

**Town of Kittery
Planning Board Meeting
May 9, 2019**

ITEM 1 – 51 Wilson Road – Minor Subdivision Preliminary Plan Review

Action: Accept or deny application; Schedule Public Hearing. Owner Kerry A. Major and applicant Paul Hollis request consideration of a minor subdivision to construct a duplex on a 6.38-acre parcel located at 51 Wilson Road, (Tax Map 54 Lot 20) in the Residential-Rural (R-RL) and Shoreland Overlay (OZ-SL-250') Zones.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Review	4/11/2019	APPROVED
NO	Site Visit	4/30/2019	HELD
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 16.4.4.13 - 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.

Background

The land in question is 6.38 acres in size and a duplex is proposed to be built on the lot. A legal opinion from the Town Attorney was sought by the Director of Planning and Development on the subdivision issue in March of this year. There are three (3) lots involved that have been conveyed out by Fay Major from one larger undivided lot. Previous conveyances of the lots have been determined to be gifts. The proposal to sell Lot 1 by Kerry Major to an unrelated third party would make Lot 1 a separate lot for counting purposes. The transfer would create a second lot (1 and 2). Lot 3 would still be exempt as a family gift transfer, however, where the new owner of Lot 1 seeks to construct a duplex on Lot 1 the construction of the duplex would create a third division and subject Lots 1, 2, and 3 to subdivision review by the Planning Board.

A site walk was held on April 30. The applicant at that time informed the Board that they would be shifting the location of the driveway and duplex 20 feet over to line up the driveway with the neighboring property across the street so that car headlights shining into windows wouldn't be an issue.

The plan has received technical review by the department heads on April 23rd. The only comment of note was that a driveway permit will be necessary from DPW for the proposed duplex.

Staff Review

1. Submission: The application substantially meets the submission requirements for a preliminary plan review.
2. Special Exception – Dwellings in a minor subdivision and Shoreland Overlay Zone - Duplex. The proposed subdivision is presented as a minor conventional subdivision which is a special exception use (See 16.6.4.D (2)). In granting a special exception use, the Board must find the

proposed development meets the criteria of Section 16.10.8.3.4 and 16.6.6. Since the duplex would be located entirely within the Shoreland Overlay Zone a special exception is also required for construction of the duplex.

3. Standards. Per 16.3.2.1.D (3) Subdivision types and standards, the proposed subdivision is subject to net residential acreage and net residential density per 16.2.2. Further, under 16.3.2.1.D.3 (b) Subdivision development, the design and performance standards in Chapters 16.8 and 16.9 apply and include a minimum percentage of common open space of 15%. The applicant has provided this information and calculations on the subdivision plan, however, it is not clear whether certain deductions were included, specifically 16.7.8.2 E, J and K. A waiver has been submitted for the common open space requirement.
4. Dimensional standards. The lot meets the 80,000-sf requirement in the R-RL Zone for a duplex. The lot contains approx. 773' of frontage. The proposed lot complies with the lot shape standards of 16.8.16.1.
5. Floodplain, Shoreland Overlay and Wetlands. Nearly all of the lot lies within the Shoreland Overlay Zone (OZ-SL-250') and a significant portion is in a FEMA Special Flood Hazard Area, Zone AE (El. 9). Under 16.9.8.10 when reviewing subdivisions, the Planning Board must assure that:
 - A. All such proposals are consistent with the need to minimize flood damage.
 - B. All public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damages.
 - C. Adequate drainage is provided so as to reduce exposure to flood hazards.
 - D. All proposals include base flood elevation and, in a riverine floodplain, floodway data.
6. Utilities / Soil Survey / Erosion and sedimentation control / Stormwater management. Wastewater disposal – information been provided for the proposed subsurface wastewater disposal system. The test pit (TP#3) location is shown on the plan in the area of the proposed duplex. It is noted on the application for the subsurface wastewater disposal system that there is a limiting factor (ground water) at 18 inches in TP3 & B1. Code calls for a reserve site for any limiting factor less than 24" (16.8.7.2.D.1 and 3).

