

**Town of Kittery
 Planning Board Meeting
 December 13, 2018**

ITEM 4 - 25 Pinkham's Lane – Major Subdivision Sketch Plan Review

Action: Accept or deny application; Approve or deny sketch plan Owners Rudy E. Shayganfar & Mahni Shayganfar request consideration of a 8-lot residential subdivision with access along an existing private right-of-way (Pinkham's Lane), (Tax Map 62 Lots 10 & 10-5) in the Residential-Rural (R-RL) and Resource Protection Overlay (OZ-RP) Zones. Agent is Paul Dobberstein, Ambit Engineering.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Review	Scheduled for 12/13/2018	PENDING
YES	Site Visit		
YES	Preliminary Plan Review Completeness/Acceptance		
YES	Public Hearing		
YES	Preliminary Plan Approval		
YES	Final Plan Review and Decision		

Applicant: Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and, when applicable, recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

Background

Pinkham's Lane is an existing forty (40) foot wide private right-of-way off of Bartlett Road. It was approved by the Planning Board on April 14, 1988. The land in question is two lots – one, Map 62, Lot 10 is 41.50 acres in size and the other, Map 62, Lot 10-5 is 2.11 acres. Eight (8) residential lots that range in size from 44,487 sf to 494,450 sf and two areas of open space totaling 549,643 sf (28.9% of the parcel) are proposed.

This is a revised sketch plan with several changes from the plans previously submitted and reviewed at the Board's October 11, 2018 meeting. It includes the addition of two proposed right-of-ways off of Pinkham's Lane. One would be a 40' wide right-of-way platted as a Class I Private Street to serve as access to proposed lot 6. The other would be a 40' wide right-of-way platted as a Class II private Street to serve as access to proposed lots 1, 2, 3 and 4. The proposed edges of the gravel road improvements are now shown on the plan. It also includes revision of the layout of the proposed lots and the inclusion of a previously divided lot with its boundary line revised and part of that area incorporated into the subdivision. The ownership information has also changed as Rudy and Mahni Shayganfar have taken title to the property since the initial submission.

The existing land use is residential and forested, with forest management.

Staff Review

1. Submission: The application meets the submission requirements for a subdivision sketch plan.
2. Conventional vs. Cluster: The proposed subdivision is presented as a major conventional subdivision which is a special exception use. The applicant should request a waiver during preliminary plan review for a conventional subdivision if the Board approves this sketch plan.

Cluster residential development (cluster subdivision) is a permitted use in the R-RL Zone. The Board will need to determine whether the circumstances warrant a special exception for a conventional subdivision. (See 16.6.4.D.(2) in granting a special exception use, the Board must find the proposed development meets the criteria of Sections 16.10.8.3D and 16.6.6). The Board can provide input to the applicant as to the likelihood of granting the special exception, however, the Board's action would not take place until the preliminary plan application.

3. Open Space. The proposed subdivision plan shows two parcels of open space totaling 549,643 sf (approx. 12.61 acres) of open space or 28.9% of the total parcel area, which exceeds the 15% requirement for open space within a conventional subdivision in the Residential Rural Zone (R-RL). There is no information provided at this time regarding proposed covenants and deeded conservation easements to ensure future protection from further development.
4. Floodplain, Resource Protection Overlay and Wetlands. A significant portion of land in question lies within the Resource Protection Zone and FEMA Special Flood Hazard Area, Zone A (No BFE). Under 16.9.8.10 when reviewing subdivisions the Planning Board must assure that:
 - A. All such proposals are consistent with the need to minimize flood damage.
 - B. All public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damages.
 - C. Adequate drainage is provided so as to reduce exposure to flood hazards.
 - D. All proposals include base flood elevation and, in a riverine floodplain, floodway data.

The wetlands were delineated by Joseph Noel, Maine Certified Soil Scientist in November of 2017 and in April and May of 2018. The wetland flags were field located by Ambit Engineering. Five (5) vernal pools (VP) have been identified within the proposed subdivision area and three of them are identified as significant (SVPH). The applicant previously provided supporting documentation for each vernal pool.

Per 16.8.11.6.I.5, all wetland setbacks must be maintained as a no-cut, no-disturb area. The sketch plan depicts the wetland buffer lines which are depicted on the plans and are for the most part the edges of the contiguous buildable areas.

No formal buffering is depicted on the sketch plan, however the proposed development is surrounded by somewhat sizeable wetlands, of which the setbacks are to remain no-cut, no-disturb, creating a natural buffer.

5. Calculations for Net Residential Acreage. Per Title 16.7.8 *Net Residential Acreage* has been calculated and is shown in a table titled Net Residential Acreage Calculation on the plans. Contiguous Buildable Areas are shown for each lot on the plan.
6. Dimensional standards. All lots meet the 40,000 sf requirement in the R-RL Zone. Building envelopes are shown. The 150-foot frontage requirements appear to be met as shown in the Proposed Lot Areas table included on the plan. Staff notes that lot 6 is listed as having 595.37 feet of continuous frontage. That had been confirmed as a typo. Frontage for lot 7 should be 595.37 with Lot 6 having 226.20 feet. Staff also notes that there is no listing in the table for contiguous upland for lot 7. That figure has been confirmed to be 115,779 sf.

7. Utilities / Available Community Facilities. There is an electric power line is along Pinkham's Lane that will service the development. Are wells and individual septic systems proposed for each lot?
8. Roadway. As noted above, there are two (2) new roadways proposed as part of this subdivision. The new roadways are proposed as Class I and II Private Streets:
 - a. A Class I roadway with a 40' ROW is proposed as access for Lot 6. The applicants are seeking waivers to allow this roadway to be a 10' wide and gravel surfaced with no sidewalk. They are also seeking a waiver for it to be 467' in length where 400' is the limit.
 - b. A Class II roadway with a 40 ROW is proposed to service Lots 1-4. Waivers for this one are being sought to allow for a 20' wide gravel traveled way instead of a 20 foot paved road and no sidewalk.

The applicant is also proposing to plat the existing 40' wide right-of-way know as Pinkham's Lane as a Class III Private Street in part, and in part as a Class II Private Street. The existing 40' wide right-of-way will be widened to 60' wide from the easterly boundary line of the Shayganfar property to the prosed right-of-way accessing Lots 1-4. Westerly from that point the right-of-way will remain 40' wide. The existing traveled way along the entire length of Pinkham's Lane will be widened to the required width of 20', with the exception of the area where the road crosses the large wetland that bisects the property. There it will be a variable width of 16' at the beginning of the crossing to widening to 20' at the westerly end.

Waivers are being sought to the design requirements for a Minor Street, based upon the ADT for the roadway, as follows:

- a. To allow for a 20' wide gravel traveled way instead of paved.
- b. To not require the 2' paved walk side and 8' paved opposite side shoulders.
- c. No sidewalk.
- d. To allow for a street length to radius length of 1,247'+- where 1,200' is the maximum allowed.
- e. To omit the requirement that the portion of Pinkham's Lane from Bartlett Road to the easterly boundary of the Shayganfar property be upgraded to meet the requirements of a Class III Private Street.

The applicant's agent has provided a detailed explanation with their reasoning for the proposed new roadways as well as a detailed set of waiver requests for the new roadways and upgrades to the existing road, Pinkham's Lane in a separate letter.

Recommendation

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

Among the considerations for the Board is whether the design of this subdivision aligns with special exception definition and criteria in the Code.

After the first sketch plan review for this proposed subdivision, staff met with the applicant and agents to discuss concerns with the original design. Discussion also occurred regarding the existing development on Pinkham's Lane and consideration necessary for meeting the road and development standards in the

code. There is a lot for the Board to consider with this proposed development. Although the waiver requests are typically made during the preliminary plan phase, staff felt that it is important for the Board to consider them at this stage to give the applicant a sense of whether the subdivision is feasible to pursue.

Waivers are spelled out in Sections 16.7.4.1 & 2 which state *Where the Planning Board finds, due to special circumstances of a particular plan, certain required improvements do not promote the interest of public health, safety and general welfare, or are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed development, upon written request, it may waive or modify such requirements, subject to appropriate conditions as determined by the Planning Board. In granting modifications or waivers, the Planning Board must require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived or modified.*

Action

The sketch plan submittal appears complete. If the Board decides no further information is needed, the Board may accept the sketch plan application as complete.

Move to accept the sketch plan application dated November 2018 from owners Rudy E. Shayganfar & Mahni Shayganfar for a 8-lot residential subdivision with access along an existing private right-of-way (Pinkham's Lane) (Tax Map 62 Lots 10 & 10-5) in the Residential-Rural (R-RL) and Resource Protection Overlay (OZ-RP) Zones as complete.

