



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

**AGENDA for Thursday, January 8, 2015**

**6:00 P.M. to 10:00 P.M.**

## **CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE – APPROVAL OF MINUTES – 12/18/2014**

**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 – (15 MIN.) – Town Code Amendment - Title 16.10.9.1.4. Approved Plan Expiration, Title 16.10.9.1.5 Requests for Extension and Title 16.9.3.8 Expiration of Wetlands Alteration Approval.**

Action: Hold a public hearing, review amendment and make recommendation to Town Council for adoption. Proposed amendment reduces the period of time in which extensions can be granted and modifies the process for extension requests.

~~**ITEM 2 – (30 MIN.) – McCoy Residence – Shoreland Development Plan Review.** Action: Hold a Public Hearing, grant or deny Plan approval. Kevin and Terry McCoy, owners/applicant request approval for a nonconforming structure reconstruction to include removal of an existing house, garage and shed and construct a new house, garage and barn at 24 Goose Point, Kittery, Tax Map 34 Lot 9 in the Residential Rural, Shoreland and Resource Protection Overlay zones. Agent is Architect Tom Emerson, Studio B-E Rescheduled to February 12, 2015 meeting.~~

**ITEM 3 – (30 MIN.) – Pine Tree Plaza Site Plan – Modification to an Approved Plan** Action: Hold a Public Hearing, grant or deny Plan approval. Kenneth Lemont, owner/applicant (for Harrison E. Lemont Management Co., Inc.), requests approval to amend an approved Site Plan to replace an existing building and ell with a new 2,450 sf building, and increase the existing garage at 435 US Route 1 in the Mixed Use zone, Tax Map 50, Lot 8. Agent is Jeff Clifford, P.E. with Altus Engineering, Inc.

**ITEM 4 – (15 MIN.) - Board Member Items / Discussion**

A. Amendments to Title 16, Discuss Town Council 1/5 Joint Workshop

**ITEM 5 – (10 MIN.) – Town Planner Items: TBD.**

## **NEW BUSINESS**

**ITEM 6 – (15 MIN.) – Old Armory Way Mixed Use Development — Preliminary Site Plan – Completeness Review** Action: Accept or Deny Plan Application, schedule a Public Hearing and Site Walk. Owner/applicant Ken McDavitt requests approval to construct two residential condominiums (total of three dwelling units) with 8 commercial boat slips at 15 Old Armory Way, Tax Map 4, Lot 51 in the Mixed Use Kittery Foreside Zone, and the Shoreland and Commercial Fisheries/Maritime Activities Overlay Zones. Agent is Ken Wood, P.E., Attar Engineering, Inc., Eliot, Maine.

**ITEM 7 – (30 MIN.) – State Road Mixed Use Development – Sketch Plan Review** Action: Review, grant or deny concept plan approval. Owner/Applicant Aaron Henderson, HGC, LLC requests approval for a mixed residential/commercial development at 42 State Road, Tax Map 3, Lots 5, 6 & 7 in the Business Local 1 Zone. Agent is Jeff Clifford, P.E. with Altus Engineering, Inc.

**ITEM 8 – (15 MIN.) – 118 Pepperrell Road — Shoreland Development Plan Review – Sketch Plan** Action: Accept or Deny Plan Application, schedule a Public Hearing and Site Walk. Steven Gerhartz and Susan Pendry, owner and applicant, requests approval to remove and reconstruct secondary dwelling unit and reconfigure existing stairs on primary dwelling unit at 118 Pepperrell Road in the Residential-Kittery Point Village and Shoreland Overlay zones, Tax Map 27, Lot 37. Agent is Ken Markley, R.L.S., North Easterly Surveying, Inc.

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.

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

UNAPPROVED  
December 18, 2014

4  
5 Meeting called to order at 6:02 p.m.

6 Board Members Present: Karen Kalmar, Deborah Driscoll, David Lincoln, Ann Grinnell, Robert Harris  
7 Members absent: Tom Emerson; Mark Alesse  
8 Staff: Chris DiMatteo, Town Planner

9  
10 Pledge of Allegiance

11  
12 Minutes: December 11, 2014

13 Ms. Kalmar moved to accept the minutes as submitted

14 Mr. Lincoln seconded

15 Motion carried by all members present (5-0-0)

16  
17 Public Comment: There was no public comment.

18  
19 OLD BUSINESS

20  
21 ITEM 1 – Board Member Items / Discussion

22 - Action List

23 Ms. Kalmar asked about what is meant by "site development pre-meeting; CMS construction  
24 inspection". Discussion followed regarding whether the code addresses this issue and existing CMA  
25 involvement in construction inspection for major site plan or subdivision, and involvement of Code  
26 Enforcement in the inspection process.

27 Ms. Davis: If there is a review checklist, it would be beneficial for the Board to know what the  
28 checklist involves before a project comes to the Board.

29 Ms. Fisk: In discussions with Mr. Mylroie, a site development pre-meeting would occur before any  
30 site work/development begins, where the applicant, CMA, Planning and Code staff meet to  
31 coordinate construction start dates and inspection schedules, and review the approved plan so that all  
32 parties are aware of approval conditions, the start and the progress of a project after Board approval.

33 Ms. Grinnell: Understood the pre-meeting had to do with meeting with the Fire Chief, DPW, etc.  
34 before the Board actually reviews the project.

35 Ms. Davis: Would like to know what staff reviews and discusses with the applicant prior to Board  
36 review.

37 Mr. DiMatteo: Pre-construction meeting would be after Board approval; the pre-meeting with  
38 applicants prior to Board review would be a different process.

39 Ms. Grinnell: Would like to see a list at the January 22 meeting of what staff reviews with the  
40 applicant pre-Board review.

41  
42 - Proposed Amendments to Town Council– 12/8/14 Meeting

43 Mr. DiMatteo: Everything will be on the table for Council consideration on January 5, excluding the  
44 LED ordinance revision which was adopted.

45 Ms. Kalmar: The Town Manager and Councilor comments received do not allow for Board review  
46 and comment.

47 Mr. DiMatteo: He responded to the Proposal Review group (Town Manager, Clerk, Fire Chief)  
48 comments under separate cover.

49 Mr. Lincoln: This is all very confusing with the multitude of documents, comments from Councilors  
50 Dennett and Denault, etc. and would like a summary of what is going forward at this point.

51 Mr. DiMatteo: Proposed this be further reviewed at the end of the meeting. Item B includes minor  
52 changes suggested by Councilor Dennett to the Town Manager. This item was removed from the list  
53 because of a lack of proper notice. This item could then be scheduled for a public hearing on January  
54 8 to meet the notice requirements, and then forward to Council for consideration at their January 26  
55 meeting.

56  
57 Ms. Kalmar moved to schedule a public hearing for items 16.10.9.1.4, 16.9.3.8 and 16.10.9.1.5 as  
58 presented December 18, 2014.

59 Ms. Davis seconded

60 Ms. Davis: Did the Board or Mr. Dennett remove references to 10 years and three years?

61 Mr. DiMatteo: The Board made the substantive changes. Mr. Dennett's edits were format and  
62 grammar only.

63 Discussion followed regarding what prompts the need and number of public notices and number of  
64 public hearings.

65 Motion carried by all members present (5-0-0)

66

67 - Route 1 – BP District TPB Advisory Committee

68 General discussion followed. Mr. Lincoln: Who is on the committee, what is the objective and  
69 status? Mr. DiMatteo: Will follow up on this and provide update at the January 22 meeting. Ms.  
70 Grinnell: Suggested Mr. Cochran or other member of this group meet with the Board as well to  
71 provide an update on the Committee status.

72

73 - Overlay Zone (Kittery Crossing and Coastal Route 1 Malls)

74 Ms. Davis: Tom Emerson and Susan Tuveson were on this committee.

75 Ms. Grinnell: This item should also be included on the January 22 meeting for an update.

76

77 - Committee Updates

78 - Comprehensive Plan:

79 Ms. Davis: The Committee will meet again on January 14.

80 Ms. Grinnell: The Board needs a list of Committees where a Board representative is needed. Mr.  
81 DiMatteo will provide a list to the Board for review.

82 - Port Authority:

83 Ms. Grinnell: Workshop was held on December 17 to review Bylaws; met with the Town  
84 Attorney regarding mooring issues; the Port Authority appears to be getting business in order.

85

86 Mr. Lincoln: What is the purpose of Board participation in all these committees? Are Board  
87 members to provide reports on committees activities that are relevant to the Board?

88 Ms. Grinnell: The committees involve development in Town, and it is an avenue for Board members  
89 to be aware of what is going on, through member reports, before something suddenly appears before  
90 the Board.

91 - Amended Bylaws

92 Ms. Kalmar: The draft is not yet complete, with new sections added addressing ex parte  
93 communication and workshops. The final update can be provided in the January 8 packets to be  
94 discussed at the January 22 meeting.

95 Ms. Davis: Council will be meeting soon to discuss the process for volunteer appointments to boards  
96 and committees. There may be some things that come out of that meeting that could affect our  
97 bylaws.

98 Ms. Grinnell: The Council meeting will be held on December 22 and does not want to hold this up  
99 awaiting their decision. The Port Authority is facing the same issue and will update their bylaws once  
100 Council has acted.

- 101 Mr. Lincoln: Spoke with the Council Chair and was told the public would not be invited to speak at  
102 the meeting, and this would be the first of several meetings on the topic. It makes sense to move  
103 forward with this document now. What was the stimulus for the re-write of the bylaws?  
104 Ms. Kalmar: Councilor Dennett's 2013 corrections were to address the use of 'shall' and 'must' in the  
105 document. From there, the Board added needed sections.  
106 Ms. Davis: Stated if she could, she would attend the December 22 meeting.  
107 Mr. DiMatteo: The language in the ordinance references site inspections and the bylaws should  
108 reflect the same. The ordinance is unclear regarding notices for site walks.  
109 Mr. Lincoln: In recent email communications, it was noted site walks are for the edification of Board  
110 members and communication during site walks should be addressed in the bylaws.  
111 Mr. DiMatteo: Public hearings are where abutters concerns and comments are heard.  
112 Ms. Kalmar: In practice, questions from the public have been allowed during site walks if they are  
113 made through the Chair.  
114 Mr. Lincoln: This is what needs to be made clear and included in the document for consistency.  
115 Mr. Harris: Questions should be deferred to public hearings, allowing the abutter to think about what  
116 they want to ask.  
117 Ms. Davis: A statement should be developed to be shared with the public and Board during site  
118 walks regarding process and how questions will be answered so they will be heard and included on  
119 the record, which is better done at the public hearing, though question should be considered at site  
120 walks..  
121 Ms. Grinnell: Suggestions regarding the statement should be shared at the January 8 meeting for  
122 consideration and discussion at the second meeting in January.  
123  
124 - 2015 Board Officers - Completed at the December 11, 2014 meeting.  
125  
126 - Other  
127 - Ms. Davis: Received a phone message from Mike Young, an abutter, requesting rescheduling of  
128 the Betty Welch Road site walk to a more convenient time, such as Saturday. People may think  
129 this site walk has been scheduled too quickly, but this was done to avoid viewing the site with  
130 snow cover. Another site walk can be scheduled in the future, if needed. Ms. Grinnell: This  
131 walk is for the education of the Board and those now on the Board who have not seen the site.  
132 Mr. DiMatteo: Spoke with Mr. Young who seemed to understand the Board's position and  
133 project status. Ms. Grinnell: We should move ahead with the schedule.  
134 - Ann Grinnell: Asked for Board permission to sign pending plans and findings though she was  
135 not Chair at the time of Board approval. Board members agreed this was in order.  
136  
137 ITEM 2 – Town Planner Items:  
138 A. Memorial Circle Improvement Plan.  
139 Requested an update to be discussed at either the second meeting in January or February.  
140 Construction is to start next summer.  
141 B. KACTS Grant for Route One By-Pass locale.  
142 Met with MDOT, consultant, KACTS and Norm Albert. First step is for improvements inventory,  
143 with possible draft in February. With regard to the trestle underpass, the state is looking to the Town  
144 to take over the bypass. MDOT explained that all local structures are on a state list and are part of  
145 their capital improvements maintenance. Ms. Davis: Work needs to be done in this area if the town  
146 is responsible for maintenance, i.e. snow removal.  
147 C. Bike/Pedestrian Plan  
148 Ms. Grinnell: Perhaps Tom Emerson can update the Board on this issue at the January 22 meeting  
149 since he brought it up. Mr. Lincoln: Would like to know what the objective and purpose of the  
150 bike/pedestrian plans. Mr. DiMatteo: He will provide a historical outline of these plan maps and  
151 determine the Committee makeup, as well as work with the Maine Bicycle Coalition. Mr. Harris:

152 Don't understand what improvements can be provided out in the boonies. Ms. Davis: A fair amount  
153 of information was prepared by Steve Workman for the Comprehensive Plan Update Committee and  
154 she will look into that. What is the status of sidewalks on Rt. 103 and impact on bicyclists? Ms.  
155 Grinnell: Perhaps Mr. DiMatteo can look into this.

156 D. Kittery Foreside Committee

157 Ms. Grinnell: This came up before Council as there is a Kittery Foreside Committee reference in the  
158 Code. This Committee has not been practicing for some time. Does the Committee have a charge?

159 Ms. Davis: Feels the Committee should meet with the planning office on projects prior to Board  
160 review. Discussion followed regarding the Kittery Foreside Transportation committee. Ms. Kalmar:

161 This group referenced in the Code is a design review group required under Title 16.3.2.15.F. Mr.

162 DiMatteo: In working with the Town Manager and in an opinion from the Town Attorney, there is no  
163 standing committee, as the charge had an expiration date. There is clarity now that the committee

164 does not exist. Ms. Grinnell. Requests this in writing from the Town Attorney. Mr. Lincoln: Is it  
165 required or just referenced in the Code? Either way, this needs to be clarified, and the procedure for

166 design review may need to be changed. Ms. Kalmar: There is a project soon before us referencing  
167 the KFC and if we do not follow code requirements, challenges could be raised by opponents. Mr.

168 DiMatteo: The Attorney's opinion addresses this scenario. The KFC task is not approval, but to  
169 provide recommendation. The opinion was that the Board could act in its place. The Board should

170 still consider the questions raised on this item in their packets as they move forward. Ms. Grinnell:  
171 This will be discussed further at the January 22 meeting.

