



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, August 14, 2014
6:00 P.M. to 10:00 P.M.

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE – APPROVAL OF MINUTES – 7/24/2014

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.)– Brave Boat Conservation at Sawyer Lane – Cluster Subdivision —Preliminary Plan Review

Action: Hold a public hearing and grant or deny preliminary approval. Owner and Applicant Jonathon & Kathleen Watts is requesting consideration of their plans for a 4-lot cluster subdivision at 143 Brave Boat Harbor Road, Tax Map 63, Lot 19, Residential Rural Zone, with a portion in the Shoreland Overlay Zone. Agents are Ken Markley, Easterly Surveying, Inc.

OLD BUSINESS

ITEM 2– (20 minutes) – Town Code Amendment - Title 16.8.10.2.C Signs – General Requirements. Action: review amendment and schedule a public hearing. Proposed amendment re-defines Light-emitting diode (LED) lighting.

ITEM 3– (20 minutes) – Town Code Amendment - Title 16.8.10.2 Signs – General Requirements. Action: Schedule a workshop. Discuss code amendments related to gas price signage and other and other message board signs.

ITEM 4 – (20 minutes) - Board Member Items / Discussion:

- A. Action List
- B. Town Council Planning Board Joint Workshops -
 - 1. September 8th 6pm – Town Code Amendments – Net Residential Acreage and Sewage Disposal.
 - 2. October – Other Town Code Amendments, TPB Activities, other.
- C. Route 1 – BP District Quality Improvement Plan TBP Advisory Committee.
- D. Quality Improvement Overlay Zone (Kittery Crossing and Coastal Route 1 Malls)
- E. TPB Kittery Foreside Committee per Title 16.

ITEM 5 – (5 minutes) – Town Planner Items: A. Town Code amendment - Outdoor Seating due by 12-31-2014; and B. Other.

NEW BUSINESS

ITEM 6– (20 minutes) – Betty Welch Road Cluster Subdivision - Sketch Plan Review

Action: Review and schedule Site Walk. Landmark Properties, LTD., owner and Chinburg Builders, Inc., applicant, proposes to develop a 24-lot single family cluster subdivision on 86.5 +/- acres. The site is identified as Tax Map 22 Lots 2A & 8 in the Residential Rural and Shoreland Overlay Zones. Agent is Jeff Clifford, P.E., Attar Engineering.

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
July 24, 2014

4
5 Meeting called to order at 6:10 p.m.
6 Board Members Present: Tom Emerson, Karen Kalmar, Deborah Driscoll Davis, Bob Melanson, Ann
7 Grinnell
8 Members absent: Susan Tuveson, Mark Alesse
9 Staff: Gerald Mylroie, Planner; Chris DiMatteo, Assistant Planner

10
11 Pledge of Allegiance

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13 Minutes: July 10, 2014
14 Ms. Grinnell moved to accept the minutes of July 10, 2014 as amended
15 Mr. Melanson seconded
16 Motion carried with 4 in favor; 0 against; 1 abstention (Davis)

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19 Public Comment: No public comment.

20
21 PUBLIC HEARING

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23 ITEM 1 –Town Code Amendment – Title 16.8.7 Sewer System and Septic Disposal, 16.9.1.4 Soil
24 Suitability, 16.8.16 Lots and 16.2.1 Definitions. Action: hold a public hearing and schedule a joint
25 workshop with Town Council. Amendments to the Town Code to address soil suitability as it pertains to
26 septic disposal systems and other development standards. Amendments also address regulations for
27 sewer, subsurface wastewater disposal systems and holding tanks, and changes in form, format and
28 language to address clarity.

29
30 Earldean Wells: Stated the Conservation Commission's July 11 letter included in the Board's packets
31 regarding the Shore & Harbor Plan would also apply to this item. She read a letter from George Kathios,
32 Superintendent, Wastewater Services (Attachment 1), and a memo regarding the 'Royal Flush' pump-out
33 boat (Attachment 2).

34
35 Jeff Clifford, Altus Engineering: Read a letter from Chinburg Builders (Attachment 3).

36
37 There was no additional public comment.

38
39 Board discussion:

40 Ms. Davis: Section 16.8.7.2 only refers to residential subdivisions. What about industrial or commercial
41 uses? Asked that all information on test pits be included, including failing test pits.

42 Mr. Melanson: What are the consequences of this amendment going forward, as addressed by the
43 Chinburg letter?

44 Mr. Mylroie: It is in the town's authority to limit density and development and in this case, limiting
45 development to a maximum of 3 units with subsurface wastewater disposal.

46 Ms. Kalmar: This proposed amendment directs growth to areas with sewer and water, per the Comp Plan.
47 If land is divided carefully, with 3 units at a time, growth is slowed, not stopped. It precludes the
48 development of multiple unit subdivisions, at one time, in those large parcel areas identified in the Comp
49 Plan.

50 Mr. Melanson: This appears to place property owner's rights at risk by reducing the value of large parcel
51 properties, for example the industrial and business park that requires residential inclusion, and sewer is
52 not yet available to those locations.

53 Ms. Kalmar: This language is a way to work around the need to slow growth in an area where this has
54 not been accomplished using larger acreage.

55 Mr. Emerson: There is an economy to developing larger parcels, by spreading infrastructure costs over a
56 larger area. By breaking down into 3-unit developments, higher cost housing will result, changing the
57 valuation of the properties.

58 Mr. Melanson: There is no sewer availability in the Foreside area. The proposed amendment language
59 for the holding tank and pump out facility is a water dependent use, supported by the Maine DEP.

60 Ms. Wells: There is a pump-out boat available that services individual boats.

61 Ms. Grinnell: So this ordinance language must be adopted to provide pump-out facilities at the pier.

62 Mr. Melanson explained the process for marina pump-outs. The inspection requirements in the ordinance
63 appears sufficient, and there are no requirements for inspection of holding tanks currently in the
64 ordinance.

65 Ms. Davis: Float systems and alarms are used to monitor holding tanks.

66 Ms. Wells: The current ordinance already includes language that does not allow holding tanks in the
67 shoreland zone and this would reverse that language.

68

69 Ms. Kalmar moved to accept the draft amendments to Title 16.8.7, 16.9.1.4, 16.8.16 and 16.2.1 as
70 presented July 24, 2014, and as amended to include 'All test pits, pass or fail, must be shown on the plan.'
71 in Title 16.8.7.1.E.3, and schedule this item for a joint workshop with Council.

72 Mr. Melanson seconded

73 Motion carried unanimously by all members present

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76 OLD BUSINESS

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78 ITEM 2 – Town Code Amendment – Chapter 2, Definitions, Chapter 3, Article 2, Section 17 Shoreland
79 Overlay Zone, Chapter 7, Article 3 Nonconformance and Chapter 8, Article 28 Single and Duplex Family
80 Dwellings in the Shoreland Overlay Zones in Title 16 Land Use Development Code. Action: review
81 amendment and make recommendation to Town Council for adoption. Amendment includes changes to
82 the town's Shoreland zoning to comply with the Maine Department of Environmental Protection 2000
83 and 2010 conditional approvals.

84

85 Mr. DiMatteo: Summarized the Maine DEP comments. The Planning Board initially approved the
86 amendment language pending DEP comments regarding the definition of a residential unit in the
87 shoreland zone. The MDEP did not agree with the Board. The solution would be to include two
88 definitions of residential unit and proceed to Council review for adoption.

89 Mr. Mylroie: The MDEP definition is more narrow than the existing ordinance definition.

90 Discussion followed regarding reduction of the proposed minimum lot size on Badgers Island to 3,000 sf
91 for the first two dwelling units and whether this will then apply to the state's minimum lot site for mobile
92 homes.

93 Ms. Kalmar: Include the definition of 'family' in the Council packet.

94 Mr. Mylroie: Add "(per Maine DEP Guidelines)"

95 Ms. Davis: Include the date of the establishment of the Shoreland or Resource Protection Overlay Zones
96 (line 484).

97 Mr. DiMatteo: Will ask the state when these zones were established.

98

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100 Mr. Melanson moved to approve amendments to Chapter 2, Definitions, Chapter 3, Article 2, Section 17
101 Shoreland Overlay Zone, Chapter 7, Article 3 Nonconformance and Chapter 8, Article 28 Single and
102 Duplex Family Dwellings in the Shoreland Overlay Zones in Title 16 Land Use Development Code as
103 presented July 24, 2014, and forward to Council for adoption.

104 Ms. Grinnell seconded

105

106 Mr. Melanson amended the motion to include:

107 State definition of dwelling unit (lines 39-43), and inclusion of Shoreland and Resource Protection Zones
108 establishment date (line 484)

109 Ms. Driscoll seconded the amended motion

110 Discussion followed as to whether a date is needed.

111 Motion carried unanimously by all members present

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114 ITEM 3 – Quality Improvement Plan for Kittery Shore and Harbors

115 Action: review and make recommendation to Town Council for adoption. Town advisory committee is
116 transmitting draft plan for Town Planning Board review, hearings and recommendation to Town Council
117 for adoption. The QIP Plan is a specific plan that includes goals/policies and implementation strategies for
118 improving/protecting the Town's shores and harbors. Town Planner, Gerald R. Mylroie, ACIP will make
119 a presentation.

120 Ms. Grinnell moved to continue discussion of this item to a future meeting

121 Mr. Melanson seconded

122 Comments on the plan by Ms. Davis shared with Board members.

123 Motion carried unanimously by all members present

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126 ITEM 4 – Town Code Amendment - Title 16.10.8.2.1 Conditions – General

127 Action: review amendment and make recommendation to Town Council for adoption. Proposed
128 amendment adds off-site improvements to potential Planning Board conditions of approval.

129 Mr. Mylroie: Requested continuance of this item to subsequent meeting. After further discussions with
130 the Town attorney, there may be changes.

131 Mr. Melanson moved to continue amendment to Title 16.10.8.2.1 Conditions – General pending further
132 information from the Town Planner.

133 Ms. Kalmar seconded

134 Motion carried unanimously by all members present

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137 ITEM 5 – Town Code Amendment - Title 16.8.10 Signs – Action: discuss outcome of 7/17 workshop
138 regarding updating the town's sign regulations and determine how to proceed.

139 Mr. Emerson: Removal of restriction to LED lighting is the first step.

140 Ms. Kalmar: There seemed to be a consensus from the workshop participants to include LED lighting
141 and static electronic message boards. Concerned about large window signs that could include movable
142 signs. Would this be a loophole?

143 Mr. Emerson: State law does not allow flashing and moving signage. Recommend adding LED lighting
144 and static message boards on the Action List. Further discussion on signage should include window, A-
145 frame signs/portable signs (and banners). Ability for enforcement must be a consideration in amendment
146 development.

147 Ms. Grinnell: Whatever amendments to be reviewed by the Board need to be included on the Action List.
148 The workshop participants indicated they did not want to be restricted to their sign design.

149 Ms. Kalmar: If sign character and appearance is to be considered in the future, it would be helpful to
150 include Debbie's sign association contacts.

151 Mr. Emerson: The ordinance can work toward appearance and character, but it's important to deal with
152 immediate needs, including internally/externally lit signs and timers.

153 Mr. Mylroie: These amendments were requested by Council members and former Town Managers and
154 the need to consider the Comprehensive Plan. It seems desirable to have a subcommittee and further
155 workshops to clarify these other issues.

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158 ITEM 6 – Town Code Amendment - Title 16.8.10.1 Signs – Purpose and Title 16.8.10.2 Signs – General
159 Requirements. Action: review amendment and make recommendation to Town Council for adoption.
160 Proposed amendment makes sign character and appearance standard consistent with the Kittery Design
161 Handbook.

162 No discussion/action taken.

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165 ITEM 7 – Town Code Amendment - Title 16.8.10.2.C Signs – General Requirements. Action: review
166 amendment and schedule a public hearing. Proposed amendment re-defines Light-emitting diode (LED)
167 lighting use including the limited use for a gasoline price sign.

168 Mr. Emerson: Reference to any particular industry, i.e. gas stations, should be removed. The Board
169 needs to determine priority of amendments on Action List.

170 No action taken.

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173 ITEM 8 – Board Member Items / Discussion

174 A. Action List: Added items 45, 46 and 47

175 B. Committee Updates:

176 Ms. Grinnell: Economic Development Committee has not met since last Board meeting. will meet
177 again on August 12.

178 Wood Island Advisory Committee: WILSSA is working on repairing the roof.

179 Foreside Parking Committee: Discussed crosswalks/ladder crosswalks; does not seem
180 painting of crosswalks, bike paths has been done.

181 Mr. Emerson: Housing subcommittee in need of volunteers.

182 Ms. Davis: Comprehensive Plan Committee appointed Russell White as new chairman. Plan is being
183 compiled by Planner.

184 Mr. Melanson: Assistant Harbormaster Paul Burke appointed as interim harbormaster; job announcement
185 published; interviewing/screening in August.

186 C. Other:

187 Mr. Emerson: Spoke about construction at the by-pass and bridge, and the confusing/lengthy detours
188 associated with construction. The state needs to listen to community residents regarding
189 impact of these and future construction projects.

190

191 ITEM 9 – Town Planner Items:

192 A. Town Code amendment related to Quality Improvement Overlay Zone: Not discussed

193 B. Other

194 – \$810,000 sidewalk, drainage and street improvement projects through KACTS for the Walker /
195 Kittery Foreside area.

196 – Regional Planning Commission issued a long range transportation plan for the area. Copies will
197 be provided to Board members.

198 – Gate 1 bridge design needs to be shared with the Board.

199 – Improvements at foot of Sarah Long Bridge will be shared with the Board.

200 – \$20,000 grant obtained for street improvements along the Route 1 Bypass.

201 – It would be beneficial if the Board had other ideas for the Route 1 Bypass area. The Planning
202 Board will be advised when this group meets again.

203

204 General discussion regarding next workshop with Council members.

205 Mr. Melanson will not be available for the 8/14/14 Board meeting.

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208 Ms. Kalmar moved to adjourn

209 Mr. Melanson seconded

210 Motion carried unanimously by all members present

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212 The Kittery Planning Board meeting of July 24, 2014 adjourned at 8:07 p.m.

213 Submitted by Jan Fisk, Recorder, July 29, 2014

214

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Attachment 1



TOWN OF KITTERY, MAINE
SEWER DEPARTMENT
200 Rogers Road, Kittery, ME 03904
Telephone: (207) 439-4646 Fax: (207) 439-2799

7/14/2014
Town of Kittery
Planning Board

Kittery Foreside Boat Offloading Pump Station

The feasibility of the Town having an offloading facility for stored sewerage on sea going vessels is viable. The location at the Town dock in the Foreside section has been suggested. Logistically, this would be one of the areas that the sewer main runs by to accept this utility. The Wastewater Department has installed 23 pump stations in Town, All which have been designed by utility engineering companies. This project would be no exception. The funding for the design and installation of such a facility would have to be designed to state and local standards. The Kittery Wastewater Department would not be able to provide financial assistance or perpetual maintenance for this project.

Seeking a State or Federal Grant for the project's design, installation and continued maintenance, is suggested.

George Kathios
Superintendent of Wastewater Services

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Attachment 2



Town of Kittery, Maine

Conservation Commission

P.O. Box 808, Kittery, Maine 03904

DATE: July 22, 2014

TO: Tom Emerson, Chairman
Kittery Planning Board

FROM: Earledean Wells, Chairman

RE: Ordinance 16.8.7.1.G.2 Holding Tanks in Shoreland Overlay Zone

As promised in KCC's July 11, 2014 letter, this is the information on the pump out boat, Royal Flush, that operating in our area. The company name is DES Pump out Boat; they can be reached on either channel 9 or at 603-670-5130.

This boat covers from Hampton, N.H. to York, Maine and is already regularly coming to Kittery.

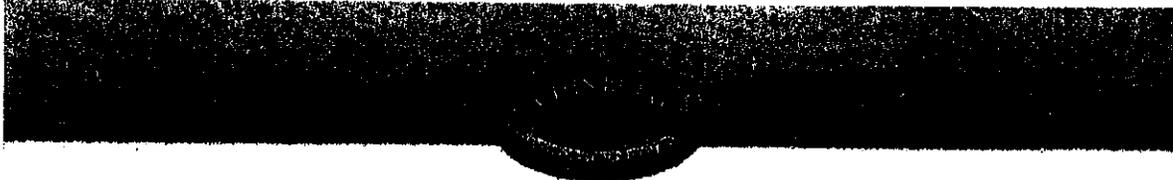
The Royal Flush pumps out its tanks at the Wentworth Marina into a New Castle town sewer connection. The State of N.H. pays the town of New Castle to accept the pumps from this boat.

Since George Kathios, Superintendent of Wastewater Services has written a letter to verify that a sewer connection at the Foreside Town Dock is feasible, the Kittery Conservation Commission respectfully requests that the Planning Board not approve the proposed changes to Kittery Land Use Ordinance 16.8.7.1.G.2 to allow new holding tanks in the Shoreland Overlay Zone, but allow this ordinance to remain as it presently reads, prohibiting any new holding tanks in the Shoreland Overlay Zone.

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Attachment 3



Dear Chairman Emerson,

As you are aware, Chinburg Builders, Inc. (CBI) has developed two clustered subdivisions in Kittery and recently received final approval for a third project. CBI is proud to provide quality housing at an affordable price while also preserving large tracts of open space. We have just learned that a public hearing is being held at tonight's Planning Board for amendments to Titles 16.8.7, 16.9.1.4, 16.8.16 and 16.2.1 of the Land Use and Development Code (LUDC) and have prepared this letter to provide initial comments for the Board's consideration.

The amendment to 16.8.7.1.C, which eliminates reference to the outdated *Soil Suitability Guide* (circa 1975) is a welcome and essential update. This will end confusion of the document's interpretation and clarify administration of this portion of the LUDC.

Also of interest (and of particular concern) is the proposed amendment to Section 16.8.7.2 that would prohibit subsurface wastewater disposal in a residential subdivision with four (4) or more lots or dwellings. This amendment will most certainly decrease the value of currently divisible parcels. With the advent of modern subsurface wastewater disposal systems, limiting the number of lots and units in the development of even a large tract of land to only three (3) lots is overly restrictive. Highly effective advanced treatment systems are now available and are proven to deliver much cleaner effluent to the soil. Severely limiting density based on the use of subsurface wastewater disposal is a complex issue and should be reconsidered by the Board.

We are requesting our business associates to evaluate the overall impact of the proposed amendments and offer additional comments prior to the pending workshop that will be held with the Town Council.

Thank you for your consideration and efforts to update the Code.

Sincerely

Paul J. Kerrigan,
Chief Operating Officer
Chinburg Builders, Inc.

Cc: Nancy Puff, Town Manager
Jeffrey Thompson, Town Council Chairman

224

Town of Kittery Planning Board Meeting August 14, 2014

ITEM 1 – (30 min.)–Brave Boat Conservation at Sawyer Lane – Cluster Subdivision — Preliminary Plan Review

Action: Hold a public hearing and grant or deny preliminary approval. Owner and Applicant Jonathon & Kathleen Watts is requesting consideration of their plans for a 4-lot cluster subdivision at 143 Brave Boat Harbor Road, Tax Map 63, Lot 19, Residential Rural Zone, with a portion in the Shoreland Overlay Zone. Agents are Ken Markley, Easterly Surveying, Inc.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
	Sketch Plan Review/approval	Reviewed and not excepted on 12/12/2013, accepted on 5/8/14, appvd on 6/12/14	APPROVED
NO	Site Visit	Scheduled for 6/4/14	HELD
Yes	Preliminary Plan Completeness/Acceptance	Scheduled for 7/10/14	
Yes	Public Hearing		
	Preliminary Plan Review and Approval		
Yes	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. 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.

REFER TO PACKET INFO FROM 7/10/14 MTG

Background:

Jonathon & Kathleen Watts are requesting to create a cluster subdivision on a parcel off Brave Boat Harbor Road while preserving the original homestead built in the 1930's. A large portion of the property is wetland and not directly accessible. Access for the proposed four lots is planned via a new Right-Of-Way in the vicinity of the existing driveway. The existing dwelling is located on one of the four lots. As Part of Sketch Plan review the Planning Board held a site walk on 6/4/14 and approved the revised concept on 6/12/14. The attached preliminary plan application is based on that concept.

Review:

Staff has reviewed the revised preliminary plan application submitted for the public hearing and have the following comments:

- 1) 16.10.5.2.B.9: The plan has been revised to show essential physical features such as "forest cover" however, only to address proposed clearing. The existing tree line is not identified which generally parallels Brave Boat Harbor Rd. in the vicinity of the property line. With this information it would be evident where the existing cleared areas are, notably behind house # 139 where proposed vegetative buffer is shown, and what portion of the street is displacing tree cover and to what extent is the abutting lot at house #145 is cleared.
- 2) 16.10.5.2.B.10.a: Proposed buildings have been addressed in the revised plan, however, the relocated garage is shown without any access to the new street. This should be shown so its proximity to the abutting property can be evaluated. The current location assumes a modified side

and front yard, perhaps only a modified front yard is necessary. The applicant should clarify the need of the proposed location.

- 3) 16.10.5.2.C.1.7: Item K. in the applicant's 6/19/14 narrative suggests the size of the parcel and nature of the development will meet requirements for stormwater design though a stormwater management plan was not submitted. The applicant has subsequently submitted a stormwater management plan prepared by a professional engineer and CMA, Town Peer Review Engineer has reviewed and provided comments (see attached letter and draft findings).
- 4) 16.8.11.6.I.5: The proposed clearing limits shown for Lot 3 indicate cutting and disturbance within the 100-foot wetland buffer. Per the cluster standards this is not allowed. It is not clear, however, that the building envelope cannot accommodate a typical building, in this case a slightly smaller front lawn area. The plan needs to be revised showing no clearing within the buffer. CMA suggests this boundary should be identifiable in the field in some manner. Staff recommends survey located markers (pipe) at the beginning and end points and at 100-foot intervals in-between, or closer when needed to indicate a significant change in direction.
- 5) 16.3.2.16.D.1.d: The applicant has requested flexibility with the standard requiring a maximum 20% of de-vegetated areas for lots within the shoreland overlay zone. Staff has reviewed the plans and estimated areas of de-vegetated areas and it appears all of the proposed lots include de-vegetated areas significantly less than 20%, so the waiver request does not seem warranted. Staff recommends that the restriction on removing vegetated areas be addressed as a condition of final approval and in the homeowners association documents.
- 6) 16.9.2.2 Clearing or Removal of Vegetation for Uses Other Than Timber Harvesting in a Resource Protection or Shoreland Overlay Zone: The lots are subject to limited clearing of vegetation that includes: 1) not more than 40% of the volume (i.e. basal area) of trees four inches or more in diameter, which includes development of permitted uses (16.9.2.2.C); and 2) it is not permissible to clear openings for any purpose that exceed in aggregate 25% of the lot area or 10,000 square feet, whichever is greater. It appears that all of the proposed cleared areas are less than 10,000 square feet, however, no more than 40% volume of the trees removed from the lots still applies. For reference, it appears that the no cut/no disturb buffer area for lots 1, 3 & 4 are in excess of 50% of their respective lot areas. Staff recommends that the tree removal/clearing be addressed in the homeowners association covenants and perhaps on the individual deeds.
- 7) Recommended changes to the plans:
 - a. Subdivision Plan.
 - i. The most recent plan is not identified as a "Subdivision Plan". Staff recommends adding this to the plan preceding the current title.
 - ii. Front and side yards need to be depicted for Lot 1
 - iii. As mentioned in item 1 above, existing tree cover line needs to be depicted
 - iv. As mentioned in item 2 above, new driveway for Lot 1 should be shown along with identifying the existing driveway to be removed.
 - v. A legend should be provided on the plan
 - vi. Note on the plan to preserve existing trees shown at the terminus of the ROW to address Title 16.8.4.7.A.
 - vii. The size and type of trees and fence proposed for the buffer behind house number 139 needs to be noted on the plan.
 - viii. Plan note #3 or plan reference #1 need to reference a "Standard Boundary Survey" per Title 16.10.5.2.4. The YCRD Book and Page number referenced in plan reference #1 needs to be corrected to read: "Plan Book 362 Page 35".

- b. Plan, Profile and Details
 - i. Grading shown on the plan does not accommodate the planned driveway for Lot 2 or Lots 3 & 4. This should be addressed in some manner on the plan.
 - ii. The grading in the vicinity of the tee-turn should reflect the intent in Title 16.8.4.7.A where existing trees must be maintained within the center of the cul-de-sac.
 - iii. Table 16.8, Article IV specifies gravel shoulders not be paved. The section shows asphalt paved shoulders. Considering the limited number of dwelling units staff suggests less asphalt would be more appropriate. The same could be said for the shared driveway section.
- 8) Final Plan Review and Approval: It appears from the applicant's agent's cover letter that final approval is being requested. This is a somewhat unusual request to make when a public hearing has not yet been held, and the applicant has not received comments from Staff or the Peer-Review Engineer. Additionally, the plan application to date does not address all of the items included in 16.10.7 Final Plan Review and Decision. Some of these items address easements, homeowners documents and performance guarantees. The homeowners documents must address policy/restrictions/management regarding the reserved open space and the street, including those items recommended in items 5 and 6 above. The Board may want to consider reviewing draft deed and easement documents prior to final approval. In addition, a street naming application needs to be submitted along with a narrative that addresses the conditions and factors to be considered for a Special Exception Use found in 16.6.6 prior to final approval.

Staff has received a letter from an abutter raising some concerns with regard to the proposed development as it relates to their adjacent property, 145 Brave Boat Harbor Road. The letter was attached to the July 10 Plan Review Notes. The applicant should address the concerns made.