Soil Survey - since this is a subdivision the applicant should include a certified soil survey of the whole lot (per 16.7.8.3 and 16.9.1.4). As of now they've submitted information on the soils in test pits only (only one of which is on their lot). Section 16.9.1.4.F allows the applicant to ask the Planning Board for a waiver or modification of the Class A soil survey (after CMA weighs in and the applicant explains why it's not warranted). Staff has received an email from the applicant (attached) which indicates that they will be performing another test pit on Wilson Road on May 6th and supplying the Board with the test pit log. The applicant will be resubmitting the plan with soils classification (poorly drained and very poorly drained).

The development will utilize a well for water but the location is not shown on the plan. More detail needs to be provided for power connection / service and any culverts / drainageways. The applicant has not furnished an erosion and sedimentation control plan, and a stormwater management preliminary plan as required under preliminary plan review. Waiver requests have been submitted for these items. The Board typically acts upon the waiver requests at time of preliminary plan approval.

7. Other.

The site walk raised a potential issue relative to site distance to the south when entering Wilson Road from the property. A measurement taken at the site walk showed the distance to the crest of the hill on Wilson Road to be approximately 150'. This appears to be adequate site distance, and this will be further examined when the applicant applies for a driveway permit, but some type warning signage along the road may be warranted.

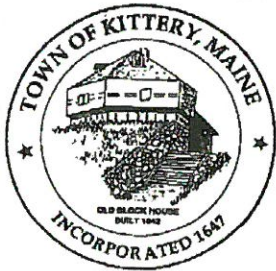
Recommendation / Action

The preliminary plan application submittal appears substantially complete. Staff recommends that the Board schedule a public hearing for the first meeting in June.

Move to accept the preliminary plan application, dated 04-16-2019, from owner Kerry A. Major and applicant Paul Hollis for a minor subdivision to construct a duplex on a 6.38-acre parcel located on Wilson Road, (Tax Map 54 Lot 20) in the Residential-Rural (R-RL) and Shoreland Overlay (OZ-SL-250') Zones.

And

Move to schedule a public hearing on {date} for a Preliminary Plan application dated 04-16-2019, from owner Kerry A. Major and applicant Paul Hollis for a minor subdivision to construct a duplex on a 6.38-acre parcel located on Wilson Road, (Tax Map 54 Lot 20) in the Residential-Rural (R-RL) and Shoreland Overlay (OZ-SL-250') Zones.



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

APPLICATION: SUBDIVISION PLAN REVIEW

FEE FOR REVIEW:	<input type="checkbox"/> \$500.00 PLUS	<input type="checkbox"/> \$50.00/LOT OR DWELLING UNIT	<input checked="" type="checkbox"/> Minor Subdivision: not more than 4 lots <input type="checkbox"/> Major Subdivision: 5 or more lots	Fee Paid: \$ <u>550</u> Date: _____ Escrow Fee Paid: \$ _____ Date: _____
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PROPERTY DESCRIPTION	Parcel ID	Map	54	Lot	20	Zone(s): Base: <u>RL</u>	Total Land Area	6.38 acres
	Physical Address	Wilson Rd Kittery, ME 03904						

PROPERTY OWNER'S INFORMATION	Name	Kerry Major	Mailing Address	4 Pettigrew Rd Kittery, ME 03904
	Phone	207-475-6645		
	Fax			
	Email	jeffiret15m@gmail.com		

APPLICANT'S AGENT INFORMATION	Name	Paul C. Hollis	Mailing Address	Great Lots of Maine, LLC 28 Wear Rd Seabrook, NH 03874
	Phone	207-216-0333		
	Fax			
	Email	phollis1and@gmail.com		

PROJECT DESCRIPTION	Existing Use(s): <u>Vacant land</u>								
	Number of Proposed Lots		1	Subdivision Name		Wilson Road Lot			
	Proposed Subdivision:								
	Design: (check)	<input checked="" type="checkbox"/> Conventional	Responsibilities: (check)	<input type="checkbox"/> Total Development		<input type="checkbox"/> Landscaping			
		<input type="checkbox"/> Cluster Development		<input type="checkbox"/> Other		<input type="checkbox"/> Road			
	Ownership: (check)	<input type="checkbox"/> Fee- Simple		<input type="checkbox"/> Post-Construction Storm Water Runoff System Maintenance					
		<input type="checkbox"/> Condominium							
Homeowner's Association	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO							

