

**TOWN OF KITTERY, ME
PLANNING BOARD MEETING
Council Chambers**

**UNAPPROVED
MAY 12, 2016**

1 **Meeting called to order: 6:02 pm**

2
3 **Pledge of Allegiance**

4
5 **Roll Call:**

6 Board members present: Chair Ann Grinnell, Vice Chair Karen Kalmar, Robert Harris, Dutch
7 Dunkelberger, Debbie Driscoll-Davis, Mark Alesse

8 Board members absent: Brett Costa

9 Staff present: Chris Di Matteo, Town Planner

10
11 **Minutes: April 28, 2016**

12 Line 31 – replace “infer” with “confer”

13 Line 63 – add “both the proposed ordinance document and” after the word “have”

14 Line 158 – replace “standalone” with “stand alone”

15 Line 170 – replace “16” with “6”

16
17 **Ms. Kalmar moved to approve the April 28, 2016_minutes, as amended.**

18 **Mr. Dunkelberger seconded.**

19 **Motion passed 6-0-0.**

20
21 **Site Walk Minutes: April 28, 2016**

22 Under handouts – replace “incorporation” with “incorporating”

23 Under meeting – replace “3 Knight Avenue” with “23 Whippoorwill Lane”

24 Under other participants – remove “Diane Wyman” and “Ned Savoie”, then add “Karin Saltus”

25
26 **Mr. Dunkelberger moved to approve the April 28, 2016 site walk minutes, as amended.**

27 **Ms. Kalmar seconded.**

28 **Motion passed 6-0-0.**

29
30 **Public Comment: Ms. Grinnell opened the floor for public comment.**

31
32 **PUBLIC HEARING**

33
34 **ITEM 1 – 23 Whippoorwill Lane – Shoreland Development Plan Review**

35 **Action: Hold a public hearing. Approve or deny plan.** Owner/Applicant Christopher Baudo requests
36 consideration for plans to demolish and reconstruct an existing two-story duplex in an expanded footprint,
37 and install a pool on his property located at 23 Whippoorwill Lane (Tax Map 33 Lot 2) in the Residential-
38 Rural (R-RL) and Shoreland Overlay (OZ-SH-250') Zones. Agent is Albert Frick, Albert Frick Associates,
39 Inc.

40
41 Mr. Baudo stated that the proposed demolition for the existing dwelling was explained in the April 28, 2016
42 site walk. The proposed dwelling would be smaller than the existing dwelling. Removal of vegetation would
43 be intended minimal at best. The Planning Board should have observed from the site walk that there would be
44 no potential for major damage to trees or shrubs in the surrounding area during construction.

45
46 Ms. Kalmar asked if Mr. Baudo reviewed the staff notes. Mr. Baudo replied in the negative. Mr. Di Matteo
47 advised that staff notes may contain a condition in which the plan would require a revision before any
48 approval or denial action. Ms. Kalmar felt that the staff notes concern only minor revisions to the plan.

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49 Having briefly scanned the staff notes, Mr. Baudo felt there were no major conditions that impose any
50 problems.

51
52 Mr. Dunkelberger acknowledged the requirement for a surveyor to certify the final plan. Mr. Baudo asked
53 whether the certification pertains to the existing conditions of the property or the designed site work. Mr.
54 Dunkelberger noted that there may be concerns with the actual layout of the duplex over the existing duplex.
55 Mr. Di Matteo noted that the devegetated area is based on existing conditions. He added that the plan is to be
56 recorded in the York county registry of deeds, which requires three professional reviews not conducted by the
57 owner. Mr. Baudo asked which drawing should be sealed by a surveyor. Mr. Di Matteo responded that there
58 is only one drawing, the Shoreland Development Plan, that would require certification. Mr. Baudo agreed to
59 have a surveyor with the consideration that time be allocated before the Mylar be signed. Mr. Di Matteo
60 clarified that 90 days is given for the Planning Board to take action on any plan. Mr. Baudo confirmed that 90
61 days would be sufficient amount of time to accomplish the certification.

