



KITTERY TOWN PLANNING BOARD MEETING

Council Chambers – Kittery Town Hall 200 Rogers Road, Kittery, Maine 03904

Phone: 207-475-1323 - Fax: 207-439-6806 - www.kittery.org

AGENDA for Thursday, January 9, 2014 6:00 P.M. to 10:00 P.M.

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE – APPROVAL OF MINUTES – 12/12/2013

PUBLIC COMMENTS - Public comment and opinion are welcome during this open session. However, comments and opinions related to development projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate. Those providing comment must state clearly their name and address and record it in writing at the podium.

PUBLIC HEARING/OLD BUSINESS

ITEM 1 – (30 min.)– **Estes Bulk Propane Storage/U.S. Route 1 –Preliminary Plan Completeness Review.**

Action: hold public hearing, discuss site walk and, grant or deny preliminary plan approval. Owner M&T Reality, Applicant Estes Oil & Propane Company, propose a 60,000 gallon bulk propane storage facility at their property south of 506 U.S. Route 1, Tax Map 67, Lot 4, Mixed Use, Residential Rural and Shoreland Overlay zones. Agent is Edward Brake, ATTAR Engineering.

ITEM 2 - (30 min) –**Roylos Development - Land Division – 32 Haley Road**

Action: hold public hearing, grant or deny plan approval. Owners, John and Beth Roylos request approval to divide their property (Map 47 Lot 18-4) located off Haley Road along Wilson Creek in the Residential Rural (R-RL) Zone, a portion of which is within the Shoreland Overlay Zone.

OLD BUSINESS

ITEM 3 – (45 min) – **Town Code Amendment – Title 16.7.8 Land Not Suitable for Development.**

Action: review amendment and schedule a public hearing. An amendment to the Town Code to address the applicability of the *Soil Suitability Guide for Land Use Planning in the State of Maine* referenced in Title 16.7.8.1 Locations of Sewage, item 5, which pertains to soils related to septic sewage. The proposed amendment also includes changes to the net residential area calculations.

ITEM 4 – (20 min) – Town Code Amendment – Title 16.7 Sewer System and Septic Disposal and 16.9.1.4 Soil Suitability. Action: review amendment and schedule a public hearing. Amendments to the Town Code to address soil suitability as it pertains to septic disposal systems and other development.

NEW BUSINESS

ITEM 5 – (30 min) – **Landgarten/578 Haley Road Renovations – Shoreland Development Plan**

Action: accept or deny plan application Owner and applicant Michael Landgarten is requesting approval of revised approved plans to expand an existing non-conforming building located at Tax Map 26, Lot 36, Kittery Point Village and Shoreland Overlay zones. Agent is Jesse Thompson, Kaplan Thompson Architects.

ITEM 6 – (30 minutes) - **Board Member Items / Discussion**

- | | |
|--|---|
| A. Election of Officers | B. Set Time for Board Retreat/Workshop (January 24) |
| C. Board By-Laws (Bring By-Laws from 11/14/13 meeting) | D. Other |

ITEM 7 – (15 minutes) - **Town Planner Items:**

- A. Quality Improvement Overlay Zone; B. Frisbee Holdings LLC: KPA application for proposed float extension C. When Pigs Fly minor site plan amendment; D: Other

ADJOURNMENT - (by 10:00 PM unless extended by motion and vote)

NOTE: ACTION LISTED IN ABOVE AGENDA ITEMS IS FOR REFERENCE ONLY AND THE BOARD MAY DETERMINE A DIFFERENT ACTION.
DISCLAIMER: ALL AGENDAS ARE SUBJECT TO REVISION ONE WEEK PRIOR TO THE SCHEDULED TOWN PLANNING BOARD MEETING.
TO REQUEST A REASONABLE ACCOMMODATION FOR THIS MEETING PLEASE CONTACT STAFF AT (207) 475-1323 OR (207) 475-1307.

1 TOWN OF KITTERY, MAINE
2 PLANNING BOARD MEETING
3 Council Chambers

UNAPPROVED
December 12, 2013

4
5 Meeting called to order at 6:03 p.m.

6 Board Members Present: Tom Emerson, Susan Tuveson, Karen Kalmar, Susan Tuveson, Deborah Driscoll
7 Davis

8 Members absent: Bob Melanson, Ann Grinnell, Mark Alesse

9 Staff: Gerry Mylroie, Planner; Chris DiMatteo, Assistant Planner

10
11 Mr. Emerson noted there is a quorum to conduct business.

12
13 Pledge of Allegiance

14
15 Minutes:

16 Ms. Tuveson moved to approve the minutes of November 14, 2013 as corrected

17 Ms. Kalmar seconded

18 Unanimous by all members present

19
20 Public Comment:

21 • Richard Sparkowich, 22B Old Farm Road, Operation Blessing Limited Partnership, requested a
22 clarification of the five-year period for subdivisions. The Beatrice Way Subdivision was approved in
23 2008, greater than five years ago, and does not understand why a right-of-way cannot be reviewed by the
24 Planning Board at this time. The ROW is only to one lot. He noted he has sent emails to the Chairman
25 and requests that the emails be shared with Board members so they understand what has transpired over
26 the years. He does not understand why he is now being required to develop a cluster plan, when all he
27 wants to do is carve out one lot after a five year wait after subdivision approval.

28 Mr. Emerson stated he does have the email, but has not had the opportunity to meet and discuss with staff,
29 but will meet with staff prior to the next meeting. Mr. Sparkowich also stated a Council member
30 suggested it may be time for the Council and Planning Board (or selected members) to sit down to discuss
31 this issue and past activities regarding Operation Blessing projects.

32
33 • Ken Markley, Easterly Surveying, presented plans illustrating GIS and zoning maps, and explained not
34 all areas in Kittery are well surveyed, shoreland areas may not be accurately shown, and the zoning shown
35 on GIS may be off by 200-300 feet because the update is not current, and requested the Board and staff
36 look into this issue, and suggested developing a method to identify those properties that are accurately
37 represented.

38
39 There was no further public comment.

40
41 **ITEM 1 – Stone Meadow Cluster Subdivision.** Owner Acadia Trust, N.A, and applicant Harbor Street
42 LP, a 27-lot subdivision on a 59.8 acres parcel off Brave Boat Harbor Rd., Tax Map 69, Lot 6, Residential-
43 Rural, Shoreland, and Resource Protection Overlay zones. Agent is Jeff Clifford, Altus Engineering, Inc.
44 Mr. Mylroie stated the applicant has withdrawn their application as the property has been purchased by the
45 Kittery Land Trust.

46
47
48

49 **NEW BUSINESS**

50

51 **ITEM 2 – Estes Bulk Propane Storage/U.S. Route 1 –Preliminary Plan Completeness Review.**

52 Action: accept or deny preliminary plan application, schedule site walk and/or public hearing. Owner
53 M&T Realty, Applicant Estes Oil & Propane Company, propose a 60,000 gallon bulk propane storage
54 facility at their property south of 506 U.S. Route 1, Tax Map 67, Lot 4, Mixed Use, Residential Rural and
55 Shoreland Overlay zones. Agent is Edward Brake, ATTAR Engineering.

56 Ed Brake, ATTAR Engineering, introduced Mike Estes, owner, and Jody Ameden, providing the propane
57 safety study. Mr. Brake summarized the proposal for a 60,000 gallon propane storage facility, a 1,300 foot
58 long access road, and a wetland fill of approximately 12,000 sf. He noted the DEP NRPA permit has been
59 received.

60 Jody Ameden explained she will be providing a Fire Safety Analysis (FSA) which is required for any
61 propane storage facility exceeding 4,000 gallons. The FSA format was developed by the National Propane
62 Gas Association and the National Fire Protection Agency and is followed nationally, to assess site safety.
63 She met with Chief O'Brien regarding fire protection at the site and his input is included in the analysis.
64 The analysis will be provided. The Chief requested that an 8" water main be provided, and the applicant
65 will do so. She noted the safety controls, including safety devices on the trucks and at the tanks;
66 emergency safety valves; internal safety valves to eliminate discharge; relief valves on top of the tanks.
67 The area will be surrounded by 6-foot fencing, as required by the state. Mr. Mylroie asked about the
68 durability of the tanks, should there be a gunshot. Ms. Ameden stated the steel is 5/8" thick and rounded,
69 and was told because the tanks are rounded a bullet would glance off. She could find no documentation of
70 penetration. Mr. DiMatteo suggested Ms. Ameden attend the public hearing when more substantive
71 review will take place.

72 Mr. Emerson summarized remaining issues to address include: potential vernal pools; wildlife habitat;
73 additional development on the parcel; floodplain re-mapping; and Conservation Commission issues. Ms.
74 Kalmar asked about the overlay zones on the parcel. Mr. Mylroie noted the natural resource overlays are
75 guides that are more accurately identified through ground survey and analysis by soil or wildlife scientists
76 during specific site review. Discussion followed as to the accuracy of the GIS overlays.

77

78 Ms. Kalmar moved to accept the plan

79 Ms. Tuveson seconded

80 Motion carried unanimously by all members present

81

82 Ms. Kalmar moved to schedule a site walk and public hearing

83 Ms. Driscoll seconded

84 Motion carried unanimously by all members present

85 The site walk was scheduled for Tuesday, January 7 at 11:00 p.m.

86

87 **ITEM 3 – Watts Cluster Development – Sketch Plan Review**

88 Action: review application and schedule a site walk. Owner and Applicant Jonathon & Kathleen Watts
89 propose a 4-lot cluster subdivision at 143 Brave Boat Harbor Road, Tax Map 63, Lot 19, Residential Rural
90 and Shoreland Overlay zones. Agent is Ken Markley, Easterly Surveying, Inc.

91 Ken Markley summarized the application and site conditions: 200-foot long road; 11.75 acre parcel; 3 new
92 lots, retaining existing lot and home; homes would not be visible from Brave Boat Harbor Road; primarily
93 wooded; test pits have been identified to support the proposed dwellings; shoreland and resource
94 protection zones; DEP protected stream on site; waivers will be requested; wetland in flood zone, but this
95 is questionable; wetlands have been flagged and a high intensity soil survey conducted. In determining net
96 residential area, they removed the wetlands and half the upland area. Following the soil suitability
97 meeting, a revised calculation will be submitted. Discussion followed regarding road width and
98 emergency turnaround for fire trucks.

99

100 Ms. Tuveson moved to accept the sketch plan
101 Ms. Kalmar seconded
102 Ms. Driscoll asked about the location of the open space from the housing area. Mr. DiMatteo stated an
103 abutter submitted a letter of concern regarding buffers. Ms. Kalmar believes this property has zero net
104 residential acreage based on the existing code and is not comfortable with this project. The way the code
105 is now written, the proposal cannot be supported. Mr. DiMatteo stated the Board is not bound by the
106 acceptance of the sketch plan. Ms. Tuveson stated she feels that accepting the sketch plan is providing the
107 applicant with an acceptance of the concept before them. Mr. DiMatteo stated this would be true at the
108 preliminary plan stage. Ms. Kalmar stated the application of the existing code establishes the fundamental
109 basis for the net residential density, and this cannot be waived. Mr. Markley stated the existing code
110 reference to the discontinued guide is a disservice to the public and should be amended in fairness to
111 property owners. Ms. Tuveson agreed. Ms. Driscoll felt in fairness to the applicant, the Board should not
112 accept something now that is contrary to the code with an amendment pending in the future.
113 Motion failed, with 0 in favor; 4 against; 0 abstaining
114
115

116 **ITEM 4 – Board Member Items / Discussion**

- 117 A. Election of Officers;
118 Ms. Driscoll moved to postpone election of officers to January 9, 2014 when a full Board is present
119 Ms. Kalmar seconded
120 Motion carried by all members present
121 B. Board By-Laws; Ms. Tuveson suggested all ‘shall’s should be returned to the document; general
122 discussion followed regarding meeting dates, method of contact. Ms. Tuveson will create a draft of
123 the by-laws for Board review at the January meeting.
124 C. Review punch list update from 11/14/13: Members discussed:
125 · Abutters notices;
126 · Amendment notices;
127 · Chairman will meet with Staff to discuss Highpointe Circle issue
128 · Soil Suitability amendment will be included on 1/9/14 agenda.
129 · Add: Structure replacement requiring excavations in the shoreland zone
130 · Consider: Continuation of use limitation
131 D. Set Time for Board Retreat/Workshop: Rescheduled to January 24 at Community Center. To be
132 confirmed with absent Board members.
133 E. Comprehensive Update Committee Report – Ms. Driscoll noted the new format will make the new
134 report much easier to use and update in the future, without negatively impacting the existing plan.
135 F. Shore and Harbor Plan Report – Ms. Driscoll reported on the Public Works Department meeting.
136 Topics discussed included the BIG project, wave attenuation, Traip boat launch, Rogers Park, John
137 Paul Jones Park, shoreland tree cutting ordinance, beach cleanup, non-point source pollution, Navy
138 Yard activities, working waterfront, clam flats, public access to the water, and a Foreside TIF. Mr.
139 Mylroie state a draft of the plan will be prepared by Wright-Pierce.
140 G. Mr. Emerson mentioned need for pedestrian-bike paths to the bridge along JPJ Park.

141
142

143 **ITEM 5 – Town Planner Items:**

- 144 A. Foreside Listening Session on January 6 at 7:30 with Council members.
145 B. Sustain Southern Maine initiative in the area of the water district parcel; Kittery is a project
146 community highlighted on the www.sustainsouthernmaine.org site.
147 C. Sarah Long Bridge Preliminary Plan; Findings and Recommendations: Strong attendance at MDOT
148 meeting. Mr. Emerson stated landscaping, trees, etc. around the landing is of concern to the Board, as
149 well as pedestrian access. Ms. Driscoll suggested working with Portsmouth to develop a joint

150 approach for bridge sidewalks and connections. Discussion followed regarding bridge design, access
151 and lighting. Mr. Mylroie noted grant funds should be secured to provide for public relations during
152 closure, plaques and landscaping. Mr. DiMatteo suggested a public charette or a design competition
153 for the proposed park.

154 D. Memorial Circle Streetscape Improvements: Mr. Mylroie presented a ‘work in progress’ plan to the
155 illustrating proposed sidewalks, guard rails, fencing and street trees. Members viewed and discussed
156 the various plans.

157 E. Quality Improvement Overlay Zone

158

159 Ms. Tuveson moved to adjourn

160 Ms. Driscoll seconded

161 Motion carried by all members present

162

163 The Kittery Planning Board meeting of December 12, 2013 adjourned at 9:26 p.m.

164 Submitted by Jan Fisk, Recorder, December 31, 2013

Town of Kittery Planning Board Meeting January 9, 2014

Estes Bulk Propane Storage – Public Hearing / Preliminary Plan Review.

Owner M&T Realty, and applicant Estes Oil & Propane Company is requesting consideration of their plans for a 60,000 gallon bulk propane storage facility at their property south of 506 U.S. Route One., Tax Map 67, Lot 4, Mixed Use Zone, with a portion in the Residential Rural and Shoreland Overlay zones. Agent is Joe Cheever, ATTAR Engineering,

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
	Sketch Plan Review	March 14, 2013; scheduled for 4/11/13; applicant requested a continuance to 5/9/13;	Sketch Plan accepted: 5/9/13
NO	Site Visit	Site walk conducted 4/10/13 (no minutes taken)	
Yes	Preliminary Plan Review Completeness/Acceptance	Preliminary Plan received 11/7/13 (w/in 6 months of sketch plan acceptance); preliminary plan accepted as substantially complete	12/12/13
Yes	Public Hearing	Scheduled 1/9/14	
Yes	Preliminary Review		
Yes	Final Plan Review		

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

Public Hearing & Preliminary Plan Review – January 9, 2014:

- Plans have been submitted and reviewed by CMA. CMA comments are *italicized* in the review criteria (following);
- A memo (dated November 10, 2013) from the Conservation Commission is attached after the review criteria [Note, date appears to be a mistake as references are made to the December 12, 2013 meeting];
- The Kittery Fire Chief requests a condition/requirement that an 8" water line be installed the entire distance of the proposed driveway (applicant proposes a 4" line be installed 'for future use' between hydrant and proposed garage);
- Adequate water supply is available to the site, per the Kittery Water District;
- The Sewer Superintendent stated if there is no wash basin or toilet in the garage, a port-a-potty would be OK, otherwise connection to sewer on Route 1 is required. This has not been verified by the CEO, who informs staff that a restroom is required with the construction of a garage associated with the proposed use.
- How does the developer propose to handle snow storage/removal in this area?
- Letter of August, 2013 from abutting property (Map 67 Lot 3) owner, Betty Crawford;
- References to: Functional Assessment of Wetlands, prepared by Michael Cuomo, December 3, 2013.
- Note to Applicant: **PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.**

Please bring 12/12/13 mtg. packet for this item.

Preliminary Plan Review – 1/9/14:

<p>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:</p>
<p>A. Development Conforms to Local Ordinances.</p> <p>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.</p>
<ul style="list-style-type: none">• The proposed use is a special exception use within the Mixed-Use Zone. Specific review criteria is required for special exception uses (Title 16.6.6 Basis for Decision). Applicant addressed these conditions and factors in their 11/20/13 submittal. Is the Board satisfied with the applicant’s compliance with these approval criteria?• 16.3.2.13.D.5 – <i>Applicant should provide architectural details for the proposed garage to assure compliance with building design standards.</i>• 16.3.2.13.D.6 - <i>Applicant should provide a landscape plan indicating the location of the landscape planter strip with vegetation and streetside trees, or explain that the location of the facility provides adequate natural screening.</i> Applicant notes the tanks and garage ‘will be screened by existing vegetation’ and the site is ‘adequately screened’ and ‘will have adequate landscaping’ (see 11/20/13 letter, Factors for Consideration, 16.6.6.2.J.-M).
<p>B. Freshwater Wetlands Identified.</p> <p>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.</p>
<p>Wetlands have been identified. The Conservation Commission asked that a vernal pool evaluation be conducted on the site. In a May 9, 2013 memorandum, Kenneth Wood noted that, following a site walk on May 9, no vernal pools were evident on the site (see 11/20/13 submittal package). A <i>Functional Assessment of Wetlands</i> prepared by Michael Cuomo (12/3/13) summarized the wetland’s Floodflow Alteration and ability to perform Sediment and Toxicant Retention and Nutrient Removal ‘will be reduced only slightly, as natural flow will be generally maintained by the installation of three culverts beneath the road fill.’ (page 7).</p> <p>(Note: it is not clear if the 12/7/1995 wetland delineation is superseded by the functional assessment or if Cuomo has re-certified the 1995 delineation. It is confusing to have vernal pool assessment being done by someone other than the professional delineating the wetlands and preparing a functional assessment. Is it possible for Cuomo to recertify the 1995 wetland delineation and concur that there are no vernal pools on the site? If not, the final plan needs to be revised with the certifying professionals and date for wetland delineation and vernal pool determination.)</p>
<p>C. River, Stream or Brook Identified.</p> <p>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</p>
<p>An intermittent stream has been identified within the wetlands on the site plan and is included in the wetland crossing details. This stream was identified as possibly a ‘farm ditch that has filled in and taken on more natural shape from lack of maintenance’ (Cuomo, 12/3/13). The site does about the Johnson Brook, whose associated wetlands have been identified by Maine IF&W as important waterfowl and wading bird habitat.</p>
<p>D. Water Supply Sufficient.</p> <p>The proposed development has sufficient water available for the reasonably foreseeable needs of the development.</p>
<p>The proposed development has sufficient water available per a letter dated November 13, 2013 from the Kittery Water District.</p>
<p>E. Municipal Water Supply Available.</p> <p>The proposed development will not cause an unreasonable burden on an existing water supply, if one is to be used.</p>
<p>The proposed development has sufficient water available per a letter dated November 13, 2013 from the Kittery Water District. Plan and profile needs to include proposed water line. The Fire Chief requests the 8” water line be installed the full length of proposed driveway.</p>

<p>F. Sewage Disposal Adequate. The proposed development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.</p>
<p>The applicant states the proposed development will utilize municipal sewer at a 'future date'. What is the rationale for deferring installation of the sewer connection? <i>Plans should show the location of the force main on the profile and provide details.</i> CEO informs staff that restroom is required with the construction of a garage associated with the proposed use. Is the garage and the sewer connection part of a future phase?</p>
<p>G. Municipal Solid Waste Disposal Available. 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.</p>
<p>The applicant has not yet addressed this requirement, however there should be very little solid waste generated based on the proposed use.</p>
<p>H. Water Body Quality and Shoreline Protected. 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.</p>
<p><i>The project includes a wetland impact of 11,985 sf of wetlands crossing for the access roadway. The applicant should provide wetlands alteration and mitigation plans prior to preliminary plan approval.</i></p>
<p>I. Groundwater Protected. The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.</p>
<p>Applicant proposes public sewer will be utilized in the future for the proposed garage. The Kittery Sewer Department stated a port-a-potty could be used in the interim, if no basin or toilet is installed in the proposed garage. Does the Board concur? CEO needs to verify the use of port-a-potty in lieu of restroom. CEO informs staff that restroom is required with the construction of a garage associated with the proposed use.</p>
<p>J. Flood Areas Identified and Development Conditioned. 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.</p>
<p>Applicant has submitted an amended 100-year flood zone boundary per the September 15, 2003 Letter of Map Amendment Determination. Boundary illustrates the proposed road, road crossing, storage tanks and garage are outside of the 100-year flood zone area (A). (Site Plan, Sheet 1, Reference 2) The applicant should clarify if the 2003 LOMA supersedes the recent preliminary FEMA FIRM maps when they become finally adopted. If this is the case then why is the 2003 LOMA not reflected in the preliminary FIRM maps?</p>
<p>K. Stormwater Managed. Stormwater Managed. The proposed development will provide for adequate stormwater management</p>
<p><i>The applicant has shown locations of proposed piping and ponds for the stormwater management system. A more complete stormwater analysis, including pre and post development flows is needed prior to final plan approval.</i></p>
<p>L. Erosion Controlled. 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.</p>
<p>This standard will be met. A standard condition of final approval states the applicant's contractor will follow MDEP best management practices for erosion and sediment control (silt fencing, silt sacks, etc.), and CMA engineers will be notified to observe application during construction.</p>

M. Traffic Managed.

The proposed development will:

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
2. Provide adequate traffic circulation, both on-site and off-site.

The applicant states in the 11/20/13 submittal in their response to 16.6.6.2 Factors for Consideration that the proposal will (C) have a minimal effect on vehicular traffic on U.S. Route 1; is (G) separated from areas of public parking and recreational facilities; (H) will only be accessed by Estes Oil Company delivery trucks and no off street parking is required and (I) the site is designed to be accessible by fire and emergency apparatus .

Total number of anticipated truck trips is not clear and needs clarification. "two trips per day for oil delivery trucks" How may "oil delivery trucks" are anticipated?

Other than this and pending review response from the Department of Public Works, the proposed development does not appear to cause congestion or unsafe conditions with respect to the use of public roads, and on and off-site circulation appears to be adequate.