Recommendation

After considering testimony from the public hearing on August 14, the Board should determine:

- 1) Does the Special Exception Use raise any issues; and
- 2) If they concur with staff and CMA comments, and do they need to see the comments addressed in a revised plan prior to preliminary approval?

Staff recommends granting preliminary approval conditioned on comments made by Staff and CMA prepared for the August 14, 2014 meeting and that they be incorporated and addressed prior to submitting plans for final review.

KITTERY PLANNING BOARD
FINDINGS OF FACT – D R A F T / NOT APPROVED
for
BRAVE BOAT HARBOR CONSERVATION CLUSTER SUBDIVISION

WHEREAS: Owner and applicant Jonathon & Kathleen Watts is requesting consideration of their plans for a 4-lot cluster subdivision at 143 Brave Boat Harbor Road, Tax Map 63, Lot 19, Residential Rural Zone, with a portion in the Shoreland Overlay Zone. Agents are Ken Markley, Easterly Surveying, Inc.

Hereinafter the “Development”.

Pursuant to the Plan Review meetings conducted by the Planning Board as duly noted;

Sketch Plan Review and Approval	Reviewed and not excepted on 12/12/2013, accepted on 5/8/14, approved on 6/12/14	APPRVD
Site Visit (Sketch Plan)	Title 16.10.5.1.3; June 6, 2014	HELD
Preliminary Plan Review Completeness/Acceptance	July 10, 2014	ACCEPTED
Waiver Requests:	16.3.2.1.D.2: 40-foot wide Front Yard reduced to 20 feet (lots 2,3 &4) and 9 feet (lot 1) 16.3.2.16.D.1.d: 20% MAX for de-vegetated areas within the lot increased to 30%	PENDING
Public Hearing	Scheduled August 14, 2014, Advertised Wednesday 8/6/14	PENDING
Preliminary Plan Approval		PENDING
Final Plan Review		
Final Plan Approval		

and pursuant to the application, plans 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”):

Standard Boundary Survey / Existing Conditions (forthcoming?)	?	High Intensity Soil Survey Plan	6/19/14
Subdivision Plan	7/24/14	C1.0 – Plan, Profile & Details REV. 7/22/14	6/19/14
Cluster Development Plan Review Application and supplemental information	6/19/14 7/24/14	Class A High Intensity Soil Survey	6/06/14

FINDINGS OF FACT

Action by the board shall be based upon findings of fact which certify or waive compliance with all the required standards of this title, and which certify that the development satisfies the following requirements:
A. Development Conforms to Local Ordinances. <i>The proposed development conforms to a duly adopted comprehensive plan as per adopted provisions in the Town Code, zoning ordinance, subdivision regulation or ordinance, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.</i>
Vote of <u> 0 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining

B. Freshwater Wetlands Identified. <i>All freshwater wetlands within the project area have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.</i>
The wetlands boundaries were delineated and flagged by Joseph W. Noel, Maine Certified Soil Scientist (#209) during September 3 and 8, 2013, and surveyed and shown on the Existing Conditions Plan prepared by North Easterly Survey, Inc. The delineation was conducted in accordance with the U.S. Army Corps of Engineers (ACOE) Wetlands Delineation Manual (1987) along with the required regional supplement manual, North central and Northeast Region.
CMA: A 100-ft “no-cut” buffer is designed and no development is proposed within this setback.
Vote of <u> 0 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining
C. River, Stream or Brook Identified. <i>Any river, stream or brook within or abutting the proposed project area has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in 38 M.R.S. §480-B, Subsection 9.</i>
A jurisdictional stream has been identified on the property, with its location confirmed by MDEP and is shown on the plan. No proposed development within its vicinity.
Vote of <u> 0 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining
D. Water Supply Sufficient. <i>The proposed development has sufficient water available for the reasonably foreseeable needs of the development.</i>
N/A, municipal water service is proposed
Vote of <u> 0 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining
E. Municipal Water Supply Available. <i>The proposed development will not cause an unreasonable burden on an existing water supply, if one is to be used.</i>
Kittery Water District water service is proposed. The KWD has indicated ability to serve.
Vote of <u> 0 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining
F. Sewage Disposal Adequate. <i>The proposed development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.</i>
Individual septic and leach field systems are proposed for each lot. A minimum of two required test pit locations have been located on each lot by Joseph W. Noel, Maine Certified Site Evaluator, indicating the lots can support a septic system, including reserve leachfields as necessary Test pits were also performed at the proposed reserve areas.
CMA: On-site septic systems are proposed. Evaluation of soils supports the design of these systems. In the project narrative, the applicant describes that “advanced pre-treatment tanks are proposed”. This is desirable, and is not currently specifically on the subdivision plans. The Planning Board may request that this be clarified.
Vote of <u> 0 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining
G. Municipal Solid Waste Disposal Available. <i>The proposed development will not cause an unreasonable burden on the municipality’s ability to dispose of solid waste, if municipal services are to be used.</i>
Applicant: The subdivision does not require any changes to municipal solid waste services.

Vote of <u> 0 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining
H. Water Body Quality and Shoreline Protected.
<i>Whenever situated entirely or partially within two hundred fifty (250) feet of any wetland, the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.</i>
Most of the development is proposed located within 250 feet of shoreland wetlands.. The development should not adversely affect the quality of the water body.
CMA: 16.8. 4.14 Road and Driveway Standards in the Shoreland and Resource Protection Overlay Zones The requirements of section B.7. of this section are only partially met by the proposed roadway development. This section requires that drainage from new roadways and driveways be directed to un-scarified buffer strips of specified dimensions between the ditch or culvert discharge and the ultimate discharge: <ol style="list-style-type: none">1. The hammer-head and its associated drainage are proposed to be directed to the proposed 12”drainage culvert and proposed level-spreader. The level-spreader and downstream conditions from it meet the requirement.2. The drainage off the north side of the proposed roadway is proposed to “sheet flow” across the existing residential lot (proposed Lot 1). This flow across lawn can probably be considered to meet the requirement, as it’s not collected in a ditch, and flows across a grassy area.3. However, the flow along the ditch-line on the south side of the proposed roadway is proposed to discharge directly into road-side drainage on Brave Boat Harbor Road. While the discharge itself is outside the Shoreland Overlay Zone, it appears that a water quality feature (such as a bio-retention feature), or other design modifications may be necessary to meet the requirement, and should be pursued with the applicant.
Vote of <u> 0 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining
I. Groundwater Protected.
<i>The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.</i>
Individual septic and leach field systems are proposed for each lot. A minimum of two required test pit locations have been located on each lot by Joseph W. Noel, Maine Certified Site Evaluator, indicating the lot can support a septic system. Test pits were also performed at the proposed reserve areas. The proposed development should not adversely affect the quality or quantity of groundwater.
CMA: On-site septic systems are proposed. Evaluation of soils supports the design of these systems. In the project narrative, the applicant describes that “advanced pre-treatment tanks are proposed”. This is desirable, and is not currently specifically on the subdivision plans. The Planning Board may request that this be clarified.
Vote of <u> 0 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining
J. Flood Areas Identified and Development Conditioned.
<i>All flood-prone areas within the project area have been identified on maps submitted as part of the application based on the Federal Emergency Management Agency’s Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the proposed development, or any part of it, is in such an area, the applicant must determine the one hundred (100) year flood elevation and flood hazard boundaries within the project area. The proposed plan must include a condition of plan approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least one foot above the one hundred (100) year flood elevation.</i>
Zone A2 has a defined 100-year flood elevation of 9 feet. Zone B is listed as areas of moderate flood hazard, usually the area between the 100-year and 500-year floods. Zone lines are shown on the Existing Conditions Plan prepared by North Easterly Surveying, Inc. No buildings will be constructed within these zones.
Vote of <u> 0 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining
K. Stormwater Managed.
<i>Stormwater Managed. The proposed development will provide for adequate stormwater management</i>

<p>A stormwater management plan has been prepared and demonstrates compliance with requirements.</p> <p>CMA: The applicant has presented a Stormwater Management Plan prepared and stamped by a Maine licensed civil engineer. The plan is well prepared, and concludes that the site will be stable, and that only negligible flow increases to the significant wetlands complex on the applicant's property are proposed to result. These negligible increases are insignificant. Due to proposed development in the Shoreland Zone a modification to the drainage design may be required per 16.8. 4.1.4.</p>
Vote of <u> 0 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining
<p>L. Erosion Controlled. <i>The proposed development will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.</i></p>
<p>Runoff is primarily maintained as sheet flow and minimized concentrated flow. Other best management practices include the use of undisturbed wooded buffers, reduction of flow velocities, rip rap protection, minimization of pavement widths, stabilized construction entrance and site barriers. BMPs for erosion control were reviewed as part of the approved MDEP Stormwater Permit. This standard appears to be met.</p>
Vote of <u> 0 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining
<p>M. Traffic Managed. <i>The proposed development will:</i></p> <ol style="list-style-type: none">1. <i>Not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed; and</i>2. <i>Provide adequate traffic circulation, both on-site and off-site.</i>
<p>CMA: <i>Sight Distance and Traffic Study</i> It is presumed that a traffic study is not warranted for this proposed 4-lot subdivision. The Town has issued a Road Entrance Permit (dated 10/22/13). This permit refers to sight distance issues. The applicant should confirm what the sight distances are, and whether any actions are necessary to increase or maintain sight distance(s).</p>
Vote of <u> 0 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining
<p>N. Water and Air Pollution Minimized. <i>The proposed development will not result in undue water or air pollution. In making this determination, the following must be considered:</i></p> <ol style="list-style-type: none">1. <i>Elevation of the land above sea level and its relation to the floodplains;</i>2. <i>Nature of soils and sub-soils and their ability to adequately support waste disposal;</i>3. <i>Slope of the land and its effect on effluents;</i>4. <i>Availability of streams for disposal of effluents;</i>5. <i>Applicable state and local health and water resource rules and regulations; and</i>6. <i>Safe transportation, disposal and storage of hazardous materials.</i>
<ol style="list-style-type: none">1. No filling or development is proposed within the 100 year floodplain.2. Applicant has provided a Class A High Intensity Soil Survey, test pit logs, proposed subsurface disposal area and reserve locations.3. Proposed leach fields are located outside steep slope areas.4. There are no streams on the site.5. The applicant has received the MDEP Stormwater License and ACOE Permit6. There will be no handling of hazardous materials.7. <p>This standard appears to be met.</p>
Vote of <u> 0 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining

O. Aesthetic, Cultural and Natural Values Protected. <i>The proposed development will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.</i>
CMA: Has it been confirmed that there are no features on the site that are jurisdictional? How is the "No-Cut" boundary going to be delineated and confirmed for each lot and homeowner?
Vote of <u> 0 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining
P. Developer Financially and Technically Capable. <i>Developer is financially and technically capable to meet the standards of this section.</i>
16.10.7.2.P. Performance Guaranty and Town Acceptance to secure completion of all improvements required by the Planning Board and written evidence the Town manager is satisfied with the sufficiency of such guaranty. This is required prior to final approval.
Vote of <u> 0 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining
Title 16.8.3.1 - Street Naming Application: The proposed street name, Pearson Place, has been accepted by Kittery Police, Fire, Assessing and Public Works departments.
Vote of <u> 0 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining

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.

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

Waivers: The following waivers.....:

Dimensional Standards Modifications (per Article XI Clustered Residential Development, 16.8.11.3)
(Standard A, Findings of Fact):

- 1. 16.3.2.1.D2: Minimum lot area: 20,010 sf vs 40,000 sf.
- 2. 16.3.2.1.D2: Street frontage 30.06 ft. vs 150 ft.
- 3. 16.3.2.1.D2: Front yard setback 9.3 ft. vs 40 ft.
- 4. 16.3.2.1.D2: Side and rear yard setback 10 ft. vs 20 ft.
- 5. 16.3.2.16.D.1.d: Maximum 20% of lot area for de-vegetated areas: 30% vs 20%
- 6. 16.8.4.4: Class II street sidewalk: None vs 5 ft. walk
- 7. 16.8.4.4: Cul-de-sac Paved Radius: 24' x 24' turn tee vs. 40' radius
- 8. 16.16.9.A: Flag lots, Lot Dimension Ratio

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

- 1. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
- 2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated with site and building construction to ensure adequate erosion control and slope stabilization.
- 3. Prior to the commencement of grading and/or construction within a building envelope, as shown on the Plan, the owner and/or developer must stake all corners of the envelope. These markers must remain in place until the Code Enforcement Officer determines construction is completed and there is no danger of damage to areas that are, per Planning Board approval, to remain undisturbed.
- 4. All Notices/Instructions to Applicant contained herein.

Other Conditions (Not to be included on the final plan)

- 5. Drafts of all easements must be provided for staff review prior to signing of final plan.

Notices/Instructions to Applicant:

1. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with review, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
2. State law requires all subdivision and shoreland development plans, and any plans receiving waivers or variances, be recorded at the York County Registry of Deeds within 90 days of the final approval.
3. 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. Date of Planning Board approval shall be included on the final plan in the Signature Block.
4. The owner and/or developer, in an amount and form acceptable to the town manager, must file with the municipal treasurer an instrument to cover the cost of all infrastructure and right-of-way improvements and site erosion and stormwater stabilization, including infrastructure construction inspection fees.
5. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating the Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

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

Vote of 0 in favor 0 against 0 abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON _____

Thomas Battcock-Emerson, Planning Board Chairman

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



August 5, 2014

Chris DiMatteo, Assistant Town Planner
Town of Kittery
P.O. Box 808
Kittery, Maine 03904

**RE: Town of Kittery, Planning Board Services
Brave Boat Harbor Road Conservation Subdivision at Sawyer Lane
143 Brave Boat Harbor Road; Tax Map 63, Lot 18
CMA #591.80**

Dear Chris:

CMA Engineers has received the following information for Assignment #80 regarding the proposed subdivision at 143 Brave Boat Harbor Road (Tax Map 63, Lot 18).

- 1) Subdivision Plan – Brave Boat Conservation at Sawyer Lane, Tax Map 63, Lot 18, , prepared by Northeasterly Survey, Inc. of Kittery, ME; and Pinkham and Greer Civil Engineers, Springvale ME dated June 16, 2014, on behalf of Jonathan and Kathleen Watts, Kittery Point, ME. Subsequent revised drawings dated July 24, 2014 were also reviewed.
- 2) Project narrative and associated materials prepared by Northeasterly Survey, Inc. of Kittery, ME, dated June 19, 2014. Includes a summary of a High Intensity Soil Survey and test pit review for feasibility of on-site septic systems on each proposed lot.
- 3) Stormwater Management Report, Brave Boat Conservation at Sawyer Lane, prepared by Pinkham and Greer Civil Engineers, Springvale ME dated June 22, 2014. (Note- includes modified Sheet C1.0 from June 16 submittal).

We have reviewed the information submitted for conformance with the Kittery Land Use and Development Code (LUDC) and general engineering practices, and offer the comments below that correspond directly to the Town's Ordinances. This review is of a preliminary submittal per 16.10.5.

General

The project includes a 4 lot subdivision of an existing 11.75 acre lot at 143 Brave Boat Harbor Road on Kittery Point. The lot is in the Residential-Rural Zone. The entire area to be developed, including roadway and the development envelopes of all lots is located within the Shoreland (SL) Overlay Zone, and the requirements of 16.3.2.17, and 16.8.4.14. apply. A portion of the parent lot

is also in the Resource Protection (RP) Overlay Zone. No development is proposed in the RP overlay zone. No direct impacts of proposed construction are proposed in wetlands, or within specified wetlands buffers/setbacks.

The subdivision is proposed as a Cluster Residential subdivision per 16.8.11. An existing residence exists on the lot. This residence and associate area is proposed as one of the four lots of the subdivision.

A right-of-way (ROW) is proposed, with a “hammer-head” turn-around, and driveway access to two of the lots (3 and 4) off the hammer-head and ROW.

All lots are proposed to be served by public water from existing Kittery Water District mains, and on-site septic systems.

Overall Question:

Open Space is proposed for 8.89 acres of the parent lot. How is this land subdivided? What is the proposed ownership? How will it be designated, as Lot 5, or part of the other lots, with protective easements and covenants?

16.3 Zoning Regulations

16.3.2.1 Residential-Rural (R-RL)

The proposed use (dwellings) is a permitted use.

Land area: The minimum land area per dwelling unit in a Cluster Residential development is 20,000 sf. The applicant meets the requirement. (See also 16.8.11.)

Lot size and configuration: Many of the dimensional requirements for R-RL are modified because of the Cluster Residential development proposal. (See also 16.8.11.)

16.3.2.17 Shoreland Overlay Zone (OZ-SL)

The proposed use as residential development is permitted as a Special Exception Use.

16.8 Design and Performance Standards-Built Environment

Article IV. Streets and Pedestrian Ways

16.8.4.3 Street Classification

The private way would be classified as a Class II Private Street under Table 1. The proposed dimensions and construction meet these standards.

The Planning Board may determine any sidewalk requirements with the applicant.

The subdivision plan indicates the driveway to Lot 2 extending from the south part of the hammer-head. The grading plan (Sheet C 1.0) shows grading that conflicts with this. This needs to be resolved and clarified.

Sight Distance and Traffic Study

It is presumed that a traffic study is not warranted for this proposed 4-lot subdivision. The Town has issued a Road Entrance Permit (dated 10/22/13). This permit refers to sight distance issues. *The applicant should confirm what the sight distances are, and whether any actions are necessary to increase or maintain sight distance(s).*

16.8. 4.14 Road and Driveway Standards in the Shoreland and Resource Protection Overlay Zones

The requirements of section B.7. of this section are only partially met by the proposed roadway development. This section requires that drainage from new roadways and driveways be directed to un-scarified buffer strips of specified dimensions between the ditch or culvert discharge and the ultimate discharge:

- The hammer-head and its associated drainage are proposed to be directed to the proposed 12" drainage culvert and proposed level-spreader. The level-spreader and downstream conditions from it meet the requirement.
- The drainage off the north side of the proposed roadway is proposed to "sheet flow" across the existing residential lot (proposed Lot 1). This flow across lawn can probably be considered to meet the requirement, as it's not collected in a ditch, and flows across a grassy area.
- *However, the flow along the ditch-line on the south side of the proposed roadway is proposed to discharge directly into road-side drainage on Brave Boat Harbor Road. While the discharge itself is outside the Shoreland Overlay Zone, it appears that a water quality feature (such as a bio-retention feature), or other design modifications may be necessary to meet the requirement, and should be pursued with the applicant.*

Article VI. Water Supply, and Article VII Sewage Disposal

Use of Kittery Water District public water is proposed.

On-site septic systems are proposed. Evaluation of soils supports the design of these systems. In the project narrative, the applicant describes that "advanced pre-treatment tanks are proposed". *This is desirable, and is not currently specifically on the subdivision plans. The Planning Board may request that this be clarified.*

Article VIII. Surface Drainage

The applicant has presented a Stormwater Management Plan prepared and stamped by a Maine licensed civil engineer. The plan is well prepared, and concludes that the site will be stable, and that only negligible flow increases to the significant wetlands complex on the applicant's property are proposed to result. These negligible increases are insignificant.

We reiterate that due to proposed development in the Shoreland Zone a modification to the drainage design may be required per 16.8. 4.1.4, described above.

The planning Board may reasonably waive, if requested, the requirement for York County Soil and Water Conservation Review per 18.8.8.1 D.e.

Article XI. Cluster Residential and Cluster Mixed-Use Development

The proposed subdivision, in concept, appears to meet the intent and purpose of the cluster provisions, in terms of preserving areas of open space, wetlands, associated uplands, and reducing the built environment.

Applying the cluster provisions allows the applicant to modify the "Dimensional Standards" that would otherwise apply, to obtain the benefits of clustering. These "dimensional requirements" (listed in the definitions) include spacial relationships including, but not limited to setbacks, lot width and area, shore frontage, percent of lot coverage, and height.

The proposal includes numerous modifications including:

- Front setbacks (reduced from 40 feet to 20 feet on Lots 2,3 and 4; and 9 feet on Lot 1)
- Lot configuration (length/width ratio, see below)
- Devegetated area in 19.3.2.17: (increased to 30% from 20%)
- Street frontage (reduced from 150 feet to 30 feet, if the driveway easement is considered part of Street Frontage for Lot 4.

The applicant has requested the above as waivers per 16.7.4.1. They should more appropriately be dealt with as modifications of dimensional standards in accordance with the cluster provisions of 16.8.11.3.

Article XVI. Lots

16.8.16.9 Lot Shape

This provision requires that the length to width ratio be no greater than three to one, and prohibits lots in which a narrow strip of land to meet minimum requirements. These are not met on Lot 1 (exceeds length/width ratio), and Lot 4 (narrow strip of land, a "flag lot", to create frontage).

These modifications can be considered under the cluster provisions of Article XI.

16.9 Design and Performance Standards-Natural Environment

16.9.2.5 Archaeological or Historic Sites

Has it been confirmed that there are no features on the site that are jurisdictional?

Table 16.9

The proposed development does not directly impact wetlands. The required setbacks to other wetlands are proposed as required.

The applicant should clarify that lot development as proposed is feasible while maintaining the "no-cut" boundary. For Lot 3, should the structure be moved closer to the driveway to create more space behind?

How is the "No-Cut" boundary going to be delineated and confirmed for each lot and homeowner?

Should you have any questions, please do not hesitate to call.

Very truly yours,

CMA ENGINEERS, INC.



William A. Straub, P.E.

Project Manager

cc: Kenneth Markley, LLS, Northeasterly Survey, Inc

North
W  EASTERLY
SURVEYING, Inc.

191 State Road, Suite #1 • Kittery, Maine 03904 • (207) 439-6333 • Fax (207) 439-1354

July 24, 2014

RECEIVED
JUL 24 2014

Kittery Planning Board
200 Rogers Road
Kittery, ME 03904

BY:

Subject: Brave Boat Conservation at Sawyer Lane - John Watts – Final approval
Tax Map 63 Lot 19

- 143 Brave Boat Harbor Road
- Kittery Point, Maine

Job No.: 13696

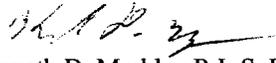
Dear Chairman and Planning Board Members,

John Watts and his family would like you accept this submittal for final approval of a cluster subdivision at the location noted above. Enclosed you will the following:

- 1.) Set of drawings including:
 - a.) Cover Sheet
 - b.) Cluster Subdivision Plan by North Easterly Surveying, Inc. updated as per staff review notes.
 - c.) A detail plan of the project area showing topo, areas of clearing and proposed buildings.
 - d.) High Intensity Soil Survey by Joe Noel (soil scientist).
 - e.) Road Construction and stormwater drainage plan by Pinkham & Greer Civil Engineers.
 - f.) Aerial plan showing project location.(for those who can't use google)

I would appreciate your review and comments on this project at your next Planning Board meeting.
Please feel free to contact me should you have any questions.

Sincerely:


Kenneth D. Markley R.L.S. L.S.E
President – NorthEasterly Surveying, Inc.

"BRAVE BOAT CONSERVATION AT SAWYER LANE"

Kittery Point, York County, Maine

APPLICANT/OWNER:

Jonathan Watts & Kathleen Watts

143 Brave Boat Harbor Road, Kittery Point, Maine 03905

PREPARED BY:

North
W EASTERLY
SURVEYING, Inc.

