

Town of Kittery Planning Board Meeting August 9, 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		
No	Site Visit		
Yes	Preliminary Plan Review Completeness/Acceptance		PENDING
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 1.42-acre parcel for which ROW access is requested was first in front of the Planning Board in 2005 when a ROW was requested so the lot could be split from the lot known as Map 62, Lot 24. Town records indicate the ROW plan was not pursued to a Planning Board vote by the property owner, likely due to the wetland constraints. A wetland of special significance zoned as Resource Protection runs through the lot under consideration.

In 2008, the DeNunzios (Rebecca DeNunzio acquired the property from the previous owner) proposed the same ROW. The Planning Board discussed the application at one meeting and held a site walk. The minutes from the June 5, 2008 site walk indicate that there was possible un-permitted wetland fill activity on the site. A letter from the Conservation Commission to the Planning Board dated July 17, 2008 requested that the Town investigate. There are no Town records pertaining to that application beyond this point. It appears the ROW was not approved by the Board since it did not come to a vote. However, this lot, now known as Map 62, Lot 24B was created in 2008 with the submitted deed, and recorded with the Registry of Deeds.

One discrepancy of note: the deed for the lot states it is 1.31 acres. The plan submitted to the Board states the lot is 1.42 acres. **The narrative from the applicant dated July 19, 2018 explains that the lot size is confirmed at 1.42 acres and the 1.31 acres references the front lot owned by Sibley.**

The Applicant (who was the owner of record in 2008) is proposing to construct a 12-foot driveway to the lot. The plan appears nearly identical to the 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 ROW 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, this deed demonstrates that legal access. Both deeds are included.

A letter from Atlantic Resource Consultants included in the wetland alteration submission states that due to the existing conditions of Shaydon Lane and the number of residences using it, that the Town would likely require improvements to the road before allowing this lot to also use it. The letter goes on to say that it would require 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 has been significantly improved due to a new residence being constructed at the end of the road. Pictures are included to demonstrate this and staff believes that these improvements may reduce the amount of additional improvements needed to bring Shaydon Lane up to the required road standards.

As noted above, the ROW must cross a wetland of special significance zoned Resource Protection. DEP has determined that a Tier 1 permit (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”). The letter from DEP is part of the wetland alteration permit application and is included. 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 with Ms. Harris of DEP is included regarding the possibility of using Shaydon Lane to access the lot as that would be the preferred approach by the department. The applicant is open to this approach if the board would grant certain road standard waivers (see note 5 on applicant narrative dated 7/19/18).

ROW Plan

The proposed right-of-way travels through 76 Bartlett Road (Map 62, Lot 24B) to a certain point towards the back lot and then bends to intersect the wetlands and bends slightly again to access the upland where a building envelope is designated.

1. The proposed access shows no ROW. It should be 40 feet wide to meet Class 1 Private Road requirements. The updated plans show the ROW to be 40 feet wide with an area of 13,485 sf or .31 acres. This would leave the Sibley lot with 1 acre, however the plan shows the Sibley lot with 46,603 sf or 1.07 acres. The exact square footage/acreage of the two lots is not clear.
2. The proposed travel way as shown is 12 feet wide and is gravel. The Class 1 Private Road standard is 18 feet. The letter from DEP states the road will have a base width of 20 feet with two 24-inch culverts to maintain wetland connectivity at the crossing. Clarification is needed. The updated plans still show the proposed travel way to be 12 feet wide. The applicant provided a revised plan for the access driveway and wetland crossing, however on sheet C-101 the wetland crossing detail shows 12 feet travel way tapered down to existing grade of base fill not to exceed 26 feet. The letter from DEP and a follow-up email from Ms. Harris dated 7/18/18 asks for clarification that the base will be no greater than 20 feet. There does not appear to be clarification as to the full extent of the wetland crossing width.
3. The travel way as proposed is 460 feet long – no turn-around is shown but is required. The Fire Chief will be reviewing the plans. The applicant is requesting a waiver to locate the hammerhead on the upland portion of the lot rather than in the wetland alteration area (see note 3 on applicant narrative dated 7/19/18). This request has been sent to the police and fire chiefs for review but a

determination has not been made at the time of these Plan Review Notes being completed. Typically the hammerhead would be required to be part of the ROW, not a driveway.

4. An erosion and sedimentation control plan was submitted but no stormwater management plan or details were included.
5. Sidewalks are required for a Class 1 Street. Once the Applicant settles on the ROW and travel way widths, waivers may be required. A waiver for the sidewalk can be included at that time.
6. It is not clear where utilities will be placed –along the driveway or in from Shaydon Lane?
7. The Applicant is requesting a waiver for wetland mitigation plan which is part of the wetland alteration permitting process. Section 16.9.3.7.D states that the Planning Board may approve “such development” that involves wetland alteration “but not prior to granting approval of a reasonable and practicable mitigation plan.” No waiver may be considered. A wetland mitigation plan was submitted (Sheet L-1) that includes plantings along one side of the wetland crossing. Title 16.9.3.9.B.2 states that “for activities which in total will alter or fill a five hundred and one (501) square foot to twenty thousand (20,000) square foot wetland, the mitigation plan must include the preservation of an undisturbed upland buffer zone adjacent to the wetland boundary equal in size to the area of the wetland to be altered. The undisturbed buffer zone from the wetland boundary must be placed in deed restrictions and be located and configured in a manner acceptable to the Planning Board.” The plan indicates that 2,280 +/- square feet of wetland will be altered, however there is no preservation of upland buffer zone equal to this size on the wetland mitigation plan.
8. Atlantic Resource Consultants may have talked with Town staff concerning an additional house lot off Shaydon Lane but if so, Staff does not recall. Code Enforcement staff do believe the road would require improvements to support another building.
9. Title 16.8.4.14.B.4 for road and driveway standards in the Shoreland and Resource Protection Overlay Zones states that “new roads and driveways are prohibited in a Resource Protection Overlay Zone except the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the zone. A road or driveway also may be approved by the Planning Board in a Resource Protection Overlay Zone, upon a finding no reasonable alternative route or location is available outside the zone.” As of June 2017 the applicant has deeded ROW access on Shaydon Lane to this lot outside of the Resource Protection Overlay Zone.
10. The ROW plan shows the square footage of net area for the two lots but how that was determined is not indicated on the plan. The Sibley lot should be 1.31 acres according to the deed, however the plan differs from this. The Denunzio lot shows 61,795 sf or 1.42 acres and 44,544 sf of net area. The applicant should show how this was calculated in a table on the plan, for example the sf of wetland, sf of rock outcropping, sf of unsuitable soils, etc.

Recommendation

This application has much for the Board to consider and additional details and clarification from the Applicant are needed. Staff recommends a site visit to better understand the different access points to the lot. Staff also recommends the Board continue the Right of Way Plan as presented and request the applicant submit a plan showing access to the lot from Shaydon Lane with requested waivers.

If the Board wants to schedule a site walk and/or continue the sketch plan review discussion, use the following motion:

Move to continue the Right of Way Plan presented by 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.

Staff site walk Shaydon Lane 7/16/18



Entrance of Shaydon Lane



Width of Shaydon Lane at subject parcel (on left)

Staff site walk Shaydon Lane 7/16/18



Fill on subject parcel, appears to be turn around or potential location of driveway entrance off Shaydon Lane



Width of road with construction vehicle

Jessa Kellogg

From: Harris, Jennifer H <Jennifer.H.Harris@maine.gov>
Sent: 30 July, 2018 09:17
To: James Logan
Cc: Jamie Steffen; Jessa Kellogg; Kathy Connor
Subject: FW: Bartlett Road/Shaydon Lane property in Kittery

Hi Jim, I just received the below email from Kathy Connor this morning (I have cc'd her here, as well as her new replacement, Jamie Steffen, and Jessa Kellogg) and it appears that the applicant for the Denunzio Tier permit application has informed the town that they are open to using the Shaydon Lane Access.

Can you please clarify: If the applicant believes the use of Shaydon Lane is a possibility, utilization of this lane would be complete avoidance and minimization of wetland impact and is the Department's preferred choice of entry. However, my initial understanding was that it was not a possibility and this is why I issued a Tier waiver. Therefore, can you please provide justification for this project?

Thank you,

Jen Harris

Jennifer Harris

Environmental Specialist in the Bureau of Land Resources
Maine Department of Environmental Protection
207-615-2875 (work cell)
www.maine.gov/dep

From: Kathy Connor [mailto:KConnor@kitteryme.org]
Sent: Monday, July 30, 2018 8:24 AM
To: Harris, Jennifer H <Jennifer.H.Harris@maine.gov>
Cc: Jamie Steffen <JSteffen@kitteryme.org>; Jessa Kellogg <JKellogg@kitteryme.org>
Subject: RE: Bartlett Road/Shaydon Lane property in Kittery

Hi Jennifer,

The applicant continues to pursue the wetland crossing (submitted a wetland mitigation plan which they were required to do but failed to do last time) but also said in their narrative submission that they would be open to the Shaydon Lane access. I think the Planning Board will set a date for a site visit at their next meeting on August 9th which will be integral to what the Board's decision ends up being. My guess is that this application will continue into September as the Board prefers to consider applications only at their first meeting of the month. As I may have mentioned to you, I am temporary and my time here ends tomorrow, July 31st. The Town has hired James (Jamie) Steffen (copied on this email) as the Town Planner. I've also copied our Shoreland Resource Officer, Jessa Kellogg, who has visited the site and is familiar with the application.

Thanks for all your help.

Best,
Kathy

From: Harris, Jennifer H [<mailto:Jennifer.H.Harris@maine.gov>]
Sent: Thursday, July 26, 2018 4:47 PM
To: Kathy Connor <KConnor@kitteryme.org>
Subject: RE: Bartlett Road/Shaydon Lane property in Kittery

Kathy, what were the results of your discussions? Has the applicant chosen to use Shaydon Lane?

Jennifer Harris

Environmental Specialist in the Bureau of Land Resources
Maine Department of Environmental Protection
207-615-2875 (work cell)
www.maine.gov/dep

From: Kathy Connor [<mailto:KConnor@kitteryme.org>]
Sent: Tuesday, July 17, 2018 1:36 PM
To: Harris, Jennifer H <Jennifer.H.Harris@maine.gov>
Cc: Jessa Kellogg <JKellogg@kitteryme.org>
Subject: Bartlett Road/Shaydon Lane property in Kittery

Hi Jennifer,

Here's that email I said I'd send – Jessa is copied. One of us will let you know what is submitted for this property re: the wetland crossing versus Shaydon Lane access.

Thanks again for your help.

Best,
Kathy

Kathy Connor
Interim Town Planner
Town of Kittery
(207) 475-1323
kconnor@kitteryme.org

B A L L O U & B E D E L L
A T T O R N E Y S A T L A W

David J. Ballou
Kathryn Bedell

Donna M. Reynolds
Managing Paralegal

July 19, 2018

Hand Delivered

Kathy Connor, Interim 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 Ms. Connor:

Thank you for meeting with me and my assistant Justin Knowles on July 17, 2018. And thanks for having Code Officer Robert Marchi and Shoreland Resource Officer Jessa Kellogg join us with their helpful comments. The purpose of the meeting was to discuss submissions in follow up to the June 14, 2018 Planning Board meeting. Attached with this letter is correspondence from our environmental permitting consultant, James Logan, dated July 16, 2018, revised right of way plan, revised wetland alteration plan, and a wetland mitigation plan.

