

**Town of Kittery  
 Planning Board Meeting  
 May 10, 2018**

**Miller Road – Major Subdivision Sketch Plan Review**

Action: Accept or deny application; Approve or deny sketch plan Owners Paul E. and Peter J. McCloud and Applicant Joseph Falzone requests consideration of a 6-lot conventional subdivision on land along Miller Road (Tax Map 59 Lot 20) in the Residential-Rural (R-RL) and Resource Protection Overlay (OZ-RP) Zones. Agent is Ken Wood, Attar Engineering.

**PROJECT TRACKING**

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Completeness Review/Approval	Possible for 5/10/18	PENDING
YES	Site Visit	Scheduled for 5/1/18	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**

Miller Road lies between Bartlett Road and Norton Road. This lot lies closer to Norton Road and abuts Hutchins Creek. It is approximately 9.9 acres and 6 lots are proposed, with the originally submitted plan showing each lot having curb cuts off Miller Road and the one back lot being accessed via a ROW 40 feet in width. The revised plans show three configurations: a hammerhead that would allow access to three lots, including the back lot and a shared driveway between lots 4 and 5; a cul-de-sac that would service three lots including the back lot; and a cluster subdivision with the proposed road running parallel to Miller Road, serving all lots and ending in a cul-de-sac. A fourth design was discussed at the site visit that would reverse the hammerhead and move it slightly but isn't available at the time of this writing.

Large portions of two lots lie within the Resource Protection Zone and FEMA Flood Zone A. The Applicant is seeking a Letter of Map Amendment (LOMA) from FEMA to remove the lots from the floodplain.

**April 12, 2018 Meeting**

At this meeting, the Board discussed the design of the subdivision as a special exception conventional design versus other possible designs including a cluster design. The Board set a site walk date for May 1<sup>st</sup>.

**Staff Review**

- Submission: The application meets the submission requirements for a subdivision sketch plan.
- Conventional vs. Cluster. The proposed subdivision is presented as a major conventional subdivision which is a special exception use. Cluster residential development (cluster

subdivision) is a permitted use in the R-RL Zone. The Board will need to determine whether the circumstances warrant a special exception for a conventional subdivision. (See 16.6.4.4. 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.). The Board can provide input to the Applicant as to the likelihood of granting the special exception, however, the Board's action would not take place until the preliminary plan application. **Update: a cluster plan was submitted. Two conventional plans were also submitted. The plan that appears to be the applicant's preferred plan is the hammerhead plan.**

3. **Open Space.** The proposed subdivision plan shows about 3.4 acres of open space along Hutchins Creek to the north which exceeds the 15 % requirement for open space within a conventional subdivision in the Residential Rural Zone (R-RL). **Update: the hammerhead plan shows an open space calculation which appears to meet the requirements, the other designs are not fully rendered so calculations are not available.**
4. **Floodplain, Resource Protection Overlay and Wetlands.** The lot proposed for subdivision is roughly shaped like an "L" as it lies along Miller Road. Current floodplain maps (actually both the FEMA maps in effect and the 2013 FEMA draft maps) show that the longest/deepest portion of the lot from Miller Road to the end of the lot as it runs along Hutchins Creek has a band of varying width located within the flood zone. Also noted on the plans is the line that the LOMA request is asking the floodplain be revised to meet, shrinking the floodplain area considerably. The approximate area shown as existing floodplain is also zoned Resource Protection (OZ-RP) by the Town. Wetlands are shown as running along the creek in a narrow band beyond Lot #6 where they widen and encompass the farthest portion of the lot. The wetlands were delineated by James Logan, of Longview Partners (not sure when) and that firm also did the high intensity soil survey.
  - a. The Applicant will likely request that the OZ-RP overlay be adjusted to more closely match that of the LOMA floodplain boundary if FEMA approves it. This would occur for the Preliminary Plan. The Board may wish staff to involve DEP and IFW at that time to assist with that determination.
5. **Calculations for Net Residential Acreage.** Per Title 16.7.8 *Net Residential Acreage* has been calculated and is shown as note 6 on Sheet 1 of the plans. It isn't completely clear which of the floodplain areas (the existing or the LOMA-proposed) were used in the calculations as all unsuitable soils are grouped together but presumably the LOMA-proposed area was chosen. **Update: Only the hammerhead plan appears to have this calculation – staff comes up with 252,560 sf available after subtracting the 50% wetland setback, unsuitable soils, ROW/easements and exposed bedrock areas given on the plan from the total parcel area as stated on the plan.**
6. **Dimensional standards.** **Update for the hammerhead plan:** all lots meet the 40,000 sf requirement in the R-RL Zone. Building envelopes are shown. Setbacks (front and side yards) are shown. The 150-foot frontage requirements are met. There are 40-foot setbacks shown for the **three lots that abut the ROW per front yard requirements.** The ROW is itself, 40 feet. **The ROW is separate from the lots it serves, meaning they do not derive any area from the ROW.** There is a hammerhead to allow for turnaround. There was a suggestion at the site walk that the hammerhead could be reversed to allow moving the building envelopes on Lot 1 and 6 farther away from the wetland setback. Impervious surface would be 7,460 sf. Cul-de-sac plan: it shows that the three lots meet their frontage requirements and include the 40-foot setback from the ROW. Impervious surface would be 8,935 sf. Cluster Plan: this plan shows less detail but would be 11,425 sf of impervious surface.

