

Town of Kittery Planning Board Meeting November 8, 2018

Bartlett Road/Shaydon Lane – ROW Plan Review

Action: Accept or deny application. Approve or deny plan. Owner and applicant, Rebecca DeNunzio requests consideration of a right-of-way plan for a 1.42 +/- acre parcel known as Tax Map 62 Lot 24B located behind 76 Bartlett Road (Tax Map 62 Lot 24) in the Rural Residential Zone (R-RL) and the Resource Protection Zone (OZ-RP). Agent is David Ballou, Ballou and Bedell PA.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
No	Sketch Plan Review Completeness / Approval	Continued until the November 8, 2018 meeting	PENDING
No	Site Visit	August 28, 2018	HELD
Yes	Preliminary Plan Review Completeness/Acceptance		
No	Public Hearing		
Yes	Preliminary Plan Approval		
Yes	Final Plan Review		

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.** 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 has been duly recorded in the York County registry of deeds, when applicable.

Background

The applicant originally requested approval of right-of-way plan for a deeded right-of-way from Bartlett Road to construct a 12-foot driveway to provide access to a rear lot for development. The plan appeared to be nearly identical to plans proposed in 2005 and 2008. The deed for 76 Bartlett Road (Lot 62, Lot 24) describes the ROW which passes through it. There is another deed from June 2017 for Map 62, Parcel 22-1 that also allows access to the lot under consideration via Shaydon Lane. Previous to the 2017 deed it was unclear if the parcel had legal access to Shaydon Lane. Both deeds were previously furnished to the Board for its August 9, 2018 meeting.

Under the original proposal, the ROW and driveway would need to cross a wetland of special significance zoned Resource Protection. DEP had determined that a Tier 1 permit would be required (downgraded from a Tier III permit which would typically be required for wetland alterations in a wetland of special significance because of the presence of “previously existing driveways through this wetland complex” and “the existing impacts of a gravel crossing from a previous timber harvest totaling 880 sf”). Following the June 14, 2018 meeting staff contacted DEP to better understand why a Tier waiver was granted when the lot has access from Shaydon Lane. Email correspondence Jennifer Harris of DEP was received that spoke to the possibility of using Shaydon Lane to access the lot noting that would be the preferred approach by DEP. In narrative to the Planning Board dated 7/19/18, it was indicated that the applicant would be open to this approach if the Board would grant certain road standard waivers.

There was also concern, however, expressed at previous Planning Board meetings from the applicant’s side that the Town would likely require improvements to the road before allowing the lot to also use it

that could create more environmental disturbance to improve Shaydon Lane than to cross the wetlands. Staff visited the site on July 16, 2018 and found that Shaydon Lane had been significantly improved due to a new residence being constructed at the end of the road. Staff believed that these improvements could reduce the amount of additional improvements needed to bring Shaydon Lane up the required road standards.

On August 28, 2018 the Board conducted a site walk of the property and Shaydon Lane to look the two potential routes for the ROW. At the site walk, there was interest in knowing the width of the various portions of Shaydon Lane and the applicant was encouraged to develop a plan for the Board's consideration utilizing Shaydon Lane as the access to the lot.

The applicant has now submitted for the Board's consideration a new ROW plan and narrative utilizing Shaydon Lane.

ROW Plan

Shaydon Lane Right-of-Way

1. The subject parcel has 244.02 feet of frontage along the 40 foot private right-of-way which meets the ordinance requirement.
2. It appears from the ROW plan submitted that there are currently three (3) homes that are serviced by Shaydon Lane. By including the Denunzio parcel would be a fourth and result in an ADT of 40 putting the ROW in the Class II standards for road design.
3. The proposed travel way is shown to vary in width from is 12 feet to 18 feet and is gravel. The right-of-way plan has an informative chart of the different widths of the travel way of Shaydon Lane beneath the plan notes. The Class II Private Road standard is 20 feet so a waiver is necessary for that standard. Class II roads are also required to be paved. The applicant has not indicated whether they would be seeking a waiver from that requirement as well.
4. Sidewalks are required for a Class II road. A waiver from that standard would be necessary as well.
5. The applicant has submitted an Emergency Turnaround Plan which shows a proposed easement to the Town of Kittery for emergency vehicle turn-around and access on the applicant's property. The plan has been sent to the Fire Chief and the Police Department for review and comment.
6. It is not shown where utilities will be placed along and in from Shaydon Lane.