The plans have been revised in response to the board's comments and staff comments on the applications. In addition, I will address below other items raised at the June 14 board meeting and/or July 17 staff meeting:

1. Lot Size. At the June 14 meeting, a question was raised about the size of the Lot 24B, and it was suggested that the deed mentioned the lot being 1.31 acres, but that land area statement is found in the out-sale deed to the front lot owner, Margaret Sibley, not in the deed to the applicant's lot. There is no land area reference in the applicant's deed (YCRD Book 15087, Page 348), and the Right of Way (ROW) plan alone should be relied upon for the land area of applicant's lot, which states that the land area of the applicant's lot is 1.42 acres.
2. Shared Driveway. At the June 14 meeting, the board asked for follow up and clarification of who would have legal right to use of the ROW. Although the 2008 deed from Ms. Denunzio to Ms. Sibley of the front lot states that the ROW shall only be used by the owner of the rear lot, to minimize road cuts and land disturbance, as a condition of board approval, a corrective easement deed will be offered to Ms. Sibley so that her current access off Bartlett Road will remain undisturbed. Applicant will continue to have sole responsibility for maintenance of the ROW since the portion serving the front lot is minimal.
3. Hammerhead. At the July 17 meeting, there was discussion about street frontage and hammerhead turn-around. The revised ROW plan addresses street frontage. With regard to the hammerhead, we are requesting a waiver or approval to locate the hammerhead on the upland rather than in wetland alteration area to minimize disturbance.

4. Net Residential Calculation (NRC). The revised plans address NRC using the definition of "Minimum Land Area Per Dwelling Unit" set forth in §16.2.2 of the Kittery Land Use and Development Code. The ROW plan describes the net area as 44,554 square feet.

5. Shaydon Lane. At the June 14 board meeting, some members of the board expressed interest in gaining more information about Shaydon Lane as a possible means of access to the lot. In our original application, our project engineer stated that more environmental disturbance would be caused by improving Shaydon Lane as a Class II way, than using the ROW with the proposed wetland alteration. However, if the board is open to considering waivers that help minimize the environmental disturbance to Shaydon Lane, such as pavement, sidewalks, reduced road width, etc., the Applicant would certainly consider that approach.

For the August 9th meeting, we are asking the board to review our revised submissions, vote on completeness, and schedule a site visit.

Very truly yours,


David J. Ballou



July 16, 2018

Ms. Kathy Connor, Planner
Town of Kittery
200 Rogers Road
Kittery, ME 03904

Re: Rebecca Denunzio driveway and lot plan, Bartlett Road, Kittery

Dear Ms. Connor,

As a follow-up to our preliminary meeting with the Kittery Planning Board meeting of June 14, 2018, we are submitting the following for Board review:

1. A revised survey plan by Isaiah Plante, PLS of Kimball Survey & Design. The plan has been revised to show net lot area for the proposed lot, as requested by the Planner.
2. A revised plan by the project engineer which represents the detailed engineer's grading and design plan for the access driveway and wetland crossing. This plan has now been overlaid onto the revised, upgraded survey by Kimball Survey & Design, and
3. A wetland mitigation plan as required by Town Ordinance and prepared by Peter Biegel, professional landscape architect.

We trust this information will be sufficient to deem our application complete and to schedule a future site walk of the property so that the Board can view the project area. We look forward to hearing from you about the next available planning board meeting agenda.

Sincerely,

James Logan
Longview Partners, LLC
Certified Soil Scientist # 213
Licensed Site Evaluator # 237
USACE Certified Wetland Delineator

David Ballou

From: James Logan <longviewpartners213@gmail.com>
Sent: Thursday, July 19, 2018 3:39 PM
To: David Ballou
Subject: Fwd: Denunzio NRPA Application - wetland crossing plan
Attachments: image001.jpg; image001.jpg

Fyi

----- Forwarded message -----

From: Harris, Jennifer H <Jennifer.H.Harris@maine.gov>
Date: Wed, Jul 18, 2018, 1:05 PM
Subject: RE: Denunzio NRPA Application - wetland crossing plan
To: Jason Vafiades <jvafiades212@gmail.com>, James Logan <longviewpartners213@gmail.com>

Hi Jim and Jason, the plan that you both submitted, showing an estimated approximately 300 square feet of additional freshwater wetland impact to the proposed resource is acceptable and will still be waived by the Department. Please let me know if this email will suffice, or if you would like me to write an additional tier waiver for this project.

My understanding is that the additional wetland impact is a result of corrections to the mapped area and is not the result of a proposed hammer head or expansion of the driveway within the wetland. I have briefly spoken with Kathy Connor regarding this project. If accessing the property from Shaydon Lane is a possibility for this project, and avoids all impacts to natural resources on site, I encourage you and the applicants to explore this further. If it is not a possibility, my Tier waiver may be applied to the revised plans you and Jason submitted to me on July 16th.

Jason, please clarify the base width within the diagram for me and send my way. My understanding is that it will be no greater than 20 feet in width.

Thank you and please let me know if you have any questions,

Jen Harris

Jennifer Harris

Environmental Specialist in the Bureau of Land Resources

Maine Department of Environmental Protection

207-615-2875 (work cell)

www.maine.gov/dep

From: Jason Vafiades [mailto:jvafiades212@gmail.com]
Sent: Monday, July 16, 2018 4:11 PM
To: James Logan <longviewpartners213@gmail.com>
Cc: Harris, Jennifer H <Jennifer.H.Harris@maine.gov>
Subject: Re: Denunzio NRPA Application - wetland crossing plan

Will do. Jen, anything specific for the note that ties it to the detail? Happy to oblige.

J

Sent from my iPhone

On Jul 16, 2018, at 3:02 PM, James Logan <longviewpartners213@gmail.com> wrote:

Hi Jason,

I just spoke with Jen and she would like to see a note on the plan that speaks to the base width of the roadway at the wetland crossing. Can you please add this to your plan?

Jim

On Mon, Jul 16, 2018 at 1:48 PM Jason Vafiades <jvafiades212@gmail.com> wrote:

Hello Jen,

Jim Logan asked me to send this to you.

Hope all is well!

Jason

Jason A. Vafiades, PE, LEED AP

Principal



(207) 266-5618

541 US Route One, Suite 21

Freeport, ME 04032

--

James Logan, CSS/LSE

Longview Partners, LLC

6 Second Street Buxton, ME 04093

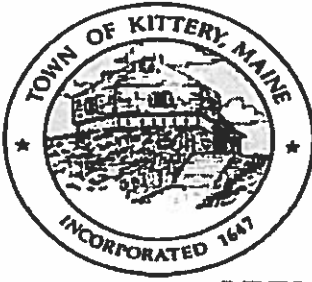
207-693-8799

Total Control Panel

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To: david@balloubedell.com [Remove this sender from my allow list](#)
From: longviewpartners213@gmail.com

You received this message because the sender is on your allow list.



TOWN OF KITTERY MAINE
TOWN PLANNING DEPARTMENT

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

APPLICATION: RIGHT-OF WAY PLAN REVIEW
 (APPLICABLE FOR A SINGLE LOT)

FEE FOR REVIEW		<input type="checkbox"/> \$300.00		Amount Paid: \$ _____		Date: _____			
PROPERTY DESCRIPTION	Parcel ID	Map	62	Lot	24B	Zone(S): Base Overlay MS4	R-RL Resource Protection — YES — NO	Total Land Area	
	Physical Address	Bartlett Road							
PROPERTY OWNER'S INFORMATION	Name	Rebecca A. DeNunzio			Mailing Address	PO Box 657 Portsmouth, NH 03802			
	Phone	603-498-7999							
	Fax	N/A							
	Email	beckanddon@comcast.net							
APPLICANT'S AGENT INFORMATION	Name	David Ballou			Mailing Address	Ballou & Bedell, PA. 408 U.S. Route 1 York, Maine 03909			
	Phone	207-363-5300							
	Fax	207-363-1143							
	Email	david@balloubedell.com							
DESCRIPTION	Existing Conditions: See Right of Way plan attached.								
	Proposed legal and physical changes: (Documents for dedication of the ROW, maintenance agreements, riders to deeds, grading, drainage and pavement, etc.)								
	Applicant proposes to construct a 12 foot wide gravel driveway from Bartlett Road for access to rear lot. See narrative attached as Exhibit A.								
I certify that, to the best of my knowledge, the information provided in this application is true and correct and will not deviate from the Plan submitted without notifying the Kittery Town Planning Department of any changes.									
Applicant's Signature:	David Ballou Agent				Owner's Signature:	David Ballou, Agent			
Date:	May 24, 2018				Date:	May 24, 2018			

Minimum Submission Requirements

15 COPIES OF THE RIGHT OF PLAN – 5 OF WHICH MUST BE 24" X 36"

PRIOR TO COMMENCEMENT OF THE REVIEW PROCESS, THE PLANNING BOARD WILL DECIDE WHETHER SUFFICIENT INFORMATION HAS BEEN PROVIDED AND WILL VOTE TO DETERMINE COMPLETENESS/ACCEPTANCE. See Section 16.10.5.2

THE APPLICANT IS RESPONSIBLE TO CLEARLY DESCRIBE THE PROJECT.

- A) Paper size:
 - No less than 11" X 17" (reduced) or greater than 24" X 36" (full).
- B) Scale size:
 - Under 10 acres: no greater than 1" = 30'
 - 10 + acres: 1" = 50'
- C) Title block:
 - Applicant's name and address
 - Name of preparer of plans with professional information and professional seal
 - Parcel's tax map identification (map -- lot)
 - Date of plan preparation
- D) Survey performed and sealed by licensed surveyor:
 - Identify all existing property/R.O.W. markers
 - Show all proposed boundary monuments (per ordinance)
- E) Provide orientation:
 - Arrow showing true north and magnetic declination
 - Graphic scale Signature block
- F) The right of way plans must include:
 - Size of the parcel minus the area in the R.O.W.
 - Area of R.O.W. Length of lot frontage;
 - Zoning and zone boundaries Front yard setbacks
 - Deed docket and page numbers Intersecting lot lines
 - Existing topography Horizontal alignment
 - Vertical profile (existing ground and proposed grades)
 - Sidewalks Watercourses Forest cover
 - Ledge outcroppings Proposed areas of blasting
 - Utilities (above and below ground)
 - Above ground utilities (poles) that may be relocated
 - Storm drainage systems and structures
 - Parks Open space Conservation easements
 - The location of all natural features or site elements to be preserved.
- G) Show and locate on the plans the names and addresses of all owners of record of contiguous property, including those across the street. WITH THE FIRST SUBMITTAL, PROVIDE 2 SETS OF MAILING LABELS.
- H) Provide sufficient information to identify and locate each interior lot line, right of way lines, and street alignments.
 - curve geometry bearings and distances widths

- I) Show the location and description of all structures, including:
 - existing and proposed signage
 - details of all structures and accesses located within one hundred (100) feet of the property line.
- J) The detail sheet must show:
 - Structural pavement sections Erosion control detail
 - Roadway cross sections Trenching details
 - Sufficient detail(s) to clarify construction
- K) The completed application requires the following legal documents:
 - Revised deeds for the parcel and the R.O.W.
 - A maintenance agreement for R.O.W. as a rider to the deed.
 - Letters of approval from utility companies and town staff
- L) The following supporting documentation:
 - Copy of documents showing owner's legal interest
 - Copy of any existing or proposed property encumbrances
 - Erosion control plan and sedimentation endorsed by York County Soil and Water District
 - A plan for stormwater management prepared by a registered professional engineer
 - A copy of the soil survey (specific to this project area) for York County Where the soil survey shows soils with severe restrictions for development, a high intensity Class A soil survey must be submitted
- M) An estimate of the amount and type of vehicular traffic on a daily basis and during peak hours. Where it is anticipated that four hundred (400) vehicle trips per day or more, a traffic impact analysis must be conducted in accordance with section 16.10.5.2.D.1.
- N) Additional Requirements. In its consideration of an application/plan, the Board may at any point in during the review, require the applicant to submit additional materials, studies, analyses, and agreement proposals as it may deem necessary for complete understanding of the application. Such materials may include those listed below.
 - Fiscal Impact Analysis. An analysis of the relationship of the revenues to the town from the development and the costs of additional publicly funded resources;
 - Traffic Impact Study (see Section 16.10.5.2.D.1)

NOTE TO APPLICANT: THE PLANNING BOARD MAY CHOOSE TO CONDUCT A SITE WALK. PRIOR TO THE SITE WALK, TEMPORARY MARKERS MUST BE ADEQUATELY PLACED THAT ENABLE THE PLANNING BOARD TO READILY LOCATE AND APPRAISE THE LAYOUT OF DEVELOPMENT.