N. Water and Air Pollution Minimized.

The proposed development will not result in undue water or air pollution. In making this determination, the following must be considered:

1. Elevation of the land above sea level and its relation to the floodplains;
Applicant has submitted an amended 100-year flood zone boundary per the September 15, 2003 Letter of Map Amendment Determination. Boundary illustrates the proposed road, road crossing, storage tanks and garage are outside of the 100-year flood zone area (A). The applicant should clarify if the 2003 LOMA supersedes the recent preliminary FEMA FIRM maps when they become finally adopted. If this is the case then why is the 2003 LOMA not reflected in the preliminary FIRM maps?
2. Nature of soils and sub-soils and their ability to adequately support waste disposal;
(Not Applicable)
3. Slope of the land and its effect on effluents;
(Not Applicable)
4. Availability of streams for disposal of effluents;
(Not applicable)
5. Applicable state and local health and water resource rules and regulations; and
6. Safe transportation, disposal and storage of hazardous materials.
The project needs to be reviewed and approved or permitted through the National Fire Protection Association (NFPA)-58 process for bulk storage of flammable materials. This remains to be finalized.

O. Aesthetic, Cultural and Natural Values Protected.

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.

- Letter to Maine Historic Preservation Commission dated November 8, 2013. No response received by applicant to date.
- The site plan illustrates location of the proposed development is outside of the identified natural wildlife habitat, waterfowl and wading bird/resource protection area (Site Plan, Sheet 1), however, this delineation is based on GIS data. Given the close proximity of the proposed development to the resource protection overlay zone (OZ-RP), Staff recommends a wetland delineation be performed for the regulated non-forested wetland along Johnson Brook in order to base the 250-foot offset used to determine the OZ-RP, and not GIS data.
- The Wetland Functional Assessment concluded: *The proposed wetland fill will most affect the Wildlife Habitat and Visual Quality/Aesthetics functions of the wetland, as a habitat block will be fragmented ...however, no exceptional habitats have been identified...and the visual quality ...is not exceptional. The wetland has been degraded by past land use, filling, and invasive plants are widespread. [Cuomo, 12/3/13, pg. 7]*

P. Developer Financially and Technically Capable.

Developer is financially and technically capable to meet the standards of this section.

Applicant has pending financial obligations for ASA charges.

Note: See applicant's response to the following *Basis for Decision* in the November 20, 2013 submittal (pages 3-4). Board consideration of these conditions and factors will be included in the final approval for formal action. However, each factor may be considered during review to help direct the applicant.

16.6.6 Basis for Decision.

16.6.6.1 Conditions.

1. Proposed use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use zones;
2. Use will not prevent the orderly and reasonable use of permitted or legally established uses in the zone wherein the proposed use is to be located, or of permitted or legally established uses in adjacent use zones;
3. Safety, the health, and the welfare of the Town will not be adversely affected by the proposed use or its location; and
4. Use will be in harmony with and promote the general purposes and intent of this Code.

16.6.6.2 Factors for Consideration.

- A. The character of the existing and probable development of uses in the zone and the peculiar suitability of such zone for the location of any of such uses;
- B. The conservation of property values and the encouragement of the most appropriate uses of land;
- C. The effect that the location of the proposed use may have upon the congestion or undue increase of vehicular traffic congestion on public streets or highways;
- D. The availability of adequate and proper public or private facilities for the treatment, removal or discharge of sewage, refuse or other effluent (whether liquid, solid, gaseous or otherwise) that may be caused or created by or as a result of the use);
- E. Whether the use, or materials incidental thereto, or produced thereby, may give off obnoxious gases, odors, smoke or soot;
- F. Whether the use will cause disturbing emission of electrical discharges, dust, light, vibration or noise;
- G. Whether the operations in pursuance of the use will cause undue interference with the orderly enjoyment by the public of parking or of recreational facilities, if existing, or if proposed by the Town or by other competent governmental agency;
- H. The necessity for paved off-street parking;
- I. Whether a hazard to life, limb or property because of fire, flood, erosion or panic may be created by reason or as a result of the use, or by the structures to be used, or by the inaccessibility of the property or structures thereon for the convenient entry and operation of fire and other emergency apparatus, or by the undue concentration or assemblage of person upon such plot;
- J. Whether the use, or the structures to be used, will cause an overcrowding of land or undue concentration of population; or, unsightly storage of equipment, vehicles, or other materials;
- K. Whether the plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof;
- L. Whether the proposed use will be adequately screened and buffered from contiguous properties;
- M. The assurance of adequate landscaping, grading, and provision for natural drainage;
- N. Whether the proposed use will provide for adequate pedestrian circulation;
- O. Whether the proposed use anticipates and eliminates potential nuisances created by its location;
- P. The satisfactory compliance with all applicable performance standard criteria contained in Chapter 16.8 and 16.9.

Date: November 10, 2013

To: Tom Emerson, Chairman
Kittery Planning Board

From: Earldean Wells, Chair
Kittery Conservation Commission

Re: Proposed Estes Bulk Storage/Rte. 1

This memo is to serve as a reminder to the Planning Board of the concerns addressed by KCC during the sitewalk at the above mentioned property on April 10, 2013. I would like to also point out that the December 12, 2013 is the first meeting since that sitewalk eight months ago and that KCC was not given any advanced notice that this proposed development would be on this agenda so that a memo from us could have been included in this packet:

1. During the April sitewalk I called attention to the sound of the peeper frogs singing. This is often an indicator of the presence of a vernal pool nearby. I requested that a vernal pool evaluation be done as there was still several weeks left that would allow such an evaluation to be done. The wetland evaluation done by Soil Scientist, Michael Cuomo, included in the December 12, 2013 packet, is an evaluation of the proposed impacted area of the wetland for a proposed road and does not include the information requested by KCC.
KCC requests that a vernal pool evaluation be done and that the vernal pool be clearly located on the site plan; that it be clearly indicated whether it exists on this property or an abutting property and exactly how far it is from the proposed propane tank and road.
2. The proposed road/wetland crossing will require a huge amount of fill, 11,985 sq. ft. of fill, along with three culverts and guard rails. The impact fee for the wetland fill @ \$4.00 sq. ft. will be \$47,940.00, add to this the cost of the fill itself, the culverts, the guard rails, paving, engineering plans, etc. and KCC feels that these costs alone make a discussion of a bridge to cross this wetland viable. The area before and after the proposed crossing is higher than the wetland itself, which is why such a large amount of fill is needed. The topic of a bridge was brought up during the sitewalk and we had expected that this would be addressed.
3. KCC recently received a letter from U.S. Dept. of Homeland Security FEMA, dated November 5, 2013 which indicated that updated flood hazard risk information would soon be available. Since this the flood zone information on this property is based on 4/22/2003 information, KCC requests that the Planning Board make no decisions on this application until the new flood zone information is discussed and evaluated during the formal community coordination meeting which will be scheduled sometime after December 15, 2013.
4. During the site walk a KCC member noticed the grade of the hill on the far side of the wetland; it appeared to him that the access road would need a major cut to reduce the grade to allow the large delivery trucks to be able to access the storage tank. When he brought this to the attention of the developer he was told that part of the road would have to be 'engineered'. If the road height must be reduced we should have information not only on the amount of the reduction but also the ramifications of such an alteration to the existing wetlands, setbacks, flood plain, etc. in this area.
5. The developer's representative included plans during the Sketch Plan presentation of the expected future development along the proposed road of various businesses. Because this property is located in a very sensitive area, KCC feels that should the Planning Board approve this proposed development that there be a Condition on the plans requiring that any further/future development on this property have a full Planning Board review with a notation that the Planning Board may/or/may not approve further development of this property should the proposal pose a risk to the environmental areas.

01012013-0000

Aug. 2013

To The Planning Board
We own property (Map 67 Lot 3) next
to Mr. Estes property (Map 67 Lot 4).
We do not wish to have the tanks
anywhere near our property line
as we do not know development we
or someone else would do with our
property

They also would be near all of the
wet lands.

If anything should happen no one
would know about it, as they would
be in back of future business.

One of the smaller tank at Landmark
Mall developed a leak, if my son had
not come home when he did no one
would have know about it. Who knows
what would have happened

Florida just had a big explosion
and it did a lot of damage and caused
a lot of problems.

So we are saying NO Tanks.

The William & Betty Crawford Trust
Betty Crawford

12/12/13 Plan Review Notes

Background:

The application is now at the preliminary plan review stage, and sufficient material has been submitted to begin the peer review process for development compliance. Please review the November 7 application submittal and the November 20 follow-up by Attar Engineering. In general:

1. The proposed use is a special exception use in the MU zone (pg. 86) “Warehousing/Storage”

Warehousing and storage means premises where goods or materials are stored in an enclosed structure or in specific outdoor areas.

2. ‘Conditions for Approving Special Exception Uses in the Mixed Use Zone’ (page 93).

K. Light Industry, Transportation Terminal, Warehousing/Storage, or Wholesale Business.

1. The building and any related outdoor storage or service areas or structures must be visually buffered from Route 1 and adjacent properties by other uses allowed in the zone and/or by a landscaped buffer strip.

2. If the area between this use and Route 1 is not developed for another permitted use or special exception, it must be maintained as a naturally vegetated buffer in addition to the provision of a landscape planter strip.

3. The noise resulting from the operation of the facility as measured at the property line must be comparable with other uses in the MU zone during the period between 9:00 p.m. and 6:00 a.m.

4. The use and related storage and service areas may not be located within two hundred (200) feet for any legally existing residential use, inn, motel or hotel, hospital, or nursing home/convalescent center on another lot.

Compliance with these conditions will be addressed and included in the Findings of Fact.

3. Roadway width appears adequate. In the shoreland zone, the road must be prepared to handle surface drainage (See 16.8.4.14.B.7 page 169). Technical review of these requirements will be completed by CMA.
4. Applicant has proposed a turnaround next to storage tanks. Will tanker trucks be left on site? If so, where? Is this turnaround adequate for emergency vehicles?
5. A wetland alteration application has been submitted, and a NRPA Tier 1 /Stream Crossing PBR application has been submitted to MDEP (11/8/13). 11,985 s.f. of wetlands are impacted for the proposed road crossing. Is the applicant proposing a mitigation plan and/or fees paid for the impacted wetlands? (See Title 16.9.3.9, page 252). Wetland delineation certification and a functional assessment is pending submittal by Michael Cuomo.
6. The May 9, 2013 memorandum from Kenneth Wood, P.E. noted no evidence of vernal pools on the site.

Per Title 16.3.2.19 Resource Protection Overlay Zone (page 123):

7. Waterfowl and Wading Bird Habitat/Water Body Related Wetland Areas:

Kittery’s GIS (map following) illustrates the Waterfowl and Wading Bird Habitat (identified by the Maine Department of Inland Fisheries and Wildlife - MDIF&W). The Applicant has utilized GIS to determine the location of the Waterfowl and Wading Bird habitat (11/20/13 letter, #2), illustrating the setback is clear of the proposed road. Given the proximity of this habitat, the Board should direct the Applicant to verify the location of the Overlay Zones (Shoreland and Resource Protection). This needs to be clarified, as it has implications on what special exception uses are allowed, and can be done through coordination with Staff and the MDIF&W.

8. Steep Slope Areas:

Applicant states (11/20/13) there are no areas with two or more contiguous acres with slopes greater than 20%

9. Flood Information:

Applicant states a portion of the parcel (north of proposed tank/garage location) was removed from flood zone A in 2003 via a LOMR to FEMA (see plan included in 11/20/13 submittal).

Information submitted to date appears sufficient to accept the application as substantially complete and schedule a public hearing. Further technical review regarding the engineered road design, wetland crossing, culverts, etc. and detailed information on the storage tanks, buffering, safety measures, fire suppression, etc. will be coordinated with CMA, DPW, Fire and Police.

December 12, 2013 Action

The Board accepted the preliminary plan as substantially complete and scheduled a public hearing for January 9, 2014.

Minutes: May 9, 2013

ITEM 7 – Estes Bulk Propane Storage/U.S. Route 1 – Sketch Plan.

Action: Continue Sketch Plan Review, discuss site walk, approve Sketch Plan concept if in compliance with Town Code and provide direction to Applicant Owner M&T Reality, and applicant Estes Oil & Propane Company is requesting consideration of their plans for a 60,000 gallon bulk propane storage facility at their property south of 506 U.S. Route One., Tax Map 67, Lot 4, Mixed Use Zone, with a portion in the Residential Rural and Shoreland Overlay zones. Agent is Joe Cheever, ATTAR Engineering,

Lou Chamberlain, ATTAR Engineering, explained the plan has changed since the March 14 submittal to illustrate the Resource Protection zone and the flood zone area. Mr. Alesse asked about the dangers of two large propane tanks in this area especially if there is hunting and danger of a stray bullet. Mr. Chamberlain stated he cannot answer this question at this time, but could pursue for preliminary review. Ms. Driscoll concurred and asked if an earthen buffer could be designed to provide additional protection. Mike Estes stated studies conducted by Homeland Security have shown that typical bullets hitting mobile propane tanker trucks do not penetrate. The proposed tanks at the site are three-times thicker than those on tanker trucks, and the valves are constructed within safety guidelines. Mr. Emerson asked about potential development along the long road accessing the tanks. Mr. Estes stated he does not intend to go forward with any other kind of development on this property at this time. Ms. Driscoll asked about the road finish and emergency vehicle access. Mr. Estes stated he would pave the first 700-800 feet, with a dirt road the remaining distance.

Herb Kingsbury, Conservation Commission, asked if the Board will be addressing the plan review notes regarding wildlife habitat, vernal pools, etc. Mr. Emerson stated these issues will be further reviewed at the preliminary review stage, and the Commission may address these in writing to the applicant.

Mr. Melanson moved to accept the sketch plan concept for Estes Bulk Propane storage

Ms. Tuveson seconded

Motion carried unanimously by all members present.

Minutes – March 14, 2013

ITEM 6 – Estes Bulk Propane Storage/U.S. Route 1 – Sketch Plan.

Action: After listening and commenting on introductory presentation, schedule a site walk. Owner M&T Reality and applicant Estes Oil & Propane Company is requesting consideration of their plans for a 60,000 gallon bulk propane storage facility at their property south of 506 U.S. Route One., Tax Map 67, Lot 4, Mixed Use Zone, with a portion in the Residential Rural and Shoreland Overlay zones. Agent is Joe Cheever, ATTAR Engineering.

Joe Cheever introduced Mike Estes, owner of the parcel. Mr. Cheever summarized the proposal, noting the parcel is in the shoreland and mixed-use zones. The proposed road is 1,400 feet with a wetland crossing and wetland impact of 12,355s.f. Approximately once per week, bulk propane would be delivered via 12,000 gallon trucks to the two proposed 30,000 gallon storage tanks on site. During heating season, propane delivery trucks would enter the site to fill their trucks and deliver to residential users. Fire protection will be needed, including a water line and hydrant. A standard hammerhead is included on the sketch plan. No trucks will be kept on site; they are not proposing a gate across the road. Mr. Estes noted the area will have to be fenced around the tanks to meet state and federal regulations. Mr. Emerson advised the fence will have to be included on the plan. The propane pad is approximately 45 feet x45 feet. Mr. Melanson asked if the site is accessible for a site walk. Mr. Cheever suggested they could access the site via the Take Flight parcel [Mr. Cheever will obtain permission from the owner of the adjacent parcel prior to the site walk]. Ms. Wells stated this is the third time this property has been before the Board and the wetland crossing needs to be carefully observed. Mr. Emerson reminded the applicant the Fire Chief and DPW will need to review.

Mr. Melanson moved to accept the sketch plan and schedule a site walk

Ms. Grinnell seconded

Motion carries unanimously

A site walk was scheduled for Wednesday, April 10, 2013 at 6:15 p.m. Mr. Cheever will flag the wetland crossing, road and storage tank location.

Town of Kittery Planning Board Meeting January 9, 2014

Roylos Development - Land Division – 32 Haley Road

Owners, John and Beth Roylos request approval to divide their property (Map 47 Lot 18-4) located off Haley Road along Wilson Creek in the Residential Rural (R-RL) Zone, a portion of which is within the Shoreland Overlay Zone.

PROJECT TRACKING

REQ'	ACTION	COMMENTS	STATUS
NO	Sketch Plan Review		
NO	Site Visit		
YES	Completeness/Acceptance		
YES	Public Hearing	Scheduled for 1/9/14 with consultation with the Chairman	
TBD	Waivers	None	
YES	Final Plan Review and Approval	(Note: Land Division Plan previously approved on 4/12/12)	

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

Staff Comments

Background

In April of 2012 the Planning Board approved with conditions a land division plan for a property that fronts Wilson and Spruce Creeks just south of Route One, access off Haley Road. The project has had many iterations starting back in 2009 as a minor subdivision. There was some earlier confusion as to the lot's status, being part of an approved subdivision plan or not. It was concluded in April of 2012 that the subject lot was not part of subdivision, only a ROW plan approved by the Planning Board in 1985. This earlier approved plan, however, contained a stipulation that the subject lot cannot be divided without Planning Board approval.

The Planning Board does not typically review simple land divisions, only lots associated with subdivision. With that in mind the Board only focused on resolving primarily issues around septic and remediation for the 2006 Shoreland violation. This is why the attached draft Findings of Fact does not reflect the site/subdivision standards that the Board typically uses in review and approval, nor does the findings approved in 2012, see attached minutes.

The previously approved plan met the dimensional requirements for the zones and had in place conditions that addressed the waste water disposal and slash removal/replanting within 100 feet of the protected resource. Waste water disposal was addressed through a proposed connection to the Route One sanitary sewer via a new force main, and the slash removal/replanting effort was addressed through the implementation of a detailed report from a landscape architect and establishment of an escrow to ensure proper execution. The latter remains a condition, however, the former is being substituted for on-site septic.

Review

The applicant has submitted documentation that supports the installation of subsurface waste water disposal systems on the subject site and providing reserve septic fields, as required for sites with limiting factors, on land that is located at the beginning of the site's access (driveway) at Haley Road. This location is on land owned by the Shaws (Map 47 Lot 18-1-2) and will require an easement, which the Applicant has provided a draft and intent of the owners.

Staff has updated the Findings to reflect the new documents submitted and updated the conditions of approval to reflect the new circumstances and proposed change to the previously approved plan. Staff finds the septic information submitted in order and a reasonable substitution for the previously approved sanitary force main to Route One. Staff has confirmed with the Code Enforcement Officer that the property does not have a current violation.

KITTERY TOWN PLANNING BOARD
FINDINGS OF FACT
Roylos Lot Split Plan Review

UNAPPROVED

Note: This approval by the Planning Board constitutes an agreement between the Town and the Developer, incorporating as elements the Development Plan and supporting documentation, the Planning Board Findings of Fact, and any Conditions for or of Approval required by the Planning Board.

WHEREAS: **Applicant** Beth and John Roylos, Owners, propose to divide their property located on Map 47 Lot 18-4, in the Residential - Rural (R-RL) Zoning District, a portion of which lies within the Shoreland Overlay Zone, parcel area is ±9.6 acres with address of 32 Haely Road, thereby amending the 1985 *Plan of Lots Haley Road, Kittery Maine for Howard Mann* recorded At the York County Registry of Deeds, Book 144, Page 36.

Pursuant to the Plan Review meetings conducted by the Planning Board as duly noted; and pursuant to the Project Application, Plan and other documents.

The following submittals are considered to be a part of the record for the approval by the Planning Board:

1. Recorded Plan of Lots, "Haley Road" June 1985
2. Land Division Plan – Sheet 1 of 5 Latest revision: 7/17/2012, BK 362/PG 37
3. Land Division Application March 22, 2012/DEC 26, 2013
4. Revised Land Division Plan Dec. 17, 2013, REV 12/17/13
5. Soil Investigation by Sweet Assoc. Dec. 16, 2013
6. Proposed Easement Deed and Agreement Dec. 24, 2013

NOW THEREFORE, based on the entire record before the Planning Board and pursuant to the applicable standards in the Land Use and Development Code, the Planning Board makes the following factual findings:

FINDINGS OF FACT

- 1) Property Map 47 Lot 18-4 is identified as *Parcel C* on the June 1985 *Plan of Lots Haley Road, Kittery Maine for Howard Mann* recorded At the York County Registry of Deeds (YCRD), Book 144, Page 36.
- 2) The *Plan of Lots Haley Road, Kittery Maine for Howard Mann* was not approved by the Planning Board as a subdivision. The 40-foot wide Right-Of-Way with turn-around identified on the plan was approved. The plan includes, however, a note specifying that "Lot C cannot be further subdivided without Planning Board approval".
- 3) The July 1976 land survey entitled *Property of Benton L. Hatch, Haley Road, Kittery* recorded at the YCRD Book 81, Page 48 indicates the property included in the 1985 *Plan of Lots Haley Road, Kittery Maine for Howard Mann* is encumbered by a 40-wide easement by New England Telephone & Telegraph Co. (NET&T) recorded at the YCRD Book 10 Page 28 October 1925. This easement, with one end at Haley Road and the other end at Wilson Creek, divides the entire property in two.
- 4) Planning Board minutes from 1984 and 1985 regarding the *Plan of Lots Haley Road, Kittery Maine for Howard Mann* appear to indicate that due to the special circumstances of the

NET&T easement, the Planning Board concurred with Mr. Mann (the applicant at that time) that the land located to either side of the easement were considered as two separate lots.

5) Considering the previous plans and planning board minutes associated with the creation of *Parcel C*, known as Map 47 Lot 18-4, it appears that *Parcel C* was not part of a previous subdivision and would not incur subdivision statutes by further division, since it has been more than five (5) years since parcels C and B (as noted on the 1985 Howard Mann plan) were created from the single lot located west of the previously mentioned NET&T easement. Therefore the development proposed by the current owners is a division of land per 16.10.3.2 C. of the Town Code, not requiring subdivision review.

6) The Applicant's property, *Parcel C*, has one-third interest and fee interest in the 40-wide Right- Of-Way (ROW) that connects to Haley Road as described in the property deed recorded at the YCRD Book 14363 Page 0720, February 2005. The agreement associated with the ROW also involves the owners of *Parcel B* (M 47 Lot 18-3) and a portion of *Parcel A* (M 47 Lot 18-1-2). Any additional lots fronting along the ROW will require the current agreement to be modified.

7) The current owner and applicant Beth and John Roylus were before the Planning Board on January 12, 2012 for Final Plan Review of a minor 3-lot subdivision for the same property (*Parcel C*/ Map 47 Lot 18-4) and withdrew their application.

8) To date the current owner and applicant is outstanding in their fees incurred by the engineering peer review for the previous, recently withdrawn, minor subdivision plan application.

9) To date the current owner and applicant is unable to meet the consent agreement for the 2006 violation that occurred on the portion of their property located in the Shoreland Overlay Zone. A report *Roylos Property Site Observations and Recommendations, 32 Haley Road* prepared by Terra Firma landscape architects on July 20, 2011 outlines the mitigation that needs to be executed.

10) Soil Investigation report prepared by Richard Sweet, Licensed Site Evaluator with Sweet Associates dated 12/16/2013 supports the proposed on-site and reserve septic system locations.

11) Easement Deed between John T. Shaw & Martha R Shaw and Beth Nelson Roylos that allows the construction of a reserve wastewater disposal field on a portion of the Shaw's property (Map 47 Lot 18-1-2) fronting Haley Road has been submitted. This allows the site to conform to Title 16.8.7.4.A where reserve fields are required for site with limiting factors and thereby no longer requiring a force main to Route One for waste water disposal.

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 votes to grant approval of the above referenced property, contingent upon the following conditions.