Recommendation

The sketch plan submittal for the ROW appears to be substantially complete and in general compliance with the standards of Title 16. If Shaydon Lane is the route preferred by the Board the applicant has submitted waiver requests from the Road Standards for pavement width and shoulders in portions of the way and sidewalks.

Move to accept the ROW sketch plan application, dated October 18, 2018 as complete from owner/applicant Rebecca DeNunzio for a 1.42 +/- acre parcel located at Tax Map 62 Lot 24B located behind 76 Bartlett Road, Tax Map 62 Lot 24, in the Rural Residential (R-RL) and Resource Protection Overlay (OZ-RP) zones.

Jamie Steffen

From: David O'Brien
Sent: Thursday, November 01, 2018 11:49 AM
To: Jamie Steffen
Subject: RE: ROW Plan - Shaydon Lane

I believe this issue is the same as the Andrews application in that the hammerhead is part or will be part of an existing driveway. The Board needs to wrestle with this one

From: Jamie Steffen
Sent: Thursday, November 01, 2018 11:17 AM
To: David O'Brien <DO'Brien@kitteryme.org>
Subject: ROW Plan - Shaydon Lane

Dave,

I forgot to include your review comments for the Shaydon Lane lot access and proposed emergency access turnaround. You noted that Shaydon Lane would need to be upgraded to meet the road standards for a 4 lot subdivision to allow sufficient access for fire truck apparatus. Are you okay with the proposed emergency access turnaround?

Thank you,

Jamie

Jamie Steffen
Town Planner
Town of Kittery
200 Rogers Road
Kittery, ME 03904
1-207-475-1323
jsteffen@kitteryme.org



Donald O'Halloran
Interim Chief of Police

KITTERY POLICE DEPARTMENT

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 439-1638 Fax: (207) 439-6140



John Desjardins
Lieutenant

To: Jamie Steffen
From: John Desjardins
Date: November 1, 2018
Re: Shaydon Ln. Subdivision

Jamie,

After reviewing the development plans for the newly proposed private drive located between Shaydon Ln. and Bartlett Rd., the Kittery Police Department has no specific public safety concerns that need to be addressed at this time.

Thank you,

Lt. John Desjardins



Town of Kittery, Maine

Conservation Commission

P.O. Box 808, Kittery, Maine 03904

DATE: August 30, 2018

TO: Jamie Steffen, Town Planner
Ann Grinnell, Planning Board Chair

FROM: Earledean Wells, Chairman

RE: 76 Bartlett Rd. (Shaydon Ln.) Map 62 Lot 24

During a sitewalk on the above property, the morning of August 28, 2018, two accesses to the parcel located at the back of 76 Bartlett Road were walked to provide the Planning Board with the information needed to make a decision on which access, either Bartlett Rd. or Shaydon Ln., would be best to use.

In 2008 the presently existing wetland crossing was viewed and reviewed during a sitewalk. The present crossing has impacted the flow in this section of the wetland resulting in the impoundment of water on one side of the crossing and very little flow on the other side. The impounded water is still and covered with green duck weed.

The Conservation Commission requests, that no matter which access to this parcel the Planning Board approves, that the wetland crossing/impact be completely removed if the Shaydon Ln. entrance is approved to allow the water to flow freely again, OR, if the Bartlett RD. ROW access is approved that the wetland crossing be rebuilt, to proper recognized wetland crossing standards, to allow the water to flow freely so that the health and proper functioning of this large wetland is restored.

The Conservation Commission appreciates the applicant's intention to maintain a 15 foot wide no cut/no disturb buffer, with signage, along the wetland the entire length of their property to further safe guard and ensure the restoration of this wetland after it has been impacted for so long.