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

EXHIBIT A

Description of Proposed Right of Way for Rebecca Denunzio, Tax Map 62, Lot 24B

The Applicant proposes to construct a 12 foot wide gravel driveway from Bartlett Road (public way) across an existing dwelling lot (Map 62, Lot 24/owned by Margaret Sibley) for pedestrian, vehicular and, possibly, electric power access to the rear lot owned by Applicant. In 2008, when the front lot was deeded to Sibley (copy of deed included with application), a 40 foot right of way was reserved in the area as shown on the right of way plan extending from Bartlett Road to the rear lot.

The Applicant's lot will be served by on-site well water and septic system. Electric power is available at Bartlett Road and Shaydon Lane, both of which streets abut the subject rear lot. The estimated trips per day that the right of way may be used is 20 (10 trips by front lot, which uses a small portion of the right of way near Bartlett Road for driveway access to the front lot AND 10 trips by the rear lot).

AUTHORIZATION TO ACT AS AGENT

I, Rebecca DeNunzio, by signing below, hereby authorize David Ballou of Ballou & Bedell, PA to act on my behalf as my authorized agent in matters relating to representation before the Town of Kittery including the Planning Board and Code Enforcement Department in connection with my real estate located at Bartlett Road, Tax Map 62, Lot 24B.

Rebecca A. DeNunzio 5/24/18
Rebecca A. DeNunzio Date

Doc# 2008031464
Bk 15458 Pg 0158 - 0151
Received York 88
07/22/2008 11:16AM
Debra L. Anderson
Register of Deeds

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that Rebecca A. DeNunzio, married, of 403 H.L. Dow Highway, Route 238, Eliot, Maine, 03903, for consideration paid, grants to Margaret A. Sibley, of 38 Bridge St., Deer Isle, Maine, a single person, with WARRANTY COVENANTS, the real property located in Kittery, County of York, State of Maine, more particularly described as follows:

A certain tract or parcel of land with buildings thereon, located on the southeast side of Bartlett Road, Town of Kittery, York County, Maine, and being more particularly described as follows:

Beginning on the southeast sideline of said Bartlett Road at the northerly corner of land now or formerly of Paul A. & Judith C. Daniel; thence running northeasterly along the sideline of said Bartlett Road along a curve to the right having a radius of 922.00 feet a distance of 202.51 feet to a point at the sideline of a proposed 40 foot wide Right of Way; thence continuing northeasterly along the sideline of said Bartlett Road along the same curve to the right having a radius of 922.00 feet a distance of 42.49 feet to a monument to be set at land now or formerly of Francis A. Silva, Jr. & Barbara Silva; thence running S 39° 20' 08" E along land of said Silva a distance of 129.41 feet to a monument to be set; thence running southerly by other land of said Grantor along a curve to the right having a radius of 100.00 feet a distance of 155.35 feet to a monument to be set; thence running S 48° 40' 25" W along other land of said Grantor a distance of 138.11 feet to a monument to be set in a stone wall at land of said Daniel; thence running N 35° 04' 00" W by said stone wall along land of said Daniel a distance of 40.13 feet to a point; thence running N 47° 37' 51" W by said stone wall along land of said Daniel a distance of 25.08 feet to a point; thence running N 34° 33' 22" W by said stone wall along land of said Daniel a distance of 25.54 feet to a point; thence running N 41° 46' 03" W by said stone wall along land of said Daniel a distance of 59.83 feet to a point; thence running N 40° 55' 18" W by said stone wall along land of said Daniel a distance of 89.53 feet to a point; thence running N 52° 58' 13" W by said stone wall along land of said Daniel a distance of 13.66 feet to a point; thence running N 45° 34' 04" W by said stone wall along land of said Daniel a distance of 21.37 feet to a point; thence running N 30° 38' 44" W by said stone wall along land of said Daniel a distance of 32.76 feet to an iron pipe; thence continuing N 30° 38' 44" W along land of said Daniel a distance of 1.94 feet to the point of beginning, containing 1.31 acres of land.

Maine R.E. Transfer Tax Paid

Grantor expressly reserves a permanent, non-exclusive easement and right of way, in favor of Grantor, her heirs, successors and assigns forever, from Bartlett Road over the property conveyed herein to other property now or formerly of Grantor, with the said non-exclusive easement and right of way to be forty feet (40') in width. The northerly and easterly sideline of the easement shall run S 39° 20' 08" E along land of said Silva a distance of 129.41 feet to a monument to be set; thence running southerly by other land of said Grantor along a curve to the right having a radius of 100.00 feet a distance of 155.35 feet to a monument to be set; thence running S 49° 40' 26" W along other land of said Grantor a distance of 76.11 feet. The said easement and right of way shall include the right of access on foot and by vehicle, and the right to install, maintain and repair a gravel or paved roadway, and utilities, including, but not limited to, telephone, electricity, water, and sewer. The cost to install, maintain and repair the said roadway and utilities shall be the sole and exclusive responsibility of Grantor, and Grantor's successors, heirs, and assigns. Notwithstanding anything else to the contrary contained herein, the said easement and right of way shall only be used by Grantor, her heirs, successors and assigns for access and utilities serving the remaining portion of the property conveyed to the Grantor by deed dated February 18, 2007 and recorded in the York County Registry of Deeds, at Book 15087, Page 348.

Meaning and intending to convey a portion of the property conveyed to the Grantor by deed dated February 18, 2007 and recorded in the York County Registry of Deeds, at Book 15087, Page 348.

The property conveyed herein is not homestead property of the Grantor.

Signed and witnessed this 18th day of July, 2008.

Donna M Reynolds
Witness

Rebecca A DeNunzio
Rebecca A. DeNunzio

STATE OF Maine
COUNTY OF York

Personally appeared the above-named Rebecca A. DeNunzio, on this 18th day of July, 2008, and acknowledged the foregoing instrument to be her free act and deed, for the purposes contained herein.

Donna M Reynolds
Notary Public/Attorney at Law

My Commission Expires: _____



End of Document

5
Margaret A. Sibler
26 Bartlett Rd, Ketchikan, ME 03205 2190

Doc# 2007088184
Bk 15887 Pg 0348 - 0349
Received York 86
02/20/2007 12:27PM
Debra L. Anderson
Register of Deeds

Return to:
Rebecca A. Donuzio
76 Bartlett Road
Kinross Point, ME 03903

Warranty Deed

KNOW ALL MEN BY THESE PRESENTS, that I, Holly L. Spensler, a single person, of Kittery Point County of York, State of Maine,

For consideration paid grant to Rebecca A. Donuzio, a married person, of 76 Bartlett Road, Kinross Point, County of York, State of Maine 03905,

With **WARRANTY COVENANTS** the following described premises:

SEE ATTACHED EXHIBIT A

Making and intending to describe the same premises conveyed to Holly L. Spensler by deed by personal representative of the estate of James E. Spensler, Jr., dated February 18, 2006 and recorded at Book 14579, Page 680 in the York County Registry of Deeds. For further reference of the estate of James E. Spensler, Jr., see the probate records of York County Decket # 2004-2481.

Executed as a sealed instrument this 16th day of February, 2007.

Holly L. Spensler
Holly L. Spensler

[Signature]
Witness

State of Maine

York, ME

On February 16, 2007 before me personally appeared Holly L. Spensler, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

[Signature]
Notary Public/Attorney At Law



MAINE RE. TRANSFER TAX PAID

2777 Venture Tette
2-International Dr.
Portland ME 04101

Exhibit A- Property Description

Property Address: 76 Bartlett Road, Kittery Point, Maine 03905

A certain tract or parcel of land, with the buildings thereon, situate in Kittery, County of York, State of Maine, lying near the southerly side of the Bartlett Road, a public highway, and being more particularly bounded and described as follows:

Beginning at a hub set in a stone wall on the southerly side of Bartlett Road on a line of right-of-way described in a deed of Otis A. Smith, Jr. and Cheryl C. Smith to the State of Maine dated March 5, 1971, recorded in the York County Registry of Deeds in Book 1898, Page 513;

Thence running southeasterly, by land now or formerly of Earl Grant and said stone wall, a distance of 543 feet, more or less, to a hub set in the ground;

Thence turning and running northeasterly, by said land now or formerly of Emery, a distance of 245 feet, more or less, to a hub set in the ground;

Thence turning and running northwesterly, by land of said Otis Aiden Smith, Jr., a distance of 543 feet, more or less, to a hub set in the ground on the southerly side of Bartlett Road on said line of right-of-way;

Thence turning and running generally southwesterly and westerly, along said line of right-of-way, a distance of 245 feet, more or less, to the point of beginning.

Excepting that portion of the premises conveyed to the State of Maine on March 5, 1971 for highway purposes, as it appears in the York County Registry of Deeds in Book 1898, Page 513.

END OF DOCUMENT



TOWN OF KITTEERY, MAINE
TOWN PLANNING DEPARTMENT

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

APPLICATION: WETLAND ALTERATION
PLAN REVIEW

MITIGATION FEE TO BE DETERMINED BY THE PLANNING BOARD DURING THE REVIEW PROCESS AND PAID WITH PERFORMANCE GUARANTY.	Application Fee Paid: \$ _____ Date: _____ Escrow Fee Paid: \$ _____ Date: _____
--	---

PROPERTY DESCRIPTION	Parcel ID	Map	62	Lot	24-B	Zone(s): Base Overlay MSI	<input type="checkbox"/> Rural-Residential <input type="checkbox"/> Resource Protection <input type="checkbox"/> YES <input type="checkbox"/> NO	Total Land Area	40,000 sq.ft.
	Physical Address: Bartlett Road, Kittery, Maine 03904								

PROPERTY OWNER'S INFORMATION	Name	REBECCA DENUNZIO			Mailing Address	PO BOX 657, PORTSMOUTH, 03802,NH
	Phone					
	Fax					
	Email					

APPLICANT'S AGENT INFORMATION	Name	DAVID BALLOU, Esq.		Mailing Address	Ballou & Bedell, PA 408 US ROUTE ONE, SECOND FLOOR YORK, ME 03909
	Phone	(207) 363-5300			
	Fax	207.363.1143			
	Email	david@balloubeckell.com			

PROJECT DESCRIPTION	Existing parcel and wetlands:	
	The lot (which is predominantly upland) is bisected by a narrow wetland that must be crossed to provide an access driveway from the town-owned Bartlett Road to a building site that otherwise meets all zoning criteria for the construction of one single-family dwelling unit.	
	Project Name	Denunzio House Lot
	Provide a brief summary of the proposed development, its impact on the existing wetlands and the proposed mitigation plan:	
	The narrowest possible wetland crossing (that still allows for emergency vehicle access) is proposed.	
	Avoidance and minimization has been maximized per both State and Federal review. 2:1 fill slopes are utilized to reduce total fill footprint. Improve buffer planting to mitigate crossing and to provide screening along the driveway to abutting properties.	