Conditions of Approval:

1. The Applicant must revise the final land division plan to include the following plan note:
The purpose of this plan is to replace the *Land Division Plan prepared for John C. Roylos & Beth Nelson Roylos 32 Haley Road, Kittery Maine* with a revision date of 7/17/12, recorded at the YCRD, Bk362, Pg37, whereby substituting a sanitary force main with on-site subsurface waste water disposal systems.
2. The Applicant must prepare a Roadway Agreement that incorporates the proposed lot's access rights and maintenance requirements to the existing ROW that connects to Haley Road. Within 45 days after Planning Board approval a copy of the agreement must be submitted to the Town Planner for review and must be recorded at the YCRD within 90 days.
3. The Applicant must prepare an easement for the benefit of Lot 2 to furnish and maintain a septic system on a portion of Lot 1, as denoted on the Land Division Plan and to establish and maintain access to the waterfront. Within 45 days after Planning Board approval a copy of the access and utility easement must be submitted to the Town Planner for review and must be recorded at the YCRD within 90 days.
4. The Applicant shall remedy the cutting and removal in the Shoreland Zone of the property per the site restoration report recommendations by Terrance Parker, LA, dated July 20, 2011. Funds (estimated by Peer Review Engineer plus 3% to cover inflation) shall be deposited in escrow with the Town of Kittery in order to inspect restoration efforts and to insure the successful establishment of materials per report recommendations. Escrow to be established no later than 45 days after Planning Board approval. In the event that the approved plan is not executed and the escrow is not established the Applicant will be subject to action by the Code Enforcement Officer and associated fines related to the 2006 violation.
5. Applicant must execute and record at the YCRD the submitted Easement Deed between John T.& Martha R Shaw and Beth Nelson Roylos that allows the construction of a reserve wastewater disposal field on a portion of the Shaw's property (Map47 Lot 18-1-2) fronting Haley Road no later than 90 days after the Planning Board approval.
6. The Applicant, must pay in full all outstanding fees to the Town no later than 45 days after the Planning Board approval.
7. The Applicant, prior to any earth moving or soil disturbance, must submit to the Town Planner one (1) mylar copy and two (2) paper copies of the recorded Plan, and any and all related state/federal permits or legal documents that may be required.
8. The Planning Board approval does not intend to change any conditions stated on the 1985 approved plan referenced in Finding #1 above.
9. The above conditions must be shown on the final plan. Any additional changes and modifications to the final plan must be approved by the Planning Board.

Vote of ___ in favor ___ against ___ abstaining

APPROVED BY THE KITTERY TOWN PLANNING BOARD ON _____.

Thomas Battcock-Emerson, Planning Board Chairman

16.6.2 Appeal of Planning Board, Board of Appeals, or Port Authority Decision.

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.

ITEM 2 – 122 Old Post Road Duplex - Site Plan Amendment - Preliminary Plan – Acceptance and Schedule Public Hearing. Owner, Michael Desjardins requests approval to construct a new two-unit dwelling, two-stories building attached to the existing office building. The property, located in the Business Local zone, Map 14, Lot 15, is proposed to be brought in compliance with street trees and buffer planting requirements that were not enacted at the time of the 2003 approval.

Mr. DiMatteo provided an aerial GIS map to provide context regarding the location of the property and abutting parcels. He stated the application is complete; its location in the B-L zone must meet specific building design standards, and asked if the Board wished to schedule a site walk.

Mr. Melanson asked if the proposal complies with setbacks. **Mr. DiMatteo** stated the building complies.

Board members concurred there was no need for a site walk. There was no further Board discussion.

Mr. Balano moved to accept the application as submitted and schedule a public hearing

Ms. Driscoll seconded

Motion carries unanimously by all members present

ITEM 3 – Roylos Development - Land Division. Owners, John and Beth Roylos request approval to divide their property (Map 47 Lot 18-4) located off Haley Road along Wilson Creek in the Residential Rural (R-RL) Zone, a portion of which is within the Shoreland Overlay Zone.

Mr. Kelly noted a lot split, not creating a subdivision, is typically not seen before the Planning Board. However, a Planning Board note on a 1985 road approval plan noted any division of the lot under consideration would require Planning Board approval.

Mr. DiMatteo explained there were revised notes for their reference, including minutes from the 1985 Planning Board meetings and a 1976 recorded map of the total property.

[**Ms. Grinnell** arrived at the meeting at 6:26 p.m.]

Bruce Whitney, Esquire, on behalf of John and Beth Roylos, summarized the proposal to divide the applicant's lot into two parcels. **Mr. Whitney** referenced a map from 1926 illustrating a New England Telephone and Telegraph fee ownership of a strip of land that divided the property into two distinct lots. A 1976 map was referenced illustrating the NET&T parcel still in existence 50 years later. In 1985 **Howard Mann** requested approval of a private road. The road was approved, and a signed note included on the recorded plan, "This plan does not require Planning Board approval"... "For road only". A separate note (4) stated, "Lot C cannot be further subdivided without Planning Board approval". In 1986 Parcel A, easterly of the NET&T parcel, was divided into two parcels. The remaining property westerly of the NET&T parcel was divided into parcels B and C. There has been no further division of the land since 1986. **Mr. Roylos** is now requesting Board approval for the division of Lot C.

Earldean Wells asked if the applicant had standing as there was a violation regarding the cutting of trees in the Shoreland Zone. **Mr. DiMatteo** stated the ordinance does not prevent the applicant from appearing before the Board, but does prevent the Board from approving the project. However, if the application is in order and conditions are in place regarding the violation, and if those conditions are not upheld by the applicant, the approval would be voided. **Mr. Melanson** noted there is significant debris, slash and stumps remaining on the site that must be removed, in addition to the planting requirements as outlined in the 2011 report by **Terrance Parker**. **Mr. Roylos** noted the CEO lifted the violation after trees were planted, but the plantings died and have not been replaced. He stated he intends to comply with the mitigation plan by **Mr. Parker** and noted such on the application submitted on March 22, 2012. **Ms. Grinnell** noted reference to the 1984 minutes stating "...the lot cannot support a septic system." **Mr. Roylos** acknowledged this and explained he intends to provide a sewer force main to connect to the municipal sewer line on Route 1 which will allow future homeowners to connect to the line. **Mr. DiMatteo** read from Title 16.4.5.2, "An application for a "building/regulated activity permit"...or development review approval will be denied for any property where a violation exists until such violation

has been corrected or resolved.” Discussion followed regarding whether the original violation was still outstanding. **Mr. DiMatteo** explained the violation is not currently in effect as trees were planted, but subsequently died, and the mitigation plan was then rolled into the prior application by Mr. Roylos for a 3-lot subdivision, and a subsequent violation was not issued. The Board may include a condition to resolve this issue with any subsequent approval as outlined in the draft Findings of Fact. **Mr. Kelly** asked who will make the decision that the mitigation has been completed to plan. **Mr. DiMatteo** stated the peer review engineer, CMA, has accepted Mr. Parker’s plan and will also inspect the site. Additionally, escrow funds will be set aside for the mitigation. This plan outlines the mitigation, monitoring, and inspection of the restoration. Discussion followed regarding when the mitigation will begin, issuance of building permits vs. occupancy permits, and assurance the mitigation plan will be adhered to. **Mr. Kelly** noted the issuance or release of the violation is the responsibility of the Code Enforcement Officer, not the Planning Board. The conditions of approval, to be included on the recorded plan, appear to adequately address this issue. **Mr. Roylos** asked about receiving a building permit to secure his construction loan, noting plantings would occur during the construction process. **Mr. Kelly** explained the Board can only approve the division of the land and cannot direct the CEO in the issuance of building or occupancy permits.

Mr. Melanson read the Findings of Fact as follows:

Whereas applicant Beth and John Roylos, owners, propose to divide their property located on Map 47 Lot 18-4 in the Rural Residential Zoning District, a portion of which lies within the Shoreland Overlay Zone, parcel area is ±9.6 acres with address of 32 Haley Road, thereby amending the 1985 *Plan of Lots Haley Road, Kittery, Maine for Howard Mann*, recorded at the York county Registry of Deeds, Book 144, Page 36.

The following submittals are considered to be a part of the approval by the Planning Board:

- | | |
|---|-----------------|
| 1. Recorded Plan of Lots, “Haley Road” | June 1985 |
| 2. Land Division Plan, Sheet 1 of 5 | 3/22/12 (rev.) |
| 3. Plan of Nelson Point Way, Sheet 2 of 5 | 12/11/11 (rev.) |
| 4. Plan of Nelson Point Way, Sheet 3 of 5 | 12/11/11 (rev.) |
| 5. Detail Sheet, Sheet 4 of 5 | 9/14/11 (rev.) |
| 6. Land Division Application | 3/14/12 |

Now therefore, based on the entire record before the Planning Board and pursuant to the applicable standards in the Land Use and Development Code, the Planning Board makes the following factual findings:

1. Property Map 47 Lot 18-4 is identified as Parcel C on the June 1985 *Plan of Lots Haley Road, Kittery, Maine for Howard Mann* recorded at the York County Registry of Deeds (YCRD), Book 144, Page 36.
2. The *Plan of Lots Haley Road, Kittery Maine for Howard Mann* was not approved by the Planning Board as a subdivision. The 40-foot wide right-of-way (ROW) with turn-around identified on the plan was approved. The plan a note specifying that “Lot C cannot be further subdivided without Planning Board approval”.
3. The July 1976 land survey entitled *Property of Benton L. hatch, Haley Road, Kittery* recorded at the YCRD Book 81, Page 48 indicates the property included in the 1985 *Plan of Lots Haley Road, Kittery Maine for Howard Mann* is encumbered by a 40-foot wide easement by New England Telephone and Telegraph co. (NET&T) recorded at the YCRD Book 10 Page 28, October 1925. This easement, with one end at Haley Road and the other end at Wilson Creek, dives the entire property in two.
4. Planning Board minutes from 1984 and 1985 regarding the *Plan of Lots Haley Road, Kittery Maine for Howard Mann* appear to indicate that due to the special circumstances of the NET&T easement,

- the Planning Board concurred with Mr. Mann (the applicant at that time), that the land located on either side of the easement was considered as two separate lots.
5. Considering the previous plans and Planning Board minutes associated with the creation of Parcel C, known as Map 47 Lot 18-4, it appears that Parcel C was not part of a previous subdivision and would not incur subdivision statutes by further division since it has been more than five years since parcels C and B (as noted on the 1985 Howard Mann plan) were created from the single lot located west of the previously mentioned NET&T easement. Therefore, the development proposed by the current owners (Roylos) is a division of land per 16.10.3.2.C of the Town Code, not requiring subdivision review.
 6. The applicant's property, Parcel C, has one-third interest and fee interest in the 40-foot wide ROW that connects to Haley Road as described in the property deed recorded at the YCRD Book 14363 Page 0720, February, 2005. The agreement associated with the ROW also involves the owners of Parcel B (map 47 lot 18-3) and a portion of Parcel A (map 47 lot 18-1-2). Any additional lots fronting along the ROW will require the current agreement to be modified.
 7. The current owner and applicant, Beth and John Roylos, were last before the Planning Board on January 12, 2012 for Final Plan Review of a minor 3-lot subdivision for the same property (Parcel C/map 47 Lot 18-4), and subsequently withdrew their application.
 8. To date, the current owner and applicant is outstanding in fees incurred by the engineering peer review for the previous, withdrawn, minor subdivision plan application.
 9. To date, the current owner and applicant is unable to meet the consent agreement for the 2006 violation that occurred on a portion of their property located in the Shoreland Overlay Zone. A report, *Roylos Property Site Observations and Recommendations, 32 Haley Road*, prepared by Terra Firma Landscape Architects on July 20, 2011, outlines a mitigation plan that must be executed.

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 votes to grant approval of the above referenced property, contingent upon the following conditions:

Seconded by Ann Grinnell

Ms. Grinnell asked if the applicant is unable to receive a building permit until the mitigation is completed, according to Title 16.4.5.2. **Mr. Kelly** stated it would apply, but the issuance of a building permit is handled by the CEO. However, this section of the Code appears to say a building permit cannot be issued until the mitigation is addressed.

There was no further discussion.

Vote of 6 in favor 0 opposed 0 abstaining

Conditions of Approval:

1. The applicant must prepare a final land division plan suitable for recording that includes: all necessary setbacks; right-of-way and property boundary information; conditions of approval; and other information the Town Planner and/or Code Enforcement Officer (CEO) deem important, and submit said plan for approval by the Town Planner and CEO prior to recording.
2. The applicant shall provide technical drawings for the proposed sewer force main connecting to the sewer line at US Route One to the Kittery Sewer Department and Public Works Department for their review and approval.
3. The applicant must prepare a Roadway Agreement that incorporates the proposed lot's access rights and maintenance requirements to the existing ROW that connects to Haley Road. Prior to recording the agreement at the YCRD, a copy must be submitted to the Town Planner for review.
4. The applicant shall remedy the cutting and removal in the Shoreland Zone of the property per the site restoration report recommendations by Terrance Parker, LA, dated July 20, 2011. Funds (estimated by Peer Review Engineer) shall be deposited in escrow the Town of Kittery in order to inspect

EASEMENT DEED

NOW COMES **JOHN T. SHAW** and **MARSHA R. SHAW** of 28 Haley Road, Kittery, Maine 03904, and for consideration, convey to **BETH NELSON ROYLOS** of 2A Birch Road, Hampton, New Hampshire 03842, the following easement:

An easement for reserve septic disposal fields identified as TB-1, TB-2, TB-3 and TB-4 as shown in the attached Exhibit A for constructing a backup wastewater disposal system on the parcel of land owned by John T. Shaw and Marsha R. Shaw and described as lot A-2 depicted on the "Plan of Lots, Haley Road, Kittery, Maine for Howard Mann" dated June, 1985 by Anderson Associates and recorded at Plan Book 144, Page 36 of the York County Registry of Deeds, and described in a deed from Howard C. Mann to John T. Shaw and Marsha R. Shaw dated September 27, 2013 and recorded at Book 16707, Page 70 of the York County Registry of Deeds. This backup wastewater disposal system must need to be constructed due to the failure of the primary system for Lots C-1 and C-2 as shown on a Plan recorded at Plan Book 144, Page 36 of the York County Registry of Deeds for the easement to be used, and it is appurtenant to the land currently owned by Beth Nelson Roylos by a deed to her dated May 22, 2012 and recorded at Book 16362, Page 844, of the York County Registry of Deeds. The construction and maintenance of this wastewater disposal system must in no way be detrimental to the use and maintenance of the grantor's primary disposal system currently on this parcel. In order to access the easement area the grantee of the easement, or her heirs, successors and assigns, must run any necessary piping from the right of way to Haley Road and along the stone fence, which stone fence is the boundary line between parcel A-2 and the property now or formerly of Newton Smith as shown on the Plan recorded at Plan Book 144, Page 36 of the York County Registry of Deeds, in order to access the wastewater disposal system location. The grantee, her heirs, successors and assigns, may have whatever access is necessary to parcel A-2 in order to construct, repair and maintain the pipeline to the wastewater disposal system, and to construct, repair and maintain the wastewater disposal system. After any construction of a reserve wastewater disposal field is complete, the grantee will grade, loam and seed any area that was disturbed. Grantee will be responsible to resolve any issue which adversely effects the servient tenement and which is caused the construction of the reserve wastewater disposal field.

By

The grantors, their heirs, successors and assigns, may dump any earth product in the easement area which the grantees, her heirs, successors and assigns, will remove if the backup wastewater disposal system ever needs to be constructed. Furthermore the grantors, their heirs, successors and assigns, shall have the right to access the easement area for any purpose, including repair and maintenance to the piping for the wastewater disposal system already on the property.

Witness our hands and seals this _____ day of December, 2013.

John T. Shaw

Marsha R. Shaw

STATE OF MAINE
COUNTY OF YORK

December _____, 2013

Personally appeared the above named John T. Shaw and Marsha R. Shaw and acknowledged the foregoing instrument to be their free act and deed.

Notary Public
My Commission Expires:

C:\Users\Pat\Documents\WPDOCS\roylosshawease.doc

AGREEMENT

NOW COMES John N. Roylos and Beth Nelson Roylos, of 28 24 Birch Road, Hampton, New Hampshire 03842 (hereafter Roylos) and John T. Shaw and Marsha R. Shaw of 28 Haley Road, Kittery, Maine 03904 (hereafter Shaw) and agree as follows:

1. That Shaw is conveying an easement to Roylos for a backup wastewater disposal system to benefit property Beth Nelson Roylos owns. The parties agree the consideration for this easement is \$[REDACTED] to be paid by Roylos to Shaw on the date of the closing of the sale of the property benefitting from this easement to a new buyer. If this closing does not take place by 28 February 2014 then the easement shall be returned to Shaw and there is no easement conveyed.
2. That the easement shall not be recorded until Shaw is paid the \$5,000 at the time of closing of the sale described in paragraph 1. If Shaw is not paid, or that closing does not take place, then the easement is null and void and Roylos will release the easement back to Shaw.
3. Roylos agrees to provide a copy of this Agreement to the prospective purchaser so the purchaser is aware that this easement will not be recorded if Shaw is not paid \$5,000.

Date: 12/24/13

John C. Roylos
John C. Roylos

Date: 12/24/13

Beth N. Roylos
Beth Nelson Roylos

Date: 12/24/2013

John T. Shaw
John T. Shaw

Date: 12/24/2013

Marsha R. Shaw
Marsha R. Shaw

RESERVE DISPOSAL FIELDS (SHAW PROPERTY)

HALEY ROAD

Telephone Company Easement

* MORE DETAIL
AND INFORMATION

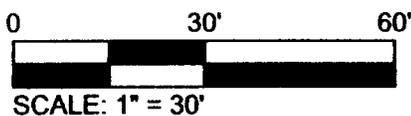
Existing Septic Disposal Field

Proposed Reserve Disposal Field
19' x 22' (10' from property line)

Proposed Reserve Disposal Field
19' x 26' (10' from property line)

John Shaw Property

Power Line



JOHN ROYLOS
32 HALEY ROAD
KITTERY

SWEET ASSOCIATES
155 Gray Road - Falmouth, ME
Phone: (207) 797-2110

PRELIMINARY SOIL INVESTIGATION

DATE: December 16, 2013

TO: John & Beth Roylos
2A Birch Road
Hampton, NH 03842

LOCATION: This property is located at 32 Haley Road, Kittery.

DATE OF INVESTIGATION: November 26, 2013.

PURPOSE OF INVESTIGATION: The purpose is to determine the suitability of the soil and site for subsurface sewage disposal serving reserve disposal fields for Lots 1 and 2.

METHOD OF INVESTIGATION: Hand auger.

RESULTS OF INVESTIGATION:

The test borings located on the John Shaw lot were located approximately as shown on the attached site plan. Testing was primarily confined to the higher elevation near Haley Road.

The test borings revealed a fine sandy loam to silt loam topsoil and subsoil, and a silt loam substratum. A restrictive layer and seasonal high water table were encountered at 10 to 18 inches below the surface. The disposal fields are rated Large and Extra-Large. The Maine Subsurface Wastewater Disposal Rules designations are 8C, 8D, and 9D.

John & Beth Roylos
Page Two
Investigation Date: 11/26/13

CONCLUSION:

Both tested sites are acceptable for subsurface sewage disposal according to the Maine Subsurface Wastewater Disposal Rules. Both systems shown are MoundBuster type and similar to the primary systems designed for each lot. Both require pre-treatment.

Richard A. Sweet

Richard A. Sweet
Site Evaluator #034



SOIL PROFILE / CLASSIFICATION INFORMATION		DETAILED DESCRIPTION OF SUBSURFACE CONDITIONS AT PROJECT SITES
Project Name: Septic Reserve	Applicant Name: John & Beth Roylos	Project Location (municipality): Kittery

Observation Hole # <u>TB-1</u> <input type="checkbox"/> Test Pit <input checked="" type="checkbox"/> Boring	
_____ " Depth of organic horizon above mineral soil	
0	Texture Consistency Color Mottling
6	Fine Sandy Loam Friable Brown
12	
18	
24	Silty Loam Firm Olive Common / Faint
30	
36	
42	
48	
48	Soil Classification Slope Limiting Factor <input checked="" type="checkbox"/> Groundwater
8	<u>C</u> <u>0-3</u> <u>18"</u> <input checked="" type="checkbox"/> Restrictive Layer
Profile	Condition Percent Depth <input type="checkbox"/> Bedrock

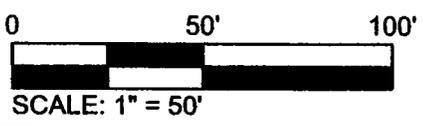
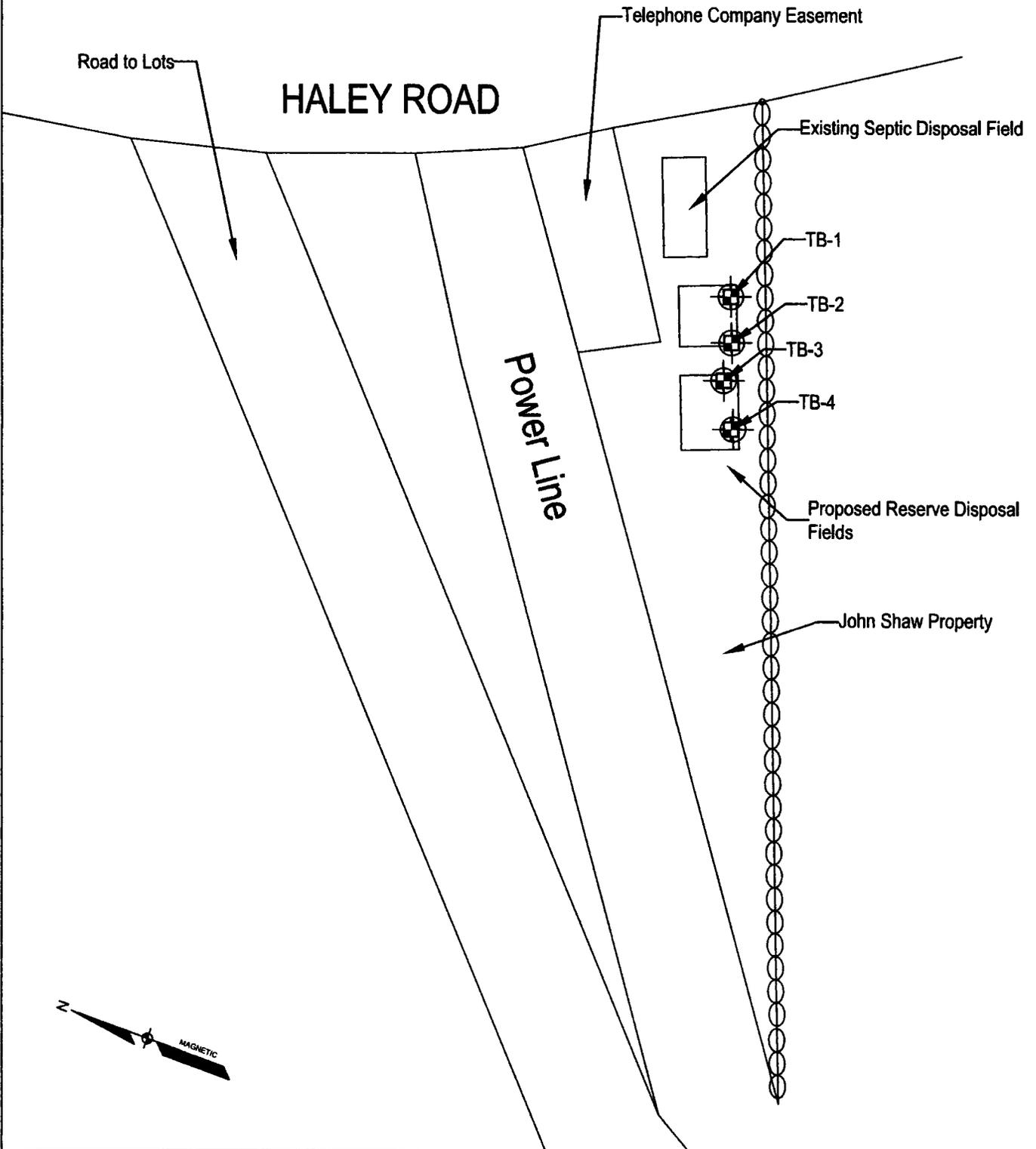
Observation Hole # <u>TB-2</u> <input type="checkbox"/> Test Pit <input checked="" type="checkbox"/> Boring	
_____ " Depth of organic horizon above mineral soil	
0	Texture Consistency Color Mottling
6	Fine Sandy Loam Friable Brown
12	
18	
24	Silty Loam Firm Olive Few / Faint
30	
36	
42	
48	
48	Soil Classification Slope Limiting Factor <input checked="" type="checkbox"/> Groundwater
8	<u>D</u> <u>0-3</u> <u>12"</u> <input checked="" type="checkbox"/> Restrictive Layer
Profile	Condition Percent Depth <input type="checkbox"/> Bedrock