Or

Move to continue the Sketch Plan, dated November 2018 from owners for Rudy E. Shayganfar & Mahni Shayganfar for a 8-lot residential subdivision with access along an existing private right-of-way (Pinkham's Lane) (Tax Map 62 Lots 10 & 10-5) in the Residential-Rural (R-RL) and Resource Protection Overlay (OZ-RP) Zones not to exceed 90 days.

The Board will want to consider setting a date for a site walk.

Move to schedule a site walk on {date} the Sketch Plan, dated November 2018 from owners Rudy E. Shayganfar & Mahni Shayganfar for a 8-lot residential subdivision with access along an existing private right-of-way (Pinkham's Lane) (Tax Map 62 Lots 10 & 10-5) in the Residential-Rural (R-RL) and Resource Protection Overlay (OZ-RP) Zones.



AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

21 November, 2018

Ann Grinnell, Chair
Town of Kittery Planning Board
200 Rogers Road
Kittery, Maine 03904

RE: Subdivision Sketch Plan Review, 25 Pinkham's Lane, Tax Map 62 Lots 10 & 10-5

Dear Ms. Grinnell:

We hereby submit, upon behalf of the applicant, the attached, revised Subdivision Sketch Plan for your review. There have been several changes from the plan which was submitted previously, the main revisions being outlined below:

- Addition of two proposed rights-of-way off Pinkham's Lane
- Revision of the layout of the proposed lots
- The inclusion of the previously divided lot, to have the boundary lines revised and part of that area incorporated into the proposed subdivision.
- Revision of ownership, Rudy and Mahni Shayganfar have taken title to the property since the initial submission, this change is reflected in the ownership information.
- Addition of proposed edges of gravel road improvements
- Inclusion of additional plan sheets to provide a clearer view of the property at a larger scale than previously submitted.

I have also included a detailed waiver request pertaining to the proposed roadway improvements. This is to aid in facilitating a discussion and review of what is necessary and required.

We look forward to the Board's review and comment on the merits of the revised subdivision.

Sincerely,

Paul Dobberstein, PLS
Ambit Engineering, Inc.



TOWN OF KITTELY ~ MAINE

PLANNING OFFICE

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

APPLICATION: REQUEST FOR WAIVER

THIS REVIEW PROCESS REQUIRES APPROVAL FROM BOTH THE TOWN PLANNER AND THE CODE ENFORCEMENT OFFICER

PROPERTY DESCRIPTION	Parcel ID	Map	62	Lot	10 & 10-5	Zone Base Overlay	<u>R-RL</u> <u>OZ-RP</u>	Total Land Area	43.62 acres
	Physical Address: 25 Pinkham's Lane								
PROPERTY OWNER'S INFORMATION	Name	Rudy E. Shayganfar & Mahni Shayganfar				Mailing Address	3585 Agata Drive, #201 Santa Clara, CA 95051		
	Phone	415-844-0642							
	Fax								
	Email	pinkhamlane@gmail.com							
APPLICANT'S AGENT INFORMATION	Name	Paul Dobberstein				Name of Business	Ambit Engineering, Inc.		
	Phone	603-430-9282				Mailing Address	200 Griffin Road, Unit 3 Portsmouth, NH 03801		
	Fax	603-436-2315							
	Email	pad@ambitengineering.com							

	Ordinance Section	Describe why this request is being made.
DESCRIPTION	***EXAMPLE*** 16.32.560 (B)- OFFSTREET PARKING.	***EXAMPLE*** Requesting a waiver of this ordinance since the proposed professional offices have a written agreement with the abutting Church owned property to share parking.
	16.8.5, Table 1-Road Design and Construction Standards for Proposed Class I Private Street accessing Proposed Lot 6	See Attached
	16.8.5, Table 1-Road Design and Construction Standards for Proposed Class II Private Street accessing Proposed Lots 1-4	See Attached
	16.8.5, Table 1-Road Design and Construction Standards for Existing Sections of Pinkham's Lane	See Attached

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 plans submitted without notifying the Kittery Planning Department of any changes.

Applicant's Signature:	<u>Rudy E. Shayganfar</u>	Owner's Signature:	<u>Rudy E. Shayganfar</u>
Date:	<u>11/20/18</u>	Date:	<u>11/20/18</u>

ARTICLE IV. WAIVERS

16.28.180 Waiver authorized.

Where the planning board finds that, due to special circumstances of a particular plan, the provision of certain required improvements is not requisite in the interest of public health, safety and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed development, upon written request, it may waive or modify such requirements, subject to appropriate conditions. (Land use and dev. code § 7.4.1, 1994)

16.28.190 Objectives secured.

In granting modifications or waivers, the planning board must require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived or modified. (Land use and dev. code § 7.4.2, 1994)



AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

19 November, 2018

Ann Grinnell, Chair
Town of Kittery Planning Board
200 Rogers Road
Kittery, Maine 03904

RE: Subdivision Sketch Plan Review, 25 Pinkham's Lane, Tax Map 62 Lots 10 & 10-5 Waiver Requests

Dear Ms. Grinnell:

We hereby submit, upon behalf of the applicant, Waiver Requests for the proposed Subdivision of Tax Map 62 Lots 10 & 10-5. The Waiver Requests pertain to the conformance to the Road Design and Construction Standards contained in Chapter 16.8, Article IV, Table 1 of the Town of Kittery Land Use & Development Code. As there are multiple waivers to those requirements, and differing situations for the different proposed Private Streets, a detailed explanation and reasoning is contained herein.

Regarding the Proposed Class I Private Street serving Proposed Lot 6

The proposed 40' wide right-of-way, to be platted as a Class I Private Street, will only serve as access to Proposed Lot 6. The waivers to the design requirements are as follows:

1. To allow for a 10' wide gravel traveled way, where 18' is required.
2. To allow for the omission of a 5' sidewalk, where 5' is required.
3. To allow for a Street Length to Radius length of 467'±, where 400' is the maximum allowed.

The platting of this right-of-way is to access a lot in the southeasterly corner of the parcel where the applicant's father has long desired to build a home. The Pinkham family has owned the property since 1946, Mr. Pinkham, the applicant's father, has a long history and love of the property going back to childhood. Mr. Pinkham would like to build a home in the rear of the property secluded from other areas of the property. There is an existing woods or logging road which is 6-8' in width along the stone wall which forms the easterly boundary of the proposed right-of-way. Additionally, there is a large wetland area to the west of the woods road, which runs much of the length to the proposed radius.

Given these circumstances, the adjacent wetland, as well as the existing road, we are proposing an improvement of the existing woods road to be a 10' wide gravel traveled way, with the expansion of the existing woods road taking place primarily on the stone wall side of the existing road, thereby limiting any indirect impact on the wetland. The land adjacent to the proposed right of way will be designated as Open Space and will never be developed, and the proposed Lot 6 does not have the requisite frontage, as well as other limiting features, to be re-subdivided. As the right-of-way will only serve one lot, we submit that a two-lane traveled way is unnecessary. In a similar vein, given the

nature of the proposed right-of-way, we feel that the designation of an additional 5' wide designated pedestrian way is unnecessary and would result of further encroachment on the Wetland Buffer.

The proposed right-of-way, from the existing centerline of Pinkham's Lane to the radius point at the end of the cul-de-sac, is 467'± in length. The maximum length allowed in the Code for a Class I Private Road is 400'. The primary reason for the additional 67' of length in excess of the allowed amount is in order to have the cul-de-sac be in an area suitable for construction of a turnaround, without detrimental impact to any wetlands or the buffer outside of what is allowed by rule. We feel that the length of the right-of-way proposed is reasonable given the environmental and topographic considerations as a shorter length would require wetland impact.

Regarding the Proposed Class II Private Street serving Proposed Lots 1-4

The proposed 40' wide right-of-way, to be platted as a Class II Private Street, will serve as access to Proposed Lots 1, 2, 3, and 4. The waivers to the design requirements are as follows:

1. To allow for a 20' wide gravel traveled way, where a 20' wide paved traveled way is required.
2. To allow for the omission of a 5' sidewalk, where 5' is required.

This proposed right-of-way is to provide access to Proposed Lots 1-4. We proposed a 20' wide gravel traveled way, with 2' gravel shoulders on both sides. The use of gravel, instead of pavement, is in keeping in character with the rural nature of the area and the proposed subdivision. We suggest that a paved road would be out of place and undesirable in this location. Additionally, the 2' gravel shoulders on either side of the road, along with the ample traveled way width for a low volume, low speed road, provide ample pedestrian walking areas along the road, making the need for a sidewalk redundant. It should also be noted that there are no sidewalks on Bartlett Road, thereby rendering any required sidewalks as paths that do not connect to a sidewalk network.