I certify, to the best of my knowledge, the information provided in this application is true and correct and will not deviate from the plans submitted without notifying the Kittery Planning Department of any changes.

Applicant's Signature:		Owner's Signature:	
Date:	May 24, 2018	Date:	May 24, 2018

Minimum Application Submission Requirements

15 COPIES OF THIS APPLICATION

1 PDF OF THE SITE PLAN SHOWING GPS COORDINATES

15 COPIES OF THE PLAN – 5 OF WHICH MUST BE 24"X 36"

IT IS THE RESPONSIBILITY OF THE APPLICANT TO PRESENT A CLEAR UNDERSTANDING OF THE PROJECT.

16.28.500 Submission requirements for a Request to Alter a Wetland.

Unless specifically waived by the planning board, all applications must contain the following information:

- A copy of the official documents showing legal interest of the applicant in the property to be affected;

A narrative describing:

- The purpose of the project,
- The type of alteration to the wetland (fill, culvert, dredge, etc.),
- Why there is no practicable alternative to impacting the wetland, and
- How the proposed activity has been designed to minimize the impact on the wetland

The block must contain:

- The name(s) and address(es) of the applicant or owner,
- The name and address of the preparer of the plan, with professional seal, name of plan, date of plan preparation, a revision number and date, if applicable,
- map and lot number(s) according to Kittery tax maps shown in the lower right-hand corner in bold lettering and X inches high;

Site plan:

- minimum scale is 1" = 100' indicate the proposed activity location and size of all existing and proposed, structures, roads, parking areas, and sewage treatment facilities
- existing and proposed rights-of-way, easements and parcels
- 2-foot contours wetland boundaries proposed buffers
- protective measures such as sediment control methods
- proposed boundaries and characteristics of the mitigation site, including elevation, sources of water, and proposed vegetation

Show the location (tied by measurement to identifiable structures or boundary points) of all proposed:

- property boundaries on site wetland boundaries
- offsite wetland areas significantly impacted by the project
- Sq Ft of Wetland areas (onsite area and offsite area, if applicable)
- shorelines flood plains vegetation removal
- drainage structures filling grading dredging,
- include specification for quantity of materials to be added or removed and procedures to be used

Show the direction of natural overland flow in the wetland, and in the proposed alteration area

- 100-year FEMA flood plain boundaries
- number of CY, and type of material to be used as fill
- method of handling, and the location of fill and spoil disposal area, if dredge material is involved
- all owners of property within 150 feet of the proposed alteration together with their mailing addresses and map and lot designations from the assessor's records.
- a vicinity map utilizing a topographic map at a scale no smaller than one inch equals 600 feet showing the boundary of the proposed activity;

Submit:

- one set of photographs, taken during the growing season if possible, showing the wetland, adjacent water bodies if applicable, and the alteration area before development begins.

Drainage:

- Submit a hydrologic analysis in accordance with the requirements of Article IX of Chapter 16.32

Wetlands mitigation plan and report. A wetlands mitigation plan and report is required for activities which, in total, affect or fill more than 500 square feet of wetlands. Wetland Mitigation Plan And Report must contain the following:

- a plan at a scale of 1" = 100' with 2-foot contour intervals, existing wetland boundaries, the area of wetland to be altered, project dimensions and all offsite wetlands, being extensions of the wetland to be altered
- existing wetland characteristics including water depth, vegetation and fauna
- a functional Assessment conducted and prepared by a qualified wetlands scientist or a Maine Certified Soils Scientists

Maintenance Agreement:

- The agreement must be approved by the board and recorded in the York County Registry of deeds and must meet, or exceed, the criteria listed in subsection 16.28.500.C.3. parts d through i.

Conservation Easement:

- (for projects involving preservation of wetlands or adjacent uplands) a conservation easement must be conveyed or deed restriction imposed so that the parcel will remain undeveloped in perpetuity.

Material not submitted in accordance with the above MUST acquire planning board approval of a Request for Waiver of the material per Section 16.28.180.

Other materials the board may require are:

- cross-section drawings showing the nature of the construction, the depth of excavation or height of fill, if applicable, and surface water and groundwater elevations

The board may require a narrative describing:

- the specific goals in terms of particular wetland functions and values. These goals must be related to those of the original wetland;
- the available literature or experience to date (if any) for carrying out the mitigation work;
- the proposed implementation and management procedures for the wetlands work;
- the short-term and long-term sources of water for this wetland, including the water quality of these sources;
- plans for re-planting, including a description of plant species, sizes and sources of plant material, as well as how, when and where seeding or planting will take place;
- plans for monitoring the wetlands work, showing capability for mid-course corrections
- plans, if applicable, for control of non-indigenous plant species.
- wetlands work involving creation, restoration and or enhancement of degraded wetlands,

Section 16.28.440-E. Abutter Notice. Owners of property within one hundred and fifty (150) feet, horizontal distance, of the proposed alteration must be notified by first class U.S. mail of any public hearing on the Request for Wetland Alteration.

The applicant must provide 2 sets of mailing labels with the submission of this request.

APPLICATION SUBMITTALS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE FORWARDED TO THE PLANNING BOARD.

AUTHORIZATION TO ACT AS AGENT

I, Rebecca DeNunzio, by signing below, hereby authorize David Ballou of Ballou & Bedell, PA to act on my behalf as my authorized agent in matters relating to representation before the Town of Kittery including the Planning Board and Code Enforcement Department in connection with my real estate located at Bartlett Road, Tax Map 62, Lot 24B.

Rebecca A. DeNunzio 5/24/18
Rebecca A. DeNunzio Date



ENVIRONMENTAL PERMITTING SPECIALISTS

6 Second Street Buxton, ME 04093

AUTHORIZATION TO ACT AS AGENT

I, Rebecca DeNunzio, by virtue of my signature below hereby authorize James Logan of Longview Partners, LLC to act on my behalf as my authorized agent in matters relating to:

- Maine Department of Environmental Protection permitting and communications
- Representation before municipal Planning Board in the town of Kittery
- Authority to obtain municipal permits on my behalf in the town of _____

Signed:

Rebecca DeNunzio

Date:

03/23/18

Rebecca A. Denunzio property
Bartlett Road
(Map 62, Lot 24B)
Kittery, Maine

Narrative Project Description

The applicant proposes to alter freshwater wetlands that are located in a Town of Kittery Shoreland Zone in order to access an area of upland for the construction of one single-family dwelling. This area of upland is the only location on the lot that is large enough to allow for the construction of a dwelling unit and has soils that are suitable for the location of a subsurface wastewater disposal field.

The access driveway, as proposed, will have a travel surface of 12 feet, a base width within the wetland of 26', and (2) 24" dia. culverts will be installed in order to allow for cross-drainage within the wetland.

A pre-existing road was chosen to be utilized for the crossing since additional tree clearing in the area of the wetland crossing will not be necessary. Approximately 880 square feet of wetland located at the proposed crossing has previously been altered by the placement of gravel fill material that was associated with previous logging efforts.

A pre-application meeting and licensing downgrade (Tier 3 downgraded to Tier 1) was requested prior to the submission of the permit application. Maine Dept. of Environmental Protection field staff met with Longview Partners at the project site on April 20, 2018 and the downgrade to Tier 1 permitting requirements was granted by letter dated May 3, 2018.

Rebecca A. Denunzio property
Bartlett Road
(Map 62, Lot 24B)
Kittery, Maine

Statement of Avoidance & Minimization

The subject property is bisected by a forested/scrub-shrub wetland area. There is no way to avoid wetland alteration on this property.

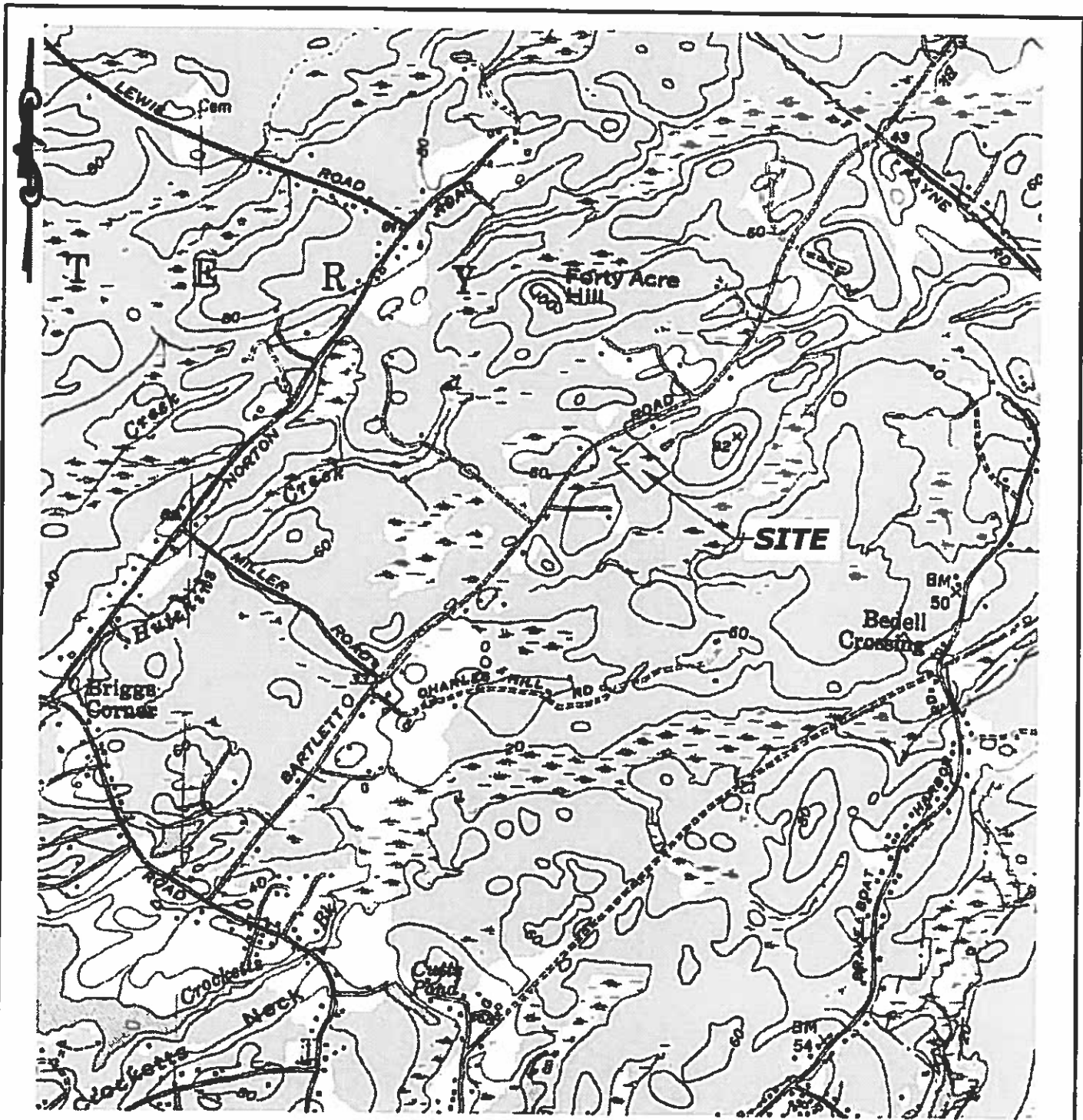
In order to access the area of upland that is suitable for the construction of one single-family dwelling, proposed wetland alteration will take place at the narrowest portion of the wetland crossing. The narrowest permissible travel surface (that will still allow for emergency vehicle access) has been designed. Impacts are otherwise minimized by 2:1 sideslopes.

