

## Town of Kittery Planning Board Meeting August 9, 2018

### Andrews Cluster Subdivision - Sketch Plan Review

Action: Accept or deny application. Approve or deny sketch plan. Owner /Applicant, Arthur W. Andrews Rev. Trust request consideration of a 11-lot cluster subdivision on 106.82 acres located off Deer Ridge Lane (Tax Map 60, Lot 10) in the Residential Rural (R-RL) and Shoreland Overlay and Resource Protection (OZ-RP & OZ-SL 250') Zones. Agent is Jeff Clifford, P.E., Altus Engineering.

#### PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
Yes	Sketch Plan Review / Concept Approval	Scheduled for 8/09/2018	PENDING
No	Site Visit		
Yes	Preliminary Plan Review Completeness/Acceptance		
Yes	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

Planning Board review of the proposed development is required by 16.10.3.1, General Development, Site and Subdivision Plans Review, because it is a cluster subdivision. The first lot was subdivided from the Andrews family parcel in 1982 with additional lots that followed in 1987, 2000, 2004 and 2017 thereby defining the current parcel and Deer Ridge Lane right-of-way. The proposed development is an 11-lot cluster subdivision that will consist of seven (7) lots serviced by a proposed 660 foot roadway off of Deer Ridge Lane. The other four (4) lots will be serviced by the existing Deer Ridge Lane.

### Staff Review

1. The applicant is proposing an 11-lot cluster subdivision with modified street frontage, minimum lot size and minimum front, side and rear yard setback standards. A cluster subdivision is a permitted use in the R-RL zone. All requested modified dimensional standards are depicted on sheet CC-3.
2. All of the required submittal items have been provided per 16.10.4.2.2. A standard boundary survey has been completed for the subject parcel and is include with the plan set.
3. The applicant provides a list of deductions to determine the lot's Net Residential Area (NRA) and open space requirements on sheet CC-3.
4. Per 16.8.11.6.E.1, 50% of the total property, approximately 20.2 acres, is required to be maintained as designated open space. The applicant is proposing 98.13 acres of open space however, open space is not specifically identified on the site plan. The preliminary plan should show the total area of open space provided plus the total upland not being developed. It should be noted that they are well exceeding the open space requirement. The preliminary plan also needs any proposed recreational use of the open space, i.e. passive recreation areas.

5. The lots will be serviced by municipal water: an existing 8" main along Deer Ridge Lane and a proposed 6" main extended along the new roadway. The proposed lots are within a significant sand and gravel aquifer and/or the Shoreland Water Body/Wetlands Protection Area (OZ-SL-250), therefore the lots will require an advance pre-treatment aeration at each subsurface wastewater disposal system. The proposed lot sizes of 20,000 – 25,000 sf are permitted (16.8.11.6). The remaining area necessary to achieve a 40,000 sf lot size must be preserved in open space.
6. The proposed development includes a 20-foot paved roadway, 660-feet in length with an emergency access turnaround. Based upon 16.8, Table 1 Road Standards the proposed is considered a Class II road based upon the number of residences that will be utilizing the road. The cul-de-sac length requirement for this classification is 600 feet. From the plans, it is not clear how the 660-feet was measured – to what endpoint. The proposed road is shown to be 660 feet in length the road standards of Deer Ridge Lane is a private roadway that is maintained by an existing *Declaration of Rights, Restrictions and Covenants, Deer Ridge Lane Associates*, recorded at Y.C.R.D book 17344 pages 667-676. It is proposed to be extended 100+- feet to an overall length of 1,014 feet with an emergency access turnaround provided. Based upon 16.8, Table 1 Road Standards, Deer Ridge Lane will be considered a Minor Street with a maximum cul-de-sac length of 1,200-feet so it appears that requirement will be met. The proposed street does not appear to include sidewalks. If the applicant does not intend to include sidewalks, as required by Table 1, 16.8.4, a waiver from the Planning Board is required. A street naming application is now online and the application should be submitted as part of the preliminary plan application.
7. 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 250' Shoreland Water Body/Wetlands Protection buffer impacting six (6) of the proposed lots. A special exception according to Section 16.3.2.19.B (1) (b) [1] will be required for those lots. No formal buffering is depicted on the sketch plan, however the proposed development contains sizeable wetlands, of which the setbacks are to remain no-cut, no-disturb creating a natural buffer.
8. All lots appears to be regularly shaped and meet the lot shape standards (16.8.16.1).
9. Designated snow removal sites are not currently depicted on the sketch plan. Proposed locations for snow removal should be depicted on the preliminary plan.

**Recommendation**

The sketch plan submittal appears substantially complete and in general compliance with the standards of Title 16. The Board may request additional information if necessary to continue the review. If the Board determines no further information is needed, the Board may accept and approve the sketch plan application.

***Move to accept the sketch plan application dated July 19, 2018 From Owners / applicant Arthur W. Andrews Rev. Trust for an 11-lot cluster subdivision located off of Deer Ridge Lane (Tax Map 60 Lot 10) in the Residential Rural and Shoreland Overlay and Resource Protection (OZ-RP & OZ-SL 250') Zones.***

***Move to approve the sketch plan (CC-3) dated July 19, 2018 From Owners / applicant for Arthur W. Andrews Rev. Trust an 11-lot cluster subdivision located off of Deer Ridge Lane (Tax Map 60 Lot 10) in the Residential Rural and Shoreland Overlay and Resource Protection (OZ-RP & OZ-SL 250') Zones.***

# **Sketch Plan Review Application**

## ***Residential Cluster Subdivision***

**Tax Map 60, Lot 10**

**Cutts Road  
Kittery, Maine**

**July 19, 2018**

*Prepared For:*

**Arthur W. Andrews Rev. Trust**

c/o Mary Thron  
P.O. Box 96  
Kittery Point, Maine 03905  
(207) 439-0889

*Prepared By:*

**Altus Engineering, Inc.**

133 Court Street  
Portsmouth, NH 03801  
Phone: (603) 433-2335  
Fax: (603) 433-4194



Civil  
Site Planning  
Environmental  
Engineering

133 Court Street  
Portsmouth, NH  
03801-4413

July 19, 2018

Kathy Connor, Interim Town Planner  
Town of Kittery  
200 Rogers Road  
Kittery, Maine 03904

Re: **Cluster Subdivision**  
**Map 60, Lot 10**  
**Cutts Road**  
**Kittery, Maine**  
**P-4795**

Dear Ms. Connor:

Altus Engineering, Inc. is pleased to submit on behalf of the applicant, Arthur W. Andrews Rev. Trust, c/o Mary Thron, an *Application for Cluster Development – Sketch Plan Review* to the Kittery Planning Board for a proposed 11-lot clustered subdivision at the subject 106.8(±) acre property located on the south side of Deer Ridge Lane. This Sketch Plan submission includes the following materials:

- Application for Cluster Development - Sketch Plan Review (15 copies)
- Check in the amount of \$300.00 for the Application Fee
- Project Narrative (15 copies)
- Sketch Review Plans – (5 full size and 10 half size sets)

The applicant seeks to be placed on the August 9, 2018 Planning Board agenda. Please call if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey K. Clifford".

Jeffrey K. Clifford, P.E.  
Vice President

rmb/4795.001.town.planner.ltr.doc  
Enclosures

e-copy (w/encl.):  
Mary Thron



# TOWN OF KITTERY MAINE

## TOWN PLANNING AND DEVELOPMENT DEPARTMENT

200 Rogers Road, Kittery, Maine 03904

Phone: (207) 475-1323

Fax: (207) 439-6806

[www.kittery.org](http://www.kittery.org)

### CLUSTER DEVELOPMENT - SKETCH PLAN REVIEW

<b>Application Fee:</b>		<input checked="" type="checkbox"/> \$300.00		<b>Amount Paid:</b> \$ _____		<b>Date:</b> _____	
<b>PROPERTY DESCRIPTION</b>	Parcel ID	Map	60	Zone(s)-Base:	R-RL	Total Land Area	106.8(+/-) ac.
		Lot	10	Overlay:	OZ-RP & OZ-SL-250'	MS4	___ YES <input checked="" type="checkbox"/> NO
	Physical Address	Cutts Road					
<b>PROPERTY OWNER'S INFORMATION</b>	Name	Arthur W. Andrews Rev. Trust			<b>Mailing Address</b>	c/o Mary Thron P.O. Box 96 Kittery Point, ME 03905	
	Phone	207-439-0889					
	Fax						
	Email	marythron@comcast.net					
<b>APPLICANT'S AGENT INFORMATION</b>	Name	Jeffrey K. Clifford, P.E.			<b>Name of Business</b>	Altus Engineering, Inc.	
	Phone	603-433-2335					
	Fax				<b>Mailing Address</b>	133 Court Street Portsmouth, NH 03801	
	Email	jclifford@altus-eng.com					

<b>CLUSTER DEVELOPMENT CHECKLIST</b>	<b>Article XI, Chapter 8 – Cluster Residential and Cluster Mixed-Use Development</b> (The following information is required at sketch plan submittal)	
	<b>See Title 16.8.11.5:</b> <input checked="" type="checkbox"/> Dimensional Modifications/Standards Required <input checked="" type="checkbox"/> Non-buildable Areas <input checked="" type="checkbox"/> Net Residential Acreage/Net Residential Density <input checked="" type="checkbox"/> Open Space Calculations (see Title 16.8.11.6)	<input checked="" type="checkbox"/> Development Constraints Map <input checked="" type="checkbox"/> Written Statement <input checked="" type="checkbox"/> Building Envelopes Located

<input checked="" type="checkbox"/>	<b>Property ownership (Title 16.8.11.4)</b>
<b>Existing use(s) of land (describe):</b>	
<p>The first lot was subdivided from the Andrews family parcel in 1982 with additional lots to follow in 1987, 2000, 2004 and 2017 thereby defining the current parcel and Deer Ridge Lane right-of-way. The land, vacant woodlands, is abutted on all sides by single family homes with one of the Andrews' family business to the east.</p>	

## MINIMUM PLAN SUBMITTAL REQUIREMENTS – SKETCH PLAN

- 15 Copies of this Application and Required Information , Vicinity Map, and the Sketch Plan  
(5 of which must be 24"X 36")

### Sketch Plan format and content:

- A) Paper Size; no less than 11" X 17" or greater than 24" X 36"  
 B) Plan Scale  
 Under 10 acres: no greater than 1" = 30'  
 10 + acres: 1" = 50'  
 ~~1" = 100'~~ 1" = 120'  
 C) Title Block  
 Applicant's name and address  
 Name of preparer of plan with professional information  
 Parcel's Kittery tax map identification (map – lot) in bottom right corner

**Vicinity Map – map or aerial photo showing 1,000 feet around the site.**

### In addition to the Cluster Development Checklist requirements, the Sketch Plan must include the following existing and proposed information:

#### Existing:

- Land Use Zone and boundary
- Topographic map (optional)
- Wetlands and flood plains
- Water bodies and water courses
- Parcel area
- Lot dimensions
- Utilities (Sewer/septic, water, electric, phone)
- Streets, driveways and rights-of-way
- Structures

**Proposed:** (Plan must show the lightened existing topography under the proposed plan for comparison.)

- Recreation areas and open space
- Number of lots and lot areas
- Setback lines and building envelopes
- Lot dimensions
- Utilities (Sewer/septic, water, electric, phone)
- Streets, driveways and rights-of-way
- Structures

Distance to:


- Nearest driveways and intersections
- Nearest fire hydrant
- Nearest significant water body

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

#### NOTE TO APPLICANT:

**PRIOR TO A PLANNING BOARD SITE WALK, TEMPORARY MARKERS MUST BE ADEQUATELY PLACED THAT ENABLE THE PLANNING BOARD TO READILY LOCATE AND EVALUATE THE DEVELOPMENT'S DESIGN.**

I certify, to the best of my knowledge, the information provided in this Application is true and correct, abutters to the project have been notified, and I will not deviate from the approved plan without following code requirements. Permission is granted to Town Staff to access the property associated with this application to aid in the regulatory review.

<b>Applicant's Signature:</b>		<b>Owner's Signature:</b>	<hr/>
<b>Date:</b>	<u>7/19/18</u>	<b>Date:</b>	<hr/>

# SKETCH PLAN - PROJECT NARRATIVE

## *Cluster Subdivision*

### *Map 60 – Lot 10*

### **Deer Ridge Lane, Kittery, Maine**

**July 19, 2018**

The applicant is proposing a clustered subdivision on a 106.82 acre parcel located primarily on the south side of Deer Ridge Lane, a private road, off Remick's Lane in Kittery, Maine. The first lot was subdivided from the Andrews family parcel in 1982 with additional lots to follow in 1987, 2000, 2004 and 2017 thereby defining the current parcel and Deer Ridge Lane right-of-way. The land, vacant woodlands, is abutted on all sides by single family homes with one of the Andrews' family business to the east. The land has a number of small wetlands and large wetlands (over 10-acres) systems.

The proposed clustered subdivision includes 11 single family residential lots. The project has been designed to fit harmoniously into the landscape and maintain the rural woodland character of the surrounding area using concepts and guidelines developed for conservation subdivision design. Through the flexibility provided in the ordinance's cluster provisions, the project team found that carefully locating the house lots respected the land's natural features, and provided a community atmosphere.

The project will provide over 98.0(±) acres of protected common open space, encompassing 91% of the total site. The open space is configured to maximize sensitivity to the natural resources within and near the property by providing significant forested buffers to wetlands which connect to woodland tracts on adjacent properties. The open space provides abundant opportunities for nature trails. Covenants and deeded conservation easements will ensure that the common open space will remain protected from further development. A homeowners association will preside over open space and facility maintenance.

A detailed topography survey and a Class A soils survey was performed within the area of the proposed subdivision. Utilizing the Town of Kittery topographic data that's based on lidar survey, a Class C soils survey was performed for the remainder of the site where no development is proposed.

The project does not maximize the allowed density. Based on Kittery Land Use and Development Code (LUDC), the Net Residential Acreage calculation allows for at least 43 lots, while only 11 lots are proposed.



Under a clustered subdivision proposal, the Kittery Land Use and Development Code Zoning Ordinance allows the Planning Board to modify certain design standards. This proposal includes dimensional modifications, most notably in lot size, yard setbacks, and road standards. The modifications allow for the efficient and desirable cluster lot configurations presented on Plan CC-3, thereby maximizing the function and effectiveness of the common open space. The applicant proposes a 20-foot wide paved roadway to maintain the rural character of the area and to minimize impervious surfaces.

Deer Ridge Lane is a private roadway that is maintained by an existing *Declaration of Rights, Restrictions and Covenants, Deer Ridge Lane Association*, recorded at Y.C.R.D. book 17344 pages 667-676. The roadway will be extended 100± feet to an overall length of 1,014 feet, providing an emergency vehicle turnaround area. A proposed 660 foot roadway will be constructed off Deer Ridge Lane to service seven (7) proposed lots. The lots will be serviced by municipal water; an existing 8” main along Deer Ridge Lane and a proposed 6” main extended along the new roadway. There are two (2) existing fire hydrants on Remick’s Lane within 470 feet of Deer Ridge Lane.

The eleven (11) proposed lots are within a significant sand and gravel aquifer and/or the Shoreland Water Body/Wetlands Protection Area (OZ-SL-250’). Therefore the lots will require an advance pre-treatment aeration at each subsurface wastewater disposal system. Additionally, a Special Exception will be requested for the seven (7) lots that are within the OZ-SL-250’ zone.

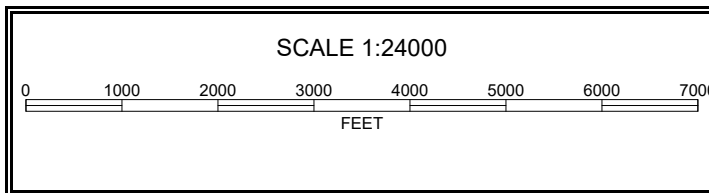
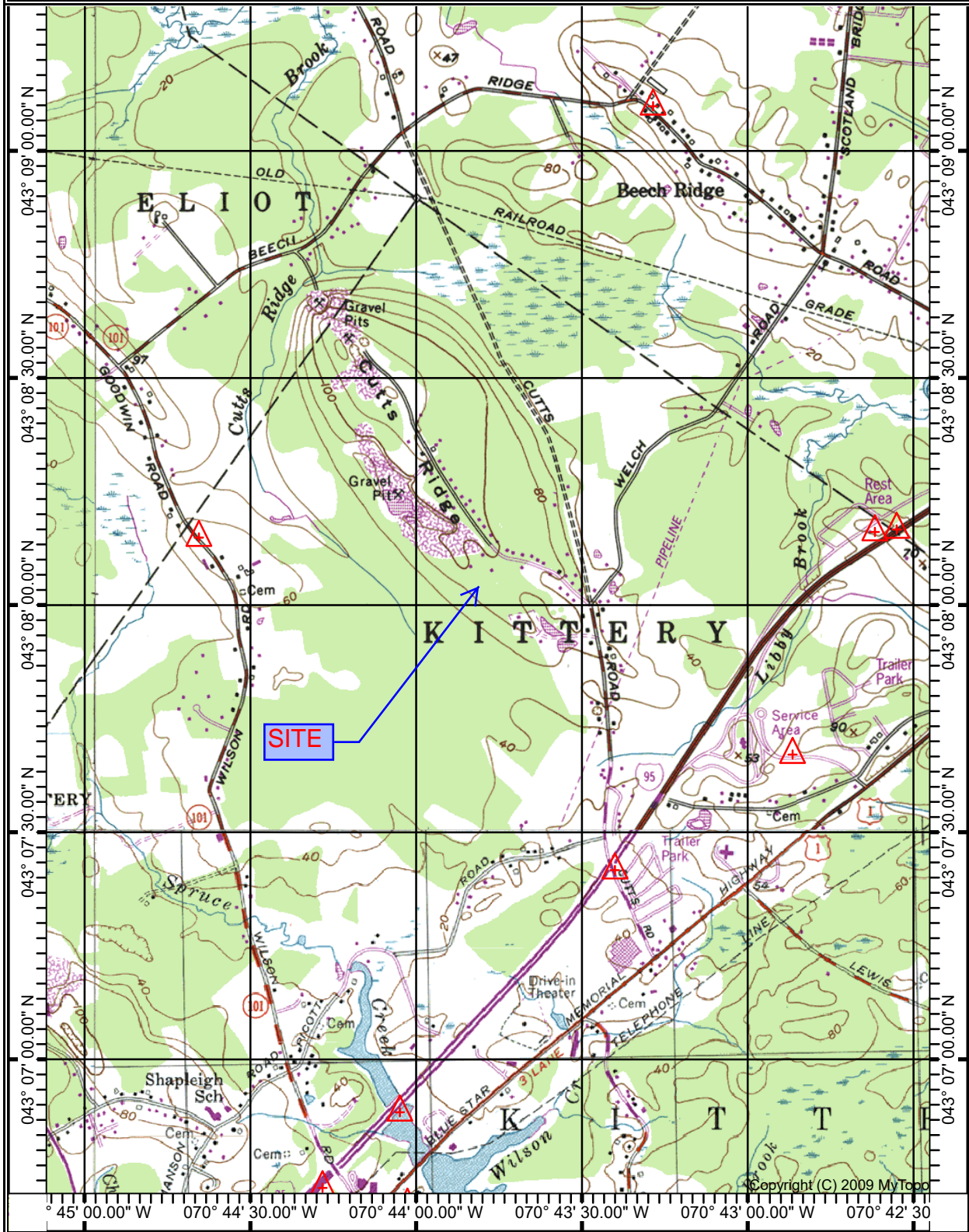
Initial reviews of federal, state and local documents and maps were made of the site. Flood Insurance Rate Maps and Town maps indicate that the only designated floodplain area on the property is located well away from the area of development. The *Beginning with Habitat – High Value Plant and Animal Habitat* showed a potential corridor of New England Cottontail habitat on the southeasterly portion of the property and over 1,500’ from the proposed subdivision. Joe Noel surveyed the property for vernal pools. With assistance from MDIFW, it was determined that only one of the sixteen vernal pools qualified as a Significant Vernal Pool under state regulations. The other vernal pools did not contain a sufficient number of egg masses to even if considered natural; therefore the pools are not subject to state regulation as vernal pools. An April 13, 2018 letter from MDEP confirmed the findings. There will be no development will be within 250 feet of any vernal pools.