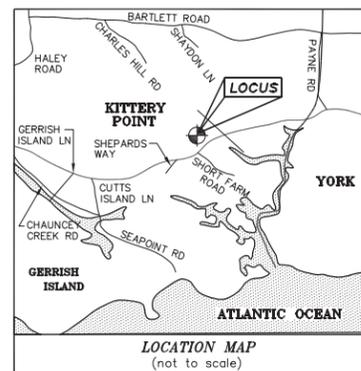
SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1
(207) 439-6333 KITTERY, MAINE 03904

PINKHAM & GREER
CIVIL ENGINEERS

600 MAIN STREET, SPRINGVALE, MAINE
TEL: 207.636.7065 FAX: 207.490.3946

LIST OF PROJECT PLANS AND DOCUMENTS:

PLANS:			
SHEET No.	PLAN TYPE		LAST REVISED
S-1	SUBDIVISION PLAN		6/19/14
S-2	HIGH INTENSITY SOIL SURVEY		6/19/14
C-1	SAWYER LANE PLAN AND PROFILE		6/19/14
DOCUMENTS:			
	CLASS A HIGH INTENSITY SOIL SURVEY REPORT.....		6/6/14



SAMPLES OF DIFFERENT WASTEWATER DISPOSAL AREAS (FOR A 3 BEDROOM HOME)

ELJEN IN-DRAINS
LEACHFIELD DIMENSIONS OF 11' X 28' OR 15' X 20'

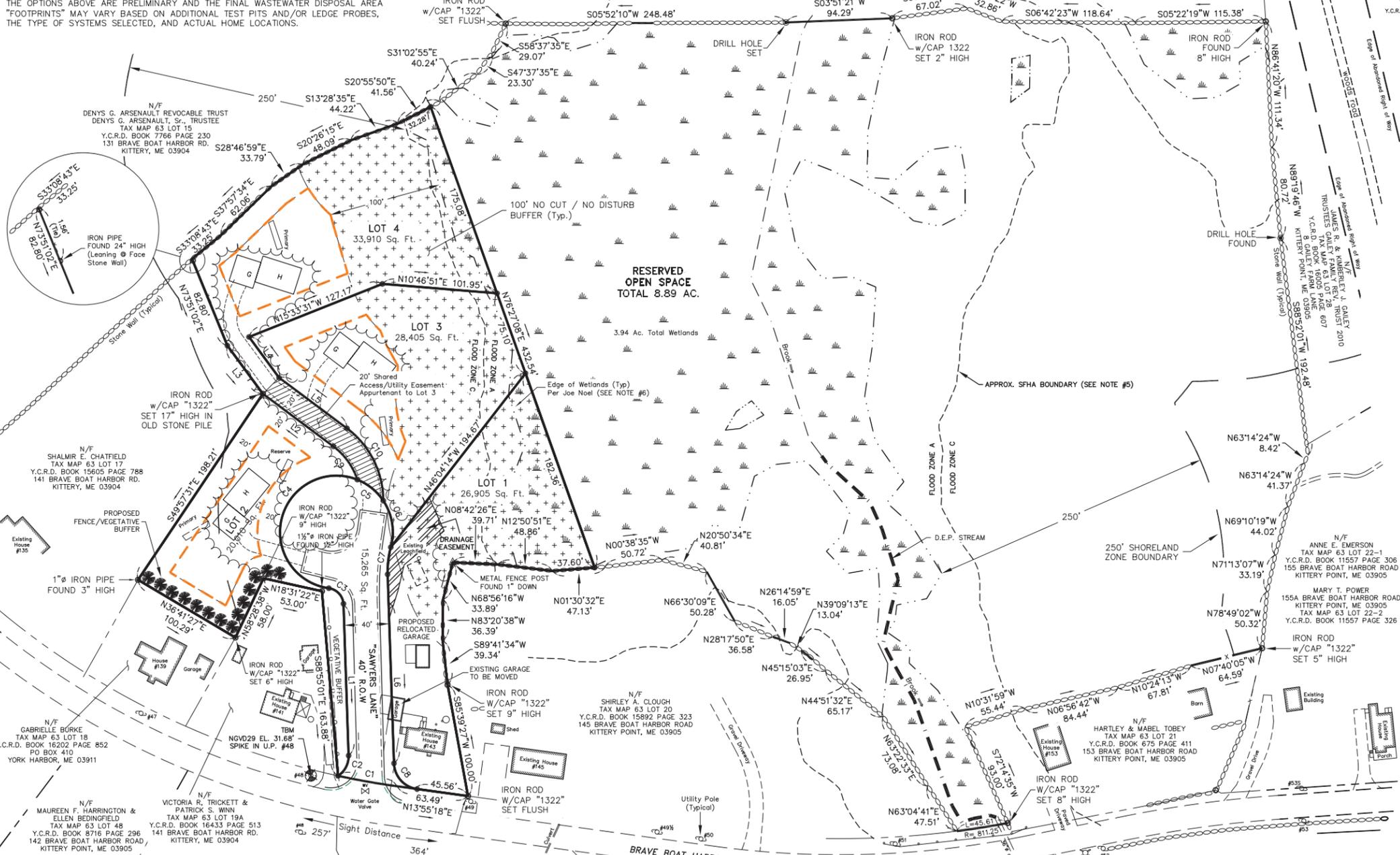
CLEAN SOLUTION
USING A PRE-TREATMENT TANK REQUIRES A 110 SQUARE FOOT STONE BED ON THESE SOIL TYPES
LEACHFIELD DIMENSIONS 5' X 22' OR 10' X 11'

THE OPTIONS ABOVE ARE PRELIMINARY AND THE FINAL WASTEWATER DISPOSAL AREA "FOOTPRINTS" MAY VARY BASED ON ADDITIONAL TEST PITS AND/OR LEDGE PROBES, THE TYPE OF SYSTEMS SELECTED, AND ACTUAL HOME LOCATIONS.

PLAN REFERENCE:

1. "LOT LINE ADJUSTMENT & LOT CONSOLIDATION PLAN FOR PROPERTY AT 143, 145 & 149 BRAVE BOAT HARBOR ROAD, KITTEERY POINT, YORK COUNTY, MAINE OWNED BY THE ESTATE OF GERTRUDE I. MARSTON, SHIRLEY CLOUGH", PREPARED BY NORTH EASTERLY SURVEYING, INC. DATED JUNE 3, 2010, PROJECT NO. 09729 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 362 PAGE 45.

N/F
THE BURTON FAMILY TRUST
DONALD B. BURTON, trustee
& HELENE BALKIN, trustee
TAX MAP 63 LOT 11
Y.C.R.D. BOOK 5215 PAGE 139
121 BRAVE BOAT HARBOR RD.
KITTEERY, ME 03904

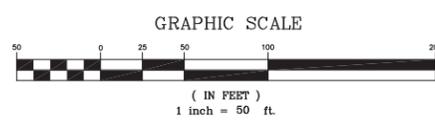


LINE TABLE

L1	S85°50'24"E	134.34'
L2	S42°44'01"W	77.95'
L3	N59°40'00"E	53.00'
L4	S59°40'00"W	44.75'
L5	S42°44'01"W	74.98'
L6	S85°50'24"E	167.22'
L7	S75°56'55"E	36.58'
L8	S85°50'24"E	167.22'
L9	N33°50'50"W	55.34'
L10	S75°56'55"E	20.53'
L11	N42°44'01"E	127.20'

CURVE TABLE

C1	L=53.13'	R=700.25'	Δ=04°20'49"
C2	L=21.11'	R=20.53'	Δ=58°54'18"
C3	L=20.41'	R=15.00'	Δ=77°48'32"
C4	L=169.32'	R=50.00'	Δ=194°01'38"
C5	L=30.06'	R=50.00'	Δ=34°26'59"
C6	L=42.94'	R=50.00'	Δ=49°12'25"
C7	L=24.23'	R=80.00'	Δ=17°21'18"
C8	L=33.24'	R=23.74'	Δ=80°13'47"
C9	L=36.77'	R=60.00'	Δ=35°06'45"
C10	L=74.35'	R=80.00'	Δ=53°14'51"



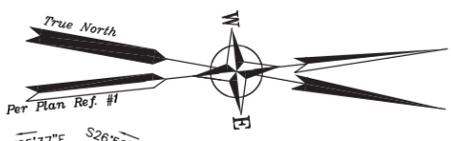
NOTES (CONT.):

7. ALL DISTURBED SOILS WILL BE SUPPLEMENTED WITH COMPOST TO ACHIEVE ORGANIC MATTER BETWEEN 10%-15% TO PREVENT EROSION AND AID IN NUTRIENT RETENTION, THEREFORE PROTECTING NATURAL RESOURCES.

8. METHODOLOGY IS BASED ON DEDUCTING SOILS RATED VERY POOR OR POOR IN THE SOIL SUITABILITY GUIDE OUTSIDE THE FLOODPLAIN. IN THIS CASE SOILS CLASSIFIED AS LYMAN ROCK OUTCROP WITH C SLOPES (LrC) AND SCANTIC WITH A SLOPES (ScA).

9. REFER TO LETTER DATED JUNE 16, 2014 BY JOSEPH NOEL FOR INFORMATION REGARDING THE SEPTIC SYSTEMS.

10. ON OCTOBER 8, 2013, MR. CHRIS COPPI, BIOLOGIST AT THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION (MDEP) REVIEWED THE WETLANDS ON THE SITE. REFERENCE IS MADE TO MDEP "FIELD DETERMINATION FORM", DATED OCTOBER 24, 2013, REGARDING STREAM AND VERNAL POOL DETERMINATIONS.



ZONING SUMMARY:

ZONE: RESIDENTIAL RURAL (R-RL)
SHORELAND OVERLAY (OZ-SL)
RESOURCE PROTECTION (OZ-RP)

TOTAL AREA TO BE DISTURBED:
33,000± SQ. FT.

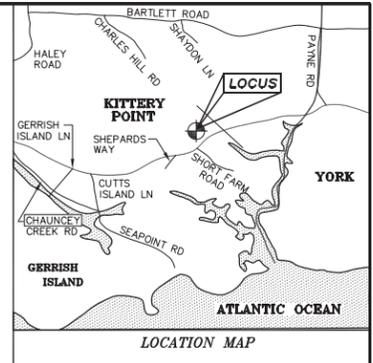
NET RESIDENTIAL AREA CALCULATION:

TOTAL PARCEL AREA:	11.75± Ac.
LESS ROAD R.O.W.:	-0.35± Ac.
LESS 100 YEAR FLOODPLAIN AREAS:	-5.77± Ac.
LESS SOILS RATED POOR OR VERY POOR OUTSIDE OF FLOODPLAIN (SEE NOTE #8)	
SCANTIC (ScA):	-0.00± Ac.
LYMAN ROCK OUTCROP COMPLEX (LrC):	-1.80± Ac.
TOTAL NET RESIDENTIAL AREA:	3.83± Ac.

ALLOWABLE LOTS PER NET RESIDENTIAL DENSITY
(3.83 Ac. * 43,560 s.f./Ac.) = 166,834 s.f./40,000 s.f/Lot = 4.17 LOTS ALLOWED (4 PROPOSED)

	REQUIRED	PROPOSED
CLUSTER RESIDENTIAL DEVELOPMENT		
OPEN SPACE TOTAL (50% OF LOT AREA) (0.50 * 11.75 Ac.)	5.88 Ac. (50%)	8.89 Ac. (76%)
OPEN SPACE UPLANDS (30% OF NET RESIDENTIAL AREA) (0.30 * 3.83 Ac)	1.13 Ac. (30%)	5.18 Ac. (135%)
DIMENSIONAL STANDARDS (R-RL)	STANDARD	AS PROPOSED
MINIMUM LAND AREA	40,000 Sq. Ft.	>20,000 Sq. Ft.
ROAD FRONTAGE	150 Ft.	>30 Ft.
FRONT YARD	40 Ft.	9.3 Ft.
SIDE YARD	20 Ft.	>20 Ft.
REAR YARD	20 Ft.	>20 Ft.

- NOTES:**
- OWNERS OF RECORD:
TAX MAP 63 LOT 19:
JONATHAN & KATHLEEN E. WATTS
Y.C.R.D. BOOK 16666 PAGE 120
DATED JULY 31, 2013
 - TOTAL EXISTING PARCEL AREA:
TAX MAP 63 LOT 19:
511,979 Sq. Ft.
11.75 Ac.
 - THE BASIS OF BEARING IS PER PLAN REFERENCE #1.
 - BRAVE BOAT HARBOR ROAD IS ASSUMED TO BE A VARIABLE WIDTH RIGHT OF WAY. THE AREA ADJACENT TO THE SUBJECT PARCELS WAS BASED UPON 24.75' FROM THE CENTERLINE OF THE EXISTING ROADWAY. SEE PLAN REFERENCE #1 FOR BOUNDARY INFORMATION.
 - REFERENCE IS MADE TO SPECIAL FLOOD HAZARD AREA (SFHA) BOUNDARY AS SHOWN ON FEMA FIRM COMMUNITY-PANEL NUMBER 230171 0002 C, JULY 5, 1984. SFHA BOUNDARY SHOWN IS ADJUSTED TO FIT CONTOURS.
 - THE WETLAND BOUNDARY AS DEPICTED ON THIS PLAN WAS DELINEATED/FLAGGED BY JOSEPH W. NOEL, ME CERTIFIED SOIL SCIENTIST #209 ON SEPTEMBER 3, 2013. THE FLAGS WERE SURVEYED LOCATED BY NORTH EASTERLY SURVEYING INC. USING A TOPCON TOTAL STATION. THE DELINEATION WAS CONDUCTED IN ACCORDANCE WITH THE U.S. ARMY CORPS OF ENGINEERS DOCUMENT CORPUS OF ENGINEERS WETLANDS DELINEATION MANUAL, (1987) ALONG WITH THE REQUIRED REGIONAL SUPPLEMENT TO THE CORPUS OF ENGINEERS WETLAND MANUAL: NORTHCENTRAL AND NORTHEAST REGION, (VERSION 2, JANUARY 2012).
 - HYDRIC SOIL DETERMINATIONS WERE CONDUCTED IN ACCORDANCE WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE DOCUMENT FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 7.0 (2010) ALONG WITH THE MANUAL FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND (VERSION 3, APRIL 2004).
 - PLANT SPECIES INDICATOR STATUS WAS BASED ON THE U.S. ARMY CORPS OF ENGINEERS PUBLICATION THE NATIONAL WETLAND PLANT LIST (2013).
 - TEST PITS WERE ALSO PERFORMED BY JOSEPH W. NOEL, MAINE CERTIFIED SOIL SCIENTIST #209.



APPROVED: TOWN OF KITTEERY

DATE OF APPROVAL:

REV.	DATE	STATUS	BY	CHKD	APPD.
A	7/24/14	REVISIONS PER STAFF REVIEW	B.M.K.	K.D.M.	K.D.M.

BRAVE BOAT CONSERVATION AT SAWYER LANE

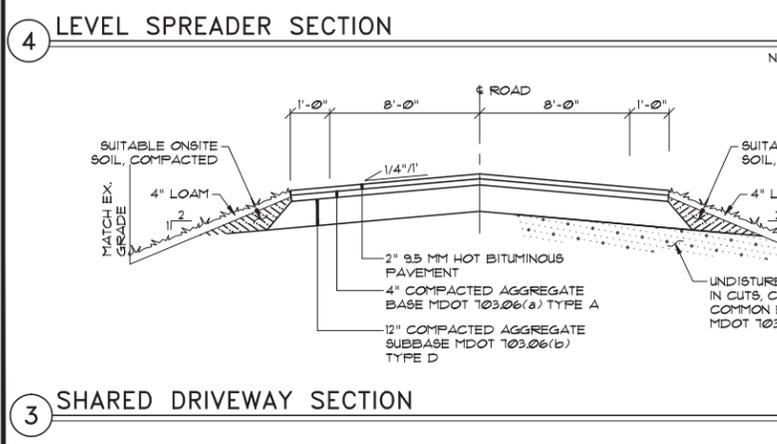
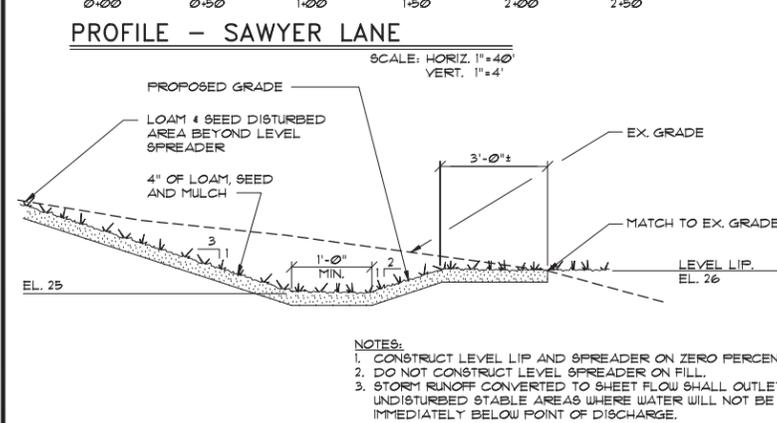
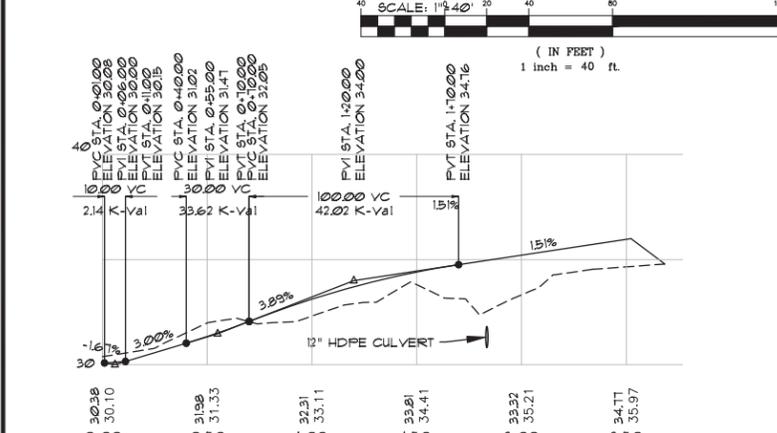
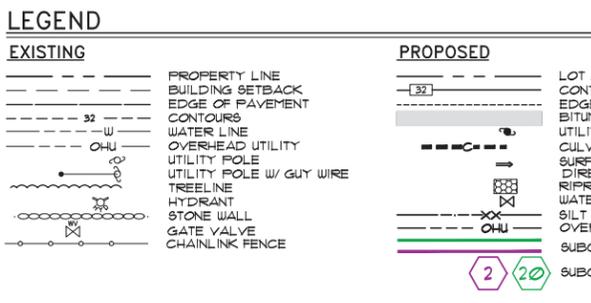
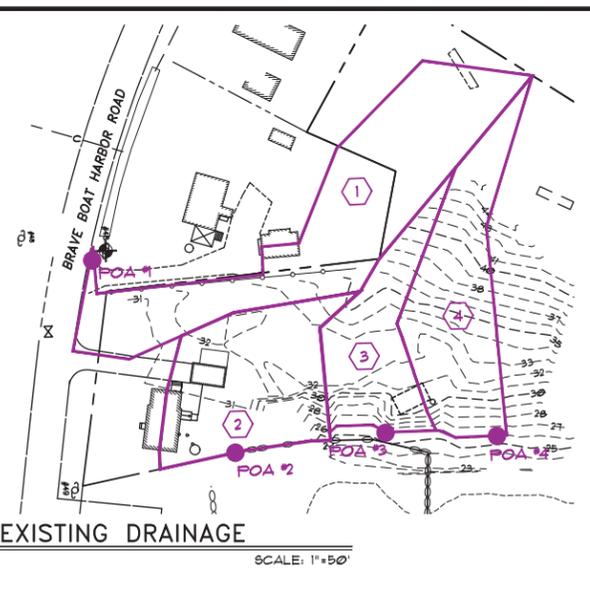
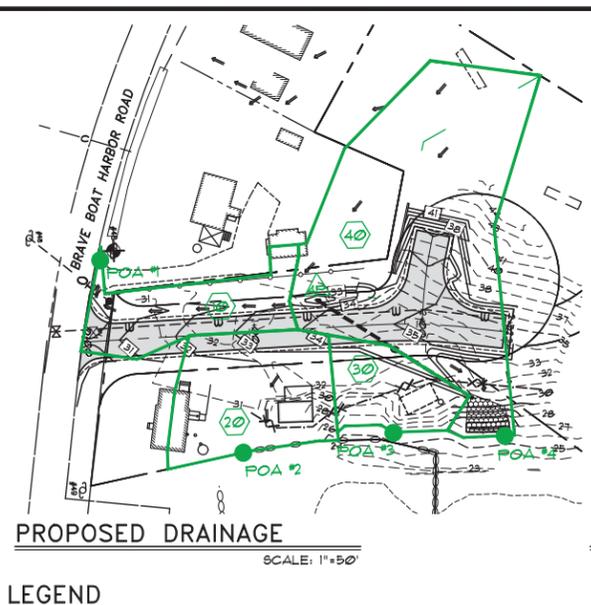
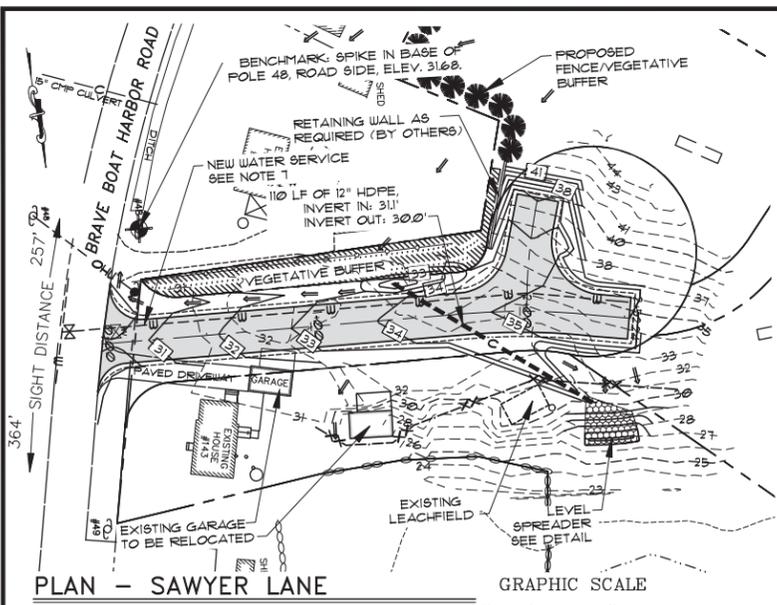
FOR PROPERTY AT
143 Brave Boat Harbor Road
Kittery Point, York County, Maine
OWNED BY
Jonathan & Kathleen Watts
143 Brave Boat Harbor Road
Kittery Point, Maine 03905

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

SCALE: 1" = 50'
PROJECT NO. 13696
DATE: 6/19/14
SHEET: S-1
DRAWN BY: A.M.P.
CHECKED BY: K.D.M.

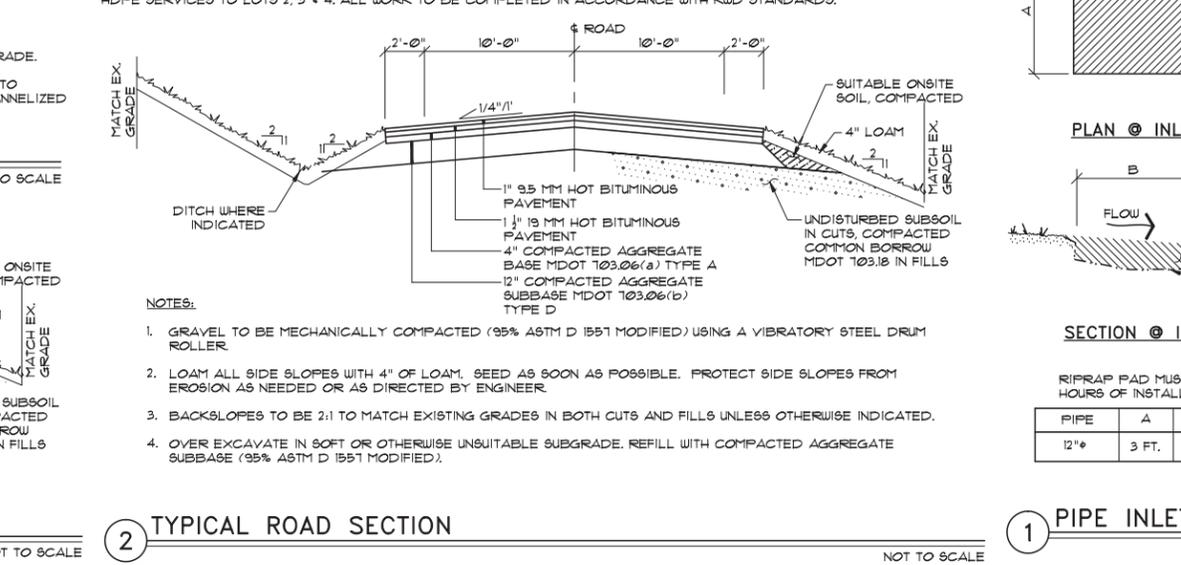
DRAWING No: 13696 CONCEPT2
FIELD Book No: "Kittery Point #29"

Tax Map 63 Lot 19



GENERAL NOTES

- TOPOGRAPHIC SURVEY PROVIDED BY EASTERLY SURVEYING, INC., KITTERY, MAINE. HORIZONTAL DATUM IS NGVD29.
- THE TOWN OF KITTERY SHALL NOT BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR, FLOWING, OR SIMILAR SERVICES FOR THE PRIVATE WAY SHOWN ON THIS PLAN.
- THE PRIVATE WAY SHOWN ON THIS PLAN SHALL NOT BE ACCEPTED AS A PUBLIC STREET BY THE TOWN OF KITTERY UNLESS THE WAY COMPLIES WITH THE STANDARDS FOR PUBLIC STREETS (INCLUDING WIDTH OF RIGHT-OF-WAY) EXISTING AT THE TIME ACCEPTANCE IS REQUESTED.
- CONTACT DIG-SAFE (811) AND ALL AFFECTED NON-MEMBER UTILITIES PRIOR TO ANY CONSTRUCTION TO VERIFY AND/OR DETERMINE THE EXACT LOCATION, SIZE AND ELEVATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE FAILURE TO LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
- POWER, CABLE AND TELEPHONE ARE TO BE UNDERGROUND. COORDINATE WITH INDIVIDUAL UTILITY COMPANIES FOR MATERIAL AND LAYOUT REQUIREMENTS.
- STORM DRAINAGE:
 - CULVERTS SHALL BE DOUBLE WALLED HIGH DENSITY POLYETHYLENE (HDPE), EQUAL TO ADS N-12, HANCOR HI-Q OR APPROVED EQUAL.
 - KEEP 2 FEET MINIMUM COVER OVER ROAD CROSS CULVERTS.
- WATER SERVICE: COORDINATE WITH THE KITTERY WATER DISTRICT (KWD) TO INSTALL A TAPPING SLEEVE AND GATE VALVE ON THE MAIN IN BRAVE BOAT HARBOR ROAD OPPOSITE SAWYER LANE AND A 6-INCH DUCTILE IRON PIPE TO THE ROAD RIGHT OF WAY AT SAWYER LANE IN ACCORDANCE WITH KWD STANDARDS. DISCONTINUE THE EXISTING SERVICE TO THE HOUSE AT #43 BRAVE BOAT HARBOR ROAD AND RETAP THE NEW 6-INCH WATER LINE TO PROVIDE A NEW 1-INCH CTS HDPE SERVICE. INSTALL NEW TAPS, CORPORATIONS, CURB STOPS AND 1/4-INCH OR 2-INCH CTS HDPE SERVICES TO LOTS 2, 3 & 4. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH KWD STANDARDS.