Several other driveways with similar wetland impacts exist along Bartlett Road. These existing wetland impacts provide access to upland building locations similar to the one proposed.

Rebecca A. Denunzio property
Bartlett Road
(Map 62, Lot 24B)
Kittery, Maine

Wetland Mitigation Plan and Wetland Functional Assessment Waiver Request Rationale

The applicant respectfully requests that the Planning Board waive its requirement for a wetlands mitigation plan and functional assessment as the wetland area on the lot has been previously altered in the vicinity of the proposed access driveway by past logging activities. Please see Sheet C-101 by Atlantic Resource Consultants for existing wetland conditions and extents of proposed wetland alteration.



SITE LOCATION PLAN
 PREPARED FOR
REBECCA A. DENUNZIO
BARTLETT ROAD
(MAP 62, LOT 24B)
KITTERY, MAINE

LONGVIEW
PARTNERS, LLC

ENVIRONMENTAL PERMITTING SPECIALISTS

DRAFT:
 80

SCALE:
 NTS

CHECKED:
 JL

PLAN DATE:
 3-20-18

Rebecca A. Denunzio property
Bartlett Road
(Map 62, Lot 24B)
Kittery, Maine



Proposed Subsurface Wastewater Disposal Site



Primary building site in uplands

Rebecca A. Denunzio property
Bartlett Road
(Map 62, Lot 24B)
Kittery, Maine



Existing trail/woods road



Wetland at proposed crossing looking southwest

Rebecca A. Denunzio property
Bartlett Road
(Map 62, Lot 24B)
Kittery, Maine

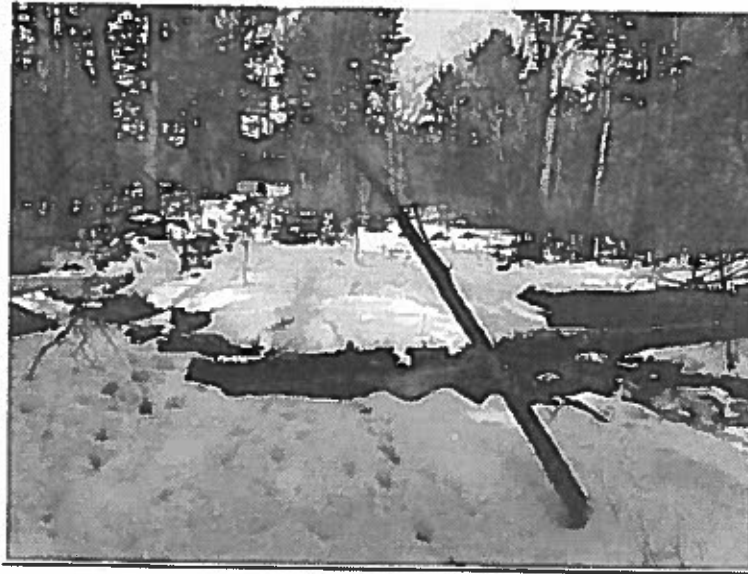


Wetland at crossing looking north



Trail/woods road looking toward Bartlett Road from wetland crossing

Rebecca A. Denunzio property
Bartlett Road
(Map 62, Lot 24B)
Kittery, Maine



Proposed culvert placement (see plans & specifications by Professional Engineer)



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

May 3, 2018

Longview Partners, LLC
Attn: Jim Logan
6 Second Street
Buxton, ME 04093

RE: DRIVEWAY, MAP 62/LOT 24B ON BARTLETT ROAD, KITTERY

Dear Mr. Logan:

It was a pleasure to meet with you and David Ballou on April 20, 2018 to discuss a driveway to the upland on this site for one single-family dwelling. The total anticipated amount of freshwater wetland impacts will be approximately 2,028 square feet. The driveway will have base width of approximately 20 feet and contain two 24-inch culverts to maintain wetland connectivity. The purpose of the meeting was to gain a first-hand observation of the project site and discuss potential wetland impacts that will occur as a result of the proposed project. At our on-site meeting, we observed, among other things, the size of the proposed alteration, the functions of the impacted area and existing development and scenic character of the area.

Due to the type of freshwater wetland that is to be impacted and its location within the town of Kittery's Shoreland Zone, the wetland at the project site is categorized as a wetland of special significance. A project that impacts wetlands of special significance often requires an individual Natural Resources Protection Act permit. However, some alterations of freshwater wetlands of special significance may be eligible for Tier 1 review pursuant to Section 4 (B) of the Department's Chapter 310 Wetlands and Waterbodies Protection Rules. Due to the presence of previously existing driveways through this wetland complex, the existing impacts of a gravel crossing from a previous timber harvest totaling 880 square feet, and the proposed culverts/design to maintain connectivity of the wetland under the proposed driveway, the Department has determined that the proposed project is eligible for Tier 1 review.

If you have any further questions, please feel free to contact me at (207) 615-2875 or via email at jennifer.h.harris@maine.gov.

Sincerely,

Jennifer Harris, Project Manager
Bureau of Land Resources

cc: File

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7038 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4170 FAX: (207) 941-4524

PORTLAND
312 CANOE ROAD
PORTLAND, MAINE 04103
(207) 832-6000 FAX: (207) 832-6343

PRESCOTT ISLAND
1215 CENTRAL DRIVE, SEASIDE PARK
PRESCOTT ISLAND, MAINE 04769
(207) 764-6477 FAX: (207) 760-3143

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN BLACK INK ONLY

1. Name of Applicant: Rebecca A. Denunzio		5. Name of Agent: James Logan Longview Partners, LLC						
2. Applicant's Mailing Address: P.O. Box 657 Portsmouth, NH 03802		6. Agent's Mailing Address: 6 Second Street Buxton, ME 04093						
3. Applicant's Daytime Phone #: 207-439-2228		7. Agent's Daytime Phone #: 207-693-8799						
4. Applicant's Email Address: License will be sent via e-mail. beckanddon@comcast.net		8. Agent's E-mail Address: longviewpartners213@gmail.com						
9. Location of Activity: (Nearest Road, Street, Rt.#) Bartlett Road		10. Town: Kittery	11. County: York					
12. Type of Resource: (Check all that apply)	<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input type="checkbox"/> Coastal Wetland <input checked="" type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource:					
	14. Amount of Impact: (Sq.Ft.)		Fill: 2,028 +/- sq. ft. Dredging/Veg Removal/Other:					
15. Type of Wetland: (Check all that apply)	<input checked="" type="checkbox"/> Forested <input checked="" type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input type="checkbox"/> Other _____							
	FOR FRESHWATER WETLANDS <table border="1"> <thead> <tr> <th>Tier 1</th> <th>Tier 2</th> <th>Tier 3</th> </tr> </thead> <tbody> <tr> <td> <input checked="" type="checkbox"/> 0 - 4,999 sq ft <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft </td> <td> <input type="checkbox"/> 15,000 - 43,560 sq. ft. </td> <td> <input type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1 </td> </tr> </tbody> </table>			Tier 1	Tier 2	Tier 3	<input checked="" type="checkbox"/> 0 - 4,999 sq ft <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 - 43,560 sq. ft.
Tier 1	Tier 2	Tier 3						
<input checked="" type="checkbox"/> 0 - 4,999 sq ft <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 - 43,560 sq. ft.	<input type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1						
16. Brief Activity Description	Applicant proposes to construct an access driveway that crosses Town of Kittery Shoreland Zoned wetlands for the construction of one single-family dwelling unit							
17. Size of Lot or Parcel & UTM Locations:	<input type="checkbox"/> _____ square feet, or <input checked="" type="checkbox"/> 1.49 +/- acres UTM Northing: 43 06' 31" UTM Easting: 70 41' 25"							
18. Title, Right or Interest:	<input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement							
19. Deed Reference Numbers:	Book#: 15087 Page: 348	20. Map and Lot Numbers:	Map #: 62 Lot #: 24B					
21. DEP Staff Previously Contacted:	22. Part of a larger project:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
23. Resubmission of Application?	<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No	if yes, previous application # _____ Previous project manager: _____	After-the-Fact: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
24. Written Notice of Violation?	<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No	if yes, name of DEP enforcement staff involved: _____	25. Previous Wetland Alteration: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
26. Detailed Directions to the Project Site:	Please see attached							
27. TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS						
<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Narrative Project Description <input checked="" type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input checked="" type="checkbox"/> Photos of Area <input checked="" type="checkbox"/> Statement of Avoidance & Minimization <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC		<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the information listed under Site Conditions <input type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required						
28. FEES Amount Enclosed:								
CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2								

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following :

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.

CORPS SIGNATORY REQUIREMENT

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than \$10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is subject to this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

DEP SIGNATORY REQUIREMENT

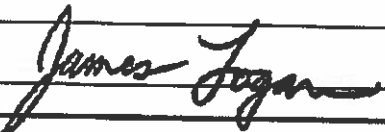
"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.


SIGNATURE OF AGENT/APPLICANT

Date: 5/23/18

NOTE: Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.

"I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #4 for the applicant and #9 for the agent. Do not sign if you elect to "opt out" or receive the decision via regular mail.

Signed (Applicant) _____ Date: _____
and/or
Signed (Agent)  Date: 5/23/18

(yellow)



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Maine Ecological Services Field Office
P. O. Box A
East Orland, ME 04431
Phone: (207) 469-7300 Fax: (207) 902-1588
<http://www.fws.gov/maine/fieldoffice/index.html>

In Reply Refer To:
Consultation Code: 05E1ME00-2018-SLI-0520
Event Code: 05E1ME00-2018-E-01090
Project Name: Rebecca A. Denunzio property

March 26, 2018

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies the threatened, endangered, candidate, and proposed species and designated or proposed critical habitat that may occur within the boundary of your proposed project or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC Web site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the Endangered Species Consultation Handbook at: <http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

This species list also identifies candidate species under review for listing and those species that the Service considers species of concern. Candidate species have no protection under the Act but are included for consideration because they could be listed prior to completion of your project. Species of concern are those taxa whose conservation status is of concern to the Service (i.e., species previously known as Category 2 candidates), but for which further information is needed.

If a proposed project may affect only candidate species or species of concern, you are not required to prepare a Biological Assessment or biological evaluation or to consult with the Service. However, the Service recommends minimizing effects to these species to prevent future conflicts. Therefore, if early evaluation indicates that a project will affect a candidate species or species of concern, you may wish to request technical assistance from this office to identify appropriate minimization measures.