172 E. Other

173 Comprehensive Plan: Found the need for a consultant to help pull together the existing work and the  
174 work still needed to be done.

175

176 NEW BUSINESS

177

178 ITEM 3 – Town Code Amendment - Title 16.2.2 Definitions – Selected Commercial Recreation. Action:  
179 discuss amendment. Proposed amendment provides flexibility in what activities are considered as  
180 commercial recreation, and to specify those activities that are expressly prohibited.

181 Ms. Davis: Suggested reaching out to Charlie Williams for input.

182 Mr. DiMatteo: Summarized the definition should be flexible enough to allow for the inclusion of  
183 appropriate activities, but also to restrict specific activities Town-wide or by zone. Does the Board have a  
184 preference? Ms. Kalmar: Flexibility should be allowed, but specific restrictions need to be included.

185 Ms. Davis: With the allowance for the Board to restrict activities not specifically identified; and pay

186 close attention to noise and odors. Earledean Wells: The Board should be able to restrict activities located  
187 near wetlands or shoreland areas, such as a golf course or go-cart track.

188 Discussion followed regarding specific uses, i.e.: shooting ranges; limiting some activities by zone and  
189 permitted uses.

190

191 ITEM 4 –Town Code Amendment - Title 5.10 Use of the Public Way. Action: discuss amendment.

192 Proposed amendment allows for expand the current provision to other non-residential zones and also  
193 addresses liability and removal of furnishings.

194 Ms. Grinnell: Summarized the amendment previously applied only to the Foreside and had a sunset  
195 clause. The new language addresses provisions to all non-residential zones without an expiration date.

196 Discussion followed regarding Council authority (use of the right-of-way) and Board/Planning/Code  
197 authority (administrative approval of permits). Ms. Kalmar: In favor of changes as there is

198 Administrative review by CEO and Planner. Discussion followed regarding responsibility for

199 maintenance of the right-of-way; obstruction-free areas utilized for site furnishings. Mr. Harris: Noted  
200 he is against allowing furnishings on sidewalks altogether. Mr. DiMatteo: If there is not adequate

201 clearance for pedestrians, a permit would not be issued. Mr. Lincoln: Would like to see a map and

202 permit to help better understand this process. Ms. Davis: The Board should be involved with the creation

203 of the maps to be ultimately approved by Council. Ms. Grinnell: The next step would be to have staff  
204 prepare maps for Board review (February 22). Ms. Davis: If a pay-per-bag program is instituted in  
205 Town, trash will still have to be picked up. Mr. DiMatteo: Will confirm whether Council can consider a  
206 new amendment that is not Title 16 related.

207

208 ITEM 5 – Town Code Amendment - Title 16.7.3.5.6 Nonconforming Structure Reconstruction. Action:  
209 discuss amendment. Proposed amendment addresses an omission in the current code related to  
210 reconstructing nonconforming structures outside of the Shoreland Overlay Zone.

211 General discussion followed regarding no fault and willful acts; proposal is to mimic state requirements  
212 for reconstruction in the shoreland zone; requirement period for reconstruction, start vs. finish; impact of  
213 building permit periods; in 16.7.3.5.6.B re: 'no fault or action by the owner', confirm this is the state's  
214 language. This item will be re-written and reviewed in February.

215

216 Recess

217

218 Item 1B (cont'd):

219 Ms. Kalmar: In reference to comments (December 2, 2014) from the Proposal Review Group's review of  
220 Title 16 amendments:

- 221 · Item 4 (page 4) Title 16.2.2: Does not believe the wording should be re-considered. The underlying  
222 rationale was to have a partial deduction for land with substantial development constraints.
- 223 · Item 4 (page 4) Title 16.7.8.3 (lines 93-95), the reference should be renamed as suggested, but should  
224 remain in this location so residents can easily see that Net Residential Acreage does not apply to  
225 single divisions while also being directed to the pertinent ordinance section for such divisions.
- 226 · Item 6 needs to be further reviewed. Additionally the existing Title 16.9.1.4.3 is missing from the  
227 proposed amendment language, which she believes is an unintentional omission. Mr. DiMatteo: Item  
228 6 should be removed from Council consideration and re-visited; additionally Item 7 is similar and  
229 should also be removed from Council consideration at this time.

230 Ms. Kalmar: Board members should have the updated November 10 document.

231 Mr. DiMatteo: Rather than revising the November 10 document, an additional memorandum should be  
232 included noting omission of Item 6 and 7 from Council consideration.

233

234 Ms. Kalmar moved to adjourn

235 Ms. Davis seconded

236 Motion carried unanimously

237

238 The Kittery Planning Board meeting of December 18, 2014 adjourned at 8:45 p.m.

239 Submitted by Jan Fisk, Recorder, December 27, 2014.

**Town of Kittery Maine  
 Town Planning Board Meeting  
 January 8, 2015**

PUBLIC HEARING

**Town Code Amendment - Title 16.10.9.1.4. Approved Plan Expiration, Title 16.10.9.1.5 Requests for Extension and Title 16.9.3.8 Expiration of Wetlands Alteration Approval.** Proposed amendment reduces the period of time in which extensions can be granted and modifies the process for extension requests.

**PROJECT TRACKING**

REQ'D	ACTION	COMMENTS	STATUS
YES	Discussion	1/23/14, Continued to 3/13&5/22/2014; 12/18/14	COMPLETE
YES	Schedule Public Hearing	Scheduled 5/22; ran in legal section in the Portsmouth Herald for Sat.5/10 and <b>again for Wednesday 5/14</b> Scheduled 1/8/15; ad to run in Herald Friday 12/26 and again Wednesday 12/31.	INCOMPLETE  PENDING
YES	Public Hearing	Scheduled for 5/22/14 Scheduled for 1/8/15	HELD PENDING
	Town Council/Planning Board Joint Workshop	Scheduled for 6/2/14 Discussed at 1/5/15 Wkshp	HELD HELD
YES	Review/Recommendation to Town Council	1/23/14; 5/22/14 to TC for joint wkshp; 6/26/14 to Town Council for Adoption. Scheduled 1/8/15 (Public Hearing)	COMPLETE PENDING

**Background**

This amendment has been through extensive review. The latest revision includes minor changes recommended by Councilor Dennett that provide for more consistency between provisions A and B with regard to sentence structure and provide clarity in provisions C and D. The amendment is also before the Board to correct an oversight in the required public noticing for zoning amendments. The required public hearing was held on May 22, 2014, however, it was not advertised twice in the newspaper as required by state statute. The amendment has been advertised twice as required for tonight's public hearing. The amendment is also scheduled for a public hearing with the Town Council on January 26, 2015.

**Review**

As mentioned changes include creating more consistency between provisions A and B: 'Planning Board date of approval' and 'within one (1) year if such approval'. Also, in provision C 'Prior to expiration' was added to the start of the sentence and the addition of 'then' to 'current Town Code' providing clarity.

**Recommendation**

Staff recommends the Board, identifying no issues, move to recommend adoption by the Town Council.

## Town of Kittery Ordinance Revision Memorandum

<b>Originator(s):</b> A. Grinnell, Planning Board Chair	<b>Council Sponsor(s):</b> J. Thomson, Chair
<b>Council meeting date:</b> January 26, 2015	<b>Title:</b> Approved Plan Expiration and Expiration of Wetlands Alteration Approval
<b>Town code section:</b> Title 16, §16.10.9.1.4, 16.10.9.1.5 and 16.9.3.8	<b>History:</b> amended proposal

**ENCLOSURES: CODE AMENDMENT, ENACTMENT ORDINANCE**

1 PURPOSE OF PROPOSAL:

2  
3 To provide clarity as to when and under what conditions an approved plan expires and the ability to  
4 obtain an extension.  
5

6  
7 SUMMARY OF PROPOSAL/AMENDMENT:  
8

- 9
- 10 1. The existing code language is ambiguous as to how to apply the conditions necessary to
  - 11 determine if a plan's approval is expired. The proposal separates the conditional clauses with
  - 12 two sentences.
  - 13 2. The proposal deletes 16.10.9.1.5 *Requests for Extension* as it provides unnecessary
  - 14 redundancy with 16.10.9.1.4 *Approved Plan Expiration*, which now addresses extensions.
  - 15 3. Clarity is provided as to what happens if a plan approval does expire.
  - 16 4. The total length of time an approved subdivision plan may be extended is reduced from 10
  - 17 years to 5 years.

18  
19 JUSTIFICATION:

20  
21 The proposal removes ambiguity making clearer to applicants the expectations for completion of  
22 approved development plans, simplifying administration of the Code by staff and the Planning Board.  
23

24 FISCAL IMPACT:

25  
26 None

CODE AMENDMENT

Chapter 16.10 DEVELOPMENT PLAN APPLICATION AND REVIEW

Article IX. Post Approval

16.10.9.1 Post Approval Actions Required.

16.10.9.1.4 Approved Plan Expiration.

A. A subdivision plan's approval by the Planning Board will expire if work on the development has not commenced within one (1) year from Planning Board date of approval, or Where work has commenced within one (1) year of such approval, is not substantially the approval will expire unless work is complete within three (3) years from of the original date of Planning Board approval. The Planning Board may, by formal action, grant extensions for an inclusive period from original approval date not to exceed ten (10) years.

B. A non-subdivision For all other development plans, plan's approval by the Planning Board approval will expire if work on the development is has not commenced within one (1) year from date of Planning Board approval, or Where work has commenced within one year of such approval, the approval will expire if work is not substantially complete within two (2) years from of the original date of Planning Board approval. The Planning Board may, by formal action, grant extensions for an inclusive period from original approval date not to exceed three years.

C. Prior to expiration, the Planning Board may, on a case-by-case basis, grant extensions to an approved plan expiration date upon written request by the developer for an inclusive period from the original approval date, not to exceed five (5) years for a subdivision plan and three (3) years for all other development plans.

D. When a plan's approval expires the applicant may re-apply subject to the Town Code current at the time of re-application.

16.10.9.1.5 Requests for Extension.

The Planning Board may grant extensions to expiration dates upon written request by the developer, on a case-by-case basis. {Modified and moved to C. above}

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Chapter 16.9 DESIGN AND PERFORMANCE STANDARDS - NATURAL ENVIRONMENT

Article III. Conservation of Wetlands Including Vernal Pools

16.9.3.8 Expiration of Wetlands Alteration Approval.

A. Wetlands Alteration Approval will expire if work on the development has not commenced within one (1) year of Planning Board date of approval, or is not substantially Where work has commenced within one (1) year of approval, such approval will expire unless work is complete within (2) two years of the original approval date, the approval for work in the wetlands will expire. The Board may, by formal action, grant extensions to the approval provided the request is submitted to the Board prior to the expiration of approval.

B. The Planning Board may, on a case-by-case basis, grant extensions to an approved plan expiration date upon written request by the developer for an inclusive period from the original approval date, not to exceed five (5) years for a subdivision plan and three (3) years for all other development plans.

**Town of Kittery  
 Planning Board Meeting  
 January 8, 2015**

**ITEM 3 – Pine Tree Plaza Site Plan – Modification to an Approved Plan** Action: Hold a Public Hearing, grant or deny Plan approval, Kenneth Lemont, owner/applicant (for Harrison E. Lemont Management Co., Inc.), requests approval to amend an approved Site Plan to replace an existing building and ell with a new 2,450 sf building, and increase the existing garage at 435 US Route 1 in the Mixed Use zone, Tax Map 50, Lot 8. Agent is Jeff Clifford, P.E. with Altus Engineering, Inc.

**PROJECT TRACKING**

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Review		
YES	Site Visit	Scheduled 6/10/14	Held
YES	Completeness/Acceptance	Plan accepted 5/8/14	Accepted
		Continuance granted 9/11/14;	
YES	Public Hearing	Scheduled January 8, 2015	
YES	Preliminary/Final Plan Review and Approval	Preliminary/final plan approval requested for 1/8/15;	
<p><b>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.</b></p>			

**Background**

This application was originally heard on May 8, 2014. The applicant requested an extension of 90 days which was granted on September 11, 2014. The application was accepted with conditions:

**ITEM 7 –Pine Tree Plaza Site Plan – Modification to an Approved Plan – Completeness Review.**

Action: Accept or Deny Plan Application, schedule a Public Hearing. Kenneth Lemont, owner and applicant (for Harrison E. Lemont Management Co., Inc.), requests approval to amend a previously approved Site Plan in order to replace an existing building (Curtis House) and attached ell with a new 2,450 sf building and increase the existing garage (by 364 sf). The property is located at 435 US Route 1 in the Mixed Use zone, Tax Map 50, Lot 8.

Ken Lemont, owner: Property has been in Lamont family since 1973 ; proposes to remove dilapidated building, build a new retail building in its place, and add 14 feet to an existing garage; this will enhance the property and Route 1 corridor; parking will be to the side of the building; landscaping will be provided; has addressed grading, existing lighting, sewer and water locations, etc.

Ms. Kalmar: Square foot calculations need to be included on the final plan; is a boundary survey required? The Board needs to direct the applicant.

Mr. DiMatteo: The Board can request any directions prior to the next review and public hearing.

Mr. Mylroie: The applicant can provide water runoff information prior to the public hearing.

Mr. Emerson moved to accept the application conditioned on the submittal of requirements noted in the plan review notes prior to the scheduling of a public hearing, and schedule a site walk.

Ms. Tuveson seconded

Motion carried: 6 in favor; 1 opposed (Grinnell); 0 abstentions

Following are responses prepared by Altus Engineering to the May 8 Plan Review Notes:

1. Mixed-Use Zone Dimensional Standards (16.3.2.13.D)  
Minimum lot size is 200,000 sf. Existing lot size is 89,764 sf.

**Response:** Sheet C-2, Site Plan Amendment No. 2, notes the lot's non-conforming status. See response to Comment # 9 below.

2. Minimum street frontage, front, side and rear yard and building height dimensions are within standard requirements. Buffer to adjacent residential use (Yankee Commons) appears to meet the standard of 40 feet.

**Response:** No response required.

3. Applicant is proposing to remove the existing Curtis House (approximately 1,818 sf), expand an existing garage by 374 sf, and add a new retail/office building of 2,450 sf, resulting in an increased square footage of 1,006 sf.

**Response:** The retail/office building footprint is 2,072 sf. The building footing including porches and entry way is 2,537 sf. The resulting building footprint area increases 1,093 sf.