B A L L O U & B E D E L L
ATTORNEYS AT LAW

David J. Ballou
Kathryn Bedell

Donna M. Reynolds
Managing Paralegal

October 18, 2018

Hand Delivered

Jamie Steffen, Town Planner
Town of Kittery
200 Rogers Road
Kittery, Maine 03904

RE: Pending ROW & Wetland Alteration Applications of Rebecca A. Denunzio, Bartlett Road, Tax Map 62, Lot 24B

Dear Mr. Steffen:

Thank you for meeting with me on September 12, 2018 at Town Hall to review the status of this pending Right of Way application following the Planning Board's site walk held on August 28, 2018. At the site walk, Board members viewed two potential routes for the right of way. The first involves crossing Margaret Sibley's lot from Bartlett Road across a wetland. The Board has all of our submissions regarding that route and I am unaware of any supplemental documents needed or requested with respect to that portion of our application, indeed, I believe that portion of our application is complete. The other route of interest to the Board is along the existing way known as Shaydon Lane.

As you recommended at our September 12 meeting, enclosed please find a revised Right-of-Way Plan showing both routes for the Board to consider.

At the site walk, there was interest in knowing the width of various portions of Shaydon Lane, so the enclosed plan includes that information in a chart beneath the plan notes. We were also asked to address the subject of an emergency vehicle turn-around if Shaydon Lane is the preferred route. Enclosed is an Emergency Turn-Around Plan addressing that topic.

If Shaydon Lane is the route preferred by the Board, we request the following waivers from the street, design standards set forth in Section 16.8.4.4 of the Kittery Land Use and Development Code, which will aid in minimizing environmental disturbance to the land abutting Shaydon Lane: pavement, width in select portions of the way, sidewalks, emergency parking (but see Emergency Turn-Around Plan).

Very truly yours,



David J. Ballou

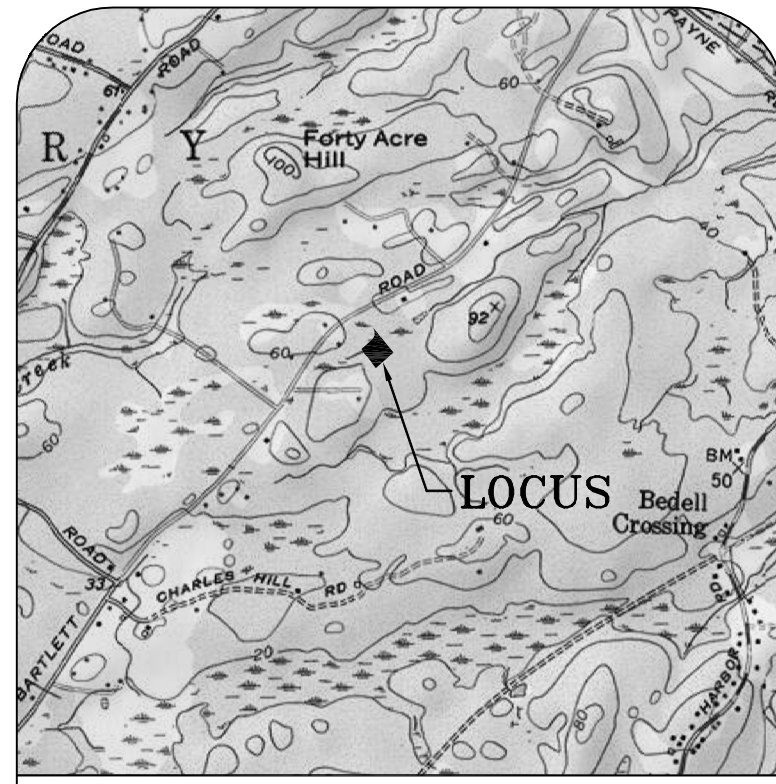
RECODIFICATION - ORDAINMENT - 07/26/2010