Regarding the Widening and Upgrading of Pinkham's Lane, to become a Class III Private Street

The existing 40' wide right-of-way, known as Pinkham's Lane, will be platted as a Class II Private Street in part, and in part as a Class II Private Street. The waivers to the design requirements are as follows:

1. To allow for a 20' wide gravel traveled way, where a 20' wide paved traveled way is required.
2. To allow for the omission of a 5' sidewalk, where 5' is required.
3. To allow for the omission of a paved shoulder, where 2' is required on the walk side and 8' is required on the opposite side.
4. To allow for a Street Length to Radius length of 1,247'±, where 1,200' is the maximum allowed.
5. To omit the requirement that the portion of Pinkham's Lane from the easterly boundary of the Shayganfar Property to Bartlett Road be upgraded to meet the requirements of a Class III Private Street.

The existing 40' wide right-of-way will be widened to 60' wide from the easterly boundary line of the Shayganfar Property to the proposed right-of-way accessing Lots 1-4. Westerly from that point, the right-of-way will remain 40' wide. The existing traveled way along the entire length of Pinkham's Lane will be widened to the requisite width of 20', with the exception of the area where the road crosses the large wetland that bisects the property, where it will be a variable width of 16' at the

beginning of the crossing, to the full 20' at the westerly end of the crossing. The reason of the limited widening of the traveled way at the wetland crossing is to minimize and avoid any unnecessary impact to the wetland. As mentioned previously, the road is proposed to remain gravel, as a paved road is out of character and undesirable to the other property owners who are currently served by the road. The requirement to construct a sidewalk or pedestrian way along the existing road, as outlined above, is unnecessary for the proposed use and enjoyment of the residents, and in fact, the requirement would be out of character and the sidewalk would not connect to any existing similar infrastructure. The proposed improvement to Pinkham's Lane would also include the construction of a gravel cul-de-sac, meeting the requirements of a Class II Private Street, at the end of the existing right-of-way. The reason for the length from the easterly property line being 1,247'±, 47' longer than the requisite 1,200', is to access suitable land for the construction of said cul-de-sac. This will benefit the entire neighborhood, allowing easier turning of large emergency vehicles, such as fire trucks.

We also request that any requirements that the Board or the Town's legal counsel should determine legally enforceable or necessary regarding the upgrade of the existing traveled way from the easterly boundary of the property to Bartlett Street be waived. The reason for this is myriad and echoes much of the reasons given above with two unique and overriding circumstances. The first being that the existing traveled way likely fills the existing 20' wide access easement completely, thereby leaving little to no room for improvement. The traveled way as it exists has been in use for more than 20 years at this point and has had no known safety issues or otherwise necessitating the upgrade. Related to this is the fact that our opinion is that the offsite improvements are an overly heavy burden on the applicant, as it will require various changes to an existing legal access. The second, and possibly most crucial reason for this waiver is the legal ramifications regarding the existing easement if such improvements are required. The Maine Supreme Court has long held that the subsequent subdivision of a property that is the dominant estate is not in itself an overburdening of the easement. They have, however, that the marked improvement of the access way (i.e. paving, straightening, flattening) which would allow for the access to be utilized at a higher speed, or in a different way as in the past, may constitute overburdening of the easement. For these reasons, we request that you waive any requirement to make any substantial improvements to the existing access way which is not on the Shayganfar property.

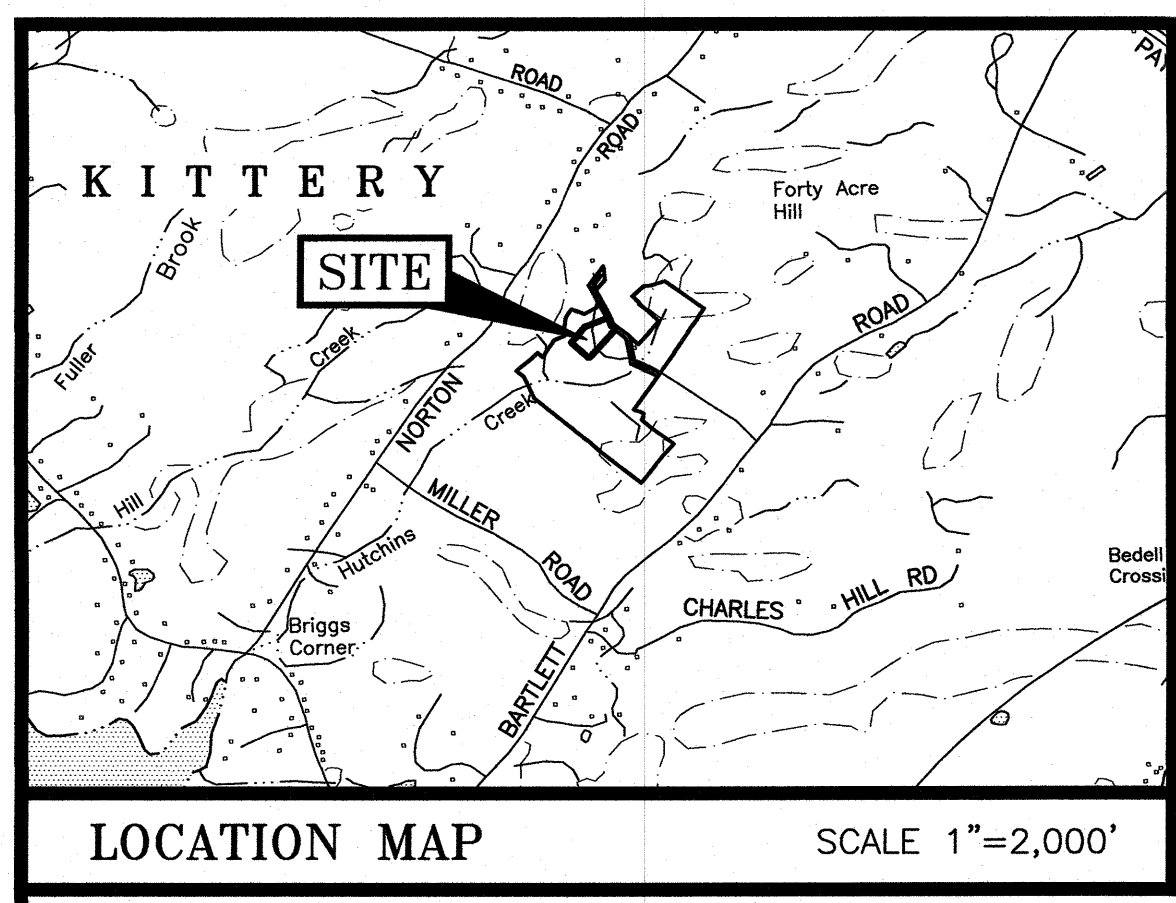
We look forward to the Board's review and comment on the merits of the requested waivers.

Sincerely,



Paul Dobberstein, PLS
Ambit Engineering, Inc.

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LEGEND:

N/F NOW OR FORMERLY
 RP RECORD OF PROBATE
 YCRD YORK COUNTY REGISTRY OF DEEDS

MAP 11/LOT 21

IR/IR FND IRON ROD/PIPE FOUND
 IR SET IRON ROD SET
 DH FND DRILL HOLE FOUND
 DH SET DRILL HOLE SET

WETLAND LINE
 WB WETLAND BUFFER LINE
 VP VERNAL POOL LIMIT
 SVPH SIGNIFICANT VERNAL POOL HABITAT LINE

CONTIGUOUS BUILDABLE AREA

VP1 VERNAL POOL IDENTIFIER

PROPOSED LOT AREAS (SQUARE FEET)

LOT	TOTAL AREA	CONTIGUOUS UPLAND AREA	CONTIGUOUS BUILDABLE AREA	CONTINUOUS FRONTAGE
ADJUSTED 10-5	127,179	111,359	60,640	678.34 FEET (300.62 FEET ON PINKHAM'S LANE)
LOT 1	51,331	49,493	25,353	150.00 FEET
LOT 2	110,040	75,528	11,101	177.18 FEET
LOT 3	67,617	66,847	15,080	150.00 FEET
LOT 4	51,109	49,135	11,801	150.00 FEET
LOT 5	44,487	24,104	7,085	463.33 FEET (340.13 FEET ON PINKHAM'S LANE)
LOT 6	494,450	220,814	28,351	595.37 FEET
LOT 7	274,942	14,980	14,980	226.60 FEET
OPEN SPACE	549,643 (28.9% OF PARCEL AREA)	N/A	N/A	N/A