The project will require a Stormwater Law License from the MDEP. The rigorous state review process involves a pre-application meeting and detailed analysis of the proposed stormwater management systems as well as erosion and sediment control practices. The applicant is proposing extensive use of best management practices, such as grassed underdrain soil filter and “buffer easements” to address both the stormwater quality and quantity requirements of the state regulations.

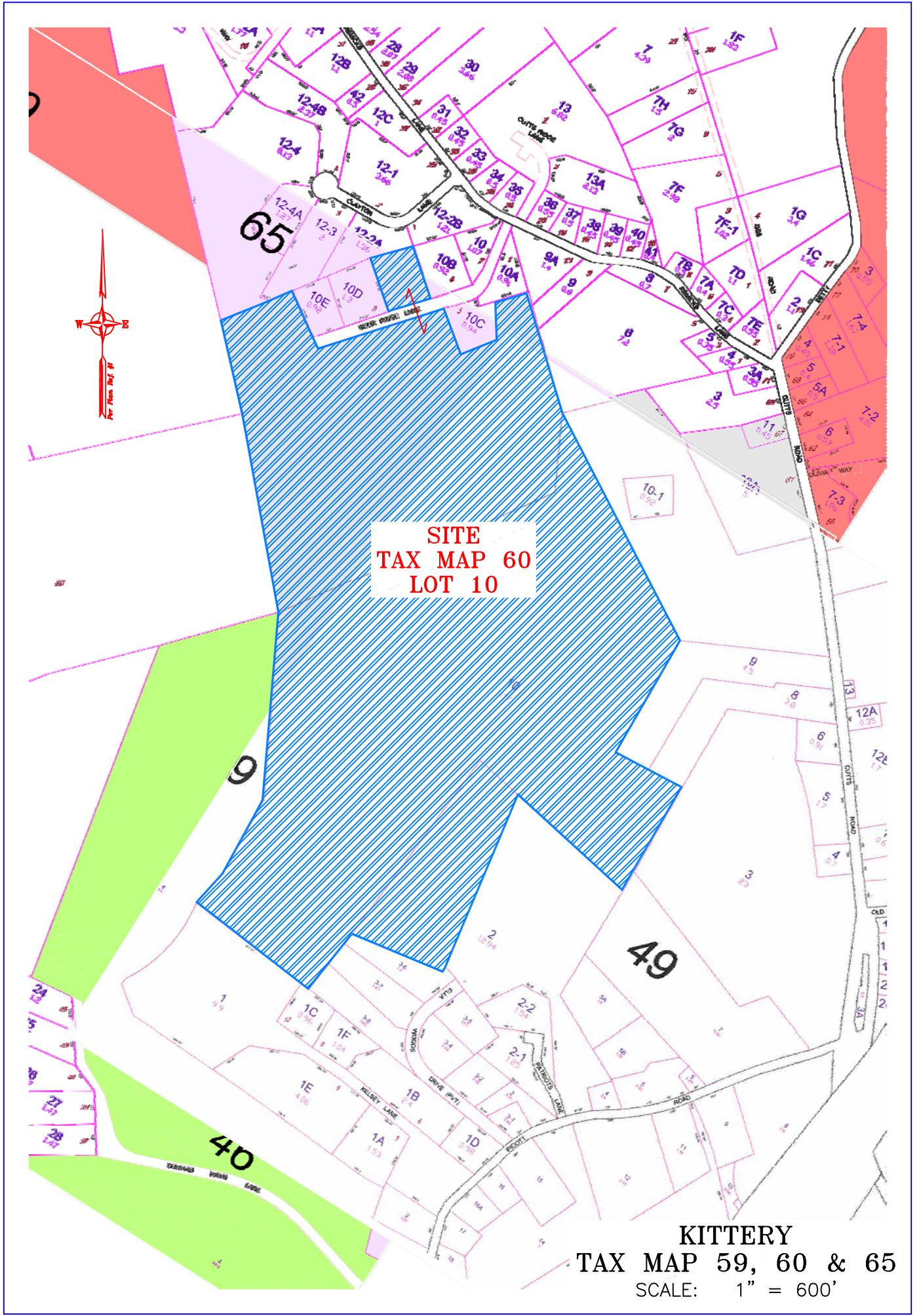
The project team believes that this development concept has been developed with significant sensitivity to the environment and is pleased to present it to the Planning Board for consideration and approval.

Map Name: YORK HARBOR  
Scale: 1 inch = 2,000 ft.

Map Center: 043° 08' 02.84" N 070° 43' 47.02" W  
Horizontal Datum: NAD83

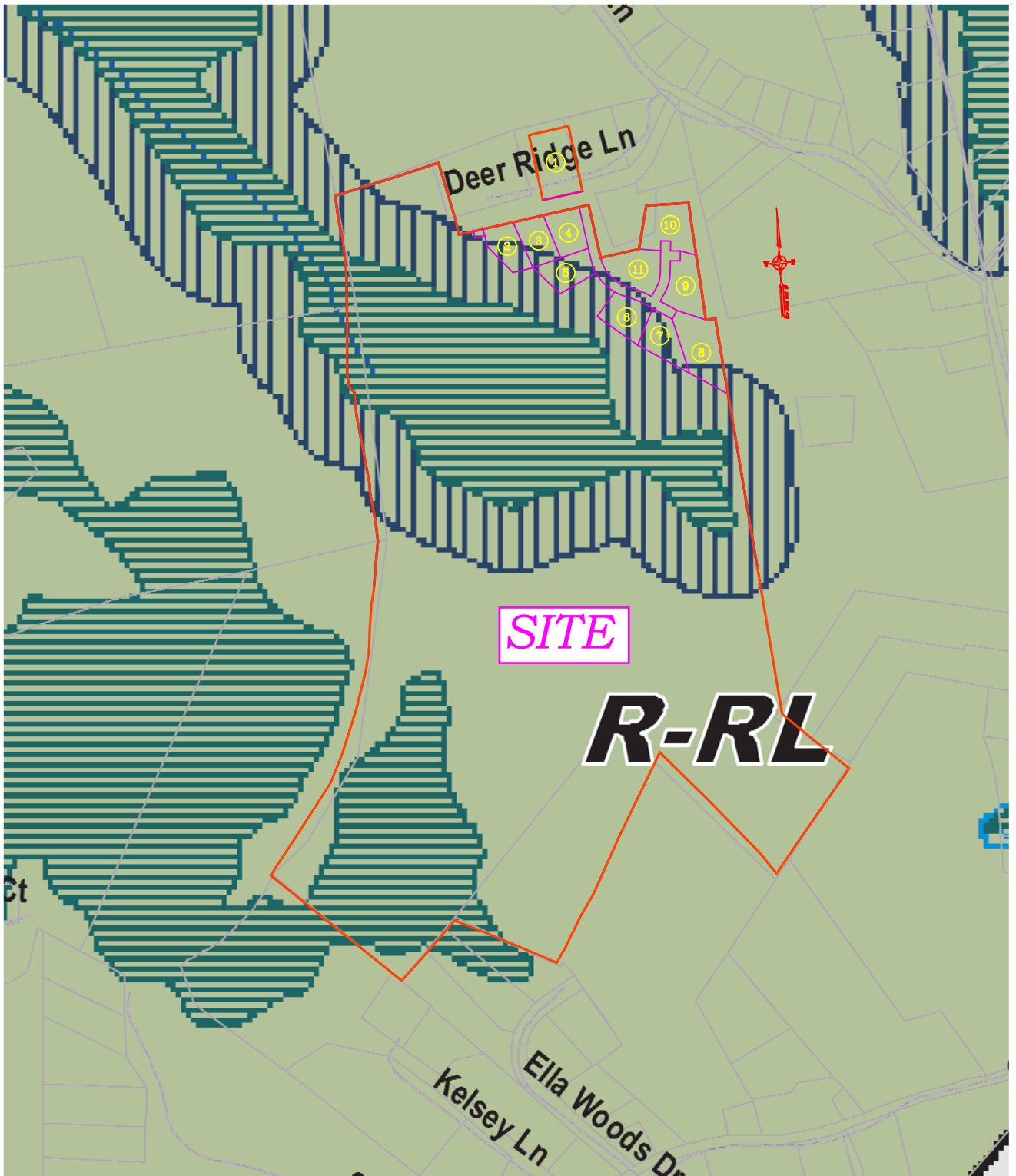


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**SITE  
TAX MAP 60  
LOT 10**

**KITTERY**  
**TAX MAP 59, 60 & 65**  
SCALE: 1" = 600'



Base Zones		
	Residential - Village (R-V)	
	Residential - Urban (R-U)	
	Residential - Kittery Point Village (R-KPV)	
	Residential - Suburban (R-S)	
	Residential - Rural (R-RL)	
	Residential - Rural Conservation (R-RLC)	
	Commercial 1 (C-1)	
	Commercial 2 (C-2)	
	Commercial 3 (C-3)	
	Industrial (IND)	
	Business - Local 1 (B-L1)	
	Business - Local (B-L)	
	Business - Park (B-PK)	
	Mixed Use - Kittery Foreside (MU-KF)	
	Mixed Use (MU)	
	Mixed Use - Badgers Island (MU-BI)	
	Conservation (CON)	
	Transportation - Maine Turnpike (T-MT)	

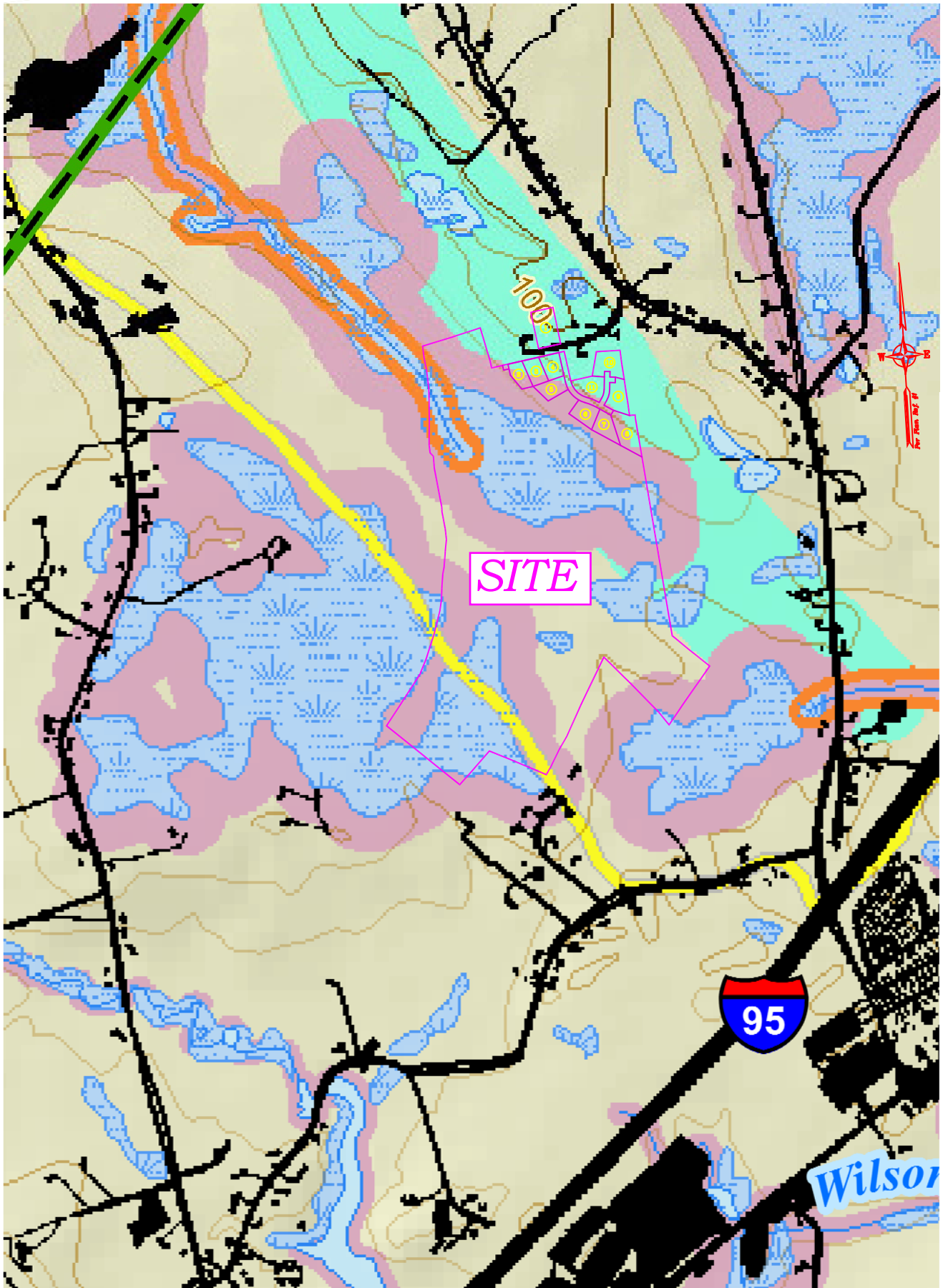
Overlay Zones	
	Resource Protection (OZ-RP)
	Shoreland - Water Body / Wetland Protection Area (OZ-SL-250')
	Shoreland - Stream Protection Area (OZ-SL-75')
	Commercial Fisheries / Maritime Uses (OZ-CFMU) are located within the upland area 75 feet of the normal high-water line or to the property boundary line as identified on the Zoning Map.

**LAND USE ZONING MAP**  
 SCALE: 1" = 600'

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BEGINNING WITH HABITAT – MAP 1  
WATER RESOURCES & RIPARIAN HABITATS

SCALE: 1" = 1,000'



# BEGINNING WITH HABITAT

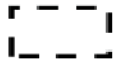
## MAP 1

### LEGEND

This map depicts riparian areas associated with major surface water features and important public water resources. This map does not depict all streams or wetlands known to occur on the landscape and should not be used as a substitute for on the ground surveys. This map should be used as a planning reference only and is intended to illustrate the natural hydrologic connections between surface water features. Protecting riparian habitats protects water quality, maintains habitat connections, and safeguards important economic resources including recreational and commercial fisheries.



**Selected Town or Area**



**Organized Township Boundary**



**Unorganized Township**



**Developed-** Impervious surfaces including buildings and roads



**Drainage divides** - These are the smallest hydrologic units mapped in Maine. They contain watershed boundaries for most ponds and rivers in Maine.



**NWI Wetlands** - National Wetlands Inventory (NWI) uses aerial photographs to approximate wetland locations. NWI data is not a comprehensive mapping of wetland resources and typically under represents the presence of wetlands on the landscape. The presence of wetlands needs to be determined in the field prior to conducting activities that could result in wetland disturbance.



**Riparian Habitat** - depicted using common regulatory zones including a 250-foot-wide strip around Great Ponds (ponds  $\geq 10$  acres), rivers, coastline, and wetlands  $\geq 10$  acres and a 75-foot-wide strip around streams. Riparian areas depicted on this map may already be affected by existing land uses.



**Shellfish Growing Areas** - The Maine Department of Marine Resources maps growing areas for economically important shellfish resources. This map depicts softshell and hard clam resources in order to illustrate the relation of these resources to streams and shoreline areas vital to their conservation.



**Brook Trout Habitat** - Streams and ponds, buffered to 100 feet, where wild Brook Trout populations have been documented, or managed to enhance local fisheries.



**Public Water Supply Wells**



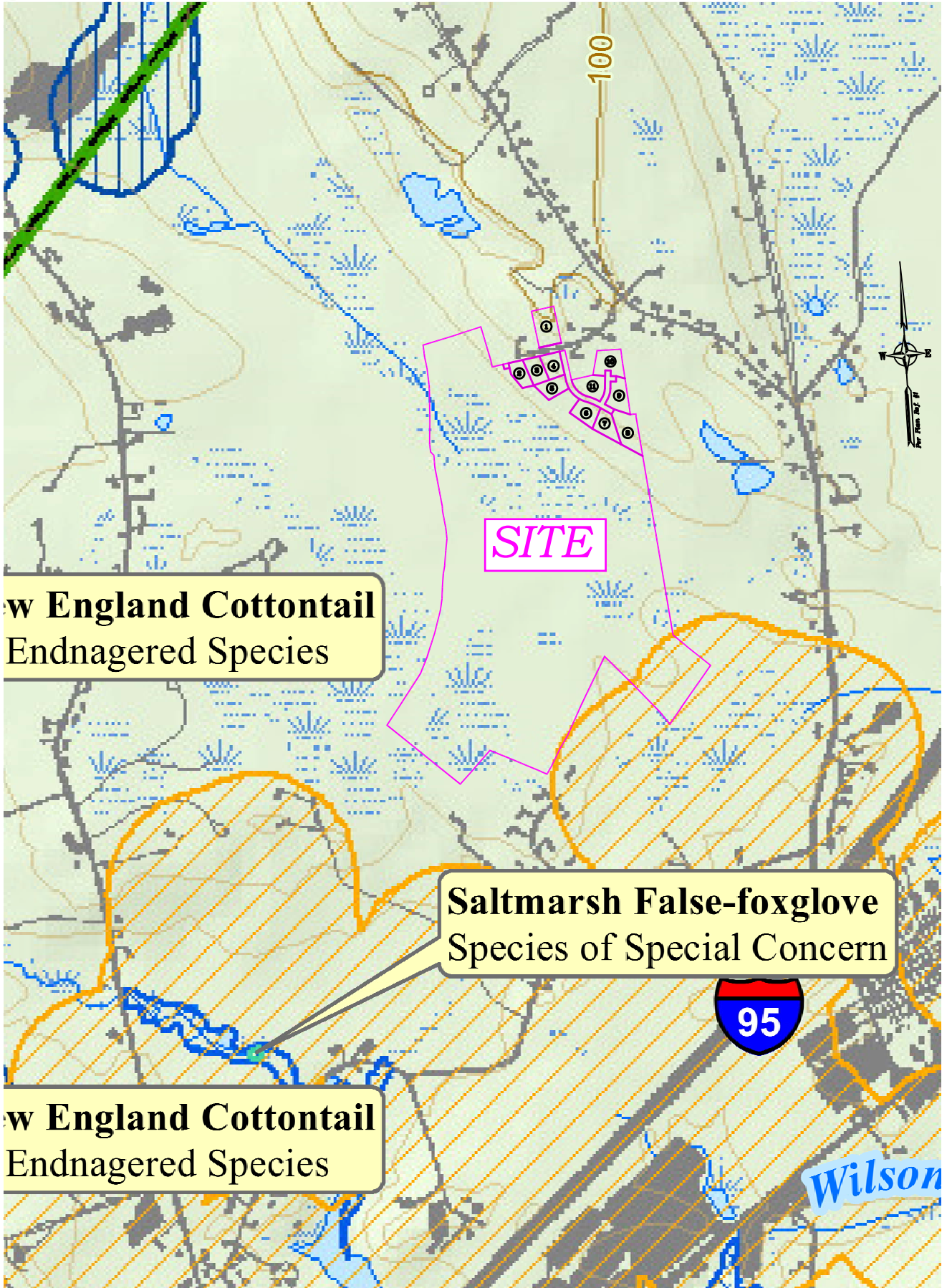
**Source protection area** - Buffers that represent source water protection areas for wells and surface water intakes that serve the public water supply. Their size is proportional to population served and/or by the type of water supply system. These buffers range from 300 to 2,500 feet in radius.