7. **Scenic Road.** Miller Road is listed as a Scenic Road in the Comprehensive Plan (scenic roads are also addressed in the Comp Plan update that is being considered for adoption). The Board should discuss whether scenic road considerations should be addressed in any specific way for this parcel and the proposed development. Update: at the site walk the Applicant's agent and Applicant spoke of no-cut buffers along Miller Road and along the edge of Lot 5 where it abuts neighbors' land, with details dependent on which design is chosen.
8. **Road Standards.** All plans submitted show a 40-foot ROW (the cluster does not clearly indicate the ROW width but it appears to be 40 feet). Two designs would require a Class 1 Private Street which requires a 40-foot ROW, an 18 foot gravel travel way and 5 foot sidewalks or pedestrian ways. The cluster design would require a Class II Private Street, 20 feet wide and paved, with 5-foot sidewalks/pedestrian ways.

### Recommendations

The sketch plan review is an opportunity to consider a concept or three in this case, and make specific suggestions to the Applicant. According to Title 16, residential development in the Residential -Rural Zone is expected to be clustered and served by centralized septic. The shape and environmental constraints of this lot are likely among the reasons why the Applicant is choosing to pursue the special exception conventional subdivision.

Among the considerations for the Board is whether the design of this subdivision aligns with special exception criteria and the definition of special exception in 16.2. Are there alternatives, for example, such as creating a shorter ROW with a cul-de-sac and deriving frontage from it for Lots 1, 2 and 6? The Board should also discuss the question of conventional vs. cluster and determine if there is information needed from the Applicant before deciding whether or not to grant a special exception use later in the process. Update: the Applicant has presented the Board with three designs in this submission and flagged the centerline of the roads for all three designs at the site walk.

### Action

Because this is sketch plan, the Board will want to give the Applicant a sense for which design the Board finds the most satisfactory conceptually given the information provided.

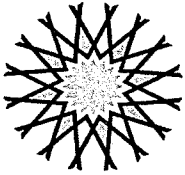
Staff recommends that the Board indicate the design preferred and find the sketch plan application complete. Depending on which design is selected, staff prefers seeing a sketch plan that provides the same amount of information as the hammerhead plan prior to sketch plan acceptance.

The Board may accept the sketch plan application as complete and request any additional information wanted be placed on the preferred design plan prior to either sketch plan approval or preliminary plan submission. If the Board decides that the preferred plan be further developed prior to sketch plan approval no further action is required beyond the motion below because the Board gave the Applicant 90 days to refine the sketch plans at the April 12, 2018 meeting.