ADDITIONAL ABUTTERS

62-10-1 N/F PAUL R. LeBLANC & VICTORIA O. LeBLANC 28 PINKHAM'S LANE KITTERY POINT, ME 03905 3299/132 PB 167/15

62-10-4 N/F CORRINE A. ESCHLER GAGNON 33 PINKHAM'S LANE KITTERY POINT, ME 03905 15074/765 PB 317/27

62-10-2 N/F DANIEL J. HANNIGAN & BONNIE CHOATE HANNIGAN PO BOX 224 KITTERY POINT, ME 03905 12954/232 PB 167/15

62-9-7 N/F ASHEN WOODS CONDOMINIUM 10097/114 PB 166/30 CONDO FILE 507/1

62-10-3 N/F AMY S. HATTAN & DAVID P. HATTAN 32 PINKHAM'S LANE KITTERY POINT, ME 03905 15792/664 PLAN REF. 2

62-10-5 N/F DARRYL SCOTT MANGIAFICO & JOSEPH W. MANGIAFICO 34 PINKHAM'S LANE KITTERY POINT, ME 03905 16717/687

62-10-6 N/F TED RAY REED 27 OLD GORDON ROAD BRENTWOOD, NH 03833 3163/104

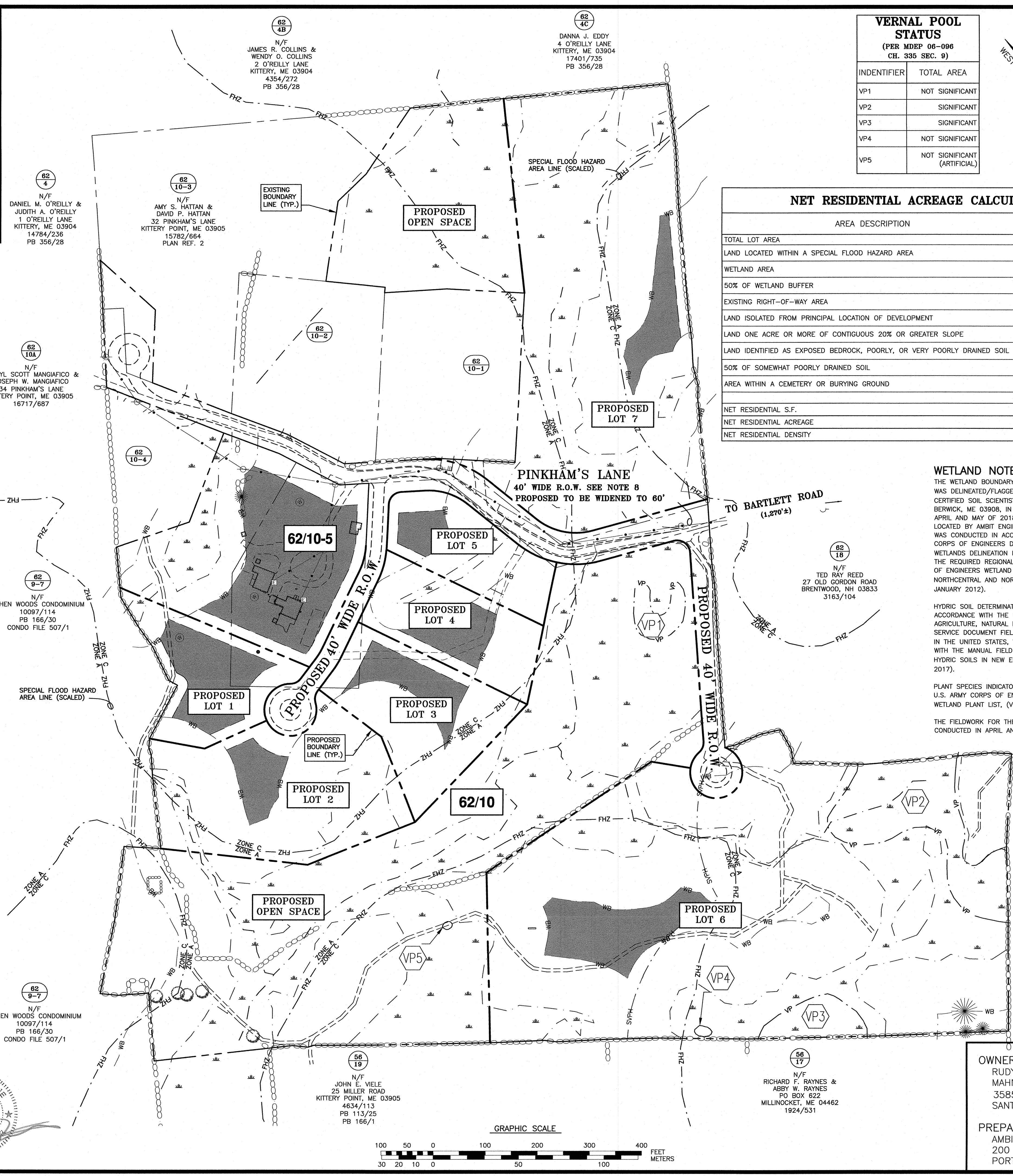
62-10-7 N/F MICHAEL L. LANE REVOCABLE TRUST MICHAEL L. LANE, TRUSTEE 3 PINKHAM'S LANE KITTERY POINT, ME 03905 16846/459

62-10-8 N/F JOHN E. WIELE 25 MILLER ROAD KITTERY POINT, ME 03905 4634/113 PB 113/25 PB 166/1

62-10-9 N/F RICHARD F. RAYNES & ABBY W. RAYNES PO BOX 622 MILLINOCKET, ME 04462 1924/531

THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CHAPTER 90 STANDARDS OF PRACTICE, EFFECTIVE DATE APRIL 1, 2001 EXCEPT AS NOTED ON THIS PLAN.

PAUL A. DOBBERSTEIN, PLS #2526
 DATE 11/19/2018



VERNAL POOL STATUS
 (PER MDEP 06-096 CH. 335 SEC. 9)

IDENTIFIER	TOTAL AREA
VP1	NOT SIGNIFICANT
VP2	SIGNIFICANT
VP3	SIGNIFICANT
VP4	NOT SIGNIFICANT
VP5	NOT SIGNIFICANT (ARTIFICIAL)

NET RESIDENTIAL ACREAGE CALCULATION

AREA DESCRIPTION	AREA (S.F.)
TOTAL LOT AREA	1,900,235
LAND LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA	915,627
WETLAND AREA	190,602
50% OF WETLAND BUFFER	142,075
EXISTING RIGHT-OF-WAY AREA	55,153
LAND ISOLATED FROM PRINCIPAL LOCATION OF DEVELOPMENT	11,908
LAND ONE ACRE OR MORE OF CONTIGUOUS 20% OR GREATER SLOPE	0
LAND IDENTIFIED AS EXPOSED BEDROCK, POORLY, OR VERY POORLY DRAINED SOIL	123,108
50% OF SOMEWHAT POORLY DRAINED SOIL	0
AREA WITHIN A CEMETERY OR BURYING GROUND	438
NET RESIDENTIAL S.F.	461,324
NET RESIDENTIAL ACREAGE	10.59
NET RESIDENTIAL DENSITY	10

WETLAND NOTES:

THE WETLAND BOUNDARY AS DEPICTED ON THIS PLAN WAS DELINEATED/FLAGGED BY JOSEPH W. NOEL, MAINE CERTIFIED SOIL SCIENTIST #209, PO BOX 174 SOUTH BERWICK, ME 03908, IN NOVEMBER OF 2017 AND APRIL AND MAY OF 2018. THE FLAGS WERE SURVEY LOCATED BY AMBIT ENGINEERING, INC. THE DELINEATION WAS CONDUCTED IN ACCORDANCE WITH THE U.S. ARMY CORPS OF ENGINEERS DOCUMENT CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL (1987) ALONG WITH THE REQUIRED REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, (VERSION 2, JANUARY 2012).

HYDRIC SOIL DETERMINATIONS WERE CONDUCTED IN ACCORDANCE WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE DOCUMENT FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 8.0 (2016) ALONG WITH THE MANUAL FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND (VERSION 4, MAY 2017).

PLANT SPECIES INDICATOR STATUS WAS BASED ON THE U.S. ARMY CORPS OF ENGINEERS 2016. NATIONAL WETLAND PLANT LIST, (VERSION 3.3, 2016).

THE FIELDWORK FOR THE VERNAL POOL SURVEY WAS CONDUCTED IN APRIL AND MAY OF 2018.

AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors

200 Griffin Road, Unit 3
 Portsmouth, N.H. 03801-7114
 Tel (603) 430-9282
 Fax (603) 436-2315

- NOTES:**
- PARCELS ARE SHOWN ON THE TOWN OF KITTERY ASSESSOR'S MAP 62 AS LOTS 10 & 10-5.
 - OWNERS OF RECORD:
 RUDY E. SHAYGANFAR & MAHNI SHAYGANFAR
 3585 AGATA DRIVE, #201
 SANTA CLARA, CA 95051
 17810/763 & 17831/97
 PLAN BOOK 395 PAGE 33
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 - EXISTING LOT AREAS:
 MAP 62 LOT 10
 1,807,955 S.F.
 41.5049 ACRES
 MAP 62 LOT 10-5
 92,280 S.F.
 2.1184 ACRES
 - PARCELS ARE LOCATED IN THE RESIDENTIAL-RURAL (R-RL) ZONING DISTRICT AND PORTIONS ARE SUBJECT TO THE RESOURCE PROTECTION (OZ-RP) OVERLAY ZONE.
 - DIMENSIONAL REQUIREMENTS:
 MIN. LOT AREA: 40,000 S.F.
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 SETBACKS: FRONT 40 FEET
 SIDE 20 FEET
 REAR 20 FEET
 MAXIMUM STRUCTURE HEIGHT: 35 FEET
 MAXIMUM BUILDING COVERAGE: 15%

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- PINKHAM'S LANE WAS APPROVED BY THE TOWN OF KITTERY PLANNING BOARD APRIL 14, 1988. SEE Y.C.R.D. PB 167/15.
- WETLANDS WERE DELINEATED BY JOSEPH W. NOEL, SS. WETLAND FLAGS WERE FIELD LOCATED BY AMBIT ENGINEERING, INC.

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	11/15/18

SUBDIVISION PLAN
TAX MAP 62 - LOTS 10 & 10-5

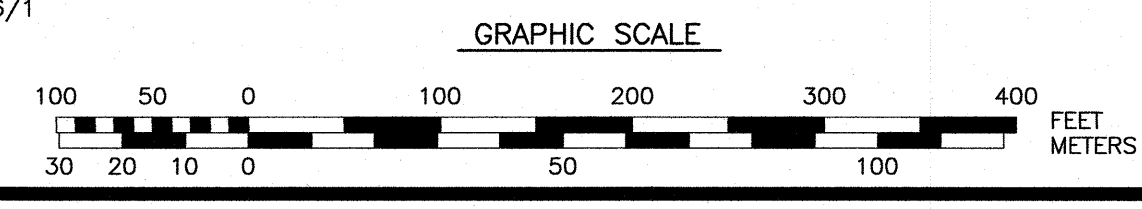
OWNERS:
RUDY E. SHAYGANFAR & MAHNI SHAYGANFAR

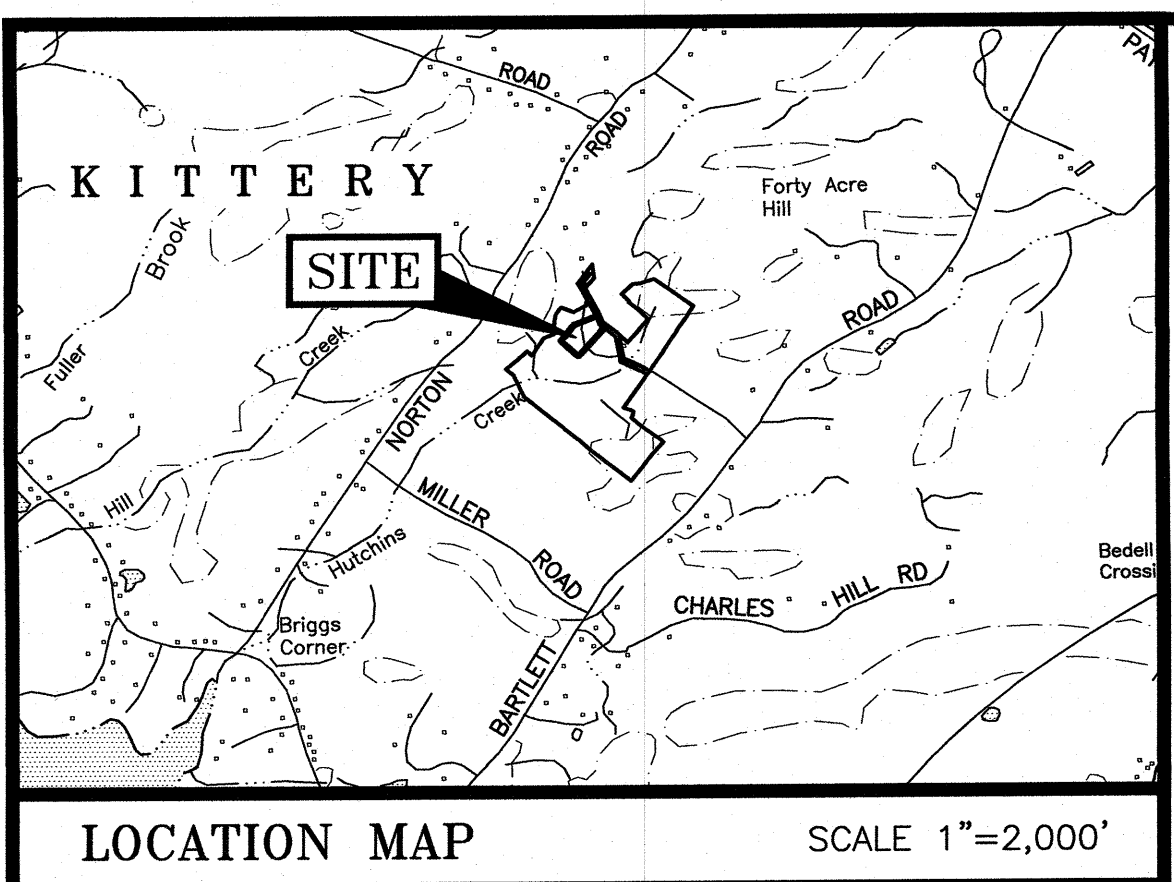
PROPERTY LOCATED AT:
25 PINKHAM'S LANE
 TOWN OF KITTERY
 COUNTY OF YORK
 STATE OF MAINE

OWNER & APPLICANT:
 RUDY E. SHAYGANFAR & MAHNI SHAYGANFAR
 3585 AGATA DRIVE, #201
 SANTA CLARA, CA 95051

PREPARED BY:
 AMBIT ENGINEERING
 200 GRIFFIN ROAD UNIT 3
 PORTSMOUTH, N.H. 03801

SCALE 1"=100'
 SHEET 1 OF 5
 NOVEMBER 2018





LEGEND:

N/F NOW OR FORMERLY
 RP RECORD OF PROBATE
 YCRD YORK COUNTY REGISTRY OF DEEDS

MAP 11/LOT 21

○ IR/IR FND IRON ROD/PIPE FOUND
 ● IR SET IRON ROD SET
 ○ DH FND DRILL HOLE FOUND
 ● DH SET DRILL HOLE SET

..... NRCS SOILS LINE
 Lnc NRCS SOILS CLASSIFICATION

■ CONTIGUOUS BUILDABLE AREA

NRCS SOILS CLASSIFICATIONS

Bm BIDDEFORD MUCKY PEAT, 0-3% SLOPES (VERY POORLY DRAINED)
 Lnc LYMAN LOAM, 8-15% SLOPES, ROCKY (SOMEWHAT EXCESSIVELY DRAINED)
 Lnd LYMAN LOAM, 15-25% SLOPES, ROCKY (SOMEWHAT EXCESSIVELY DRAINED)
 Sc SCANTIC SILT LOAM, 0-3% SLOPES (POORLY DRAINED)

PROPOSED LOT AREAS (SQUARE FEET)

LOT	TOTAL AREA	CONTIGUOUS UPLAND AREA	CONTIGUOUS BUILDABLE AREA	CONTINUOUS FRONTAGE
ADJUSTED 10-5	127,179	111,359	60,840	678.34 FEET (300.82 FEET ON PINKHAM'S LANE)
LOT 1	51,331	49,493	25,353	150.00 FEET
LOT 2	110,040	75,528	11,101	177.18 FEET
LOT 3	67,817	66,847	15,080	150.00 FEET
LOT 4	51,109	49,135	11,801	150.00 FEET
LOT 5	44,487	24,104	7,085	340.13 FEET ON PINKHAM'S LANE
LOT 6	494,450	220,814	28,351	595.37 FEET
LOT 7	274,942		14,980	226.60 FEET
OPEN SPACE	549,843 (28.9% OF PARCEL AREA)	N/A	N/A	N/A