4. The existing retail use square footage (Pine Tree Country Store) totals approximately 3,000 sf. The proposed retail/office square footage totals approximately 2,450 sf.

**Response:** See Comment No. 5 regarding "convenience store" and "retail use". Retail use (as defined) at the site includes only the 2,072 sf. gross floor area of the proposed building's first floor.

5. *16.2 Definitions: Retail use means any business engaged primarily in the sale of goods for personal or household consumption and/or use, and not for resale. The term "retail use" does not include specific types of retail uses that are individually listed in Chapter 16.3.*

**Response:** The Pine Tree Country Store use is considered a "convenience store" per 16.3.2.13.B.11 and is therefore excluded from the calculation of "retail use".

6. *16.3.2.13.D.3. Retail Use Limitation. Retail use, including parking areas and other supporting unvegetated areas for retail use, is limited to not more than fifteen percent (15%) of the developable area of any lot or portion of a lot within the mixed use zone.*

Total lot size: 89,764 sf x 15% = 13,464 sf retail use (limit);

**Response:** The project complies with 16.3.2.13.D.3, see response to Comment #7.

7. Since it appears that some existing uses are not included in the definition of Retail Use, it is not clear from the information submitted how the existing and proposed retail areas conform to 16.3.2.13.D.3. Applicant needs to show on the plan the total square footage for retail use, 'parking areas and other supporting unvegetated areas for retail use'.

**Response:** The gross floor area designated as "retail use" at the property is 2,072 sf (first floor of the proposed building) and 2,286 sf of pavement for the twelve (12) associated parking spaces. The 4,340 total will occupy only 4.8% of the lot.

8. 16.3.2.13.D.8. Open Space Standards: *Open space must be provided as a percentage of the total area of the lot, including freshwater wetlands, water bodies, streams, and setbacks. Thirty-five percent (35%) of each lot must be designated as open space. Required open space must be shown on the plan with a note dedicating it as "open space."*

Total lot size: 89,764 sf x 35% = 31,417 sf open space required

Applicant needs to show the existing and/or proposed open space on the Plan, with total square footage.

**Response:** Pursuant to 16.3.2.13.D.8.c.ii, the open space standard in the Mixed Use Zone for a "small lot" (under 100,000 sf) twenty percent (20%) minimum. The defined "open space" is noted as 43% on Sheet C-2.

9. Since the property is an existing, non-conforming lot, the applicant must demonstrate that any proposed development (building and additional parking) does not make the property more non-

**Response:** The proposed improvements will make the lot less non-conforming in respect to improving the front buffer by reducing parking in front of the building and providing additional landscaping. The proposed building and parking conform to current standards.

conforming.

10. A standard boundary survey plan has not been submitted (16.10.5.2.4, unless the Board waives that requirement), and the Applicant should address the additional standards required in this zone (16.3.2.13.D.4-8) for the Board's consideration and ultimate decision.

**Response:** The plan set submitted December 18, 2014 includes an existing conditions site plan prepared by NorthEasterly Survey, dated 7/23/2014, which depicts the property boundary. Specific Board questions regarding 16.3.2.13.D.4-8 can be addressed at the next Planning Board meeting.

11. The proposed development is at a scale that requires stormwater management and erosion and sedimentation control. While there has been important architectural and some site plan information submitted, no engineering information that would address stormwater, lighting, traffic, etc. has been submitted. The Board may wish, if the applicant is amenable, to consider this submission as a sketch plan and move ahead with a site visit. In addition, the Town Peer-Review Engineer, CMA, can move ahead with an initial review to guide the applicant as to what engineering submittals they will need for their review.

**Response:** The plan set submitted December 18, 2014 provides more detail regarding site improvements based on the surveyed site conditions, including grading and erosion and sediment control. A raingarden has been added to the southeasterly corner of the site to provide stormwater management by filtering runoff and attenuating the peak rate of runoff.

A site walk was held on June 10, 2014.

CMA COMMENTS (12/28/30):

**Chapter 16.3 Land Use Zone Regulations**

16.3.2.13 Mixed Use (MU)

- B. The proposed uses are allowed in the Mixed Use Zone.
- D.2. Dimensional Standards. The site has less than the 200,000 square feet required, but can be considered an existing non-conforming lot. The proposed changes do not appear to make the lot any more non-conforming than it currently is. **Staff: The existing, non-conforming lot is 89,764 sf.**
- D.5. Applicant has provided architectural details for the proposed retail/office building that appear to comply with the design standards.
- D.6. A buffer/planter is proposed between the new development and Route 1. Further clarification of the planting details and number of Street Trees is required. The density of trees appears to not meet the 1 per 25 feet of frontage standard. **Staff: Applicant has illustrated 4 new street trees along the proposed improvement area that extends approximately 75 feet. An existing tree will remain to the east of the existing entrance. The number of trees appears to meet the requirements for the proposed improvement area.**

**Chapter 16.8 Design and Performance Standards-Built Environment**

Article VI. Water Supply

Public water is proposed. Has the applicant confirmed with the Kittery Water District capacity available? **Staff: There is no record of Water District review of the proposed plans. It is anticipated, however, that the proposed uses as retail and offices would not adversely impact municipal water resources.**

Article VII. Sewage Disposal

A gravity connection to public sewer is proposed. Has the applicant confirmed ability to serve with the Kittery Sewer Department? **Staff: The Sewer Department has found the plans to be acceptable.**

Article VIII. Surface Drainage

- The Applicant has shown locations of proposed grading and stormwater improvements. These appear to be logical and conceptually meet stormwater standards. However, no stormwater analysis, including pre- and post-development flows, has been submitted in accordance with the requirements this section. The applicant needs to prepare and submit these materials. It is noted that it is anticipated that such documentation should support the design.
- In addition to the stormwater analysis, please clarify what is proposed in the indicated ditch-line along the west side of Route 1.
  - Does that convey stormwater, and is a culvert required?
  - Is this flow proposed to flow into the proposed rain garden?
- If applicant does not propose to have the drainage design to be reviewed by the York County Soil and Water Conservation District, a waiver request is necessary.
- A post construction stormwater management plan should be submitted.

Article IX. Parking, Loading, and Traffic

- A brief analysis of the issues in this section should be submitted, including increases in anticipated traffic to the site, sight distances, turning movements on and off Route 1, and general adequacy/safety of traffic.

- Are guardrails or other barrier proposed between the parking area and the rain garden? There appears to be 7-8 feet drop along a 30% slope.

#### Article X. Signs

- Are any signs proposed? If so, please supply information on proposed size, type, and location. **Staff: A sign application permit may be submitted to the Code office for Administrative Approval by the Code Enforcement Officer and Planner.**

#### Article XXIV. Exterior Lighting

- Is any exterior lighting proposed? If so, please supply information on proposed size, type, and location, and luminaires.

### Chapter 16.9 Design and Performance Standards-Natural Environment

#### Article I. General

- Section 16.9.2.5 Archaeological or Historic Sites. The applicant should provide documentation that these provisions do not apply to the Curtis House, proposed for demolition under this proposal.

#### General Comments

Is the applicant has provided copies of letters regarding the proposal from the Kittery Water District, Kittery Sewer Department, Chief of Police, Fire Chief, and Department of Public Works? **Staff: The Fire Chief has found the application acceptable, noting the building permit will require State Fire Marshall review. The Chief of Police and the Sewer Superintendent found the plans to be acceptable. There are no new curb cuts proposed onto Route 1.**

**Staff: Detail Sheet C-6 notes a 6' stockade fence. Where on the site will this fence be installed?**

#### Board's Action

The motion to accept the plan amendment application in May, 2014 was conditioned on receipt of additional information. At this time, a stormwater management plan has not been received or reviewed and CMA comments regarding traffic, parking, etc. should be addressed. The Board may grant preliminary plan approval (Title 16.10.6.1) conditioned that material or information the Board requires (as may be noted above) is submitted prior to final review and approval.

***move to grant preliminary plan approval for the amended site plan dated December 18, 2014 for Kenneth Lemont, owner/applicant (for Harrison E. Lemont Management Co., Inc.) with the following conditions: receipt of a Stormwater Management Plan...[other as the Board may require].***

**KITTERY PLANNING BOARD  
 FINDINGS OF FACT -  
 for  
 Pine Tree Plaza  
 Modification to an Approved Site Plan**

Note: This approval by the Planning Board constitutes an agreement between the Town and the Developer incorporating the Development plan and supporting documentation, the Findings of Fact, and all waivers and/or conditions approved and required by the Planning Board.

**WHEREAS:** Kenneth Lemont, owner/applicant (for Harrison E. Lemont Management Co., Inc.) requested approval to amend an approved Site Plan to replace an existing building and ell with a new 2,450 sf building, and increase the existing garage at 435 US Route 1 in the Mixed Use zone, Tax Map 50, Lot 8.

Hereinafter the “Development”.

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

Site Visit	Scheduled	6/10/14
Completeness/Acceptance	Accepted	5/8/14
Request for Extension	Granted for 90 days	9/11/14
Public Hearing	Scheduled January 8, 2015	1/8/15
Preliminary/Final Plan Review and Approval		

and pursuant to the Project Application and Plan and other documents considered to be a part of the approval by the Planning Board in this finding consist of the following (Hereinafter the “Plan”).

Amendment to an Approved Site Plan Application		Rec'd: April 17, 2014
Supplemental/Updated Plans:	Altus Engineering, Inc.,	Rec'd: December 18, 2014
- Site Plan	7/23/14	
- Site Preparation Plan (C-1)	12/18/14	
- Site Plan Amendment #2 (C-2)	12/18/14	
- Grading & Utility Plan (C-3)	12/18/14	
- Erosion Control Notes (C-4)	12/18/14	
- Detail Sheet (C-5 and C-6)	12/18/14	
Updated Drawings Sheets 1-3	Pearson Traditional Design 12/16/14	Rec'd: December 18, 2014
Comments to May 8, 2014 PRN	Altus Engineering, Inc.	Rec'd: December 24, 2014
CMA Review Comments		Rec'd: December 29, 2014

**NOW THEREFORE**, based on the entire record before the Planning Board as and pursuant to the applicable standards in the Land Use and Development Code, the Planning Board makes the following factual findings as required by Section 16.10.8.3.4. and as recorded below:

**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:

<p><b>A. Development Conforms to Local Ordinances.</b></p> <p><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></p>
<p>This is an existing, nonconforming (size) lot of record. The lot size is 89,764 square feet where a minimum of 200,000 square feet is required in the Mixed-Use Zone. The proposed uses of retail and business offices are permitted uses in the zone.</p> <p>CMA: The applicant has provided architectural details for the proposed retail/office building that appear to comply with design standards.</p>
<p style="text-align: right;"><b>Vote of <u>0</u> in favor <u>0</u> against <u>0</u> abstaining</b></p>
<p><b>B. Freshwater Wetlands Identified.</b></p> <p><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></p>
<p>There are no wetland areas within the project area.</p>
<p style="text-align: right;"><b>Vote of <u>0</u> in favor <u>0</u> against <u>0</u> abstaining</b></p>
<p><b>C. River, Stream or Brook Identified.</b></p> <p><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></p>
<p>The Board finds this standard is not applicable. None have been identified.</p>
<p style="text-align: right;"><b>Vote of <u>0</u> in favor <u>0</u> against <u>0</u> abstaining</b></p>
<p><b>D. Water Supply Sufficient.</b></p> <p><i>The proposed development has sufficient water available for the reasonably foreseeable needs of the development.</i></p>
<p>The Board finds this standard is not applicable. The property is currently connected to municipal water.</p>
<p style="text-align: right;"><b>Vote of <u>0</u> in favor <u>0</u> against <u>0</u> abstaining</b></p>
<p><b>E. Municipal Water Supply Available.</b></p> <p><i>The proposed development will not cause an unreasonable burden on an existing water supply, if one is to be used.</i></p>
<p>The standard appears to be met. The property is currently connected to municipal water and the proposed development of retail and offices will not cause an unreasonable burden on the existing water supply.</p>
<p style="text-align: right;"><b>Vote of <u>0</u> in favor <u>0</u> against <u>0</u> abstaining</b></p>
<p><b>F. Sewage Disposal Adequate.</b></p> <p><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></p>
<p>The standard appears to be met. The property is currently connected to municipal sewer and the proposed development will not cause an unreasonable burden on municipal services. The Kittery Sewer Superintendent has stated the plan is acceptable.</p>

Vote of 0 in favor 0 against 0 abstaining

**G. Municipal Solid Waste Disposal Available.**

*The proposed development will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be used.*

The standard appears to be met. The property is currently managed for solid waste disposal.

Vote of 0 in favor 0 against 0 abstaining

**H. Water Body Quality and Shoreline Protected.**

*Whenever situated entirely or partially within two hundred fifty (250) feet of any wetland, the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.*

There is a wetland area located across U.S. Route 1 within 250 feet of the proposed development. It is not anticipated that the proposed development would adversely affect this wetland area.

Vote of 0 in favor 0 against 0 abstaining

**I. Groundwater Protected.**

*The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.*

The Board finds this standard is not applicable. Site is serviced by public sewer

Vote of 0 in favor 0 against 0 abstaining

**J. Flood Areas Identified and Development Conditioned.**

*All flood-prone areas within the project area have been identified on maps submitted as part of the application based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the proposed development, or any part of it, is in such an area, the applicant must determine the one hundred (100) year flood elevation and flood hazard boundaries within the project area. The proposed plan must include a condition of plan approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least one foot above the one hundred (100) year flood elevation.*

The Board finds this standard is not applicable. The property is not located within a flood prone area.

Vote of 0 in favor 0 against 0 abstaining

**K. Stormwater Managed.**

*Stormwater Managed. The proposed development will provide for adequate stormwater management*

CMA: The applicant has shown locations of proposed grading and stormwater improvements. These appear to be logical and conceptually meet stormwater standards. However, no stormwater analysis, including pre- and post-development flows, has been submitted. The applicant needs to prepare and submit these materials. It is noted that it is anticipated that such documentation should support the design.

The applicant should clarify what is proposed in the indicated ditch-line along the west side of Route 1, specifically does it convey stormwater, and is a culvert required? Is this flow proposed to flow into the proposed rain garden?