**Aquifers** - flow of at least 10 gallons per minute

**BEGINNING WITH HABITAT MAP 2  
HIGH VALUE MAP & ANIMAL HABITATS**

SCALE: 1" = 1,000'



**New England Cottontail  
Endnagered Species**

**Saltmarsh False-foxglove  
Species of Special Concern**

**New England Cottontail  
Endnagered Species**

**95**

**Wilson**



## BEGINNING WITH HABITAT MAP 2

### LEGEND

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Beginning with Habitat (BwH) is a voluntary tool intended to assist landowners, resource managers, planners, and municipalities in identifying and making informed decisions about areas of potential natural resource concern. This data includes the best available information provided through BwH's coalition partners as of the map date, and is intended for information purposes only. It should not be interpreted as a comprehensive analysis of plant and animal occurrences or other local resources, but rather as an initial screen to flag areas where agency consultation may be appropriate. Habitat data sets are updated continuously as more accurate and current data becomes available. However, as many areas have not been completely surveyed, features may be present that are not yet mapped, and the boundaries of some depicted features may need to be revised. Local knowledge is critical in providing accurate data. If errors are noted in the current depiction of resources, please contact our office. Some habitat features depicted on this map are regulated by the State of Maine through the Maine Endangered Species Act (Essential Habitats and threatened and endangered species occurrences) and Natural Resources Protection Act (Significant Wildlife Habitat). We recommend consultation with MDIFW Regional Biologists or MNAP Ecologists if activities are proposed within resource areas depicted on this map. Consultation early in the planning process usually helps to resolve regulatory concerns and minimize agency review time. For MDIFW and MNAP contact information, visit <http://www.beginningwithhabitat.org/contacts/index.html>.

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Organized Township Boundary



Unorganized Township



Selected Town or Area of Interest



Developed: Impervious surfaces such as buildings and roads

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### Rare, Threatened, or Endangered Wildlife



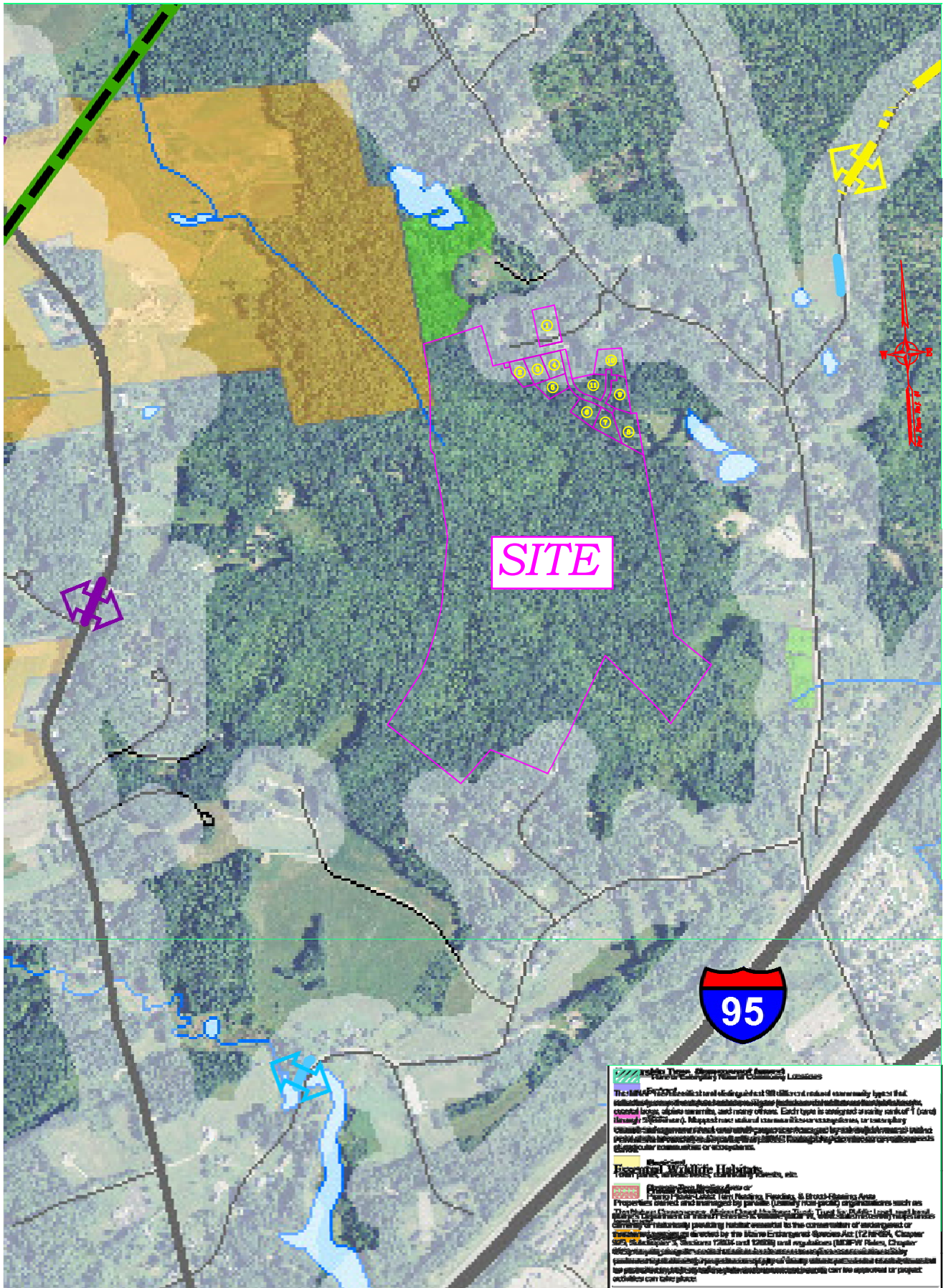
Known rare, threatened, or endangered species occurrence and/or the associated habitats based on species sightings.

Consult with an MDIFW regional biologist to determine the relative importance and conservation needs of the specific location and supporting habitat. For more information regarding individual species visit our website, [http://www.maine.gov/ifw/wildlife/species/endangered\\_species/state\\_list.htm](http://www.maine.gov/ifw/wildlife/species/endangered_species/state_list.htm), for species specific fact sheets.

The Federal Endangered Species Act requires actions authorized, funded, or carried out by federal agencies be reviewed by the U. S. Fish and Wildlife Service. If your project occurs near an occurrence of the Atlantic Salmon, Roseate Tern, Piping Plover, Canada Lynx, New England Cottontail, Fubish's Lousewort, or Small-whorled Pagonia contact the Maine Field Office, USFWS, 1168 Main St., Old Town, ME 04468.

# BEGINNING WITH HABITAT MAP 3 UNDEVELOPED HABITAT BLOCKS

SCALE: 1" = 1,000'



**Riparian Trees, Streamwood, and Other Wetland Features**  
 The riparian trees, streamwood, and other wetland features are shown in brown on this map. These features are critical to the health of the riparian system and are often the most sensitive to development. Each type is assigned a rating of 1 (Low) through 5 (High).

**Residential Wildlife Habitats**  
 These areas are shown in yellow on this map. They include properties owned and managed by private (usually non-profit) organizations such as The Nature Conservancy, Audubon Society, and others. These areas are often the most sensitive to development and are often the most difficult to acquire for conservation purposes.

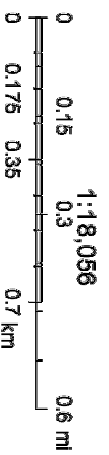
**Other Wetland Features**  
 These areas are shown in green on this map. They include wetlands that are not riparian, such as those found in floodplains, wetlands, and other areas. These areas are also sensitive to development and are often the most difficult to acquire for conservation purposes.

**Other Features**  
 These areas are shown in blue on this map. They include roads, railroads, and other infrastructure. These areas are not sensitive to development and are often the most difficult to acquire for conservation purposes.

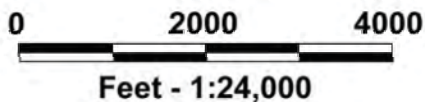
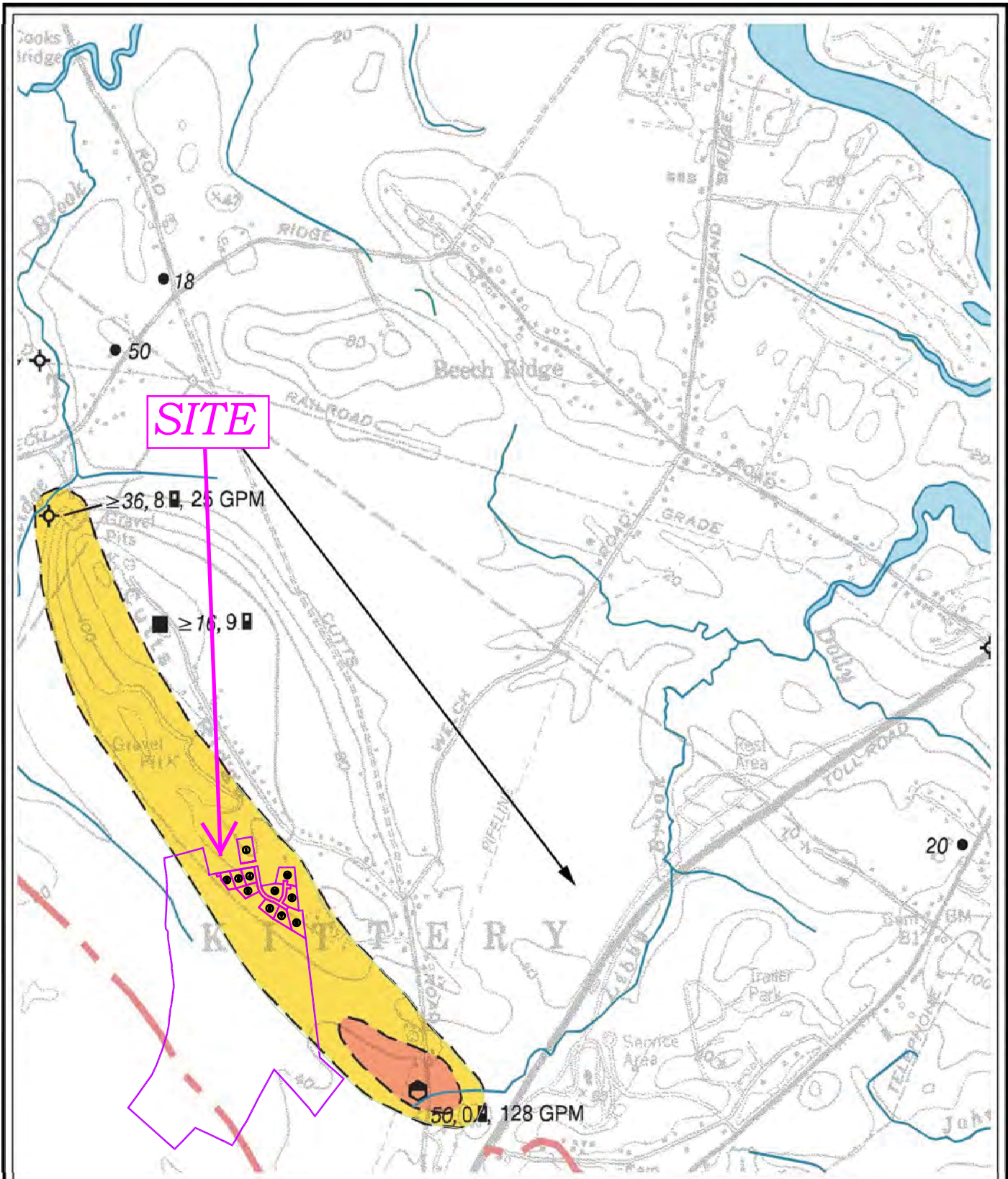
# Andrews Property



January 29, 2018  
trout



Map data © OpenStreetMap contributors, [HERE](https://www.here.com/), DeLorme, Mapbox, [Google](https://www.google.com/maps/), Swatch, [Earthstar Geographics](https://www.earthstar.com/), CNES/Airbus



**Significant Sand and Gravel Aquifer  
York Harbor Quadrangle**

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**NOTES TO USERS**

Map is for use in administering the National Flood Insurance Program. It does not identify all areas subject to flooding, particularly from local drainage or ice action. The community map reporter should be consulted for updated or additional flood hazard information.

For more detailed information on areas where Base Flood Elevations (BFEs) have been determined, users are encouraged to consult the Flood and Hazardous Data under Summary of Available Elevations tables contained in the Flood Insurance Study (FIS) Report that accompanies this FIRM. Users are advised that BFEs shown on the FIRM represent rounded elevations. These BFEs are intended for flood insurance rating purposes only and must be used as the sole source of flood elevation information. Accordingly, elevation data presented in the FIS Report should be utilized in conjunction with the FIS for purposes of construction and floodplain management.

All Base Flood Elevations shown on this map apply only to lands of 0.3 American Vertical Datum of 1988 (AVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Available Elevations table in the Flood Insurance Study Report for this jurisdiction. Elevations in the Summary of Available Elevations table should be used for construction floodplain management purposes when they are higher than the elevations on this FIRM.

Lines of the floodways were obtained at cross sections and interpolated an area between. The floodway was based on FEMA's calculations with 1 to 2 foot margins of the National Flood Insurance Program. Floodway width per pertinent roadway data are provided in the Flood Insurance Study Report for this jurisdiction.

A Zone category has been divided by a Limit of Moderate Wave Action (LMWA). The LMWA represents the approximate boundary line of the 1.5-foot wave. The effects of wave hazards between the VZ Zone and the LMWA ocean the shoreline and the LMWA for areas where VZ Zones are not defined) similar, but less severe than those in the VZ Zone.

In areas not in Special Flood Hazard Areas may be protected by flood control walls. Refer to Section 3.4 "Flood Protection Measures" of the Flood Insurance Study Report for information on flood control structures for this jurisdiction.

Elevation used in the preparation of this map was Universal Transverse Mercator (UTM) zone 18. The horizontal datum was NAD 83, UTM 1800 scale. Differences in datum, spheroid projection or UTM zones used in the FIS for adjacent jurisdictions may result in slight positional errors in map features across jurisdiction boundaries. These differences do not affect the accuracy of the FIRM.

Elevations on this map are referenced to the North American Vertical Datum of 1988. These elevations must be compared to structure and ground elevations used in the same vertical datum. For information regarding conversion on the National Geospatial Vertical Datum of 1988 and the North American Datum of 1983, visit the National Geospatial Survey website at [www.ngs.noaa.gov](http://www.ngs.noaa.gov) or contact the National Geospatial Survey at the following:

Information Services  
 - NHD01E  
 at Coastal Survey  
 -3, #3000  
 Coastal Survey  
 Spring, Maryland 20710-0862  
 713-2810

For current elevation, description, and/or location information for bench marks on this map, please contact the Information Services Branch of the National Flood Survey at (301) 753-3344, or visit its website at <http://www.nfip.gov>.

Map information shown on this FIRM was derived from digital topography, bathymetry, and/or imagery. The data were provided in digital form by State of Maine Office of GIS (NHD01E). Ortho imagery was produced at a scale of 1:25,000 and is dated August 2012. The projection used in the preparation of this FIRM is State Plane West (FIPS 5002 NE 1802). The horizontal datum is NAD 83/1983 spheroid.

Ortho basefiles compiled on this map represent the hydraulic modeling conditions and the flood profiles in the FIS report. As a result of increased topographic conditions, ortho basefiles, in some cases, may deviate significantly from the stream line or appear outside the FIRM.

As updated topographic information, this map reflects more detailed and data stream channel configurations and floodplain delineations than shown on the previous FIRM for this jurisdiction. As a result, the Flood and Hazardous Data tables for multiple streams in the Flood Insurance Study Report (which contains authoritative hydraulic data) may reflect a channel delineation that differs from what is shown on the map. Also, the floodplain relationships for unimproved streams may differ from what is on previous maps.

Wave limits shown on this map are based on the best data available at the time of issue. Because changes due to construction or construction may have occurred after this map was published, map users should contact appropriate utility officials to verify current corporate limit locations.

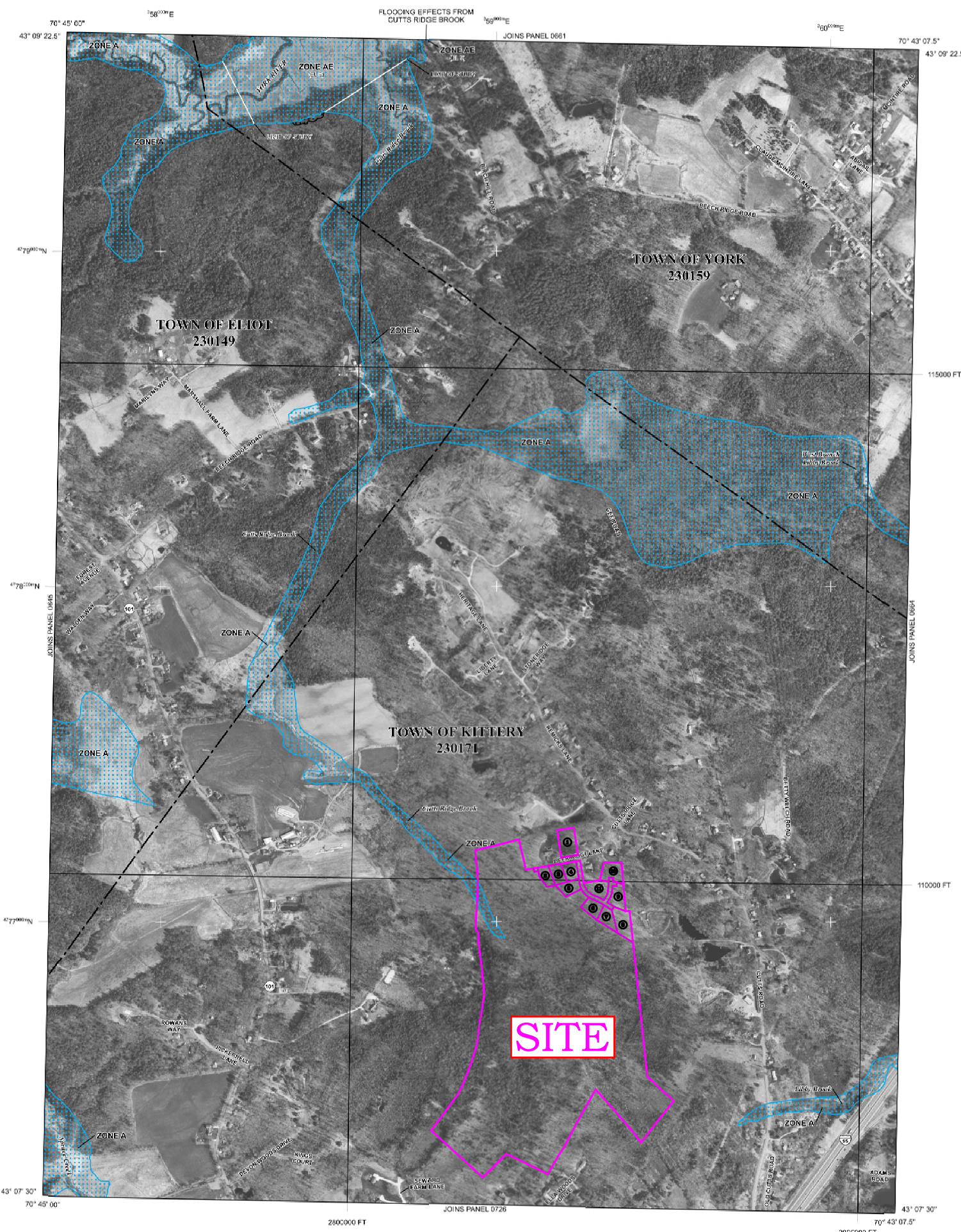
Refer to the separately printed Map Index for an overview map of the community showing the layout of map panels, community map reporter address, Listing of Communities table containing National Flood Insurance Program reporter community as well as a listing of the panels on which each community lies.