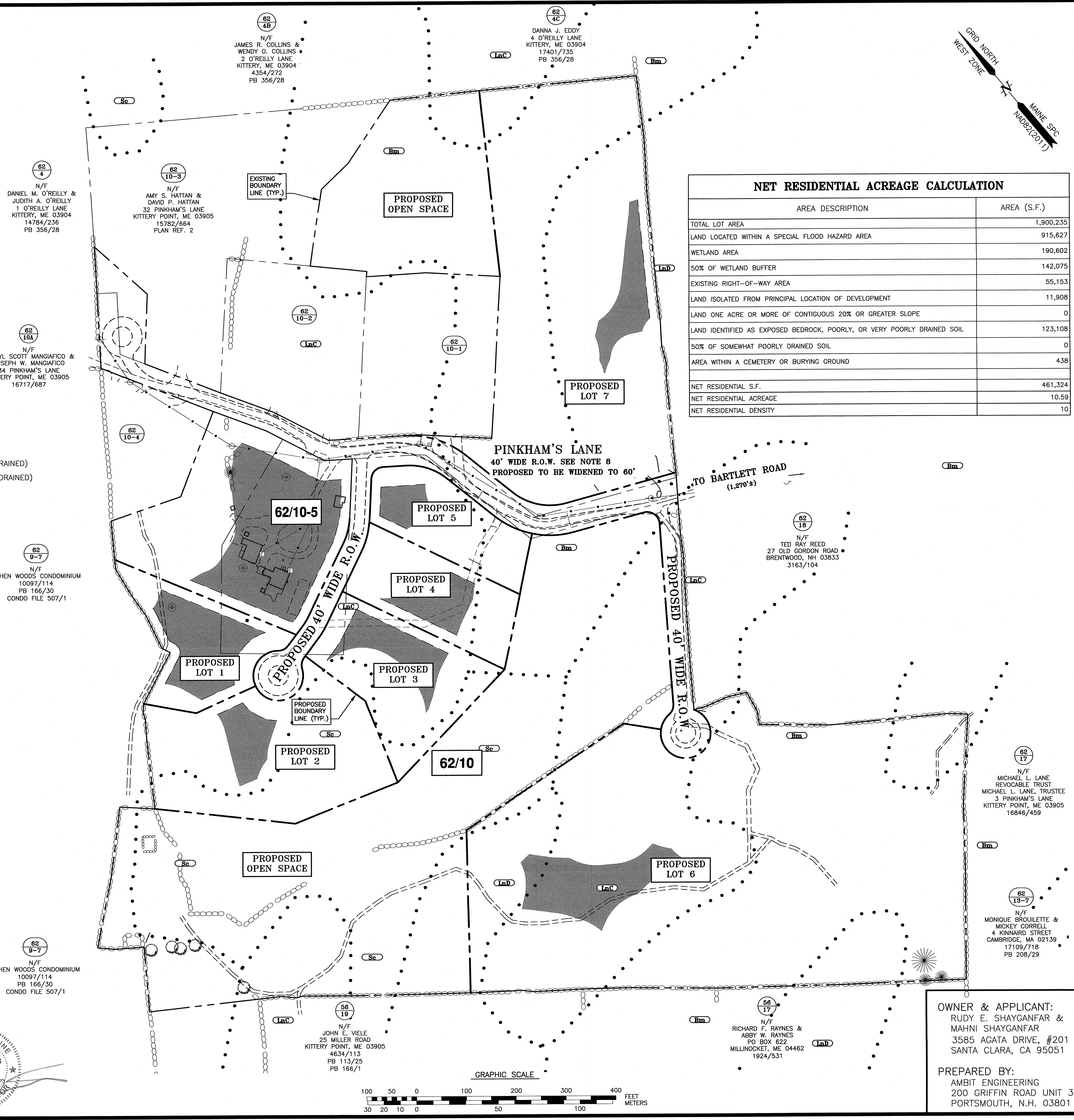
ADDITIONAL ABUTTERS

82-10-1 N/F PAUL R. LeBLANC & VICTORIA O. LeBLANC 28 PINKHAM'S LANE KITTERY POINT, ME 03905 3299/132 PB 167/15

82-10-4 N/F CORRINE A. ESCHLER GAGNON 33 PINKHAM'S LANE KITTERY POINT, ME 03905 15074/765 PB 317/27

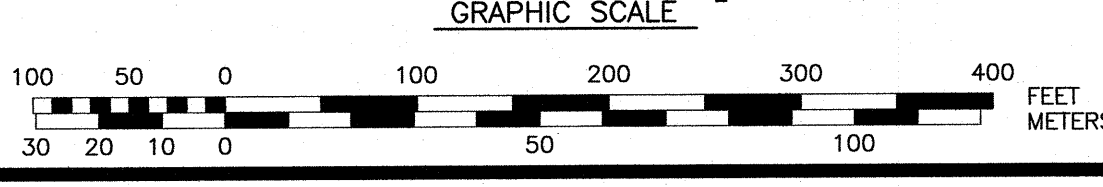
82-10-2 N/F DANIEL J. HANNIGAN & BONNIE CHOATE HANNIGAN PO BOX 224 KITTERY POINT, ME 03905 12954/232 PB 167/15

82-9-7 N/F ASHEN WOODS CONDOMINIUM 10097/114 PB 166/30 CONDO FILE 507/1



NET RESIDENTIAL ACREAGE CALCULATION

AREA DESCRIPTION	AREA (S.F.)
TOTAL LOT AREA	1,900,235
LAND LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA	915,627
WETLAND AREA	190,602
50% OF WETLAND BUFFER	142,075
EXISTING RIGHT-OF-WAY AREA	55,153
LAND ISOLATED FROM PRINCIPAL LOCATION OF DEVELOPMENT	11,908
LAND ONE ACRE OR MORE OF CONTIGUOUS 20% OR GREATER SLOPE	0
LAND IDENTIFIED AS EXPOSED BEDROCK, POORLY, OR VERY POORLY DRAINED SOIL	123,108
50% OF SOMEWHAT POORLY DRAINED SOIL	0
AREA WITHIN A CEMETERY OR BURYING GROUND	438
NET RESIDENTIAL S.F.	461,324
NET RESIDENTIAL ACREAGE	10.59
NET RESIDENTIAL DENSITY	10



THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CHAPTER 90 STANDARDS OF PRACTICE, EFFECTIVE DATE APRIL 1, 2001 EXCEPT AS NOTED ON THIS PLAN.

PAUL A. DOBBERSTEIN, PLS #2526
 DATE: 11/19/2018

AMBIT ENGINEERING, INC.
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NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	11/15/18
	REVISIONS	

SUBDIVISION PLAN
TAX MAP 62 - LOTS 10 & 10-5

OWNERS:
RUDY E. SHAYGANFAR & MAHNI SHAYGANFAR

PROPERTY LOCATED AT:
 25 PINKHAM'S LANE
 TOWN OF KITTERY
 COUNTY OF YORK
 STATE OF MAINE

OWNER & APPLICANT:
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 SANTA CLARA, CA 95051