(With amendments Ordained 9/26/11; 1/23/12; 5/30/12; 9/24/12; 3/25/13; 6/10/13; 1/27/14; 1/28/15; 9/28/15; 10/14/15; 10/26/15; 7/25/16; ; 5/22/17; 7/24/17)

Table 1 - Chapter 16.8, Article IV

DESIGN AND CONSTRUCTION STANDARDS FOR STREETS AND PEDESTRIAN WAYS

Page ONE	PUBLIC STREETS						PRIVATE STREETS			
	Design and Construction Standards	Arterial Highways	Secondary Highways	Commercial Light Industrial Mixed Use Developments	Primary Collectors	Secondary Collectors	Minor Streets	Class III	Class II	Class I
Average Daily Trips (ADT)	9,001 or more	3,001 to 9,000	ADT and Peak	ADT and Peak	801 to 3,000	201 to 800	35 to 200	72 to 800	35 to 71	12 to 35
Street Width Design:										
a. Right-of-way					60'	60'	60'	Same standards as public streets	40'	40'
b. Travel Pavement					22'	22'	20'	(Secondary collectors, and minor streets)	20'	18' gravel
c. Sidewalk/Pedestrian way					6'	6'	5'	based on average daily trips count (ADT)	5'	5'
d. Paved Shoulder				Commercial, light industrial and mixed use development(s) streets shall be constructed to no less than secondary collector standards and may be subject to higher standards depending upon the traffic generation and use(s) intended.	2' walk side 8' opp. Side	2' walk side 8' opp. Side	2' walk side 8' opp. Side	calculated from the latest edition of the ITE Codes.	N/A	N/A
e. Gravel Shoulder					2' opp. Side	2' opp. Side	2' opp. Side	from the latest edition of the ITE Codes.	both sides	N/A
f. Enclosed Drainage					sidewalk side	sidewalk side	Not required		N/A	N/A
g. Parking					one side	emergency	emergency		emergency	No
Street Gradients:										
a. Longitudinal (Min. to Max)					.05% to 6%	.05% to 7%	.05% to 8%		.05% to 9%	1.0% to 10%
b. Slide Slope (horiz. to vert.)					3 to 1	3 to 1	3 to 1		2 to 1	2 to 1
c. Road Crown					1/4" per ft	1/4" per ft	1/4" per ft		1/2" to 1/2" per ft	1/4" to 1/2" per ft
Cul-de-sac:										
a. Street Length to Radius					N/A	N/A	1,200'		600'	400'
b. Boundary Radius					N/A	N/A	60'		50'	50' or 40' X 40' turn tee
c. Paved Radius					N/A	N/A	50'		40'	gravel 40' or 18' X 18'
d. Second Access					Yes	Yes	Not required		Not Allowed	Not Allowed



LOCUS MAP
SCALE: 1" = 2000'

LEGEND

- IRON PIPE FOUND (SIZE AS NOTED)
- UTILITY POLE (NUMBER AS NOTED)
- PROPOSED WELL
- BOUNDARY LINE
- ABUTTER LINE
- EDGE OF RIGHT-OF-WAY
- RIGHT-OF-WAY LINE
- STONE WALL
- OHU
- OVERHEAD UTILITIES
- EXISTING CONTOUR
- 100' WELL RADIUS
- NOW OR FORMERLY
- DEED BOOK & PAGE