If the applicant does not propose to have the drainage design to be reviewed by the York County Soil and Water Conservation District, a waiver request is necessary.

Vote of 0 in favor 0 against 0 abstaining

**L. Erosion Controlled.**

*The proposed development will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.*

The Contractor shall follow MDEP best management practices for erosion and sediment control (silt fencing, silt sacks, etc.), and CMA engineers will be notified to observe application during construction (see conditions of approval #2).

Vote of 0 in favor 0 against 0 abstaining

**M. Traffic Managed.**

*The proposed development will:*

- 1. Not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed; and*
- 2. Provide adequate traffic circulation, both on-site and off-site.*

CMA: A brief analysis of the issues in this section should be submitted, including increases in anticipated traffic to the site, sight distances, turning movements on and off Route 1, and general adequacy/safety of traffic. Are guardrails or other barrier proposed between the parking area and the rain garden? There appears to be 7-8 feet drop along a 30% slope.

Vote of 0 in favor 0 against 0 abstaining

**N. Water and Air Pollution Minimized.**

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

- 1. Elevation of the land above sea level and its relation to the floodplains;*
- 2. Nature of soils and sub-soils and their ability to adequately support waste disposal;*
- 3. Slope of the land and its effect on effluents;*
- 4. Availability of streams for disposal of effluents;*
- 5. Applicable state and local health and water resource rules and regulations; and*
- 6. Safe transportation, disposal and storage of hazardous materials.*

1. The development is located outside of FEMA designated floodplains.
- 2 thru 6. The Board finds these standards are not applicable to this proposed development.

Vote of 0 in favor 0 against 0 abstaining

**O. Aesthetic, Cultural and Natural Values Protected.**

*The proposed development will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.*

The proposed amendment continues the existing use in a new building. Is the 'Curtis House' of historical significance? There is no significant change proposed in the use of the property that would have an undue adverse impact on aesthetic, cultural or natural values.

Vote of 0 in favor 0 against 0 abstaining

**P. Developer Financially and Technically Capable.**

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

This standard appears to be met. In addition, the developer will provide an inspection escrow in an amount suitable to cover the costs of on-site inspection by CMA Engineers.

**Vote of 0 in favor 0 against 0 abstaining**

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

Waivers: None

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

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 to Applicant contained in the Findings of Fact (dated: \_\_\_\_\_).

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

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 one (1) paper copy 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 inspection fees for same.
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 to 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 \_\_\_\_\_

---

Ann Grinnell, Planning Board Chair

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



Civil  
Site Planning  
Environmental  
Engineering

133 Court Street  
Portsmouth, NH  
03801-4413

December 18, 2014

Chris DiMatteo, Town Planner  
Town of Kittery  
200 Rogers Road  
Kittery, Maine 03904

RECEIVED  
DEC 18 2014  
BY: .....

Re: **Pine Tree Plaza – Proposed Retail / Office Building**  
**Map 50, Lot 8**  
**U.S. Route 1**  
**Kittery, Maine 03904**  
**P-4652**

Dear Mr. DiMatteo:

In support of the applicant's previously submitted application for *Site Plan – Amendment to an Approved Plan*, Altus Engineering, Inc. (Altus) is pleased to provide supplemental and updated drawings for review and approval by the Planning Board. This submission includes fifteen (15) plan sets (5 full size and 10 half size) with civil and architectural drawings.

The proposed amendment was first presented to the Planning Board on May 8, 2014. Subsequently, the applicant requested an extension of the plan review, engaged NorthEasterly Survey to perform an existing conditions survey of the site, and engaged Altus to provide civil engineering design. The updated plans respond to the existing conditions and comments received to date. An accessible ramp has been added to the front of the proposed building and the parking lot reconfigured. Proposed grades are shown and a raingarden has been added to the southeasterly corner of the site to provide stormwater management. A point by point response to the Planning Department's May 8, 2014 *Plan Review Notes* will be provided under separate cover.

The applicant seeks to be placed on the January 8, 2015 Planning Board agenda. Please call if you have any questions or require additional information.

Sincerely,

Jeffrey K. Clifford, P.E.  
Vice President

JKC/jkc/4562.001.CDM.Prelim.Site.doc

Enclosures

e-copies: Ken Lemont, w/ encl.  
Holy Pearson, Traditional Design, w/ encl.



**TOV. OF KITTERY MAINE  
TOWN PLANNING AND DEVELOPMENT DEPARTMENT**

200 Rogers Road, Kittery, Maine 03904  
PHONE: (207) 475-1323 FAX: (207) 439-6806  
[www.kittery.org](http://www.kittery.org)

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

**APPLICATION: SITE PLAN -  
AMENDMENT TO AN APPROVED PLAN**

<b>BY:</b> <b>FEE FOR SITE PLAN AMENDMENT REVIEW:</b>	<input type="checkbox"/> \$300.00 PLUS THE GREATER OF	<input type="checkbox"/> \$50/ADDITIONAL USE OF UNIT; OR	<input type="checkbox"/> \$5.00/100 SQ FT OF GROSS FLOOR AREA	Application Fee Paid: \$ _____ Date: _____ Escrow Fee Paid: \$ _____ Date: _____
	<input type="checkbox"/> \$0.50/LINEAR FOOT OF ADDITIONAL DOCK, SLIP & FLOAT; OR	<input type="checkbox"/> \$20.00/ADDITIONAL UNIT INTENDED TO PROVIDE OVERNIGHT SLEEPING ACCOMODATIONS		

<b>PROPERTY DESCRIPTION</b>	Parcel ID	Map	50	Lot	8	Zone(s): Base:	MU MU	Total Land Area
	Physical Address							

<b>PROPERTY OWNER'S INFORMATION</b>	Name	Harrison E Lemont Management Co. Inc.		Mailing Address	PO Box 58 Kittery, ME 03904
	Phone	207 439-6566			
	Fax	207 439-6473			
	Email	klemont@comcast.net			

<b>APPLICANT'S AGENT INFORMATION</b>	Name		Name of Business
	Phone	N/A	Mailing Address
	Fax		
	Email		

<b>PROJECT DESCRIPTION</b>	<b>Project Name:</b> Proposed Retail/Office 435 US Route 1, Kittery
	<b>Existing Use:</b> Mixed Use - PineTree Plaza
	<b>Proposed Amendment</b> Please describe how the approved plan is proposed to be amended. State any known areas of non-compliance to the Town Code and how this amendment will decrease or remove non-compliance, if applicable.
	Remove Curtis House and attached L. Increase existing garage from 26x26 to 26x40, and construct a new building in front of the garage 35x70. New building will house 2 retail space and 3 offices.

I certify, to the best of my knowledge, this application information is true and correct and I will not deviate from the plan submitted without notifying the Kittery Town Planning Department of any changes.

<b>Applicant's Signature:</b> _____ <b>Date:</b> _____	N/A	<b>Owner's Signature:</b> _____ <b>Date:</b> _____	Harrison E. Lemont 4/16/14
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*Scheduled for 90 days 9-11-14*  
*Prelim Rev. 1-8-15*

# PROPOSED RETAIL/OFFICE BUILDING

MAP 50 LOT 8

435 US ROUTE 1

KITTERY, MAINE

**Issued:**

December 18, 2014

PB Submission

RECEIVED  
DEC 18 2014  
BY: .....

**Owner/Applicant:**

**HARRISON E. LEMONT MGMT CO.**

HARRISON E. & ARLENE M. LEMONT  
11 PARK AVENUE  
KITTERY, MAINE 03904

**Civil Engineer:**



133 COURT STREET    PORTSMOUTH, NH 03801  
(603) 433-2335    www.ALTUS-ENG.com

**Surveyor:**



191 STATE ROAD, SUITE #1  
KITTERY, MAINE 03904  
(207) 430-8333



**Sheet Index**

Sheet Title	Sheet No.:	Rev.
Site Plan (Existing Conditions - North Easterly Survey, Inc.)	1 of 1	0
General Notes & Legend	G-1	0
Site Preparation Plan	C-1	0
Site Plan Amendment No. 2	C-2	0
Grading & Utility Plan	C-3	0
Erosion Control Notes	C-4	0
Detail Sheet	C-5	0
Detail Sheet	C-6	0
Architectural Drawings	1-4 of 4	-



**NOTES:**

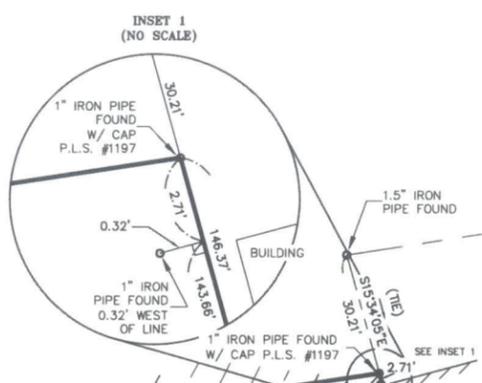
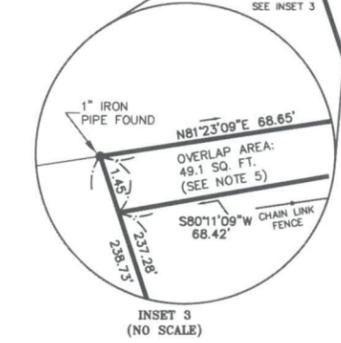
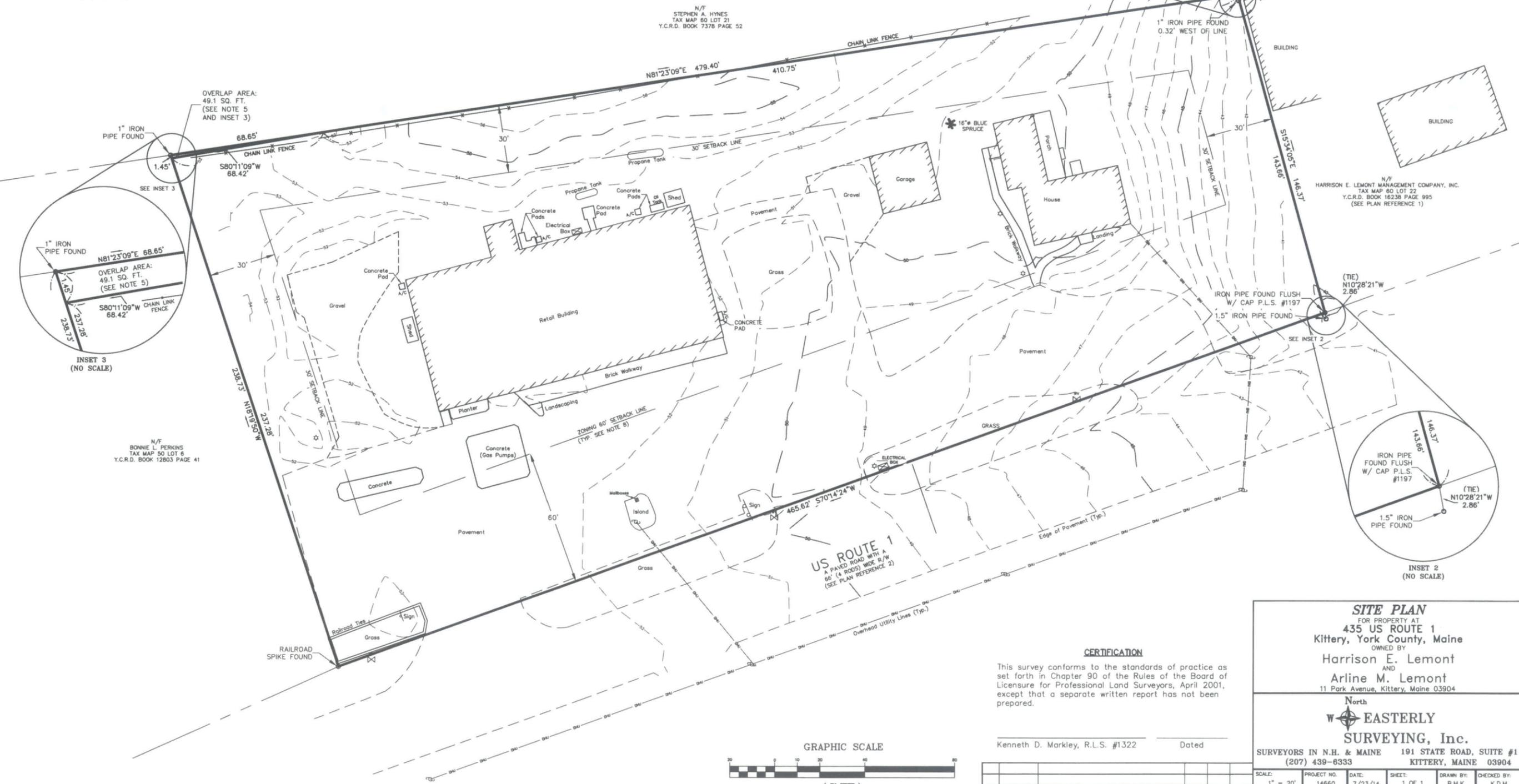
- OWNERS OF RECORD:  
TAX MAP 50 LOT 08  
HARRISON E. LEMONT AND ARLINE M. LEMONT  
Y.C.R.D. BOOK 1992 PAGE 494  
DATED MAY 11, 1973
- TOTAL EXISTING PARCEL AREA:  
TAX MAP 50 LOT 08  
2.08 Acres
- BASIS OF BEARING IS PER PLAN REFERENCE 1.
- VERTICAL DATUM IS NGVD 29.
- A SMALL OVERLAP EXISTS BETWEEN THE RECORD BOUNDARY LINES RECORDED IN Y.C.R.D. BOOK 7378 PAGE 52 AND Y.C.R.D. BOOK 1992 PAGE 494.
- APPROXIMATE ABUTTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
- EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.
- ZONING INFORMATION AND SETBACKS SHOWN HEREON ARE FOR REFERENCE PURPOSES. CONFIRM CURRENT ZONING REQUIREMENTS WITH THE TOWN OF KITTERY PRIOR TO DESIGN OR CONSTRUCTION.