***Move to accept the sketch plan application dated March 22, 2018 with April 18, 2018 revisions as complete from owners Paul E. and Peter J. McCloud and applicant Joseph Falzone for a 6-lot subdivision on land along Miller Road (Tax Map 59 Lot 20) in the Residential-Rural (R-RL) and Resource Protection Overlay (OZ-RP) Zones.***

If the Board decides to both accept the submission as complete (motion above) and to approve a particular sketch plan design as submitted, giving the Applicant guidance as to what additional information should be provided for preliminary submission (for example, no-cut buffers) the suggested motion is provided below.

***Move to approve the Sketch Plan [identify the particular plan design and additional information required] for owners Paul E. and Peter J. McCloud and applicant Joseph Falzone for a 6-lot subdivision on land along Miller Road (Tax Map 59 Lot 20) in the Residential-Rural (R-RL) and Resource Protection Overlay (OZ-RP) Zones.***



# ATTAR

ENGINEERING, INC

CIVIL • STRUCTURAL • MARINE

Ms. Kathy Connor, Interim Town Planner  
Town of Kittery  
P.O. Box 808  
Kittery, Maine 03904

April 18, 2018  
Project No.: C142-18

**Re: Miller Road Subdivision  
Sketch Plan Application  
Tax Map 59, Lot 20**

Dear Ms. Connor:

On behalf of Joseph Falzone, I have enclosed a revised Sketch Plan for your review and consideration. The site is located on Miller Road, contains approximately 9.9 acres and is located in the Residential-Rural (R-RL) zoning district and Resource Protection (OZ-RP) overlay zoning district.

The applicant is proposing to divide the lot into 6 residential lots. The lots will be served by individual subsurface wastewater disposal systems and individual drilled wells. Lot 6 will be accessed by a 40' wide right of way, which will provide frontage for this lot. Lots 1-5 have frontage along Miller Road and will be accessed by driveways connected to Miller Road. Open space is proposed along Hutchins Creek.

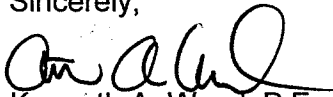
As a result of the April 12, 2018 Board meeting the sketch plan shows a revised turn-around and a shared, common, driveway for Lot's 4 and 5. Resulting impervious area for the access road is 7,460 SF. As discussed, I have also attached 2 other partial sketch plans; the first is a cul-de-sac design, resulting in 8,935 SF of impervious area and the second is the cluster design which I presented briefly at the meeting – this design results in 11,425 SF of impervious area.

As also agreed, we will have all 3 concepts flagged for the site walk on May 1<sup>st</sup>

The attached plan has been drafted at 1" = 50" to allow the entire parcel to be depicted on one plan sheet. We understand that this may require a waiver request at preliminary plan stage due to the required 1" = 30' plan scale for parcels less than 10 acres in area.