Observation Hole # <u>TB-3</u> <input type="checkbox"/> Test Pit <input checked="" type="checkbox"/> Boring	
_____ " Depth of organic horizon above mineral soil	
0	Texture Consistency Color Mottling
6	Friable <u>Dark Brown</u>
12	Silt Loam Firm Light Brown
18	Silt Loam Firm Olive Common / Faint
24	
30	
36	
42	
48	
48	Soil Classification Slope Limiting Factor <input checked="" type="checkbox"/> Groundwater
8	<u>D</u> <u>0-3</u> <u>12"</u> <input checked="" type="checkbox"/> Restrictive Layer
Profile	Condition Percent Depth <input type="checkbox"/> Bedrock

Observation Hole # <u>TB-4</u> <input type="checkbox"/> Test Pit <input checked="" type="checkbox"/> Boring	
_____ " Depth of organic horizon above mineral soil	
0	Texture Consistency Color Mottling
6	Friable Brown
12	
18	Silt Loam Firm Olive Common / Faint
24	
30	
36	
42	
48	
48	Soil Classification Slope Limiting Factor <input checked="" type="checkbox"/> Groundwater
9	<u>D</u> <u>0-3</u> <u>10</u> <input checked="" type="checkbox"/> Restrictive Layer
Profile	Condition Percent Depth <input type="checkbox"/> Bedrock

INVESTIGATOR INFORMATION AND SIGNATURE	
Signature: <i>Richard A. Sweet</i>	Date: November 26, 2013
Name Printed/typed: Richard A. Sweet	Cert/Lic/Reg.# 034
Title: <input checked="" type="checkbox"/> Licensed Site Evaluator <input type="checkbox"/> Certified Soil Scientist	
<input type="checkbox"/> Certified Geologist <input type="checkbox"/> Other:	

RESERVE DISPOSAL FIELDS (SHAW PROPERTY)



JOHN ROYLOS
32 HALEY ROAD
KITTERY

SWEET ASSOCIATES
155 Gray Road - Falmouth, ME
Phone: (207) 797-2110

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
Division of Health Engineering, 10 SHS
(207) 287-5672 Fax: (207) 287-3165

PROPERTY LOCATION >> CAUTION: LPI APPROVAL REQUIRED <<

City, Town, or Plantation	Kittery	Town/City _____	Permit # _____
Street or Road	32 Haley Road	Date Permit Issued ____/____/____	Fee: \$ _____ Double Fee Charged <input type="checkbox"/>
Subdivision, Lot #	Lot 2	_____	L.P.I. # _____

OWNER/APPLICANT INFORMATION

Name (last, first, MI)	Roylos, John & Beth	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Applicant	The Subsurface Wastewater Disposal System shall not be installed until a Permit is issued by the Local Plumbing Inspector. This Permit shall authorize the owner or installer to install the disposal system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.
Mailing Address of Owner/Applicant			
Daytime Tel. #			

<p>OWNER OR APPLICANT STATEMENT I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a Permit.</p> <p>_____ Signature of Owner or Applicant</p> <p>_____ Date</p>	<p>CAUTION: INSPECTION REQUIRED I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application.</p> <p>_____ Local Plumbing Inspector Signature</p> <p>_____ (1st) date approved</p> <p>_____ (2nd) date approved</p>
--	---

PERMIT INFORMATION

<p>TYPE OF APPLICATION</p> <p><input checked="" type="checkbox"/> 1. First Time System <input type="checkbox"/> 2. Replacement System Type replaced: _____ Year installed: _____</p> <p><input type="checkbox"/> 3. Expanded System <input type="checkbox"/> a. <25% Expansion <input type="checkbox"/> b. >= 25% Expansion <input type="checkbox"/> 4. Experimental System <input type="checkbox"/> 5. Seasonal Conversion</p>	<p>THIS APPLICATION REQUIRES</p> <p><input checked="" type="checkbox"/> 1. No Rule Variance <input type="checkbox"/> 2. First Time System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input type="checkbox"/> b. State & Local Plumbing Inspector <input type="checkbox"/> 3. Replacement System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input type="checkbox"/> b. State & Local Plumbing Inspector <input type="checkbox"/> 4. Minimum Lot Size Variance <input type="checkbox"/> 5. Seasonal Conversion Permit</p>	<p>DISPOSAL SYSTEM COMPONENTS</p> <p><input checked="" type="checkbox"/> 1. Complete Non-engineered System <input type="checkbox"/> 2. Primitive System (graywater & alt. toilet) <input type="checkbox"/> 3. Alternative Toilet, specify: _____ <input type="checkbox"/> 4. Non-engineered Treatment Tank (only) <input type="checkbox"/> 5. Holding Tank, _____ gallons <input type="checkbox"/> 6. Non-engineered Disposal Field (only) <input type="checkbox"/> 7. Separated Laundry System <input type="checkbox"/> 8. Complete Engineered System (2000 gpd or more) <input type="checkbox"/> 9. Engineered Treatment Tank (only) <input type="checkbox"/> 10. Engineered Disposal Field (only) <input checked="" type="checkbox"/> 11. Pre-treatment, specify: <u>OxyPro</u> or Equivalent <input type="checkbox"/> 12. Miscellaneous Components</p>
<p>SIZE OF PROPERTY</p> <p>3.151 <input type="checkbox"/> SQ. FT. <input checked="" type="checkbox"/> ACRES</p>	<p>DISPOSAL SYSTEM TO SERVE</p> <p><input checked="" type="checkbox"/> 1. Single Family Dwelling Unit, No. of Bedrooms: <u>4</u> <input type="checkbox"/> 2. Multiple Family Dwelling, No. of Units: _____ <input type="checkbox"/> 3. Other: _____ (specify) Current Use <input type="checkbox"/> Seasonal <input type="checkbox"/> Year Round <input checked="" type="checkbox"/> Undeveloped</p>	<p>TYPE OF WATER SUPPLY</p> <p><input checked="" type="checkbox"/> 1. Drilled Well <input type="checkbox"/> 2. Dug Well <input type="checkbox"/> 3. Private <input type="checkbox"/> 4. Public <input type="checkbox"/> 5. Other</p>

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

<p>TREATMENT TANK</p> <p><input checked="" type="checkbox"/> 1. Concrete <input checked="" type="checkbox"/> a. Regular <input type="checkbox"/> b. Low Profile <input type="checkbox"/> 2. Plastic <input type="checkbox"/> 3. Other: _____ CAPACITY: <u>1,000</u> GAL</p>	<p>DISPOSAL FIELD TYPE & SIZE</p> <p><input type="checkbox"/> 1. Stone Bed <input type="checkbox"/> 2. Stone Trench <input checked="" type="checkbox"/> 3. Proprietary Device <input type="checkbox"/> a. cluster array <input checked="" type="checkbox"/> c. Linear <input type="checkbox"/> b. regular load <input type="checkbox"/> d. H-20 load <input type="checkbox"/> 4. Other: _____ SIZE: <u>362</u> <input type="checkbox"/> sq. ft. <input checked="" type="checkbox"/> lin. ft.</p>	<p>GARBAGE DISPOSAL UNIT</p> <p><input type="checkbox"/> 1. No <input checked="" type="checkbox"/> 2. Yes <input type="checkbox"/> 3. Maybe If Yes or Maybe, specify one below: <input type="checkbox"/> a. multi-compartment tank <input type="checkbox"/> b. _____ tanks in series <input type="checkbox"/> c. Increase in tank capacity <input checked="" type="checkbox"/> d. Filter on Tank Outlet</p>	<p>DESIGN FLOW</p> <p><u>384</u> gallons per day BASED ON: <input checked="" type="checkbox"/> 1. Table 4A (dwelling unit(s)) <input type="checkbox"/> 2. Table 4C (other facilities) SHOW CALCULATIONS — for other facilities —</p>
<p>SOIL DATA</p> <p>PROFILE <u>3</u> CONDITION <u>C</u> at Observation Hole # <u>TP-1</u> Depth <u>22</u> " of Most Limiting Soil Factor <u>Groundwater</u></p>	<p>DISPOSAL FIELD SIZING</p> <p><input type="checkbox"/> 1. Medium—2.6 sq. ft. / gpd <input checked="" type="checkbox"/> 2. Medium—Large 3.3 sq. ft. / gpd <input type="checkbox"/> 3. Large—4.1 sq. ft. / gpd <input type="checkbox"/> 4. Extra Large—5.0 sq. ft. / gpd</p>	<p>EFFLUENT/EJECTOR PUMP</p> <p><input type="checkbox"/> 1. Not Required <input type="checkbox"/> 2. May Be Required <input checked="" type="checkbox"/> 3. Required Specify only for engineered systems: DOSE: _____ gallons</p>	<p><input type="checkbox"/> 3. Section 4G (meter readings) ATTACH WATER METER DATA</p> <p>LATITUDE AND LONGITUDE at center of disposal area Lat. <u>N43</u> d <u>06</u> m <u>49.14</u> s Lon. <u>W70</u> d <u>43</u> m <u>36.07</u> s if g.p.s. state margin of error: <u>20'</u></p>

SITE EVALUATOR STATEMENT

I certify that on 11-26-13 (date) I completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).

Richard A. Sweet 034 12/15/13
Site Evaluator Signature SE # Date

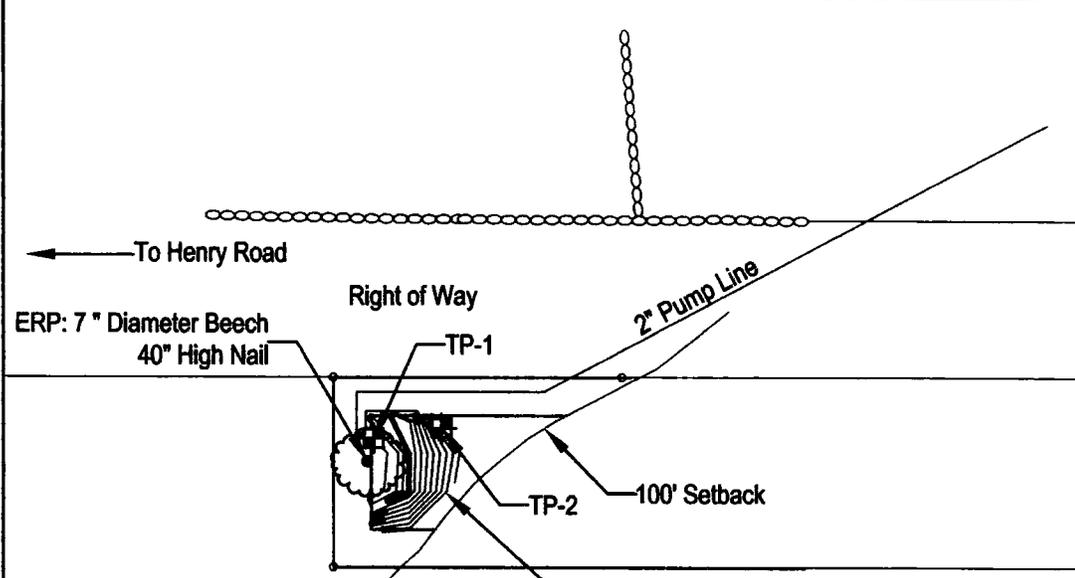
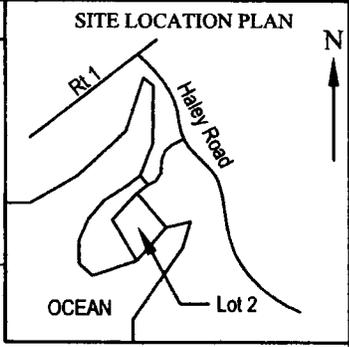
Richard A. Sweet 797-2110 dick@sweetassociates.com
Site Evaluator Name Printed Telephone Number Email Address

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
 Division of Health Engineering, Station 10
 (207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation: **Kittery** Street, Road, Subdivision: **32 Haley Road** Owner or Applicant Name: **John & Beth Roylos**

SITE PLAN Scale 1" = 50 ft.



Moundbuster Disposal Field
 362' - 4" dia. ADS Perforated Single-Wall
 Land Drain Pipe with Geotextile Sock
 12 rows X Ave. 31.5' long

NOTES:

1. Septic tank must be located at least 8' from foundation.
2. Proposed well must be located at least 50' from septic tank and 100' from disposal field.
3. Scarify all ground to be filled.
4. Insulate the Distribution Box (D-Box).
5. Min. 1/4"/ft (2%) pitch of pipe from building to septic tank.
6. A 2" dia. pressure line shall connect the distribution box and the pump tank.



SOIL PROFILE DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole # TP-1 ■ Test Pit □ Boring

_____ " Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0 - 24	Fine Sandy Loam	Friable	Dark Yellowish Brown	
24 - 42	Sandy Loam	Firm	Olive	Common & Faint
42 - 48	Limit of Excavation at 40 inches			
Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth	<input type="checkbox"/> Groundwater <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock
3	C	6	23"	

Observation Hole # TP-2 ■ Test Pit □ Boring

_____ " Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0 - 24	Fine Sandy Loam	Friable	Dark Brown	
24 - 42	Sandy Loam	Firm	Olive	Common & Faint
42 - 48	Limit of Excavation at 40 inches			
Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth	<input type="checkbox"/> Groundwater <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock
3	C	6	22"	

Richard Omet
 Site Evaluator Signature

034
 SE #

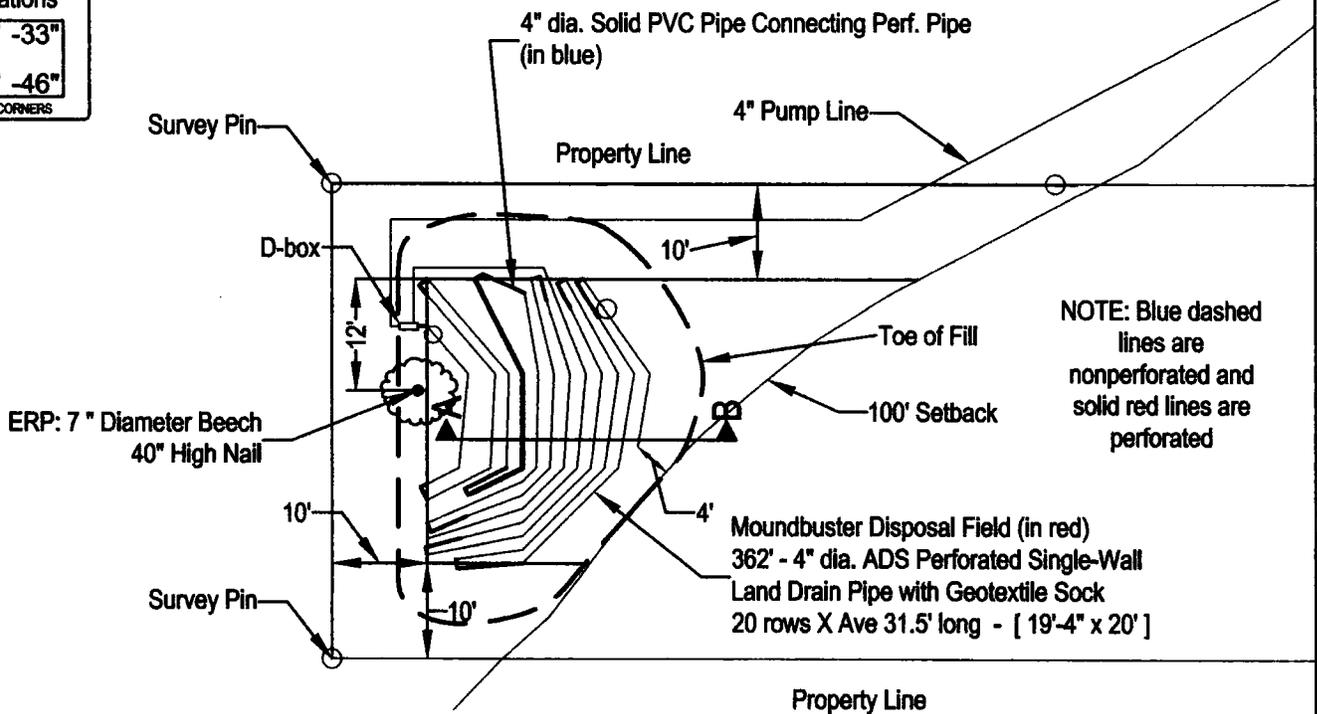
12/15/13
 Date

Town, City, Plantation: **Kittery** Street, Road, Subdivision: **32 Haley Road** Owner or Applicant Name: **John & Beth Roylos**

SUBSURFACE WASTEWATER DISPOSAL PLAN

Scale: 1" = 20 ft

Existing Grade Elevations
-33" -33"
-46" -46"
FIELD CORNERS



BACKFILL REQUIREMENTS

CONSTRUCTION ELEVATIONS

ELEVATION REFERENCE POINT
Location & Description: 7" Diameter Beech 40" High Nail

Reference Elevation is 0.0" or: _____

Depth of Backfill (upslope) 2-2"
Depth of Backfill (downslope) 2-2"

Finished Grade Elevation (at Row 1) -34"
Top of Proprietary Device (at Row 1) -42"
Bottom of Disposal Field (at Row 1) -46"

NOTE: Backfill 3 feet beside and 6 inches below system must meet the following gradation.

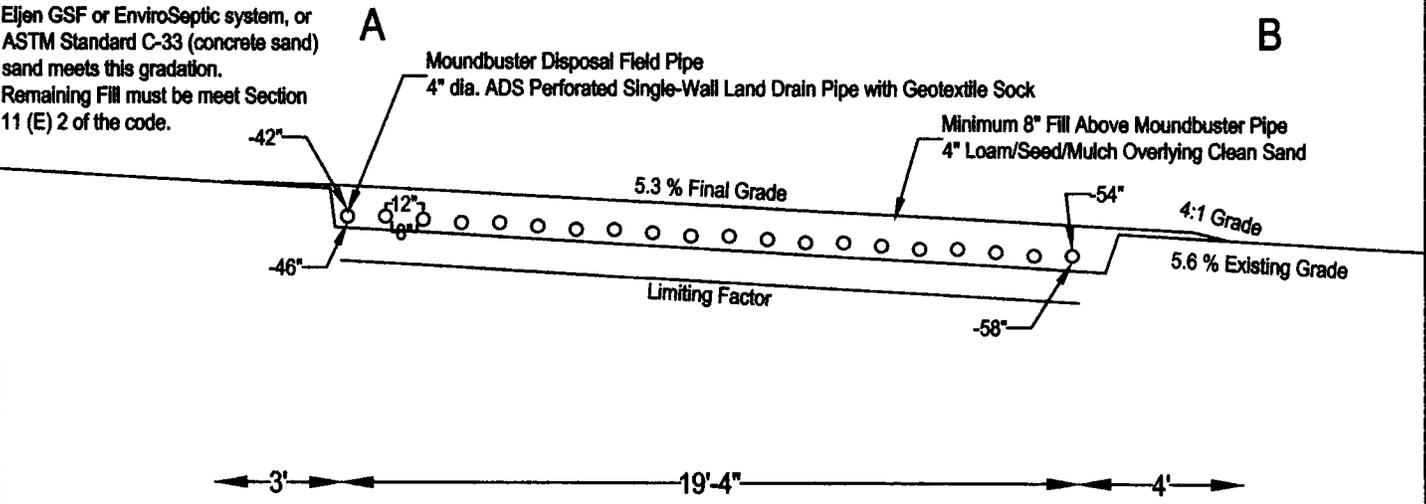
- Less than 80% passing the #10 sieve
- Less than 30% passing the #40 sieve
- Less than 4% passing the #200 sieve

Eljen GSF or EnviroSeptic system, or ASTM Standard C-33 (concrete sand) sand meets this gradation. Remaining Fill must meet Section 11 (E) 2 of the code.