Information on available products associated with this FIRM visit the Map Reporter (MRO) website at <http://www.firm.gov>. Available products may be provided in digital form or as hard copies. A Flood Insurance Study Report, a digital version of this map, many of these products can be ordered or accessed directly from the MRO website.

Have questions about this map, how to order products, or the National Flood Insurance Program in general, please call the FEMA Map Information Page (MIP) at 1-877-FEMA-MAP (1-877-636-6267) or visit the FEMA website at <http://www.fema.gov>.

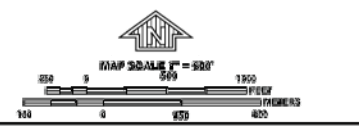
If Rating Roadway Under the Maine Revised Statutes Annotated (M.R.S.A.), Title 23-A, §3 covers the roadway, a not covered on the Flood Insurance Rate Map, the is considered to be the center of a "hole" or "island" course and the adjacent land is a distance of equal to the width of the hole. If the hole is not a normal high tide, the adjacent land of the roadway, unless a detailed explanation is provided by an engineering engineer is provided demonstrating the actual roadway based upon FEMA rating methods.

Local structures that are entitled to avoid protection from the 1-percent-annual-chance flood of this zone. However, all structures shown on this map are shown for the purpose of flood hazard analysis and mapping and are not shown in the FEMA database in a "high" flood.



**LEGEND**

- SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD**  
 The 1% annual chance flood (100-year flood), also known as the "base flood," is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zone A, AE, AH, AO, AR, AV, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.
- ZONE A** No Base Flood Elevations determined.
  - ZONE AE** Base Flood Elevations determined.
  - ZONE AH** Flood depths of 1 to 3 feet (usually areas of seeping); Base Flood Elevations determined.
  - ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
  - ZONE AR** Special Flood Hazard Areas formerly protected from the 1% annual chance flood by a flood control system that was subsequently determined to be ineffective. Zone AR indicates that the former flood control system is being removed to provide protection from the 1% annual chance or greater flood.
  - ZONE AV** Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
  - ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
  - ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.
- FLOODWAY AREAS IN ZONE AE**
- The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.
- OTHER FLOOD AREAS**
- ZONE X** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
  - OTHER AREAS**
  - ZONE X** Areas determined to be outside the 0.2% annual chance floodplain.
  - ZONE D** Areas in which flood hazards are undetermined, but possible.
- COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS**
- OTHERWISE PROTECTED AREAS (OPAs)**
- CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.
- 1% Annual Chance Floodplain Boundary
  - 0.2% Annual Chance Floodplain Boundary
  - Floodway boundary
  - Zone D boundary
  - CBRS and OPA boundary
- Boundary defining Special Flood Hazard Area Zones and boundary defining Special Flood Hazard Areas of different Base Flood Elevations, flood depths, or flood velocities.
- Limit of Moderate Wave Action
  - Limit of Moderate Wave Action coincident with Zone Break
- Base Flood Elevation line and value; elevation in feet  
 (EL. 987)
- Base Flood Elevation value where uniform within zone; elevation in feet
- Referenced to the North American Vertical Datum of 1988
- Cross section line
  - Traverse line
  - Quiver
  - Bridge
- Geographic coordinates referenced to the North American Datum of 1983 (NAD 83) Western Hemisphere  
 1900-foot scale; Maine State Plane West Zone (FIPS Zone 1802), Transverse Mercator projection  
 1000-meter Universal Transverse Mercator grid values, zone 19
- Bench mark (see explanation in Notes to Users section of this FIRM panel)
- WAP REPOSITORIES  
 Refer to Map Repositories list on Map Index
- EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP
- EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL



**NATIONAL FLOOD INSURANCE PROGRAM**

**PANEL 0663G**

**FIRM**  
**FLOOD INSURANCE RATE MAP**  
**YORK COUNTY, MAINE**  
**(ALL JURISDICTIONS)**

**PANEL 063 OF 025**  
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

COUNTY	SHEET	PANEL	SHEET
YORK COUNTY	06303	0663	0
YORK COUNTY	06304	0663	1
YORK COUNTY	06305	0663	2
YORK COUNTY	06306	0663	3

**PRELIMINARY**  
**NOVEMBER 5, 2013**

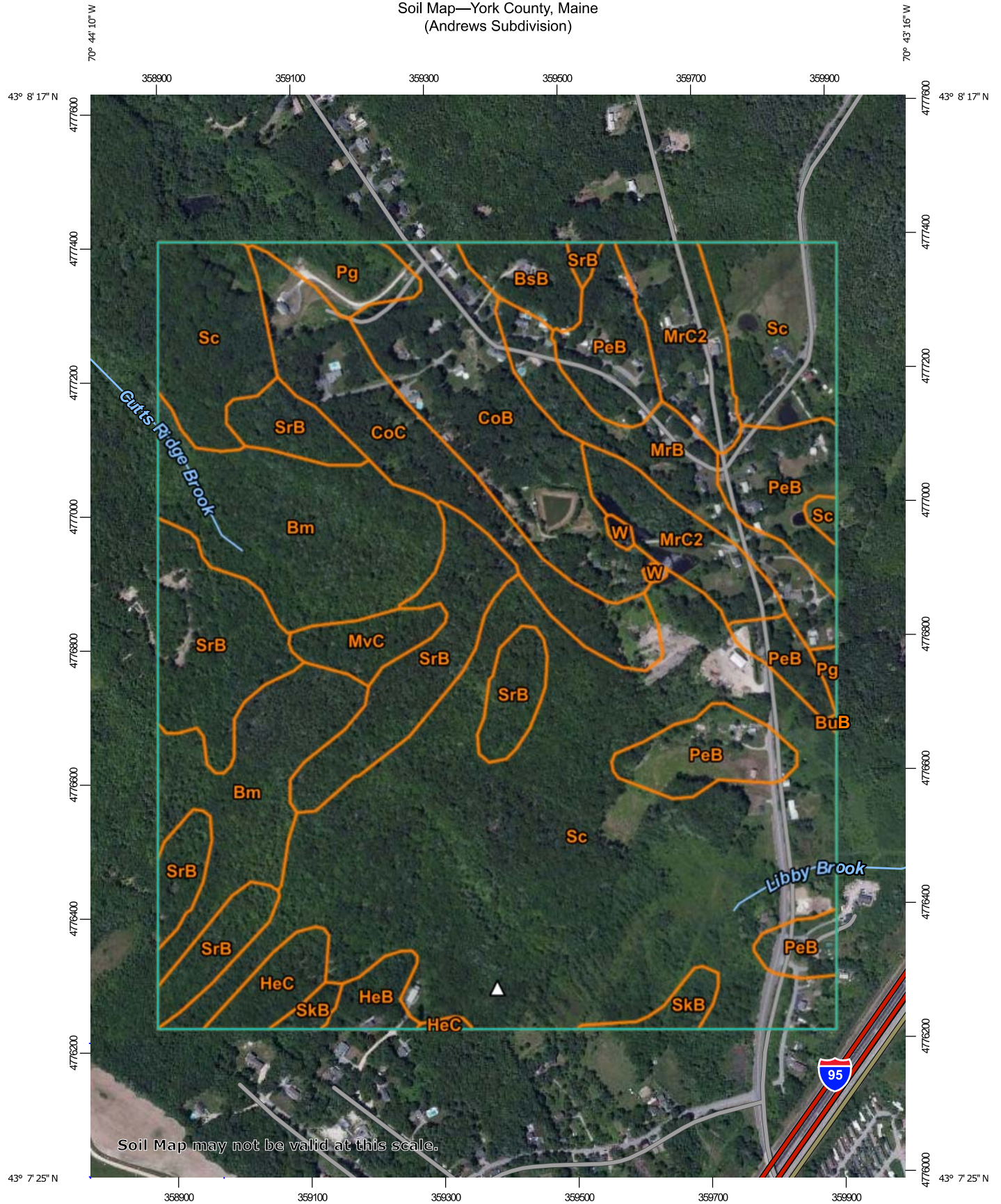
Please Refer to the Map Number shown below should be used when placing map orders. The Community Number shown above should be used as insurance applications for the subject community.

**MAP NUMBER**  
**2301C0663G**  
**EFFECTIVE DATE**

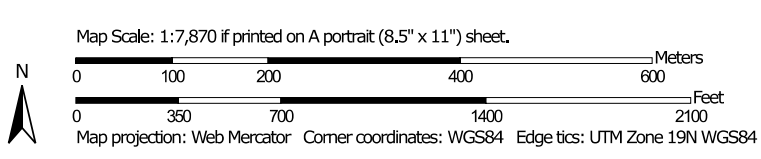
Federal Emergency Management Agency

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Soil Map—York County, Maine  
(Andrews Subdivision)

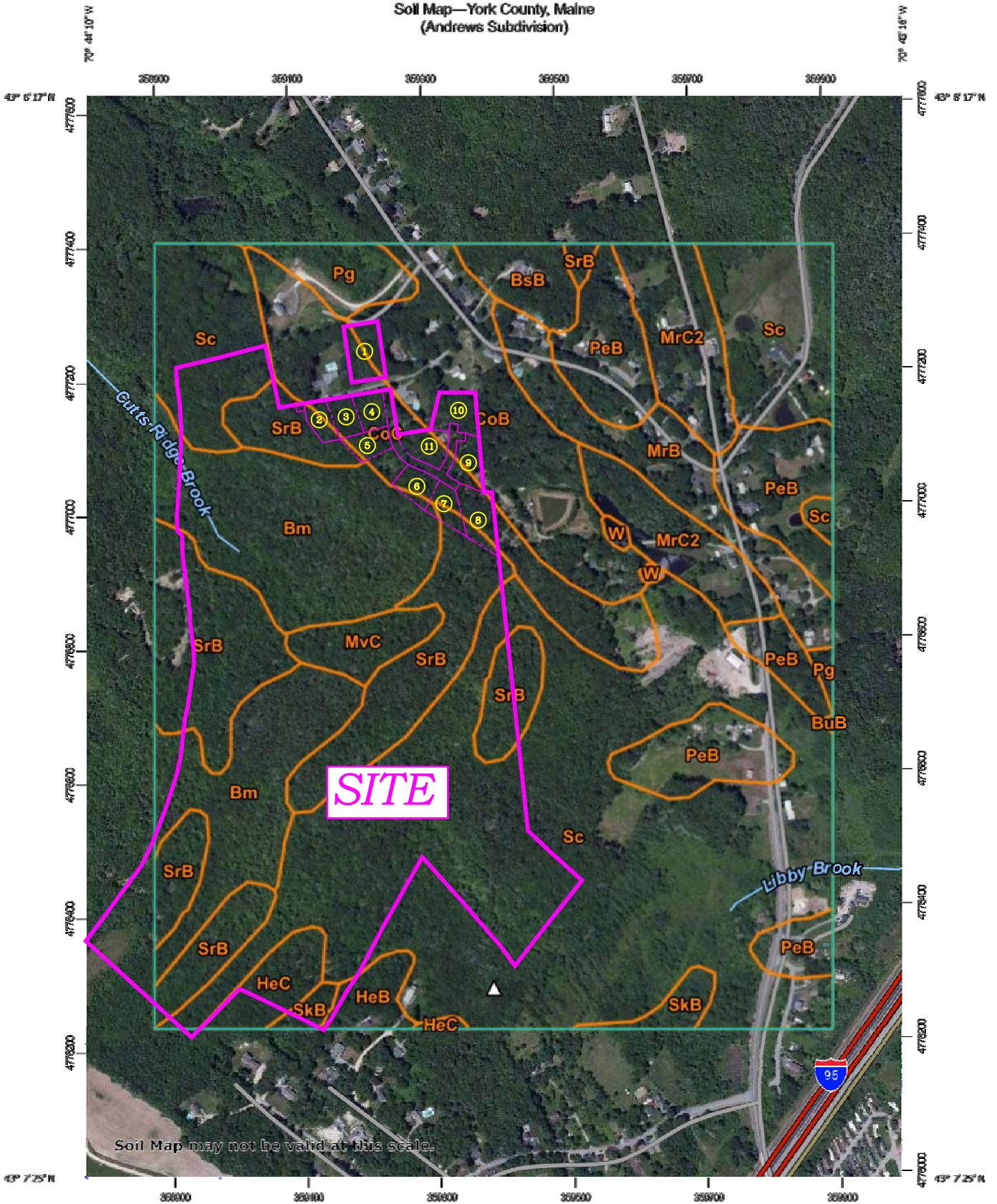


Soil Map may not be valid at this scale.



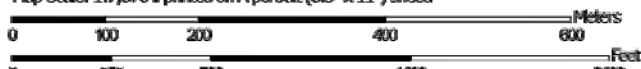


Soil Map—York County, Maine  
(Andrews Subdivision)



Soil Map may not be valid at this scale.


Map Scale: 1:7,870 if printed on A portrait (8.5" x 11") sheet.




Map projection: Web Mercator Corner coordinates: WGS84 Edge-tics: UTM Zone 19N WGS84


## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)




















### Soils







 Soil Map Unit Polygons

 Soil Map Unit Lines


 Soil Map Unit Points

### Special Point Features






-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features

### Water Features

 Streams and Canals

### Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

### Background

 Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI are at a scale of 1:20,000.

Warning: Soil Map may not be valid at this scale. Enlargement of maps beyond the scale may result in a misunderstanding of the detail of mapping and line placement. The maps do not show contrasting soils that could have been shown at a smaller scale.

Please rely on the bar scale on each map for distance measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL: [http://websoilsurvey.sc.egov.usda.gov](#)  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Universal Transverse Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves distance and area, such as the Albers equal-area conic projection, should be used for accurate calculations of distance or area.

This product is generated from the USDA National Cooperative Soil Survey data of the version date(s) listed below.

Soil Survey Area: York County, Maine  
Survey Area Data: Version 16, Sep 11, 2010

Soil map units are labeled (as space allows) at a scale of 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 18, 2010

The orthophoto or other base map on which this map is compiled and digitized probably differs from the imagery displayed on these maps. As a result, shifting of map unit boundaries may be observed.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Bm	Biddeford mucky peat, 0 to 3 percent slopes	35.5	12.0%
BsB	Brayton and Westbury very stony fine sandy loams, 0 to 8 percent slopes	4.0	1.3%
BuB	Buxton silt loam, 3 to 8 percent slopes	0.1	0.0%
CoB	Colton gravelly loamy coarse sand, 0 to 8 percent slopes	21.3	7.2%
CoC	Colton gravelly loamy coarse sand, 8 to 15 percent slopes	16.8	5.7%
HeB	Hermon sandy loam, 3 to 8 percent slopes	2.6	0.9%
HeC	Hermon sandy loam, 8 to 15 percent slopes	3.8	1.3%
MrB	Marlow fine sandy loam, 3 to 8 percent slopes	11.2	3.8%
MrC2	Marlow fine sandy loam, 8 to 15 percent slopes	15.2	5.2%
MvC	Marlow fine sandy loam, 8 to 15 percent slopes, very stony	3.8	1.3%
PeB	Peru fine sandy loam, 3 to 8 percent slopes	24.2	8.2%
Pg	Pits, gravel	4.5	1.5%
Sc	Scantic silt loam, 0 to 3 percent slopes	113.6	38.5%
SkB	Skerry fine sandy loam, 0 to 8 percent slopes	2.6	0.9%
SrB	Skerry fine sandy loam, 0 to 8 percent slopes, very stony	35.6	12.0%
W	Water bodies	0.5	0.2%
<b>Totals for Area of Interest</b>		<b>295.4</b>	<b>100.0%</b>



STATE OF MAINE  
DEPARTMENT OF  
ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE    PAUL MERCER  
GOVERNOR

COMMISSIONER

April 13, 2018

Mary Thron  
Arthur W. Andrews Revocable Trust  
PO Box 96  
Kittery Point, ME 03905

Re: Vernal Pool Significance Determination, Pool ID # 3233-Kittery

To Whom It May Concern:

Vernal pools are temporary to semi-permanent wetlands occurring in shallow depressions that typically fill during the spring and dry during the summer or in drought years. They provide important breeding and foraging habitat for a wide variety of specialized wildlife species including several rare, threatened, and endangered species.

After conducting a field survey at your request, it has been determined that the vernal pool identified above on your property is SIGNIFICANT. I have attached a copy of the database printout that verifies the State's findings with respect to our survey.

As a significant vernal pool, all areas on your property within 250 feet of the vernal pool depression, known as the "critical terrestrial habitat", will be subject to the requirements of the Natural Resources Protection Act, 38 M.R.S.A. §§480-A to 480-FF, and the Significant Wildlife Habitat rules, 06-096 CMR 335.

The Department will ensure that the vernal pool's location and status is entered and mapped in the State's vernal pool database. Note that if the pool depression (only) crosses two or more property boundaries the abutter(s) are similarly subject to the requirements of the Natural Resources Protection Act and the Significant Wildlife Habitat rules.

If you have any questions or need further clarification, please contact me at (207) 215-4397 or email at: [Mark.Bergeron@maine.gov](mailto:Mark.Bergeron@maine.gov)

Sincerely,

Mark Bergeron, P.E.  
Bureau of Land Resources

cc. town file

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769  
(207) 764-0477 FAX: (207) 760-3143

## IFW Recommendations for Significant Vernal Pool Determinations

The following is a list of pools and IFW's recommendations for whether or not they qualify as Significant Vernal Pools, one of Maine's Significant Wildlife Habitats.

**Data current as of: Friday, April 13, 2018**

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IFW's Pool ID: 3233	Twp: Kittery	UTM Coordinates of Pool Center: 359268 E, 4776889 N
Observer's ID: VP1 (JWN #16-70)		ProjectType: Portion of 47 Cutts Road
Landowner: Mary Thron - Arthur W. Andrews Revocable Trust	Contact: Joseph Noel - Consultant	
PO Box 96		PO Box 174
Kittery Point, ME 03905		South Berwick, ME 03908
(207) 439-0889		(207) 384-5587 jwnoel@aol.com

---

Survey Date: 4/13/2017

IFW's Recommendation: GREEN: SIGNIFICANT

IFW Comments: Pool provides significant habitat for wood frogs, but hydroperiod is unknown and may have permanent inlet/outlet; pool boundary may need to be refined. Suggest revisiting site in dry part of summer to confirm inlet/outlet permanency and hydroperiod.

UPDATE: C. Adams (DEP) site visit 02/13/2018; the distance of the outlet from the vernal pool suggests it is not a permanent outlet from the pool itself and therefore would not impact the significance determination. Based on observations...recommend significant.

Pool status updated to Significant from Potentially Significant.



DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF LAND RESOURCES

2/22/2018

CONTACT ID 11830

FIELD DETERMINATION FORM

CONTACT

JOE NOEL  
PO BOX 174  
SOUTH BERWICK, ME 03908

DIRECTIONS

Entered property from the end of Deer Ridge lane, but it is listed as 47 Cutts rd.

PROPERTY OWNER

✓ THRON, MARY  
ARTHUR W ANDREWS REV. TRUST  
KITTERY POINT, ME 03905  
PO Box 96

STAFF ADAMS, CAMERON

SITE TOWN      KITTERY  
MAP              LOT

MEMO

On February 13th, 2018, I met with Joe Noel at 47 Cutts Rd in Kittery. I was asked to inspect the site and indicate how the area is regulated under the Natural Resources Protection Act (NRPA).