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

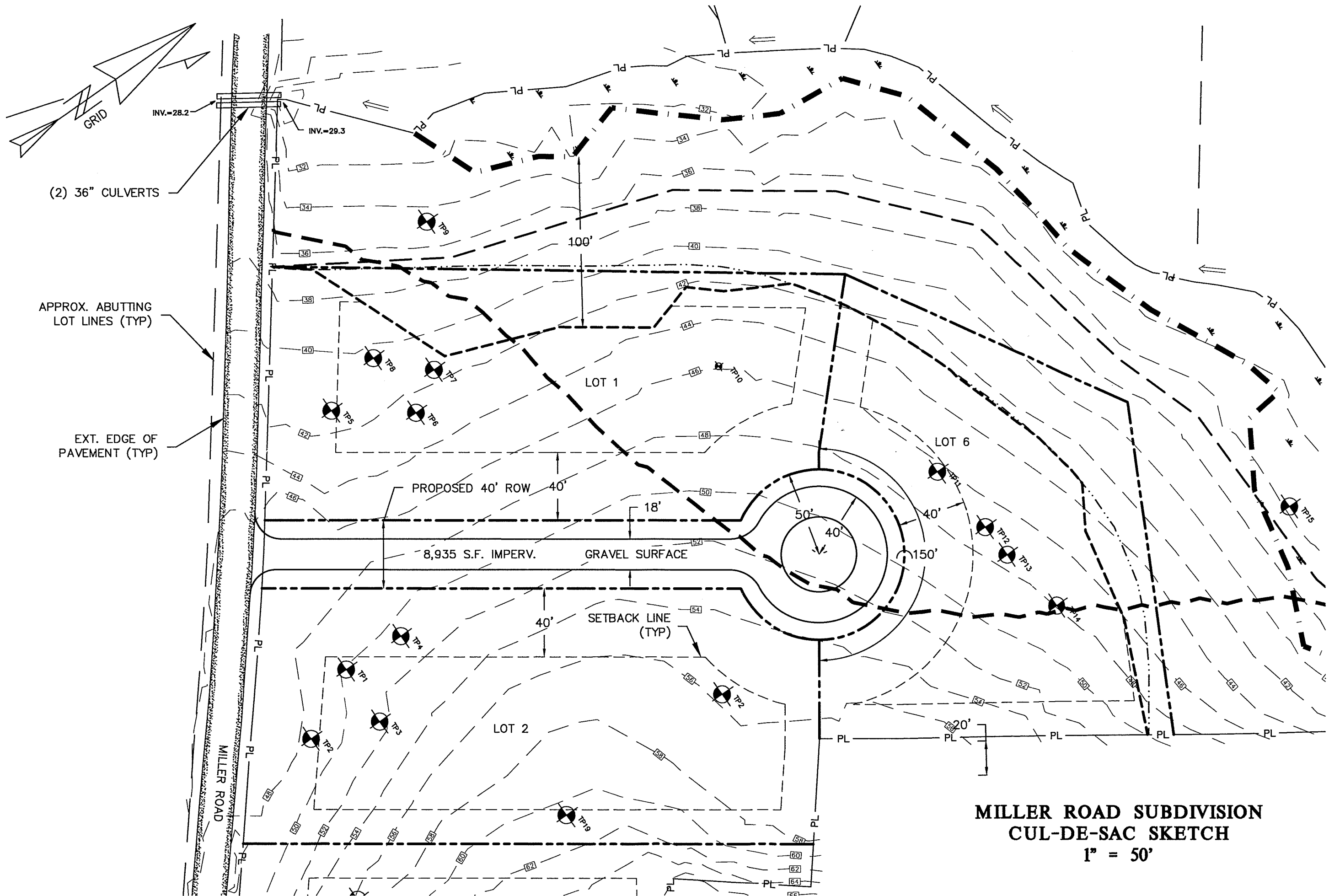
Sincerely,



Kenneth A. Wood, P.E.  
President

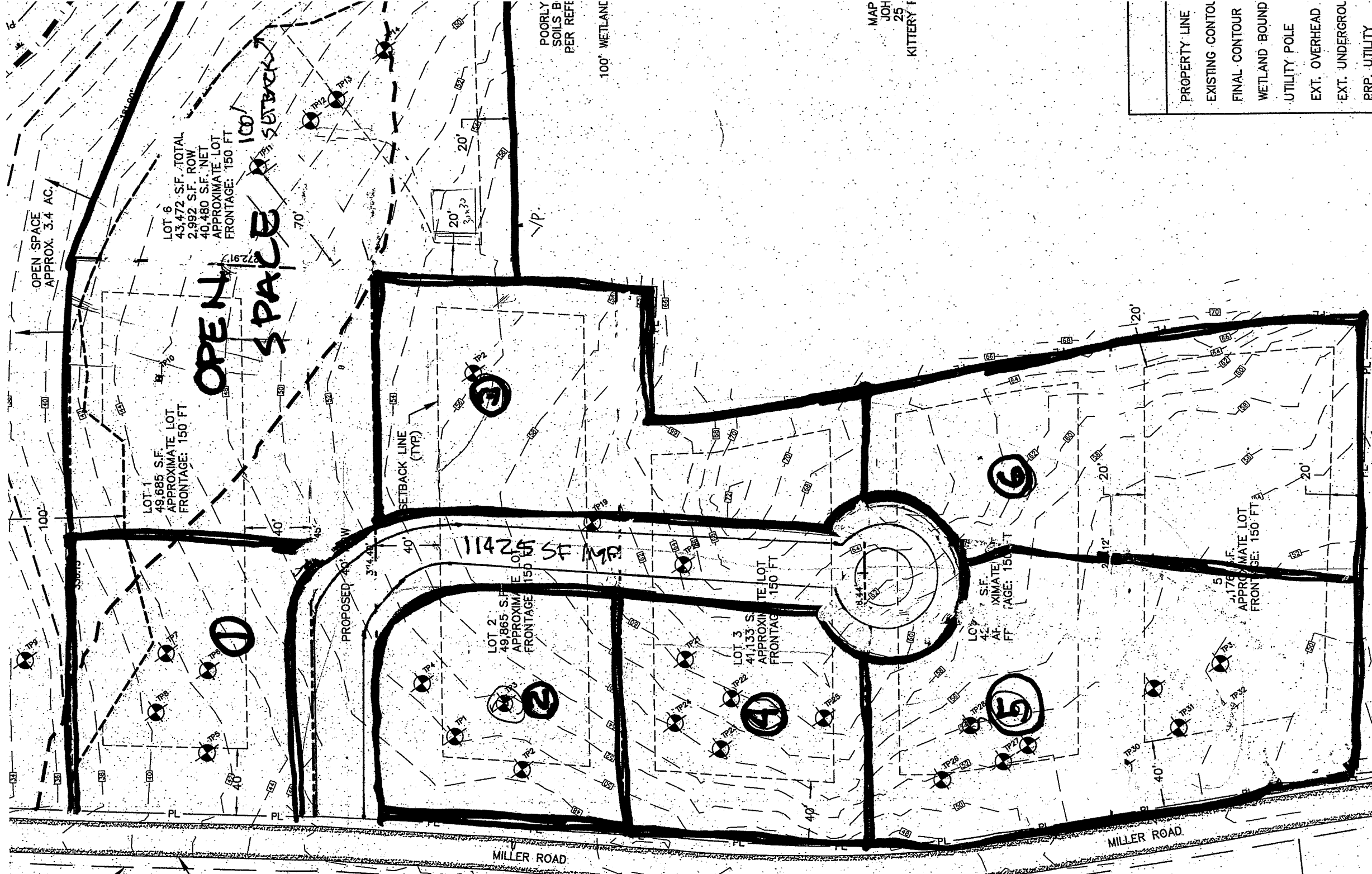
cc: Joseph Falzone

C142-18 Kittery Sketch App-A Cover.doc



**MILLER ROAD SUBDIVISION  
CUL-DE-SAC SKETCH**  
1" = 50'

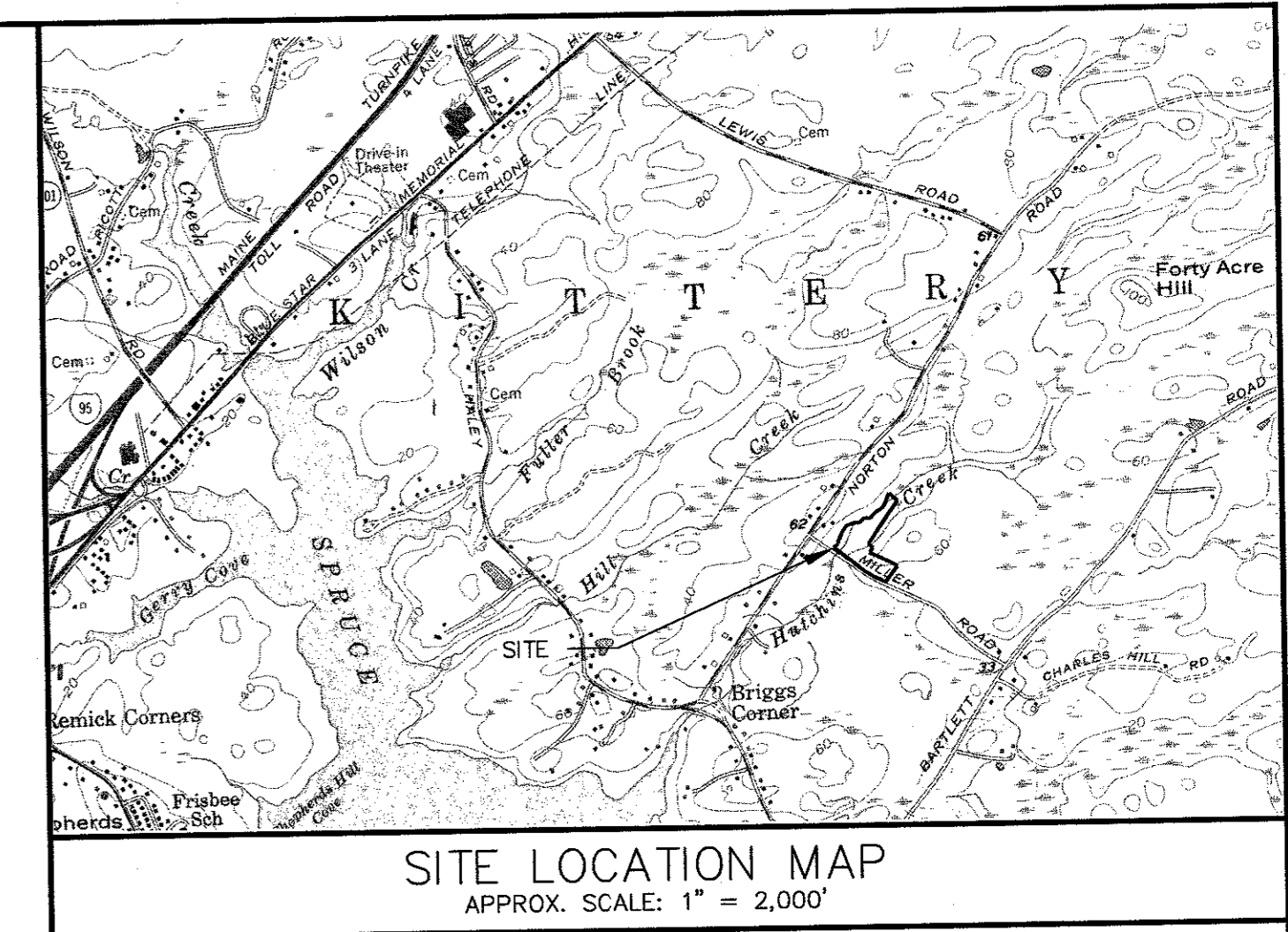
ATTACH(C)



4 UD JD AD 104

MILLER RD SUBDIVISION.  
CLUSTER DESIGN  
N.T.S.

ATTACH (2)