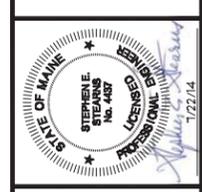
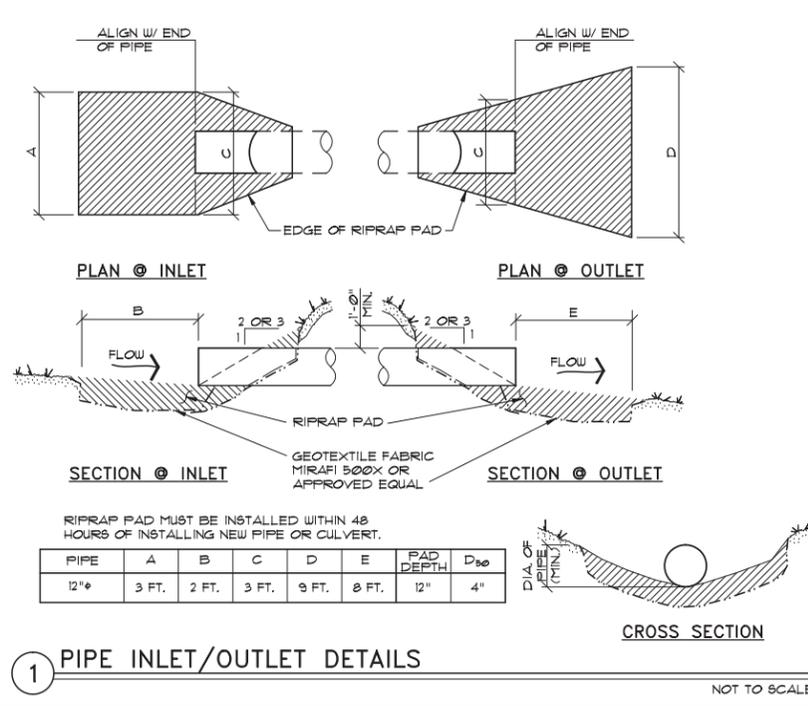
EROSION CONTROL NOTES

GENERAL:

THIS DRAWING DEPICTS THE REQUIRED SOIL EROSION CONTROL MEASURES. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING THE CONSTRUCTION SITE IN SUCH A MANNER THAT:

- SOIL EROSION IS KEPT TO A MINIMUM.
- NO SEDIMENT LEAVES THE CONSTRUCTION SITE.
- ALL POSSIBLE MEASURES ARE EMPLOYED TO PREVENT SEDIMENT FROM ENTERING DRAINAGE COURSES.

- ALL EROSION CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE MANUAL: MAINE EROSION AND SEDIMENT CONTROL BMPs, PUBLISHED BY THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, MARCH 2003.
- THE CONTRACTOR IS RESPONSIBLE FOR ALL FINES RESULTING FROM EROSION OR SEDIMENTATION FROM THE SITE TO SURROUNDING PROPERTIES, WATERBODIES, OR WETLANDS AS A RESULT OF THIS PROJECT.
- ANY DISTURBED SOIL BROUGHT TO FINAL GRADE WILL BE LOAMED AND SEEDED WITHIN SEVEN (7) DAYS.
- INSPECT SOIL EROSION MEASURES WEEKLY AND AFTER SIGNIFICANT STORM EVENTS. MAKE ALL NECESSARY REPAIRS TO FACILITIES AS SOON AS POSSIBLE, BUT NO LONGER THAN 2 DAYS. CLEAN AND RESET SILT FENCES AND STONE CHECK DAMS WHICH ACCUMULATE SEDIMENT AND DEBRIS.
- PROTECT AND STABILIZE ALL AREAS NOT SCHEDULED FOR EROSION PREVENTION OR STABILIZATION BUT THAT SHOW SIGNS OF EROSION. NOTIFY OWNER OF ANY SIGNIFICANT EROSION PROBLEM.
- APPLY MULCH TO BARE SOILS WITHIN 7 DAYS OF INITIAL DISTURBANCE OF SOILS. PRIOR TO ANY RAIN EVENT AND PRIOR TO ANY WORK SHUTDOWN LASTING MORE THAN ONE DAY.
- TEMPORARILY SEED WITHIN 7 DAYS ANY AREA WHICH WILL BE LEFT DISTURBED AND UNWORKED FOR MORE THAN 14 DAYS WITH THE TEMPORARY SEED MIX LISTED BELOW. PERMANENTLY SEED ANY AREA WHICH CAN BE LOAMED AS SOON AS POSSIBLE WITH THE PERMANENT SEED MIX LISTED BELOW. DO NOT USE PERMANENT SEED MIX AFTER SEPTEMBER 15.
 - MULCH ALL AREAS SEEDING SO THAT SOIL IS NOT VISIBLE THROUGH THE MULCH. DURING THE GROWING SEASON (APRIL 15 - SEPT. 30) USE MATS (OR MULCH AND NETTING) ON:
 - THE BASE OF GRASSED WATERWAYS
 - SLOPES STEEPER THAN 15%
 - BETWEEN OCT. 1 AND APRIL 14 USE MATS (OR MULCH AND NETTING) ON:
 - SIDE SLOPES OF GRASSED WATERWAYS
 - SLOPES STEEPER THAN 8%
 - INSTALL MATS (OR NETTING) IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS.
- FOLLOW SILT FENCE MANUFACTURER'S SPECIFICATIONS AND RECOMMENDATIONS FOR INSTALLATION OF SILT FENCE. SECURE ENTIRE BOTTOM OF FENCE EITHER BY BURYING BOTTOM OF FENCE IN A TRENCH OR BERMING WITH SOIL OR CHIPPED GRUBBINGS.
- ALL CULVERT OR PIPE OUTFALL PROTECTION MUST BE INSTALLED WITHIN 48 HOURS OF INSTALLING CULVERT.



NO.	DATE	DESCRIPTION
1	7/22/14	MOVE CULVERT OUTLET, ADD LEVEL SPREADER, ADD SIG NEAR ROAD INTERSECTION FOR DRAINAGE.

JONATHAN & KATHLEEN WATTS
143 BRAVE BOAT HARBOR ROAD
KITTERY POINT, MAINE 03905

SCALE: AS SHOWN
DATE: JUNE 19, 2014
PROJECT: 14613

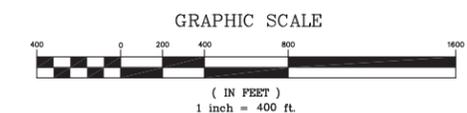
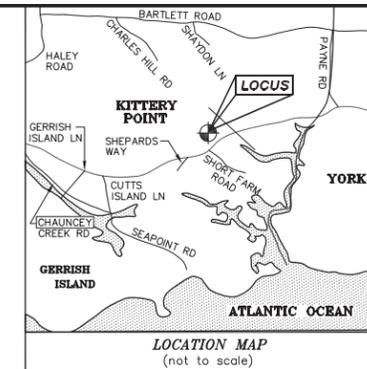
DRN BY: JWG
DESS BY: SES
CHK BY: SES

SAWYER LANE
143 BRAVE BOAT HARBOR ROAD
KITTERY POINT, MAINE 03905

C1.0

PLAN, PROFILE & DETAILS

MAP/LOT: 63 / 19



**VICINITY MAP
BRAVE BOAT CONSERVATION
AT SAWYER LANE**

FOR PROPERTY AT
143 Brave Boat Harbor Road
Kittery Point, York County, Maine
OWNED BY
Jonathan & Kathleen Watts
143 Brave Boat Harbor Road
Kittery Point, Maine 03905

North
W  EASTERLY
SURVEYING, Inc.

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

SCALE: 1" = 400'	PROJECT NO. 13696	DATE: 6/19/14	SHEET:	DRAWN BY: A.M.P.	CHECKED BY: K.D.M.
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DRAWING No: 13696 CONCEPT2
FIELD BOOK No: "Kittery Point #29" **Tax Map 63 Lot 19**

Town of Kittery Maine Town Planning Board Meeting August 14, 2014

Town Code Amendment - Title 16.8.10.2.C Signs – General Requirements. Action: review amendment and schedule a public hearing. Proposed amendment re-defines Light-emitting diode (LED) lighting use.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Discussion	6/26/2014, continued to 7/24; continued	
YES	Schedule Public Hearing		PENDING
YES	Public Hearing		PENDING
	Town Council/Planning Board Joint Workshop		PENDING
YES	Review/Recommendation to Town Council		PENDING

Background

See Ordinance Revision Memorandum

Recommendation

Schedule a public hearing

Town of Kittery, Maine
Ordinance Revision Memorandum

To: Town Planning Board for August 14
meeting

From Gerry Myroie

Originator(s):	Council Sponsor(s):
Council meeting date: TBD	Title: Signs – LED Lighting
Town code section: Title 16, §16.2 and 16.8.10.2	History: Amendment June 26, 2014, TPB scheduled a workshop. July 17, 2014 Workshop held. July 24, 2014 TPB meeting/ workshop debrief. Aug 14, 2014 TPB meeting discussion pending.

ENCLOSURES: CODE AMENDMENT, ENACTMENT ORDINANCE, AND PLANNING BOARD REVIEW

PROPOSAL PURPOSE / BACKGROUND:

Based on the July 24, 2014, Town Planning Board meeting the next step is to:

1. enable the use of light-emitting diode (LED) bulbs / fixtures.

2. Address message board sign issues e.g., message must be static, use for product pricing, board size, letter / numeral size, lighting color, background color, etc.

Item one above can be done immediately, but must be done in concert with addressing a fundamental

issue of whether the Town wants:

- a. Clarification of the original sign standard intent permit only externally lit signs; that is “no internally signs” ; or

- b. Enabling internally lit signs with or without turn-off standards and / or only in specified business zones.

Adopting item 1 above without addressing a or b will expose the Town to currently non-permitted signs.

Adopting b above will make some internally signs – “non-conforming” that may remain in use until they are replaced.

If on the other hand, the Town Planning Board wants to proceed with enabling product pricing signs, the next steps are:

- a. Ok LED lighting.
- b. Ok internally signs
- c. Do exemption for gas price sign like time and temperature signs; or .
- d. Resolve message board issues.

TOWN CODE AMENDMENT

Town of Kittery Maine Town Code

Chapter 16.2 DEFINITIONS

16.2.2 Definitions

ELECTRONIC MESSAGE BOARD (aka "ELECTRONIC MESSAGE CENTER")

An electrically activated sign whose message content, either in whole or in part, may be changed by means of electronic programming. The message content may be displayed as pixels on a display surface, which pixels may consist of incandescent lamps, reflective disks, light-emitting diodes (LEDs), liquid crystal components (LCDs), neon or plasma light segments, or various combinations of the above.

Chapter 16.8 DESIGN AND PERFORMANCE STANDARDS – BUILT ENVIRONMENT

Article X. Signs

16.8.10.2 General Requirements.

B. No exterior sign may be ~~internally illuminated or~~ artificially illuminated except where hooded, or shielded or otherwise designed to prevent direct light spilling onto traveled ways or neighboring property.

C. No sign may contain a moving message, ~~(message must be static) board, LED lighting,~~ electronic message board, electronic photographic display or intermittent illumination, except where necessary in a time/temperature/date signs.

D. Any sign that interferes with or closely imitates any official traffic sign, signal or device is prohibited.

E. No sign designed to be transported by means of wheels is allowed, unless said vehicle is used in the normal day-to-day transportation operations of the business. All trailer signs are prohibited.

F. Any changeable message signs must be integrated into a permanently-mounted sign. Such a changeable message Board is to be mounted a minimum of three and one-half feet above ground level. The message must be static.

G. All signs must be maintained in a safe and sound structural condition.

H. ~~Advertising~~—No advertising or signage is permitted on wireless communication services facilities.

I. Any sign not expressly permitted herein is prohibited.

Town of Kittery Maine Town Planning Board Meeting August 14, 2014

Town Code Amendment - Title 16.8.10.2 Signs – General Requirements. Action: Schedule a workshop. Discuss code amendments related to gas price signage and other and other message board signs.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Discussion	6/26/2014, continued to 7/24; continued	
YES	Schedule Public Hearing		PENDING
YES	Public Hearing		PENDING
	Town Council/Planning Board Joint Workshop		PENDING
YES	Review/Recommendation to Town Council		PENDING

Background

See 7/17/14 workshop minutes

Recommendation

Schedule a workshop

1 TOWN OF KITTERY, MAINE
2 PLANNING BOARD SIGNAGE WORKSHOP
3 Council Chambers
4

UNAPPROVED
July 17, 2014

5 Workshop called to order at 6:03 p.m.

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

7 Members absent: Bob Melanson, Mark Alesse

8 Staff: Gerry Mylroie, Planner; Chris DiMatteo, Assistant Planner; Heather Ross, Code
9 Enforcement Officer

10
11
12 Ms. Tuveson, Vice-Chairman, opened the workshop. She noted the intent of sign ordinance amendments
13 is to make the ordinance understandable, workable, useable and enforceable.

14 Ms. Grinnell: Asked for input from the CEO regarding the sign ordinance, in general.
15

16 Heather Ross, CEO: The ordinance specifies there is no LED lighting permitted. However, LED is more
17 efficient and most new signs utilize LED lighting. There is no illumination difference between the LED
18 and fluorescent lighting, however, it has been said that fluorescent lighting has a greater spill over of light
19 than LED. The full sign ordinance should be reviewed to assure that there are no conflicts.

20 Ms. Grinnell: Would a full review and amendment of the sign ordinance make the CEO's job more
21 efficient?

22 Ms. Ross: Yes, if it is well written, clear and specific. There have been discussions regarding non-
23 conforming signs being brought into conformance that were originally approved under prior review or
24 review by the Board of Appeals, and how these will be handled. Regarding electronic message boards,
25 other communities have had these in place for some time. This issue will require further discussion.

26 Mr. Emerson: To re-write the entire ordinance, there should be a strong level of interest by affected
27 parties; there needs to be a cohesive vision; the vision needs to be developed into effective ordinance
28 language; and the CEO must be able to administer and enforce the change. Those signs that then become
29 non-compliant must be addressed fairly. There are specific issues, i.e. LED lighting and message board
30 signage, that can be addressed without a total re-write of the code at this time.

31 Ms. Driscoll Davis: Has a contact from the International Sign Association who would be willing to help
32 with a sign ordinance re-write when/if needed.

33 Mr. Emerson: If this is to be added to the Board's Action List, the subsequent reviews, public hearings
34 and Council review could still take many months to finalize an amendment to the ordinance.
35

36 Robert Denault, Froggy Pawn Shop: Has a \$6,000 LED sign in window; cannot see signage until on top
37 of property; concerned about changes to sign ordinance.

38 Ms. Ross: His LED sign was permitted prior to the ordinance change prohibiting them.
39

40 Discussion followed regarding moving, intermittent, static, interior and window signs.
41

42 Bob Adams, Kittery Trading Post:

- 43 1. Don't want to run into issues regarding existing signs that need to be repaired, where the ordinance
44 would not permit the repair and maintenance of a sign if it is removed to do so.
- 45 2. Would like the Board to consider stationary electronic message boards, as they have events they
46 would like to post. It is cleaner and neater, eliminating messy signs.
- 47 3. Would like to place signage facing I-95, within state requirements, large enough to be seen.
- 48 4. Would like to place off-premises signage abutting the I-95 corridor, on private property. There is also
49 the issue of sign height for use along I-95.

- 50 5. Signs should be unique to the property. The sign ordinance should be different for different
51 areas/zones within town to allow for the unique businesses in those areas. Built-up areas could
52 accommodate larger signage than a smaller business on the Foreside.
53 6. Forcing a similar appearance in signs takes away the unique styles of signs and businesses in Kittery.

54
55 Elizabeth Fourar-Laidi, General Manager, Kittery Premium Outlets: Agrees with Mr. Adam's comments.
56 Each company has a way they want to look, and forcing signs to fit into a mold takes away the business
57 identity/brand. The Foreside is a different area from the outlet area, which has evolved beyond the 'New
58 England village' style, and is more fashion forward. She hopes the Board will move quickly regarding the
59 LED lighting ordinance changes as most companies want to switch to cooler and cost-effective LEDs.
60 Prefers internally lit signs. Signs and lights in the buildings are on timers that stay on one hour after
61 closing to allow employees to finish the day and leave safely.

62
63 Discussion followed regarding timing of lighting on signs and enforcement.

64
65 Ken Lamont, 435 and 447 U.S. Route 1: Wanted to include LED pricing for his gas station, which the
66 code does not allow. Using removable sign letters is a safety and liability issue. Will follow the
67 ordinance, but feels he has been micromanaged in his signage design and the ordinance needs to be
68 updated

69
70 Tannye Wold, Autoworks: Their existing sign will need to be replaced at some time, and he is located in
71 an area where sign changes will be limited. Supports the use of LED lighting for a cost saving. In favor
72 of businesses being able to use their individual designs and logos in signage, without an ordinance
73 dictating how they should look.

74
75 Discussion followed regarding the design review committee for the Kittery Foreside.

76
77 Terry Gagner, Weathervane Seafood: The ordinance needs to be enforced no matter how the ordinance is
78 worded, and that is a tough job. The use of LED and internally lit signs is important and needs to be dealt
79 with. The entire ordinance does not need to be re-written, but businesses need to be able to utilize their
80 logos and not be required to all look alike.

81
82 Robert Denault: Signs light up windows and stores and provide a level of security. LED lights are more
83 efficient.

84
85 Ms. Ross: A-Frame signs are difficult to manage; banners and community signs are not included in the
86 ordinance; the ability to have a static message board could allow for special events; umbrella advertising
87 is an enforcement problem.

88
89 Ms. Tuveson: The Board does not have the time to re-write the sign ordinance, so will be looking at
90 those issues that can be addressed, such as LEDs.

91
92 Elizabeth Fourar-Laidi: Interior signage and off-premises signage directing customers to other outlet
93 stores, or supporting local efforts/information are not allowed.

94
95 Ms. Driscoll Davis: Signs need to be accurate in identifying owners and businesses on the site, i.e. the
96 Frisbee Market.

97
98 Mr. Mylroie: The staff is trying to meet the comprehensive plan through the ordinance changes. The
99 town has the ability to establish and promote an image. While there can be diversity, an identity can be

100 created that increases community value. The comprehensive plan addresses the seacoast heritage and
101 New England character.

102

103 Discussion followed regarding what businesses want and how their business needs can be met in a sign
104 ordinance.

105

106 Ken Lamont: Once businesses such as Dunkin Donuts arrives, the notion of the seacoast, New England
107 character is gone.

108

109 Ms. Ross: It is her understanding the Design Manual is a reference not a requirement. The code is the
110 basis of law and enforcement.

111

112 Ken Lamont: Heather does her job well and attempts to help businesses when they are designing signs.

113

114 Mr. Emerson: This will be discussed at the next Board meeting.

115

116 The Signage Workshop of July 17, 2014 adjourned at 7:26 p.m.

117

118 Submitted by Jan Fisk, Recorder, July 24, 2014

4A

2012-2014
PLANNING BOARD ACTION ITEMS

8/7/2014
Page 4

ITEM #	START DATE	ITEM	PRIORITY	ACTION TAKEN	COMPLETE
1	8/9/2012	16.10.9.2 REDEFINE FIELD CHANGES; Major/Minor	1	Ongoing;	
2	10/11/2012	REVIEW 16.10 (WORKSHOP ITEM #1 FROM 10/11/12 WORKSHOP) Plan Application Review	3		
3	10/11/2012	Post Building Permits on Web Site		Requested; Shelly Bishop; TBD	
4	10/11/2012	SUGGESTED ORDINANCE CHANGES BE AVAILABLE ONLINE	2		
5	10/11/2012	ABUTTER'S LIST TO PB EARLY ON, BEFORE PUBLIC HEARING	1	at sketch plan- 4/24/13	Ongoing
6	10/13/2012	DPW PROJECTS COME BEFORE PB; NEED UPDATED LIST	2	No DPW update submitted since October, 2012	
7	10/13/2012	BUSINESS OVERLAY ZONES: WHERE AND WHAT CHANGES; 16.3.2.20 Proposed Quality Improvement Overlay; form based code vs. individual ordinances (Bob M.)	2	Workshop; Sustain So ME; set up January 2014 workshop (1/24 AM)	Ongoing
8	2/14/2013	DEFINE COMMERCIAL RECREATION	2	In process	
9	2/28/2013	UPDATE DESIGN STANDARDS FOR LED LIGHTING:	3		
10	3/28/2013	Set up Workshop to discuss High Pointe Circle Issues: Road Extension & Gate and use of woods road; review prior approvals and minutes	1	Staff (GM) will attempt to resolve and report to KPB (4/25/13)	
11	3/28/2013	CONTINUE WORKSHOP WITH KCPC, KOSC REGARDING 1 - 3 ACRE RR; and future land use regulation; restrict # building permits issued per year (See also: VIII.3.i.i 2015 Code Amendments: Briefing Book)		May 15, 2013 Workshop; December 3, 2013 workshop, w Soil Suitability;	Ongoing
12	4/11/2013	Format of Comp Plan		strike out and underline existing 3/25/2002 CP	Ongoing
13	4/25/2013	WORKSHOP: Cluster Ordinance needs work USABLE OPEN SPACE RETAIN ROAD FRONTAGE (Buffers) TRAFFIC STUDIES	2	KOSC wants input	
14	4/26/2013	ROADS / SIDEWALKS TO NOWHERE (ROW plans)	1	Ongoing	
15	8/22/2013	No site work while application before Planning Board; site dev pre-meeting; CMA construction inspection;	1		
16	10/24/13 Amendment	DPW Road Cuts; Title 5 amendment; approved by PB 10/24/13; to Council 11/25/13		Revise per Council Action (on Hold)	
17	10/24/2013	Shoreland definition			
18	10/24/2013	HAT - Highest Annual Tide: no Elevation 6			
19	10/24/2013	Definition: Substantially complete re: development vs. building permits			

2012-2014
 PLANNING BOARD ACTION ITEMS

20	10/24/2013	Soil Suitability Guide; discontinue;	1	Workshop December 3, 2013	Ongoing
21	11/14/2013	Waivers; legal issue?		January 2014	
22	11/14/2013	Fines			
23	11/14/2013	16.7.3.5.6 Reconstruction periods			
24	11/14/2013	Structure replacement outside of shoreland zone (missing from code)	1		
25	11/14/2013	Federal standards, re: road design			
26	11/14/2013	By-Law changes	1	Markup provided; discussed 11/13; 12/13; 1/14; 3/14; 7/14	Ongoing
27	11/14/2013	Review flood hazard ordinance; 16.5.3.4		Coordinate w CMA; need estimates	
28	12/12/2013	Structure replacement inside shoreland/excavation	1		
29	12/12/2013	Pedestrian / Bike paths			
30	12/12/2013	Minor subdivisions; density; septic			
31	1/23/2014	Outdoor Seating, extend to other zones (See also: VIII.3.i.iv 2015 Code Amendments: Briefing Book, #38)	1	TBD: September 2014	
32	1/24/2014	Findings of Fact workshop			
33	2/27/2014	Approved Plan Expiration; Requests for Extension; Expiration of Wetland Alteration Permit	1	Reviewed 3/27/14; PB approval 6/26/14	6/26/2014
34	2/27/2014	List of Committees/Boards to monitor ?			
35	2/27/2014	Flag Lots (16.8.-16.9)			
36	3/13/2014	Septic pretreatment requirement as bonus (See also: VIII.3.i.ii 2015 Code Amendments: Briefing Book, #38)			

2012-2014
 PLANNING BOARD ACTION ITEMS

37	3/13/2014	Proof of building materials (ie. sand from Alfred for septic systems)			
38	3/27/2014	FY 2015 Amendments: Briefing Book ii. Septic pretreatment iii. Quality Improvement Development Standards update iv. Outdoor seating to other zones v. Adjacent off-site improvement update vi. Consolidate RR and RC zones vii. Consolidate BL and L-1 zones viii. Sign standards/education/enforcement			
39	3/27/2014	Kittery Historic Resources; historic designation identification			
40	5/8/2014	Sign ordinance changes (see also Briefing Book, #38)		Workshop: 7/14/14	
41	5/22/2014	Invasive plants			
42	5/22/2014	Encourage rain gardens in parking areas (parking credits/bicycle racks)			
43	5/22/2014	Shared driveways (Conserv. Comm)			
44	5/22/2014	Committee Updates			
45	7/24/2014	LED/Message boards/internal & external lights & timers			
46	7/24/2014	Window/A-frame & portable signs/banners			
47	7/24/2014	Sign character/appearance/administration & enforcement			



10-14

Town of Kittery, Maine
Town Planning and Development Department
200 Rogers Road, Kittery, Maine 03904 Phone: 207-475-1323 Fax: (207) 439-6806
www.kitteryme.org

To Town Planning Board
From: Gerry Mylroie, AICP, Town Planner
Date: August 7, 2014
Re: Town Planning Board Kittery Foreside Committee

Kittery has/had two committees with the same name: Kittery Foreside Committee. One was established by the Town Council with a mission to prepare a Kittery Foreside Plan. This resulted in the installation of the bricks in Kittery Foreside and other improvements. Then the Committee was dissolved.

The second committee is established in the Kittery Town Code Title 16 that is administered by the Town Planning Board.