The lot contains freshwater wetlands as defined by the NRPA, 38 M.R.S. §480-B(4). In addition, there are several vernal pools on the property that Joe identified and surveyed during the 2017 breeding season. Pool #3234 is contained within the wetland complex and has poorly defined limits. Joe also identified a possible permanent outlet from the pool that would potentially preclude it from being considered significant. Upon review by the Department of Inland Fisheries and Wildlife (DIFW), the pool was determined to be potentially significant pending further review of these uncertainties. Joe requested that I assist in constraining the jurisdictional edge of the vernal pool and inspect the outlet to assist DIFW in making final determination about the pool's significance.

Upon inspecting the area and discussing Joe's observations related to the indicator species activity, I was able to better define the limits of the vernal pool. Joe updated the resource survey for the property to reflect my findings. Joe and I also observed the channelized outlet that he had identified at the opposite end of wetland complex from the pool. The outlet was frozen over at the time of inspection and difficult to fully inspect. However, the distance of the outlet from the vernal pool suggests it is not a permanent outlet from the pool itself and therefore would not impact the significance determination. No final judgment was made as to whether the outlet is considered a stream pursuant to the NRPA §480-B(9). Based on my observations, I recommended to DIFW that pool #3234 be considered significant.

The wetland complex that contains the significant vernal pool is considered wetland of special significance as defined by the Wetland and Waterbodies Protection Rules, NRPA Chapter 310 (4). A permit would be required for direct impacts to the wetland area, but the wetland does not have a setback itself. The significant vernal pool is subject to the Significant Wildlife Habitat Rules, NRPA Chapter 355 (9).

Please make sure that all local permits, as well as applicable DEP permits, have been obtained prior to starting any work.

Erosion control devices must be installed and maintained on the project site during any soil disturbance activity. A Stormwater Management Law PBR or Maine Construction General Permit "NOI" and "NOT" must be filed with the Department if more than 1 acre

NAME: 

RECEIVED      2/9/2018      SITE VISIT      2/13/2018      COMPLETED      2/22/2018



**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF LAND RESOURCES**

2/22/2018

CONTACT ID 11830

**FIELD DETERMINATION FORM**

---

of area is going to be disturbed on the project site at any given time during construction.

NAME: \_\_\_\_\_

RECEIVED 2/9/2018

SITE VISIT 2/13/2018

COMPLETED

2/22/2018

---

**JOSEPH W. NOEL  
P.O. BOX 174  
SOUTH BERWICK, MAINE 03908  
(207) 384-5587**

CERTIFIED SOIL SCIENTIST \* WETLAND SCIENTIST \* LICENSED SITE EVALUATOR

July 24, 2017

Ms. Mary Thron, Trustee  
Arthur W. Andrews Revocable Trust  
P.O. Box 96  
Kittery Point, Maine 03905

RE: Vernal Pool Survey, Portion of 47 Cutts Road, Kittery, Maine, JWN #16-70

Dear Mary:

In the spring of 2017, a vernal pool survey was conducted on the above-referenced property. This service included identifying wetlands that contain vernal pool habitat and providing a recommendation on their vernal pool status. This survey did not include the area that is being conveyed to Arthur W. Andrews, Jr. (20.28 Acre Parcel A).

The wetlands were reviewed by walking the perimeters and making transects through the wetlands. Three visits were conducted on April 13, 2017, April 23, 2017 and May 13, 2017. Two site visits were conducted at each pool during the recommended windows (identification period) for the wood frog (*Lithobates sylvaticus*), spotted salamander (*Ambystoma maculatum*), and blue-spotted salamander (*Ambystoma laterale*) except for VP1 and VP15. VP1 met the criteria for a MDEP Significant Vernal Pool on the initial site visit so a second visit was not necessary. VP15 was not surveyed during the recommended identification period for wood frogs. While the wood frogs had recently hatched in VP15, the egg masses were still intact and could be counted (very small excavated pool at property line). The pools were also checked during all the visits for the presence of fairy shrimp (*Eubbranchipus spp.*), and state-listed rare, endangered or threatened species that use vernal pools, none were observed.

Seven natural or natural-modified pools and nine man-made pools were documented in the survey area that contained vernal pool species (i.e., wood frog egg masses or spotted salamander egg masses). VP1 met the egg mass counts to be considered Maine Department of Environmental Protection Significant Vernal Pools (MDEP SVP). The balance of the pools did not meet the criteria to be a MDEP SVP due to egg mass counts along with many being of man-made origin. A Vernal Pool Data Chart is attached that summarizes the information collected during the vernal pool survey. Also attached is a worksheet plan with the approximate pool locations. Maine State Vernal Pool Assessment Forms were only completed for the natural or natural-modified vernal pools.



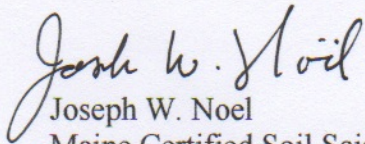
Maine State Vernal Pool Assessment Forms for VP1, VP9, VP10, VP11, VP12, VP13, and VP14 along with the required attachments will be forwarded to the Maine Department of Inland Fisheries & Wildlife (MDIFW) for a definitive vernal determination at the state level. The MDEP will issue an official vernal pool determination report after the MDIFW review the forms. I will also included this report along with photos of the all the pools to MDIFW. If the MDIFW/MDEP requires forms for the man-made pools these can be completed but should not be necessary.

It is important to note that the Army Corps of Engineers (Corps) also regulates vernal pools (natural and man-made) and their criteria/standards differ from the Maine Department of Environmental Protection so projects are reviewed on a case-by-case basis. All sixteen pools would meet the criteria to be Corps vernal pools. The Corps can determine during a review that an area is not a vernal pool based on the available data and/or an on-site. I strongly recommend that a review of these pools be conducted with the Army Corps, as they may determine that many of these pools are not Corps vernal pools (e.g., the skidder rut areas and some are in upland areas). The Corps jurisdiction is triggered if any proposed work is conducted in a wetland or waterway.

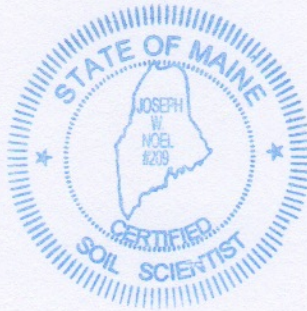
I recommend that you discuss these pools with the MDEP and the Army Corps of Engineers early in the planning process to receive a definitive determination on their vernal pool status at the state and federal level.

Please feel free to call with any questions.

Sincerely,



Joseph W. Noel  
Maine Certified Soil Scientist #209  
Wetland Scientist



**VERNAL POOL DATA CHART**  
(Portion of 47 Cutts Road, Kittery, Maine)

Pool Id #	GPS Location	Species Abundance Levels					Vernal Pool Status				Comments
		Wood Frog Egg Mass #	Spotted Salamander Egg Mass #	Blue-spotted Salamander Egg Mass #	Presence of Fairy Shrimp	E, T, or SC Species Noted During Field Visits	Man-made Vernal Pool	MDEP Significant Vernal Pool	Corps Vernal Pool		
1	43° 07' 54" 70° 43' 49"	64+	None Observed	None Observed	None Observed	None Observed	No	Yes	Yes	Yes	Natural, 2 <sup>nd</sup> visit for Salamander count not conducted, numerous wood frogs still chorusing during 1 <sup>st</sup> visit, very productive pool, upper reaches of wetland have stream - no stream in vernal pool limits
2	43° 07' 44" 70° 43' 49"	7	"	"	"	"	Yes	No	Yes	Yes	Man-made pool in wetland due to skidder and ATV's, green wood frog tadpoles, observed water depth 12"
3	43° 07' 47" 70° 43' 49"	7	"	"	"	"	Yes	No	Yes	Yes	Man-made pool in skidder ruts in upland, water depths in ruts ~12"
4	43° 07' 50" 70° 43' 43"	4	"	"	"	"	Yes	No	Yes	Yes	Man-made pool in wetland & uplands, was very narrow forested drainage that was enlarged due to skidder & ATV use, observed water depth ~10", silt an issue
5	43° 07' 49" 70° 43' 42"	1	"	"	"	"	Yes	No	Yes	Yes	Man-made pool in upland due to skidder ruts, green frog observed, water depth observed ~35", silt a problem
6	43° 07' 48" 70° 43' 42"	3	"	"	"	"	Yes	No	Yes	Yes	Man-made pool in upland due to skidder ruts, observed water depth ~12"
7	43° 07' 46" 70° 43' 43"	17	9	"	"	"	Yes	No	Yes	Yes	Man-made pool in wetland due to skidder ruts & ATV's, green frog tadpoles noted, observed water depth ~24"
8	43° 07' 50" 70° 43' 40"	1	None Observed	"	"	"	Yes	No	Yes	Yes	Man-made pool in upland due to skidder, pool was very silty due to soil erosion, water depth ~10"
9	43° 07' 50" 70° 43' 43"	27	8	"	"	"	No	No	Yes	Yes	Natural, green frogs noted, vernal pool limits had viable water levels, balance of wetland had some surface water at times but very variable due to rain events
10	43° 07' 48" 70° 43' 43"	31	3	"	"	"	No	No	Yes	Yes	Natural, salamander egg masses were most likely predated - no sign of egg masses on 2 <sup>nd</sup> visit
11	43° 07' 46" 70° 43' 40"	4	None Observed	"	"	"	No	No	Yes	Yes	Natural, adult wood frogs noted, very shallow pool
12	43° 07' 51" 70° 43' 55"	22	13	"	"	"	Portion	No	Yes	Yes	Natural & Man-made, 3 wood frog egg masses were in natural wetland - balance was in skidder ruts - photo is of man-made portion
13	43° 07' 44" 70° 43' 57"	4	3	"	"	"	No	No	Yes	Yes	Natural
14	43° 07' 39" 70° 43' 56"	18	8	"	"	"	No	No	Yes	Yes	Natural
15	43° 07' 56" 70° 44' 03"	14	10	"	"	"	Yes	No	Yes	Yes	Man-made - excavated area - very deep
16	43° 07' 52" 70° 43' 49"	None Observed	9	"	"	"	Yes	No	Yes	Yes	Man-made pool in wetland next to woods road & near VPI, last year had wood frog tadpoles, silty conditions during rain events, water depths ~2', green wood frog

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DEBRA ANDERSON  
REGISTER OF DEEDS

**Declaration of Rights, Restrictions and Covenants  
Deer Ridge Lane Association  
Town of Kittery, York County, Maine**

**Property Affected by Declaration**

This Declaration of Rights, Restrictions and Covenants shall bind the owners of lots abutting Deer Ridge Lane or any extension thereof and shown on the Town of Kittery Tax Map 59, Lot 30, Tax Map 65, Lots 10, 10A, 10B and 10C as well as Tax Map 60, Lot 10 (hereinafter collectively referred to as the Lots).

This Declaration is created to assure all owners and purchasers of lots along Deer Ridge Lane, their heirs, personal representatives, successors and assigns that the use, development, benefit and enjoyment of said Lots, roads and common lands shall be in accordance with a harmonious plan, and to this end, the undersigned Lot Owners deem that all Lots be subjected to the restrictions, reservation, servitudes, covenants, agreements and easements as hereinafter set forth.

**Article A. General Restrictions**

Each of the Lots shall be subject to the following rights, restrictions and covenant which shall run with the land.

1. Each Lot shall be used exclusively for single family residential purposes. Excepting Tax Map 60, Lot 10, no lot shall be further divided, whether by lease, conveyance or condominiumization.
2. No commercial, industrial, business, professional use or enterprise of any nature or description shall be carried on upon any Lot unless (a) its conduct on the lots is wholly within the residence located on the Lot, (b) it has no more than one employee, other than the Lot owner, (c) there is no signage or advertising on the Lot or roads approaching the Lot suggesting the existence of the business activity; (d) such use does not require regular client/customer contact at the dwelling; and (e) any client/customer visiting the Lot shall not park on Deer Ridge Lane, or other ancillary streets which use Deer Ridge Lane as access to the public way.
3. Boats, snowmobiles and trailers may be stored on any lot so long as they are properly screened (from Deer Ridge Lane, or other ancillary streets which use Deer Ridge Lane as access to the public way).
4. No structure shall be erected on any lot except one detached, single family residential dwelling, hereinafter referred to as the Dwelling. No Dwelling shall not exceed two and one-half stories in height. One free-standing storage shed shall be permitted.
5. Each Dwelling shall be supported by a solid masonry foundation or slab. All exterior portions of chimneys and fireplaces shall be of brick or stone construction. No cinder block chimneys are allowed on the exterior of any dwelling or structure located on the Lot.

10 pgs -> Clark + Howell  
P.O. Box 545  
York, ME 03904

6. Construction of a Dwelling, once begun, shall be pursued diligently and completed within one year. All construction equipment and material used during construction upon a Lot shall be off-loaded on the Lot and not upon Deer Ridge Lane or other ancillary streets which use Deer Ridge Lane as access to the public way.
7. It shall be the responsibility of the Lot owner to repair any damage to Deer Ridge Lane (and other ancillary streets which use Deer Ridge Lane as access to the public way) and adjacent slopes and common areas resulting from the transportation and delivery of any building/construction materials.
8. All dwellings shall be constructed making an effort to retain and preserve the natural vegetation, trees, shrubs and other beneficial flora existing on the Lot. Vegetation which is hazardous to the Lot owner (e.g., dead trees or invasive species such as sumac, bittersweet or Japanese Knotweed) or that may impede proper drainage of the Lot may be removed.
9. No Lot owner shall park vehicles on Deer Ridge Lane (or other ancillary streets which use Deer Ridge Lane as access to the public way). Guests of lot owners may temporarily park on Deer Ridge Lane for not more than 24 hours; provide, however, such parked cars shall not obstruct passage by other vehicles.
10. No Lot owner may grant easements benefitting real property located outside of the Deer Ridge Lane Development unless approved by the Association described in Article B, below.
11. No livestock, farm animals or animals raised for commercial purposes shall be kept, bred, maintained or allowed on any Lot. Livestock raise purely for domestic use by the Lot Owner is permitted. Domestic pets are permitted.
12. Propane tanks, satellite dishes and other communications equipment are permitted; however, such equipment must be fully screened so that they cannot be viewed from Deer Ridge Lane and adjacent Lots.
13. No Lot owner may do or permit anything to be done on their Lot which is or may constitute a nuisance, or violate any Rule established by the Association.
14. No sign of any nature shall be displayed to public view on a Lot or on the common area except one customary name and address sign of not more than four square feet.
15. No trash, ashes or other refuse, junk, vehicles in disrepair, brushwood or other unsightly objects shall be kept or permitted on any Lot or in the common areas except in sanitary containers concealed from public view.
16. Children's swing sets, jungle gyms, wading pools and similar play equipment may only be maintained in the rear yards. ( For the purpose of this provision, the term "rear yard" shall mean that area located on the opposite side of the house from the front door.)
17. House shall be painted in "earth-tones." In the event there is any question as to the nature of a particular color and whether it meets the definition of "earth-tones," then the Board of Director of the Association shall have the absolute right to make a final decision.

18. No snow, ice gravel, loam compost, leaves, fertilizers or other mineral waste products or commodities shall be piled or stored within ten (10) feet of boundaries of any Lot; and snow and ice shall not be deposited on roadways or sidewalks so as to obstruct motor vehicles or pedestrian passage by other Lot owners.
19. Lot owners shall properly and regularly maintain drainage swales (if any) across their Lot so that water properly drains through the Lots. Failure to do so shall subject a Lot owner to fines and corrective action by the Association, including entry upon their Lot by the Association to correct the drainage and the assessment against the Lot owner for the cost of such corrective action.

## **Article B: Easement**

Each Lot owner, their heirs, personal Representatives, successors and assigns is hereby granted a perpetual easement, to be used by foot or by motor vehicle, and for all utilities, in common over Deer Ridge Lane.

## **Article C: Homeowners' Association**

### **1. Creation and Purpose:**

The Deer Ridge Lane Association, Inc. is a non-profit Maine corporation established for the following purposes:

- 1) To hold title to Deer Ridge Lane for the benefit of all Lot owners
- 2) To maintain and repair the roadway until such time as title to the roadway has been turned over to the Town of Kittery, if ever;
- 3) To facilitate the collection of fees from Lot owners for snow removal and road maintenance for Deer Ridge Lane;
- 4) To administer, maintain and repair any internal drainage system;
- 5) To enforce and administer the Declaration of Rights, Restrictions and Covenants;
- 6) To administer all the common areas;
- 7) Generally, to preserving property values and amenities along and within the Deer Ridge Lane development; and
- 8) To undertake any other activities authorized by Title 13 – B, the Maine Nonprofit Corporation Act.;

In addition, to the provisions set forth herein, the Association shall be governed by Articles of Incorporation, Bylaws and any amendments thereto or any rules and regulations subsequently adopted by the Association. In the event of a conflict the provisions of this Declaration and the Articles of Incorporation Bylaws or Rules and Regulation, the provisions of this Declaration shall govern.

### **2. Membership in the Association and Voting:**

- a. Every record owner of a Lot (a Lot Owner) shall be members of the Association and each lot shall be entitled to one vote. Lot Owners in arrears in paying their annual dues or assessments shall not have the right to vote.

- b. Meetings of the Association membership shall be held at a time and place to be established by the Board, as shall be specified in the notice of the meeting.
- c. **Annual Meetings.** The annual meetings of the Association members shall be held each year on the \_\_\_\_\_. In the event that the day for which an annual meeting is scheduled is a legal holiday, then the meeting shall be held on the first day thereafter which is not a legal holiday. At such meetings there shall be elected by ballot of the members a Board of Directors in accordance with the provisions of these Bylaws. The Association Members shall also transact such other business as may properly come before them. All matters to come before any meeting of the association shall be determined by a vote of a Majority of members in attendance at the meeting.
- d. **Meeting by Remote Communication.** Any one or more Association member may participate in a meeting of the Association by means of a conference telephone, video conference, or similar communications equipment. Participation by such means shall constitute presence in person at a meeting provided that all persons participating in the meeting can hear each other at the same time and each director can participate in all matters before the Association, including, without limitation, the ability to propose, object to, and vote upon a specific action to be taken by the Association.

### **3. Power of the Association:**

The Association shall have all of the powers of a Maine non-profit corporation, including the authority to:

- a. Acquire, own, convey, mortgage, pledge or lease such property as may be necessary in order to carry out the purposes of the Association and to hold title or an easement to Deer Ridge Lane;
- b. The power and duty to determine an annual budget.
- c. To elect a Board of Directors;

## **ARTICLE D: Board of Directors**

### **1. Creation and Purpose.**

The affairs of the Association will be carried out by a three-person Board of Directors elected annually by the Lot Owners Board members shall be owners of lots along Deer Ridge Lane (or their spouse is the spouse is not a title holder). The Board members so chosen shall vote to establish the three positions: President, Secretary and Treasurer (the Officers). The officers may, but need not, be chosen from among the Board Members. Homeowners may nominate any Lot Owner (or spouse of a Lot Owner) member to be elected to the Board. Elections will be made by a majority vote at the annual meeting of the Association. Each board member will serve for a three-year term. Board Members may be reelected at the end of their three-year term.