**SITE LOCATION MAP**  
APPROX. SCALE: 1" = 2,000'

**GENERAL NOTES**

- 1.) THIS PLAN PROVIDES FOR A 6-LOT RESIDENTIAL SUBDIVISION AT MILLER ROAD KITTERY, MAINE.
- 2.) THE EXISTING PARCEL IS 9.97 ACRES, LOCATED IN THE RESIDENTIAL-RURAL (R-RL) ZONING DISTRICT AND RESOURCE PROTECTION (OZ-RP), TAX MAP 56 LOT 20.
- 3.) EXISTING CONDITIONS AND TOPOGRAPHY (DATUM NGVD 1929) WERE PERFORMED BY AMSDEN FIELD SURVEY, ELIOT, MAINE (SEE REFERENCE 1). TEST PITS, WETLANDS AND HIGH INTENSITY SOIL SURVEY WERE PROVIDED BY REF. 3.
- 4.) THE PROPOSED LOTS SHALL BE SERVICED BY INDIVIDUAL, PRIVATE, SUBSURFACE WASTEWATER DISPOSAL SYSTEMS (SSWDS) AND INDIVIDUAL, PRIVATE, DRILLED WATER SUPPLY WELLS.
- 5.) SPACE AND BULK REQUIREMENTS FOR THE R-RL ZONING DISTRICT ARE AS FOLLOWS:

ZONING DISTRICT R-RL	
MIN. LAND AREA	40,000 SF
MIN. LOT AREA	40,000 SF
MIN. STREET FRONTAGE	150'
MIN. FRONT SETBACK	40'
MIN. SIDE SETBACK	20'
MIN. REAR SETBACK	20'
MAX. BLDG. HEIGHT	35'