**ZONING DATA:** (SEE NOTE 8)

Per Town of Kittery Code Sec. 16.3.2.13  
 ZONE: MIXED USE (MU)  
 REQUIREMENTS:  
 MINIMUM LAND AREA: 200,000 Square Feet  
 MINIMUM STREET FRONTAGE: 250 Ft  
 MINIMUM LOT DEPTH: None  
 MINIMUM FRONT SETBACK: 60 Ft  
 MINIMUM SIDE SETBACK: 30 Ft  
 MINIMUM REAR SETBACK: 30 Ft  
 MAXIMUM LOT COVERAGE:  
 IMPERVIOUS SURFACE RATIO: Consult  
 Planning Department  
 MAXIMUM BUILDING HEIGHT: 40 Ft

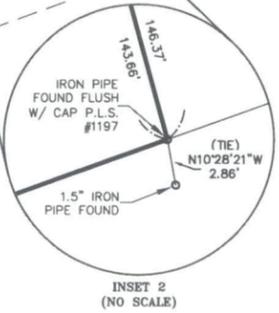
**PLAN REFERENCES:**

- "BOUNDARY SURVEY FOR WHEN-PIGS-FLY, U.S. ROUTE ONE, KITTERY, MAINE", PREPARED BY ANDERSON LIVINGSTON ENGINEERS, INC., DATED APRIL 22, 2009 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 337 PAGE 23.
- "RIGHT OF WAY MAP, STATE HIGHWAY 1", D.O.T. FILE NO. 16-329, SHEET 3 OF 8" PREPARED BY STATE OF MAINE DEPARTMENT OF TRANSPORTATION, DATED NOVEMBER 1990.



N/F  
HARRISON E. LEMONT MANAGEMENT COMPANY, INC.  
TAX MAP 60 LOT 22  
Y.C.R.D. BOOK 16238 PAGE 995  
(SEE PLAN REFERENCE 1)

N/F  
BONNIE L. PERKINS  
TAX MAP 50 LOT 6  
Y.C.R.D. BOOK 12803 PAGE 41

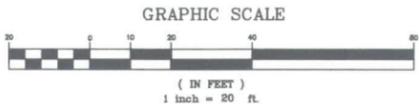


US ROUTE 1  
A PAVED ROAD WITH A  
66' (4 ROADS) WIDE R/W  
(SEE PLAN REFERENCE 2)

**CERTIFICATION**

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

Kenneth D. Markley, R.L.S. #1322 Dated



REV.	DATE	STATUS	BY	CHKD	APPD.

**SITE PLAN**  
 FOR PROPERTY AT  
**435 US ROUTE 1**  
 Kittery, York County, Maine  
 OWNED BY  
 Harrison E. Lemont  
 AND  
 Arline M. Lemont  
 11 Park Avenue, Kittery, Maine 03904

North  
**EASTERLY**  
**SURVEYING, Inc.**

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

SCALE: 1" = 20'  
 PROJECT NO: 14660  
 DATE: 7/23/14  
 SHEET: 1 OF 1  
 DRAWN BY: B.M.K.  
 CHECKED BY: K.D.M.

DRAWING No: 14660 SITE  
 FIELD BOOK No: "Kittery #30"

**Tax Map 50 Lot 08**



THIS DRAWING HAS NOT BEEN RELEASED FOR CONSTRUCTION

ISSUED FOR: APPROVAL

ISSUE DATE: DECEMBER 18, 2014

NO.	DESCRIPTION	BY	DATE
0	P.B. SUBMISSION	JKC	12/18/14

DRAWN BY: RMB  
APPROVED BY: JKC  
DRAWING FILE: 4652SITE.DWG

SCALE: 1' = 20'

OWNER/APPLICANT:  
**HARRISON E. LEMONT MGMT CO.**  
**HARRISON E. LEMONT**  
&  
**ARLENE M. LEMONT**  
11 PARK AVENUE  
KITTERY, MAINE 03904

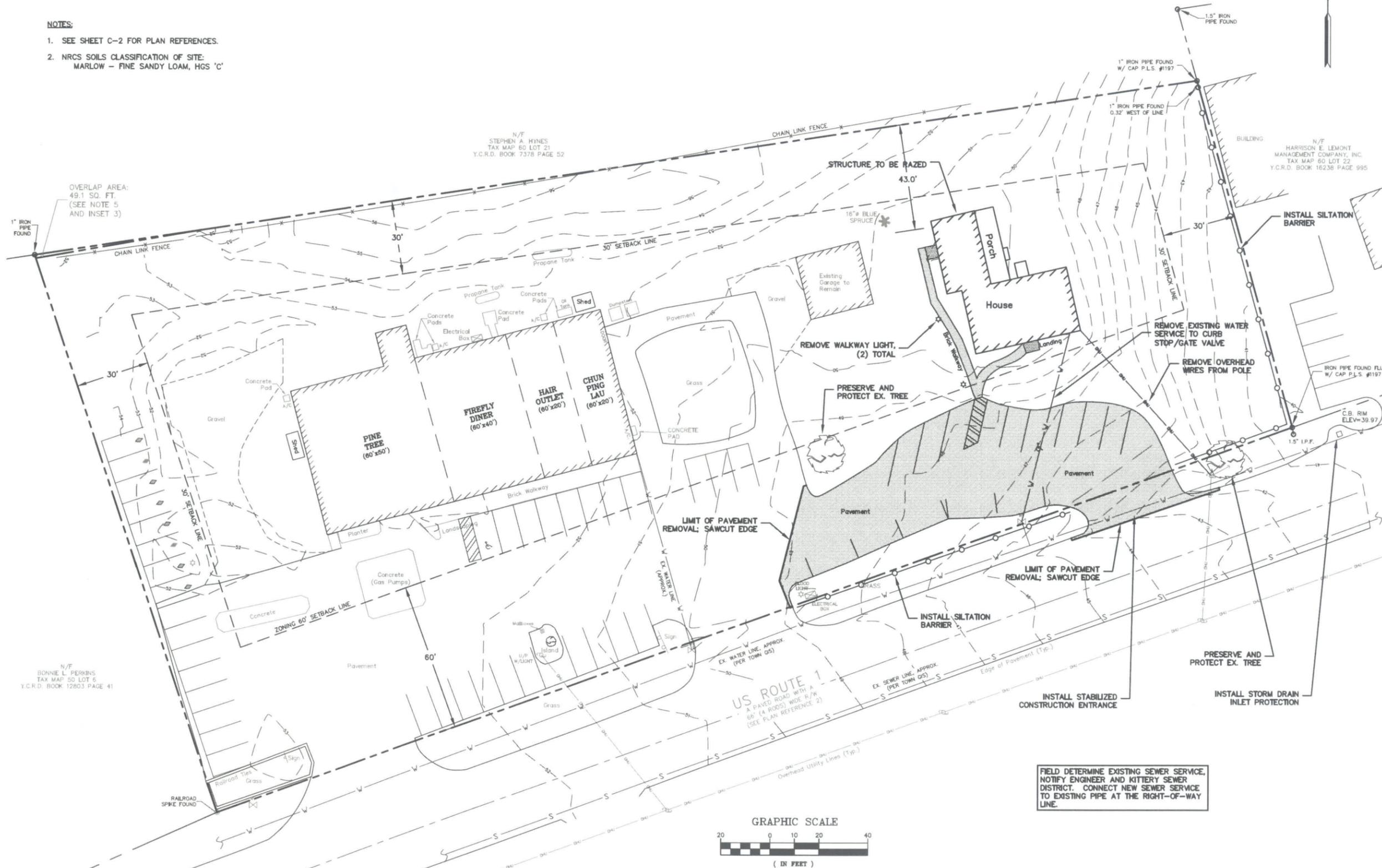
PROJECT:  
**PROPOSED**  
**RETAIL/OFFICE**  
**BUILDING**  
**MAP 50 LOT 8**  
435 US ROUTE 1  
KITTERY, MAINE

TITLE:  
**SITE**  
**PREPARATION**  
**PLAN**

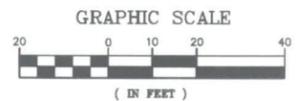
SHEET NUMBER:  
**C - 1**

**NOTES:**

- SEE SHEET C-2 FOR PLAN REFERENCES.
- NRCS SOILS CLASSIFICATION OF SITE:  
MARLOW - FINE SANDY LOAM, HGS 'C'



FIELD DETERMINE EXISTING SEWER SERVICE, NOTIFY ENGINEER AND KITTERY SEWER DISTRICT. CONNECT NEW SEWER SERVICE TO EXISTING PIPE AT THE RIGHT-OF-WAY LINE.



**ZONING SUMMARY:**

OWNER OF RECORD: HARRISON E. LEMONT MANAGEMENT CO.  
 11 PARK AVENUE  
 KITTERY, ME 03904  
 PROPERTY REFERENCE: TAX MAP 50, LOT 8  
 LOT SIZE: 2.08 ACRES  
 ZONING: MIXED USE - MU  
 EXISTING USE: COMMERCIAL/RETAIL/OFFICE SPACE  
 PROPOSED USE: COMMERCIAL/RETAIL/OFFICE SPACE

REQUIREMENTS	PROVIDED
MINIMUM LOT SIZE (ALONG ROUTE ONE)	200,000 SF
MINIMUM STREET FRONTAGE (ALONG ROUTE ONE)	250 FEET
MINIMUM BUILDING SETBACKS	
ROAD (FRONT)	60 FEET
SIDE / REAR	30 FEET
MAXIMUM HEIGHT	40 FEET
OPEN SPACE**	20% MIN. 43% (39,081 SF)
ALLOWABLE RETAIL SPACE	15% MAX. 8% (6,937 SF)
2,072 SF (RETAIL) PLUS 3,348 SF (12 SPACES)	

**PARKING STANDARDS (FOR NEW BUSINESS):**

PARKING STALL SIZE: 9 FEET X 19 FEET  
 AISLE WIDTH: 24 FEET MIN. FOR 90 DEGREE

**LANDSCAPE STANDARDS PER LUDC:**

1 TREE PER 25 FT. STREET FRONTAGE  
 PLUS 1 TREE PER 8 SPACES

**IMPERVIOUS AREA:**

NET INCREASE OF IMPERVIOUS AREA (INCL. R.O.W.): 51,523 SF OR 1.18 ACRES

\*\* NON-CONFORMING LOT  
 \*\* SEE NOTE #4

**PARKING CALCULATIONS:**

BUSINESS	USE	BUILDING AREA	PARKING FORMULA	REQUIRED SPACES
EXISTING PINE TREE	COUNTRY STORE	3,000 S.F.	10 SPACES	10
FIREFLY DINER	RESTAURANT	2,400 S.F.	1 SPACE FOR EACH THREE (3) SEATS***	10
HAIR OUTLET	PERSONAL SERVICES (HAIR SALON)	1,200 S.F.	1 SPACE/175 SF GROSS AREA	7
CHUN PING LAU	RESTAURANT	1,200 S.F.	1 SPACE FOR EACH THREE (3) SEATS*	12
PROPOSED RETAIL/OFFICE	RETAIL STORES	2,072 S.F.	1 SPACE/175 SF GROSS AREA	12
	OFFICES	2,072 S.F.	2 SPACES/OFFICE PLUS 1 SPACE/250 SF OF GROSS FLOOR AREA	13
			REQUIRED	64
			PROVIDED	66
			SURPLUS	2

\*\*\* SEATS - TOTAL FLOOR AREA WITH CUSTOMER ACCESS DIVIDED BY 15.

**PLAN NOTES:**

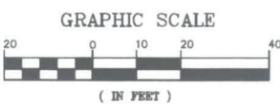
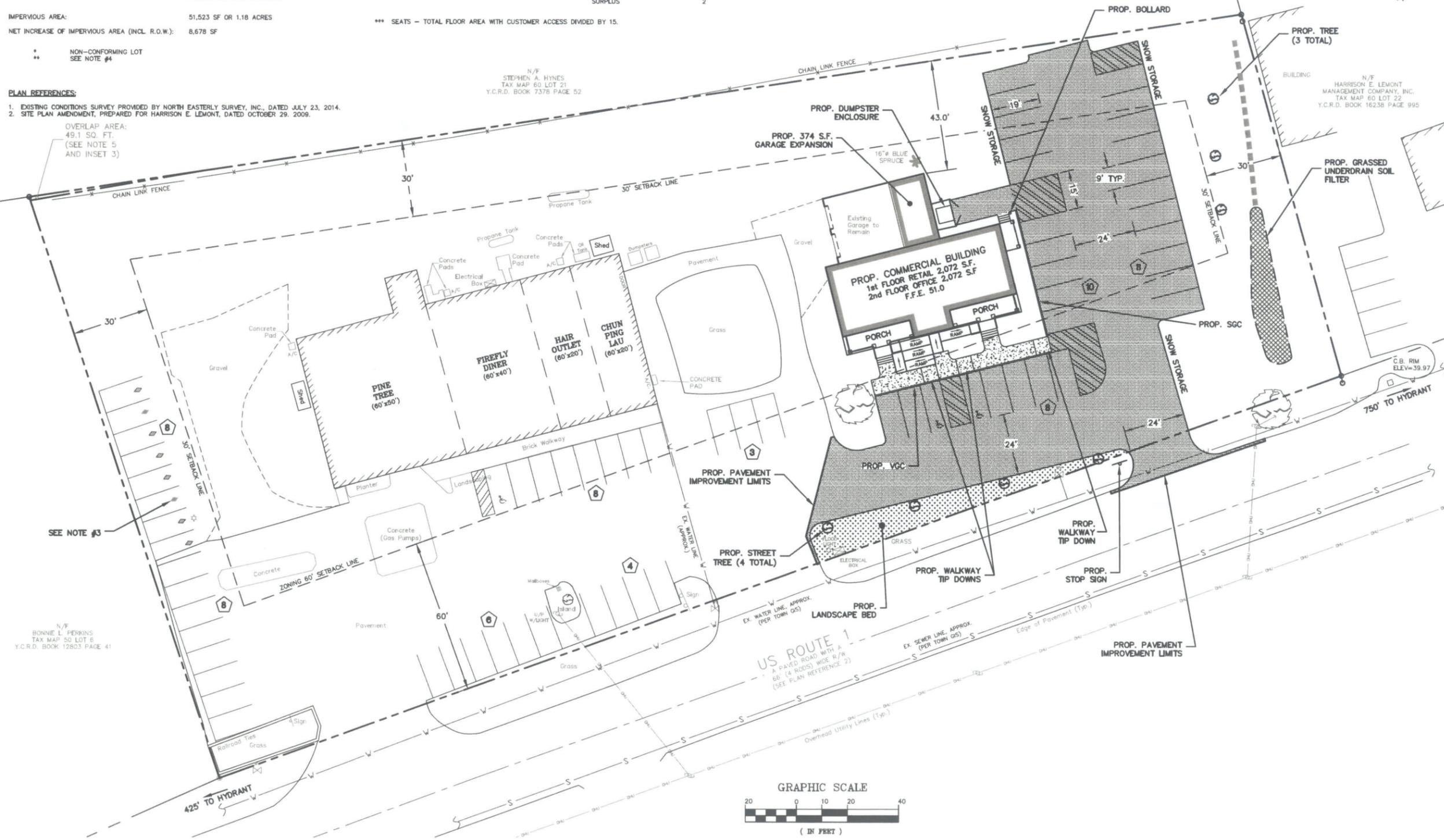
- This plan presents an amendment of the approved site plan dated October 29, 2009. Site improvements include removal of the "Curtis House", a 374 sq expansion of the existing garage, a new building with office/retail. The first floor is 2,072 sq for two retail units; the second floor is 2,072 sq for three office units. The project also includes site improvements including parking, ADA access and stormwater management.
- As defined by the LUDC, "retail use" at the property will be 4,340 sq or 4.8 % of the lot (up to 15% is allowed). The retail use calculation includes the proposed 2,072 sq of retail space and 2,268 sq of associated parking areas (based on 12 spaces and 1/2 of the adjacent lot). No other existing or proposed uses at the property are defined as retail use by the LUDC. Reference Plan #1 states "Planning Board waiver from 8.11.4.6b allowing 11 spaces to have a grass surface". Prior approvals include 16 parking spaces adjacent to the west edge of the lot, this current exists as 8 spaces on pavement and the designated 8 unimproved spaces in a grassed area.
- The property is under 100,000 sf, therefore open space requirement is 20% per Section 16.3.2.13.D.8.c.ii
- US Route 1 is in the urban compact zone within the project vicinity.