DISPOSAL FIELD CROSS SECTION

APPROXIMATE ABOVE GRADE FILL REQUIRED
12.2 cubic yards of LOAM
-5.4 cubic yards of SAND
Compaction: +20% Loam & +15% Sand
Volume of chambers not considered

Scales:
Verticle: 1" = 5
Horizontal: 1" = 5



Richard Omet
Site Evaluator Signature

034
SE #

12/15/13
Date

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
Division of Health Engineering, 10 SHS
(207) 287-5672 Fax: (207) 287-3165

PROPERTY LOCATION >> CAUTION: LPI APPROVAL REQUIRED <<

City, Town, or Plantation	Kittery	Town/City _____	Permit # _____
Street or Road	32 Haley Road	Date Permit Issued ____/____/____	Fee: \$ _____ Double Fee Charged <input type="checkbox"/>
Subdivision, Lot #	Lot 1	_____	L.P.I. # _____

OWNER/APPLICANT INFORMATION

Name (last, first, MI)	Roylos, John & Beth	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Applicant	The Subsurface Wastewater Disposal System shall not be installed until a Permit is issued by the Local Plumbing Inspector. This Permit shall authorize the owner or installer to install the disposal system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.
Mailing Address of Owner/Applicant			
Daytime Tel. #			

OWNER OR APPLICANT STATEMENT I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a Permit.	CAUTION: INSPECTION REQUIRED I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application.
Signature of Owner or Applicant _____ Date _____	Local Plumbing Inspector Signature _____ (1st) date approved _____
	Local Plumbing Inspector Signature _____ (2nd) date approved _____

PERMIT INFORMATION

TYPE OF APPLICATION <input checked="" type="checkbox"/> 1. First Time System <input type="checkbox"/> 2. Replacement System Type replaced: _____ Year installed: _____ <input type="checkbox"/> 3. Expanded System <input type="checkbox"/> a. <25% Expansion <input type="checkbox"/> b. >= 25% Expansion <input type="checkbox"/> 4. Experimental System <input type="checkbox"/> 5. Seasonal Conversion	THIS APPLICATION REQUIRES <input checked="" type="checkbox"/> 1. No Rule Variance <input type="checkbox"/> 2. First Time System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input type="checkbox"/> b. State & Local Plumbing Inspector <input type="checkbox"/> 3. Replacement System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input type="checkbox"/> b. State & Local Plumbing Inspector <input type="checkbox"/> 4. Minimum Lot Size Variance <input type="checkbox"/> 5. Seasonal Conversion Permit	DISPOSAL SYSTEM COMPONENTS <input type="checkbox"/> 1. Complete Non-engineered System <input type="checkbox"/> 2. Primitive System (graywater & alt. toilet) <input type="checkbox"/> 3. Alternative Toilet, specify: _____ <input type="checkbox"/> 4. Non-engineered Treatment Tank (only) <input type="checkbox"/> 5. Holding Tank, _____ gallons <input type="checkbox"/> 6. Non-engineered Disposal Field (only) <input type="checkbox"/> 7. Separated Laundry System <input type="checkbox"/> 8. Complete Engineered System (2000 gpd or more) <input type="checkbox"/> 9. Engineered Treatment Tank (only) <input type="checkbox"/> 10. Engineered Disposal Field (only) <input checked="" type="checkbox"/> 11. Pre-treatment, specify: OxyPro or Equivalent <input type="checkbox"/> 12. Miscellaneous Components
SIZE OF PROPERTY 6.4 <input type="checkbox"/> SQ. FT. <input checked="" type="checkbox"/> ACRES	DISPOSAL SYSTEM TO SERVE <input checked="" type="checkbox"/> 1. Single Family Dwelling Unit, No. of Bedrooms: <u>4</u> <input type="checkbox"/> 2. Multiple Family Dwelling, No. of Units: _____ <input type="checkbox"/> 3. Other: _____ (specify) Current Use <input type="checkbox"/> Seasonal <input type="checkbox"/> Year Round <input checked="" type="checkbox"/> Undeveloped	TYPE OF WATER SUPPLY <input checked="" type="checkbox"/> 1. Drilled Well <input type="checkbox"/> 2. Dug Well <input type="checkbox"/> 3. Private <input type="checkbox"/> 4. Public <input type="checkbox"/> 5. Other

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANK <input checked="" type="checkbox"/> 1. Concrete <input checked="" type="checkbox"/> a. Regular <input type="checkbox"/> b. Low Profile <input type="checkbox"/> 2. Plastic <input type="checkbox"/> 3. Other: _____ CAPACITY: <u>1,000</u> GAL	DISPOSAL FIELD TYPE & SIZE <input type="checkbox"/> 1. Stone Bed <input type="checkbox"/> 2. Stone Trench <input checked="" type="checkbox"/> 3. Proprietary Device <input type="checkbox"/> a. cluster array <input checked="" type="checkbox"/> c. Linear <input type="checkbox"/> b. regular load <input type="checkbox"/> d. H-20 load <input type="checkbox"/> 4. Other: _____ SIZE: <u>519</u> <input type="checkbox"/> sq. ft. <input checked="" type="checkbox"/> lin. ft.	GARBAGE DISPOSAL UNIT <input checked="" type="checkbox"/> 1. No <input type="checkbox"/> 2. Yes <input type="checkbox"/> 3. Maybe If Yes or Maybe, specify one below: <input type="checkbox"/> a. multi-compartment tank <input type="checkbox"/> b. _____ tanks in series <input type="checkbox"/> c. increase in tank capacity <input type="checkbox"/> d. Filter on Tank Outlet	DESIGN FLOW <u>363</u> gallons per day BASED ON: <input checked="" type="checkbox"/> 1. Table 4A (dwelling unit(s)) <input type="checkbox"/> 2. Table 4C (other facilities) SHOW CALCULATIONS — for other facilities —
SOIL DATA PROFILE <u>9</u> CONDITION <u>D</u> at Observation Hole # <u>TP-1</u> Depth <u>15</u> " of Most Limiting Soil Factor Groundwater	DISPOSAL FIELD SIZING <input type="checkbox"/> 1. Medium—2.6 sq. ft. / gpd <input type="checkbox"/> 2. Medium—Large 3.3 sq. ft. / gpd <input type="checkbox"/> 3. Large—4.1 sq. ft. / gpd <input checked="" type="checkbox"/> 4. Extra Large—5.0 sq. ft. / gpd	EFFLUENT/EJECTOR PUMP <input checked="" type="checkbox"/> 1. Not Required <input type="checkbox"/> 2. May Be Required <input type="checkbox"/> 3. Required Specify only for engineered systems: DOSE: _____ gallons	<input type="checkbox"/> 3. Section 4G (meter readings) ATTACH WATER METER DATA LATITUDE AND LONGITUDE at center of disposal area Lat. <u>N43</u> d <u>06</u> m <u>45.38</u> s Lon. <u>W70</u> d <u>43</u> m <u>45.16</u> s if g.p.s. state margin of error: <u>20</u>

SITE EVALUATOR STATEMENT

I certify that on 11-26-13 (date) I completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).

Richard A. Sweet SE # 034 Date 12/15/13
 Site Evaluator Signature

Richard A. Sweet Telephone Number 797-2110 Email Address dick@sweetassociates.com
 Site Evaluator Name Printed

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
 Division of Health Engineering, Station 10
 (207) 287-5672 Fax: (207) 287-3165

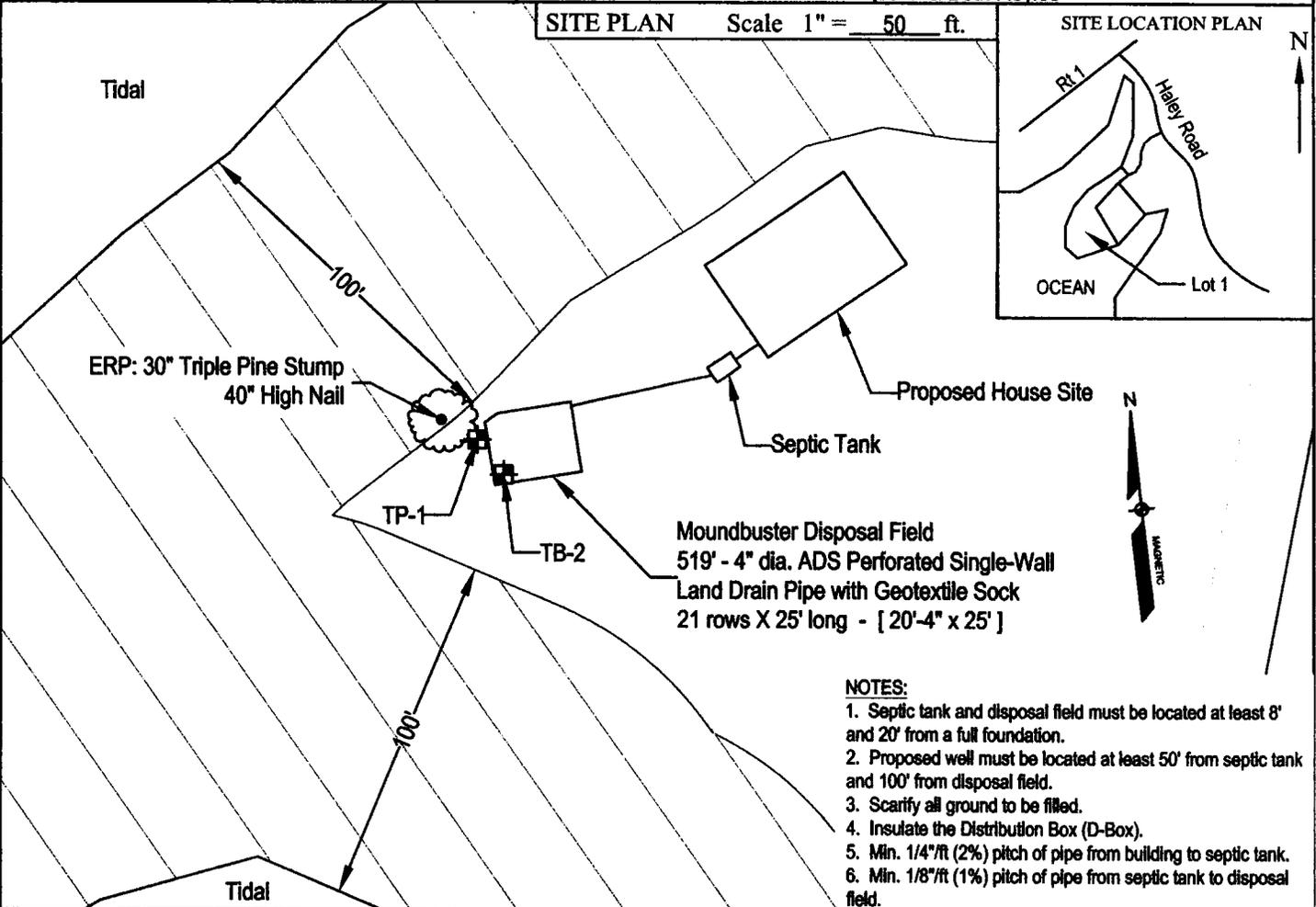
Town, City, Plantation
Kittery

Street, Road, Subdivision
32 Haley Road

Owner or Applicant Name
John & Beth Roylos

SITE PLAN Scale 1" = 50 ft.

SITE LOCATION PLAN



NOTES:

1. Septic tank and disposal field must be located at least 8' and 20' from a full foundation.
2. Proposed well must be located at least 50' from septic tank and 100' from disposal field.
3. Scarify all ground to be filled.
4. Insulate the Distribution Box (D-Box).
5. Min. 1/4"/ft (2%) pitch of pipe from building to septic tank.
6. Min. 1/8"/ft (1%) pitch of pipe from septic tank to disposal field.

SOIL PROFILE DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole # TP-1 Test Pit Boring

_____ " Depth of organic horizon above mineral soil

Depth (inches)	Texture	Consistency	Color	Mottling
0 - 6	Fine Sandy Loam	Friable	Dark Brown	
6 - 12			Light Olive Brown	
12 - 18				
18 - 24	Silt Loam	Firm	Olive Gray	Common & Distinct
24 - 30				
30 - 36				
36 - 42				
42 - 48				

Limit of Excavation at 32 inches

Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth	<input checked="" type="checkbox"/> Groundwater	<input type="checkbox"/> Restrictive Layer	<input type="checkbox"/> Bedrock
9	C	8	15"			

Observation Hole # TB-2 Test Pit Boring

_____ " Depth of organic horizon above mineral soil

Depth (inches)	Texture	Consistency	Color	Mottling
0 - 6	Fine Sandy Loam	Friable	Dark Brown	
6 - 12			Olive	
12 - 18				
18 - 24	Silt Loam	Firm	Gray	Common & Distinct
24 - 30				
30 - 36				
36 - 42				
42 - 48				

22 inches

Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth	<input checked="" type="checkbox"/> Groundwater	<input type="checkbox"/> Restrictive Layer	<input type="checkbox"/> Bedrock
9	C	8	15"			

Richard Omet
 Site Evaluator Signature

034 SE # 12/15/13 Date

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
 Division of Health Engineering, Station 10
 (207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation
Kittery

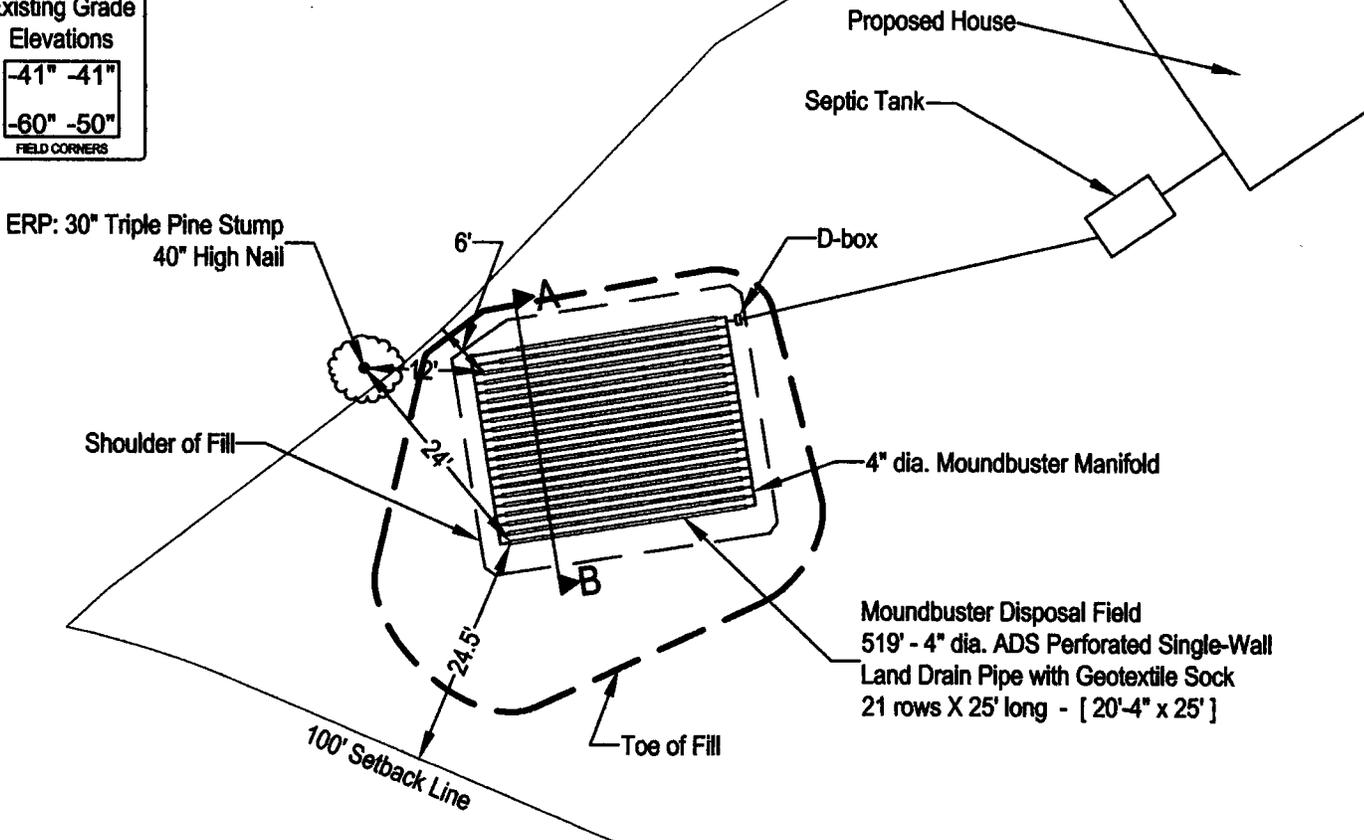
Street, Road, Subdivision
32 Haley Road

Owner or Applicant Name
John & Beth Roylos

SUBSURFACE WASTEWATER DISPOSAL PLAN

Scale: 1" = 20 ft

Existing Grade Elevations	
-41"	-41"
FIELD CORNERS	
-60"	-50"



BACKFILL REQUIREMENTS

CONSTRUCTION ELEVATIONS

ELEVATION REFERENCE POINT

Depth of Backfill (upslope) 9-9"
 Depth of Backfill (downslope) 28-18"

Finished Grade Elevation (at Row 1) -32"
 Top of Proprietary Device (at Row 1) -40"
 Bottom of Disposal Field (at Row 1) -44"

Location & Description: 30" Triple Pine Stump
40" High Nail
 Reference Elevation is 0.0" or: _____

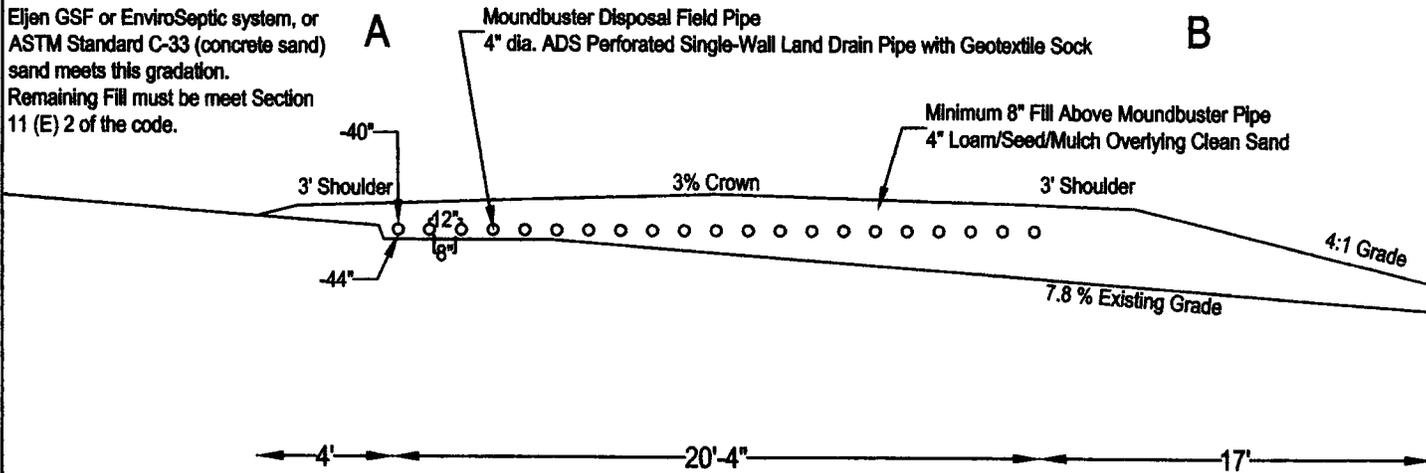
NOTE: Backfill 3 feet beside and 6 inches below system must meet the following gradation.

- Less than 80% passing the #10 sieve
- Less than 30% passing the #40 sieve
- Less than 4% passing the #200 sieve

Eljen GSF or EnviroSeptic system, or ASTM Standard C-33 (concrete sand) sand meets this gradation. Remaining Fill must meet Section 11 (E) 2 of the code.

DISPOSAL FIELD CROSS SECTION

APPROXIMATE ABOVE GRADE FILL REQUIRED 26.4 cubic yards of LOAM 57.2 cubic yards of SAND Compaction: +20% Loam & +15% Sand Volume of chambers not considered	Vertical: 1" = <u>6</u>	
	Horizontal: 1" = <u>6</u>	
	Scales:	



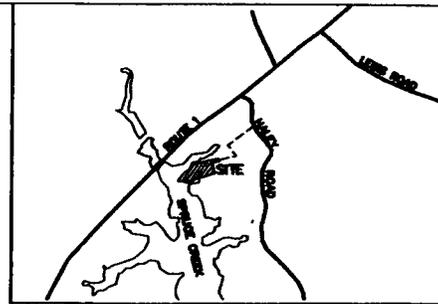
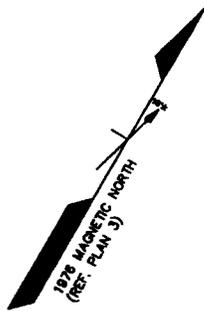
Richard O. Hunt
 Site Evaluator Signature

034
 SE #

12/15/13
 Date

Page 3 of 3
 HHE-200 Rev. 10/02

APPRAISAL PLAN



VICINITY MAP

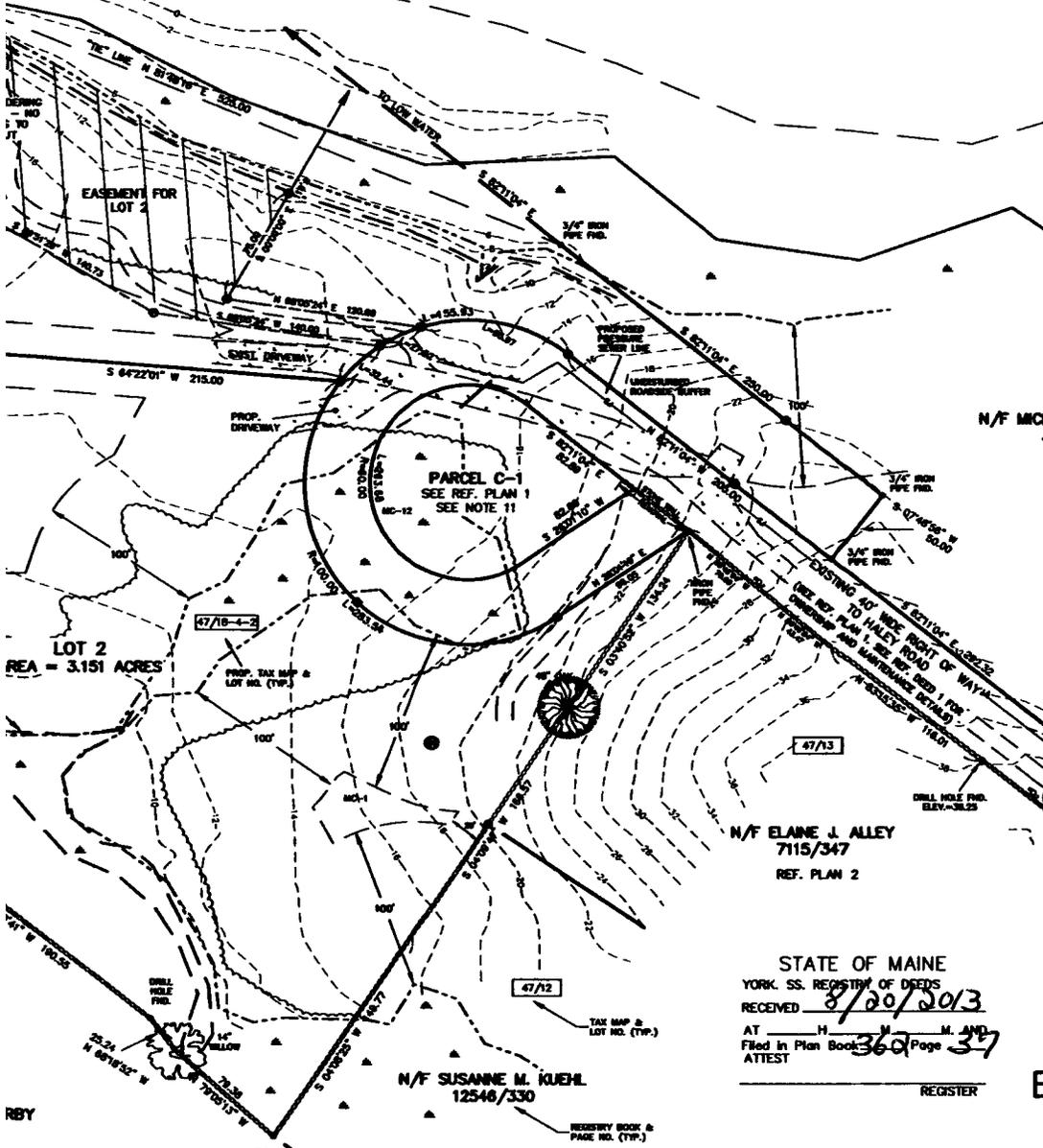
ZONES: RESIDENTIAL-RURAL (R-RL), SHORELAND OVERLAY ZONE, FLOOD ZONE

- MIN. LOT AREA40,000 SQ. FT.
- MIN. FRONTAGE150 FT.
- FRONT SETBACK40 FT.
- SIDE & REAR SETBACK20 FT.
- MAX. BUILDING COVERAGE15%
- MAX. BUILDING HEIGHT35 FT.
- WETLAND SETBACK100 FT.
- SHORE FRONTAGE250 FT.
- MAX. LOT COVERAGE20%

LEGEND

- STONE WALL
- N/F "NOW OR FORMERLY"
- TPQ PASSING SOILS TEST PIT
- FENCE POST FOUND
- GRANITE BOUND TO BE SET
- MONUMENT TO BE SET
- ▨ "DO NOT DISTURB" AREA

EASTERN CREEK



47/18-3

N/F MICHAEL E. CHENERY
3613/274

Planning Board Conditions of Approval (April 12, 2012):

1. The Applicant must prepare a final land division plan suitable for recording that includes all necessary setbacks, right-of-way and property boundary information, conditions of approval, and other information the Town Planner and Code Enforcement Officer (CEO) deem important, and submit said plan for approval by Town Planner and CEO, prior to recording.
2. The Applicant shall provide technical drawings of the proposed sewer force main connecting to the sewer line of U.S. Route One to the Kittery Sewer Department and Public Works Department for their review and approval.
3. The Applicant must prepare a Roadway Agreement that incorporates the proposed lot's access rights and maintenance requirements to the existing ROW that connects to Haley Road. Prior to recording the agreement at the YCRB, a copy must be submitted to the Town Planner for review.
4. The Applicant shall remedy the cutting and removal in the Shoreland Zone of the property per the site restoration report recommendations by TerraNova Partners, L.A. dated July 20, 2011. Funds (estimated by Peer Review Engineer) shall be deposited in escrow with the Town of Kittery in order to inspect restoration efforts and to insure the successful establishment of materials per report recommendations.
5. The Applicant, prior to any earth moving or soil disturbance, must submit to the Town Planner a certification that any and all application and/or review fees are paid in full.
6. The Applicant, prior to any earth moving or soil disturbance, must submit to the Town Planner one (1) master copy and two (2) paper copies of the recorded Plan, and any and all related state/federal permits or legal documents that may be required.