NOTES

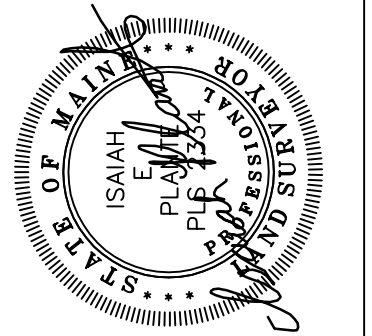
1. THE BASIS OF BEARING FOR THIS SURVEY GRID NORTH.
2. DEED AND PLAN BOOK REFERENCES ARE TO THE YORK COUNTY REGISTRY OF DEEDS (YCRD).
3. REFERENCE IS MADE TO THE FOLLOWING DEEDS:
A. A DEED FROM HOLLY L. SPONSER TO REBECCA A. DENUNZIO DEEDED FEBRUARY 16, 2007 AND RECORDED IN BOOK 15087, PAGE 348.
4. REFERENCE IS MADE TO THE FOLLOWING PLANS:
A. "BARTLETT ROAD CONDOMINIUM SITE PLAN LOCATED AT 76 BARTLETT ROAD, KITTERY, YORK COUNTY, MAINE OWNED BY REBECCA A. DENUNZIO" BY EASTERLY SURVEYING, INC. DATED 2/6/08 NOT RECORDED.
5. THE PARCEL SURVEYED IS IDENTIFIED ON THE TOWN OF KITTERY TAX MAP 62, PARCEL 24B.
6. THE PARCEL SURVEYED IS LOCATED IN THE RESIDENTIAL RURAL R-RL ZONE AND THE RESOURCE PROTECTION OZ-RP ZONE. PORTIONS OF DIMENSIONAL REQUIREMENTS ARE AS FOLLOWS:
MIN. LOT SIZE - 40,000 S.F.
MIN. FRONT SETBACK - 40 FEET
MIN. SIDE AND REAR SETBACK - 20 FEET
MIN. FRONTAGE - 150 FEET
7. REFERENCE IS MADE TO THE FOLLOWING EASEMENTS OF RECORD:
A. A 40 FOOT WIDE RIGHT-OF-WAY FROM BARTLETT ROAD TO PARCEL 24B RESERVED IN A DEED FROM REBECCA A. DENUNZIO TO MARGARET A. SIBLEY DEEDED JULY 18, 2008 AND RECORDED IN BOOK 15458, PAGE 150.
B. AN EASEMENT FOR THE RIGHT TO USE SHAYDON LANE TO THE PARCEL 24B RESERVED IN A DEED FROM REBECCA A. DENUNZIO TO GAIL M. & JEFFREY S. HENDRICKSON DEEDED JUNE 30, 2017 AND RECORDED IN BOOK 17511, PAGE 157.
8. ELEVATIONS AND CONTOURS ARE BASED ON NAVD88 DATUM.
9. THE BOUNDARY SHOWN HEREON IS BASED ON THE PLAN REFERENCED IN NOTE 4.A. ABOVE.
10. THE SUBJECT PARCEL MEETS THE MINIMUM LOT AREA DEFINITION FOUND IN CHAPTER 2 OF THE KITTERY LAND USE CODE. SAID PARCEL CONTAINS 44,554 S.F. THIS PARCEL IS NOT WITHIN A SUBDIVISION. PER ARTICLE 16.7.8.4. THIS PARCEL IS EXEMPT FROM NET RESIDENTIAL CALCULATIONS.
11. THE SUBJECT PARCEL HAS 245.02 FEET ALONG THE 40' PRIVATE RIGHT-OF-WAY AS SHOWN HEREON.

SHAYDON LANE
 A-B 18' WIDE 2' SHOULDERS
 B-C 16' WIDE 2' SHOULDERS
 C-D 15' WIDE 2' SHOULDERS
 D-E 15' WIDE NO SHOULDERS
 E 12' WIDE NO SHOULDERS

APPROVED BY THE TOWN OF
KITTERY PLANNING BOARD

CHAIRPERSON _____ DATE _____

NO.	DATE	DESCRIPTION



KIMBALL
SURVEY & DESIGN, INC.
30 FROST HILL ROAD
FOOTSBURY, NH 03043
203-351-0226
WWW.KIMBALLSURVEYING.COM
PROFESSIONAL LAND SURVEYING

Prepared for
Rebecca A. Denunzio
P.O. Box 657
Portsmouth, NH 03802

RIGHT-OF-WAY PLAN
Map 62, Parcel 24B
Bartlett Road
Kittery, Maine

DATE:
OCTOBER 17, 2018
PROJECT NO.: 2032 SCALE:
1" = 50'