N/F STEPHEN A. HYNES  
 TAX MAP 60 LOT 21  
 Y.C.R.D. BOOK 7378 PAGE 52

**PLAN REFERENCES:**

- EXISTING CONDITIONS SURVEY PROVIDED BY NORTH EASTERLY SURVEY, INC., DATED JULY 23, 2014.
- SITE PLAN AMENDMENT, PREPARED FOR HARRISON E. LEMONT, DATED OCTOBER 29, 2009.

OVERLAP AREA:  
 49.1 SQ. FT.  
 (SEE NOTE 5  
 AND INSET 3)



133 COURT STREET PORTSMOUTH, NH 03801  
 (603) 433-2335 www.ALTUS-ENG.com



THIS DRAWING HAS NOT BEEN RELEASED FOR CONSTRUCTION

ISSUED FOR: APPROVAL

ISSUE DATE: DECEMBER 18, 2014

NO.	DESCRIPTION	BY	DATE
0	P.B. SUBMISSION	JKC	12/18/14

DRAWN BY: RMB  
 APPROVED BY: JKC  
 DRAWING FILE: 4652SITE.DWG

SCALE: 1" = 20'

OWNER/APPLICANT:  
**HARRISON E. LEMONT MGMT CO.**  
**HARRISON E. LEMONT**  
 &  
**ARLENE M. LEMONT**  
 11 PARK AVENUE  
 KITTERY, MAINE 03904

PROJECT:  
**PROPOSED  
 RETAIL/OFFICE  
 BUILDING  
 MAP 50 LOT 8**  
 435 US ROUTE 1  
 KITTERY, MAINE

TITLE:  
**SITE PLAN  
 AMENDMENT NO. 2**

SHEET NUMBER:  
**C - 2**

P-4652



**PROJECT NAME AND LOCATION**

PROPOSED RETAIL/OFFICE BUILDING  
 TAX MAP 50 LOT 8  
 435 US ROUTE 1  
 KITTERY, MAINE  
 LATITUDE: 043° 07' 17" N  
 LONGITUDE: 070° 43' 13" W

**APPLICANT:**

HARRISON E. LEMONT  
 11 PARK AVENUE  
 KITTERY, MAINE 03904

**DESCRIPTION**

The project consists of a proposed retail/office building with parking lot and associated site improvements.

**SEQUENCE OF MAJOR ACTIVITIES**

1. Install temporary erosion control measures, including silt fences and stabilized construction entrances.
2. Upon completion of items 1, clear and grub wooded areas, strip and stockpile loam. Stockpiles shall be temporarily stabilized with hay bales mulch and surrounded by a hay bale or silt fence barrier until material is removed and final grading is complete.
3. Construct ditches and stabilize prior to directing flow to them.
4. Construct drainage structures, swales & road base materials.
5. Ditches and swales with grades over 5% shall have sides and bottom reinforced with excelsior matting.
6. Grade and shape lots to finish elevations.
7. Stabilize disturbed areas.
8. When all construction activity is complete and site is stabilized, remove all hay bales, storm check dams, silt fences and sediment that has been trapped by these devices.

**NAME OF RECEIVING WATER**

Closed drainage system draining into unnamed wetlands.

**TEMPORARY EROSION AND SEDIMENT CONTROLS AND STABILIZATION PRACTICES**

All work shall be in accordance with state and local permits. Work shall conform to the practices described in the "Stormwater Management for Maine - Best Management Practices, latest edition" published by the Maine Department of Environmental Protection.

As indicated in the sequence of Major Activities, the hay bales and silt fences shall be installed prior to commencing any clearing or grading of the site. Structural controls shall be installed concurrently with the applicable activity. Once construction activity ceases permanently in an area, silt fences and hay bale barriers and any earth/dikes will be removed once permanent measures are established.

During construction, runoff will be diverted around the site with stabilized channels where possible channels where possible. Sheet runoff from the site will be filtered through hay bale barriers, stone check dams, and silt fences. All storm drain inlets shall be provided with hay bale filters or stone check dams. Stone rip rap shall be provided at the outlets of drain pipes and culverts where shown on the drawings.

Temporary and permanent vegetation and mulching is an integral component of the erosion and sedimentation control plan. All areas shall be inspected and maintained until desired vegetative cover is established. These control measures are essential to erosion prevention and also reduce costly rework of graded and shaped areas.

Temporary vegetation shall be maintained in these areas until permanent seeding is applied. Additionally, erosion sedimentation measures shall be maintained until permanent vegetation is established.

**INSTALLATION, MAINTENANCE AND INSPECTION PROCEDURES FOR TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES**

**A. GENERAL**

- These are the general inspection and maintenance practices that will be used to implement the plan.
- 1. The smallest practical portion of the site will be denuded at one time. All disturbed areas must be stabilized by temporary measures within 5 days of initial disturbance and stabilized by permanent measures immediately after final grading.
- 2. All control measures will be inspected at least once each week and following any storm event of 0.50 inches or greater. A maintenance inspection report will be made after each inspection and made available to the Town officials.
- 3. The Contractor's site superintendent will be responsible for inspections, maintenance and repair activities, and filling out the inspection and maintenance report.
- 4. Built up sediment will be removed from silt fence, stone check dams, or hay bale barriers when it has reached one third the height of the fence, check dam, or bale, or when "bulges" occur.
- 5. All diversion dikes will be inspected and any breaches promptly repaired.
- 6. Temporary seeding and planting will be inspected for bare spots, washouts, and unhealthy growth.
- 7. All measures will be maintained in good working order; if a repair is necessary, it will be initiated within 24 hours and completed within 72 hours.

**B. MULCHING**

- Application**
- \* In sensitive areas (within 100 ft of streams, wetlands and in lake watersheds) temporary mulch shall be applied within 7 days of exposing soil or prior to any storm event.
- \* Areas which have been temporarily seeded, shall be mulched immediately following seeding.
- \* Areas which cannot be seeded within the growing season shall be mulched for over-winter protection and the area should be seeded at the beginning of the growing season.
- \* Mulch anchoring should be used on slopes greater than 5% in late fall (post September 15), and over-winter (September 15 - April 15).

**Type of Mulch**

Hay or Straw Mulches  
 Organic mulches, including hay and straw, shall be air-dried, free of undesirable seeds and coarse materials. Application rate shall be 2 bales (70-90 pounds) per 1000 sq. ft. or 1.5 to 2 tons (90-100 bales) per acre to cover 75 to 90 % of the ground surface. Hay mulch subject to wind blowing shall be anchored with: netting; peg and twine or tracking.

**Erosion Control Mix**

Erosion control mix shall consist primarily of organic material and shall include any of the following: shredded bark, stump grindings, composted bark or other acceptable products based on a similar raw source. Wood or bark chips, ground construction debris or reprocessed wood products shall not be acceptable as the organic component of the mix. It can be used as a stand-alone reinforcement.

- \* On slopes 2 horizontal to 1 vertical or less.
- \* On frozen ground or forested areas.
- \* At the edge of gravel parking areas and areas under construction.
- \* On slopes with groundwater seepage:
- \* At low points with concentrated flows and in gullies;
- \* At the bottom of steep perimeter slopes exceeding 100 feet in length;
- \* Below culvert outlet aprons; and
- \* Around catch basins and closed storm systems.

**Composition**

Erosion control mix shall contain a well-graded mixture of particle sizes and may contain rocks less than 4" in diameter. Erosion control mix must be free of refuse, physical contaminants, and material toxic to plant growth. The mix composition shall meet the following standards:

- \* The organic matter content shall be between 80 and 100%, dry weight basis.
- \* Particle size by weight shall be 100 % passing a 6" screen and a minimum of 70 %, maximum of 85%, passing a 0.75" screen.
- \* The organic portion needs to be fibrous and elongated.
- \* Large portions of silts, clays or fine sands are not acceptable in the mix.

**Installation**

- \* Erosion control mix shall not be used on slopes steeper than 2:1.
  - \* On slopes of 3:1 or less; 2 inches plus an additional 1/2 inch per 20 feet of slope up to 100 feet.
  - \* On slopes between 3:1 and 2:1; 4 inch plus an additional 1/2 inch per 20 feet of slope up to 100 feet.
- The thickness of the mulch at the bottom of the slope needs to be:
- |                 |      |
|-----------------|------|
| < 3:1 slope     | 4.0" |
| < 20' of slope  | 2.0" |
| < 60' of slope  | 3.0" |
| < 100' of slope | 4.0" |
|                 | 5.0" |
|                 | 6.0" |
- \* It shall be placed evenly and must provide 100 % soil coverage, with the soil totally invisible.

Any required repairs shall be made immediately, with additional erosion control mix placed on top of the mulch to reach the recommended thickness. When the mix is decomposed, clogged with sediment, eroded or ineffective, it shall be replaced or repaired. Erosion control mix mulch shall be left in place. If the mulch needs to be removed spread it out into the landscape.

**Maintenance**

All mulches must be inspected periodically, in particular after rainstorms, to check for rill erosion. If less than 90% of the soil surface is covered by mulch, additional mulch shall be immediately applied. Nets shall be inspected after rain events for dislocation or failure. If washouts or breakage occur, re-install the nets as necessary after repairing damage to the slope. Inspections shall take place until grasses are firmly established (95% soil surface covered with grass). Where mulch is used in conjunction with ornamental plantings, inspect periodically throughout the year to determine if mulch is maintaining coverage of the soil surface. Repair as needed.

**C. TEMPORARY VEGETATION**

**Considerations**

- \* Proper seedbed preparation and the use of quality seed are important in this practice just as in permanent seeding. Failure to carefully follow sound agronomic recommendations will often result in an inadequate stand of vegetation that provides little or no erosion control.
- \* Nutrients and pesticides used to establish and maintain a vegetation cover shall be managed to protect the surface and ground water quality.
- \* Temporary seeding shall be used extensively in sensitive areas (ponds and lake watersheds, steep slopes, streambanks, etc.).
- \* Late fall seeding may fail and cause water quality deterioration in spring runoff events, thus other measures such as mulching shall be implemented.

**Specifications**

**Seedbed Preparation**

Apply limestone and fertilizer according to soil test recommendations. If soil testing is not feasible on small or variable sites, or where timing is critical, fertilizer may be applied at the rate of 600 pounds per acre or 13.8 pounds per 1,000 square feet of 10-10-10 (N-P2O5-K2O) or equivalent. Apply limestone (equivalent to 50 percent calcium plus magnesium oxide) at a rate of 3 tons per acre (138 lb. per 1,000 square feet).

**Seeding**

- \* Select seed from recommendations in enclosed table.
- \* Where the soil has been compacted by construction operations, loosen soil to a depth of 2 inches before applying fertilizer, lime and seed.
- \* Apply seed uniformly by hand, cyclone seeder, drill, cutlapper type seeder or hydroseeder (slurry including seed and fertilizer). Hydroseeding that includes mulch may be left on soil surface. Seeding rates must be increased 10% when hydroseeding.

**Mulching**

Apply mulch over seeded area according to the TEMPORARY MULCHING BMP.

**Maintenance**

Temporary seeding shall be periodically inspected. At a minimum, 95% of the soil surface should be covered by vegetation. If areas of erosion or sedimentation in appearance repairs shall be made and other temporary measures used in the interim (mulch, filter barriers, check dams, etc.).

Temporary Seeding Rates and Dates				
Seed	Lb./Ac	Seeding Depth	Recommended Seeding Dates	Remarks
Winter Rye	112 (2.0 bu)	1-1.5 in	8/15-10/1	Good for fall seeding. Select a hardy species, such as Aroostook Rye. Best for spring seeding. Early fall seeding will die when winter weather moved in, but mulch will provide protection.
Oats	80 (2.5 bu)	1-1.5 in	4/1-7/1 8/15-9/15	Grows quickly but is of short duration. Use where appearance is important. With mulch, seeding may be done throughout growing season.
Annual Ryegrass	40	.25 in	4/1-7/1	Good growth during hot summer periods. Good cover, longer lasting than Annual Ryegrass. Mulching will allow seeding throughout growing season.
Sudangrass	40 (1.0 bu)	.5-1 in	5/15-8/15	
Perennial	40 (2.0 bu)	.25 in	8/15-9/15	
Temporary mulch with or without dormant seeding			10/1-4/1	Refer to TEMPORARY MULCHING BMP and/or PERMANENT VEGETATION BMP.