6.) NET RESIDENTIAL AREA CALCULATIONS:

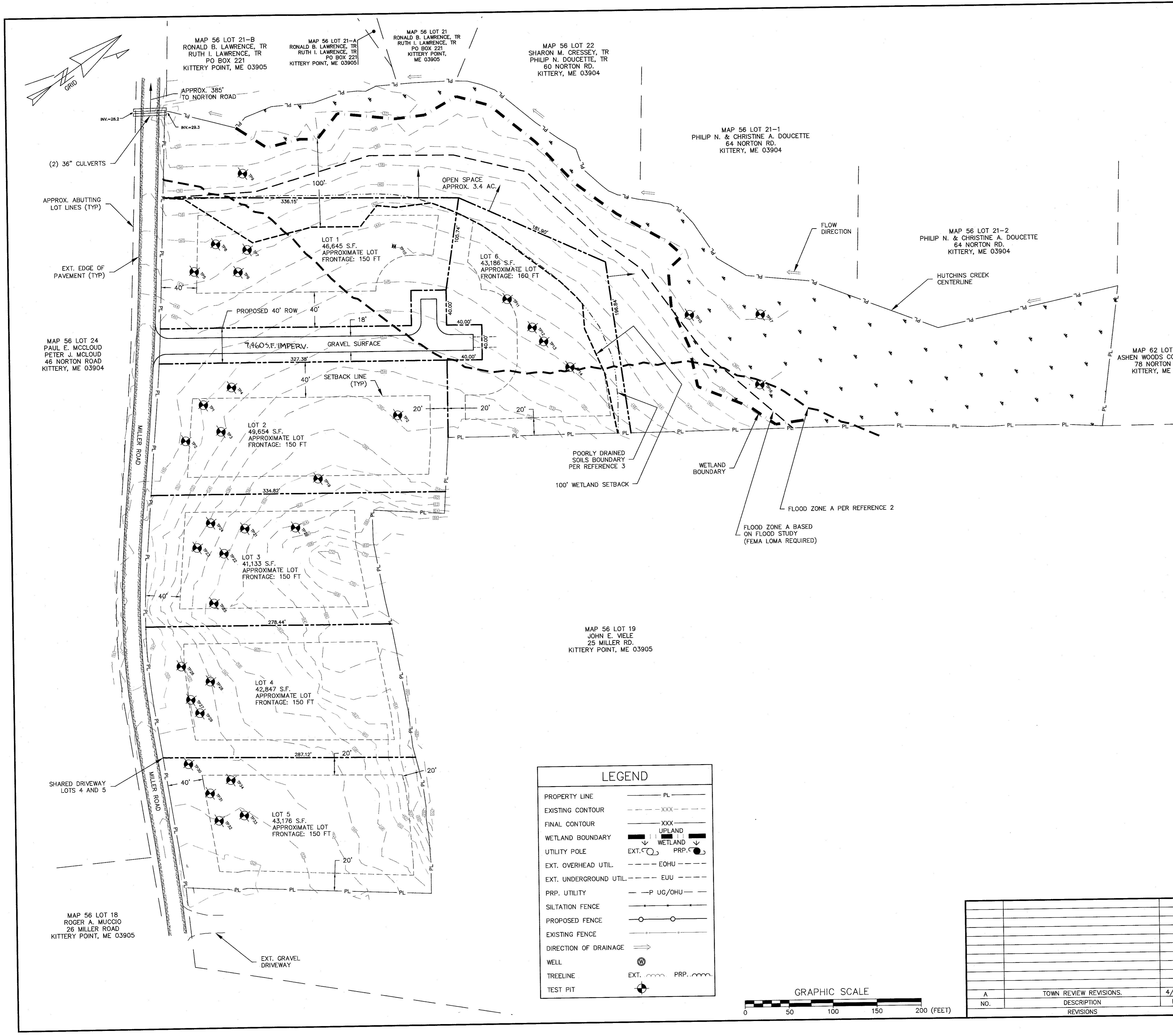
TOTAL PARCEL AREA	=	434,288 S.F.	=	9.97 AC.
LESS 50% OF WETLANDS SETBACK	=	4,874 S.F.	=	0.11 AC.
LESS UNSUITABLE SOILS*	=	159,245 S.F.	=	3.66 AC.
LESS RIGHTS OF WAY/EASEMENTS	=	16,251 S.F.	=	0.37 AC.
EXPOSED BEDROCK	=	1,358	=	0.03 AC.
NET RESIDENTIAL AREA	=>	251,864 S.F.	=	5.78 AC.