Please be aware that bald and golden eagles are not protected under the Endangered Species Act but are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.). Projects affecting these species may require development of an eagle conservation plan: http://www.fws.gov/windenergy/eagle_guidance.html Information on the location of bald eagle nests in Maine can be found on the Maine Field Office Web site: <http://www.fws.gov/mainefieldoffice/Project%20review4.html>

Additionally, wind energy projects should follow the wind energy guidelines: <http://www.fws.gov/windenergy/> for minimizing impacts to migratory birds and bats. Projects may require development of an avian and bat protection plan.

Migratory birds are also a Service trust resource. Under the Migratory Bird Treaty Act, construction activities in grassland, wetland, stream, woodland, and other habitats that would result in the take of migratory birds, eggs, young, or active nests should be avoided. Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g.,

cellular, digital television, radio, and emergency broadcast) can be found at:
<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm> and at:
<http://www.towerkill.com>; and at:
<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Maine Ecological Services Field Office
P. O. Box A
East Orland, ME 04431
(207) 469-7300

Project Summary

Consultation Code: 05E1ME00-2018-SLI-0520

Event Code: 05E1ME00-2018-E-01090

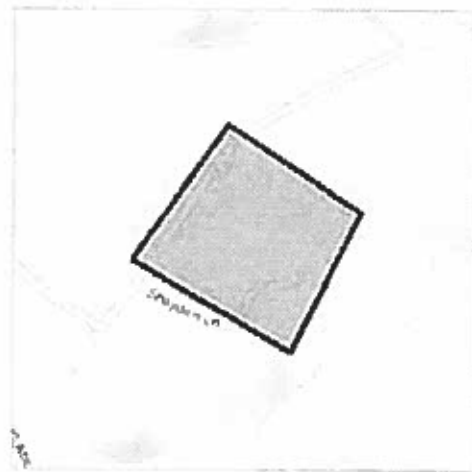
Project Name: Rebecca A. Denunzio property

Project Type: DEVELOPMENT

Project Description: Bartlett Road, Kittery, Maine

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/43.1081110806489N70.69108054880101W>



Counties: York, ME

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
- I. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



May, 21 2018

Megan M. Hopkin
Maine Historic Preservation Commission
65 State House Station
Augusta, ME 04333

Re: Rebecca A. Denunzio property, Bartlett Road, Kittery

Dear Mr. Shettleworth:

Attached is a copy of a Natural Resources Protection Act Application that is being filed with the Department of Environmental Protection, on behalf of Rebecca A. Denunzio..

Please contact me if you have any questions or additional matters for discussion.

Sincerely,

James Logan
Longview Partners, LLC
Certified Soil Scientist # 213
Licensed Site Evaluator # 237
USACE Certified Wetland Delineator



March 26, 2018

THPO
Passamaquoddy Tribe of Indians
Pleasant Point Reservation
P.O. Box 343
Perry, Maine 04667

Re: Proposed wetland alteration, Bartlett Road, Kittery

To Whom It May Concern,

I am writing to you in accordance with the requirements of the US Army Corps of Engineers *General Permit for the State of Maine*, to provide notification of a proposed activity in a navigable water of the United States.

The applicant, Rebecca Denunzio of Kittery, Maine, propose to alter freshwater wetlands in order to construct an access driveway for the construction of one single-family dwelling.

Feel free to contact me to discuss any aspect of the proposed project.

Sincerely,

James Logan
Longview Partners, LLC
Certified Soil Scientist # 213
Licensed Site Evaluator # 237
USACE Certified Wetland Delineator



March 26, 2018

THPO
Passamaquoddy Tribe of Indians
Indian Township Reservation
P.O. Box 301
Princeton, Maine 04668

Re: Proposed wetland alteration, Bartlett Road, Kittery

To Whom It May Concern,

I am writing to you in accordance with the requirements of the US Army Corps of Engineers *General Permit for the State of Maine*, to provide notification of a proposed activity in a navigable water of the United States.

The applicant, Rebecca Denunzio of Kittery, Maine, propose to alter freshwater wetlands in order to construct an access driveway for the construction of one single-family dwelling.

Feel free to contact me to discuss any aspect of the proposed project.

Sincerely,

James Logan
Longview Partners, LLC
Certified Soil Scientist # 213
Licensed Site Evaluator # 237
USACE Certified Wetland Delineator



March 26, 2018

THPO
Penobscot Nation
Cultural and Historic Preservation Dept.
12 Wabanaki Way
Indian Island, Maine 04468

Re: Proposed wetland alteration, Bartlett Road, Kittery

To Whom It May Concern,

I am writing to you in accordance with the requirements of the US Army Corps of Engineers *General Permit for the State of Maine*, to provide notification of a proposed activity in a navigable water of the United States.

The applicant, Rebecca Denunzio of Kittery, Maine, propose to alter freshwater wetlands in order to construct an access driveway for the construction of one single-family dwelling.

Feel free to contact me to discuss any aspect of the proposed project.

Sincerely,

James Logan
Longview Partners, LLC
Certified Soil Scientist # 213
Licensed Site Evaluator # 237
USACE Certified Wetland Delineator



March 26, 2018

THPO
Aroostook Band of Micmacs
7 Northern Road
Presque Isle, Maine 04769

Re: Proposed wetland alteration, Bartlett Road, Kittery

To Whom It May Concern,

I am writing to you in accordance with the requirements of the US Army Corps of Engineers *General Permit for the State of Maine*, to provide notification of a proposed activity in a navigable water of the United States.

The applicant, Rebecca Denunzio of Kittery, Maine, propose to alter freshwater wetlands in order to construct an access driveway for the construction of one single-family dwelling.

Feel free to contact me to discuss any aspect of the proposed project.

Sincerely,

James Logan
Longview Partners, LLC
Certified Soil Scientist # 213
Licensed Site Evaluator # 237
USACE Certified Wetland Delineator



March 26, 2018

THPO & Environmental Planner
Houlton Band of Maliseet Indians
88 Bell Road
Littleton, Maine 04730

Re: Proposed wetland alteration, Bartlett Road, Kittery

To Whom It May Concern,

I am writing to you in accordance with the requirements of the US Army Corps of Engineers *General Permit for the State of Maine*, to provide notification of a proposed activity in a navigable water of the United States.

The applicant, Rebecca Denunzio of Kittery, Maine, propose to alter freshwater wetlands in order to construct an access driveway for the construction of one single-family dwelling.

Feel free to contact me to discuss any aspect of the proposed project.

Sincerely,

James Logan
Longview Partners, LLC
Certified Soil Scientist # 213
Licensed Site Evaluator # 237
USACE Certified Wetland Delineator

Doc# 2000031464
Bk 15458 Pg 0150 - 0151
Received York 98
07/22/2008 11:16AM
Debra L. Anderson
Register of Deeds

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that Rebecca A. DeNunzio, married, of 403 H.L. Dow Highway, Route 236, Elliot, Maine, 03903, for consideration paid, grants to Margaret A. Sibley, of 36 Bridge St., Deer Isle, Maine, a single person, with WARRANTY COVENANTS, the real property located in Kittery, County of York, State of Maine, more particularly described as follows:

A certain tract or parcel of land with buildings thereon, located on the southeast side of Bartlett Road, Town of Kittery, York County, Maine, and being more particularly described as follows:

Beginning on the southeast sideline of said Bartlett Road at the northerly corner of land now or formerly of Paul A. & Judith C. Daniel; thence running northeasterly along the sideline of said Bartlett Road along a curve to the right having a radius of 922.00 feet a distance of 202.51 feet to a point at the sideline of a proposed 40 foot wide Right of Way; thence continuing northeasterly along the sideline of said Bartlett Road along the same curve to the right having a radius of 922.00 feet a distance of 42.49 feet to a monument to be set at land now or formerly of Francis A. Silva, Jr. & Barbara Silva; thence running S 39° 20' 08" E along land of said Silva a distance of 129.41 feet to a monument to be set; thence running southerly by other land of said Grantor along a curve to the right having a radius of 100.00 feet a distance of 155.35 feet to a monument to be set; thence running S 49° 40' 26" W along other land of said Grantor a distance of 136.11 feet to a monument to be set in a stone wall at land of said Daniel; thence running N 35° 04' 00" W by said stone wall along land of said Daniel a distance of 40.13 feet to a point; thence running N 47° 37' 51" W by said stone wall along land of said Daniel a distance of 25.08 feet to a point; thence running N 34° 33' 22" W by said stone wall along land of said Daniel a distance of 25.54 feet to a point; thence running N 41° 46' 03" W by said stone wall along land of said Daniel a distance of 59.83 feet to a point; thence running N 40° 55' 18" W by said stone wall along land of said Daniel a distance of 89.53 feet to a point; thence running N 52° 58' 13" W by said stone wall along land of said Daniel a distance of 13.66 feet to a point; thence running N 45° 34' 04" W by said stone wall along land of said Daniel a distance of 21.37 feet to a point; thence running N 30° 38' 44" W by said stone wall along land of said Daniel a distance of 32.78 feet to an iron pipe; thence continuing N 30° 38' 44" W along land of said Daniel a distance of 1.94 feet to the point of beginning, containing 1.31 acres of land.

Maine R.E. Transfer Tax Paid

Grantor expressly reserves a permanent, non-exclusive easement and right of way, in favor of Grantor, her heirs, successors and assigns forever, from Bartlett Road over the property conveyed herein to other property now or formerly of Grantor, with the said non-exclusive easement and right of way to be forty feet (40') in width. The northerly and easterly sideline of the easement shall run S 39° 20' 08" E along land of said Silva a distance of 129.41 feet to a monument to be set; thence running southerly by other land of said Grantor along a curve to the right having a radius of 100.00 feet a distance of 155.35 feet to a monument to be set; thence running S 49° 40' 26" W along other land of said Grantor a distance of 76.11 feet. The said easement and right of way shall include the right of access on foot and by vehicle, and the right to install, maintain and repair a gravel or paved roadway, and utilities, including, but not limited to, telephone, electricity, water, and sewer. The cost to install, maintain and repair the said roadway and utilities shall be the sole and exclusive responsibility of Grantor, and Grantor's successors, heirs, and assigns. Notwithstanding anything else to the contrary contained herein, the said easement and right of way shall only be used by Grantor, her heirs, successors and assigns for access and utilities serving the remaining portion of the property conveyed to the Grantor by deed dated February 16, 2007 and recorded in the York County Registry of Deeds, at Book 15087, Page 348.

Meaning and intending to convey a portion of the property conveyed to the Grantor by deed dated February 16, 2007 and recorded in the York County Registry of Deeds, at Book 15087, Page 348.

The property conveyed herein is not homestead property of the Grantor.

Signed and witnessed this 18th day of July, 2008.

Donna M. Reynolds
Witness

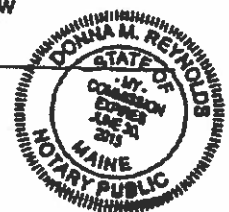
Rebecca A. DeNunzio
Rebecca A. DeNunzio

STATE OF Maine
COUNTY OF York

Personally appeared the above-named Rebecca A. DeNunzio, on this 18th day of July, 2008, and acknowledged the foregoing instrument to be her free act and deed, for the purposes contained herein.