**D. FILTERS**

**Silt Fences**

- a. Synthetic filter fabric shall be a pervious sheet of polypropylene, nylon, polyester or ethylene yarn and shall be certified by the manufacturer or supplier as conforming to the following requirements:

Physical Property	Test	Requirements
Filtering Efficiency	VTM-51	75% minimum
Tensile Strength at 20% Maximum Elongation **	VTM-52	Extra Strength - 50 lb/in in (min.) Standard Strength - 30 lb/in in (min.)
Flow Rate	VTM-51	0.3 gal/sf/min
** Requirements reduced by 50% after 6 months on installations.		

- Synthetic filter fabric shall contain ultraviolet ray inhibitors and stabilizers to provide a minimum of six (6) months of expected usable construction life at a temperature range of 0 degrees F. to 120° F.
- b. Posts shall be spaced a maximum of ten (10) feet apart at the barrier location or as recommended by the manufacturer and driven securely into the ground (minimum of 16 inches).
- c. A trench shall be excavated approximately six (6) inches wide and six (8) inches deep along the line of posts and upslope from the barrier.
- d. When standard strength filter fabric is used, a wire mesh support fence shall be fastened securely to the upslope side of the posts using heavy duty wire staples at least one (1) inch long, the wires or hog rings. The wire shall extend no more than 36 inches above the original ground surface.
- e. The "standard strength" filter fabric shall be stapled or wired to the fence, and eight (8) inches of the fabric shall be extended into the trench. The fabric shall not extend more than 36 inches above the original ground surface. Filter fabric shall not be stapled to existing trees.
- f. When extra strength filter fabric and closer post spacing are used, the wire mesh support fence may be eliminated.
- g. The trench shall be backfilled and the soil compacted over the filter fabric.
- h. Silt fences shall be removed when they have served their useful purpose but not before the upslope areas has been permanently stabilized.

**Straw/Hay Bales**

- \* Bales shall be placed in a single row, lengthwise on the contour, with ends of adjacent bales tightly abutting one another.
- \* All bales shall be either wire-bound or string-tied. Bales shall be installed so that bindings are oriented around the sides, parallel to the ground surface to prevent deterioration of the bindings.
- \* The barrier shall be entrenched and backfilled. A trench shall be excavated the width of a bale and the length of the proposed barrier to a minimum depth of 4 inches.
- \* After the bales are staked and chinked, the excavated soil shall be backfilled against the barrier. Backfill soil shall conform to the ground level on the downhill side and shall be built up to 4 inches against the uphill side of the barrier.
- \* At least two stakes or rebars driven through the bales shall secure anchor each bale. The first stake in each bale shall be driven toward the previously laid bale to force the bales together. Stakes or re-bars shall be driven deep enough into the ground to securely anchor the bales.
- \* The gaps between bales shall be chinked (filled by wedging) with hay to prevent water from escaping between the bales.

**Installation**

- \* Sediment barriers shall be installed prior to any soil disturbance of the contributing drainage upslope of them.
- \* The barrier must be placed along a relatively level contour.

**Maintenance**

- \* Hay bale barriers, silt fences and filter berms shall be inspected immediately after each rainfall and at least daily during prolonged rainfall. They shall be repaired immediately if there are any signs of erosion or sedimentation below them. If there are signs of undercutting at the center or the edges of the barrier, or impounding of large volumes of water behind them, sediment barriers shall be replaced with a temporary check dam.
- \* Should the fabric on a silt fence or filter barrier decompose or become ineffective prior to the end of the expected useful life and the barrier still is necessary, the fabric shall be replaced promptly.
- \* Sediment deposits should be removed when deposits reach approximately one third (1/3) the height of the barrier.
- \* Filter berms should be reshaped as needed.
- \* Any sediment deposits remaining in place after the silt fence or filter barrier is no longer required shall be dressed or removed to conform to the existing grade, prepared and seeded.
- \* Additional stone may have to be added to the construction stabilized entrance, rock barriers, stone lined swales, etc., periodically to maintain proper function of the erosion control structure.

**E. PERMANENT SEEDING**

- \* Seeding shall be performed in accordance with USDA, Soil Conservation Service guidelines.
- \* Bedding - stones larger than 1 1/8", trash, roots, and other debris that will interfere with seeding and future maintenance of the area shall be removed. Where feasible, the soil should be tilled to a depth of 4" to prepare a seedbed and mix fertilizer into the soil.
- \* Fertilizer - lime and fertilizer should be applied evenly over the area prior to or at the time of seeding and incorporated into the soil. Kinds and amounts of lime and fertilizer shall be based on an evaluation of soil tests. When a soil test is not available, the following minimum amounts should be applied: Limestone @ 3 tons per acre  
10-20-20 fertilizer (N-P2O5-K2O) @ 800 lbs. per acre
- \* Seed Mixture (recommended):  
See Specifications

**F. OVER WINTER STABILIZATION**

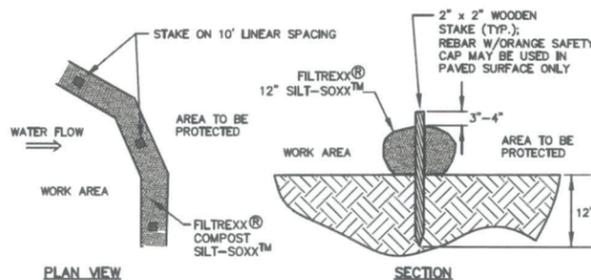
- a. If a construction site is not stabilized with pavement, a road gravel base, 75 % mature vegetation cover or riprap by November 15 then the site shall be protected with over-winter stabilization. An area considered open is any area not stabilized with pavement; vegetation, mulching, erosion control mix, erosion control mats, riprap or gravel base on a road. The winter construction period is from November 1 through April 15.
- b. Winter excavation and earthwork shall be completed such that no more than 1 acre of the site is without stabilization at any one time. Limit the exposed area to those areas in which work is to occur during the following 15 days and that can be mulched in one day prior to any snow event.
- c. During winter construction, a double row of sediment barriers (i.e. silt fence backed with hay bales or erosion control mix) shall be placed between any natural resource and the disturbed area.
- d. During frozen conditions, sediment barriers shall consist of erosion control mix berms or any other recognized sediment barriers.
- e. Hay and straw mulch shall be applied at a rate of 150 lb. per 1,000 square feet or 3 tons/acre (twice the normal accepted rate of 75-lb./1,000 s.f. or 1.5 tons/acre) and shall be properly anchored. Erosion control mix shall be applied with a minimum 4 inch thickness. Mulch shall not be spread on top of snow.
- f. Between the dates of November 1 and April 15, all mulch shall be anchored by either mulch netting, asphalt emulsion chemical, tracking or wood cellulose fiber. After November 1st, mulch and anchoring of all exposed soil shall occur at the end of each final grading workday.
- g. Stockpiles of soil or subsoil will be mulched for over winter protection with hay or straw at twice the normal rate or with a four-inch layer of erosion control mix.
- h. Seeding - Between the dates of October 15 and April 1st, loam or seed will not be required. If the date is after November 1st, and if the exposed area has been loamed, final graded with a uniform surface, then the area may be dormant seeded at a rate of 3 times higher than specified for permanent seed and then mulched. If dormant seeding is used for the site, all disturbed areas shall receive 4' of loam and seed at an application rate of 5lbs/1000 s.f. All areas seeded during the winter will be inspected in the spring for adequate catch. All areas insufficiently vegetated (less than 75 % catch) shall be revegetated by replacing loam, seed and mulch. If dormant seeding is not used for the site, all disturbed areas shall be revegetated in the spring.
- i. All stone-lined ditches and channels shall be constructed and stabilized by November 15. All grass-lined ditches and channels shall be constructed and stabilized by September 1. If a ditch or channel is not grass-lined by September 1, then one of the following actions must be taken to stabilize the ditch for late fall and winter.  
Install a sod lining in the ditch: A ditch must be lined with properly installed sod by October 1.  
Install a stone lining in the ditch: A ditch must be lined with stone riprap by November 15.
- j. All stone-covered slopes must be constructed and stabilized by November 15. And all slopes to be vegetated must be seeded and mulched by September 1. If a slope to be vegetated is not stabilized by September 1, then one of the following actions must be taken to stabilize the slope for late fall and winter.  
Stabilize the soil with temporary vegetation and erosion control mats: By October 1 the disturbed slope shall be seeded with winter rye at a seeding rate of 3 pounds per 1000 square feet and then install erosion control mats or anchored mulch over the seeding. If the rye fails to grow at least three inches or fails to cover at least 75% of the slope by November 1, then the contractor shall cover the slope with a layer of erosion control mix or with stone riprap as described in the following standards.  
Stabilize the soil with sod: The disturbed slope shall be stabilized with properly installed sod by October 1. Proper installation includes pinning the sod onto the slope with wire pins, rolling the sod to guarantee contact between the sod and underlying soil, and watering the sod to promote root growth into the disturbed soil. The contractor will not use late-season sod installation to stabilize slopes having a grade greater than 33% (3H:1V) or having groundwater seeps on the slope face.  
Stabilize the soil with erosion control mix: Erosion control mix shall be properly installed by November 15. The contractor shall not use erosion control mix to stabilize slopes having grades greater than 50% (2H:1V) or having groundwater seeps on the slope face.  
Stabilize the soil with stone riprap: Place a layer of stone riprap on the slope by November 15.  
k. By September 15, all disturbed soils on areas having a slope less than 15% shall be seeded and mulched. If the disturbed areas are not stabilized by this date, then one of the following actions shall be taken to stabilize the soil for late fall and winter.  
Stabilize the soil with temporary vegetation: By October 1, seed the disturbed soil with winter rye at a seeding rate of 3 pounds per 1000 square feet, lightly mulch the seeded soil with hay or straw at 75 pounds per 1000 square feet, and anchor the mulch with plastic netting. Monitor growth of the rye over the next 30 days. If the rye fails to grow at least three inches or fails to cover at least 75% of the disturbed soil before November 1, then mulch the area for over-winter protection as described below.  
Stabilize the soil with sod: Stabilize the disturbed soil with properly installed sod by October 1. Proper installation includes pinning the sod onto the slope with wire pins, rolling the sod to guarantee contact between the sod and underlying soil, and watering the sod to promote root growth into the disturbed soil.  
Stabilize the soil with mulch: By November 15, mulch the disturbed soil by spreading hay or straw at a rate of at least 150 pounds per 1000 square feet on the area so that no soil is visible through the mulch. Immediately after applying the mulch, anchor the mulch with plastic netting to prevent wind from moving the mulch off the disturbed soil.

**Maintenance**

Maintenance measures shall be applied as needed during the entire construction season. After each rainfall, snow storm or period of thawing and runoff, the site contractor shall perform a visual inspection of all installed erosion control measures and perform repairs as needed to insure their continuous function. Following the temporary and/or final seeding and mulching, the contractor shall, in the spring, inspect and repair any damages and/or bare spots. An established vegetative cover means a minimum of 85 to 90 % of areas vegetated with vigorous growth.

**Stabilization Schedule before Winter**

- September 15 All disturbed areas shall be seeded and mulched. All slopes shall be stabilized, seeded and mulched. All grass-lined ditches and channels shall be stabilized with mulch or an erosion control blanket.
- October 1 If the slope is stabilized with an erosion control blanket and seeded. All disturbed areas to be protected with an annual grass shall be seeded at a seeding rate of 3 pounds per 1000 square feet and mulched.
- November 15 All stone-lined ditches and channels shall be constructed and stabilized. Slopes that are covered with riprap shall be constructed by that date.
- December 1 All disturbed areas where the growth of vegetation fails to be at least three inches tall or at least 75% of the disturbed soil is covered by vegetation, shall be protected for over-winter.



**NOTES:**

1. SILTSOXX MAY BE USED IN PLACE OF SILT FENCE OR OTHER SEDIMENT BARRIERS.
2. ALL MATERIAL TO MEET FILTREXX SPECIFICATIONS.
3. SILTSOXX COMPOST/SOIL/ROCK/SEED FILL MATERIAL SHALL BE ADJUSTED AS NECESSARY TO MEET THE REQUIREMENTS OF THE SPECIFIC APPLICATION.
4. ALL SEDIMENT TRAPPED BY SILTSOXX SHALL BE DISPOSED OF PROPERLY.

**FILTREXX STAKING DETAILS**  
 NOT TO SCALE



133 COURT STREET PORTSMOUTH, NH 03801  
 (603) 433-2335 www.ALTUS-ENG.com



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

**ISSUED FOR:**

**APPROVAL**

**ISSUE DATE:**

**DECEMBER 18, 2014**

**REVISIONS:**

NO.	DESCRIPTION	BY	DATE
0	P.B. SUBMISSION	JKC	12/18/14

**DRAWN BY:**

**RMB**

**APPROVED BY:**

**JKC**

**DRAWING FILE:**

**4652SITE.DWG**

**SCALE:**

**N.T.S.**

**OWNER/APPLICANT:**

**HARRISON E. LEMONT MGMT CO.**  
**HARRISON E. LEMONT**  
 &  
**ARLENE M. LEMONT**  
 11 PARK AVENUE  
 KITTERY, MAINE 03904

**PROJECT:**

**PROPOSED**  
**RETAIL/OFFICE**  
**BUILDING**  
**MAP 50 LOT 8**  
 435 US ROUTE 1  
 KITTERY, MAINE

**TITLE:**

**EROSION CONTROL**  
**NOTES**

**SHEET NUMBER:**

**C - 4**





THIS DRAWING HAS NOT BEEN  
RELEASED FOR CONSTRUCTION

ISSUED FOR:  
SKETCH PLAN REVIEW

ISSUE DATE:  
DECEMBER 18, 2014

REVISIONS  
NO. DESCRIPTION BY DATE  
0 SKETCH PLAN SUBMISSION JKC 12/18/14

DRAWN BY: RMB  
APPROVED BY: JKC  
DRAWING FILE: 4652SITE.DWG

SCALE:  
N.T.S.