PREPARED BY:
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 200 GRIFFIN ROAD UNIT 3
 PORTSMOUTH, N.H. 03801

SCALE 1"=100'
 SHEET 2 OF 5
 NOVEMBER 2018

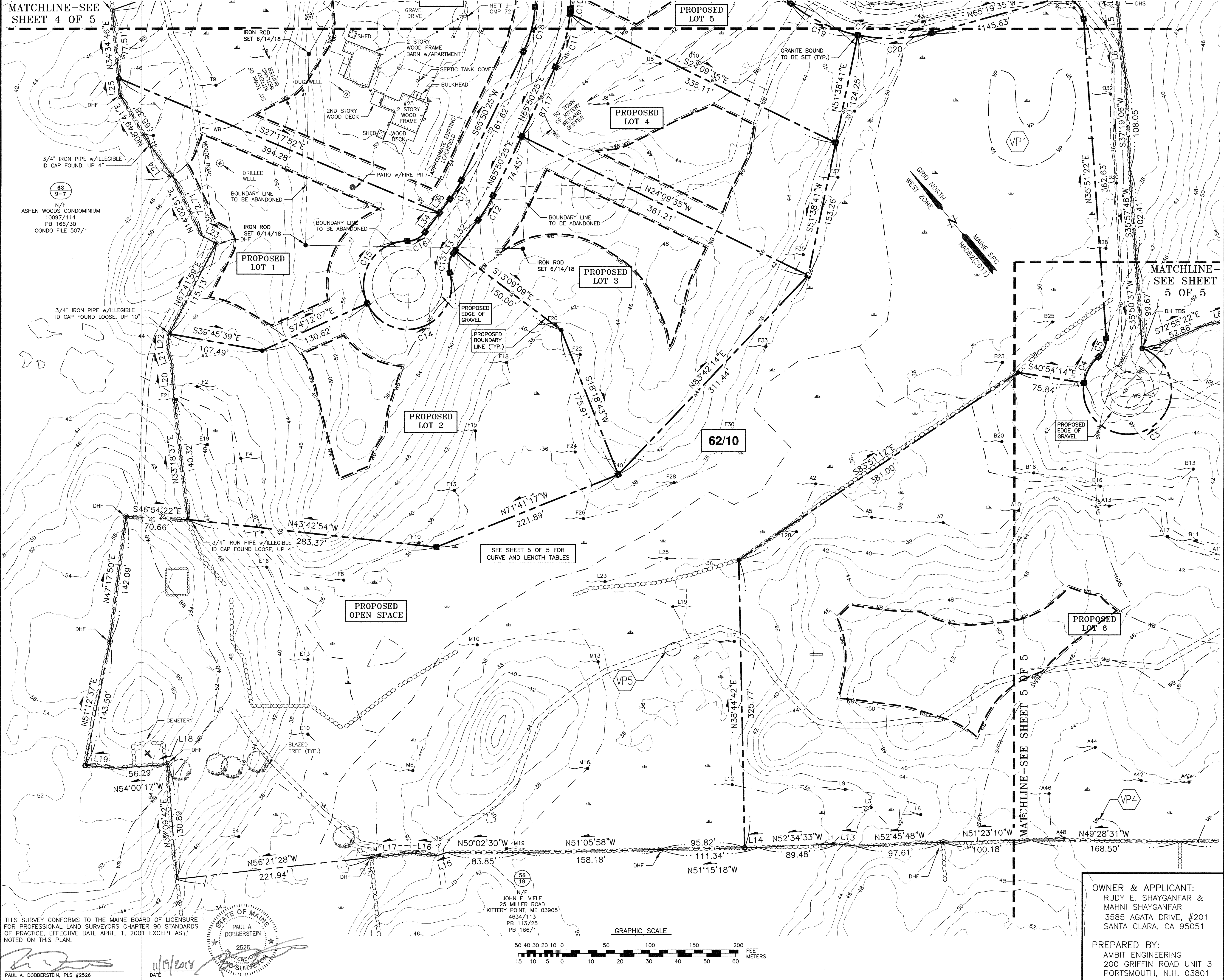
MATCHLINE-SEE SHEET 4 OF 5

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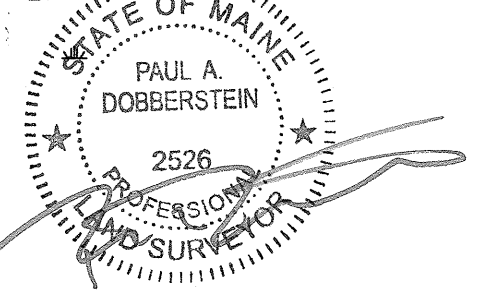
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JOHN E. VIELE
25 MILLER ROAD
KITTEERY POINT, ME 03905
4634/113
PB 113/25
PB 166/1

GRAPHIC SCALE
50 40 30 20 10 0 50 100 150 200
15 10 5 0 10 20 30 40 50 60
FEET METERS

OWNER & APPLICANT:
RUDY E. SHAYGANFAR &
MAHNI SHAYGANFAR
3585 AGATA DRIVE, #201
SANTA CLARA, CA 95051

PREPARED BY:
AMBIT ENGINEERING
200 GRIFFIN ROAD UNIT 3
PORTSMOUTH, N.H. 03801

NO.	DESCRIPTION	DATE
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REVISIONS		

SUBDIVISION PLAN
TAX MAP 62 - LOTS 10 & 10-5

OWNERS:
RUDY E. SHAYGANFAR & MAHNI SHAYGANFAR

PROPERTY LOCATED AT:
25 PINKHAM'S LANE
TOWN OF KITTEERY
COUNTY OF YORK
STATE OF MAINE

SCALE 1"=50'
SHEET 3 OF 5
NOVEMBER 2018



AMBIT ENGINEERING, INC.
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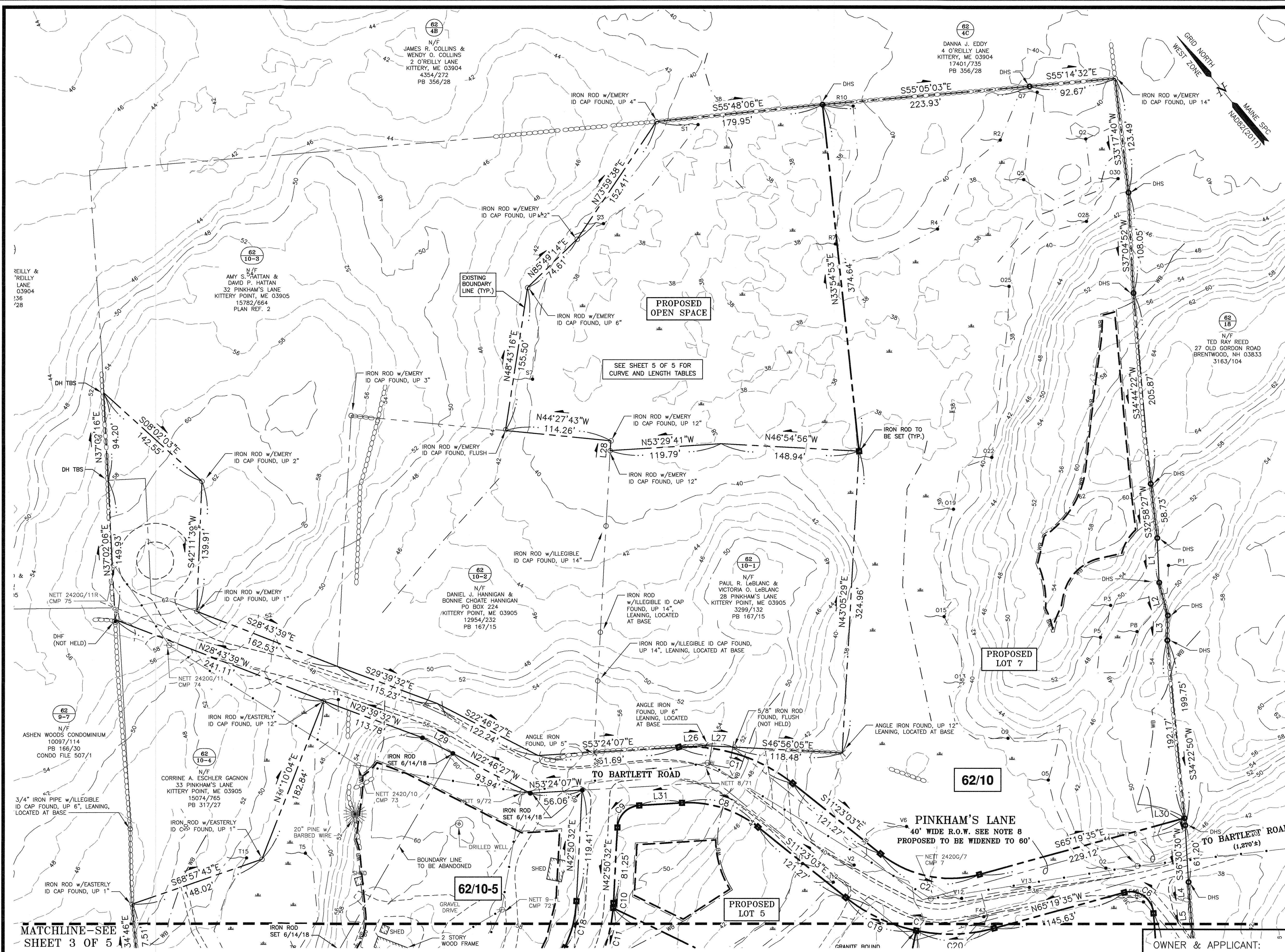
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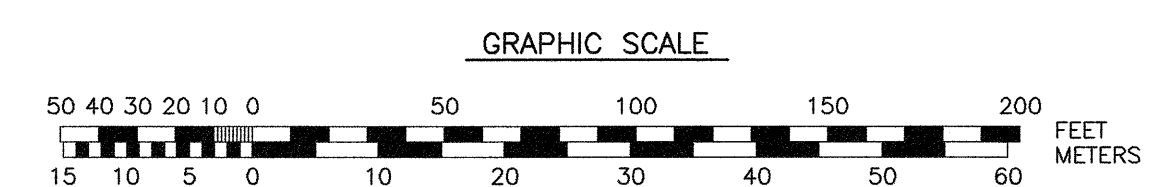
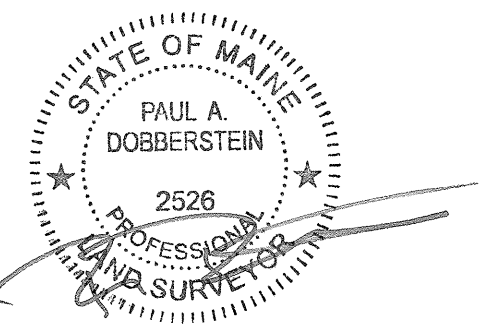
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- 12) SEE SHEET 4 OF 4 FOR CURVE AND LENGTH TABLES.