N/F ELAINE J. ALLEY
7115/347
REF. PLAN 2

STATE OF MAINE
YORK, SS. REGISTER OF DEEDS
RECEIVED 8/20/2013
AT _____ M. AND
Filed in Plan Book 360 Page 37
ATTEST
REGISTER

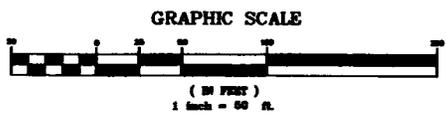
LAND DIVISION PLAN
PREPARED FOR
**JOHN C. ROYLOS &
BETH NELSON ROYLOS**
32 HALEY ROAD
KITTERY, MAINE

SHEET INDEX

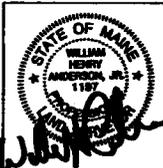
#	TITLE	LAST REVISED
1	LAND DIVISION PLAN	07/17/12
2	ROAD PROFILE	05/14/00
3	ROAD PROFILE	05/14/00
4	DETAIL SHEET	05/14/00
5	SEWER CONNECTION	01/10/12
6	SEWER DETAILS	05/09/12

FT.)

LOT #	AREA (ACRES)
LOT 2	137,279
	15,810
	105,407
	33,950
	0
	84,884



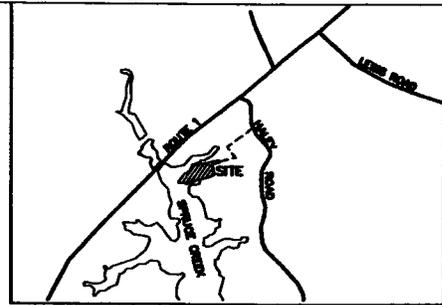
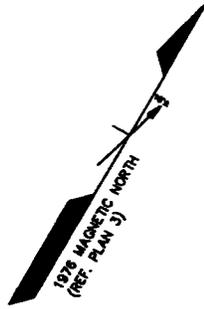
CERTIFICATION:
This survey conforms to the Maine Board of Licensure for Professional Land Surveyors Chapter 80 Standards of Practice, effective April 1, 2001 except as noted on this plan.



ANDERSON LIVINGSTON ENGINEERS, INC. Scale: 1 in = 60 ft. Date: April 23, 2012 REVISIONS: 04/05/12: NOTES 07/17/12: NOTES	Suite 401 Cottage Place 433 N U.S. Route One York, Maine 03909
	OWNERS: John C. & Beth N. Roylos 2A Birch Road Hampton, NH 03842

Sheet 1 of 5

AMENDMENT PLAN

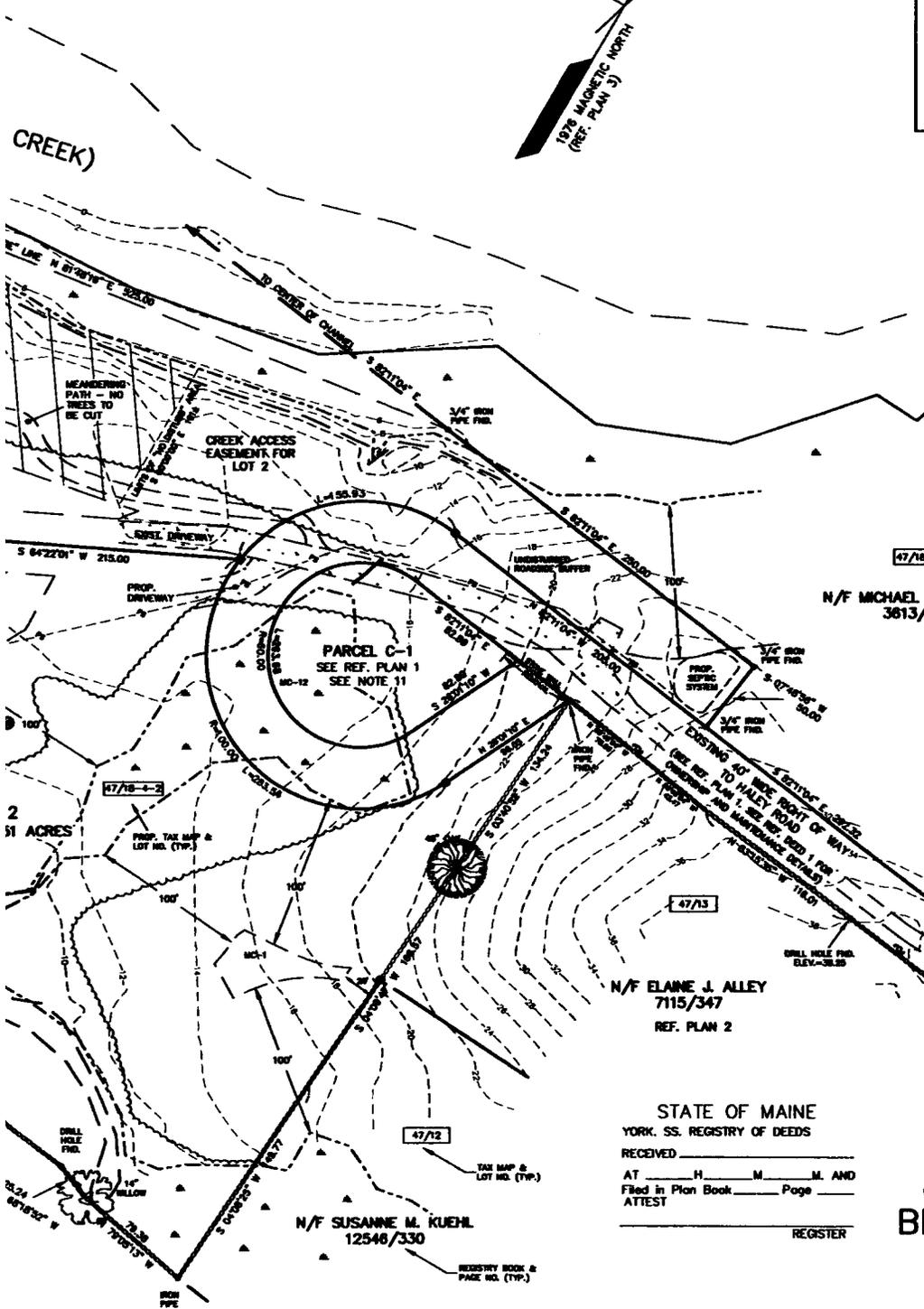


VICINITY MAP
 ZONES: RESIDENTIAL-RURAL (R-RL), SHORELAND
 OVERLAY ZONE, FLOOD ZONE

MIN. LOT AREA	40,000 SQ. FT.
MIN. FRONTAGE	150 FT.
FRONT SETBACK	40 FT.
SIDE & REAR SETBACK	20 FT.
MAX. BUILDING COVERAGE	15%
MAX. BUILDING HEIGHT	35 FT.
WETLAND SETBACK	100 FT.
SHORE FRONTAGE	250 FT.
MAX. LOT COVERAGE	20%

LEGEND

- STONE WALL
- M/F "NOW OR FORMERLY"
- ⊕ PASSING SOILS TEST PIT
- FENCE POST FOUND
- GRANITE BOUND TO BE SET
- MONUMENT TO BE SET
- ▨ "DO NOT DISTURB" AREA
- PROPOSED WELL
- PROPOSED SEWER LINE



N/F MICHAEL E. CHENERY
 3613/274

Planning Board Conditions of Approval (April 12, 2012):

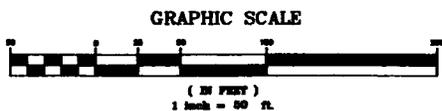
- The Applicant must prepare a final land division plan suitable for recording that includes all necessary setbacks, right-of-way and property boundary information, conditions of approval and other information the Town Planner and Code Enforcement Officer (CEO) deem important, and submit said plan for approval by Town Planner and CEO, prior to recording.
- The Applicant must prepare a Roadway Agreement that incorporates the proposed lot's access rights and maintenance requirements to the existing RDW that connects to Haley Road. Prior to recording the agreement on the YRD, a copy must be submitted to the Town Planner for review.
- The Applicant shall remedy the cutting and removal in the Shoreland Zone of the property per the site restoration report recommendations by Terrance Parker, L.A. dated July 20, 2011. Funds (estimated by Peer Review Engineer) shall be deposited in escrow with the Town of Kittery in order to insure restoration efforts and to insure the successful establishment of materials per report recommendations.
- The Applicant, prior to any earth moving or soil disturbance, must submit to the Town Planner verification that any and all application and/or review fees are paid in full.
- The Applicant, prior to any earth moving or soil disturbance, must submit to the Town Planner one (1) paper copy and two (2) paper copies of the recorded Plan, and any and all related state/federal permits or legal documents that may be required.

N/F ELAINE J. ALLEY
 7115/347
 REF. PLAN 2

STATE OF MAINE
 YORK. SS. REGISTRY OF DEEDS

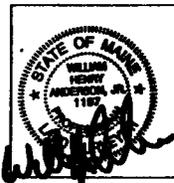
RECEIVED _____
 AT _____ H _____ M _____ AND
 Filed in Plan Book _____ Page _____
 ATTEST _____
 REGISTER

**REVISED
 LAND DIVISION PLAN**
 PREPARED FOR
**JOHN C. ROYLOS &
 BETH NELSON ROYLOS**
 32 HALEY ROAD
 KITTERY, MAINE



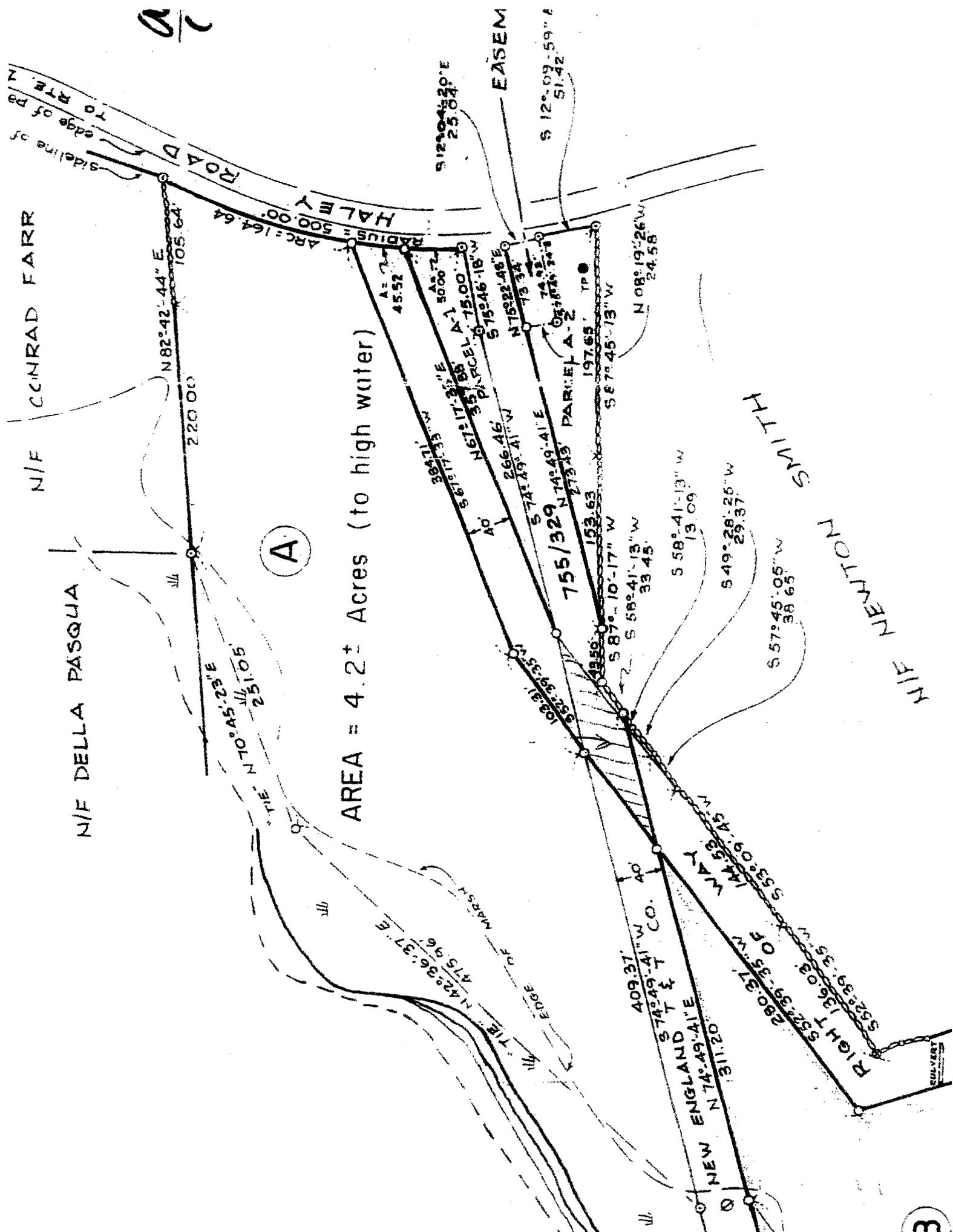
CERTIFICATION:

This survey conforms to the Maine Board of Licensure for Professional Land Surveyors Chapter 90 Standards of Practice, effective April 1, 2001 except as noted on this plan.



ANDERSON LIVINGSTON ENGINEERS, INC.	Suite 401 Cottage Place 433 N U.S. Route One York, Maine 03909
	Scale: 1 in = 50 ft. Date: December 4, 2013
REVISIONS: 12/17/13: SEPTIC SYSTEM	OWNERS: John C. & Beth N. Roylos 2A Birch Road Hampton, NH 03842
Sheet 1 of _____	

2

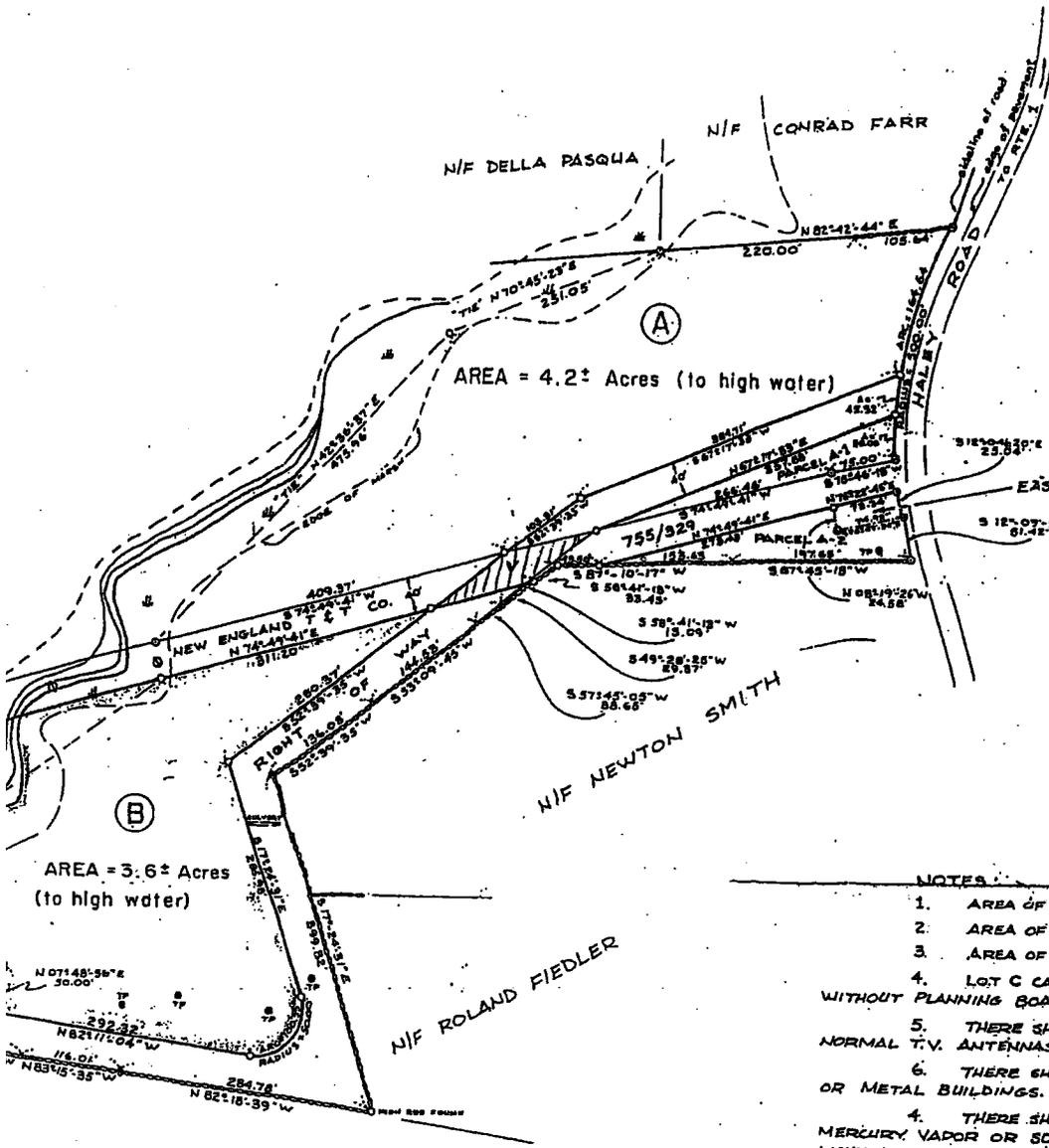


3

THIS PLAN DOES NOT
REQUIRE PLANNING BOARD APPROVAL

Arthur V. Peary
(P.R. Book only)

7/11/85



AREA = 4.2± Acres (to high water)

AREA = 3.6± Acres
(to high water)

NOTES

1. AREA OF PARCEL A-1 = 5,046 sq. ft.
2. AREA OF PARCEL A-2 = 13,179 sq. ft.
3. AREA OF PARCEL C-1 = 12,883 sq. ft.
4. LOT C CANNOT BE FURTHER SUBDIVIDED WITHOUT PLANNING BOARD APPROVAL.
5. THERE SHALL BE NO AERIALS OTHER THAN NORMAL T.V. ANTENNAS.
6. THERE SHALL BE NO ABOVE GROUND POOLS OR METAL BUILDINGS.
7. THERE SHALL BE NO OUTDOOR LIGHTING OF MERCURY VAPOR OR SO CALLED MOONBEAM TYPE OR ANY LIGHTING OF MORE THAN 150 WATTS PER UNIT.
8. THERE SHALL BE NO MOBILE OR MANUFACTURED HOMES ALLOWED.

04695

PLAN REFERENCE:
"PROPERTY OF BENTON L HATCH"
BY J.C. ROGERS
DATED JULY, 1976
RECORDED Y.C.R.D. PLAN BOOK 81, PAGE 48

YORK, ss. REGISTRY OF DEEDS
Received FEB 18 1985
at 1 b 33 m P M, and
Filed in Plan Book 144 Page 36
Arthur A. Allen
DEPUTY Register

DULTON JR.

CERTIFICATION:

THIS SURVEY CONFORMS
TO THE MAINE BOARD OF REGISTRATION
FOR LAND SURVEYORS STANDARDS FOR A
CATEGORY 1, CONDITION 1 BOUNDARY
SURVEY.



Wm. Henry Anderson, Jr.

PLAN OF LOTS
HALEY ROAD
KITTERY, MAINE

for
HOWARD MANN

JUNE 1985 SCALE 1 in. = 100 ft.

ANDERSON ASSOCIATES
REGISTERED LAND SURVEYORS
U.S. ROUTE ONE YORK, MAINE

**Town of Kittery Maine
Town Planning Board Workshop
January 9, 2014**

ITEM 2 – Town Code Amendment – Title 16.7 Sewer System and Septic Disposal and 16.9.1.4 Soil Suitability. Amendments to the Town Code to address soil suitability as it pertains to septic disposal systems and other development.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Discussion	December 3, 2013	
	Workshop	December 3, 2013	HELD
YES	Schedule Public Hearing		TBD
YES	Review/Recommendation to Town Council		

BACKGROUND

The issues related to the *Soil Suitability Guide for Land Use Planning in the State of Maine* generated an enquiry into other soil related references in the Town's Land Use and Development Code, especially the those sections that pertain to septic disposal. In addition, the Planning Board has discussed the requirement in the cluster ordinance (16.8.11.6.C) that states only public or privately shared sewer and water must be provided unless alternatives are approved by the Board. Discussions around this provision have focused on the pros and cons of community septic disposal systems and if there are any related soil constraints. The Board received input from the invited soil scientists and engineers at the 12/3 workshop and may want to consider some of the comments to ensure a common subsurface wastewater disposal system to be suitable for cluster developments. See attached minutes.

RECOMMENDATION

At this time limited changes have been proposed to the Septic Disposal and Soil Suitability sections of the Code. These focus primarily on consistency of terms. The entire subsections of the related code chapters have been included for your reference for context and may not be necessary to amend.

There are two amendments (highlighted in yellow) that may be significant in nature and should be discussed by the Board.

- 1) 16.8.7.4.C. increases the minimum depth of natural soils for passing test pits from 9 inches (State of Maine Subsurface Wastewater Disposal Rules) to 15 inches. 15 is required in the Shoreland Overlay Zone. The thought is that a great portion of the non-sewered land in Kittery is environmentally sensitive and may benefit from the higher standard.
- 2) An additional requirement in 16.8.7.4 (listed below as 'G') allows the Planning Board to require pretreatment to subsurface wastewater disposal systems proposed in or near significant sand and gravel aquifers. Protection of this type of resource is a goal of the Town's adopted Comprehensive Plan.

Article VII. Sewage Disposal

16.8.7.1 Sanitary Sewer System and Septic Subsurface Wastewater Disposal.

A. Public sanitary sewer disposal system connections must be installed, in accordance Article VII o Chapter 16.8, with proposal and construction drawings reviewed and approved in writing by the servicing sanitary sewer agency.

B. If, in the opinion of the Board, service to each lot by a sanitary sewer system is not feasible, the Board may allow individual subsurface waste disposal, or a separate central sewage collection system to be used in accordance with Section 16.8.7.4.

~~C. In no instance may an initial installation septic disposal system be allowed in soils rated poor or very poor for such purpose by the Soil Suitability Guide for Land Use Planning in Maine.~~

~~C.D.~~ If the developer proposes individual subsurface waste disposal or central collection system and waste generated is of a "significant" nature, or if waste is to be discharged, treated or untreated, into any body of water, approval must be obtained in writing from the Maine Department of Environmental Protection.