\*UNSUITABLE SOILS ARE WETLANDS, POORLY DRAINED AND VERY POORLY DRAINED SOILS.  
NET RESIDENTIAL DENSITY = 251,864 / 40,000 = 6.3 LOTS > 6 => OK

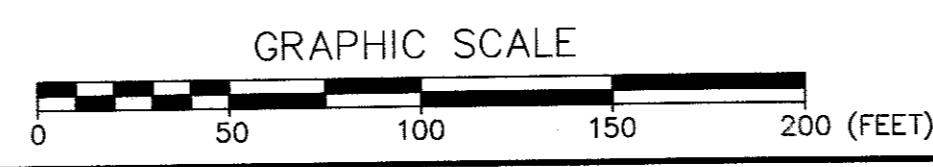
- 7.) OPEN SPACE CALCULATIONS:
- |                                  |   |              |   |          |
|----------------------------------|---|--------------|---|----------|
| MIN. OPEN SPACE (15% OF 9.97 AC) | = | 65,143 S.F.  | = | 1.50 AC. |
| OPEN SPACE PROVIDED (APPROX.)    | = | 148,104 S.F. | = | 3.4 AC.  |
- 8.) A SHARED DRIVEWAY IS PROPOSED FOR LOTS 4 AND 5.

**REFERENCES**

1. "BOUNDARY AND TOPOGRAPHIC SURVEY - PROPERTY OF HANNAH E. MC CLOUD" PREPARED BY AMSDEN FIELD SURVEY, ELIOT, MAINE. PLAN DATED 3/21/18.
2. FEDERAL EMERGENCY MANAGEMENT AGENCY; NATIONAL FLOOD INSURANCE RATE PROGRAM; FLOOD INSURANCE RATE MAP; TOWN OF KITTERY, MAINE; YORK COUNTY; PANEL 2 OF 10; MAP NUMBER 2301710002C; MAP REVISED JULY 5, 1984.
3. "CLASS A HIGH INTENSITY SOIL SURVEY" PREPARED BY LONGVIEW PARTNERS, LLC. PLAN DATED 1/17/2018.



LEGEND	
PROPERTY LINE	PL
EXISTING CONTOUR	XXX
FINAL CONTOUR	XXX
WETLAND BOUNDARY	WETLAND
UTILITY POLE	EXT. C. PRP. C.
EXT. OVERHEAD UTIL.	EOHU
EXT. UNDERGROUND UTIL.	EUU
PRP. UTILITY	P UG/OHU
SILTATION FENCE	—
PROPOSED FENCE	—
EXISTING FENCE	—
DIRECTION OF DRAINAGE	→
WELL	W
TREELINE	EXT. PRP.
TEST PIT	⊙



OWNER:  
PAUL E. MC CLOUD  
PETER J. MC CLOUD  
46 NORTON ROAD  
KITTERY, ME 03904

APPLICANT:  
JOSEPH FALZONE  
7B EMERY LANE  
STRATHAM, NH 03885

SKETCH PLAN  
MILLER ROAD SUBDIVISION  
MILLER RD. KITTERY, ME

FOR:  
JOSEPH FALZONE  
7B EMERY LANE  
STRATHAM, NH 03885

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

SCALE:	APPROVED BY:	DRAWN BY:
1" = 50'	<i>Joseph Falzone</i>	BRN
DATE: 3/22/2018	4/19/2018	REVISION DATE: A : 4/17/18
JOB NO: C142-18	FILE: MILLER RD FLOOD LINE.DWG	SHEET: 1 OF 1

NO.	TOWN REVIEW REVISIONS.	DATE
A		4/17/18