CAD FILE:
2032.dwg

MAP 62
PARCEL 24B

YORK ss REGISTRY OF DEEDS
RECEIVED _____ 20 ____
AT _____ H _____ M _____ M., AND
RECORDED IN BOOK _____ PAGE _____
ATTEST: _____
REGISTER

N/F
PINE CONE FARM, LLC
14353/332
MAP 62, PARCEL 32





MICHAEL P. N/F HILDRETH
MAP 62, PARCEL 22B
8066/262

PROPOSED EASEMENT TO TOWN OF KITTERY FOR EMERGENCY VEHICLE TURN-AROUND AND ACCESS. CONSTRUCTION TURNAROUND PER DETAIL THIS SHEET.

CONSTRUCT HOUSE LOT PER TOWN OF KITTERY ORDINANCES AND CONDITIONS OF APPROVAL. COORDINATE EMERGENCY TURN-AROUND CONSTRUCTION WITH TOWN OF KITTERY CODE ENFORCEMENT AND PUBLIC SAFETY.

PROPOSED EASEMENT TO TOWN OF KITTERY FOR EMERGENCY VEHICLE TURN-AROUND AND ACCESS. CONSTRUCTION TURNAROUND PER DETAIL THIS SHEET.

PROPOSED SEPTIC

53.37'
0°12'55"W
75.91'
N51°33'34"W

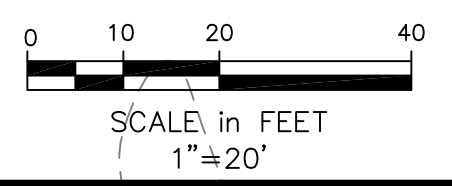
30.14'
S32°50'22"W
40.19'
N51°33'34"W
14'
40'

82.48'
S32°50'22"W

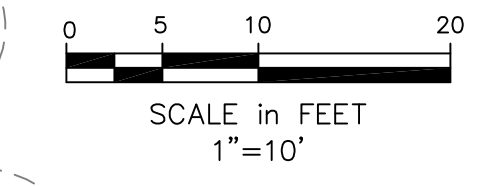
80.54'
S34°42'29"W

SHAYDON LANE
12' WIDE - GRAVEL

82.0'
S34°27'



PLAN VIEW



LEGEND

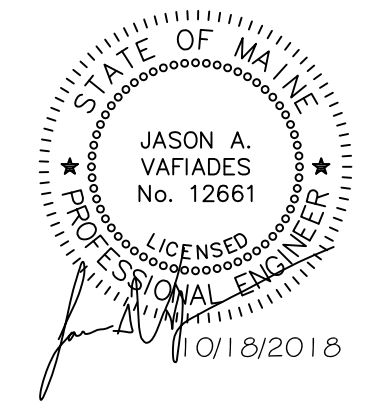
EXISTING	DESCRIPTION	PROPOSED
	BOUNDARY LINE R.O.W.	
	WETLANDS	
	EDGE WETLAND	
	CONTOURS	
	EDGE GRAVEL	
	STORMWATER FLOW	