From: [Paul Hollis](#)
To: [Jamie Steffen](#)
Subject: Hollis - Wilson Road
Date: Thursday, May 02, 2019 9:01:58 AM

Dear Jamie,

We will be doing another test pit on the Wilson Road lot on Monday morning and supplying you that test pit log. We also will be resubmitting plan with soils classification (poorly drained soils, very poorly drained soils). Also allow this email to act as a formal request that I intend to ask the Planning Board for the following waivers:

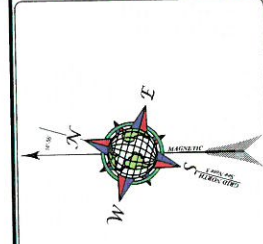
1. Not required to dedicate 15% of my property for public open space
2. We request a waiver for providing a sediment control plan. We will be putting erosion control around the construction site of the building and parking lot (Marafi fence)
3. We request a waiver for a stormwater management plan, we are simply installing a paved driveway and parking for four cars, no bigger than a normal single residence driveway

Thank you, Jamie. Please confirm by email that you have received this email.

Paul



Site Location Map



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

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Survey File Name:	2018161.crd	
CAD File Name:	2018161.dwg	
Drawn By:	KAL	
Job Number:	2018161	
Revisions	Date	By
1. Net Residential Calculations and add note about wetland calculations.	04-14-2019	DAG
2. Moved proposed building and driveway 20' south.	04-30-2019	DAG

Plan Showing A Subdivision For
Great Lots of Maine
28 Weare Road
Seabrook, New Hampshire 03874

Property Located On
Wilson Road
In
Kittery, Maine

February 21, 2019
Scale: 1" = 80'.