This committee per section 16.3.2.15.F (see below)

The Committee includes the following and meets on an as needed basis:

Gavin Barbour, prior chairman
Dean Rykerson
Jackie Nooney
Ben Porter
Lori Pratt

16.3.2.15 Mixed Use - Kittery Foreside MU-KF.

A. Purpose.

To provide business, service, and community functions within the Mixed Use - Kittery Foreside zone and to provide a mix of housing opportunities in the historic urbanized center of the community and to allow for use patterns which recognize the densely built-up character of the zone and the limitations for providing off-street parking. Design review is used to facilitate the revitalization of downtown Kittery Foreside as a neighborhood center, while promoting economic development of service businesses and walk-in shopping as well as respecting the zone's historic and residential character.

B. Permitted Uses.

1. Dwelling units in single-family, duplex, and multifamily configurations and units in a mixed-use building up to twelve (12) dwelling units per lot, but excluding mobile homes;
2. Public open space recreational uses;
3. School (including nursery school), hospital, eldercare facility, long-term nursing care facility, convalescent care facility, municipal or state building or use, church; or any other institution of educational, religious, philanthropic, fraternal, political, or social nature.;
4. Accessory uses including home occupation and church rectory;
5. Retail business and service establishments excluding those where the principal activity entails outdoor sales and/or storage;
6. Business and professional offices, including financial institutions;
7. Shuttle service and ride sharing facilities;
8. Restaurant, coffee shop, bakery, cafes and similar food service operations but excluding drive-in facilities;
9. Art studio or gallery;

10. Grocery store, food store.
11. Personal and/or business service:
12. Inn:
13. Commercial or private parking lots:
14. Marinas:
15. Commercial boating and fishing uses and facilities, provided only incidental cleaning and cooking of seafood occur at the site:
16. Place of assembly, including theater:
17. Temporary, intra-family dwelling unit:
18. Accessory dwelling units; and
19. Specialty food and/or beverage facility.

C. Special Exception Uses.

1. Research and development;
2. Public utility facilities, including substations, pumping stations, and sewage treatment facilities.

D. Standards.

1. The design and performance standards of Chapters 16.8 and 16.9 must be met except where specifically altered in this subsection.
2. Dimensional Standards. The following space standards apply:
Minimum land area per dwelling unit 5,000 square feet

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- Minimum lot size 5,000 square feet
- Minimum street frontage 0 feet
- Minimum front yard along:
Government Street east of Jones Avenue including Lot 107 at the corner of Government and Walker Streets 0 feet
other streets 10 feet
- Wallingford Square 0 feet
(Ordained 9/24/12; effective 10/25/12)
- Minimum rear and side yards 10 feet
- Minimum separation distance between principal buildings on the same lot 10 feet
- Maximum building height 40 feet*
- *Except that for buildings located on lots that abut tidal waters, the highest point on the primary structure of the building including the roof, but excluding chimneys, towers, cupolas, and similar appurtenances that have no floor area, may be not more than thirty-five (35) feet above the average grade between the highest and lowest elevations of the original ground level adjacent to the building.
- Minimum setback from:
water body and wetland water dependent uses 0 feet
all other uses (including buildings and parking) 75 feet
unless modified, according to the terms of subsection (E) of this Section.
- Maximum building coverage 60 percent
- Minimum open space on the site 40 percent
- Minimum land area per unit for eldercare facilities that are connected to the public sewerage system:
dwelling unit with two or more bedrooms 3,000 square feet
dwelling unit with less than two bedrooms 2,500 square feet
residential care unit 2,000 square feet
- Minimum land area per bed for nursing care and convalescent care facilities that are connected to the public sewerage system 1,500 square feet

3. Maximum Building Footprint.

The maximum area of the building footprint of any new building is one thousand five hundred (1,500) square feet unless the building is replacing a larger building that existed on the lot as of April 1, 2005.

A. If the footprint of the pre-existing building was larger than one thousand five hundred (1,500) square feet, the maximum size of the footprint of the pre-existing building was larger than one thousand five hundred

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(1,500) square feet, the maximum size of the footprint of the new building may be no larger than the footprint of the pre-existing building.

B. If the footprint of the new building is larger than one thousand five hundred (1,500) square feet, the width of the new building as measured parallel to the front lot line may not be greater than the width of the pre-existing building.

4. Design Standards.

Any new building, or additions or modifications to an existing building that:

(1) cumulatively increases the building footprint or building volume by more than thirty percent (30%) after April 1, 2005, or

(2) is subject to shoreland overlay zoning as set forth in Section 16.7.3.5.1 must conform to the following standards.

NOTE: This requirement does not apply to the replacement of a building destroyed by accidental or natural causes after April 1, 2005 that is rebuilt within the pre-existing building footprint and that does not increase the pre-existing building volume by more than thirty percent (30%).

a. Placement and Orientation of Buildings Within a Lot.

i. The placement of buildings on the lot must acknowledge the uniqueness of the site, the neighboring buildings, and the natural setting. Existing views and vistas must be preserved in the design of the site and buildings, and buildings must be placed to frame, rather than block, vistas.

ii. Buildings and the front elevation must be oriented facing the street on which the building is located. The siting of buildings on corner lots must consider the placement of buildings on both streets.

b. Overall Massing of Buildings.

The overall massing objective is to simulate a concentrated use of space in the Foreside zone while avoiding the use of large, multi-unit buildings. In the interest of this objective, building footprints must meet the maximums set forth above. Larger parcels may be developed but will require the use of multiple buildings with smaller footprints. The smaller scale of the buildings will allow new projects to fit in with the existing architectural styles of the Foreside zone.

c. Grouping of Smaller Buildings.

When smaller buildings that are part of one project are placed adjacent to one another on the same lot or adjacent lots, each building must have its own structure and elevation treatment that is different from its neighbor. Small decorative wings may be attached to larger structures if well integrated into the overall arrangement of shapes.

d. Building Details.

Buildings must include architectural details that reflect the historic style of the Foreside zone. Molding and trim must be used to decorate or finish the surface of buildings and doors. Eaves and overhangs should be incorporated into the design.

e. Roof Slopes and Shapes.

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i. Allowable roof shapes include a simple gable, gambrel, saltbox, and hip. The minimum roof pitch must be 8:12 (rise over run) except in the case of a hip roof where a lesser pitch is acceptable.

ii. The roof pitch of elements that link buildings or portions of buildings must be the same or greater than the pitch of the roofs on the buildings that are being linked.

iii. Flat or nearly flat shed roofs are not allowed except for porches, dormers, or attachments distinct from the primary structure or where systems are concealed by standard roof forms.

iv. The roof pitch of additions or wings must be similar to the pitch of the primary roof. Clusters of buildings must apply the same roof plan principles to pitch and link roofs.

f. Fencing and Walls.

i. Fencing may be used to separate public and private spaces, mark property lines, and protect plantings.

ii. Fences must harmonize with nearby structures and not unduly interfere with existing scenic views or vistas.

iii. Picket and other medium height fences and low stone walls are permitted.

iv. Modern concrete walls and similar structures are prohibited.

v. Chain-link and stockade fences are not appropriate in front yards and may be used in side and rear yards only if compatible with the overall design of the site.

vi. Waste receptacles, dumpsters, exterior systems, service entrances and similar areas must be screened with board fences, board and lattice fences, and/or landscaping.

g. Utilities.

All utilities serving a new building including electricity, telephone, cable, internet, and alarm systems must be placed underground from the access pole.

h. Preservation of Trees.

Existing large, healthy trees must be preserved if practical.

5. Signage

Display of signboard and/or products for sale may be placed on a Town sidewalk only if:

a. Products for sale displayed outside the building are limited to an area extending no greater than two feet from the front facade of the building;

b. Signboards are permitted in accordance with a design detailing style and size submitted by Kittery Foreside Committee and approved by the Planning Board and on file in the planning office;

c. Signboards and/or products for sale must be removed from the sidewalk at the close of each business day:

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d. An annual permit must be obtained from the Code Enforcement Officer. Permits are issued for a calendar year or portion thereof, to expire December 31st of each year. Sign permit application fee, reference Appendix A.

E. Special Parking Standards.

The Kittery Foreside zone is already largely built up and many buildings either completely or almost completely cover the lot on which they are located. Therefore, it is not possible to comply with parking standards which would otherwise be required for open land. To encourage the reuse of existing structures as far as practical, the Town establishes special parking standards and conditions within the zone.

1. Revised Off-Street Parking Standards.

Insofar as practical, parking requirements are to be met on-site unless an existing building covers so much of the lot as to make the provision of parking impractical in whole or in part. If meeting the parking requirements is not practical, then the parking demand may be satisfied off-site or through joint use agreements as specified herein.

Notwithstanding the off-street parking requirements in Article IX of Chapter 16.8, minimum parking requirements for the uses below are modified as specified herein:

a. Dwelling units in buildings that existed as of April 1, 2005 including the replacement of units destroyed by accidental or natural causes regardless of how configured: one parking space per dwelling unit;

b. Dwelling units in new buildings including the replacement of existing buildings other than the replacement of units destroyed by accidental or natural causes: one and one-half parking spaces per dwelling unit;

c. Retail, business office, or bank facilities: one parking space for each four hundred (400) square feet of gross floor area;

d. Professional office: one parking space for each three hundred (300) square feet of gross floor area;

e. Inn: one parking space for each guest room;

f. Church: None required, if primary use occurs on weekends;

g. Restaurants: one parking space for each one hundred (100) square feet of gross floor area used by the public.

NOTE: For each use in the zone, the total parking demand is calculated using the standards above or in Section 16.8.9.4 if not modified above. Then each nonresidential use is exempt from providing off-street parking for the first three required spaces. For uses requiring a demand of greater than three, then the off-street parking is to be provided on-site and/or in accordance with subsections (E)(2) and (3) of this Section.

2. Maximum Parking on New Impervious Surface.

Not more than one and one-half parking spaces per dwelling unit may be created on new impervious surface in conjunction with the construction of a new or replacement building. This restriction does not apply to parking spaces located within the same building with the dwelling units, to spaces located on pre-existing

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impervious surface, or to spaces located on a pervious surface such as parking pavers designed to allow infiltration of precipitation.

3. Off-Site Parking.

Required off-street parking may be satisfied at off-site locations provided such parking is on other property owned by the applicant or is under the terms of a contractual agreement that will ensure such parking remains available for the

uses served. Applicant must present evidence of a parking location and a contractual agreement to the Town Board or officer with jurisdiction to review and approve.

4. Joint Use Parking.

Required off-street parking may also be satisfied by the joint use of parking space by two or more uses if the applicant can show that parking demand is non-conflicting and will reasonably provide adequate parking for the multiple uses without parking overflowing into undesignated areas. Non-conflicting periods may consist of day time as opposed to evening hours of operation or weekday as opposed to weekends or seasonal variation in parking demand. In making this determination under development plan review, the Planning Board is to consider the following factors:

- a. Such joint parking areas must be held under ownership of the applicant or under terms of a contractual agreement that ensures such parking remains available to all users of the shared parking spaces;
- b. Analysis is to be based on a most frequent basis, not a "worst case" scenario;
- c. Joint use parking areas must be located within reasonable distance to the use served, but do not need to be located on the same lot as the uses served;
- d. Ease and safety of pedestrian access to shared parking by the users served, including any improvements or shuttle service necessary;
- e. Such joint parking areas must not be located in residential zones of the Town.

The Planning Board must make a final determination of the joint use and/or off-site parking spaces that constitute an acceptable combination of spaces to meet the required parking demand.

F. Design Review.

KFC advisory design review is required for any project involving the construction of a new building, or the enlargement or modification of an existing building that:

- (1) cumulatively increases the building footprint or building volume by more than thirty percent (30%) after April 1, 2005, or
- (2) is subject to the shoreland overlay zone requirements as set forth in Section 16.43.2.17, is subject to an advisory design review by the Kittery Foreside Committee (KFC).

NOTE: This requirement does not apply to the replacement of a building destroyed by accidental or natural causes after April 1, 2005 that is rebuilt within the pre-existing building footprint and that does not increase the pre-existing building volume by more than thirty percent (30%). This review is limited to consideration of the project's conformance with the design standards set forth in subsection (E)(4) of this Section. Upon receipt of an application for a project in the district that is subject to this requirement, Town staff shall forward the application to the chair of the KFC. The application must contain adequate information to allow the

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committee to evaluate the project's conformance with the design standards of subsection (E)(4) of this Section. The KFC has a maximum of forty-five (45) days to complete its review of the project. The KFC is to provide a written report documenting its findings relative to conformance with the design standards and any recommendations for changes to the project needed to conform to the standards. The design review must be completed prior to approval of a development plan under Chapter 16.10, or the issuance of a building permit if development review is not required, unless the KFC fails to complete its review within forty-five (45) days in which case the application must be processed without the KFC review. The findings of the design review must be provided to the Planning Board and/or CEO for consideration in their actions relative to the project.

end

JUN BUILDING 2014 PERMIT REPORT

Number of Building Permits Issued 44
 Value of Building Permits \$897,377.00
 Permit Fees Collected \$11,141.00
 Impact Fees Paid \$213.75

Date Issued	Permit #	Property Owner	Address	Map	Lot	C	R	Work	Description	Value	Fee
6/2/2014	14-131	HALEY, BONNIE	7 BAYVIEW LN	2	77	R		MAINT & REPAIR	RENOV BATHROOMS	\$10,000.00	\$25.00
6/2/2014	14-132	MAHAR, PETER	78 CHAUNCEY CK RD	45	65	R		MAINT & REPAIR	RESHINGLE	\$16,000.00	\$97.00
6/2/2014	14-133	PHILPOTT, DAVID	28 TOWER RD	58	51L	R		MAINT & REPAIR	WINDOWS	\$10,000.00	\$25.00
6/2/2014	14-134	PENNA, STEVEN	22 CROCKETT NECK RD	26	44	R		FLOAT	FLOAT	\$800.00	\$34.00
6/2/2014	14-135	COSTANTINI	3 ZAKAYLA LN	61	28C	R		GENERATOR	GENERATOR	\$4,605.00	\$79.00
6/2/2014	14-136	LADD, MARTHA	5 MILL POND RD	23	5	R		MAINT & REPAIR	WINDOWS, PORCH	\$29,234.00	\$253.00
6/2/2014	14-137	WHITE, JOHN	16 JEFFERSON LN	61	24	R		SCREEN HOUSE	SCREENHOUSE	\$37,000.00	\$469.00
6/2/2014	14-138	ZADORSKY, HOLLY	1 PAUL ST	3	121	R		MAINT & REPAIR	RESHINGLE	\$5,200.00	\$25.00
6/2/2014	14-139	POULIN, DAN	14 JEWETT LN	29	20B	R		SINGLE FAMILY	SINGLE FAMILY	\$127,800.00	\$1,558.00
6/2/2014	14-140	PATCO CONST	10 JEWETT LN	29	20D	R		SINGLE FAMILY	SINGLE FAMILY	\$115,000.00	\$1,405.00
6/3/2014	14-141	YANKEE MHP	6 CUTTS RD #4	60	21-4	R		MOBILE HOME	MOBILE HOME	\$50,327.00	\$625.00
6/4/2014	14-142	FOXWELL	21 MANSON AVE	15	9	B		RENOVATION	COMMUNITY RM	\$16,500.00	\$347.50
6/4/2014	14-143	LEWIS, FRANK	93 GOODWIN RD	53	1/3/2C	R		MAINT & REPAIR	DECK	\$20,000.00	\$145.00
6/4/2014	14-144	MABLEY, MICHELLE	39 BARTLETT RD	56	13-3	R		MAINT & REPAIR	RESHINGLE	\$9,723.00	\$25.00
6/4/2014	14-145	HABERT, MIRIAM	81 PEPPERRELL RD	26	23	R		DEMO & RECONST	REBUILD HOUSE REPLACE	\$120,000.00	\$1,345.00
6/4/2014	14-146	GLOBAL SIG ACQ	579 US ROUTE 1	66	27	C		CELL TOWER	ANT&CAB	\$15,000.00	\$325.00
6/9/2014	14-147	TUKEY, ANDREW	20 RIDGEWOOD DR	20	40	R		SHED	SHED	\$5,000.00	\$85.00
6/10/2014	14-148	BELLILAH, JILL	55 GOVERNMENT ST	4	43	C		MAINT & REPAIR	LAUNDRETTE	\$30,000.00	\$550.00
6/10/2014	14-149	BOYLE, BRIAN	71 CUTTS RD	65	3A	R		ADDITION DECK	ADDITION DECK	\$43,420.00	\$427.00
6/11/2014	14-150	SCHAFFER	194 BBHARBOR RD	69	12	R		PROPANE TANK	GAS LINE	\$1,195.00	\$37.00
6/11/2014	14-151	QUIGLEY, BRENDEN	7 OTIS AVE	4	150	R		PROPANE TANK	GAS LINE	\$545.00	\$37.00
6/11/2014	14-152	ECONOMEAU	18 LOVE LN	9	74	R		RENOV	LIVING SP	\$5,000.00	\$85.00
6/12/2014	14-153	KLINGAMAN, PAT	17 DEBRA LN	15	11/1/2	R		DECK	ADDITIONAL 6X6	\$1,200.00	\$40.00
6/12/2014	14-154	ETSCOVITZ, LAWRENCE	143 MANSON AVE	24	2	R		ADDITION	5X8 GAZEBO- SEASONAL	\$10,000.00	\$85.00
6/12/2014	14-155	PIG PEN PARTNERS	460 US ROUTE 1	61	27A	C		GAZEBO	SEASONAL	\$800.00	\$107.50
6/12/2014	14-156	TEIFERT, GREG	118 WHIPPLE RD	10	7	R		MAINT & REPAIR	WATER DMG	\$40,000.00	\$385.00
6/12/2014	14-157	CANE, CLAIRE	11 WILSON RD	37	1	R		MAINT & REPAIR	ELECTRICAL	\$2,585.00	\$25.00
6/17/2014	14-158	COX, BRIAN, MJ BLAN	5 KEENE AVE	36	6	R		HEATING SYS	HEAT PUMP	\$7,955.00	\$121.00

6/18/2014	14-159	WAKE, CAMERON DAISEY, NANCY	19 MENDUM AVE	3	54	R	HEATING SYS	HEAT PUMP	\$6,413.00	\$103.00
6/24/2014	14-160	HUNTER	33 NORTON ROAD	55	5A	R	MAINT & REPAIR	REP PORCH, DECK	\$5,639.00	\$25.00
6/24/2014	14-161	PLANTE, RUSSELL	1 LYNDON WAY	9	86	R	SOLAR	SOLAR PANELS	\$15,099.00	\$205.00
6/24/2014	14-162	PERESLUHA, ELAINE	17 GERRISH ISLAND LN	45	51	R	MAINT & REPAIR	RESHINGLE	\$2,824.00	\$25.00
6/24/2014	14-163	MURPHY, EDWARD	32 HALSTEAD ST	16	65	R	MAINT & REPAIR	SIDING, WIND, KIT	\$11,000.00	\$37.00
6/24/2014	14-164	PLANTE, RUSSELL	1 LYNDON WAY	6	86	R	GENERATOR	GENERATOR	\$7,580.00	\$115.00
6/25/2014	14-165	WING, SANDRA	52A STATE RD	3	1		MAINT & REPAIR	RESHINGLE	\$5,535.00	\$182.50
6/25/2014	14-166	DREYFUS, MARGARET	15 GOOSE PT	34	27	R	MAINT & REPAIR	DECK, WATER DMG	\$1,800.00	\$25.00
6/26/2014	14-167	KITTERY PLACE LLC	336 US ROUTE 1	38	11	C	COM REFIT	UNDER ARM EXP	\$9,500.00	\$242.50
6/26/2014	14-168	HUDDLESTON, JOHN	3 ISLAND AVE	1	1	C	COM	PATIO AREA	\$0.00	\$100.00
6/26/2014	14-169	SMITH, JASON	2 EVERGREEN DR	28	31	R	GARAGE	GARAGE	\$19,000.00	\$253.00
6/26/2014	14-170	MORAN, CHUCK	22 WHIPPOORWILL LN	33	3B	R	GENERATOR	GENERATOR	\$1,300.00	\$37.00
6/26/2014	14-171	ELLIS, THOMAS	144 WHIPPLE RD	10	3	R	PIER	PIER, RAMP, FLOAT	\$40,000.00	\$505.00
6/26/2014	14-172	GREGG, BRIAN	4 CAPTAINS WAY	71	1/3/2	C	PIER	RAMP & FLOAT	\$16,000.00	\$217.00
6/26/2014	14-173	HOLLINSWORTH, MARK	11 MOORES ISL LN	27	34	R	PIER	FLOATS	\$20,000.00	\$265.00
6/26/2014	14-174	LINGARD, KIM	106 HALEY RD	48	4	R	SHED	SHED	\$798.00	\$37.00

JUL
2014

BUILDING PERMIT REPORT

Number of Building Permits Issued 33
 Value of Building Permits \$1,101,956.00
 Permit Fees Collected \$14,845.99
 Impact Fees Paid \$302.50

Date Issued	Permit #	Property Owner	Address	Map	Lot	C	R	Work	Description	Value	Fee	Impact Fee
7/7/2014	14-175	MARINO	7 OLD FERRY LN	17	45-4	R		RENOVATION	FINISH UPSTAIRS	\$30,000.00	\$385.00	-
7/8/2014	14-176	D'AMICO	90 PEPPERRELL RD	27	49	C		COM REFIT	CAJUN LOBSTER	\$0.00	\$100.00	-
7/8/2014	14-177	DAGAN, DEAN	24 SHAPLEIGH RD	15	8	R		DECK	DECK	\$1,800.00	\$46.00	-
7/14/2014	14-178	GERASIN	1 US ROUTE 236	21	18	C		DEMO	INTERIOR WALL	\$3,500.00	\$20.00	-
7/15/2014	14-179	ADAMS, MARILYN	7 ADAMS DR	31	22	C		DEMO	5 CABINS	-	\$20.00	-
7/16/2014	14-180	CARLTON, JOESPH	15 HARTLEY FARM	32	1	R		DECK MAINT &	DECK & M&R	\$16,000.00	\$97.00	-
7/16/2014	14-181	SHAFTMASTER	280 US RT 1	31	6	C		REPAIR	EXTERIOR REPAIR	\$92,246.00	\$1,483.75	-
7/16/2014	14-182	RIVERS, GREGORY	130 PEPPERRELL RD	27	29	R		GENERATOR	GENERATOR	\$3,500.00	\$67.00	-
7/16/2014	14-183	KVALHEIM	66 GOODWIN RD	58	47	R		RENOVATION MAINT &	INTERIOR RENOV	\$35,000.00	\$325.00	-
7/16/2014	14-184	RICE LIBRARY	8 WENTWORTH ST	4	88	C		REPAIR	EXTERIOR REPAIR	\$8,000.00	-	-
7/17/2014	14-185	MCIL VENE	33 POCOHONTAS RD	53	21B	R		SHED	SHED	\$4,000.00	\$73.00	-
7/17/2014	14-186	D'AMICO	90 PEPPERRELL RD	27	49	C		RENOVATION	EXTEND BAR	\$900.00	\$115.00	-
7/21/2014	14-187	MYERS/WOOD	23 PAYNE RD	68	18-1	R		ADDITION	COVERED PORCH	\$5,170.00	\$87.04	-
7/21/2014	14-188	HALLISSEY, BRENDAN	12 NEWMARCH ST	3	8	C		RENOVATION MAINT &	DENTAL STATION RENOV	\$14,166.00	\$310.00	-
7/21/2014	14-189	MARQUEZ, VANESSA	55 WOODLAWN AVE	16	13	R		REPAIR	REPLACE CABINETS	\$19,536.00	\$133.00	-
7/21/2014	14-190	MUSEUMS OF OLD YK	22 SHAPLEIGH RD	15	64	C		DEMO	INTERIOR DEMO	\$25,000.00	\$20.00	-
7/24/2014	14-191	MARQUIS, ANTHONY	1-3 BADGERS ISL	1	19	C		RENOVATION	RECONST APTS (2)	\$250,000.00	\$3,850.00	-
7/28/2014	14-192	LECLAIR, ROBERT	32 HALEY RD	47	18-4-2-	R		SINGLE FAMILY	SINGLE FAMILY DWELLING	\$225,000.00	\$2,725.00	\$625.00
7/28/2014	14-193	SHEPPARD, DEBORAH ESLINGER, ROSS	4 LYNDON WAY	9	68B	R		SHED MAINT &	SHED 8-16	\$1,200.00	\$40.00	-
7/28/2014	14-194	NANCY	12 PICOTT RD	37	13	R		REPAIR MAINT &	ROOF	\$18,000.00	\$25.00	-
7/28/2014	14-195	SMITH, KERRY	21 OLD DENN RD S	2	96	R		REPAIR	GUT & REHAB 2ND FL	\$20,724.00	\$151.00	-
7/29/2014	14-196	DEMARCO	10 TUDOR DR	17	43-5	R		DECK	DECK & PATIO	\$3,500.00	\$445.00	-
7/29/2014	14-197	SCHNEIDER, CRAIG	16 PALMER AVE	14	67	R		SHED SWIMMING	SHED	\$3,000.00	\$61.00	-
7/29/2014	14-198	KELLEY, VICTOR	45 HALEY RD	47	5-2-	R		POOL	ABOVE GROUND POOL	\$9,000.00	\$133.00	-
7/29/2014	14-199	MARCHI, ROBERT	5 PICKERNELL LN	59	16-3	R		SWIMMING POOL	ABOVE GROUND POOL	\$10,000.00	\$145.00	-
7/29/2014	14-200	RIVERS, GREGORY	130 PEPPERRELL RD	27	29	R		MAINT & REPAIR	REPLACE FURNACE	\$6,000.00	\$25.00	-
7/29/2014	14-201	SINCLAIR, THOMAS	33 SOUTH ELIOT RD 5 WOODSIDE MEADOW RD	2	13A	R		MAINT & REPAIR	SIDING, WINDOWS	\$3,000.00	\$25.00	-
7/31/2014	14-202	ALFIS, CRAIG	7 HIGH POINT CIRCLE	67	22-5	R		SINGLE FAMILY	SINGLE FAMILY DWELLING	235414	2851	677.5
7/31/2014	14-203	KELLY, DAVID INGRID	7 HIGH POINT CIRCLE	61	9-10-	R		SHED	SHED	\$2,800.00	\$61.00	-

7/31/2014	14-204	PAYNE, JONATHAN	8 FRIEND ST	10	52 R	ADDITION	ADDITION PER BOA APPROVAL	\$4,200.00	\$76.00 -
7/31/2014	14-205	GOURVILLE, JOHN	6 GOODWIN RD	58	11 R	GENERATOR	GENERATOR	\$1,100.00	\$38.20 -
7/31/2014	14-206	CRAWFORD	65 US RT 1 BYPASS	7	25 C	RENOVATION	ADD BATHROOM	\$200.00	\$103.00 -
7/31/2014	14-207	GERASIN	1 ROUTE 236	21	18 C	REFIT	GREAT BAY DANCE COMPANY	\$50,000.00	\$850.00 -



Town Planner Items
Outdoor Seating/Cafes – Permitting and Pedestrian Ways
Town Code - Land Use and Development Code Title 16 Amendments

Town of Kittery Maine
Town Planning Board Meeting
November, 2013

DRAFT

Outdoor Seating / Cafe – Permitting and Pedestrian Ways/ Sidewalks
Town Code - Land Use Development Code Title 16 Amendments.