Donna M. Reynolds
Notary Public/Attorney-At-Law

My Commission Expires: _____



End of Document

5
Margaret A. Silva
76 Bartlett Rd, York, ME 03805
B-110

Doc# 2007000104
Bk 15007 Pg 0348 - 0349
Received York SS
02/20/2007 18:27PM
Debra L. Anderson
Register of Deeds

Return to:
Rebecca A. Desunzio
76 Bartlett Road
Kittery Point, ME 03905

Warranty Deed

KNOW ALL MEN BY THESE PRESENTS, that I, Holly L. Spensler, a single person, of Kittery Point, County of York, State of Maine.

For consideration paid grants to Rebecca A. Desunzio, a married person, of 76 Bartlett Road, Kittery Point, County of York, State of Maine 03905,

With **WARRANTY COVENANTS** the following described premises:

SEE ATTACHED EXHIBIT A

Meaning and intending to describe the same premises conveyed to Holly L. Spensler by deed by personal representative of the estate of James E. Spensler, Jr., dated February 10, 2006 and recorded at Book 14579, Page 680 in the York County Registry of Deeds. For further reference of the estate of James E. Spensler, Jr., see the probate records of York County Docket # 2004-0681.

Executed as a sealed instrument this 16th day of February, 2007.

Holly L. Spensler
Holly L. Spensler

[Signature]
Witness

State of Maine

York, ss:

On February 16, 2007 before me personally appeared Holly L. Spensler, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

[Signature]
Notary Public/Attorney At Law



MAINE R.E. TRANSFER TAX PAID

2777 Venture Title
& International, Inc.
P.O. Box 111, N.H. 03901

Exhibit A- Property Description

Property Address: 76 Bartlett Road, Kittery Point, Maine 03905

A certain tract or parcel of land, with the buildings thereon, situate in Kittery, County of York, State of Maine, lying near the southerly side of the Bartlett Road, a public highway, and being more particularly bounded and described as follows:

Beginning at a hub set in a stone wall on the southerly side of Bartlett Road on a line of right-of-way described in a deed of Otis A. Smith, Jr. and Cheryl C. Smith to the State of Maine dated March 5, 1971, recorded in the York County Registry of Deeds in Book 1898, Page 513;

Thence running southeasterly, by land now or formerly of Earl Grant and said stone wall, a distance of 543 feet, more or less, to a hub set in the ground;

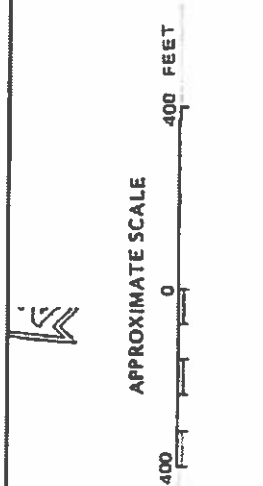
Thence turning and running northeasterly, by said land now or formerly of Emery, a distance of 245 feet, more or less, to a hub set in the ground;

Thence turning and running northwesterly, by land of said Otis Alden Smith, Jr., a distance of 543 feet, more or less, to a hub set in the ground on the southerly side of Bartlett Road on said line of right-of-way;

Thence turning and running generally southwesterly and westerly, along said line of right-of-way, a distance of 245 feet, more or less, to the point of beginning.

Excepting that portion of the premises conveyed to the State of Maine on March 5, 1971 for highway purposes, as it appears in the York County Registry of Deeds in Book 1898, Page 513.

END OF DOCUMENT



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

TOWN OF
KITTERY, MAINE
YORK COUNTY

PANEL 2 OF 10
(SEE MAP INDEX FOR PANELS NOT PRINTED)

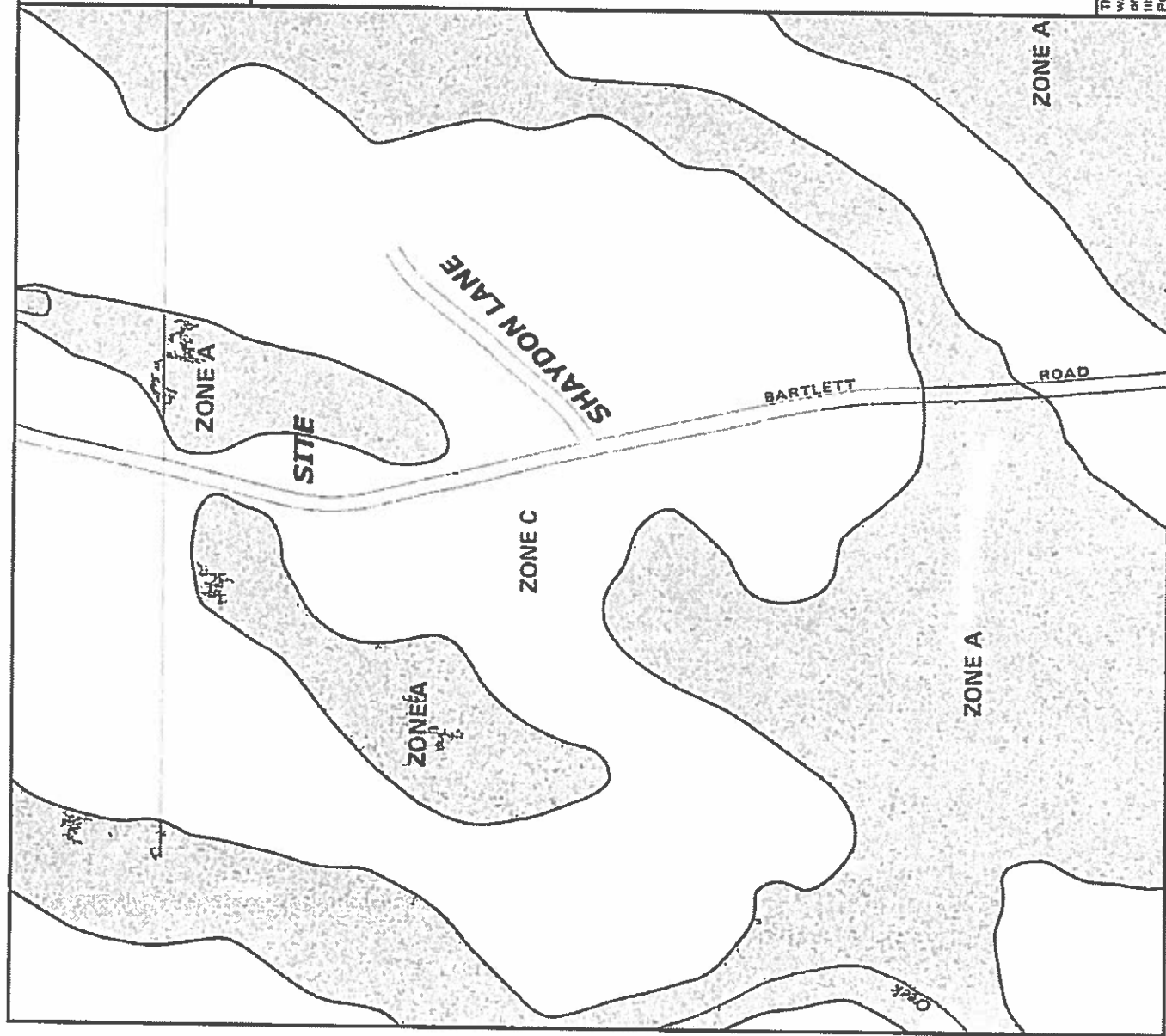
COMMUNITY-PANEL NUMBER
230171 0002 C

EFFECTIVE DATE:
JULY 5, 1984



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.nac.fema.gov





Driveway Design Considerations Memorandum

To: James Logan
From: Jason A Vafiades, PE LEED AP
cc:
Date: May 23rd, 2018
Re: 76 Bartlett Road, Tax Map 62 Lot 24

Dear Jim,

Per our discussion, I am following up with an opinion on the location of the driveway access for the above-referenced property.

It is our understanding that the subject lot has a deeded access off of Shaydon Lane, which is an existing, gravel private way. Shaydon lane is located approximately 200 linear feet further south down Bartlett Road from our proposed entrance. (See map overall aerial view map attached which summaries the two possible driveway entrances).

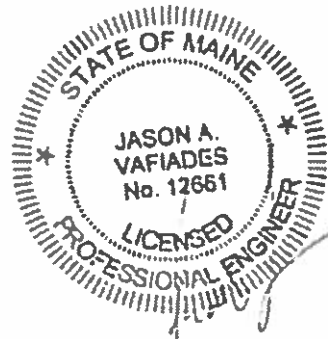
Given the circumstances, it is our recommendation that the driveway be constructed as designed. Although this requires a wetland crossing, we have designed the driveway and crossing to impact the least amount of wetlands as practicable by utilizing the historic wetland alterations/crossing which was created during previous logging activities.

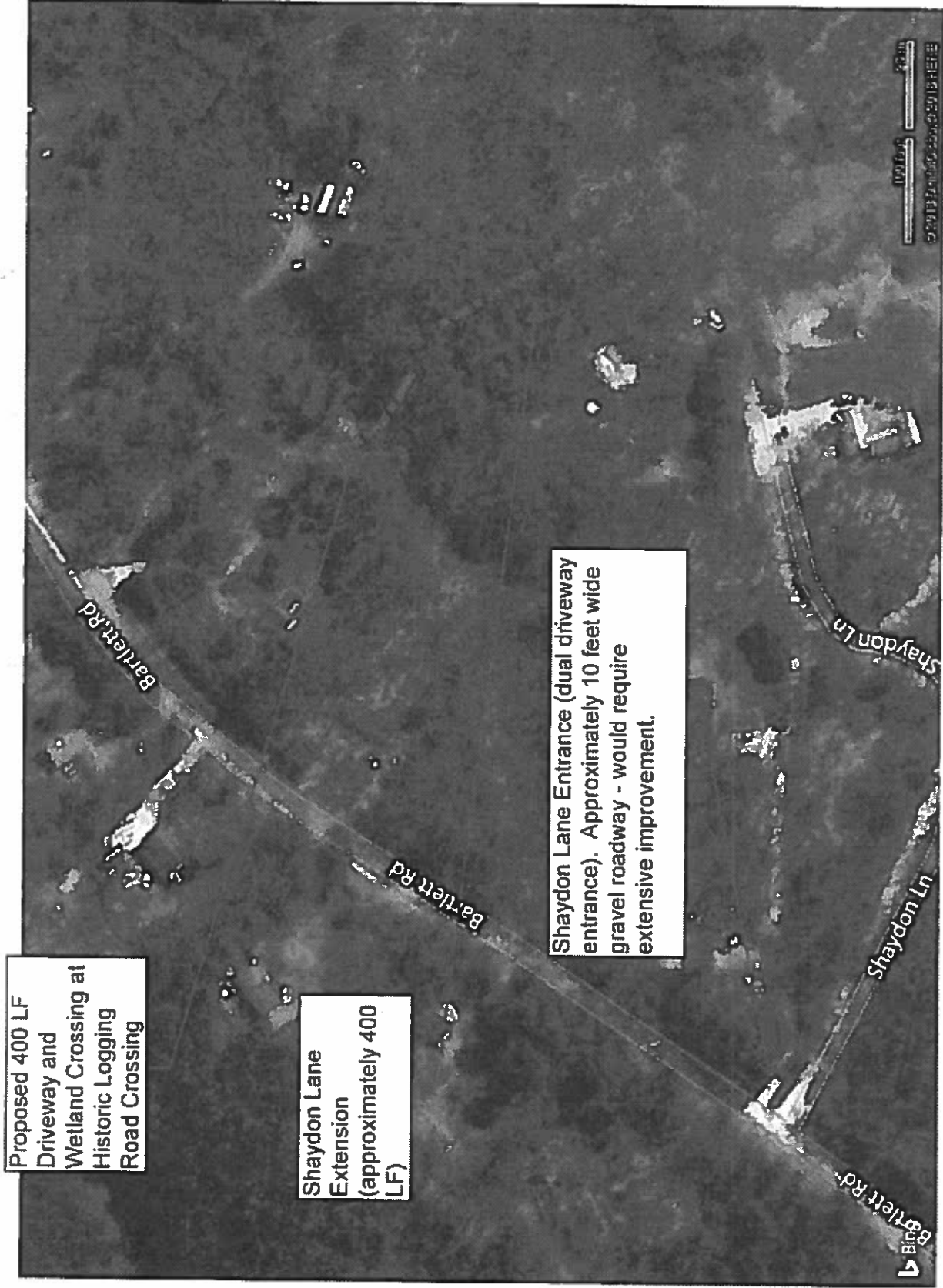
Utilizing the access of Shaydon Lane would require equal creation of impervious area due to the driveway extension, but would also create the need to widen and improve Shaydon Lane from it's existing width of 10 feet (approximate). Due to the number of residential units using the private way as primary access, Town ordinances would require these improvements. This widening would result in the removal of a great many trees along the entire length of the existing private way, including the grubbing and disturbing of nearly twice the square footage as the proposed driveway as currently designed.