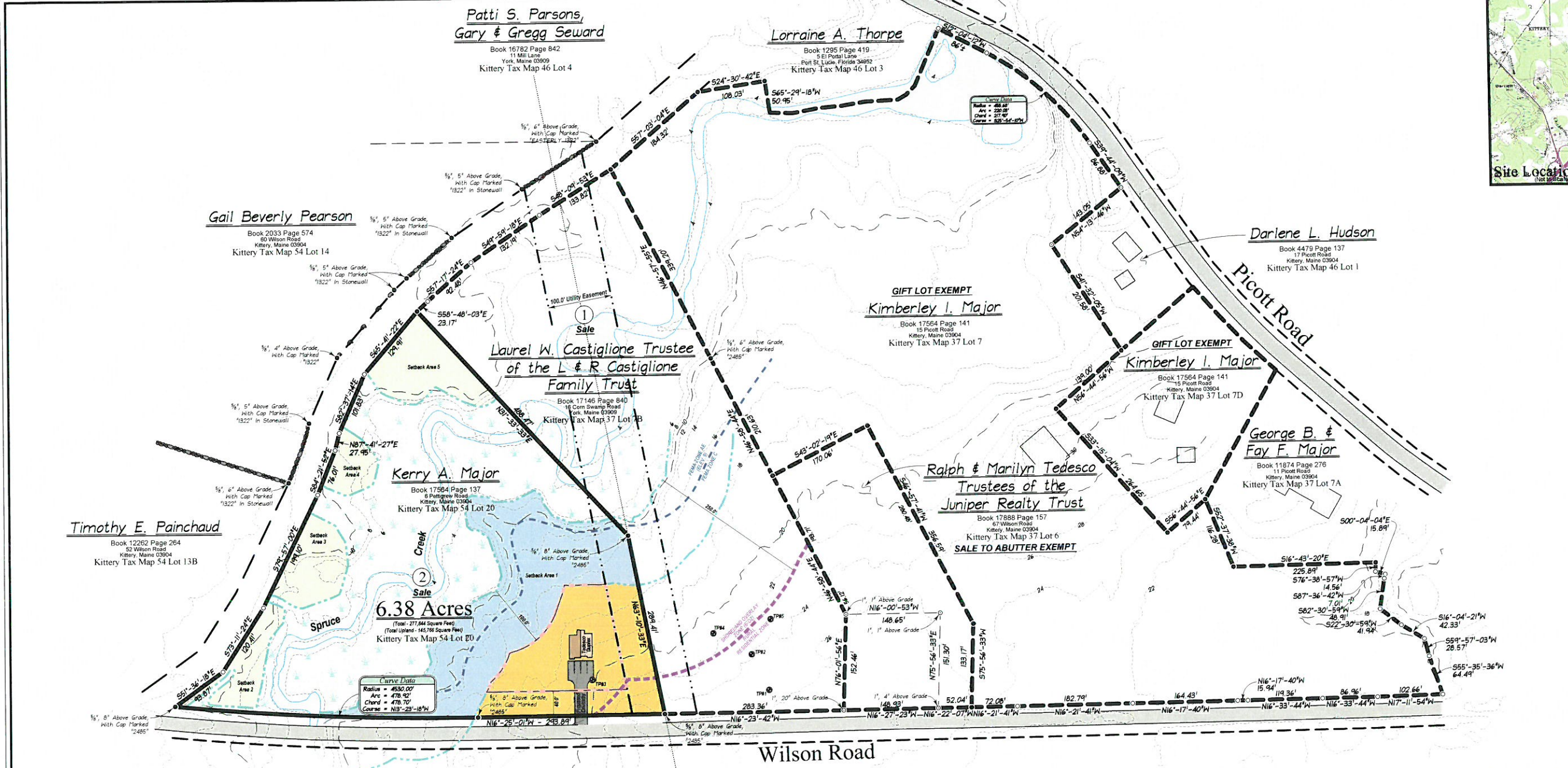


I hereby certify that this boundary survey conforms to the Maine Board of Licensure for Professional Land Surveyors, Chapter 40, Standards of Practice.



Dana A. Libby
Professional Land Surveyor 1950
4-30-2019

SHEET 1



Notes:

- 1. Deed Reference:**
 - a. Fay F. Major to Kerry A. Major dated September 8, 2017 and recorded at the York County Registry of Deeds in book 17564 page 137 (GFL).
 - b. Fay F. Major to Kimberley I. Major dated September 8, 2017 and recorded at the York County Registry of Deeds in book 17564 page 138 (GFL).
 - c. Fay F. Major to Kimberley I. Major dated September 8, 2017 and recorded at the York County Registry of Deeds in book 17564 page 141 (GFL).
 - d. Fay F. Major to Laurel W. Castiglione, Trustee of the L & R Castiglione Family Trust dated December 4, 2016 and recorded at the York County Registry of Deeds in book 17564 page 141 (1st Sale).
 - e. Kimberley I. Major to Ralph & Marilyn Tedesco, Trustees of the Juniper Realty Trust dated January 30, 2014 and recorded at the York County Registry of Deeds in book 17888 page 157.
- 2. Plan Reference:**
 - a. "Proposed Division Of Land For Property At 15 Piccott Road, Kittery, York County, Maine Owned By Fay F. Major" dated August 10, 2017 and recorded at the York County Registry of Deeds in plan book 374 page 33.
 - b. "Parsons Meadow Subdivision" dated December 16, 2013 and recorded at the York County Registry of Deeds in plan book 370 page 17.
- 3. Basis of Bearings:**

Bearings shown herein are Grid North and refer to the Maine State Plane Coordinate System, Maine West Zone 4101, FIPS Zone 1802, North American Datum 1983, Unit Feet. Determined utilizing a Leica G509 "RTK GPS Unit" (Real Time Kinematic Global Positioning System).
- 4. Road Record:**
 - a. Wilson Road, 3 rods wide (49.50'). See layout dated on file at the York County Commissioners' Office in volume _____ page _____.
 - b. Piccott Road, 3 rods wide (49.50'). See layout dated on file at the York County Commissioners' Office in volume _____ page _____.
- 5. Certification:**

The word "certify" or "certification" as shown and used herein means an expression of professional opinion regarding the facts of the survey and does not constitute a warranty or guarantee, expressed or implied.
- 6. Underground Utilities:**