~~D.E.~~ Sanitary sewer disposal systems must be installed, at the expense of the developer, to the individual lot boundary line.

~~E.F.~~ All required approvals of a sewage disposal system must be secured before official submission of a final plan.

~~F.G.~~ All subsurface sewage disposal systems must be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules. The Maine Subsurface Wastewater Disposal rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) feet, horizontal distance, from the normal high water line of a perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance. The following also apply:

1. Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, must not extend closer than one hundred (100) feet, horizontal distance, from the normal high water line of a water body or the upland edge of a wetland and,

2. Holding tanks are not allowed for a first-time residential use in the Shoreland Overlay Zone.

G. Planning Board may require a developer to employ advanced pre-treatment to proposed subsurface wastewater disposal systems that are located over or within 100 feet of a significant sand and gravel aquifer as indicated on the Maine Department of Agriculture, Conservation and Forestry (DACF) Geological Survey Maps or determined by Maine DACF staff.

16.8.7.2 Design and Standards.

A developer must submit plans for sewage disposal designed by a Maine licensed site evaluator in full compliance with the requirements of the State of Maine Plumbing Code and/or Subsurface Wastewater Disposal Rules.

16.8.7.3 Public Sewer Connection Required.

Where a public sanitary sewer line is located within one thousand (1,000) feet of a proposed development

at its nearest point, the developer must connect with such sanitary sewer line with a main as required by the sewer department, and provide written certification to the Board from the department that the proposed addition to service is within the capacity of the system's collection and treatment system.

16.8.7.4 Private Systems; on Unimproved Lots Created after April 26, 1990.

A. Where public sewer connection is not feasible, the developer must submit evidence of soil suitability for subsurface ~~sewage wastewater disposal system, i.e. test pit data and other information as required by the State of Maine Subsurface Wastewater Disposal Rules.~~ Additionally, on lots with a limiting factor identified as being within twenty-four (24) inches of the surface, a second site with suitable soils must be shown as a reserve area for future replacement should the primary site fail. Such reserve area is to be shown on the plan; not be built upon; and, comply with all the setback requirements of the *Subsurface Wastewater Disposal Rules* and this Code.

B. In no instance may a disposal ~~area system~~ be permitted on soils or on a lot which requires a ~~new First-Time System Variance Request from per~~ the Subsurface Wastewater Disposal Rules.

C. Test pits must be of sufficient numbers (a minimum of two) and so located at representative points within the disposal area (primary and reserve sites) to assure that the proposed disposal area system can be located on soils and slopes which meet the criteria of the *State of Maine Subsurface Wastewater Disposal Rules* and the State Plumbing Code. Passing test pits must have a minimum of 15 inches of natural mineral soil above the limiting factor.

16.9.1.4 Soil Suitability.

A. The requirements and standards of the State of Maine Department of Environmental Protection, Department of Health and Welfare, the latest edition of the State Plumbing Code and this Code must be met.

B. Any proposed subdivision requires a soil survey covering the development. Where the soil survey for York County shows soils with severe restrictions for development, a Class A high intensity soils report by an accredited soils scientist, registered in the state of Maine, using the standards of high intensity soil mapping as established by the ~~Society of Soil Scientists of Northern New England~~ Maine Association of Professional Soil Scientists must be provided.

C. Lot size determination is as follows:

1. Areas containing hydric soil may be used to fulfill twenty-five (25) percent of the minimum lot size required by this Code, provided that the non-wetland area is sufficient in size and configuration to adequately accommodate all buildings and required utilities such as sewage disposal and water supply (including primary and reserve leach field locations within required zoning setbacks).

2. Lots served by municipal water and sewer may use areas of poorly drained soil to fulfill up to fifty (50) percent of the minimum required lot size.

3. No areas of surface water, wetlands, right-of-way, or easement, including utility easements or areas designated as very poorly drained soil may be used to satisfy minimum lot sizes, except as noted above.

D. If the soil classification is challenged by the applicant, an abutter, a landowner, the CEO, or the Conservation Commission, petition must be made in writing to the Planning Board. With such petition, or

a challenge by the Board, the Planning Board shall determine whether a qualified soil scientist should conduct an on-site investigation and at whose expense. The soil scientist shall present evidence in written form to the Planning Board, which evidence forms the basis for the Board's decision.

E. All land uses must be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, require a soils report based on an on-site investigation and must be prepared by state-certified professionals. Certified persons may include Maine certified soil scientists, Maine registered professional engineers, Maine certified geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report must be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report must include recommendations for a proposed use to counteract soil limitations where any exist.

**Town of Kittery Maine
Town Planning Board Workshop
December 3, 2013**

Town Code Amendment – Title 16.7.8 Land Not Suitable for Development.

An amendment to the Town Code to address the applicability the *Soil Suitability Guide for Land Use Planning in the State of Maine* referenced in Title 16.7.8.1 Locations of Sewage, item 5, which pertains to soils related to septic sewage.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Discussion	August 22, 2013	HELD
	Workshop	December 3, 2013	HELD
YES	Schedule Public Hearing		TBD
YES	Review/Recommendation to Town Council		

BACKGROUND

Through the review of recent proposed subdivision projects an issue with the application of 16.7.8.1.5 has been raised. Apparently the referenced document *Soil Suitability Guide for Land Use Planning in the State of Maine* is out of date and is no longer applicable according to the Maine State Soil Scientist. The Planning Board at the last meeting heard from the Town’s Peer Review Engineer, Bill Straub with CMA, on his assessment of the document and found that use of the referenced document for regulatory purposes is not appropriate.

This portion of the Town Code is referenced in Title 16.2 Definitions.

Net residential acreage means the gross available acreage less the area required for streets or access and less the areas of any portions of the site which are unsuitable for development as outlined in Article VIII of Chapter 16.7.

Before the December 3rd Workshop, the Board last discussed the proposed amendment at the September 26th meeting. At the workshop specifics related to the amendment and the issues surrounding soil suitability and its applicability to net residential area and septic were discussed. See attached minutes.

REVIEW

The attached amendment, initially based on how other towns in Maine address soils associated with suitability for development and the application of calculating net residential acreage in general, includes some of the comments from the 9/26/13 meeting but does not include any suggestions made at the 12/3/13 workshop. It is anticipated that Board members come prepared with comments and/or specific amendment language they are interested in for the 1/9/14 meeting so consensus can be made and the Board can schedule a public hearing for the 1/23/14 meeting.

Comments from the 9/26/13 meeting:

One comment in particular referenced the requirement not to consider filled tidal wetlands as land suitable for development. It was recommended that a specific date be identified to determine what filled tidal lands would be appropriately considered since such lands have been historically filled over the past centuries. Staff found a date referenced in the State's statues Title 12, Part 2, Chapter 220, Subchapter 5 Submerged and intertidal lands. The 1975 date is used to clarify property ownership of the intertidal and submerged lands since the State owns these lands. It is not clear if this date would be appropriate to use and if the original intent of the code is still applicable. The Staff has a call into the Army Corps of Engineers. The Board should discuss this provision and its importance.

With regard to what to reference in place of the *Soil Suitability Guide for Land Use Planning in the State of Maine*, Staff suggests using the *NRCS Supplemental Key for the Identification of Soil Drainage Class* which is based on the Maine Association of Professional Soil Scientists, Key to Drainage Classes (attached for your reference). This document along with requiring a determination of soil drainage class by a certified soil scientist is proposed as an amendment to Title 16.2 Definitions.

Net Residential information from other towns is included for the Board's reference.

RECOMMENDATION

Staff recommends that in addition to addressing the reference to the out-of-date *Soil Suitability Guide for Land Use Planning in the State of Maine*, the Planning Board take the opportunity to revise the entire portion of the town code related to net residential calculations (Title 16.7.8 Land Not Suitable for Development).

The Board should discuss the amendment and consider the input from the soil scientists and engineers that have been invited to attend and provide comments to Staff so a revised amendment can be on the meeting agenda for January 23, 2014.

1 **Article VIII. Land Not Suitable for Development**

2

3 **16.7.8.1 Locations and Sewage.**

4 The Planning Board may not approve portions of any proposed development that:

- 5 1. Are situated below sea level;
- 6 2. Are located within the one hundred (100) year frequency floodplain as found in the definition;
- 7 3. Are located on land which must be filled or drained, or on land created by diverting a watercourse,
- 8 except the Planning Board may grant approval if central sewage collection and disposal system is
- 9 provided.
- 10 4. Has any part of the development located on filled tidal wetlands.
- 11 5. Employs septic sewage disposal and is located on soils rated poor or very poor by the Soil Suitability
- 12 Guide for Land Use Planning in the State of Maine.
- 13

14 **Proposed Amendment**

15 Article VIII. Net Residential Area

16

17 16.7.8.1 Net Residential Area is that land identified for regulatory purposes as developable. This is

18 determined by subtracting from the gross acreage of a parcel that land not suitable for development. The

19 Net Residential Area is used to determine the maximum number of dwelling units allowed on a parcel.

20

21 16.7.8.2 Land Not Suitable for Development.

22 The following is considered not developable and must be subtracted from a parcel's gross area per

23 16.7.8.1:

24

- 25 A. All land that is located below the Highest Annual Tide elevation per Maine DEP HAT levels for the
- 26 most current year.
- 27 B. All land that is located within the 100-year floodplain as defined in Chapter 16.2.
- 28 C. All wetlands as defined in Chapter 16.2, including vernal pools, ponds, lakes, streams and other
- 29 water bodies.
- 30 D. All land that is located on filled tidal lands, per Title 16.2 Definitions.
- 31 E. All land located within existing easements and right-of-ways, and, in consideration of proposed
- 32 streets, parking and access: (i) 15% of the gross parcel area or (ii) the actual dedicated area
- 33 proposed with approval by the Planning Board.
- 34 F. Any isolated portion of the parcel that is cut-off from the main portion of the parcel by a road,
- 35 street, existing land uses, or significant stream or similar physical feature such that it creates a
- 36 major barrier to the common use or development of the site.
- 37 G. All land that is two (2) or more contiguous acres with sustained slopes of 20% or greater.
- 38 H. All land that is characterized as exposed bedrock, or soils with a drainage class of *poorly drained*,
- 39 and/or *very poorly drained* as defined in Chapter 16.2.
- 40 I. For land that is characterized with a drainage class of *somewhat poorly drained*, 50% of the area
- 41 is subtracted, unless public sewer is utilized, whereas no land area is deducted.
- 42 J. All land that lies within the Resource Protection Overlay Zone that is not included in 16.7.8.2.A
- 43 through I.
- 44
- 45

46 16.2 Definitions

47

48 Tidal Land, Filled: means portions of the submerged and intertidal lands that have been rendered by
49 human activity to be no longer subject to tidal action or below the natural low-water mark on and after
50 October 1, 1975.

51

52 Soils

53 1. ~~“Poorly drained soils” means soils where water is removed so slowly that the water table is at or~~
54 ~~within twelve (12) inches of the ground surface for six to nine months of the year.~~

55

56 2. ~~“Very poorly drained soils” means soils in an area where water is removed so slowly that the water~~
57 ~~table is at or within twelve (12) inches of the ground surface for nine to ten (10) months of the year.~~

58 A soil's drainage class must be determined by a Maine Certified Soil Scientist and based on the *NRCS*
59 *Supplemental Key for the Identification of Soil Drainage Class* based on the Maine Association of
60 Professional Soil Scientists, *Key to Drainage Classes*, March 5, 2002 and subsequent revisions.

December 3, 2013

Planning Board Workshop Minutes

Prepared by Chris. DiMatteo,

Sources: Debbie Driscoll Davis, Karen Kalmar, and Chris Di Matteo

Attendees:

Tom Emerson, Planning Board (PB) Chair

Susan Tuveson (PB)

Mark Alesse (PB)

Debbie Driscoll Davis (PB)

Karen Kalmar (PB)

Gerry Myroie, Town Planner

Chris DiMatteo, Assistant Town Planner

Bill Straub, Peer Review Engineer, CMA Engineers

Earldeen Wells, Conservation Commission (CC) Chair

Don Moore (CC)

Steve Hall(CC)

Jan Carson (CC)

Megan Kline, Citizen/Former Planning Board Member

Ken Markley, Easterly Surveying, Inc.

Joel Noel, Soil Scientist

Jeff Clifford, Altus Engineering, Inc.

Jim Gove, Soil Scientist

Jim Logan, Frick Associates

Jay Stevens, Civil Consultants

Tom Harmon, Civil Consultants

Mike Cuomo, Soil Scientist

Ron Beal, Altus Engineering, Inc

ITEM 1 – Town Code Amendment – Title 16.7.8 Land Not Suitable for Development.

An amendment to the Town Code to address the applicability the Soil Suitability Guide for Land Use Planning in the State of Maine referenced in Title 16.7.8.1 Locations of Sewage, item 5, which pertains to soils related to septic sewage. The proposed amendment also includes changes to the net residential area calculations.

After introductions Earldeen Wells asked if proposed changes would allow more septic to be used.

A general discussion led by the soil scientists and engineers commenced that included the differences between the soil ratings described in the *Soil Suitability Guide...* and the soil drainage classes that are commonly used by the profession to describe soil suitability.

Answer to Ms. Wells question was essentially yes, because the old guide rated many soils as poor or very poor that soil scientists/engineers believe can, with varying levels of engineering, be safely used for subsurface waste water disposal.

Discussed Soil Potential Ratings Guide - Jim Logan

Hydric soils may or may not be wetlands

Mr. Harmon noted that the entire lot doesn't need to be made up of soils suitable for septic in order to have a successful development, implying that the deduction of soils in the net residential calculations is not entirely fair.

Engineered Septic Systems make soils less of an issue

****Density of Development is the REAL ISSUE****

Mr. Clifford discussed page 137, section F of the current Comp Plan and the variable 1-3 acre zoning. 2 acre zoning with no septic in wetlands, covers most scenarios.

P:\PLANNING AND DEVELOPMENT\TOWN CODE ORDINANCE AMENDMENTS\2013-Proposed T-16 Amendments\Title 16.7.8 Land Not Suitable for Development\December 3 Workshop Minutes.doc

He also stated with cluster development the average density is 1 dwelling per 2.6 acres.

Mr. Gove discussed soil base lot sizes that are in practice in many towns in N.H. The lots are sized so that nitrates dilution to less than < 10 parts per million.

Concerns about Pharmaceuticals in waste water were discussed and it was noted that they currently are not filtered out with conventional systems.

Concerns about Plastics degradation as parts of septic systems
-Sun exposure is only part of the problem

Mr. Cuomo discussed the soil depth as it relates to septic systems and the current 15" near wetlands or Shoreland Zone and 9" elsewhere, may be improved by all being 15" and possibly 20" near wetlands and Shoreland Zone.
Phosphates were discussed, as being less prevalent due to new laundry soaps

Storm Water Erosion and issue
Take "significant" out of ordinance, as it is subjective
Ditchlines should be taken out of net residential calculations
"Highest Erodible Soils" in 16.7.8.1 I. "not scientific" should consider removing

{Though the discussion moved somewhat back and forth between items Item #2 started with a discussion on common septic systems}

ITEM 2 – Town Code Amendment – Title 16.7 Sewer System and Septic Disposal and 16.9.1.4 Soil Suitability. Amendments to the Town Code to address soil suitability as it pertains to septic disposal systems and other development.

Common/shared septic systems were discussed.
Mr. Noel said he felt there were often problems with these, such as: more trenching in bedrock, more piping and water infiltration around the pump. He prefers individual systems.

Mr. Clifford said he felt that there is no specific benefit in all cases, but there can be cases where common systems are the best choice; it's site dependent. (ex: where there's only one area on the property that has suitable soil). Though he had seen problems in the past, he said the systems are better now. He also noted that there is a State threshold (roughly equivalent to 7 houses) where the engineering of common systems is subject to much more stringent rules and also requires MDEP staff review. He said this ensures better results.

Approximately less than 10% of the Town's septic systems are common systems.

Mr. Logan suggested that there should be a minimum of 40,000sf lots to allow adequate area between wells and septic systems, otherwise we might want to push toward shared systems.

A discussion of responsibility for maintenance of common systems ensued. A legal entity must be established and capable when common septic systems are required. It was suggested that HOAs should be required by code to put funds aside for this and be required to have an annual

maintenance plan that would be enforced by the CEO (State requires such a legal document for shared systems with 3 or more homes).

Concluding statements made, some included more flexibility, perhaps in the manner of waivers and the differences between prescriptive versus performance based code. **ITEM 3 –Town Code Amendment – Title 16.3.2.1 Residential-Rural and Title 16.3.2.6 Residential-Rural Conservation Zone Standards.**

An amendment to the current density standards of 1 dwelling unit per 40,000 SF (R-RL) and 80,000 SF (R-RC) to 1 dwelling unit per 120,000 SF.

Discussion about 1 acre / 2 acre zoning change to 3 acres as recommended by Comp Plan Update Committee
Discussed past opposition to this change

Discussed ways to accommodate long term property ownership vs. short term property ownership and family subdivisions

Mr. Markley suggested identifying the types of development or qualities of developments that aren't "palatable" and use these factors to control density. He wants more flexibility (waivers) to get the best "product" for his clients and the town.

Tom Emerson and Susan Tuveson spoke about demographic changes and their effect on trends in real estate sales. The trend is toward smaller homes in walkable areas. This is the opposite of large homes in rural areas. (Tom compared "walk scores" in two areas of Kittery. Foreside, far more valuable property now).

"Incentivizing" development in walkable areas through density bonuses and the transfer of development rights was discussed.

Mr. Mylroie noted that the Comp Plan Comm. doesn't want to stop growth, it recommends slowing growth in some areas and creating incentives in others. Creating quality improvement zones and consolidating some business zones were mentioned.

Also discussed transfer of development rights, which has been used in the Mixed Use, Outlet area of Route One

ITEM 4 – Town Planner Items

- A. Memorial Circle Streetscape Improvements
- B. MS-4 Stormwater Management Plan (Not discussed?)

Memorial Circle Streetscape Improvements

Wooden Guardrails, tree line on either side of sidewalks, No sidewalk on Adams Drive.

Use concrete for sidewalks. Consider Elderly "Shuffle" when deciding on sidewalk surfaces: (avoid uneven or heavily textured surface in main walking area, perhaps use to "detail" edges): Shepard's Cove, Kittery Estates, Meetinghouse Village.....to Community Center
Also include resting places along the way.....granite blocks (low maintenance) no shoveling or mowing under.

Mr. Mylroie reviewed staff/DPW input. Low maintenance ground covers, railing choices etc. Karen and Earledean asked that tree species be varied (use trees with similar size, shape). This would prevent total landscape devastation in the event of a species-specific blight.

Discussed issues around sidewalk and parking in front of Kittery Museum.....bring them into discussion early on. Bring sidewalk to rear parking area??

Tom asked any who can to attend the Town Council's "listening session" on Jan. 6, 7PM
Susan will be out of town for the proposed Board retreat (Jan. 10). We'll set a new date when all members are present.

2012-2014
PLANNING BOARD PUNCH LIST

DATE	ITEM	PRIORITY	ACTION TAKEN	DATE
Aug 9, 2012	16.10.9.2 REDEFINE FIELD CHANGES; Major/Minor	1	Ongoing	
Oct 11, 2012	REVIEW 16.10 (WORKSHOP ITEM #1 FROM 10/11/12 WORKSHOP) Plan Application Review	3		
Jan 24, 2013	REVIEW REPORT TO COUNCIL (RTC) FORMAT	2		
Complete	LEGAL NOTICES IN PACKET OR EMAILED TO PB MEMBERS	Complete	email to PB @ same time sent to publication	Complete
Complete	UNBUNDLE ZONING AMENDMENTS	Complete	4/25/2013	Complete
Complete	BUILDING PERMIT LIST IN PACKETS (Post Building Permits on Web Site?)	On-going	Ongoing; monthly updates	Complete
	SUGGESTED ORDINANCE CHANGES BE AVAILABLE ONLINE	2	Requested; Shelly Bishop; TBD	
	ABUTTER'S LIST TO PB EARLY ON, BEFORE PUBLIC HEARING	1	at sketch plan	4/25/2013
10/13/2012	DPW PROJECTS COME BEFORE PB; NEED UPDATED 2013 LIST	2	No DPW update submitted since October, 2012	4/25/2013
	BUSINESS OVERLAY ZONES: WHERE AND WHAT CHANGES; 16.3.2.20 Proposed Quality Improvement Overlay; form based code vs. individual ordinances (Bob M.)	1	Workshop; Sustain So ME; set up January 2014 workshop (1/24 AM)	4/25/2013
Feb 14, 2013	DEFINE COMMERCIAL RECREATION	2	In process	
	OUTDOOR SEATING/use of public ROW	1	Ongoing (Winter, 2014)	4/25/2013
Feb 28, 2013	UPDATE DESIGN STANDARDS FOR LED LIGHTING;	3		
Complete	FOLLOW UP ON CHANGE TO 16.8.24.2 F (LED lights)		APPROVED BY COUNCIL	3/25/2013
3/28/2013	CONTINUE WORKSHOP WITH KCPC, KOSC REGARDING 1 - 3 ACRE RR; discuss LD 220 and LD 1810 and potential impact on property values and future land use regulation; restrict # building permits issued per year		May 15, 2013 Workshop; December 3, 2013 workshop, w Soil Suitability; what is status of LD 220 and 1810?	
Complete	DISCUSS PUBLIC NOTICES; ABUTTER'S LIST EARLY, INCLUDE M/L AND PHYSICAL ADDRESS	Complete	Sales (assessor) close April 1; system update in Fall	
	WORKSHOP; Cluster Ordinance needs work	2	KOSC wants input	4/25/2013
	USABLE OPEN SPACE			
	RETAIN ROAD FRONTAGE (Buffers)			
	TRAFFIC STUDIES			
	PB Workshop Update (MMA?): training; education; conflict of interest; attendance/voting;	1	Retreat: January 10, 2014; Friday, a.m.	4/25/2013

2012-2014
PLANNING BOARD PUNCH LIST

Mar 28, 2013	Set up Workshop to discuss High Pointe Circle Issues; Road Extension & Gate and use of woods road; review prior approvals and minutes	2	Staff (GM) will attempt to resolve and report to KPB	4/25/2013
Apr 11, 2013	Format of Comp Plan		strike out and underline existing 3/25/2002 CP	4/25/2013 Complete
Apr 25, 2013	16.11.3 SHOREFRONT PLAN REVIEW	2	To Council for adoption	in progress
COMPLETE	SPECIALTY FOOD AND BEVERAGE	Complete	Ordnained; 6/10/13	Complete
	ROADS / SIDEWALKS TO NOWHERE (ROW plans)	1	Ongoing	
10/24/13 Amendment	DPW Road Cuts; Title 5 amendment; approved by PB 10/24; to Council 11/25		Pending Council Action	
	COUNCILOR DENNETT'S PROPOSED CHANGES TO KPB BY-LAWS	1	Markup provided; discussed 11/14; 12/12 (Susan 1/9)	
	Shoreland definition			
	HAT - Highest Annual Tide: no Elevation 6			
8/22/2013	No site work while application before Planning Board; site dev pre-meeting; CMA construction inspection;	1	January 2014	
	Definition: Substantially complete re: development vs. building permits			
	Soil Suitability Guide; discontinue; how do other communities handle?		Workshop scheduled December 3, 2013	
11/14/2013	Sidewalks 'to nowhere'; case by case basis; further discussion			
	Waivers; legal issue?		January 2014	
11/14/2013	Fines			
11/14/2013	16.7.3.5.6 Reconstruction periods			
11/14/2013	Structure replacement outside of shoreland zone (missing from code)	1		
11/14/2013	Federal standards, re: road design			
11/14/2013	Review flood hazard ordinance; 16.5.3.4		Coordinate w CMA	
12/12/2013	Structure replaement inside shoreland/excavation	1		
12/12/2013	Pedestrian / Bike paths			
12/12/2013	Minor subdivisions; density; septic			

Town of Kittery Planning Board Meeting January 9, 2014

Landgarten/578 Haley Road Renovations – Shoreland Development Plan Review

Owner and applicant Michael Landgarten is requesting approval of revised 2013 plans to expand an existing non-conforming building located on Haley Road, Tax Map 26, Lot 36, in the Kittery Point Village and Shoreland Overlay zones. Agent is Jesse Thompson, Kaplan Thompson Architects.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Review		
NO	Site Visit		
YES	Completeness/Acceptance	January 9, 2014	
YES	Public Hearing	A public hearing was held on 6/13/13; testimony in support of project; project approved following hearing (6/13/13); proposed changes have no greater impact to the Shoreland Overlay Zone than what was previously approved; Board may wish to waive another hearing.	
TBD	Waivers	None	
YES	Preliminary/Final Plan Review and Approval		

Applicant: Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and, when applicable, recorded at the York County Registry of Deeds.** As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

Staff's Comments

Applicant received approval for revisions to an existing non-conforming structure in the Shoreland Zone on June 13, 2013. The current request is a change to that approval: *Due to a cost reduction exercise on the Landgarten project, the data on the project's shoreland zone impact has shifted from the previously permitted version the Planning Board approved this summer. The floor area & volume numbers have reduced from the permitted version in all cases so the impact is less than previous version, and there is less construction further away from the water.* (12/11/13 email from Jesse Thompson, Architect).