2. **Powers and Duties.** The Board shall have the duty and power to:

- a. enforce the terms of the Declaration and Bylaws;
- b. open bank accounts on behalf of the Association and designate the signatories thereon.
- c. determine fines for violations of the Declaration of Rights, Restrictions and Covenant and the Rules and Regulations;
- d. create and enforce Rules and Regulations for the administration of the Association and the roadway;
- e. to designate, hire and dismiss the personnel necessary for the maintenance, operation, repair and replacement of the Common Areas;
- f. to prepare and present to the Association at the annual meeting a proposed budget for the coming year;
- g. To establish a capital reserve account if the Board deems it necessary for the management of the Association and its Common areas, i.e., Deer Ridge Lane;
- h. based upon the budget established by the Association, to make assessments against Lot Owners to defray the costs and expenses of the Association, establish the means and methods of collecting such assessments from the Lot Owners and establish the period of the installment payment of annual dues and assessments;
- i. to collect the assessments for Common Expenses against the Lot Owners, deposit the proceeds thereof in any bank depositories or money market funds designated by the Board of Directors and use the proceeds to carry out the administration of the Common Areas;
- j. to provide for the operation, care, upkeep and maintenance of all of the Common Areas including improvement, maintenance, repair, street sweeping, sealcoating, snow plowing and snow removal from Deer Ridge Lane, any other Common Areas and storm water drainage facilities;
- k. carry out the business of the Association in any manner the Board deems necessary and appropriate;

3. **Notice of Meetings.** Notice of a meeting may be sent by mail, telephone, facsimile transmission, telegraph, courier service, electronic mail or hand delivery, directed to each director at his or her address or contact information as it appears on the records of the President. Such notice shall state the time and place where the meeting is to be held and, need not specify the purpose(s) for which the meeting is called. Notice shall be deemed to have been given when sent, and if by mail, when deposited in the United States mail with prepaid postage thereon. No notice shall be required for any regular meeting for which the time and place has been previously fixed by the Board of Directors. Notice of any regular meeting for which the time and place is not fixed by the Board of Directors must be given to each director not less than thirty (30) days before



such meeting. Notice of a special meeting of the Board of Directors must be given to each director not less than seven (7) days before such meeting, provided, however, that notice of special meetings relating to an emergency which must, in the reasonable judgment of the President, be resolved in a shorter time frame shall be given as promptly as possible. Notice of a regular or special meeting need not be given to a director who submits a signed waiver of notice before or at the meeting's commencement, or who attends the meeting without protesting (not later than the commencement of the meeting) the lack of notice to him or her.

4. **Quorum.** At each meeting of the Board of Directors, the presence of two-thirds (2/3) of the directors in office immediately prior to the commencement of the meeting shall constitute a quorum for the transaction of business or any specified item of business. If a quorum is not present at any meeting of the Board of Directors, the meeting shall be adjourned to another time without notice other than by announcement at the meeting, until such a quorum is present, except that notice of such adjournment shall be given to any directors who were not present at the time of the adjournment.
5. **Voting.** Except as otherwise provided by statute, the Articles of Organization or these by-laws, the vote of a majority of the directors present at the time of a vote, if a quorum is present at such time, shall be the act of the Board of Directors.
  - a. **Presumption of Assent.** A director of the Association who is present at a meeting of the Board of Directors when action is taken is deemed to have assented to the action taken unless: (i) the director objects at the beginning of the meeting (or promptly upon arrival) to holding the meeting or transacting business at it; (ii) the director's dissent or abstention from the action taken is entered in the minutes of the meeting; or (iii) the director files written notice of the dissent or abstention with the presiding officer of the meeting before its adjournment or with the Association immediately after adjournment of the meeting. This right of dissent or abstention is not available to a director who votes in favor of the action taken.
  - b. **Meeting by Remote Communication.** Any one or more members of the Board of Directors or any committee thereof may participate in a meeting of the Board of Directors or such committee by means of a conference telephone, video conference, or similar communications equipment. Participation by such means shall constitute presence in person at a meeting provided that all persons participating in the meeting can hear each other at the same time and each director can participate in all matters before the Board of Directors, including, without limitation, the ability to propose, object to, and vote upon a specific action to be taken by the Board of Directors or committee.
  - c. **Action Without Meeting.** Any action required or permitted to be taken by the Board of Directors or any committee thereof may be taken without a meeting if all members of the Board of Directors or committee consent in writing to the adoption of a resolution authorizing the action. Such consent may be written or electronic. The resolution and written consents thereto by the members of the Board of Directors or such committee shall be filed with the minutes of the proceedings of the Board of Directors or such committee.

## **ARTICLE E: Method of Providing General Funds:**

For the purpose of providing a general fund to enable the Association to exercise the powers and make and maintain the improvement and render the services herein provided, the Board of Directors of the Association shall determine for each year the total amount required for such fund for such year to be approved by the Association Members at the Annual Meeting by majority vote of those in attendance at the annual meeting. Once approved by the Association Members, the Board of Directors shall levy an annual assessment uniformly against each of Lot, hereinafter called the Association Fee.

The yearly Association Fee shall be assessed to each Lot Owner by November 1 of each year. ( Lot owners may choose to make payments on a monthly basis; however, failure to make a monthly payment shall constitute a breach and entitle the Association to collect a late charge of \$25.00 as well as interest, at the rate of eighteen percent (18%) per annum, from the due date thereof, plus costs of collection, including without limitation attorney fees.) In the event of failure of any owner to pay any assessment on or before thirty (30) days following notice to such Lot owner of such assessment of the scheduled due date thereof, then such assessment shall become delinquent and shall bear interest at the rate of eighteen percent (18%) per annum from the due date thereof, plus costs of collection, including without limitation attorney fees. When delinquent, payment of principal, interest and costs may thereafter be enforced against the owner personally, and as a lien upon the delinquent Lot Owner's Lot. The Board of Directors shall have the power and duty to place a Certificate of Lien in the York County Registry of Deeds upon the lot of any delinquent Lot Owner. The Board of Directors shall establish a written policy for the enforcement of the annual assessment. It shall be the duty of the Association, acting through its Board, to bring suits to enforce such liens before the expiration thereof. For each certificate so filed, the Association shall be entitled to collect from the delinquent Lot Owner, in addition to the unpaid assessment, an administration fee based upon the cost of preparing and processing the Certificate of Lien. Such fee shall be collectable in the same manner as the original assessment.

The liens for such assessments shall be subordinate to the lien of any valid mortgage now existing or that may hereafter encumber a Lot. The event of the issuance of a deed pursuant to foreclosures of such mortgage or in lieu of such foreclosure, the Grantee of such deed shall take title free and clear from any liens herein provided which accrue prior to the recording of such deed.

Such liens shall continue for a period of five years from the date of delinquency and no longer, unless within such time suit shall have been filed for the collection of the assessment, in which case the lien shall continue until the termination of the suit and until the sale of the property under execution of the judgment in such suit.

Expenditures Limited to Assess for Current Year. The Association shall not expend more money within one than the total amount of the assessment for that particular year, plus any surplus which it may have on hand from previous assessments; nor shall said Association enter into any contract whatsoever binding the assessment of any future year, and no such contract shall be valid or enforceable against the Association

## **ARTICLE F: General Provisions**

1. Each of the Restrictions set forth in **ARTICLE A** of this Declaration shall continue and remain binding for a period of fifty (50) years from the date hereof, and thereafter shall

continue automatically in effect for two additional periods of twenty (20) years, unless otherwise agreed to in writing by two-thirds of the lot owners. This Declaration may be amended by written consent of **two-thirds** of the Lot Owners. Said written consent to amend shall be prepared and signed by the President and Secretary of the Association and recorded in the York County Registry of Deeds.

2. **ARTICLES C, D AND E** may be amended by with the written consent of a **majority** of the Lot Owners. Said written consent to amend shall be prepared and signed by the President and Secretary of the Association and recorded in the York County Registry of Deeds.
3. The provisions herein set forth shall run with the land and bind the Lot Owner, their heirs, personal representative, successors and assigns, and all parties claiming by, through or under them. Each Lot Owner shall have the right, but not the obligation, jointly and separately, to sue for and obtain a prohibitive and mandatory injunction to prevent the breach of or to enforce the observance of, the provisions of this Declaration or any of them, in addition to the right to bring an ordinary legal action for damages. If any Lot Owner or the Association engages the services of an attorney to enforce the provisions set forth herein and is successful in establishing that a breach of these covenants by defendant has occurred, then the Lot Owner or Association shall be entitled to recover from the defendant reasonable attorney's fees. In no event shall the failure of Lot to enforce any of the provisions herein set forth as to a particular violation be deemed to be a waiver of the right to do so as to any subsequent violation. A Lot Owner aggrieved by the beach of these covenants may in the absence of enforcement action by the Association, initiate his own enforcement action.
4. If a court of competent jurisdiction shall hold invalid or unenforceable any provision contained in this Declaration, such holdings shall not impair, invalidate or otherwise affect the remainder of this Declaration which shall remain in full force and effect.
5. A written or printed notice, deposited in the United States Post Office, postage prepaid, and addressed to any Lot Owner at the address on file with the Town of Kittery Tax Assessor's office shall be sufficient and proper notice to such owner wherever notices are required in the Declaration; a mailing by United States Postal Service "return receipt" to this address shall be deemed delivery of notice to a lot owner.
6. By acceptance of a deed of conveyance to a Lot, notice is thereby given notice of this Declaration and these Bylaws of the Deer Ridge Lane' Association, Inc. whether or not it shall be so expressed in the deed. By acceptance of a deed, each Lot Owner agrees to become and remain an member in good standing in the Association and to comply with the Declaration, Bylaws and Rules and Regulations. Each Lot Owner is entitled to the rights and privileges of membership in the Association, as provided in this Declaration and the Bylaws, and shall be responsible for the duties of membership, including the duty to pay Association assessments and the duty to remain in good standing.
7. This Declaration shall be governed by, construed, and enforced in accordance with the laws of the State of Maine.

IN WITNESS WHEREOF, MARY THRON, Trustee, ARTHUR W. ANDREWS and ANNE L. ANDREWS, MICHAEL F. SCARPONE, KRISTINE I. SCARPONE, JOHN P. HIPPERN, LISA K. HIPPERN, CHRIS ANDREWS and RACHAEL ANDREWS have caused this instrument to be signed this 30<sup>th</sup> day of September, 2016.

Arthur W. Andrews Revocable Trust

Victoria M. Mullett

Witness

Chris Andrews

Witness

Chris Andrews

Witness

Chris Andrews

Witness

Chris Andrews

Witness

Chris Andrews

Witness

Chris Andrews

Witness

all w. and j

Witness

all w. and j

Witness

By: Mary Thron Trustee

MARY THRON, TRUSTEE

all w. and j

ARTHUR W. ANDREWS, JR.

Anne L. Andrews

ANNE L. ANDREWS

Michael F. Scarpone

MICHAEL F. SCARPONE

Kristine I. Scarpone

KRISTINE I. SCARPONE

John P. Hippern

JOHN P. HIPPERN

Lisa Hippern

LISA K. HIPPERN

Chris Andrews

CHRIS ANDREWS

Rachael Andrews

RACHAEL ANDREWS

STATE OF MAINE

County of YORK

September 30, 2016

Then personally appeared the above-named, ARTHUR W. ANDREWS and ANNE L. ANDREWS, and acknowledged the foregoing instrument to be their free act and deed

Before me, Betty J. Cormier

Betty J. Cormier  
Notary Public

Betty J. Cormier  
Print Name

**BETTY J. CORMIER  
NOTARY PUBLIC  
State of Maine  
My Commission Expires  
October 22, 2022**

**Seal**

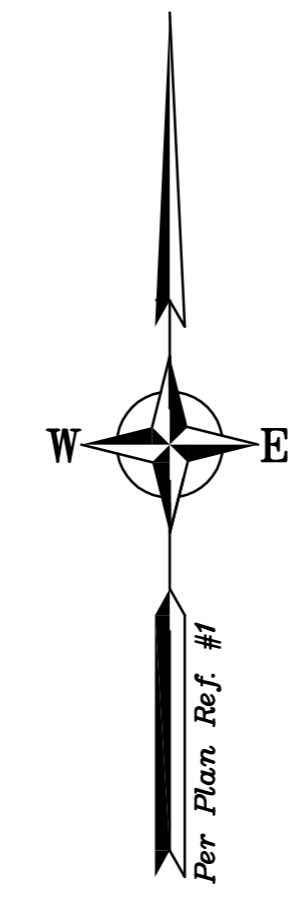


**PLAN REFERENCES:**

- "STANDARD BOUNDARY SURVEY PLAN OF LAND OF ARTHUR W. & ROSEANN ANDREWS", PREPARED BY CIVIL CONSULTANTS, DATED JULY 28, 2000 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 289, PAGE 46.
- "PLAN OF A PORTION OF LAND OF ARTHUR W. AND ROSEANN ANDREWS, CUTTS ROAD, KITTERY, MAINE", PREPARED BY CIVIL CONSULTANTS, DATED 4/27/81 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 114 PAGE 10.
- "R.O.W. SKETCH PLAN FOR PROPERTY AT 47 & 49 CUTTS ROAD, KITTERY, YORK COUNTY, MAINE, FOR ROSEANN ANDREWS REVOCABLE TRUST", PREPARED BY NORTH EASTERLY SURVEYING, INC., DATED 4/21/09.
- "PROPOSED LOT LINE ADJUSTMENT FOR PROPERTY AT CUTTS ROAD, KITTERY, YORK COUNTY, MAINE, OWNED BY ARTHUR W. ANDREWS JR. AND ARTHUR W. ANDREWS REVOCABLE TRUST", PREPARED BY NORTH EASTERLY SURVEYING, INC., PROJECT No. 16702, DATED 3/22/17 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 387 PAGE 48.
- "PROPOSED DIVISION OF LAND FOR PROPERTY AT 8 DEER RIDGE LANE, KITTERY, YORK COUNTY, MAINE, OWNED BY ARTHUR W. ANDREWS JR. AND ARTHUR W. ANDREWS REVOCABLE TRUST", PREPARED BY NORTH EASTERLY SURVEYING, INC., PROJECT No. 16666, DATED 10/4/16 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 385 PAGE 14.
- "PLAN SHOWING RIGHT-OF-WAY EXTENSION AND DIVISION OF LAND OF ARTHUR W. & ROSEANN ANDREWS, LOCATED ON REMICKS LANE, KITTERY, MAINE", PREPARED BY CIVIL CONSULTANTS AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 258 PAGE 27.

**NOTES:**

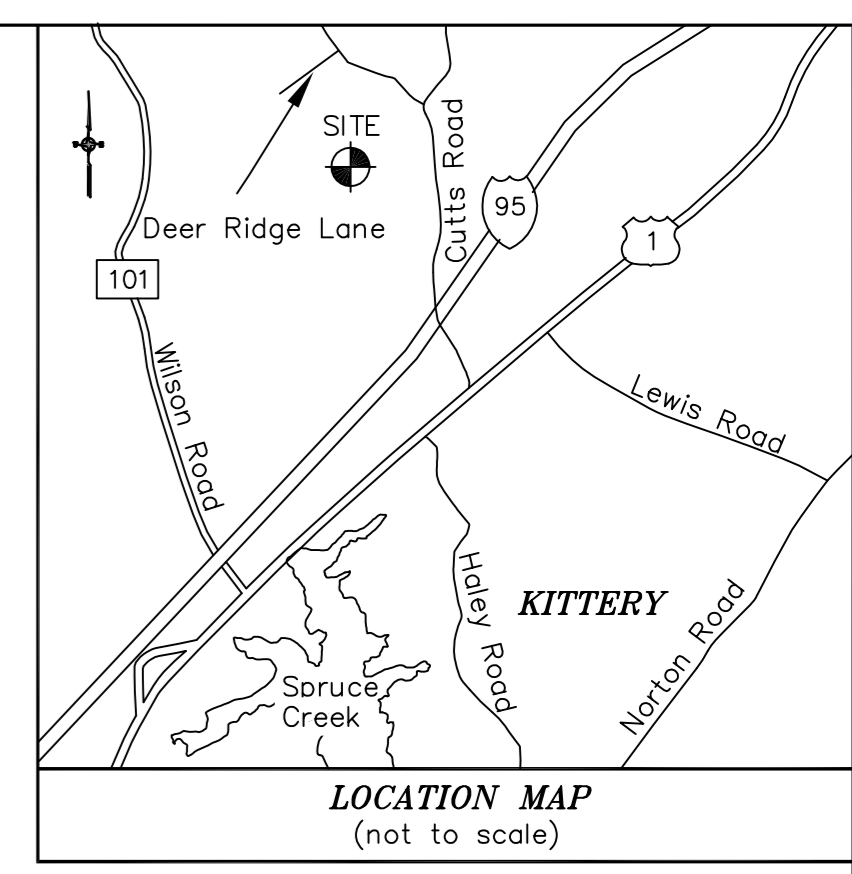
- OWNERS OF RECORD:  
TAX MAP 60 LOT 10  
ARTHUR W. ANDREWS REVOCABLE TRUST  
MARY THRON, TRUSTEE  
Y.C.R.D. BOOK 16935 PAGE 411  
DATED NOVEMBER 11, 2014
- TOTAL PARCEL AREA:  
TAX MAP 60 LOT 10  
106.82± AC.
- BASIS OF BEARING IS PER PLAN REFERENCE #1.
- APPROXIMATE ABUTTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
- EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.
- THE WETLAND BOUNDARY AS DEPICTED ON THIS PLAN WAS DELINEATED/FLAGGED BY JOSEPH W. NOEL, ME CERTIFIED SOIL SCIENTIST #209, FROM JULY TO SEPTEMBER 2016 AND JUNE 2018. THE FLAGS WERE SURVEY LOCATED BY NORTH EASTERLY SURVEYING, INC. IN SEPTEMBER 2016 AND JUNE 2018. 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 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 7.0 (2010) ALONG WITH THE MANUAL FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND (VERSION 3, APRIL 2004).
- PLANT SPECIES INDICATOR STATUS WAS BASED ON THE U.S. ARMY CORPS OF ENGINEERS PUBLICATION THE NATIONAL WETLAND PLANT LIST (VERSION 3.3).
- PERIMETER BOUNDARY BASED ON PLAN REFERENCE #1. SEE PLAN REFERENCE FOR BOUNDARY INFORMATION.



**MONUMENT LEGEND:**

- MONUMENT FOUND
- DRILL HOLE FOUND

Line	Length	Bearing
L1	220.06'	S14°42'20"E
L2	179.91'	N75°14'58"E
L3	179.41'	N07°35'56"E
L4	172.53'	N84°35'31"E
L5	105.76'	S09°34'23"E
L6	262.40'	S10°34'45"E
L7	111.97'	S10°01'19"E
L8	40.15'	N81°22'24"E
L9	26.83'	S08°16'33"E
L10	1603.36'	S11°29'19"E
L40	87.99'	N03°30'06"E
L41	79.35'	N08°33'34"W
L42	118.88'	N12°56'06"W
L43	39.83'	N04°58'14"W
L44	282.93'	N12°43'25"W
L45	92.73'	N06°56'43"W
L46	32.04'	N47°26'18"W
L47	55.90'	N09°05'02"W
L48	218.79'	N01°48'39"W
L49	168.35'	N02°42'27"W
L50	50.14'	N05°05'45"W
L51	119.11'	N09°05'21"W
L52	77.22'	N13°44'42"W
L53	91.72'	N09°33'56"W
L54	240.65'	N70°58'59"E
L55	199.70'	N69°53'03"E
L56	243.64'	S18°31'27"E
L57	60.00'	S14°29'31"E
L58	364.18'	N75°13'19"E
L59	157.22'	N75°25'29"E
L60	165.01'	S75°21'14"W
L61	270.23'	N13°58'52"W
L62	30.28'	N71°38'38"E
L63	134.81'	N75°44'27"E
L64	271.28'	S13°58'52"E



**PRELIMINARY**

**CERTIFICATION**

This survey conforms to the standards of practice as set forth in Chapter 90 of the Rules of the Board of Licensure for Professional Land Surveyors, April 2001, except that a separate written report has not been prepared.