No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any underground utility, municipal or public service. For information concerning these utilities or facilities please contact the appropriate agencies.
- 7. Abutter Lines:**

The abutter lines shown herein are for reference purposes only. Any conflicts between the abutter lines shown herein and existing monumentation should be resolved with a boundary survey, no assumptions should be made based on these abutter lines.
- 8. Zoning Information:**
 - Rural Residential Zone (R-RL)
 - Minimum Lot Size 40,000 square feet
 - Minimum Frontage 150.0'
 - Minimum Yard Dimensions
 - Setback from street Right of Way 40.0'
 - Side setback 20.0'
 - Rear setback 20.0'
 - Sharedland Overlay Zone (S-02)
 - Minimum Lot Size 40,000 square feet
 - Minimum Lot Size per dwelling 40,000 square feet
 - Minimum Shore Frontage 150.0'
 - Maximum Devegetated Area 20% Within Zone
 - High-Water Line setback 100.0'
 - Side setback 25.0'
 - The lowest floor elevation or openings of all buildings and structures, including basements, must be elevated at least one foot above the elevation of the one-hundred year flood, the flood of record or, in the absence of these, the flood as defined by soil types identified as recent floodplain soils.
- 9. Topographic Information:**

Topographic information shown herein was downloaded from the Maine State GIS Web Site at URL http://megis.maine.gov/catalog/contours2FL_tiles.shtml. This is a composite data layer of 2' contours created from lidar data collected in Maine between 2006 and 2013. The contours were created using GDAL tools and an interval of 2'. Due to the fact that some areas were collected at high tide, some areas do not have contours that have a zero-value. The data are referenced to NAVD83. Vertical accuracy is 12cm or better.
- 10. Flood Zone:**

The approximate limits of the 100 year Flood hazard (Zone AE) shown herein are from the "Flood Insurance Rate Map Community Panel Number 23031C0726G" dated November 5, 2015 and was taken from Town of Kittery Web Site at URL <http://www.kitteryme.gov/sites/kitteryme/files/uploads/23031c0726g.pdf>.
- 11.** No records research was completed for preparation of this plan. Boundary information shown herein was taken from Plan References 2a & 2b herein.
- 12. Net Residential Calculations:**

Net Residential Acreage	
Coastal Wetland Setback Area 1	69479.8 Sq. Ft.
Coastal Wetland Setback Area 2	94465.4 Sq. Ft.
Coastal Wetland Setback Area 3	11739.5 Sq. Ft.
Coastal Wetland Setback Area 4	6065.8 Sq. Ft.
Coastal Wetland Setback Area 5	+ 16367.7 Sq. Ft.
Total Coastal Wetland Setback Area	102612.2 Sq. Ft.
+ 50.0.1	
51306.1 Sq. Ft.	
- 132078.0 Sq. Ft.	
Total Deductions	- 183384.1 Sq. Ft.
Total Lot Area	277844.0 Sq. Ft.
Total Deductions	- 183384.1 Sq. Ft.
Net Residential Acreage	94459.9 Sq. Ft.
- 13. Wetland/Upland Interface Line:** as shown herein was delineated in the field by Michael Marano of Highland Soil Services, a Maine licensed wetlands scientist.

Legend:

- 1/4" Iron Rod Set With Plastic Cap Marked "CNR POST LAND SURV PLS 1350"
- Iron Pipe Found (Dimensions Labeled on Plan)
- Iron Rod Found (Dimensions Labeled on Plan)
- Corner, Nothing Found or Set
- Utility Pole
- Overhead Utility Lines
- Pavement
- Boundary Line Of Surveyed Premises
- Abutter Line (See Note 7)
- Right Of Way Line
- Contour Lines (10' Interval) (See Note 9)
- Contour Lines (2' Interval) (See Note 9)
- Zoning District Boundary Line
- Approximate FEMA Boundary Line
- Approximate Upland/Wetland Interface Line

Approved By: _____ Date: _____

Planning Board

Graphic Scale: 1" = 80'
80 40 0 40 80 160 240 320