62
63 Mr. Di Matteo additionally noted to elaborate in the plan the portion of the dwelling that is determined
64 outside of the Shoreland Overlay Zone. He also advised to remove any reference to a new driveway.

65
66 Ms. Driscoll-Davis asked if the gravel will be gravel or paved. Mr. Baudo replied it will be gravel.

67
68 Ms. Driscoll-Davis asked Mr. Baudo has considered installing a more efficient septic system. Mr. Baudo
69 replied that he had not considered it yet. She pointed out that more engineered systems, such as an OxyPro,
70 produce 99% water and require smaller leach fields.

71
72 Ms. Driscoll-Davis asked if a special exception is required. Mr. Di Matteo replied that if more dwelling units
73 are being added to the number of units are already in use, then an exception would be required. Mr. Baudo
74 confirmed to Ms. Driscoll-Davis that the duplex is currently occupied. Ms. Grinnell asked if the tax card
75 specifies a duplex. Mr. Di Matteo responded that it does not indicate a duplex on the existing tax card and
76 permits. Ms. Driscoll-Davis noted that if it were a special exception, the brush along the shoreland not be
77 cleared. Mr. Di Matteo clarified that if the area was cleared prior to that ordinance requirement, then it can be
78 maintained. In summary, Mr. Baudo's application does not require a special exception.

79
80 Ms. Earledean Wells asked if the proposed deck is located over the septic system. Mr. Baudo clarified that
81 there would not be a deck built over the septic tanks.

82
83 **Ms. Kalmar made a motion to approve with conditions for the Shoreland Development Plan for**
84 **owner/applicant Christopher Baudo located at 23 Whippoorwill Lane (Tax Map 33 Lot 2) in the**
85 **Residential-Rural (R-RL) and Shoreland Overlay (OZ-SH-250') Zones upon the review and voting in**
86 **the affirmative of the findings of fact.**

87 **Mr. Dunkelberger seconded.**

88 **Motion passed 6-0-0.**

89
90 **FINDINGS OF FACT**

91
92 **Chapter 16.3 LAND USE ZONE REGULATIONS**

16.3.2.17.D Shoreland Overlay Zone

<i>1.d The total footprints of the areas devegetated for structures, parking lots and other impervious surfaces, must not exceed twenty (20) percent of the lot area, including existing development,</i>

except in the following zones...

Findings: Maximum devegetated area in the Shoreland Overlay and Residential - Rural zone is 20%. The development creates a devegetated area of 13.26% and does not exceed this limit.

Conclusion: The requirement appears to be met.

Vote: 6 in favor 0 against 0 abstaining

93
94
95

**Chapter 10 DEVELOPMENT PLAN APPLICATION AND REVIEW
Article 10 Shoreland Development Review**

16.10.10.2 Procedure for Administering Permits

D. An application will be approved or approved with conditions if the reviewing authority makes a positive finding based on the information presented. It must be demonstrated the proposed use will:

1. Maintain safe and healthful conditions;

Finding: The proposed development, as represented in the plans and application, does not appear to have an adverse impact.

Conclusion: This requirement appears to be met

Vote: 6 in favor 0 against 0 abstaining

2. Not result in water pollution, erosion or sedimentation to surface waters;

Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction (see conditions #2 and #3) to avoid impact on adjacent surface waters.

Conclusion: This requirement appears to be met

Vote: 6 in favor 0 against 0 abstaining

3. Adequately provide for the disposal of all wastewater;

Finding: The proposed development includes two septic systems to service the primary residence and duplex separately. *A preliminary septic report was submitted on 4/22/2016. Due to the location of the expanded leachfield, a revised HHE 200 application will be submitted following demolition and regrading of the lot and prior to the issuance of a building permit.*

Conclusion: This requirement appears to be met.