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PAUL A. DOBBERSTEIN, PLS #2526
DATE 11/15/2018



OWNER & APPLICANT:
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MAHNI SHAYGANFAR
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SANTA CLARA, CA 95051

PREPARED BY:
AMBIT ENGINEERING
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SUBDIVISION PLAN
TAX MAP 62 - LOTS 10 & 10-5

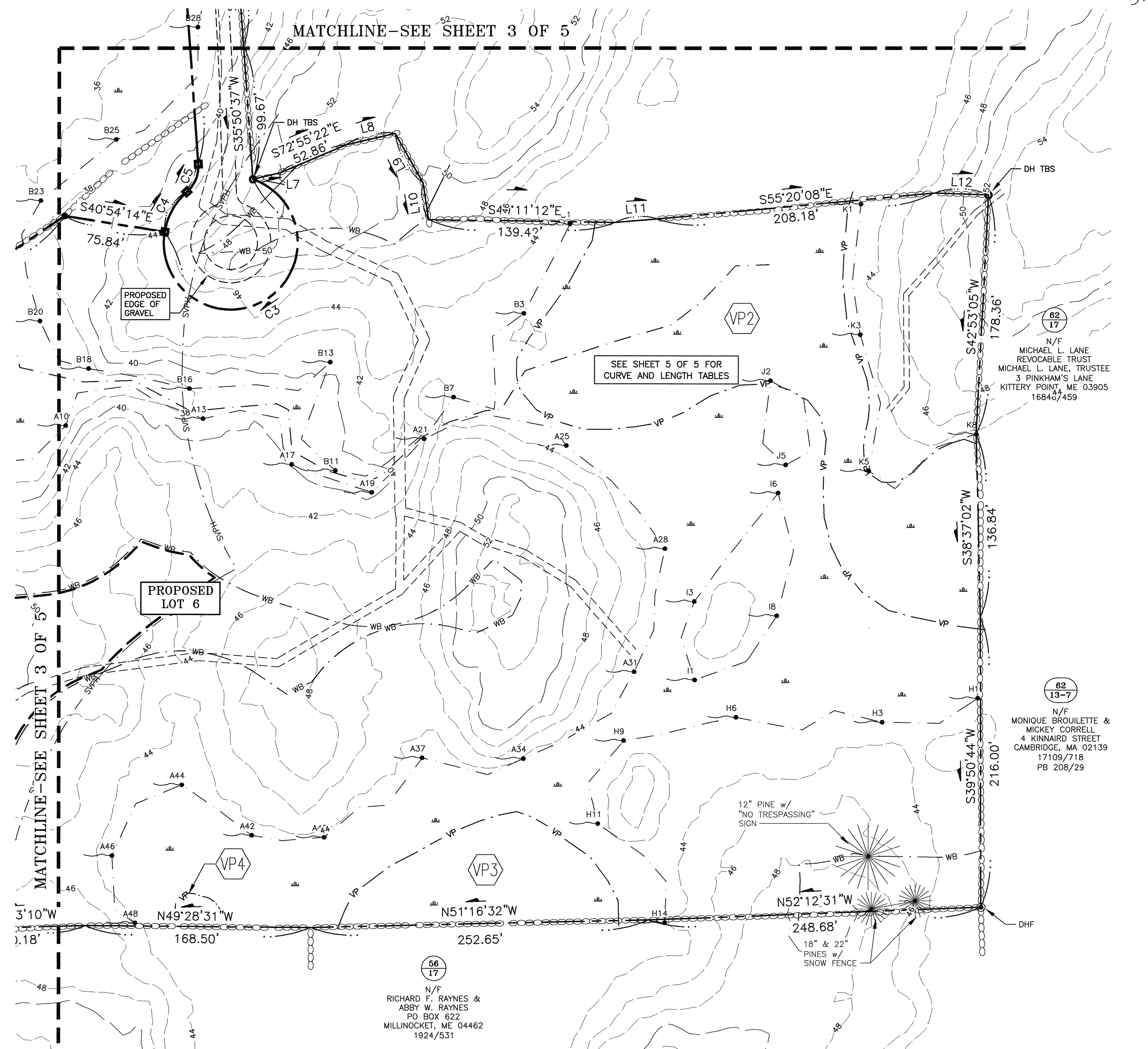
OWNERS:
**RUDY E. SHAYGANFAR &
MAHNI SHAYGANFAR**
PROPERTY LOCATED AT:
25 PINKHAM'S LANE
TOWN OF KITTEERY
COUNTY OF YORK
STATE OF MAINE

LENGTH TABLE

LINE	BEARING	DISTANCE
L1	S37°20'15"W	47.90'
L2	S25°13'52"W	36.60'
L3	S41°12'26"W	26.80'
L4	S35°24'09"W	20.76'
L5	S35°41'38"W	30.01'
L6	S32°28'24"W	46.83'
L7	S63°21'19"E	21.12'
L8	S62°56'25"E	38.05'
L9	S10°31'27"W	42.43'
L10	S31°26'25"W	27.61'
L11	S54°40'04"E	31.50'
L12	S48°03'49"E	40.36'
L13	N43°30'00"W	22.81'
L14	N51°15'18"W	15.52'
L15	N68°18'50"W	11.84'
L16	N44°17'49"W	30.26'
L17	N56°21'28"W	44.73'
L18	N67°38'52"W	2.62'
L19	N44°47'39"W	34.68'
L20	N36°19'19"E	39.08'
L21	N22°10'11"E	14.69'
L22	N44°18'58"W	18.06'
L23	N21°28'23"W	18.79'
L24	N04°22'05"E	45.34'
L25	N34°34'46"E	19.87'
L26	S53°24'07"E	27.77'
L27	S46°54'56"E	30.43'
L28	N45°19'07"E	10.58'
L29	N22°46'27"W	36.85'
L30	S34°22'50"W	7.58'
L31	N53°24'07"W	46.12'
L32	S76°50'51"W	42.89'
L33	S76°50'51"W	3.83'
L34	N76°50'51"E	27.18'
L35	N76°50'51"E	19.54'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	180.00'	132.00'	129.06'	S32°23'35"E	42°01'04"
C2	120.00'	112.98'	108.85'	S38°21'19"E	53°56'32"
C3	50.00'	226.60'	76.79'	N80°44'05"W	259°39'42"
C4	50.00'	34.81'	34.11'	N69°02'28"E	39°53'25"
C5	25.00'	23.18'	22.36'	N62°25'16"E	53°07'48"
C6	25.00'	44.15'	38.63'	N14°44'06"W	101°10'57"
C7	180.00'	169.46'	163.27'	S38°21'19"E	53°56'32"
C8	120.00'	88.00'	86.04'	N32°23'35"W	42°01'04"
C9	25.00'	36.55'	33.38'	S84°43'12"W	83°45'21"
C10	170.00'	5.41'	5.41'	S43°45'12"W	1°49'21"
C11	170.00'	62.83'	62.47'	S55°15'09"W	21°10'33"
C12	170.00'	32.66'	32.61'	S71°20'38"W	11°00'26"
C13	25.00'	23.18'	22.36'	S50°16'57"W	53°07'48"
C14	50.00'	150.17'	99.76'	N70°14'32"W	172°04'50"
C15	50.00'	99.64'	83.95'	N72°53'16"E	114°10'47"
C16	25.00'	23.18'	22.36'	N76°35'14"W	53°07'48"
C17	130.00'	24.97'	24.94'	N71°20'38"E	11°00'26"
C18	130.00'	52.18'	51.83'	N54°20'29"E	22°59'53"
C19	180.00'	84.73'	83.95'	N24°52'11"W	26°58'16"
C20	180.00'	84.73'	83.95'	N51°50'27"W	26°58'16"



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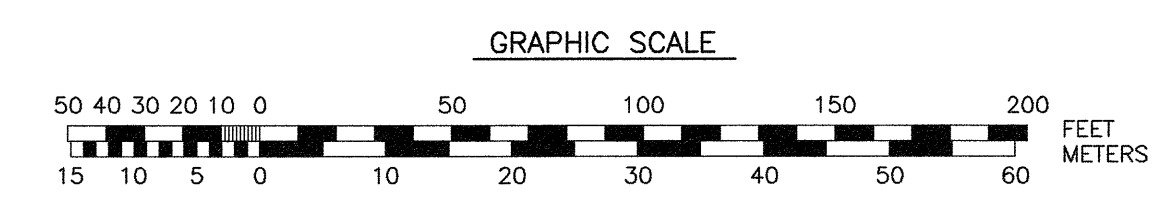
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