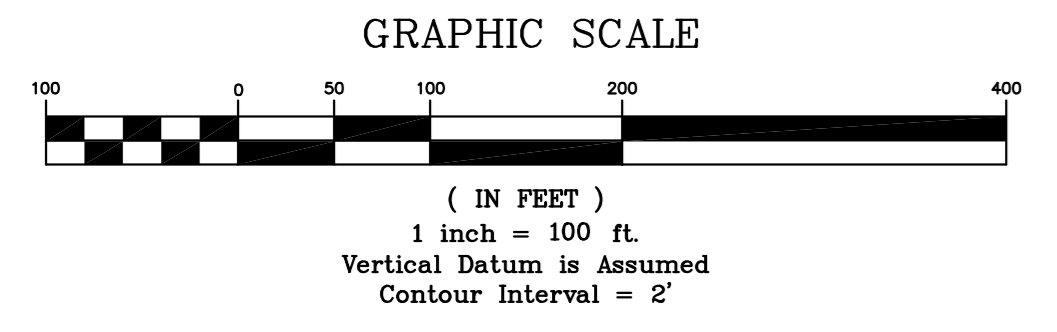
Adam M. Pray, P.L.S. #2485 Dated \_\_\_\_\_

**STANDARD BOUNDARY SURVEY & EXISTING CONDITIONS PLAN**  
FOR PROPERTY AT  
**Deer Ridge Lane**  
Kittery, York County, Maine  
OWNED BY  
**Arthur W. Andrews Revocable Trust**  
Mary Thron, Trustee  
P.O. Box 96, Kittery Point, ME 03905

North  
**EASTERLY SURVEYING, Inc.**  
SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1  
KITTERY, MAINE 03904  
(207) 439-6333

SCALE: 1" = 100'	PROJECT NO. 16702	DATE: 7/19/18	SHEET: S1.1	DRAWN BY: A.M.P.	CHECKED BY: P.L.A.
DRAWING No: 16702_Existing_Conditions					<b>Tax Map 60 Lot 10</b>
FIELD BOOK No: "Kittery #33"					

REV.	DATE	STATUS	BY	CHKD	APPD.



MATCHLINE SHEET S1.1  
MATCHLINE SHEET S1.2

TAX MAP 60  
LOT 10  
106.82± Ac.

Upland

REMNANTS OF BARBWARE FENCE ALONG BOUNDARY

Edge of Delineated Wetland (Typ. - SEE NOTE #6)

ARTHUR W. ANDREWS, JR.  
TAX MAP 60 LOT 10  
Y.C.R.D. BOOK 1694 PAGE 548

N/F SUZANNE R. PATTEN TRUST  
TAX MAP 59 LOT 7  
Y.C.R.D. BOOK 11639 PAGE 32

N/F KITTERY LAND TRUST  
TAX MAP 65 LOT 12-4  
Y.C.R.D. BOOK 16713 PAGE 118

N/F JOSHUA R. ABBOTT  
TAX MAP 65 LOT 12-3  
Y.C.R.D. BOOK 16183 PAGE 464

N/F BOON ROCK, LLC  
TAX MAP 65 LOT 12-3  
Y.C.R.D. BOOK 17433 PAGE 381  
"STONEWALL CONDOMINIUM"  
CONDO FILE 918 PAGE 1

N/F MARIA WYKA  
TAX MAP 65 LOT 10-D  
Y.C.R.D. BOOK 17350 PAGE 358

N/F MICHAEL J. SCARDONE  
TAX MAP 65 LOT 10A  
Y.C.R.D. BOOK 10588 PAGE 291

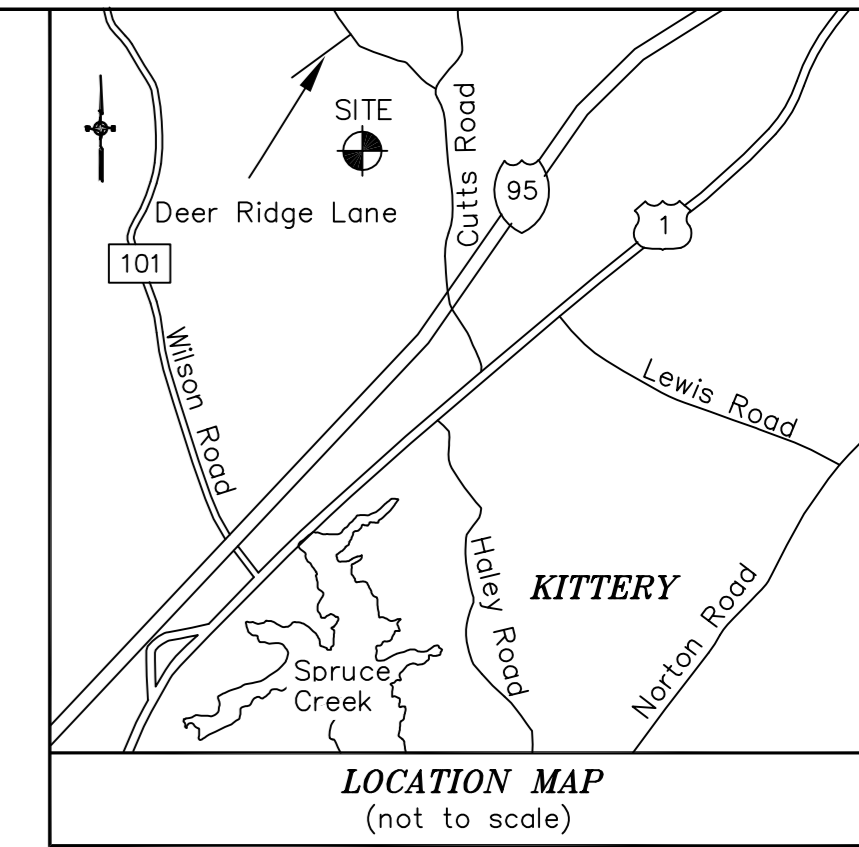
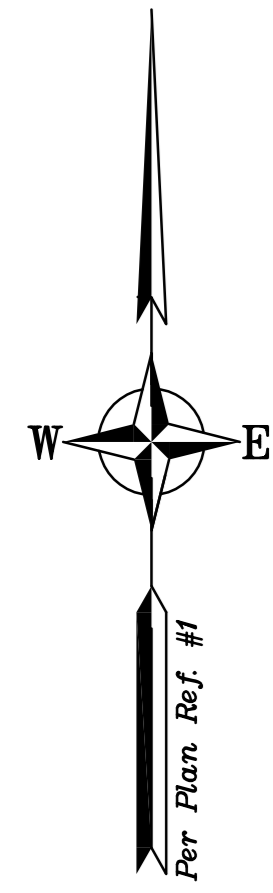
N/F STEVEN C. ABBOTT  
TAX MAP 65 LOT 09-A  
Y.C.R.D. BOOK 14475 PAGE 915

N/F CHRIS ANDREWS  
RACHAEL M. ANDREWS  
TAX MAP 65 LOT 10C  
Y.C.R.D. BOOK 16427 PAGE 568  
Y.C.R.D. BOOK 16431 PAGE 706

N/F JOHN P. HIPPERN  
TAX MAP 65 LOT 10-A  
Y.C.R.D. BOOK 6718 PAGE 191

N/F PETER N. BOSTROM  
TAX MAP 65 LOT 09  
Y.C.R.D. BOOK 11262 PAGE 44

N/F ROBERT D. CHAREST  
TAX MAP 65 LOT 06  
Y.C.R.D. BOOK 16795 PAGE 11



TAX MAP 60  
LOT 10  
106.82± Ac.

MATCHLINE SHEET S1.1  
MATCHLINE SHEET S1.2

PERIMETER LINE TABLE		
Line	Length	Bearing
L10	1603.36'	S11°29'19"E
L11	176.94'	S52°19'25"E
L12	173.65'	S53°31'28"E
L13	354.15'	S32°58'37"W
L14	165.76'	S32°05'03"W
L15	120.08'	N41°25'57"W
L16	310.03'	N46°18'01"W
L17	255.09'	N47°24'16"W
L18	393.83'	S23°50'47"W
L19	240.22'	S22°06'16"W
L20	117.15'	S27°57'04"W
L21	132.28'	S23°50'48"W
L22	41.63'	S28°29'18"W
L23	27.87'	S26°38'04"W
L24	98.28'	N68°27'58"W
L25	230.30'	N69°18'14"W
L26	121.16'	N70°15'38"W
L27	175.56'	S38°53'42"W
L28	149.97'	S39°54'01"W
L29	683.69'	N53°06'59"W
L30	204.77'	N31°17'14"E
L31	245.88'	N30°50'47"E
L32	127.76'	N19°38'47"E
L33	189.24'	N15°37'53"E
L34	167.84'	N11°56'54"E
L35	81.62'	N06°00'01"E
L36	77.43'	N00°11'26"E
L37	103.22'	N01°54'30"E
L38	57.87'	N07°35'06"E
L39	112.06'	N02°34'22"E
L40	87.99'	N03°30'06"E
L41	79.35'	N08°33'34"W

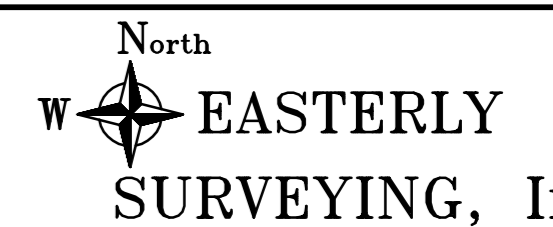
**MONUMENT LEGEND:**

- MONUMENT FOUND
- DRILL HOLE FOUND

**PRELIMINARY**

**STANDARD BOUNDARY SURVEY  
& EXISTING CONDITIONS PLAN**

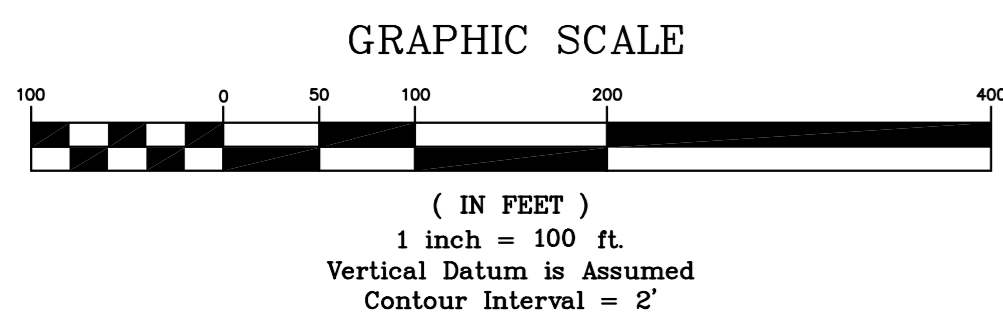
FOR PROPERTY AT  
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OWNED BY  
**Arthur W. Andrews Revocable Trust**  
Mary Thron, Trustee  
P.O. Box 96, Kittery Point, ME 03905

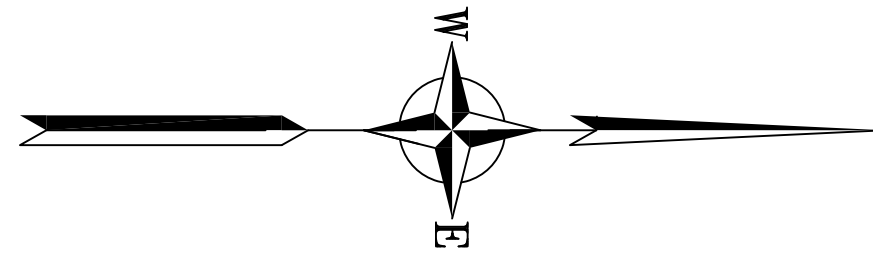


SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1  
KITTERY, MAINE 03904  
(207) 439-6333

SCALE: 1" = 100'	PROJECT NO. 16702	DATE: 7/19/18	SHEET: S1.2	DRAWN BY: A.M.P.	CHECKED BY: P.L.A.
DRAWING No: 16702_Existing_Conditions			Tax Map 60 Lot 10		
FIELD BOOK No: "Kittery #33"					

REV.	DATE	STATUS	BY	CHKD	APPD.





**LEGEND:**

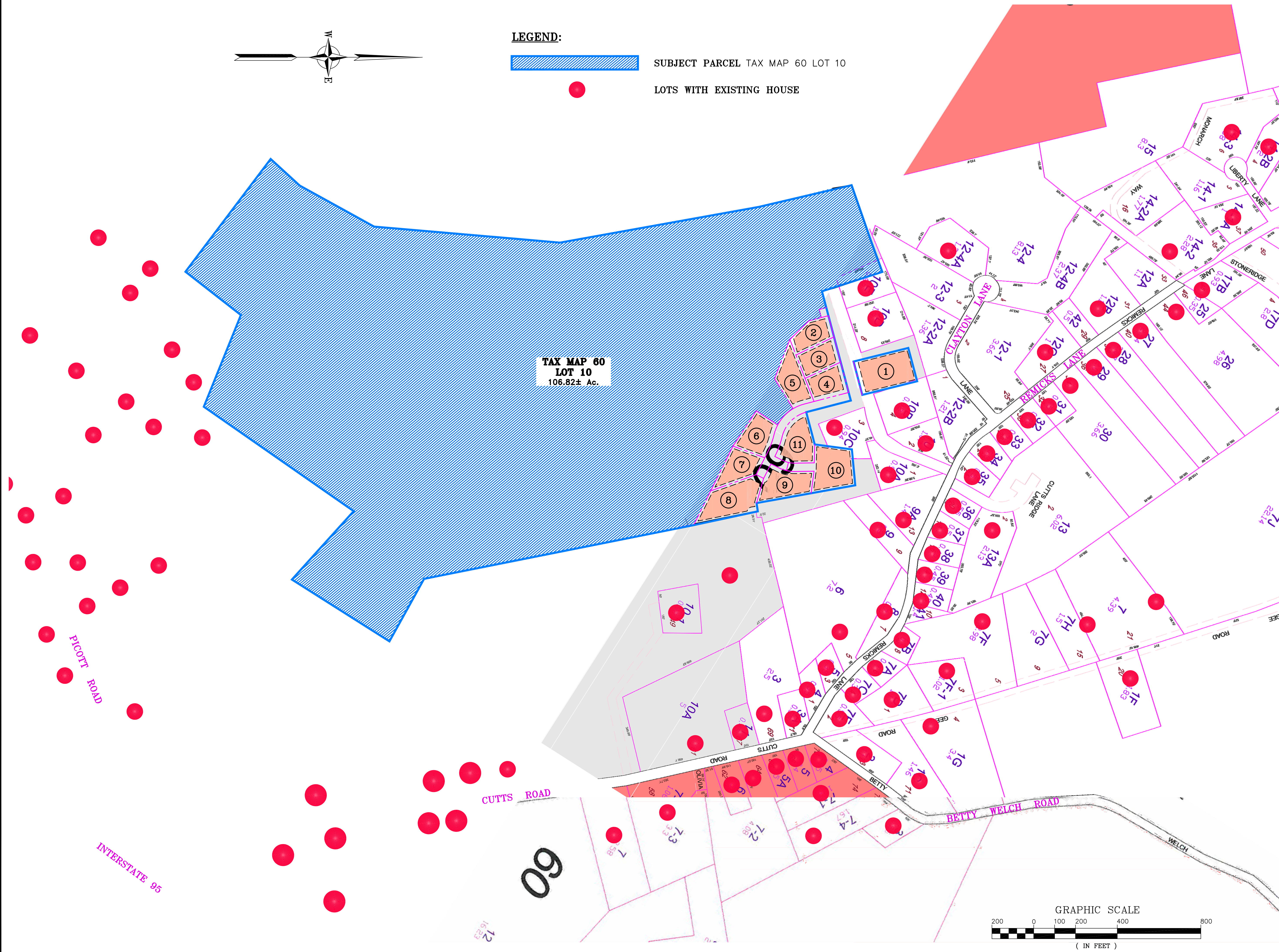


SUBJECT PARCEL TAX MAP 60 LOT 10



LOTS WITH EXISTING HOUSE

**TAX MAP 60  
LOT 10  
106.82± Ac.**



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North  
W **EASTERLY**  
SURVEYING, Inc.

SURVEYORS IN N.H. & MAINE  
191 STATE ROAD, SUITE #1  
KITTELY, MAINE 03904  
(207) 439-6333

**THIS DRAWING HAS NOT BEEN  
RELEASED FOR CONSTRUCTION**

ISSUED FOR: **SKETCH PLAN REVIEW**

ISSUE DATE: **JULY 19, 2018**

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	JKC	7/19/18

DRAWN BY: \_\_\_\_\_ RMB  
 APPROVED BY: \_\_\_\_\_ JKC  
 DRAWING FILE: 4795SKETCH.DWG

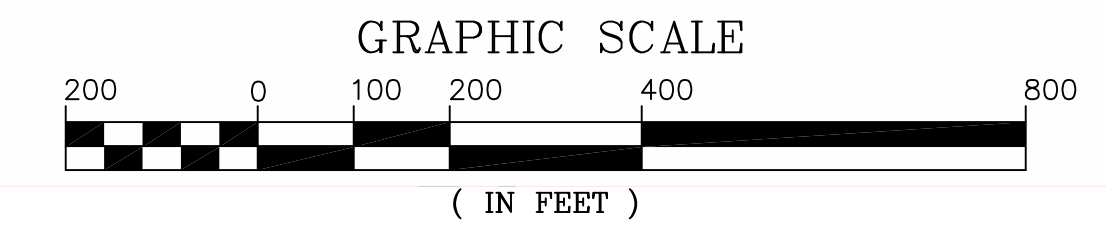
SCALE: **1" = 200"**

OWNERS/APPLICANT:  
**ARTHUR W. ANDREWS  
 REV. TRUST  
 c/o MARY THRON  
 8 DEER RIDGE LANE  
 KITTELY, MAINE 03904**

PROJECT:  
**ANDREWS SUBDIVISION  
 MAP 60 LOT 10  
 REMICKS LANE  
 KITTELY, MAINE**

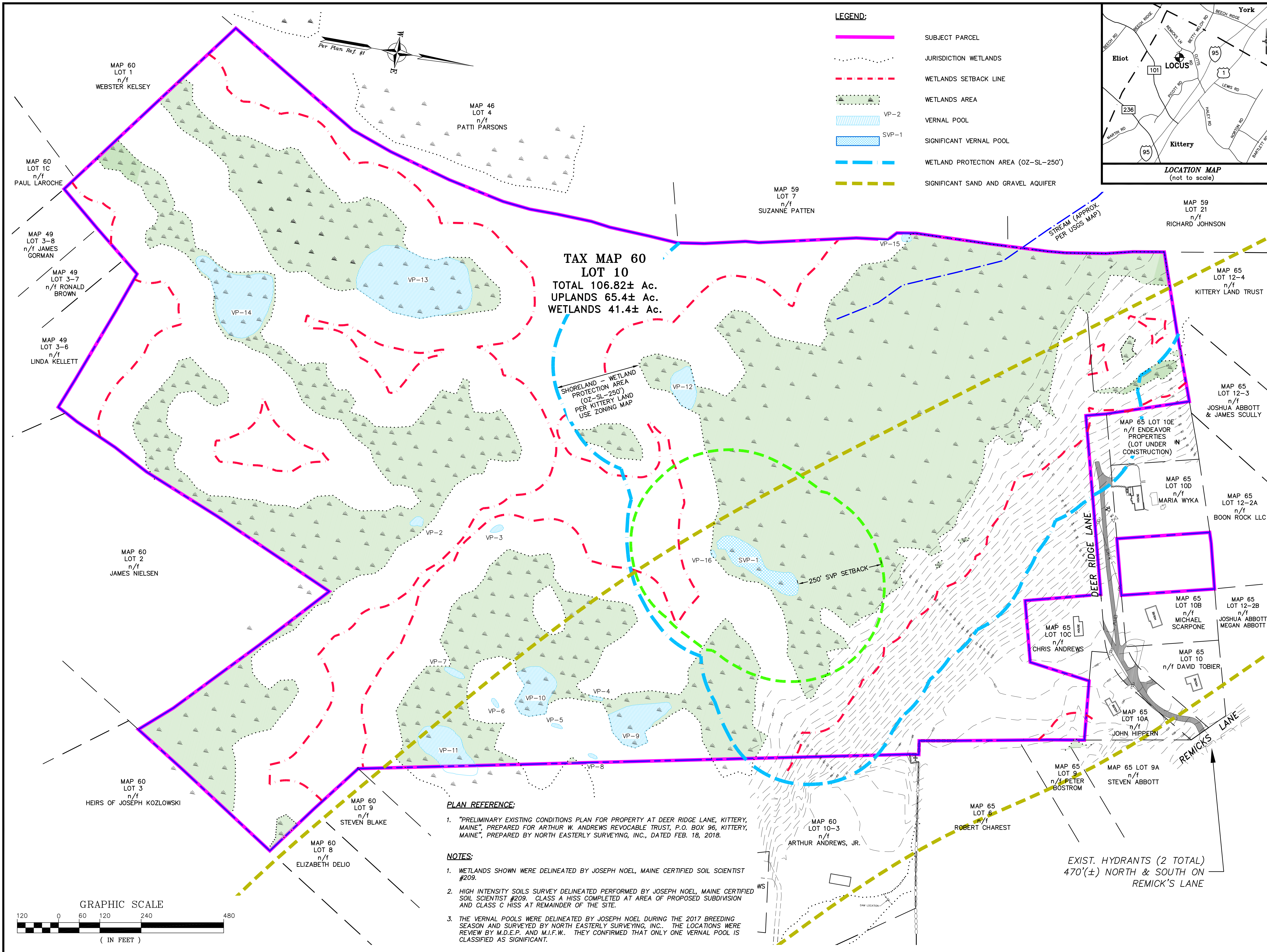
TITLE:  
**SKETCH REVIEW -  
 VICINITY PLAN**