Vote: 6 in favor 0 against 0 abstaining

4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation

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<p>control during site preparation and building construction (see conditions #2 and #3) to avoid impact on adjacent surface waters. These conditions should be added to the plan.</p> <p><u>Conclusion:</u> The proposed development does not appear to have an adverse impact. With the suggested conditions #2 and #3, this standard appears to be met.</p>
<p style="text-align: right;">Vote: <u>6</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p><i>5. Conserve shore cover and visual, as well as actual points of access to inland and coastal waters;</i></p> <p><u>Finding:</u> Shore cover is not adversely impacted</p> <p><u>Conclusion:</u> This requirement appears to be met.</p>
<p style="text-align: right;">Vote: <u>5</u> in favor <u>0</u> against <u>1</u> abstaining</p>
<p><i>6. Protect archaeological and historic resources;</i></p> <p><u>Finding:</u> There does not appear to be any resources impacted.</p> <p><u>Conclusion:</u> This requirement appears to be met.</p>
<p style="text-align: right;">Vote: <u>6</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p><i>7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district;</i></p> <p><u>Finding:</u> The proposed development is not in the Commercial Fishing / Maritime Use Zone.</p> <p><u>Conclusion:</u> This requirement is not applicable.</p>
<p style="text-align: right;">Vote: <u>6</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p><i>8. Avoid problems associated with floodplain development and use;</i></p> <p><u>Finding:</u> The development is not located within a flood zone.</p> <p><u>Conclusion:</u> This requirement is not applicable.</p>
<p style="text-align: right;">Vote: <u>6</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p><i>9. Is in conformance with the provisions of this code;</i></p> <p><u>Finding:</u> The proposed development complies with the zoning and design/performance standards of Title 16.</p> <p><u>Conclusion:</u> This requirement appears to be met.</p>
<p style="text-align: right;">Vote: <u>6</u> in favor <u>0</u> against <u>0</u> abstaining</p>

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10. Be recorded with the York county Registry of Deeds.

Finding: With consideration of condition of approval #6, a plan suitable for recording is required.

Conclusion: As stated in the Notices to Applicant contained herein, shoreland Development plans must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.

Vote: 6 in favor 0 against 0 abstaining

96
97 **NOW THEREFORE** THE Kittery Planning Board adopts each of the foregoing Findings of Fact
98 and based on these Findings determines the Development will have no significant detrimental
99 impact, and the Kittery Planning Board hereby grants final approval for the Development at the
100 above referenced property, including any waivers granted or conditions as noted

101
102 **Waivers:** None

103
104 **Conditions of Approval** (to be depicted on final plan to be recorded):
105

- 106 1. No changes, erasures, modifications or revisions may be made to any Planning Board
107 approved final plan. (Title 16.10.9.1.2)
- 108 2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work
109 associated with site and building construction to ensure adequate erosion control and slope
110 stabilization.
- 111 3. Prior to the commencement of grading and/or construction within a building envelope, as
112 shown on the Plan, the owner and/or developer must stake all corners of the envelope. These
113 markers must remain in place until the Code Enforcement Officer determines construction is
114 completed and there is no danger of damage to areas that are, per Planning Board approval,
115 to remain undisturbed.
- 116 4. No trees are to be removed without prior approval by the Code Enforcement Officer or the
117 Shoreland Resource Officer. Efforts to protect existing trees must be in place prior to
118 construction.
- 119 5. All Notices to Applicant contained herein (Findings of Fact dated 5/12/2016).

120
121 **Conditions of Approval** (not to be depicted on final plan):

- 122
123 6. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board or
124 Peer Review Engineer, and submit for Staff review prior to presentation on final Mylar.
125

126 The Planning Board authorizes the Planning Board Chair to sign the Final Plan and the Findings
127 of Fact upon confirmation of required plan changes.