Action: Review proposed amendment and schedule a public hearing. To enable outdoor seating in the following base land use zones: Commercial 1, 2, & 3; Business Local and Business Local-1; Business Park; Mixed Use; And Mixed Use- Kittery Foreside and update pedestrian way/sidewalk standards.

PROJECT TRACKING

R E Q	ACTION	COMMENTS	STATUS
N O	Workshop	Reviewed	Fall 2011
Y E S	Initial Planning Board Meeting	Held	Fall 2011
	Planning Board meeting		
Y E S	Public Hearing (special notice requirements)	Held	Fall 2011
Y E S	Review/Approval/ Recommendation to Town Council	Approved for Town Council Action	Fall 2011
	Town Council Review, Public Hearing, Action	09-26-2011, ORC Comments 11-10-2011, Adopted Title 5 version	Jan 2012
	Town Council Action	Adopted term extension from 2012 to 2013	Dec 2012

Staff Comments

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Town Planner Items
Outdoor Seating/Cafes – Permitting and Pedestrian Ways
Town Code - Land Use and Development Code Title 16 Amendments

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Background

To improve the pedestrian streetscape in the commercial/ business related districts, Town Code must be amended to enable outdoor seating/ café use. See attached draft Report to Council.

On October 24, 2013, the Town Planning Board asked staff to schedule the item for discussion on November 14, 2013.

Recommendation

Review the proposed amendment and determine if it is ready for a public hearing. .

When scheduling a public hearing more time needs to be allotted for noticing than typical public hearings. Staff will need a minimum of three weeks prior to the meeting date to logistically provide the required notices.

Town Planner Items
Outdoor Seating/Cafes – Permitting and Pedestrian Ways
Town Code - Land Use and Development Code Title 16 Amendments

Chapter 16.3 LAND USE ZONE REGULATIONS

Article II. Zone Definitions, Uses, Standards

16.3.2.8 Business – Local B-L.

B. Permitted Uses.

18. Aquaculture; and

19. Accessory dwelling units; and

20. Outdoor Seating/Cafe per Title 16, Chapter 8, Article XXIX and Title 5 Chapter 10 where applicable where applicable.

D. Standards.

1. All development and the use of land in the B-L zone must meet the following standards. Kittery’s Design Handbook illustrates how these standards can be met. In addition, the design and performance standards of Chapters 16.8 and 16.9 must be met.

c. Landscaping Standards.

To achieve attractive and environmentally sound site design, and appropriate screening of parking areas, in addition to the landscaping standards contained in Chapters 16.8 and 16.9, the following landscaping requirements apply to new and modified existing developments:

i. Landscape Planter Strip.

A vegetated landscape planter strip must be provided a minimum of fifteen (15) feet in depth adjacent to the right-of-way of all public roads. The Planning Board may reduce the required depth of the landscape planter strip if a pedestrian way/sidewalk is provided in front of the parcel and the area between the front property line and the front wall of the building will be designed and used as a pedestrian space. The landscape planter strip must include the following landscape elements:

(C) Special Situations.

(4) Outdoor Seating/Cafe. With approval by the Planning Board, the landscape planter strip may contain an area for public and/or private outdoor seating, tables and/or café/food service area per Title 16, Chapter 8, Article XXIX and Title 5 Chapter 10 where applicable where applicable.

2. The following space standards apply:

Minimum front yard

15 feet* **

Town Planner Items
Outdoor Seating/Cafes – Permitting and Pedestrian Ways
Town Code - Land Use and Development Code Title 16 Amendments

71 ** Except as may be approved by the Planning Board for outside seating/café, zero (0) foot setback
 72 where the front yard abuts a street right-of-way.

73
 74
 75
 76

77	Maximum front yard setback of the principal building	60 feet
78	Minimum rear and side yards	10 feet* **
79	*Except as otherwise required by the buffer provisions of this title, and	
80	except where the side and/or rear yards abut a Residential Zone district	
81	or use, in which case a minimum of 15 feet, or 50 percent of the	
82	building height, whichever is greater, is required.	

83
 84
 85

** Except as may be approved by the Planning Board for outside seating/café, zero (0) foot setback
where the rear/side yard abuts a non-residential use.

86
 87

16.3.2.9 Business – Local 1 B-L1.

88
 89

B. Permitted Uses.

90
 91
 92
 93

- 18. Conference center; and
- 19. Accessory dwelling units; and
- 20. Outdoor Seating/Cafe per Title 16, Chapter 8, Article XXIX and Title 5 Chapter 10 where applicable where applicable.

94
 95

D. Standards.

96
 97

- 1. The following space standards apply:

98
 99

98	Maximum front yard	30 feet* **
99	*This area must be designed to promote a pedestrian public space,	
100	which includes, but is not limited to, landscaping, sidewalks, pedestrian	
101	ways/sidewalks, and sitting areas. Parking and outdoor storage are	
102	prohibited anywhere in the front yard of the structure, except for	
103	seasonal sales items.	

100
 101
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 103
 104

** Except as may be approved by the Planning Board for outside seating/café, zero (0) foot setback
where the front yard abuts a street right-of-way.

105
 106
 107

108	Minimum rear and side yards	10 feet* **
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Town Planner Items

Outdoor Seating/Cafes – Permitting and Pedestrian Ways

Town Code - Land Use and Development Code Title 16 Amendments

109 *Except as otherwise required by the buffer provisions of this title, and
110 except where the side and/or rear yards abut a Residential Zone district
111 or use, in which case a minimum of 15 feet, or 50 percent of the
112 building height, whichever is greater, is required.
113

114 ** Except as may be approved by the Planning Board for outside seating/café, zero (0) foot setback
115 where the rear/side yard abuts a non-residential use.
116

117
118
119
120 3. Landscaping/Site Improvements.

121 To achieve attractive and environmentally sound site design, and appropriate screening of parking areas, in
122 addition to the landscaping standards contained in Chapters 16.8 and 16.9, the following landscaping
123 requirements apply to new and modified existing developments:
124

125 b. Outdoor spaces must be created to reinforce commercial activities and pedestrian-friendly access. Outdoor
126 spaces are encouraged throughout the site with special attention along the sidewalk and street.
127 Architectural features such as decorative pavers, planters, and benches are encouraged in the creation of
128 these spaces. With approval by the Planning Board, the yard areas may contain an integrated streetside
129 outdoor seating / café, consisting of area(s) for public and private outdoor seating and/or food service area
130 per Title 16, Chapter 8, Article XXIX and Title 5 Chapter 10 where applicable where applicable.
131

132
133 **16.3.2.11 Commercial (C-1, C-2, C-3).**

134
135 **B. Permitted Uses.**

136
137 **1. C-1 Permitted Uses.**

138 u. Accessory dwelling unit; and
139 v. Outdoor Seating/Cafe per Title 16, Chapter 8, Article XXIX and Title 5 Chapter 10 where applicable where
140 applicable.
141

142 **D. Standards.**

143 The following space standards apply in the C-1, C-2 and C-3 zones:

144 Minimum front yard 50 feet **

146 ** Except as may be approved by the Planning Board for outside seating/café, zero (0) foot setback where the
147 front yard abuts a street.

Town Planner Items
Outdoor Seating/Cafes – Permitting and Pedestrian Ways
Town Code - Land Use and Development Code Title 16 Amendments

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Minimum rear and side yard 30 feet* **

- Except as may be required by the buffer provisions of this Code, and where the side and /or rear yards of the proposed non-residential use abut a residential zone or use, in which case a minimum of forty (40) feet is required.

** Except as may be approved by the Planning Board for outside seating/café, zero (0) foot setback where the rear/side yard abuts a non-residential use. .

3. C-1 Zone Standards.

All development and the use of land within the C-1 zone must meet the following standards:

c. Landscaping Standards.

To achieve attractive and environmentally sound site design, and appropriate screening of parking areas, in addition to the landscaping standards contained in Chapters 16.8 and 16.9, the following landscaping requirements apply to new and modified existing developments:

i. Landscape Planter Strip.

A vegetated landscape planter strip must be provided a minimum of thirty (30) feet in depth adjacent to the right-of-way of all public roads and include the following landscape elements:

(D) Special Situations.

(2) Depth of Landscape Planter Strip.

(a) In instances where the required minimum depth of the landscape planter strip is legally utilized, in accordance with previous permits or approvals, for parking, display, storage, building, or necessary vehicle circulation, the depth may be narrowed by the Planning Board to the minimum extent necessary to achieve the objective of the proposed project, provided that the required shrubs and perennials are planted along the street frontage to soften the appearance of the development from the public street.

(b) If providing the required landscape planter strip along with other required landscaping and required vegetated areas in and around wetlands would cause the project to exceed the required open space standards, the depth of the landscape planter strip and the front yard may be reduced by the Planning Board so that the open space standards are not exceeded, but in no case to less than twenty (20) feet for this reason.

Town Planner Items
Outdoor Seating/Cafes – Permitting and Pedestrian Ways
Town Code - Land Use and Development Code Title 16 Amendments

186 (c) Outdoor Seating /Cafe. With approval by the Planning Board, the landscape planer strip may contain an
187 area for public and private outdoor seating and/or food service area per Title 16, Chapter 8, Article XXIX
188 and Title 5 Chapter 10 where applicable where applicable.
189

190
191 **16.3.2.15 Mixed Use - Kittery Foreside MU-KF.**

192
193 **B. Permitted Uses.**

- 194
195 17. Temporary, intra-family dwelling unit; and
196 18. Accessory dwelling units; and
197 19. Outdoor Seating/Cafe per Title 16, Chapter 8, Article XXIX and Title 5 Chapter 10 where applicable
198 where applicable.
199

200
201 **D. Standards.**

202 1. The design and performance standards of Chapters 16.8 and 16.9 must be met except where specifically
203 altered in this subsection.

204
205 2. Dimensional Standards. The following space standards apply:
206

207 **Minimum front yard along:**

208	Government Street east of Jones Avenue including	
209	Lot 107 at the corner of Government and Walker Streets	0 feet
210	Other streets	10 feet *
211		

212 * Except as may be approved by the Planning Board for outside seating/café, zero (0) foot setback where the
213 front yard abuts a street.
214

215
216 **Minimum rear and side yard** 10 feet* *
217

218 * Except as may be approved by the Planning Board for outside seating/café, zero (0) foot setback where
219 the rear/side yard abuts a non-residential use. .
220

221 **E. Special Parking Standards.**
222

223 **NOTE:** For each use in the zone, the total parking demand is calculated using the standards above or in
224 Section 16.8.9.4 if not modified above. Then each nonresidential use is exempt from providing off-

Town Planner Items
Outdoor Seating/Cafes – Permitting and Pedestrian Ways
Town Code - Land Use and Development Code Title 16 Amendments

225 street parking for the first ~~ten~~three required spaces. For uses requiring a demand of greater than
226 ~~ten~~three, then the off-street parking is to be provided on-site and/or in accordance with subsections
227 (E)(2) and (3) of this Section.
228

229 3. Off-Site Parking.

230 Required off-street parking may be satisfied at off-site locations provided such parking is on other property
231 owned by the applicant or is under the terms of a ~~contractual~~written agreement that will ensure such
232 parking remains available for the uses served. Applicant must present evidence of a parking location
233 and a ~~contractual~~written agreement to the Town Board or officer with jurisdiction to review and
234 approve.
235

236 4. Joint Use Parking.

237 a. Such joint parking areas must be held under ownership of the applicant or under terms of a ~~contractual~~
238 written agreement that ensures such parking remains available to all users of the shared parking spaces;

239
240 **16.3.2.17 Shoreland Overlay Zone OZ-SL.**
241

242 **B. Permitted and Special Exception Land Use.**
243

244 8. Business – Local Zone (B-L).

245 b. Special Exception Uses.

246 ~~xxi. Residential dwelling units as part of a mixed-use building; and~~
247 xxii. Outdoor Seating/Cafe per Title 16, Chapter 8, Article XXIX and Title 5 Chapter 10 where applicable
248 where applicable.
249

250
251 11. Commercial – 1 Zone (C-1).

252 b. Special Exception Uses.

253 ~~xxii. Aquaculture; and~~
254 xxiii. Outdoor Seating/Cafe per Title 16, Chapter 8, Article XXIX and Title 5 Chapter 10 where applicable
255 where applicable.
256

257
258 16. Mixed Use- Kittery Foreside Zone (MU-KF).

259 b. Special Exception Uses.

260 ~~xix. Public utility facilities, including substations, pumping stations, and sewage treatment facilities;~~
261 xx. Outdoor Seating/Cafe per Title 16, Chapter 8, Article XXIX and Title 5 Chapter 10 where applicable
262 where applicable.
263

Town Planner Items
Outdoor Seating/Cafes – Permitting and Pedestrian Ways
Town Code - Land Use and Development Code Title 16 Amendments

264 **D. Standards.**

265

266 1. Minimum lot standards

267

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

270

271 i. Mixed Use -Badgers Island (MU-BI) and Mixed Use Kittery Foreside (MU-KF) Zones, where the
272 maximum lot coverage is sixty (60) percent. ~~The Planning Board of Appeals may approve a miscellaneous~~
273 appeal application to increase allowable lot coverage in the Mixed Use -Badgers Island (MU-BI) zone to
274 seventy (70) percent where it is clearly demonstrated that no practicable alternative exists to accommodate a
275 water-dependent use.

276

277 2. Principal and Accessory Structures – Setbacks and Development.

278

279 b. Accessory patios or decks no larger than five hundred (500) square feet in area must be set back at least
280 seventy-five (75) feet from the normal high water line of any water bodies, tributary streams, the upland
281 edge of a coastal wetland, or the upland edge of a freshwater wetland. Other patios and decks must satisfy
282 the normal setback required for principal structures in the Shoreland Overlay Zone.

283

284

285 Article XXIX Outdoor Seating/Café.

286

287 16.8.29.1 Purpose.

288 This Article is enacted to promote more attractive, communal, orderly and functional pedestrian oriented
289 streetscapes including public and private outdoor seating, tables and outdoor café/food service areas.

290

291 16.8.29.2 Applicability.

292

293 A. In General. The Planning Board may, where such use is permitted in a Zone per Chapter 16.3, approve a
294 site plan that uses the public street right-of-way and/or yard areas based on the standards of this Article.
295 Areas within the public right-of-way behind the curb face or edge of pavement and a front, side or rear yard
296 may be used to create places for outdoor public and commercial seating and/or food service.

297

298 B. Exceptions. Where a side or rear yard abuts an existing residential use, said public or private outdoor
299 seating, tables and/or café area is not permitted in the abutting yard.

300

301 C. Right-Of-Way Use Duration. Approved outdoor public or private outdoor seating/cafés within the public
302 right-of-way are restricted to seasonal use between the dates of May 1st and November 1st.

Town Planner Items

Outdoor Seating/Cafes – Permitting and Pedestrian Ways

Town Code - Land Use and Development Code Title 16 Amendments

303

304 D. Right-Of Way Use Permit Required. Outdoor seating / café approved by the Planning Board for use in
305 the public right-of-way under this Article must obtain a permit for use by the Town Council prior to
306 the commencement of the use per Title 5 Chapter 10.

307

308

309 **16.8.29.3 Standards.**

310

311 A. Accessible Pedestrian Passage.

312 1. The use of the area approved for use under this Article must not interfere with the accessibility of the
313 public right-of-way on the pedestrian way/sidewalk and traveled way.

314 2. A passageway width must be provided to facilitate safe pedestrian passage and must conform to
315 American Disability Act specifications. In areas of high volume pedestrian traffic or other circumstances
316 that may impact public safety, the Planning Board may require a wider passageway.

317

318 B. Use Area Boundary

319 1. Approved outdoor seating/café area boundaries must be delineated to ensure compliance with the
320 approved site plan and maintain order for pedestrian passage.

321 2. Elements used to delineate the boundary must be temporary and moveable objects that extend no higher
322 than 36 inches in vertical height off the ground and provide a five (5) foot clear entranceway for access.

323 3. Where feasible, to remain consistent with the objective of developing attractive tree lined streets and
324 greener streetscapes, planters and annual flower boxes must be integrated into the boundary design.

325 4. All boundary elements and methods of construction details must be included in the site plan application
326 and must be approved by the Planning Board.

327 5. Bolting of the boundary elements to the sidewalk is prohibited.

328

329 C. Area Elements. Areas approved by the Planning Board for use under this Article may contain temporary
330 chairs, benches, tables and umbrellas. The location, number, and design of said elements must be depicted
331 on the site plan and subject to Planning Board approval.

332

333 D. Parking. The first fifteen required off-street parking spaces for outdoor seating/café use are exempt.

334

Town Planner Items
Outdoor Seating/Cafes – Permitting and Pedestrian Ways
Town Code - Land Use and Development Code Title 16 Amendments

335 ++++++

336

337

338 Chapter 16.8 DESIGN AND PERFORMANCE STANDARDS – BUILT ENVIRONMENT

339 Article IV. Streets and Pedestrian ways/ Sidewalks Site Design Standards

340 16.8.4.1 Purpose.

341 Streets will be designed as complete streets, i.e. streets that enable multi-modal use for pedestrians,
342 bicycles, and vehicles, and The design of streets must provide for proper continuation of streets from
343 adjacent development and for proper projection into adjacent undeveloped and open land. These design
344 standards must be met by all streets-street improvements within Kittery and control apply to roadway street,
345 shoulders, curbs, sidewalkspedestrian ways/sidewalks, drainage systems, culverts and other appurtenances.

346

347

348 16.8.4.13.1 Pedestrian Way Easements / Open Space Requirements

349

350 Easements granted for the construction of pedestrian connectivity are a form of manmade open space
351 unifying the built and natural environments. Such areas are to be considered part of a development's open
352 space requirement.

353

354 16.8.9.5 Pedestrian Ways / Sidewalks

355 A. Waiver of Lot Coverage. Easements granted by property owners for the construction and use as a
356 pedestrian way / sidewalk will not be counted as lot coverage.

357 B. Maintenance. The developer, or owner, is required to maintain all improvements and provide for snow
358 removal on streets and pedestrian ways/sidewalks unless and until the improvement has been accepted by
359 the Town Council.

360

361

**Town of Kittery
Planning Board Meeting
August 14, 2014**

Betty Welch Road Cluster Subdivision - Sketch Plan Review

Landmark Properties, LTD., owner and Chinburg Builders, Inc., applicant, proposes to develop a 24-lot single family cluster subdivision on 86.5 +/- acres. The site is identified as Tax Map 22 Lots 2A & 8 in the Residential Rural and Shoreland Overlay Zones. Agent is Jeff Clifford, P.E., Attar Engineering.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
Yes	Sketch Plan Review / Acceptance	TBD 8/14/14	
Yes	Site Visit	Title 16.10.5.1.3	
Yes	Preliminary Plan Review Completeness/Acceptance		
Yes	Public Hearing		
Yes	Preliminary Plan Approval		
Yes	Final Plan Review		

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

Note to agent: Provide the map and lot number in 1/4" high letters at the lower right border of all plan sheets.

Staff Comments:

Review of 7/24/14 submittal documents: Application, Project Narrative and attachments; Proposed subdivision plan sheets CC-1, CC-2 and CC-3.

Title 16.8.11.5. - Application Procedure - Sketch Plan

- A.1.a Dimensional standards and identified areas for modification included (Sheet CC-3). Exact modification requests should be submitted at Preliminary Plan Completeness Review.
- A.1.b Current floodplain (FIRM) maps indicate the site is not located within a floodplain and, other than wetlands and pending soil survey, there are no identified areas unsuitable for development per Chapter 16.7, Article VIII.
- A.1.c Calculations for net residential acreage and density included on Sheet CC-3.
- A.1.d Sheet CC-3: Open space of 50% minimum appears to have been met. Upland open space of 30% of net residential acreage (25 acres), totals 7.5 acres (calculation on Sheet CC-3 indicates 7.2 acres based on 24 acres). It is unclear from the Zoning Summary on the Sheet CC-3 how the 'Total Uplands Area' is derived. Staff spoke to the Jeff Clifford with Altus Engineering and obtained clarification of the information depicted on the plan. Since all of the wetlands have not been delineated and soils report not finalized, the upland area that has been delineated, as depicted in dark green, including the area with the proposed lots and street, is used as a starting point. The expectation is to have the soils information and a more refined upland area number before the Board grants approval of the sketch plan.

2. Constraints to development: Plan Sheets CC-2 (Existing Conditions) and CC-3 (Concept Plan) identify wetlands, existing utilities (Kittery Water District easement), wetland protection areas, and wetlands setbacks. Beginning with Habitat map identifies the site location, and applicant will seek habitat determination from the Department of Inland Fisheries and Wildlife. There are no existing driveways, structures, etc. identified on the site.
3. Project Narrative is provided. Further review is needed to determine whether cluster objectives have been satisfactorily met, including road length/width, wetlands mitigation, identification of existing natural features/sites, habitat, etc.
4. Proposed building envelopes provided (Sheet CC-3). Lot dimensions not included.

Title 16.10.4.2 Sketch Plan Review Phase.

In addition to the above Title 16.10.4.2.1.A directs the Board to:

“... Determine whether the sketch plan proposal complies with the standards contained herein, and must, where it deems necessary, make specific suggestions in writing to be incorporated by the applicant in subsequent submissions.”

Title 16.8.11.6.I.5 requires the 100-foot wetland setback, shown on the plans, to be a “permanently maintained no cut, no disturb buffer” area. The proposed development includes the new street located within this buffer rather than in the vicinity of proposed lots 1, 2 and 8. The applicant’s interpretation is that the street does not incur a 100-foot setback per Table 16.9 so there is not a 100-foot wide buffer to maintain. Instead they maintain a 30-foot setback per Table 16.9. Staff’s interpretation (and the Board’s recent application of this provision on Bartlett Hill and 143 BBH Road) is that while there are principle buildings on the site that incur a 100-foot setback and thus an equally sized buffer, you cannot “permanently” maintain it as a no cut, no disturb buffer by allowing development, such as a street, within it. Simply having the proposed street meet the minimum wetland setbacks in Table 16.9 shouldn’t negate the meeting the standard to maintain all the setbacks (including the building setback in Table 16.9) as a no cut, no disturb buffer as required in the 16.8.11.6.I.5.

It would be helpful for the Applicant to review with the Board the various state and federal permitting the project may incur, i.e. MDEP Site Location Permit, MDOT Traffic Moving Permit and a MDHHS Engineered SWD system and the associated review thresholds.

Recommendation

The sketch plan submittal appears sufficiently complete, with an understanding that the missing soil information is forthcoming, for the Board to schedule of a site walk.

The Board should discuss the various modifications of the dimensional requirements necessitated by the proposed Sketch Plan, to direct the applicant as to what modifications the Board may ultimately grant. Upon receipt of the preliminary plan, further review will focus on specific details including modification and waiver requests (road length and/or width), subsurface wastewater disposal, stormwater management, traffic impacts, etc.



**Civil
Site Planning
Environmental
Engineering**

133 Court Street
Portsmouth, NH
03801-4413

July 24, 2014

Gerald Mylroie, Town Planner
Town of Kittery
200 Rogers Road
Kittery, Maine 03904

Re: **Cluster Subdivision
Map 66, Lots 2A & 8
Betty Welch Road
Kittery, Maine
P-4567**

Dear Mr. Mylroie:

Altus Engineering, Inc. is pleased to submit on behalf of the applicant, Chinburg Builders, Inc., an *Application for Subdivision – Sketch Plan Review* to the Kittery Planning Board for a proposed 24-lot clustered subdivision at the subject 86.5(±) acre property located on the east side of Betty Welch Road. This Sketch Plan submission includes the following materials:

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

As discussed, wetlands have been flagged and surveyed, however a Class A soils survey has not been performed at this time. To allow for initial discussion of the project, we request the Board temporarily waive this submission requirement with the understanding that the soils survey will be completed and submitted prior to approval of the Sketch Plan.