Also, the entrance to Shaydon Lane appears to be a split curb-cut/driveway access, which, in our opinion, would require additional review and potential re-aligning to more properly serve the entering and exiting traffic onto Bartlett Road (see picture of split access below).



Given the mitigating circumstances and relative impacts, it is our opinion that the driveway design as proposed will result in the most minimal amount of impacts to the surrounding properties and natural resources.





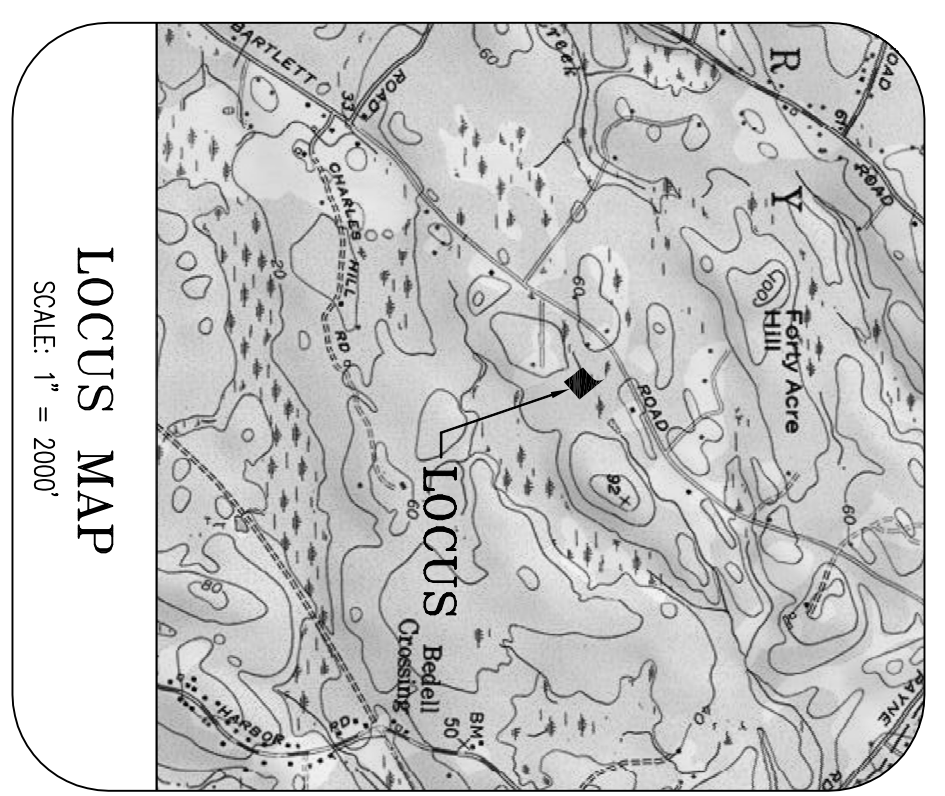
Proposed 400 LF Driveway and Wetland Crossing at Historic Logging Road Crossing

Shaydon Lane Extension (approximately 400 LF)

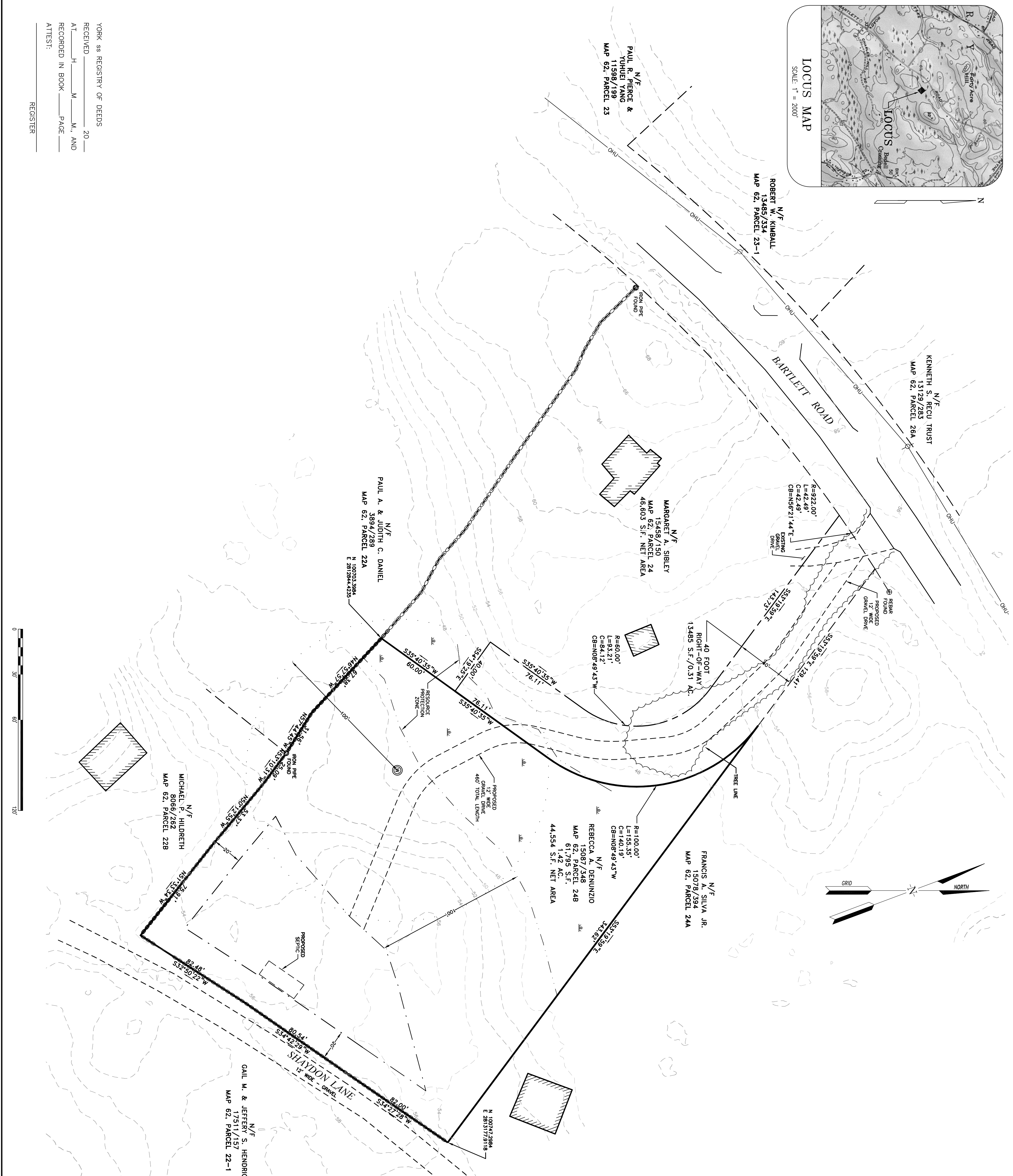
Shaydon Lane Entrance (dual driveway entrance). Approximately 10 feet wide gravel roadway - would require extensive improvement.

Map 62, Lot 24B

Rebecca Denunzio Application: GPS Coordinates are: 43 06' 31" N / 70 41' 25" W



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
- OVERHEAD UTILITIES
- EXISTING CONTOUR
- 100' WELL RADIUS
- NOW OR FORMERLY
- N/F
- DEED BOOK & PAGE

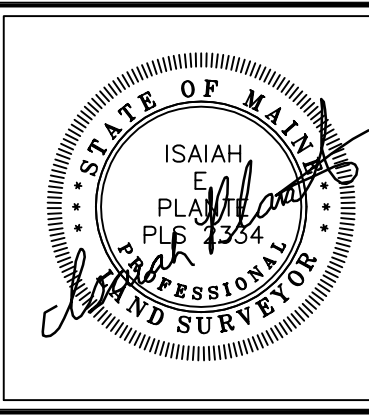
NOTES

1. THE BASIS OF BEARING FOR THIS SURVEY GRID NORTH.
2. DEED AND PLAN BOOK REFERENCES ARE TO THE YORK COUNTY REGISTRY OF DEEDS (YORD).
3. REFERENCE IS MADE TO THE FOLLOWING DEEDS:
 - A. A DEED FROM HOLLY L. SPONSORER TO REBECCA A. DENUNZIO DATED FEBRUARY 16, 2007 AND RECORDED IN BOOK 15097, PAGE 546.
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-40 ZONE AND THE RESOURCE PROTECTION-02-RP ZONE. PORTIONS OF DIMENSIONAL REQUIREMENTS ARE AS FOLLOWS:
 - MIN. LOT SIZE - 40,000 S.F.
 - MIN. FRONT SETBACK - 40 FEET
 - MIN. SIDE/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 DATED JULY 19, 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. & JEFFERY S. HENDRICKSON DATED JUNE 30, 2017 AND RECORDED IN BOOK 17511, PAGE 157.
8. ELEVATIONS AND CONTOURS ARE BASED ON NAVD83 DATUM.
9. THE EASEMENTS 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 ZONING AND SUBDIVISION MAPPER ARTICLE 16.712.4 WHICH IS NO MINIMUM AREA REQUIREMENT. THE SUBJECT PARCEL IS EXEMPT FROM NET RESIDENTIAL CALCULATIONS.
11. THE SUBJECT PARCEL HAS 231.46 FEET ALONG THE 40' PRIVATE RIGHT-OF-WAY AS SHOWN HEREON.

APPROVED BY THE TOWN OF
KITTERY PLANNING BOARD

DATE: _____
CHAIRPERSON: _____

REVISION			
NO.	DATE	BY:	DESCRIPTION



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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: July 18, 2018
PROJECT NO.: 2032
SCALE: 1" = 30'
CAD FILE: 2032.dwg

MAP 62
PARCEL 24B

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