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128
129 **Vote: 6 in favor 0 against 0 abstaining**
130

131 APPROVED BY THE KITTERY PLANNING BOARD ON May 12, 2016
132

133
134
135
136 _____
137 Ann Grinnell, Planning Board Chair

138 **Notices to Applicant:**
139

- 140 1. Incorporate any plan revisions on the final plan as required Planning Board and submit for Staff
141 review prior to presentation of final mylar.
- 142 2. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated
143 with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper
144 advertisements and abutter notification.
- 145 3. One (1) mylar copy of the final plan and any and all related state/federal permits or legal
146 documents that may be required, must be submitted to the Town Planning Department for
147 signing. Date of Planning Board approval shall be included on the final plan in the Signature
148 Block. After the signed plan is recorded with the York County Registry of Deeds, a mylar copy
149 of the signed original must be submitted to the Town Planning Department.
- 150 4. This approval by the Town Planning Board constitutes an agreement between the Town and the
151 Developer, incorporating as elements the Development Plan and supporting documentation, the
152 Findings of Fact, and any Conditions of Approval.

153 Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the Planning Board
154 to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within
155 forty-five (45) days from the date the decision by the Planning Board was rendered.
156

157 **OLD BUSINESS**
158

159 **ITEM 2 – 93 Picott Road – Right of Way Plan Review**

160 Action: Approve or deny plan. Owner Herbert and Carolynn Marsh and Applicant Graystone Builders, Inc.
161 propose a Right-Of-Way to access two new lots located at 93 Picott Road (Tax Map 49 Lot 7) in the
162 Residential-Rural (R-RL) Zone. Agent is Bill Anderson, Anderson Livingston Engineers.
163

164 Mr. Anderson noted that minor changes have been made since the last Planning Board meeting. The road was
165 moved by four feet to provide more clearance from the cemetery. By shifting the road away from it, the cut
166 became about one foot. The road name has been changed to Cider Mill Lane.
167

168 Mr. Di Matteo noted that contrary to Item K in the findings of facts provided in the meeting materials, CMA
169 has reviewed the drawings and is supportive of the plan. Mr. Di Matteo stated the updated verbiage for that

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170 item.

171
 172 Mr. Di Matteo explained and stated a new condition of approval added in respect to wetland setback
 173 restrictions. Mr. Anderson clarified that this had been reviewed and Mr. Di Matteo made suggestions as to
 174 how those key areas should be documented in the plan.

175
 176 **Mr. Dunkelberger made a motion to grant preliminary and final plan approval with conditions for the**
 177 **Right of Way Plan for Owner Herbert and Carolyn Marsh and Applicant Graystone Builders, Inc.**
 178 **located at 93 Picott Road (Tax Map 49 Lot 7) in the Residential-Rural (R-RL) Zone upon the review**
 179 **and voting in the affirmative of the findings of fact.**

180 **Ms. Driscoll-Davis seconded.**

181 **Motion passed 6-0-0.**

182

FINDINGS OF FACT
Action by the board shall be based upon findings of fact which certify or waive compliance with all the required standards of this title, and which certify that the development satisfies the following requirements:
A. Development Conforms to Local Ordinances.
<i>The proposed development conforms to a duly adopted comprehensive plan as per adopted provisions in the Town Code, zoning ordinance, subdivision regulation or ordinance, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.</i>
Finding: The proposed Right-of-Way with noted conditions conforms to the design and performance standards in Title 16.8 as described in Plan Review Notes 5/12/2016 and does not appear to create or increase any nonconformances to the lot.
Conclusion: The Board finds this requirement to be met.
Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining
B. Freshwater Wetlands Identified.
<i>All freshwater wetlands within the project area have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.</i>
Finding: Two wetlands are located at the rear of the lot and have been delineated on the plan. Wetland setbacks are depicted on the final plan and no development is proposed within the setbacks.
Conclusion: The Board finds this requirement to be met.
Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining
C. River, Stream or Brook Identified.
<i>Any river, stream or brook within or abutting the proposed project area has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in 38 M.R.S. §480-B, Subsection 9.</i>
None have been identified. The Board finds this standard is not applicable.
Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining

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D. Water Supply Sufficient. <i>{and}</i>
<i>The proposed development has sufficient water available for the reasonably foreseeable needs of the development.</i>
E. Municipal Water Supply Available.
<i>The proposed development will not cause an unreasonable burden on an existing water supply, if one is to be used.</i>
The proposed development does not cause a burden on water supply. The Board finds this standard is not applicable.
Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining
F. Sewage Disposal Adequate.
<i>The proposed development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.</i>
The proposed development does not connect to sewer. The Board finds this standard is not applicable.
Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining
G. Municipal Solid Waste Disposal Available.
<i>The proposed development will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be used.</i>
The proposed development will not produce an increase in solid waste. The Board finds this standard is not applicable.
Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining
H. Water Body Quality and Shoreline Protected.
<i>Whenever situated entirely or partially within two hundred fifty (250) feet of any wetland, the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.</i>
The development is not within the setback any regulated (non-forested) wetland located on the lot. The Board finds this standard to be met.
Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining
I. Groundwater Protected.
<i>The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.</i>

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The proposed development will not adversely affect the quality or quantity of groundwater. The Board finds this standard has been met.
Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining
J. Flood Areas Identified and Development Conditioned.
<i>All flood-prone areas within the project area have been identified on maps submitted as part of the application based on the Federal Emergency Management Agency’s Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the proposed development, or any part of it, is in such an area, the applicant must determine the one hundred (100) year flood elevation and flood hazard boundaries within the project area. The proposed plan must include a condition of plan approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least one foot above the one hundred (100) year flood elevation.</i>
Finding: The property is not located within a flood prone area.
Conclusion: The Board finds this standard is not applicable.
Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining
K. Stormwater Managed.
<i>Stormwater Managed. The proposed development will provide for adequate stormwater management</i>
Finding: With consideration of CMA, town peer-review engineer, comments in their 3/3/16 letter, subsequent plan revisions and additional information submitted to, and approved by, CMA, the proposed development conforms to Title 16.8.8 Surface Drainage and will provide for adequate stormwater management.
Conclusion: The Board finds this standard has been met with consideration of condition of approval #5.
Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining
L. Erosion Controlled.
<i>The proposed development will not cause unreasonable soil erosion or a reduction in the land’s capacity to hold water so that a dangerous or unhealthy condition results.</i>
The Contractor shall follow MDEP best management practices for erosion and sediment control and address comments from peer-review engineer. (see conditions of approval #2 and #5).
Finding: The plans have been reviewed by the town’s peer-review engineer and the proposed development appears to conform to Title 16.8.8 Surface Drainage and will provide for adequate erosion and sediment control measures on site.
Conclusion: The Board finds this standard has been met with condition of approval #3 and #5.
Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining
M. Traffic Managed.

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<p><i>The proposed development will:</i></p> <ol style="list-style-type: none"> <i>1. Not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed; and</i> <i>2. Provide adequate traffic circulation, both on-site and off-site.</i>
<p>The projected average daily traffic generation for the proposed development is 30 trips and does not meet the threshold for a full traffic study. The proposed development is a two-way street and provides adequate traffic circulation.</p>
<p>Finding: The plans have been reviewed by the town's peer-review engineer and the proposed development appears to conform to Title 16.8.9 Parking, Loading and Traffic and will provide for adequate traffic circulation.</p>
<p>Conclusion: The Board finds this standard has been met.</p>
<p>Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>N. Water and Air Pollution Minimized.</p>
<p><i>The proposed development will not result in undue water or air pollution. In making this determination, the following must be considered:</i></p> <ol style="list-style-type: none"> <i>1. Elevation of the land above sea level and its relation to the floodplains;</i> <i>2. Nature of soils and sub-soils and their ability to adequately support waste disposal;</i> <i>3. Slope of the land and its effect on effluents;</i> <i>4. Availability of streams for disposal of effluents;</i> <i>5. Applicable state and local health and water resource rules and regulations; and</i> <i>6. Safe transportation, disposal and storage of hazardous materials.</i>
<ol style="list-style-type: none"> The development is located outside of a Flood Hazard Area. thru 6. Not applicable to the proposed development.
<p>Finding: It does not appear the proposed development will result in undue water or air pollution Conclusion: The Board finds this standard has been met.</p>
<p>Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining</p>