The applicant seeks to be placed on the August 14, 2014 Planning Board agenda and have a follow-up site walk with Board members. Please call if you have any questions or require additional information.

Sincerely,

A handwritten signature in brown ink, appearing to read "Jeff Clifford", is written over a light blue horizontal line.

Jeffrey K. Clifford, P.E.
Vice President

RMB/JKC/jkc/4567.001.GM.ltr.doc
Enclosures

e-copy (w/encl.):

Paul Kerrigan, Chinburg Builders, Inc.
Scott Gove, The Gove Group



TOWN OF KITTERY MAINE
TOWN PLANNING AND DEVELOPMENT DEPARTMENT

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

CLUSTER DEVELOPMENT - SKETCH PLAN REVIEW

Application Fee:		<input checked="" type="checkbox"/> \$300.00	Amount Paid: \$ _____	Date: _____		
PROPERTY DESCRIPTION	Parcel ID	Map 66	Zone(s)-Base:	R-RL	Total Land Area	86.5(+/-) ac.
		Lot 2A & 8	Overlay:	OZ-SL-250'	MS4	___ YES ___ X ___ NO
	Physical Address	40 Betty Welch Road and Cutts Road				
PROPERTY OWNER'S INFORMATION	Name	Landmark Properties, Ltd		Mailing Address	P.O. Box 186	
	Phone	207-363-4493			York, Maine 03909	
	Fax				Applicant: Chinburg Builders, Inc.	
	Email	fhart15091@aol.com			3 Penstock Way Newmarket, NH 03857	
APPLICANT'S AGENT INFORMATION	Name	Jeffrey K. Clifford		Mailing Address	Altus Engineering, Inc.	
	Phone	603-433-2335			133 Court Street	
	Fax	603-433-4194			Portsmouth, NH 03801	
	Email	jclifford@altus-eng.com				

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

<input checked="" type="checkbox"/> Property ownership (Title 16.8.11.4)
Existing use(s) of land (describe):
Vacant woodland that had been recently harvested. The lot is abutted by I-95 highway to the southeast; vacant parcels to the east and northwest; and a few single family homes to the northeast and southwest.

MINIMUM PLAN SUBMITTAL REQUIREMENTS – SKETCH PLAN

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

Sketch Plan format and content:

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

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

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

Existing:

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

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

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

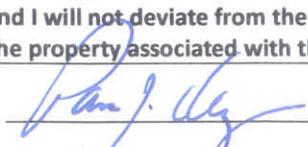
Distance to:

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

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

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

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

Applicant's Signature:		Owner's Signature:	
Date:	7-21-14	Date:	7-21-14

SKETCH PLAN - PROJECT NARRATIVE

CLUSTER SUBDIVISION

Map 66 Lots 2A & 8

Betty Welch Road

Kittery, Maine

The applicant proposes a cluster subdivision at an 86.5 acre property located on the easterly side of Betty Welch in Kittery, Maine. The property is approximately 1/4 mile south of the York town line and is comprised of two (2) parcels; Map 66, Lot 2A (61.5+/- acres) and Map 66, Lot 8 (25+/- acres). The property is abutted by Interstate Highway I-95 to the southeast; vacant parcels to the east, southwest and northwest; and several single family homes to the north and west. Lot 2A has over 2,100 feet of frontage along Betty Welch Road. The land is vacant woodlands and was recently timber harvested. There are two Kittery Water District water lines passing through the site. The westerly line has been abandoned; the easterly 20-inch line is an active transmission main.

The proposed clustered subdivision includes 24 single family residential lots. The project has been designed to fit harmoniously into the landscape and maintain the rural and woodland character of the surrounding area using concepts and guidelines developed for conservation subdivision design. A 27,000 s.f. village green is proposed in the center of the development as a play area and for neighborhood gatherings. The project will provide 76.5(±) acres of protected common open space, encompassing 88% of the total site. The open space is configured to maximize buffers to the natural resources on and near the property. It connects to woodland tracts on adjacent properties and provides a significant forested buffer to wetlands. The open space provides significant opportunities for foot trails. Covenants and deeded conservation easements will ensure that the common open space will remain protected from further development. A homeowners association will preside over open space and facility maintenance.

The project does not maximize the allowed density. Under provisions in the Kittery Land Use and Development Code (LUDC) and proposed amendments, the cluster subdivision could potentially yield 27 lots (or units) based on an initial assessment of the Net Residential Acreage calculation. However, additional soil investigations will be necessary to complete this calculation. Through the flexibility provided in the ordinance's cluster provisions, the project team found that carefully locating the house lots respected the land's natural features, and provided a community atmosphere.

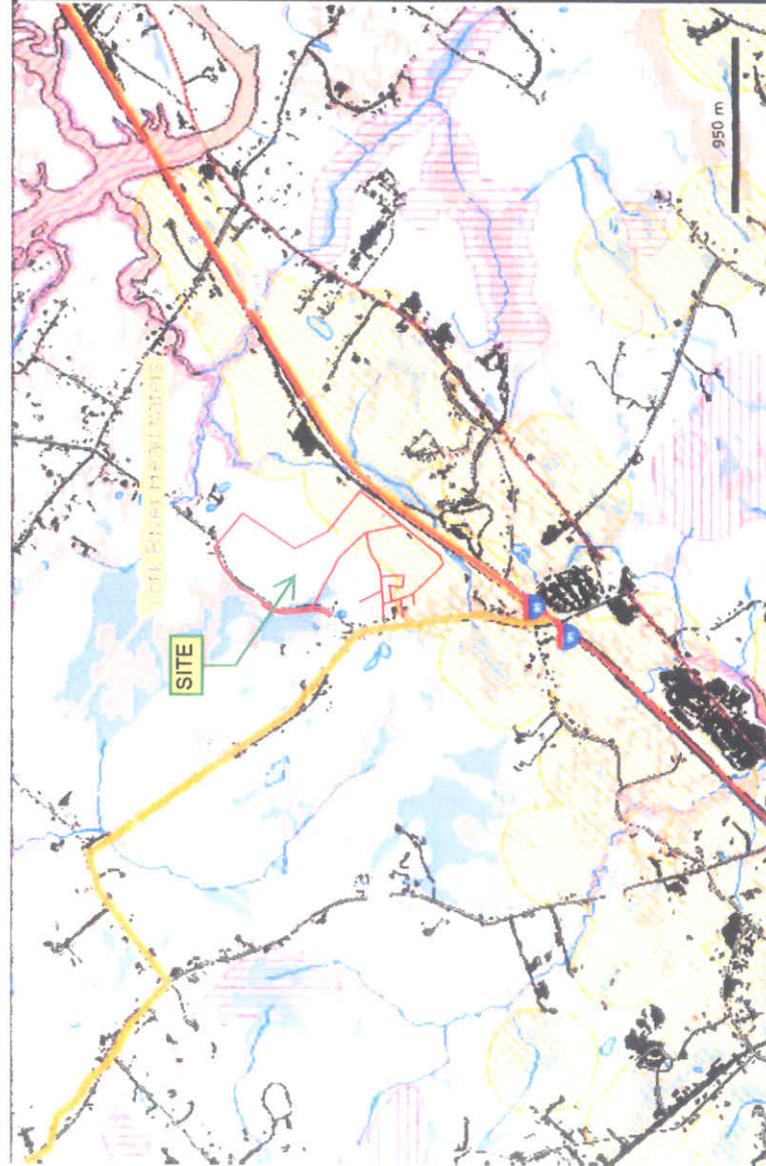
Much consideration has been given to appropriate wastewater treatment technologies for the project and providing a suitable area for subsurface wastewater disposal. A community leach field system and reserve areas are proposed at a topographic knoll on the southerly parcel (Lot 8). Each lot 10,000 square foot lot will have its own septic tank and advance treatment system that will pump high quality effluent to the community leach fields via a common force main. The lots will be serviced with municipal water.

Beginning with HABITAT

beginning with habitat build a map



[Search Features](#) | [Print Map](#) | [Create Image](#) | [Print Legend](#) | [About](#) | [Login](#)



Map Theme: **High Value Plant & Animal Habitat**

Feature Data Legend Markup

Click here for conservation information regarding high value plant & animal habitat

Rare, Threatened, or Endangered Wildlife Polygon

Object ID	324913
Encyclopedia Link	Go to Encyclopedia
Common Name	New England Cottontail
Global Rank	G3
State Rank	S2
State Protection Status	Endangered

Focus Areas

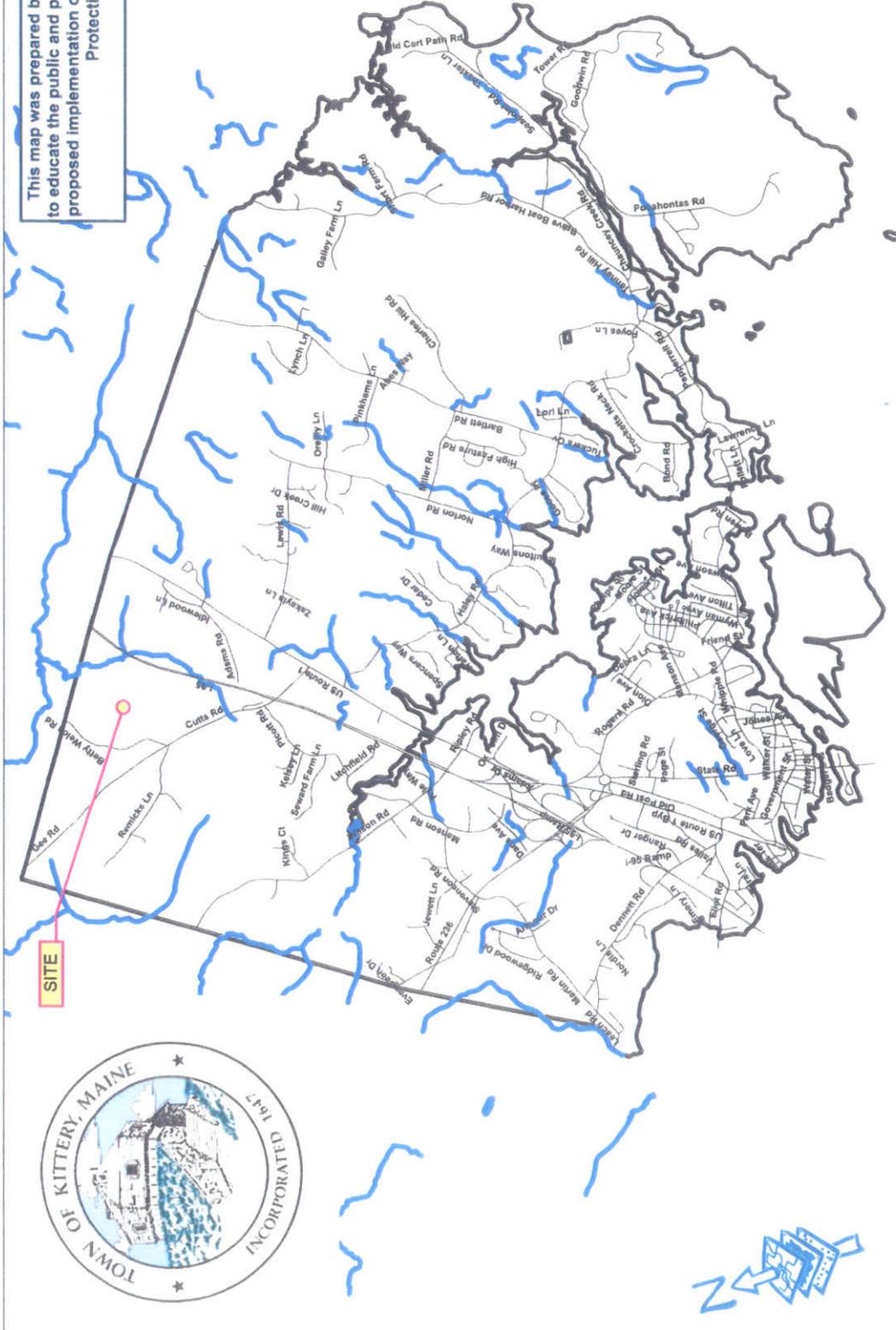
View Focus Area Description	
Object ID	58
Name	York River Headwaters
Acres	8,773.18

UTM Zone 18N X = 356,655.95 Y = 4,778,895.57

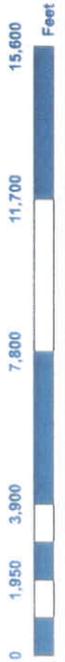
Copyright © 2008 Beginning with Habitat. All rights reserved. Developed by ArcGIS. BWH-Online v0.8.1 [dev 1]

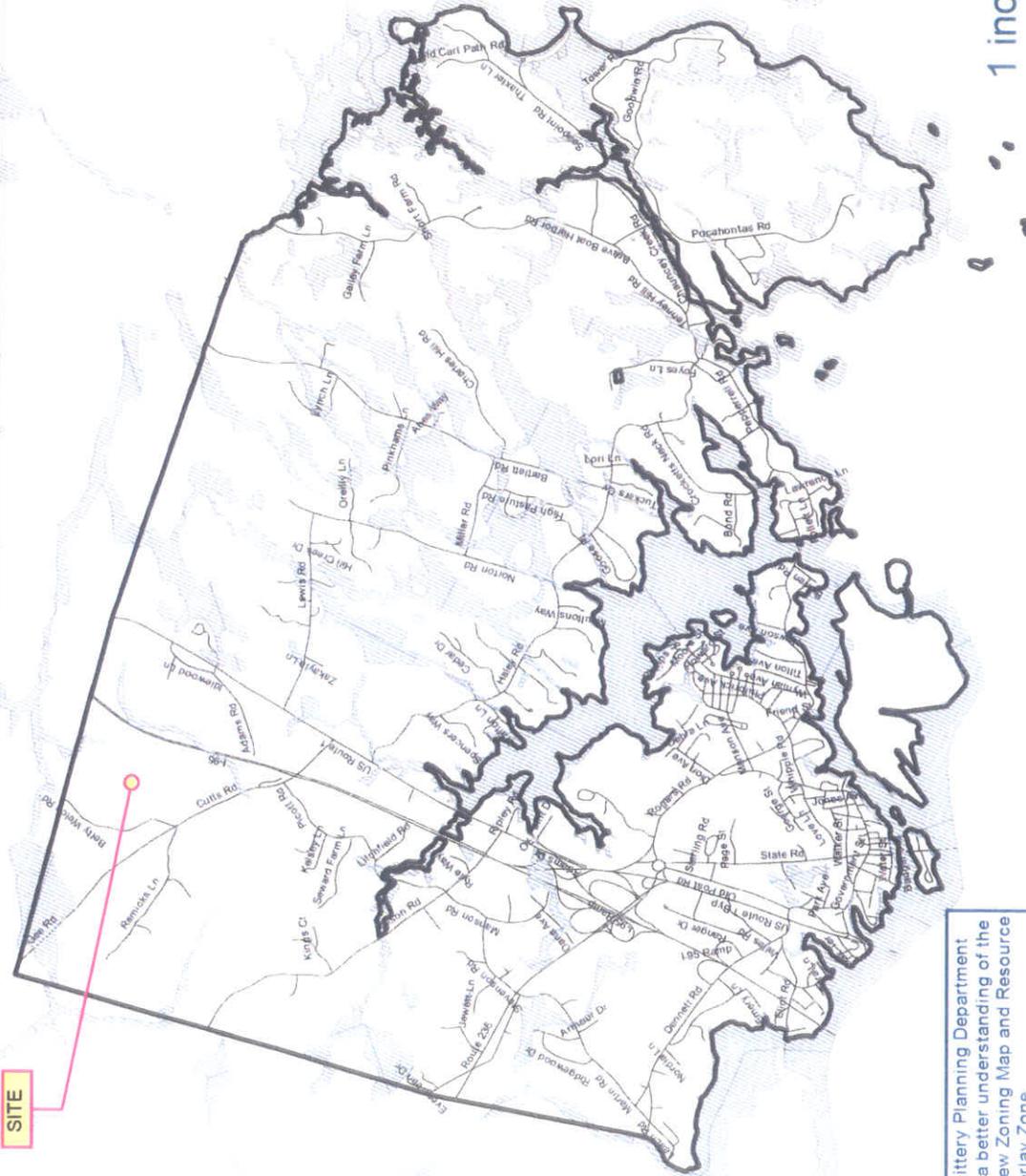
This map was prepared by the Kittery Planning Department to educate the public and provide a better understanding of the proposed implementation of the new Zoning Map and Resource Protection Overlay Zone. November 19, 2009 - maa

Stream Buffers in Kittery



1 inch = 1,500 feet





1 inch = 1,500 feet

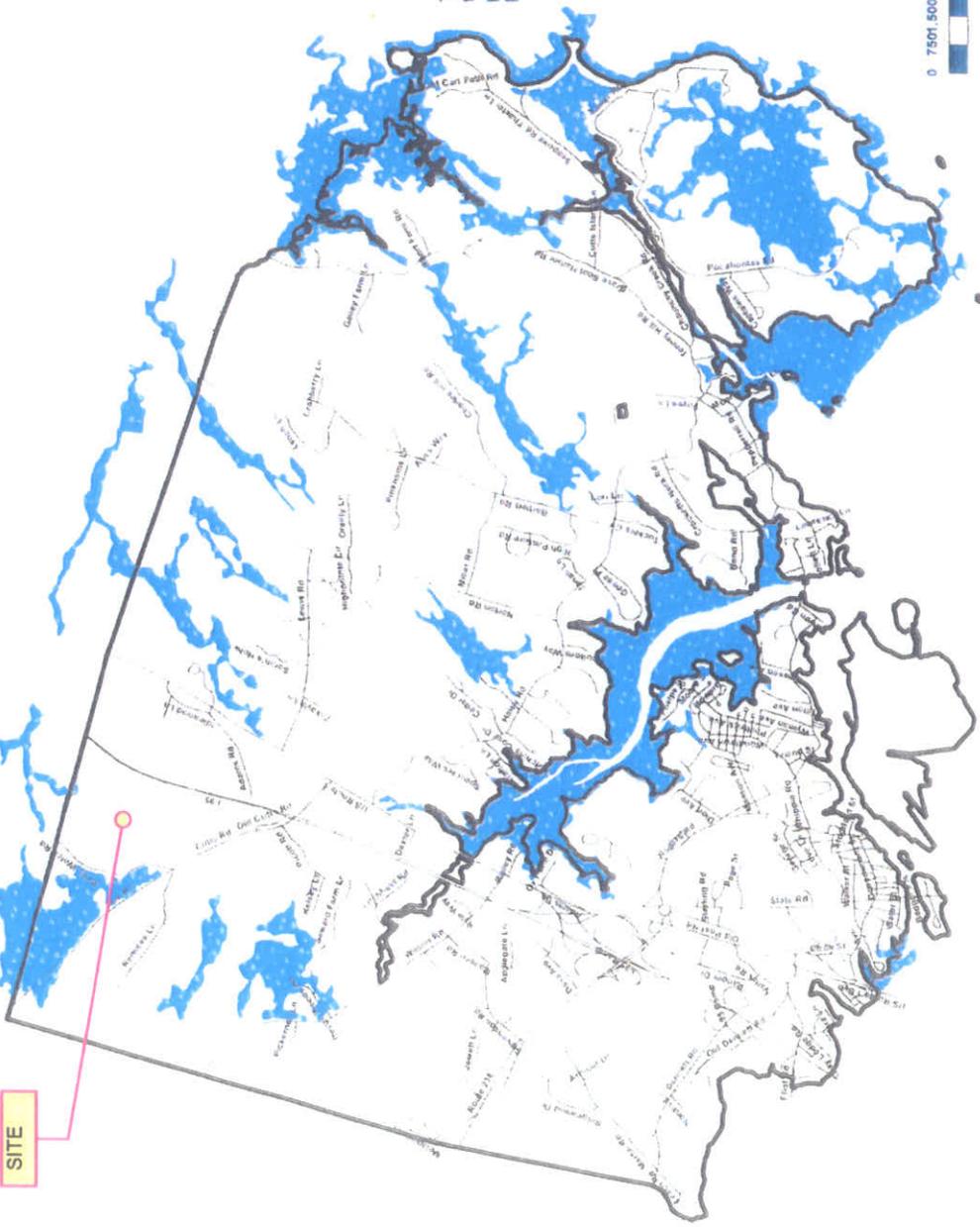
FEMA 100 Year Floodplain in Kittery

This map was prepared by the Kittery Planning Department to educate the public and provide a better understanding of the proposed implementation of the new Zoning Map and Resource Protection Overlay Zone.

November 19, 2009 - maa



Significant Wetlands (+2 Acres) in Kittery



SITE



This map was prepared by the Kittery Planning Department to educate the public and provide a better understanding of the proposed implementation of the new Zoning Map and Resource Protection Overlay Zone.

November 19, 2009 - maa



1 inch = 1,500 feet



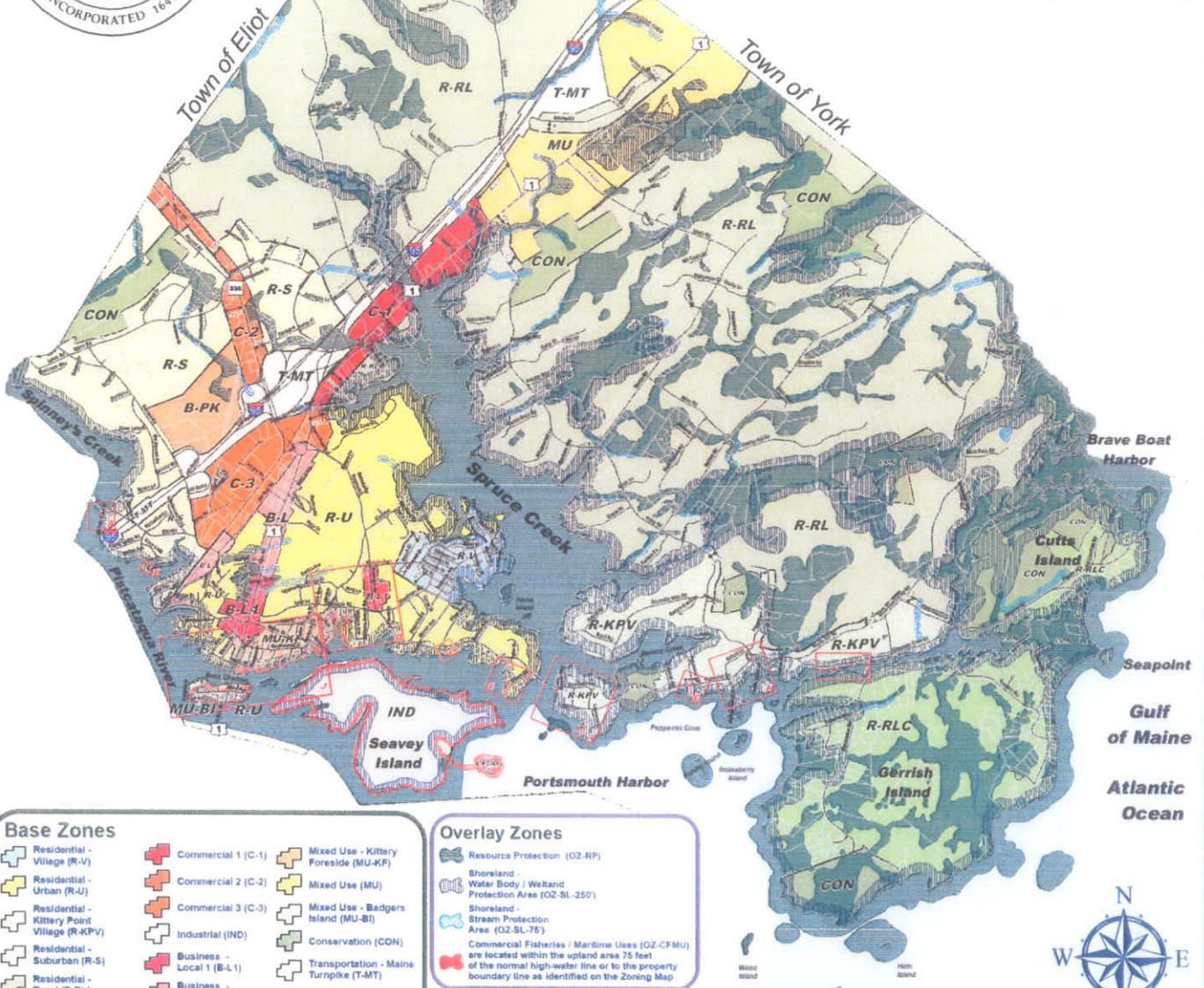


Town of Kittery

York County, Maine

Land Use Zoning Map

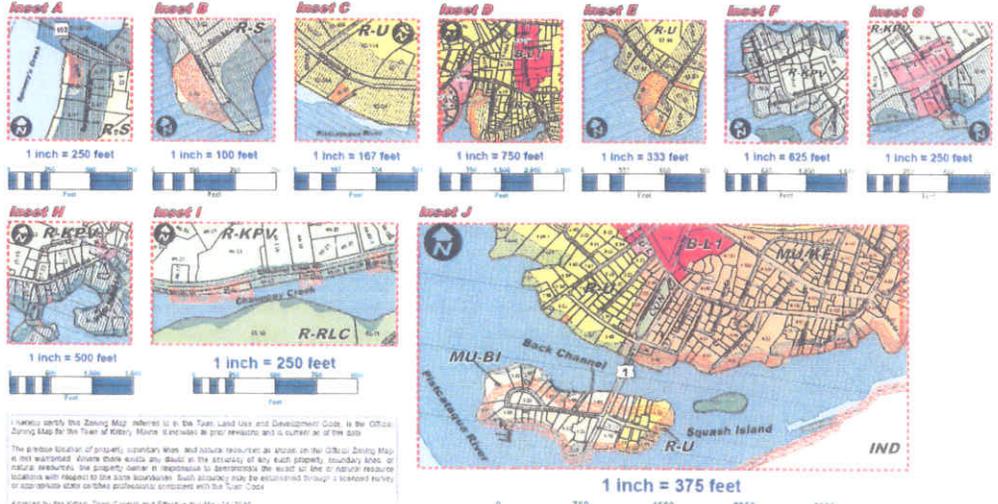
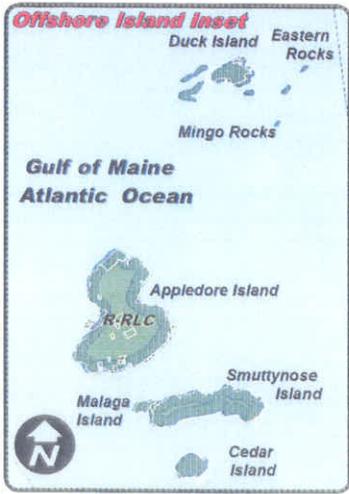
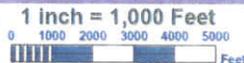
(A Growth Management / Comprehensive Plan Implementation Strategy)