The existing non-conforming building falls within both the 250-foot Shoreland Overlay Zone (Barter's Creek) and the 100-foot wetland setback (freshwater wetland to the north). The applicant is seeking to expand the existing building area and volume by less than the maximum 30% allowed. The proposed development is within two required setbacks: 1) 100 feet from the freshwater wetland to the north and 2) 100 feet from the tidal wetland (Barter's Creek) to the south. The proposed expansions remain within the existing structure's distance from the above protected resources, thereby making the proposed development no more non-conforming.

Staff finds the proposed development no more non-conforming than the existing structure, is less intensive than the previously approved project, and meets the applicable requirements in the Town Code. The Findings are attached should the Board feel a decision can be made in one meeting. (see Project Tracking Comments, above)

**KITTERY PLANNING BOARD
FINDINGS OF FACT**

UNAPPROVED

**for
Landgarten/578 Haley Road Renovations
Shoreland Development Review**

WHEREAS: Owner and applicant Michael Landgarten is requesting approval of their plans to expand an existing non-conforming building located at 578 Haley Road, Tax Map 26, Lot 36, in the Kittery Point Village and Shoreland Overlay zones. Agent is Jesse Thompson, Kaplan Thompson Architects

Hereinafter the “Development”.

Pursuant to the Plan Review meetings conducted by the Planning Board as duly noted; and pursuant to the Project Application and Plan and other documents considered to be a part of the approval by the Planning Board in this finding consist of the following (Hereinafter the “Plan”).

1. Shoreland Overlay Zone Project Plan Review Application, dated 12/18/13
2. Shoreland Development Plan (Landgarten-Curran Renovation) dated 12/18/2013
3. *Standard Boundary Survey & Existing Conditions Plan for 578 Haley Road...* prepared by Easterly survey dated 1/18/13 REV 4/8/13

NOW THEREFORE, based on the entire record before the Planning Board as and pursuant to the applicable standards in the Land Use and Development Code, the Planning Board makes the following factual findings:

FINDINGS OF FACT

I. Standards in the Shoreland Overlay Zone

Title 16.3 LAND USE ZONE REGULATIONS have been met.

16.3.2.17. D Shoreland Overlay Zone - Standards.

1.d d. The total footprint of areas devegetated for structures, parking lots and other impervious surfaces, must not exceed twenty (20) percent of the lot area, including existing development, except in the following zones:

- i. Mixed Use -Badgers Island (MU-BI) and Mixed Use Kittery Foreside (MU-KF) Zones, where the maximum lot coverage is sixty (60) percent. The Board of Appeals may approve a miscellaneous appeal application to increase allowable lot coverage in the Mixed Use -Badgers Island (MU-BI) zone to seventy (70) percent where it is clearly demonstrated that no practicable alternative exists to accommodate a water-dependent use.*
- ii. Commercial (C1, C-2, C-3), Business – Local (B-L and B-L1), and Industrial (IND) Zones where the maximum lot coverage is seventy (70) percent.*
- iii. Notwithstanding the above limits, vegetated surfaces must exceed fifty (50) percent of the lot area when the lot, being no greater in size than ten thousand (10,000) square feet, is situated in both the Residential - Urban Zone (R-U) and the Shoreland Overlay Zone.*

The existing, total impervious area is 5,713 sf, or 5.4% of lot area (105,800 sf). The increase in total impervious area with the proposed project is 5,961 sf, or 5.6%. The proposed addition does not exceed 20% of the lot area.

Vote: 0 in favor 0 against 0 abstaining

II. Standards for Non-Conforming Structures (within and outside the Shoreland Overlay Zone)

Title 16.7 GENERAL DEVELOPMENT REQUIREMENTS have been met

16.7.3.1 Prohibitions and Allowances.

A. Except as otherwise provided in this Article, a non-conforming condition must not be permitted to become more non-conforming.

The proposed development is no closer than the existing structure to the protected resources (freshwater wetland to the north and the tidal Barters Creek to the south).

16.7.3.5.5 Nonconforming Structure Repair and/or Expansion

A nonconforming structure may be repaired or maintained and may be expanded in conformity with the dimensional requirements, such as setback, height, etc., as contained in this Code. If the proposed expansion of a nonconforming structure cannot meet the dimensional requirements of this Code, the Board of Appeals or the Planning Board (in cases where the structure is located in a Shoreland Overlay or Resources Protection Overlay Zone) will review such expansion application and may approve proposed changes provided the changes are no more nonconforming than the existing condition and the Board of Appeals or the Planning Board (in cases where the structure is located in a Shoreland Overlay or Resources Protection Overlay Zone) makes its decision per section 16.6.6.2.

The proposed development and barn addition are within 100 feet of the freshwater wetland (to the north), though not any closer than the existing structure. The proposed development meets the standard to be *no more nonconforming than the existing condition.*

16.7.3.6 Nonconforming Structures in Shoreland and Resource Protection Zones.

16.7.3.6.1 Expansion.

A non-conforming structure may be added to, or expanded, after obtaining a permit from the Code Enforcement Officer. Such addition or expansion must not increase the non-conformity of the structure and must be in accordance with the subparagraphs below.

A. After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure will not be permitted to expand, as measured in floor area or volume, by thirty percent (30%) or more during the lifetime of the structure.

Volume: Existing Total: 21,363 CU FT* Proposed Expansion 1,485 CF 7.0% (Allowance is 30%) * There were no previous expansions after 1/1/1989	Square Footage (Total Floor Area): Existing Total: 2,865 SF* Proposed Expansion: 306 SF 10.7% (Allowance is 30%) * There were no previous expansions after 1/1/1989
---	--

B. If a replacement structure conforms to the requirements of Section 16.7.3.6.1.A and is less than the required setback from a water body, tributary stream or wetland, the replacement structure will not be permitted to expand if the original structure existing on January 1, 1989, has been expanded by 30% in floor area and volume since that date.

The development proposal does not include a full replacement.

C. Whenever a new, enlarged or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 16.7.3.5.2 – Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 16.7.3.5.3, above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it will not be considered to be an expansion of the structure.

The development proposal does not include any expansion or replacement of the building's foundation.

Vote: 0 in favor 0 against 0 abstaining

III. Procedures for Administering Permits For Shoreland Development Review

16.10.10.2 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 that the proposed use will:

1. maintain safe and healthful conditions;

The proposed development does not appear to have an adverse impact

Vote: 0 in favor 0 against 0 abstaining

2. not result in water pollution, erosion or sedimentation to surface waters;
The proposed development does not appear to have an adverse impact. A Note on the final plan should include the Maine DEP's BMP's, including erosion control measures to be followed during site and building renovations.
Vote: <u>0</u> in favor <u>0</u> against <u>0</u> abstaining
3. adequately provide for the disposal of all wastewater;
The proposed development does not appear to have an adverse impact. Property has recently been inspected and an adequate system is in place.
Vote: <u>0</u> in favor <u>0</u> against <u>0</u> abstaining
4. not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
The proposed development does not appear to have an adverse impact
Vote: <u>0</u> in favor <u>0</u> against <u>0</u> abstaining
5. conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
The proposed development does not appear to have an adverse impact
Vote: <u>0</u> in favor <u>0</u> against <u>0</u> abstaining
6. protect archaeological and historic resources;
The proposed development does not appear to have an adverse impact
Vote: <u>6</u> in favor <u>0</u> against <u>0</u> abstaining
7. not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district;
Not applicable.
Vote: <u>0</u> in favor <u>0</u> against <u>0</u> abstaining
8. avoid problems associated with floodplain development and use
The proposed development does not appear to have an adverse impact
Vote: <u>0</u> in favor <u>0</u> against <u>0</u> abstaining
9. is in conformance with the provisions of this Code; and
The proposed development appears to be in conformance to the Town Code, see sections I and II above.
Vote: <u>0</u> in favor <u>0</u> against <u>0</u> abstaining
10. recorded with the York County Registry of Deeds.
After Final plan is signed the Applicant must record the plan at the York County Registry of Deeds within 90 days of the approval.
Vote: <u>0</u> in favor <u>0</u> against <u>0</u> abstaining

NOW THEREFORE the Kittery Town 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, contingent upon the following condition(s):

Conditions of Approval: (All conditions must be included on the final plan prior to signature by the Planning Board Chairman)

1. Final Plan must include notes that reflect adherence to the Maine DEP *Best Management Practices* for all work associated with site and building renovations to ensure adequate erosion control and slope stabilization.
2. Any additional changes and modifications to the final plan must be approved by the Planning Board.

Move to accept the above *Findings of Fact* as read, *Application Waivers* and *Conditions of Approval* if any and approve the proposed *Development* in the Shoreland Overlay Zone on property located at 578 Haley Road, Tax Map 26, Lot 36 and authorize the Planning Board Chairman to sign the Final Plan and Findings of Fact after said conditions have been met.

Vote: 0 in favor 0 against 0 abstaining

Approved by the Kittery Planning Board on _____, 2014

Thomas Battcock-Emerson
Planning Board Chairman

Instructions/Notice to Applicant:

1. One (1) mylar copy and two (2) paper copies of the final plan (recorded plan if applicable) and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department.
2. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
3. State law requires all subdivision plans, and any plans receiving waivers or variances, be recorded at the York County Registry of Deeds within 90 days of the final approval.
4. ~~Per Title 16, § 62-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 Procedure Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.~~
5. This approval by the Planning Board constitutes an agreement between the Town and the Developer, incorporating as elements the Development Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.



TOWN OF KITTERY MAINE
TOWN PLANNING AND DEVELOPMENT DEPARTMENT

200 Rogers Road, Kittery, Maine 03904

Phone: (207) 475-1307

Fax: (207) 439-6806

www.kittery.org

APPLICATION: SHORELAND OVERLAY ZONE
PROJECT PLAN REVIEW

FEE FOR REVIEW	<input type="checkbox"/> \$100.00	Amount Paid:
		\$ _____ Date: 12-18-2013

PROPERTY DESCRIPTION	Parcel ID	Map	26	Base Zone	KPV	Total Land Area	105, 800 +/-
		Lot	36	Overlay Zone	KPV		
		Physical Address 578 HALEY RD. KITTERY POINT, ME 03905					

PROPERTY OWNER'S INFORMATION	Name	Michael Landgarten, Trustee of the Michael Landgarten 2012 Revocable Trust, u/a/d June 26, 2012	Mailing Address	578 HALEY RD KITTERY, ME 03905
	Phone	603.502.8119		
	Fax			
	Email	MLANDGARTEN19@GMAIL.COM		

APPLICANT'S AGENT INFORMATION	Name	JESSE THOMPSON	Name of Business	KAPLAN THOMPSON ARCHITECTS
	Phone	207.842.2888	Mailing Address	424 FORE ST. PORTLAND, ME 04101
	Fax	207.842.2828		
	Email	JESSE@KAPLANTHOMPSON.COM		

PROJECT DESCRIPTION	<i>See reverse side regarding information to be provided.</i>	
	Existing Land Use:	
	RESIDENTIAL USE. SEE ATTACHED DRAWINGS: STANDARD BOUNDARY SURVEY & PB-1.1 (SHORELAND DEVELOPMENT PLAN)	
	Proposed Land Use and Development:	
RESIDENTIAL RENOVATION AND ADDITION. SEE ATTACHED DRAWINGS: STANDARD BOUNDARY SURVEY & PB-1.1 (SHORELAND DEVELOPMENT PLAN)		

PROJECT DESCRIPTION	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)
	The site falls within both Tidal and Freshwater Setbacks and within the Shoreland Overlay Zone. The site is a non-conforming parcel (residential setback from wetland) , reference Town of Kittery Code 16.3.2.17.
	Please see the attached drawing STANDARD BOUNDARY SURVEY for reference.

I certify I have provided, to the best of my knowledge, information requested for this application that is true and correct and I will not deviate from the Plan submitted without notifying the Town Planning and Development Department of any changes.

Applicant's Signature: _____	Owner's Signature: _____
Date: _____	Date: _____

MINIMUM PLAN SUBMITTAL REQUIREMENTS

- 15 Copies of this Application and the Project Plan and Vicinity Map**

Shoreland Overlay Zone Project 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'

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

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

Vicinity Map or aerial photo showing geographic features 5,000 feet around the site.

Project Plan must include the following existing and proposed information:

<p>Existing:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Land Use Zone and boundary <input type="checkbox"/> Topographic map (optional) <input type="checkbox"/> Wetlands and flood plains <input type="checkbox"/> Water bodies and water courses <input type="checkbox"/> Parcel area <input type="checkbox"/> Lot dimensions <input type="checkbox"/> Utilities (Sewer/septic, water, electric, phone) <input type="checkbox"/> Streets, driveways and rights-of-way <input type="checkbox"/> Structures 	<p>Proposed: (Plan must show the lightened existing topography under the proposed project plan for comparison.)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Recreation areas and open space <input type="checkbox"/> Setback lines and building envelopes <input type="checkbox"/> Lot dimensions <input type="checkbox"/> Utilities (Sewer/septic, water, electric, phone) <input type="checkbox"/> Streets, driveways and rights-of-way <input type="checkbox"/> Structures <input type="checkbox"/> Shoreland Project Expansion Analysis (see attached) <p>Distance to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Nearest driveways and intersections <input type="checkbox"/> Nearest fire hydrant <input type="checkbox"/> Nearest significant water body; ocean, wetland, stream.
---	--

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

KAPLAN THOMPSON
ARCHITECTS

TO: CHRIS DIMATTEO

DATE: DEC 30, 2013

RE: LANDGARTEN SHORELAND ZONE IMPERVIOUS CALCULATIONS

Chris,

As backup to the Impervious Area calculations published on the Shoreland Development Plan, the current impervious areas are as follow:

House & Decks: 1,899 SF

Driveway: 2,917 SF

Barn & Ramp: 595 SF

Stone Wall: 39 SF

Bridges: 85 SF

Cabin on Point: 208 SF

Total Existing Impervious Area: 5,713 SF

Existing Impervious Percentage (based on 105,800 SF lot area): **5.4%**

Proposed Additional Impervious Area:

New barn ramp: 52 SF

New Decks: 196 SF

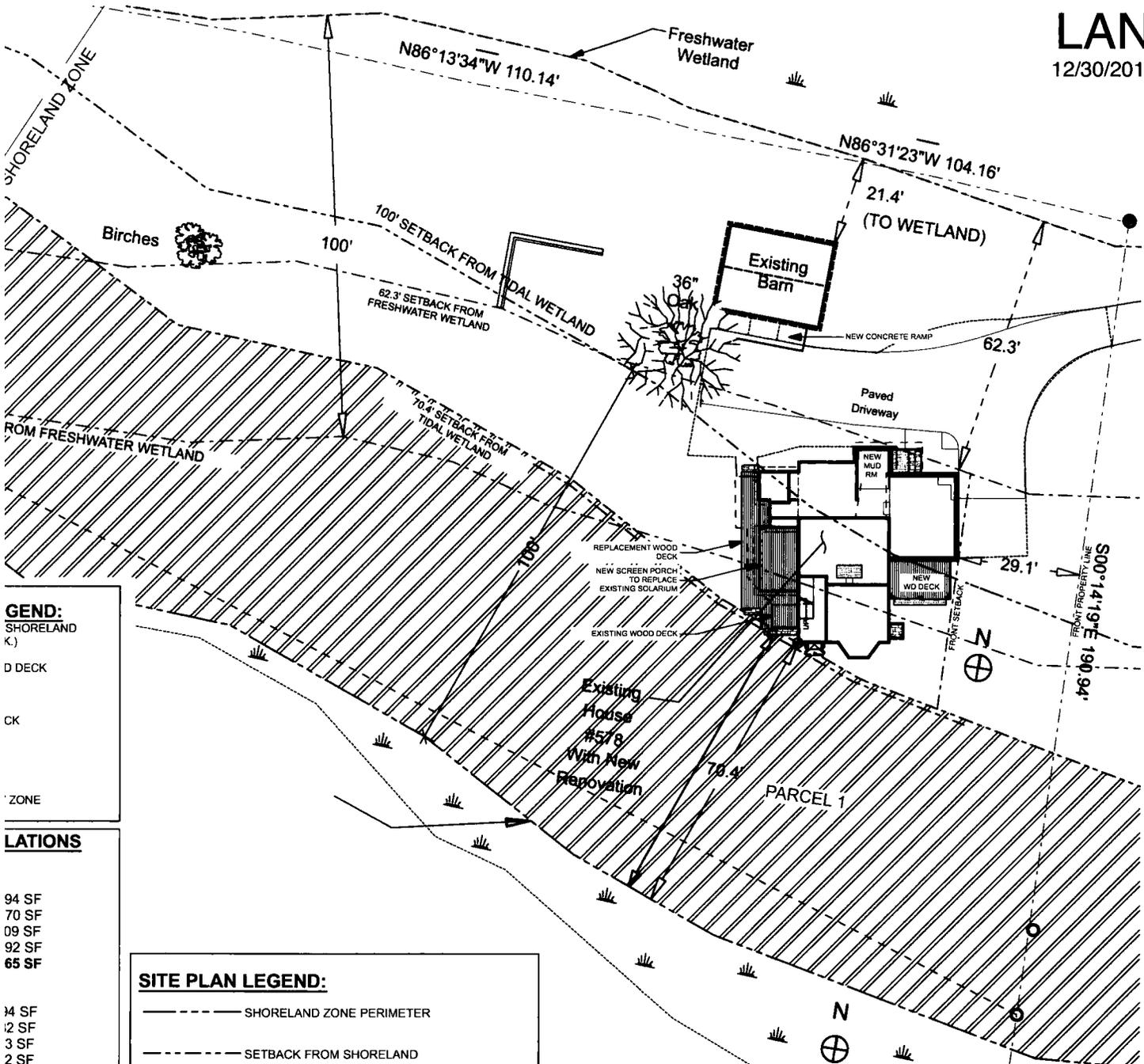
Proposed Impervious Area: 5,961 SF

Existing Impervious Percentage (based on 105,800 SF lot area): **5.6%**

Thank you,

Jesse Thompson
Kaplan Thompson Architects





- GEND:**
SHORELAND (K)
D DECK
CK
ZONE

- RELATIONS**
- 94 SF
 - 70 SF
 - 09 SF
 - 92 SF
 - 65 SF

- 33 CU FT
- 18 CU FT
- 85 CU FT
- 7.0 %
- 30 %
- EASE OF IS (AX.)
- NO EXPANSION

SITE PLAN LEGEND:

- SHORELAND ZONE PERIMETER
- SETBACK FROM SHORELAND
- FRESHWATER WETLAND PERIMETER
- SETBACK FROM FRESHWATER WETLAND

NOTE:
SURVEY INFORMATION TAKEN FROM:
"STANDARD BOUNDARY SURVEY & EXISTING CONDITIONS PLAN",
EASTERLY SURVEYING, INC.,
191 STATE ST, SUITE 1, KITTERY, MAINE,
DRAWING NO. 10688, FIELD BOOK NO. "KITTEERY POINT #10",
1/8/13--UPDATED 4/29/13.

IMPERVIOUS LOT AREA:

EXISTING	5,713 SF (5.4% OF LOT)
PROPOSED	5,961 SF (5.6% OF LOT)

TOTAL LOT AREA 105,800 SF +/- (2.43 +/- ACRES)

MAXIMUM IMPERVIOUS AREA ALLOWED: 20.0 %
(PROPOSED AREA OF 5.4% IS WITHIN ALLOWED.)

KITTERY PLANNING BOARD:

.....
SIGNATURE, PLANNING BOARD CHAIR
.....
DATE APPROVED

SETBACK FROM FRESHWATER WETLAND:

EXISTING	62.3'
PROPOSED	62.3' (SAME)

(NEW DEVELOPMENT ENCROACHES NO FURTHER THAN EXISTING CONDITION.)

ARCHITECT'S
STAMP
LOCATION

① **SITE PLAN**
SCALE: 1/16" = 1'-0"
MAP: 26 LOT: 36

TOWN OF KITTERY MAINE – SHORELAND PROJECT PLAN REVIEW (continued)

EXPANSION ANALYSIS OF CONSTRUCTION ONLY WITHIN THE SHORELAND OVERLAY ZONE

	AREA - SQUARE FEET	VOLUME - CUBIC FEET	CONSTRUCTION TYPE *	VALUE \$
			(DR or MR)	
PROPOSED ADDITION				
CHANGE – TOTAL	<u>306</u>	SF	<u>1,485</u> CF	<u>DR</u> NA
CHANGE – PERCENT	<u>10.7</u> %		<u>7</u> %	NA NA
CONSTRUCTION VALUE	NA	NA		\$ <u>200,000</u>
EXISTING –				
PRIOR TO SHORELAND LAW – 1987	<u>2,865</u>	SF	<u>21,363</u> CF	NA NA
ADDITION(S) –AFTER INITIAL SHORELAND LAW ADOPTION				
CHANGE - TOTAL	<u>N/A</u>	SF	<u>N/A</u> CF	NA NA
CHANGE – PERCENT	<u>N/A</u> %		<u>N/A</u> CF	NA NA
VALUE OF CONSTRUCTION		NA	NA	NA
\$ _____				
VALUE OF INCREASE – PERCENT	NA	NA	NA	<u>N/A</u> %
TOTAL – EXISTING PLUS PROPOSED				
CHANGE – AMOUNT	<u>3,171</u>	SF	<u>22,848</u> CF	NA NA
CHANGE – PERCENT	<u>10.7</u> % **		<u>7%</u> CF**	NA NA
** (Note: May not exceed 30%)				
VALUE OF CONSTRUCTION - \$	NA	NA	NA	\$ <u>200,000</u>
VALUE OF INCREASE – PERCENT	NA	NA	BA	_____ %

* KEY - TYPE OF ADDTION

-DEMOLITION AND RE-BUILD - DR

-MAINTENCE OR REPAIR - MR