SHEET NUMBER:  
**CC-1**

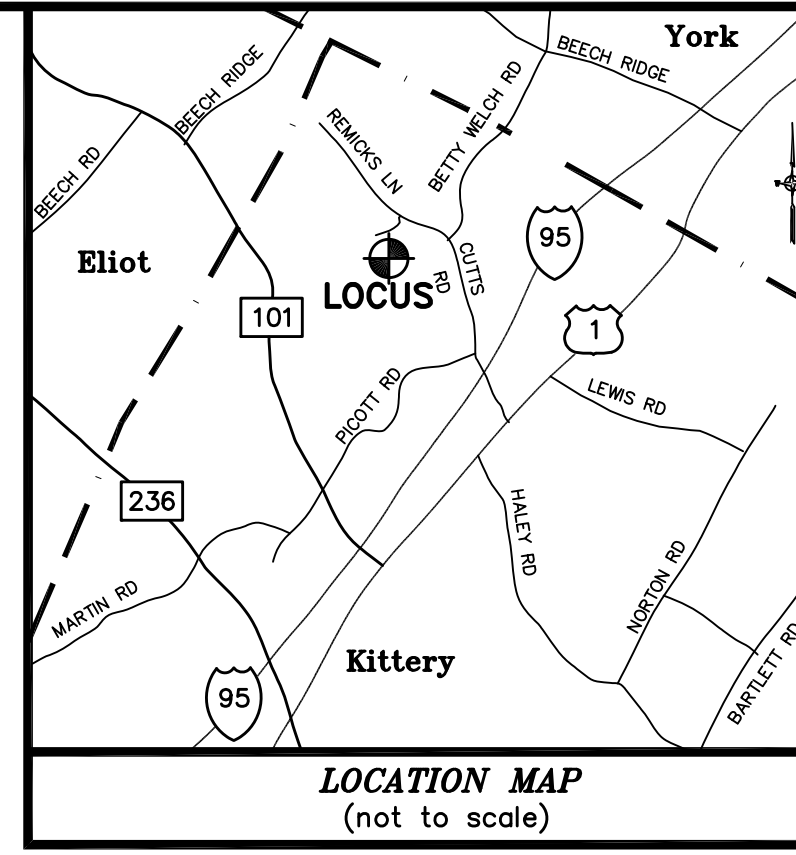


P4795





- LEGEND:**
- SUBJECT PARCEL
  - JURISDICTION WETLANDS
  - WETLANDS SETBACK LINE
  - WETLANDS AREA
  - VP-2 VERNAL POOL
  - SVP-1 SIGNIFICANT VERNAL POOL
  - WETLAND PROTECTION AREA (OZ-SL-250')
  - SIGNIFICANT SAND AND GRAVEL AQUIFER



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**TAX MAP 60  
 LOT 10  
 TOTAL 106.82± Ac.  
 UPLANDS 65.4± Ac.  
 WETLANDS 41.4± Ac.**

SHORELAND - WETLAND PROTECTION AREA (OZ-SL-250') PER KITTERY LAND USE ZONING MAP

250' SVP SETBACK

EXIST. HYDRANTS (2 TOTAL)  
 470'(±) NORTH & SOUTH ON REMICK'S LANE

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NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	JKC	7/19/18

DRAWN BY:                      RMB  
 APPROVED BY:                      JKJ  
 DRAWING FILE:                      4795SKETCH.DWG

SCALE: **1" = 120"**

OWNERS/APPLICANT:  
**ARTHUR W. ANDREWS  
 REV. TRUST  
 c/o MARY THRON  
 8 DEER RIDGE LANE  
 KITTERY, MAINE 03904**

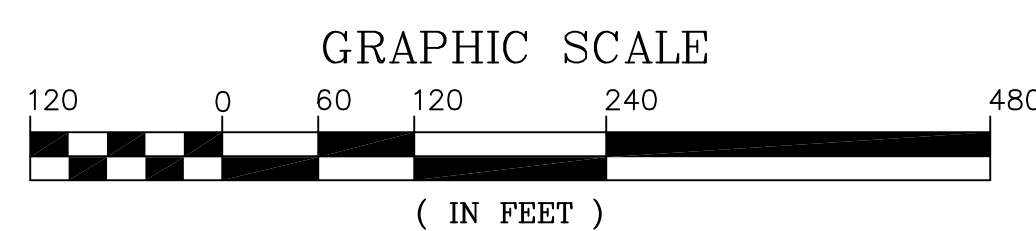
PROJECT:  
**ANDREWS SUBDIVISION  
 MAP 60 LOT 10  
 REMICKS LANE  
 KITTERY, MAINE**

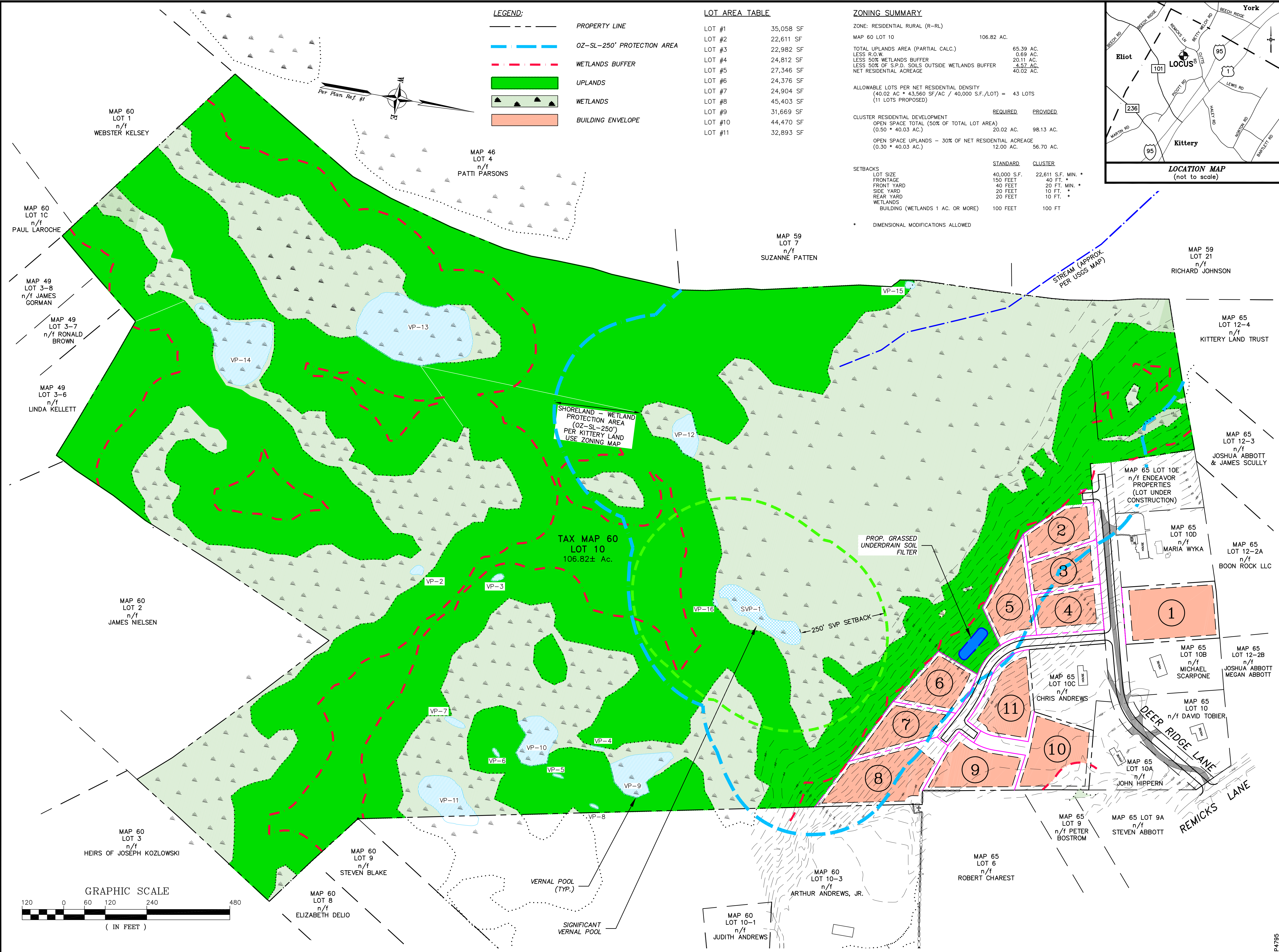
TITLE:  
**SKETCH PLAN -  
 EXISTING  
 CONDITIONS PLAN**

SHEET NUMBER:  
**CC-2**

MAP 60 LOT 1 n/f WEBSTER KELSEY  
 MAP 46 LOT 4 n/f PATTI PARSONS  
 MAP 59 LOT 7 n/f SUZANNE PATTEN  
 MAP 60 LOT 1C n/f PAUL LAROCHE  
 MAP 49 LOT 3-8 n/f JAMES GORMAN  
 MAP 49 LOT 3-7 n/f RONALD BROWN  
 MAP 49 LOT 3-6 n/f LINDA KELLETT  
 MAP 60 LOT 2 n/f JAMES NIELSEN  
 MAP 60 LOT 3 n/f HEIRS OF JOSEPH KOZLOWSKI  
 MAP 60 LOT 9 n/f STEVEN BLAKE  
 MAP 60 LOT 8 n/f ELIZABETH DELIO

- PLAN REFERENCE:**
- "PRELIMINARY EXISTING CONDITIONS PLAN FOR PROPERTY AT DEER RIDGE LANE, KITTERY, MAINE", PREPARED FOR ARTHUR W. ANDREWS REVOCABLE TRUST, P.O. BOX 96, KITTERY, MAINE", PREPARED BY NORTH EASTERLY SURVEYING, INC., DATED FEB. 18, 2018.
- NOTES:**
- WETLANDS SHOWN WERE DELINEATED BY JOSEPH NOEL, MAINE CERTIFIED SOIL SCIENTIST #209.
  - HIGH INTENSITY SOILS SURVEY DELINEATED PERFORMED BY JOSEPH NOEL, MAINE CERTIFIED SOIL SCIENTIST #209. CLASS A HISS COMPLETED AT AREA OF PROPOSED SUBDIVISION AND CLASS C HISS AT REMAINDER OF THE SITE.
  - THE VERNAL POOLS WERE DELINEATED BY JOSEPH NOEL DURING THE 2017 BREEDING SEASON AND SURVEYED BY NORTH EASTERLY SURVEYING, INC. THE LOCATIONS WERE REVIEW BY M.D.E.P. AND M.I.F.W.. THEY CONFIRMED THAT ONLY ONE VERNAL POOL IS CLASSIFIED AS SIGNIFICANT.





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ISSUE DATE: **JULY 19, 2018**

**REVISIONS**

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	JKC	7/19/18

**DRAWN BY:** RMB  
**APPROVED BY:** JKC  
**DRAWING FILE:** 4795SKETCH.DWG

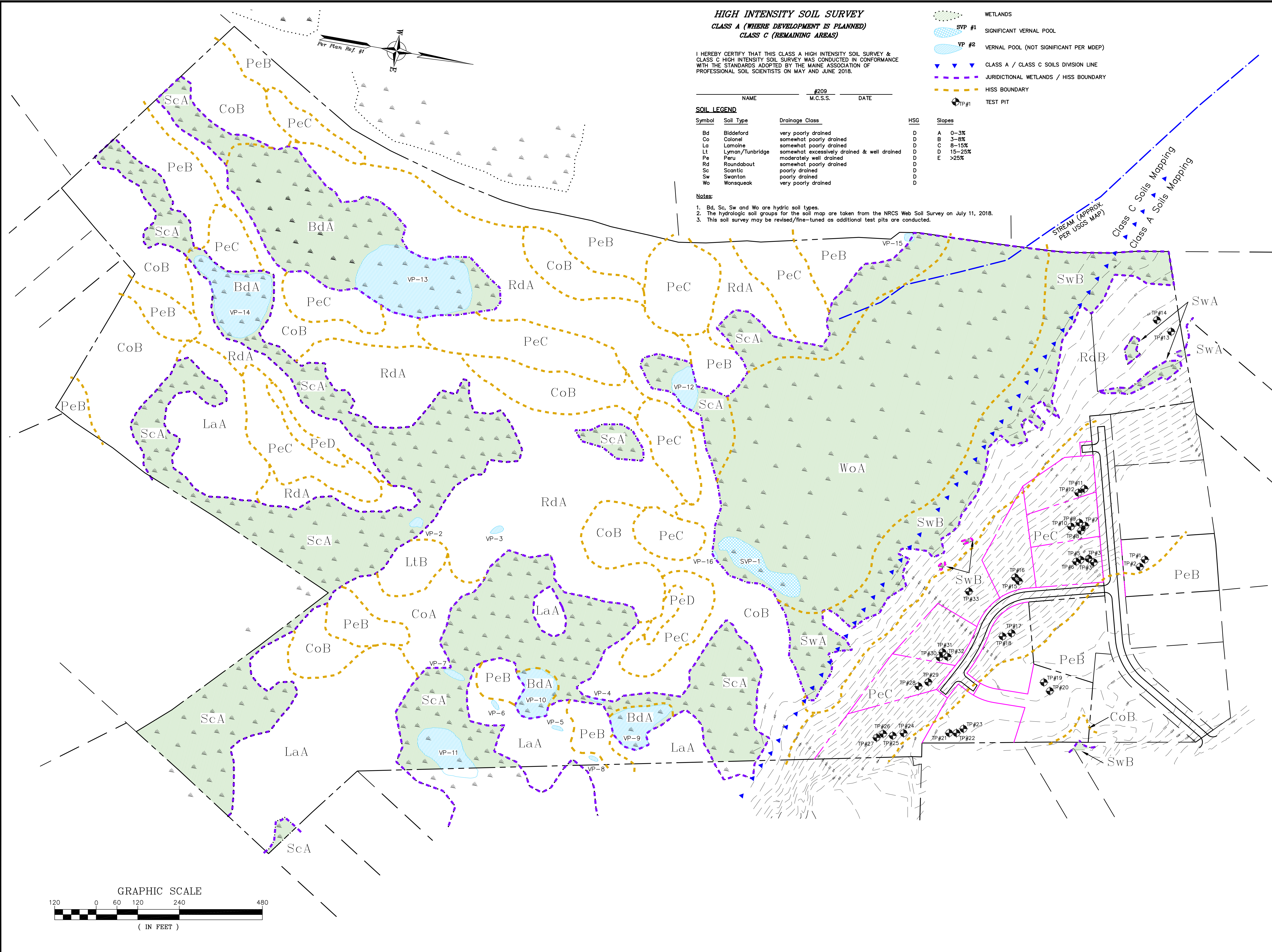
**SCALE:** 1" = 120"

**OWNERS/APPLICANT:**  
**ARTHUR W. ANDREWS REV. TRUST**  
 c/o MARY THRON  
 8 DEER RIDGE LANE  
 KITTERY, MAINE 03904

**PROJECT:**  
 ANDREWS SUBDIVISION  
 MAP 60 LOT 10  
 REMICKS LANE  
 KITTERY, MAINE

**TITLE:**  
**SKETCH REVIEW - (13) LOTS CONCEPT PLAN**

**SHEET NUMBER:**  
**CC-3**



**HIGH INTENSITY SOIL SURVEY**  
**CLASS A (WHERE DEVELOPMENT IS PLANNED)**  
**CLASS C (REMAINING AREAS)**

I HEREBY CERTIFY THAT THIS CLASS A HIGH INTENSITY SOIL SURVEY & CLASS C HIGH INTENSITY SOIL SURVEY WAS CONDUCTED IN CONFORMANCE WITH THE STANDARDS ADOPTED BY THE MAINE ASSOCIATION OF PROFESSIONAL SOIL SCIENTISTS ON MAY AND JUNE 2018.

NAME: \_\_\_\_\_ #209 M.C.S.S. DATE \_\_\_\_\_

**SOIL LEGEND**

Symbol	Soil Type	Drainage Class	HSG	Slopes
Bd	Biddeford	very poorly drained	D	A 0-3%
Co	Colonel	somewhat poorly drained	D	B 3-8%
La	Lamoine	somewhat poorly drained	D	C 8-15%
Lt	Lymon/Tunbridge	somewhat excessively drained & well drained	D	D 15-25%
Pe	Peru	moderately well drained	D	E >25%
Rd	Roundabout	somewhat poorly drained	D	
Sc	Scantic	poorly drained	D	
Sw	Swanton	poorly drained	D	
Wo	Wonsqueak	very poorly drained	D	

- WETLANDS
- SIGNIFICANT VERNAL POOL
- VERNAL POOL (NOT SIGNIFICANT PER MDEP)
- CLASS A / CLASS C SOILS DIVISION LINE
- JURISDICTIONAL WETLANDS / HISS BOUNDARY
- HISS BOUNDARY
- TEST PIT

- Notes:**
- Bd, Sc, Sw and Wo are hydric soil types.
  - The hydrologic soil groups for the soil map are taken from the NRCS Web Soil Survey on July 11, 2018.
  - This soil survey may be revised/fine-tuned as additional test pits are conducted.

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 ISSUE DATE: **JULY 19, 2018**

**REVISIONS**

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DRAWN BY: \_\_\_\_\_ RMB  
 APPROVED BY: \_\_\_\_\_ JKC  
 DRAWING FILE: 4795SKETCH.DWG

SCALE: **1" = 120"**

OWNERS/APPLICANT:  
**ARTHUR W. ANDREWS REV. TRUST**  
**c/o MARY THRON**  
**8 DEER RIDGE LANE**  
**KITTERY, MAINE 03904**

PROJECT:  
**ANDREWS SUBDIVISION**  
**MAP 60 LOT 10**  
**REMICKS LANE**  
**KITTERY, MAINE**

TITLE:  
**SKETCH REVIEW - HISS PLAN**

SHEET NUMBER:  
**CC-4**