Base Zones	
	Commercial 1 (C-1)
	Commercial 2 (C-2)
	Commercial 3 (C-3)
	Industrial (IND)
	Business - Local 1 (B-L1)
	Business - Local (B-L)
	Business - Park (B-PK)
	Mixed Use - Kittery Foreside (MU-KF)
	Mixed Use (MU)
	Mixed Use - Badgers Island (MU-BI)
	Conservation (CON)
	Transportation - Maine Turnpike (T-MT)

Overlay Zones	
	Shoreland - Water Body / Wetland Protection Area (OZ-SL-250)
	Shoreland - Stream Protection Area (OZ-SL-75)
	Commercial Fisheries / Maritime Uses (OZ-CF/MU)

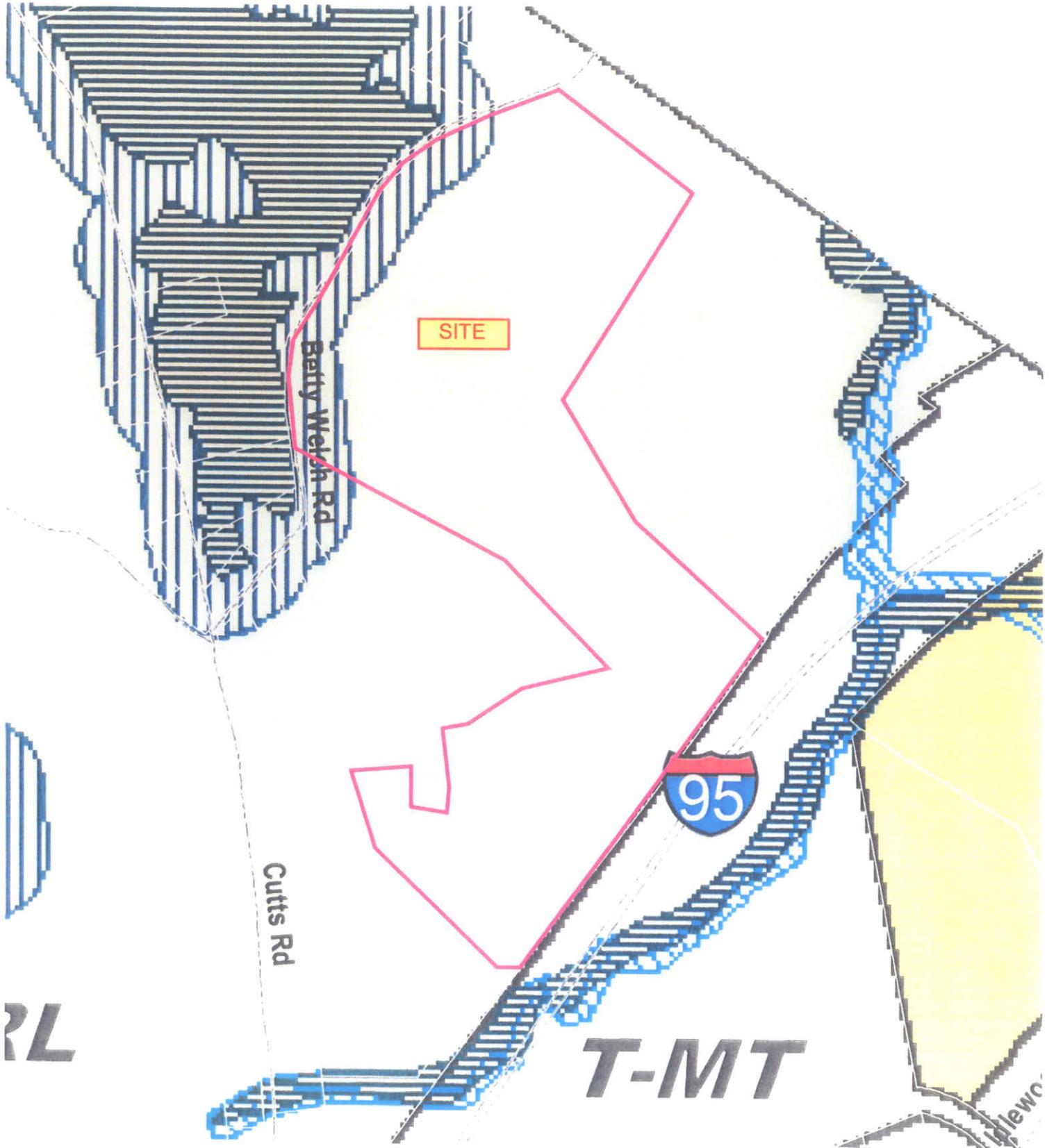
Commercial Fisheries / Maritime Uses (OZ-CF/MU) are located within the upland area 75 feet of the normal high-water line or to the property boundary line as identified on the Zoning Map.



I hereby certify this Zoning Map referred to in the Town Land Use and Development Code is the Official Zoning Map for the Town of Kittery, Maine as amended and is current as of the date...

Maryann Aron 5/4/10

Mayor/Planner, Town Clerk



SITE

Batty Welsh Rd

Cutts Rd

95

RL

T-MT

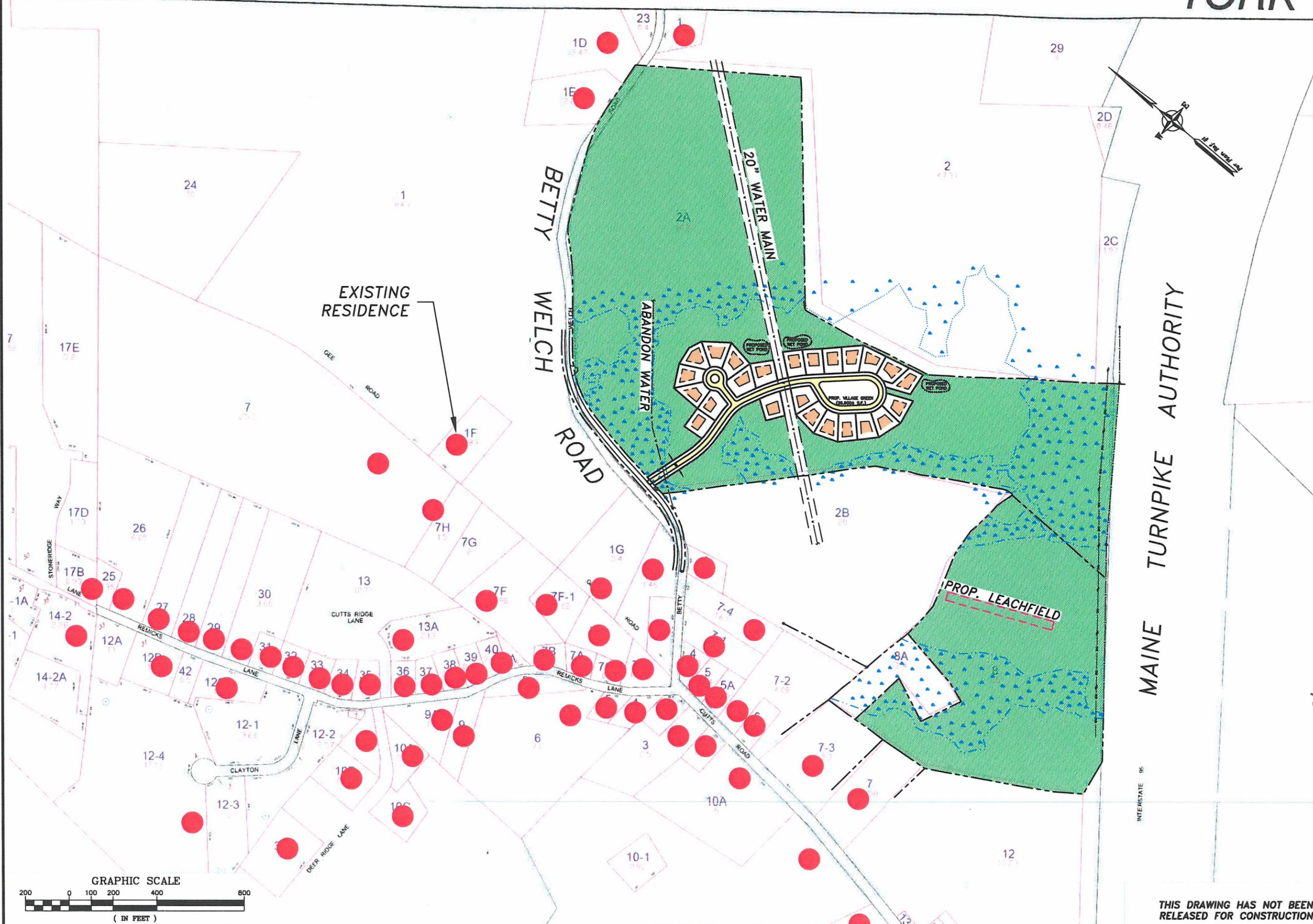
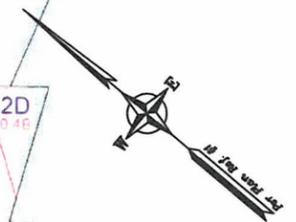
lewo

YORK

YORK



133 COURT STREET PORTSMOUTH, NH 03801
VOICE: (603) 433-2335
FAX: (603) 433-4184

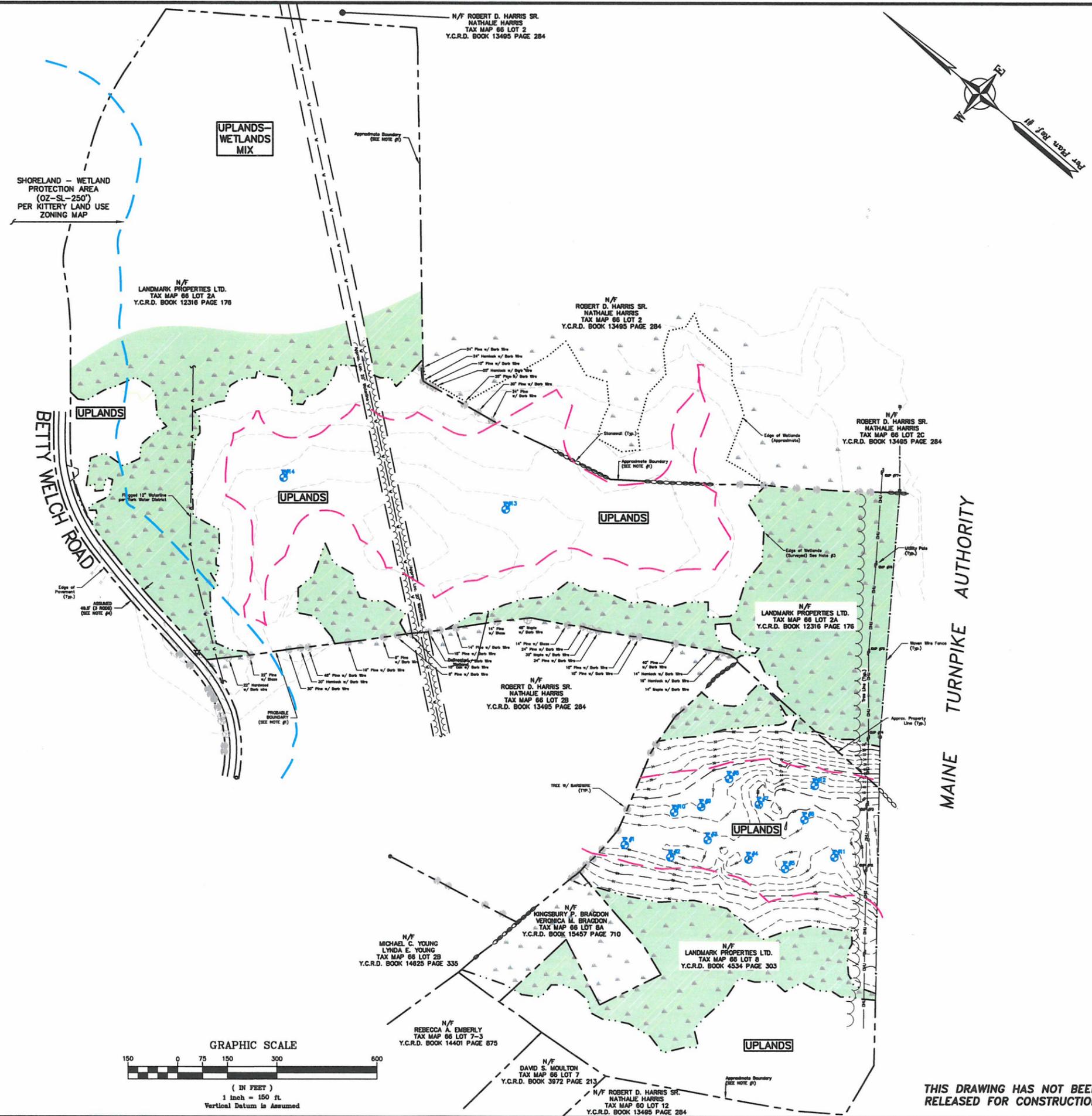


PLAN REFERENCE:

1. "PROGRESS PRINT FOR PROPERTY AT BETTY WELCH ROAD, KITTELY, MAINE", PREPARED FOR CHINBURG BUILDERS, 3 PENSTOCK WAY, NEWMARKET, NH 03857, PREPARED BY NORTH EASTERLY SURVEYING, INC., DATED FEB. 24, 2014.

NOTES:

1. THIS IS NOT A BOUNDARY SURVEY AND ALL BOUNDARIES SHOWN ARE APPROXIMATE AND MUST BE CONFIRMED AS PART OF A STANDARD BOUNDARY SURVEY. THE PURPOSE OF THE PLAN IS FOR PLANNING AND DUE DILIGENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON FOR BOUNDARY INFORMATION.
2. WETLANDS SHOWN WERE DELINEATED BY GOVE ENVIRONMENTAL.
3. THE LOCATION OF TAX MAP 66 LOT 8A IS APPROXIMATELY SHOWN BASED ON CURRENT TAX MAPS AND CONVERSATIONS WITH THE CURRENT OWNER OF RECORD, VERONICA BRAGDON (FORMERLY ADAMS). FURTHER RESEARCH MUST BE DONE TO CONFIRM THE LOCATION OF THIS PARCEL WITH CERTAINTY.
4. BETTY WELCH ROAD IS ASSUMED TO BE 3 RODS WIDE BASED ON STATUTE AND RECORD PLANS IN THE VICINITY.



ALTUS
ENGINEERING, INC.

135 COURT STREET PORTSMOUTH, NH 03801
VOICE: (603) 433-2330
FAX: (603) 433-4104

ISSUED FOR:
SKETCH PLAN REVIEW

ISSUE DATE:
JULY 24, 2014

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	JKC	7/24/14

DRAWN BY: _____ RMB
APPROVED BY: _____ JKC
DRAWING FILE: 4567CONCEPT2.DWG

SCALE:
1" = 150'

OWNER:
LANDMARK PROPERTIES, LLC
P.O. BOX 186
YORK, MAINE 03909

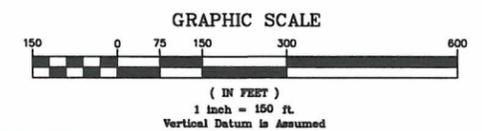
APPLICANT:
CHINBURG BUILDERS, INC.
3 PENSTOCK WAY
NEWMARKET, NH 03857

PROJECT:
PROPOSED SUBDIVISION
MAP 66 LOTS 2A & 8
BETTY WELCH ROAD
KITTELY, MAINE

TITLE:
SKETCH REVIEW - EXISTING CONDITIONS PLAN

SHEET NUMBER:
CC - 2

THIS DRAWING HAS NOT BEEN RELEASED FOR CONSTRUCTION



P4567

ZONING SUMMARY

ZONE: RESIDENTIAL RURAL (R-RL)

MAP 66 LOT 2A (PER TOWN GIS)	61.5 AC.
MAP 66 LOT 8 (PER TOWN GIS)	25.0 AC.
TOTAL LOT AREA	86.5 AC. ■■■
TOTAL UPLANDS AREA (PARTIAL CALC.)	39.52 AC. MIN. ■■■■
LESS R.O.V.	2.59 AC.
LESS EASEMENT	0.86 AC. ■■■
LESS 50% OF S.P.D. SOILS	8.97 AC. ■■■
LESS 50% WETLANDS BUFFER	2.10 AC. ■■■
NET RESIDENTIAL ACREAGE	25.00 AC.

ALLOWABLE LOTS PER NET RESIDENTIAL DENSITY
(25.00 AC = 43,560 SF/AC / 40,000 S.F./LOT) 27 LOTS (24 LOTS PROPOSED)

	REQUIRED	PROVIDED
CLUSTER RESIDENTIAL DEVELOPMENT		
OPEN SPACE TOTAL (50% OF TOTAL LOT AREA) (0.50 = 86.5 AC.)	43.25 AC.	76.5+ AC.
OPEN SPACE UPLANDS - 30% OF NET RESIDENTIAL ACREAGE (0.30 = 24.00 AC.)	7.20 AC.	> 7.20 AC.

SETBACKS	STANDARD	CLUSTER
LOT SIZE	40,000 S.F.	10,000 S.F. MIN. ■■■■
FRONTAGE	150 FEET	■
FRONT YARD	40 FEET	■
SIDE YARD	20 FEET	■
REAR YARD	20 FEET	■
WETLANDS		
ROAD	30' OR 10' FROM TOE OF SLOPE	50 FT
BUILDING (WETLANDS < 1 AC.)	50 FT	50 FT
BUILDING (WETLANDS 1 AC. OR MORE)	100 FT	100 FT

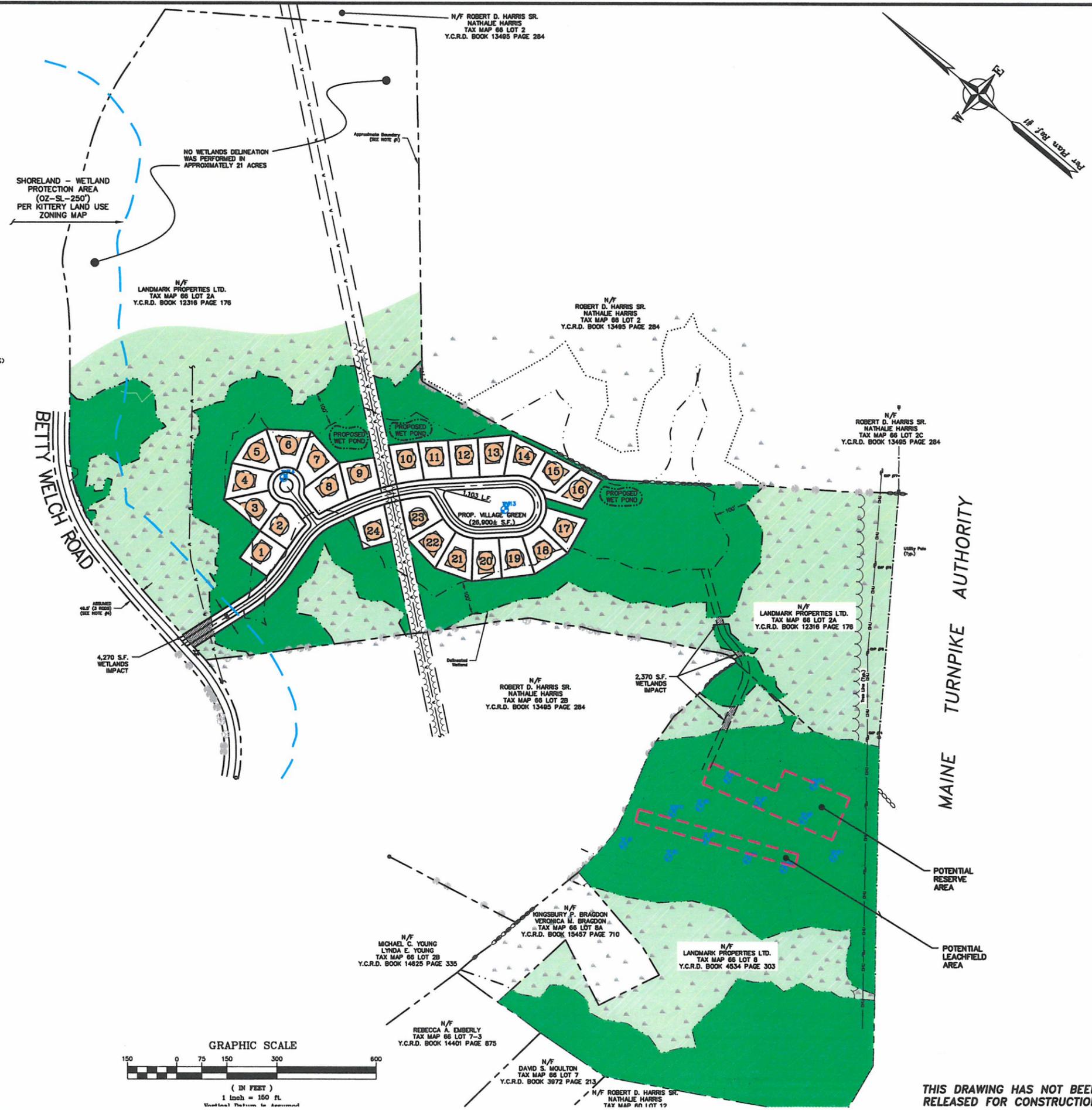
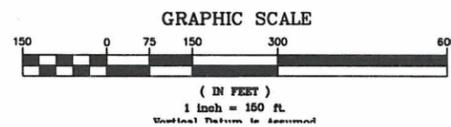
■ DIMENSIONAL MODIFICATIONS ALLOWED
 ■■■ PRELIMINARY - REQUIRES FINAL FIELD DETERMINATION
 ■■■■ NO DELINEATION OF UPLANDS WAS PERFORMED IN THE NORTHEASTERN PORTION (2± ACRES)
 ■■■■■ POTENTIAL COMMUNITY SEPTIC SYSTEM WITH INDIVIDUAL PRETREATMENT SYSTEMS

LOT AREA TABLE

LOT #1	10,211 SF
LOT #2	10,710 SF
LOT #3	10,125 SF
LOT #4	10,592 SF
LOT #5	10,427 SF
LOT #6	10,952 SF
LOT #7	10,427 SF
LOT #8	11,812 SF
LOT #9	10,924 SF
LOT #10	10,232 SF
LOT #11	10,121 SF
LOT #12	10,244 SF
LOT #13	10,475 SF
LOT #14	10,141 SF
LOT #15	10,167 SF
LOT #16	10,518 SF
LOT #17	10,380 SF
LOT #18	10,179 SF
LOT #19	10,133 SF
LOT #20	10,587 SF
LOT #21	10,621 SF
LOT #22	10,408 SF
LOT #23	10,569 SF
LOT #24	10,349 SF

LEGEND:

- PROPERTY LINE (APPROX.)
- OZ-SL-250' PROTECTION AREA
- UPLANDS
- WETLANDS
- BUILDING ENVELOPE
- ⊗ TEST PIT



THIS DRAWING HAS NOT BEEN RELEASED FOR CONSTRUCTION



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ISSUED FOR: SKETCH PLAN REVIEW

ISSUE DATE: JULY 24, 2014

REVISIONS	NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION		JKC	7/24/14

DRAWN BY: RMB
 APPROVED BY: JKC
 DRAWING FILE: 4567CONCEPT2.DWG

SCALE: 1" = 150'

OWNER: LANDMARK PROPERTIES, LLC
 P.O. BOX 188
 YORK, MAINE 03909

APPLICANT: CHINBURG BUILDERS, INC.
 3 PENSTOCK WAY
 NEWMARKET, NH 03857

PROJECT: PROPOSED SUBDIVISION
 MAP 66 LOTS 2A & 8
 BETTY WELCH ROAD
 KITTEERY, MAINE

TITLE: SKETCH REVIEW - 24 (10K) LOTS CONCEPT PLAN

SHEET NUMBER: CC - 3

P4567