 1993 Board-granted special exception so long as it operates on this property consistent with the 1993 Board's decision that granted the special exception for this property "solely to be used by Andrews Construction Co., Inc." The death of Arthur Andrews did not change the applicability of the special exception to the Andrews Construction portion of the property.

Question #2

Can the Board's 1993 grant of a special exception extend to the entire parcel of land owned by Andy Andrews at the time of his request to the Board for the special exception.

Mr. Robert Marchi, CEO
Re: Andrews Construction Co., Inc./Cutts Road
September 5, 2017
Page 4

Even though at the time Andy Andrews applied to the Board for the special use exception in 1993 he was the owner of all of Map 60, Lot 10, Andrews Construction Company operated only on a portion of this larger parcel. The special use exception granted for the use of Andrews Construction is limited to that portion of the larger parcel that was actually used at the time (1993) by Andrews Construction. The special use exception did not extend to the entire larger parcel. Any use by Andrews Construction of the parcel beyond what was being used in 1993 must conform in all respects with the current provision of our Land Use and Development Code Zoning Ordinance applicable to the Rural Residential Zone.

Question #3

What uses are presently allowed by Andrews Construction on the small parcel by virtue of the 1993 special use exception.

As you know, we visited the Andrews Construction site on Cutts Road to view its operational use. Some uses did not appear to be authorized or consistent with the 1993 special exception. For example, the stockpiling of wood for sale or distribution to others by Andrews Construction would not appear to fall within

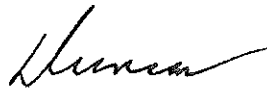
McEACHERN & THORNHILL
Attorneys at Law

Mr. Robert Marchi, CEO
Re: Andrews Construction Co., Inc./Cutts Road
September 5, 2017
Page 5

the scope of the special exception. Crushing operations on the site would also appear to be outside the scope of the special exception. There are conditions set forth in the Board's 1993 decision (which you have) that must be met by Andrews Construction to stay within the use authorized by the special exception. I would refer you to the Board's minutes and Decision setting forth the required conditions for the Board's grant of the special exception that allows for the continued operation by Andrews Construction at that location.

Should you need anything further from me at this time, don't hesitate to call.

Thanks,



Duncan A. McEachern

DAMcE/cn

\\TOK-LTRS\ANDREWS-Cutts.opn



January 4, 2023

To Whom It May Concern:

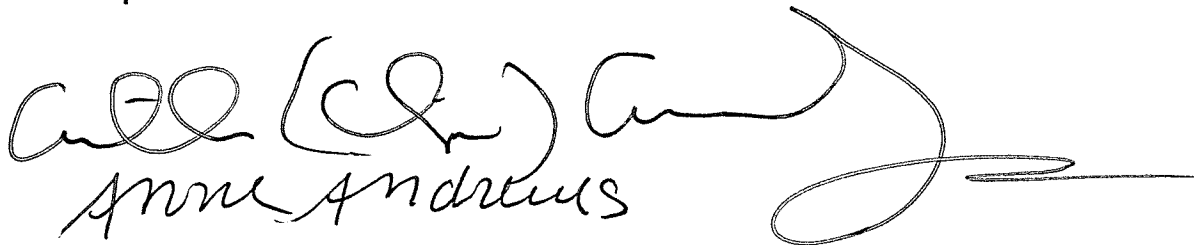
Arthur W. Andrews, Jr. and Anne L. Andrews of the Andrews subdivision give Judith E. Andrews – tax map 60, Lot 10-1 (25 Andy's Lane) permission to use the property through an easement, known as the "grantee".

This easement will come at no cost to Judith E. Andrews. If project is accepted per Town of Kittery, this will become part of the general notes.

This letter will serve purposes of intent to grant easement if all is accepted and project moves further on in the process.

Thank you,

Chip and Anne Andrews

Handwritten signatures of Anne Andrews and Chip Andrews. The signature on the left is written in cursive and includes the name 'Anne Andrews' below it. The signature on the right is a large, stylized cursive signature.