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<p>O. Aesthetic, Cultural and Natural Values Protected.</p> <p><i>The proposed development will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.</i></p> <p>Finding: Piccott Road is classified as a category one scenic road in the 1999 update of the Kittery Comprehensive Plan. The existing vegetation within the front yard setback should be maintained to adequately preserves the scenic nature of the road, with the exception of any tree removal required for the ROW.</p> <p>The property does not include any significant historic, wildlife habitat or physical or visual access to the shoreline that require protection.</p> <p>Conclusion: This requirement appears to be met.</p> <p style="text-align: right;">Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>P. Developer Financially and Technically Capable.</p> <p><i>Developer is financially and technically capable to meet the standards of this section.</i></p> <p>Finding: The applicant is a developer who has constructed similar projects in the past. A performance guarantee must be provided.</p> <p>Conclusion: The Board finds this standard has been met.</p> <p style="text-align: right;">Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>S. For a Right-of-Way Plan</p> <p>The proposed ROW</p> <ol style="list-style-type: none"> 1. Does not create any nonconforming lots or buildings; and 2. Could reasonably permit the right of passage for an automobile <p>Finding: The proposed development does not create or increase any nonconforming lots or buildings and complies with Title 16 standards with consideration of condition of approval #5 The proposed ROW is 40' wide and can reasonably permit the passage for an automobile.</p> <p>Conclusion: The Board finds this standard has been met.</p> <p style="text-align: right;">Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining</p>

185

**Chapter 16.8 – Design and Performance Standards – Build Environment
Article III. Street Signage**

16.8.3.1 Names
Streets which join or are in alignment with streets of abutting or neighboring properties must bear the

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same name. Names of new streets may not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality and are subject to the approval of the Planning Board.
Findings: The proposed street name Cider Mill Lane does not duplicative or bear phonetic resemblance to any existing street names in Kittery.
Conclusion: The Board finds this standard has been met.
Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining

NOW THEREFORE the Kittery Planning Board adopts each of the foregoing Findings of Fact and based on these Findings determines the proposed Development will have no significant detrimental impact, and the Kittery Planning Board hereby grants final approval for the Development at the above referenced property, including any waivers granted or conditions as noted.

186

Waivers: (to be depicted on the final plan):

1. Monuments - Section 16.8.2
 - a. Waiver to allow the road monuments to be iron pipes instead of stone monuments as a more cost effective boundary marker due to the size and scope of the project

2. Submission materials, Erosion and sedimentation control plan – Section 16.10.5.2.C.6
 - a. York County Soil and Water Conservation District review is not warranted Review completed by CMA Engineers.

Conditions of Approval (to be depicted on the final plan):

1. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
2. The approved private street cannot be accepted by the Town as a public street
3. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated with site and building construction to ensure adequate erosion control and slope stabilization.
4. Prior to the commencement of grading and/or construction within a building envelope, as shown on the Plan, the owner and/or developer must stake all corners of the envelope. These markers must remain in place until the Code Enforcement Officer determines construction is completed and there is no danger of damage to areas that are, per Planning Board approval, to remain undisturbed.
5. Prior to the issuance of any building permits, information demonstrating total size of wetlands and corresponding setbacks must be submitted to the Code Enforcement Officer for review and approval. Total size of wetlands includes all contiguous wetlands on adjacent properties.
6. All Notices to Applicant contained in the Findings of Fact (dated: April 14, 2016).

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Conditions of Approval (Not to be depicted on the final plan):

7. Final plan must be recorded with the York County Registry of Deeds
8. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board, or Peer Review Engineer, and submit for Staff review prior to presentation of final Mylar, including:
 - a. Revise street name to read: 'Cider Mill Lane'
 - b. Plan note and depiction of 25-foot setback from cemetery perimeter on ROW plan
 - c. Add abutter information for properties across the street per 16.10.7.2.T.1.d.