PLAN NOTES

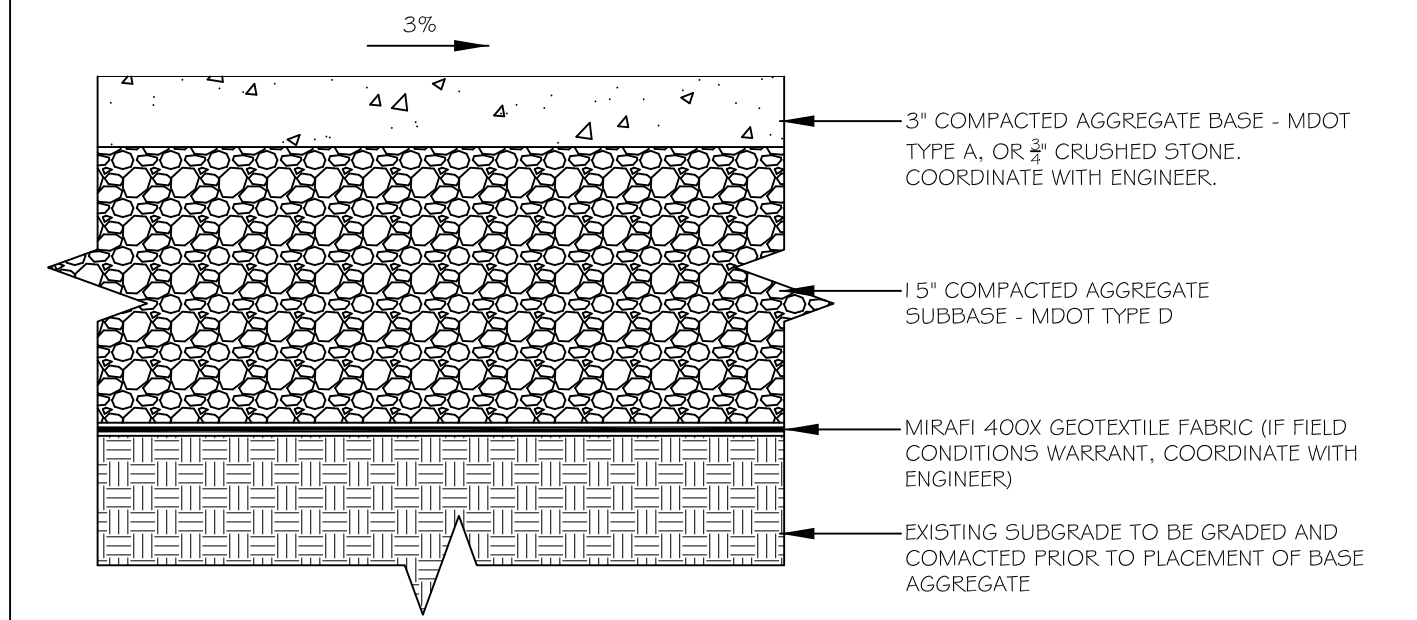
1. ALL DIMENSIONS ARE PERPENDICULAR UNLESS OTHERWISE NOTED.
2. CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN THE FIELD PRIOR TO CONSTRUCTION.
3. LAYOUT AND LIMITS OF DISTURBANCE SHALL BE MARKED FOR OWNER'S APPROVAL PRIOR TO DISTURBANCE.

PLAN REFERENCES

1. CURRENT WETLAND DELINEATION PROVIDED BY: LONGVIEW PARTNERS LLC, BUXTON, MAINE.
2. EXISTING BOUNDARY INFORMATION REFERENCED FROM: BARTLETT ROAD CONDOMINIUM SITE PLAN, LOCATED AT 76 BARTLETT ROAD KITTERY, YORK COUNTY, MAINE, TAX MAP G2 LOT 24, OWNED BY: REBECCA A. DENUNZIO PO BOX 657 FORTSMOUTH, NH 03820. PREPARED BY: EASTERLY SURVEYING, INC. 191 STATE ROAD KITTERY, MAINE 03094. DATED: 2/6/08, SCALE 1" = 30'.
3. EXISTING SITE CONTOURS REFERENCED FROM STATE OF MAINE LIDARGIS.



NOTE:
1. CROSS-SLOPE @ 3% TO DRAIN.



② EMERGENCY TURN-AROUND SECTION
NOT TO SCALE SCALE

SITE DETAILS

				DON DENUNZIO P.O. BOX 657 PORTSMOUTH, NEW HAMPSHIRE 03820			
				DRIVEWAY ACCESS 76 BARTLETT ROAD KITTERY, MAINE			
				EMERGENCY TURN-AROUND PLAN			
REV.	DESCRIPTION	DR. BY	CKD. BY	APP. BY	DATE	PROJECT NO. 16-015	DRAWING NO. C-101
						SHEET OF	MAP 62 LOT 24
Atlantic Resource Consultants Engineering Strategies and Solutions						SCALE: 1" = 10'	
						DATE: 10/18/2018	
						DES BY: JAV	
						DWN BY: MPV	
						CHK BY: JAV	