187 Notices to Applicant: (not to be depicted on the final plan)

188

- 189 1. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with review,
190 including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter
191 notification.
- 192 2. State law requires all subdivision and shoreland development plans, and any plans receiving waivers or
193 variances, be recorded at the York County Registry of Deeds within 90 days of the final approval.
- 194 3. One (1) mylar copy and one (1) paper copy of the final plan (recorded plan if applicable) and any and all
195 related state/federal permits or legal documents that may be required, must be submitted to the Town
196 Planning Department. Date of Planning Board approval shall be included on the final plan in the Signature
197 Block.
- 198 4. The owner and/or developer, in an amount and form acceptable to the town manager, must file with the
199 municipal treasurer an instrument to cover the cost of all infrastructure and right-of-way improvements and
200 site erosion and stormwater stabilization, including inspection fees for same.
- 201 5. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer,
202 incorporating the Plan and supporting documentation, the Findings of Fact, and any Conditions of
203 Approval.
204

The Planning Board authorizes the Planning Board Chairperson to sign the Final Plan and the Findings of Fact upon confirmation of compliance with any conditions of approval.

205

206

Vote of 6 in favor 0 against 0 abstaining

207

APPROVED BY THE KITTERY PLANNING BOARD ON May 12, 2016

208

209

210

211

212

213

Ann Grinnell, Planning Board Chair

Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.

214

**TOWN OF KITTERY, ME
PLANNING BOARD MEETING
Council Chambers**

**UNAPPROVED
MAY 12, 2016**

215 **NEW BUSINESS**

216

217 **ITEM 3 – Board Member Items / Discussion**

218

219 A. Committee Updates

220 a. The next Comprehensive Plan 2015-2025 Public Forum will be held on June 11, 2016 at
221 10:00-12:30pm in STAR Theatre Kittery Community Center, 120 Rogers Road, Kittery.

222 B. Action List – None.

223 C. Other – None.

224

225 **ITEM 4 – Town Planner Items:**

226

227 A. An e-mail from Ken Markley regarding 3 Knight Avenue and that they are requesting an extension

228

229 **Ms. Kalmar made a motion to grant a 120-day extension for recording the 3 Knight Ave Shoreland**
230 **Development Plan for owner/application Christopher G. Eckel located at 3 Knight Ave (Tax Map 4**
231 **Lot 70) in the Mixed Use – Kittery Foreside (MU-KF) and Shoreland Overlay (OZ-SL-250') zones.**

232 **Mr. Alesse seconded.**

233 **Motion carried 6-0-0.**

234

235 B. Website updates

236

237 The Town's GIS/Maps Services website is still experiencing issues with the parcel overlay. Other additions
238 to the website include; tax map information as of August 2015, storm water information, zoning from 2010,
239 and information regarding 2-foot contours.

240

241 Ms. Wells asked if the wetland identifiers were included. Mr. Di Matteo is going to research further.

242

243 C. Code Amendments

244

245 Mr. Di Matteo provided the agenda for the Monday, May 16, 2016 joint workshop with Town Council.

246

247 **Mr. Alesse made a motion to adjourn.**

248 **Mr. Dunkelberger seconded.**

249 **Motion carried 6-0-0.**

250

251 The Kittery Planning Board meeting of May 12, 2016 adjourned at 7:00 p.m.

252

253 Submitted by Marissa Day, Minutes Recorder, on June 2, 2016.

254

255 *Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst every effort*
256 *has been made to ensure the accuracy of the information the minutes are not intended as a verbatim*
257 *transcript of comments at the meeting, but a summary of the discussion and actions that took place. For*
258 *complete details, please refer to the video of the meeting on the Town of Kittery website at*

259 <http://www.townhallstreams.com/locations/kittery-maine>.