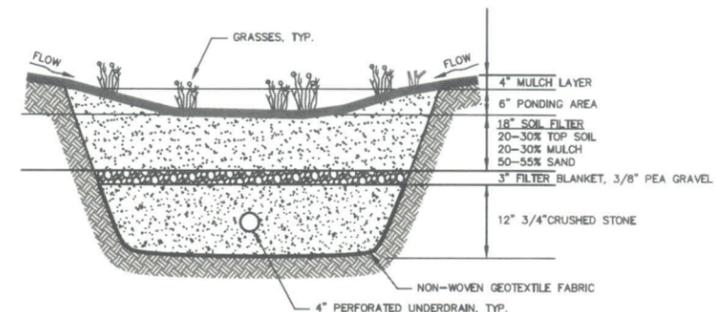
OWNER/APPLICANT:  
HARRISON E. LEMONT MGMT CO.  
HARRISON E. LEMONT  
&  
ARLENE M. LEMONT  
11 PARK AVENUE  
KITTERY, MAINE 03904

PROJECT:  
PROPOSED  
RETAIL/OFFICE  
BUILDING  
MAP 50 LOT 8  
435 US ROUTE 1  
KITTERY, MAINE

TITLE:  
DETAIL SHEET

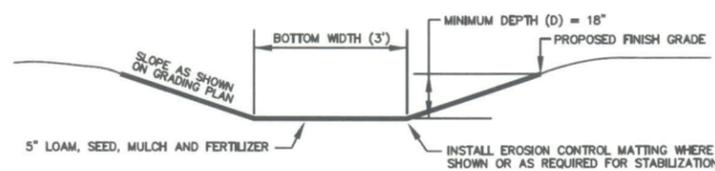
SHEET NUMBER:  
C - 6

P4652



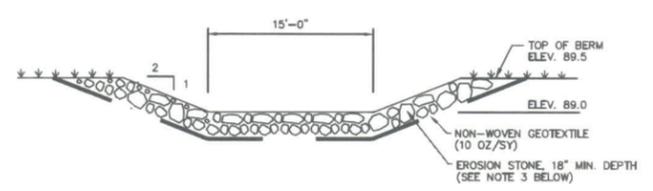
SOIL FILTER MEDIA			MEDOT #703.01 AGGREGATE		SEEDING
FILTER MEDIA	MEDOT BY VOLUME	SPECIFICATION	SEIVE SIZE	% BY WEIGHT	
SAND	50-55%	MEDOT SPECIFICATION #703.01 FINE AGGREGATE FOR CONCRETE	3/8"	100	Creeping red fescue 20 lb/acre
TOPSOIL	20-30%	LOAMY SAND TOPSOIL WITH MINIMAL CLAY CONTENT AND BETWEEN 15 TO 25% FIBES PASSING THE #200 SIEVE	#4	95-100	Tall fescue 20 lb/acre
MULCH	20-30%	MODERATELY FINE, SHREDDED BARK OR WOOD FIBER MULCH WITH LESS THAN 5% PASSING #200 SIEVE	#8	80-100	Bird's foot treefoil 8 lb/acre
			#16	50-85	Annual Rye 20 lb/acre
			#30	25-60	Total 88 lb/acre
			#60	10-30	
			#100	2-10	Straw mulch or erosion control blanket after seeding
			#200	0-5	

- GRASSED UNDERDRAINED SOIL FILTER (USF) NOTES:**
- USF CONSTRUCTION SHALL BE IN GENERAL CONFORMANCE OF MAINE DEP STORMWATER MANAGEMENT MANUAL, LATEST EDITION.
  - THE USF SUBGRADE SHALL BE EXCAVATED TO THE DESIGN DEPTH PLUS TWO (2) INCHES. AT THAT DEPTH FOUR (4) INCHES OF COMPOST SHALL BE TILLED INTO THE EXISTING SOILS SUCH THAT THE SOILS ARE WELL MIXED.
  - USF SHALL BE CONSTRUCTED AND REMAIN OFF-LINE UNTIL TURF IS ESTABLISHED AT 80% COVERAGE FOR CONTRIBUTING DRAINAGE AREA. DO NOT ALLOW SILTED RUNOFF TO ENTER THE USF.
  - DO NOT DRIVE CONSTRUCTION EQUIPMENT ON FILTER SUBGRADE NOR ON THE FILTER MATERIAL. INSTALL FILTER MATERIALS BY MEANS OF AN EXCAVATOR LOCATED ADJACENT TO THE FILTER AREA.
  - REFER TO SPECIFICATION FOR GRASS MIX. INITIAL ESTABLISHMENT: DURING THE FIRST 2-3 MONTHS OF ESTABLISHMENT WATER THE USF ON A WEEKLY BASIS (TO SUPPLEMENT RAINFALL FOR TOTAL OF 1-INCH PER WEEK).
  - ANNUAL MAINTENANCE:** IN THE SPRING OF EACH YEAR, ANY DEAD VEGETATION SHALL BE REMOVED TO ALLOW FOR NEW GROWTH, AND ANY ACCUMULATED SEDIMENT (NORMALLY AT THE ENTRANCE TO THE USF) SHALL ALSO BE REMOVED. DURING THE GROWING SEASON TURF SHALL BE MOWED AS NEEDED. IF WATER PONDS ON THE SURFACE FOR MORE THAN 24 HOURS DURING THE FIRST YEAR OR 72 HOURS THEREAFTER, THE FILTER SURFACE SHALL BE AERATED WITH DEEP TINES OR THE SURFACE REPLACED.



- NOTES:**
- THE FOUNDATION AREA OF THE WATERWAY SHALL BE CLEARED AND GRUBBED OF ALL TREES, BRUSH, STUMPS, AND OTHER OBJECTIONABLE MATERIAL. MATERIALS REMOVED SHALL BE DISPOSED OF SO THEY WILL NOT INTERFERE WITH THE CONSTRUCTION OR PROPER FUNCTIONING OF THE WATERWAY.
  - THE WATERWAY SHALL BE EXCAVATED OR SHAPED TO LINE, GRADE AND CROSS SECTION AS REQUIRED TO MEET THE DESIGN CRITERIA. THE WATERWAY SHALL BE FREE OF IRREGULARITIES WHICH WILL IMPEDE NORMAL FLOW.
  - EARTH FILLS REQUIRED TO MEET SUBGRADE REQUIREMENTS BECAUSE OF OVER EXCAVATION OR TOPOGRAPHY SHALL BE COMPACTED TO THE SAME DENSITY AS THE SURROUNDING SOIL TO PREVENT UNEQUAL SETTLEMENT THAT COULD CAUSE DAMAGE TO THE COMPLETED WATERWAY. EARTH REMOVED AND NOT NEEDED IN CONSTRUCTION SHALL BE SPREAD OR DISPOSED OF SO IT WILL NOT INTERFERE WITH THE FUNCTIONING OF THE WATERWAY.
  - CONSTRUCTION OPERATIONS SHALL BE CARRIED OUT IN SUCH A MANNER AS TO MINIMIZE EROSION AND AIR AND WATER POLLUTION. ALL APPROPRIATE STATE AND LOCAL LAWS AND REGULATIONS SHALL BE COMPLIED WITH FOR INSTALLATION.
  - VEGETATION SHALL BE ESTABLISHED IN THE SWALE OR AN EROSION CONTROL MATTING INSTALLED PRIOR TO ALLOWING STORMWATER RUNOFF TO FLOW THROUGH THE SWALE.
  - MAINTENANCE OF THE VEGETATION IN THE GRASSED WATERWAY IS EXTREMELY IMPORTANT IN ORDER TO PREVENT RILLING, EROSION, AND FAILURE OF THE WATERWAY. MOWING SHALL BE DONE FREQUENTLY ENOUGH TO CONTROL ENCROACHMENT OF WEEDS AND WOODY VEGETATION AND TO KEEP THE GRASSES IN A VIGOROUS CONDITION. THE VEGETATION SHALL NOT BE MOWED TOO CLOSELY SO AS TO REDUCE THE EROSION RESISTANCE IN THE WATERWAY.
  - THE WATERWAY SHALL BE INSPECTED PERIODICALLY AND AFTER ANY STORM GREATER THAN 0.5" OF RAINFALL IN 24 HOURS TO DETERMINE THE CONDITION OF THE WATERWAY. RILLS AND DAMAGED AREAS SHALL BE PROMPTLY REPAIRED AND REVEGETATED AS NECESSARY TO PREVENT FURTHER DETERIORATION.
  - ONLY LOW PHOSPHATE AND LOW RELEASE NITROGEN FERTILIZER MAY USED TO PROMOTE GROWTH.

**GRASSED SWALE**  
NOT TO SCALE

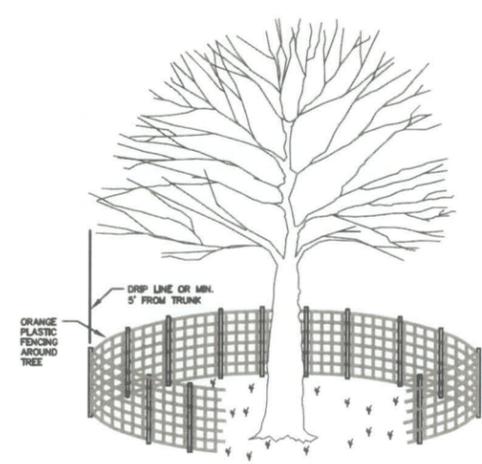


- CONSTRUCT EMERGENCY OVERFLOW WEIR TO THE WIDTHS AND LENGTHS SHOWN ON THE PLAN.
- THE SUBGRADE FOR THE GEOTEXTILE FABRIC AND RIPRAP SHALL BE PREPARED TO LINES AND GRADES SHOWN ON THE PLANS.
- EROSION STONE USED FOR THE EMERGENCY OVERFLOW WEIR SHALL MEET THE FOLLOWING GRADATION:

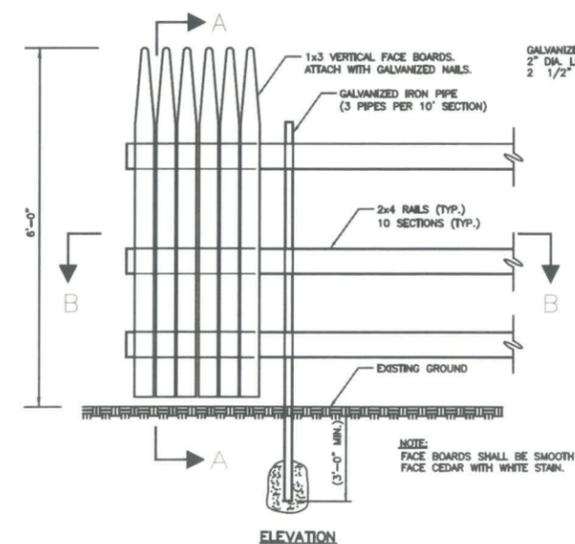
SIZE	PERCENT PASSING BY WEIGHT
18"	100
12"	90-100
4"	0-15
- GEOTEXTILE FABRICS SHALL BE PROTECTED FROM PUNCTURE OR TEARING DURING THE PLACEMENT OF THE EROSION STONE. DAMAGED AREAS IN THE FABRIC SHALL BE REPAIRED BY PLACING A PIECE OF FABRIC OVER THE DAMAGED AREA OR BY COMPLETE REPLACEMENT OF THE FABRIC. ALL OVERLAPS REQUIRED FOR REPAIRS OR JOINING TWO PIECES OF FABRIC SHALL BE A MINIMUM OF 18 INCHES.
- THE EROSION STONE MAY BE PLACED BY EQUIPMENT AND SHALL BE CONSTRUCTED TO THE FULL LAYER THICKNESS IN ONE OPERATION AND IN SUCH A MANNER AS TO PREVENT SEGREGATION OF THE STONE SIZES.

**EMERGENCY OVERFLOW WEIR**  
NOT TO SCALE

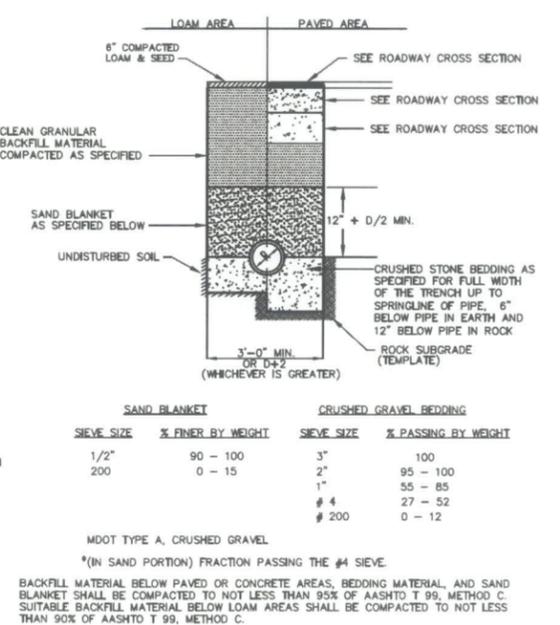
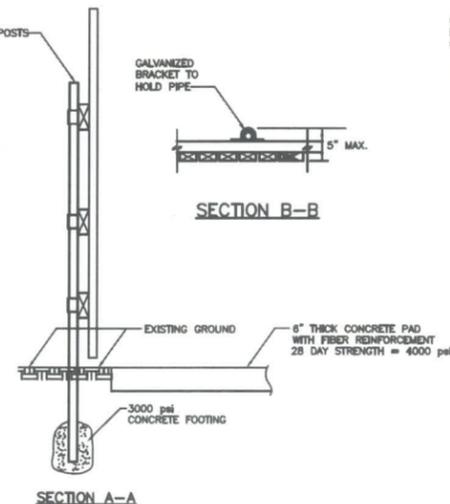
**GRASSED UNDERDRAINED SOIL FILTER**  
NOT TO SCALE



**TREE PROTECTION DETAIL**  
NOT TO SCALE



**STOCKADE FENCE**  
NOT TO SCALE



**DRAIN TRENCH SECTION**  
NOT TO SCALE



FRONT ELEVATION  
SCALE: 1/4" = 10'



REAR ELEVATION  
SCALE: 1/4" = 10'

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PROPOSED RETAIL/OFFICE BUILDING  
MAP 50, LOT 8  
435 US ROUTE 1 KITTERY, ME

PEARSON TRADITIONAL DESIGN  
470 U.S. Route 1 - Atlantic Place - York, Maine 03909  
207-351-2711 www.pearsontraditionaldesign.com  
American Institute of Building Design - AIBD

DATE  
Revised: 12/16/2014



LEFT ELEVATION  
SCALE: 1/4" = 10'



RIGHT ELEVATION  
SCALE: 1/4" = 10'

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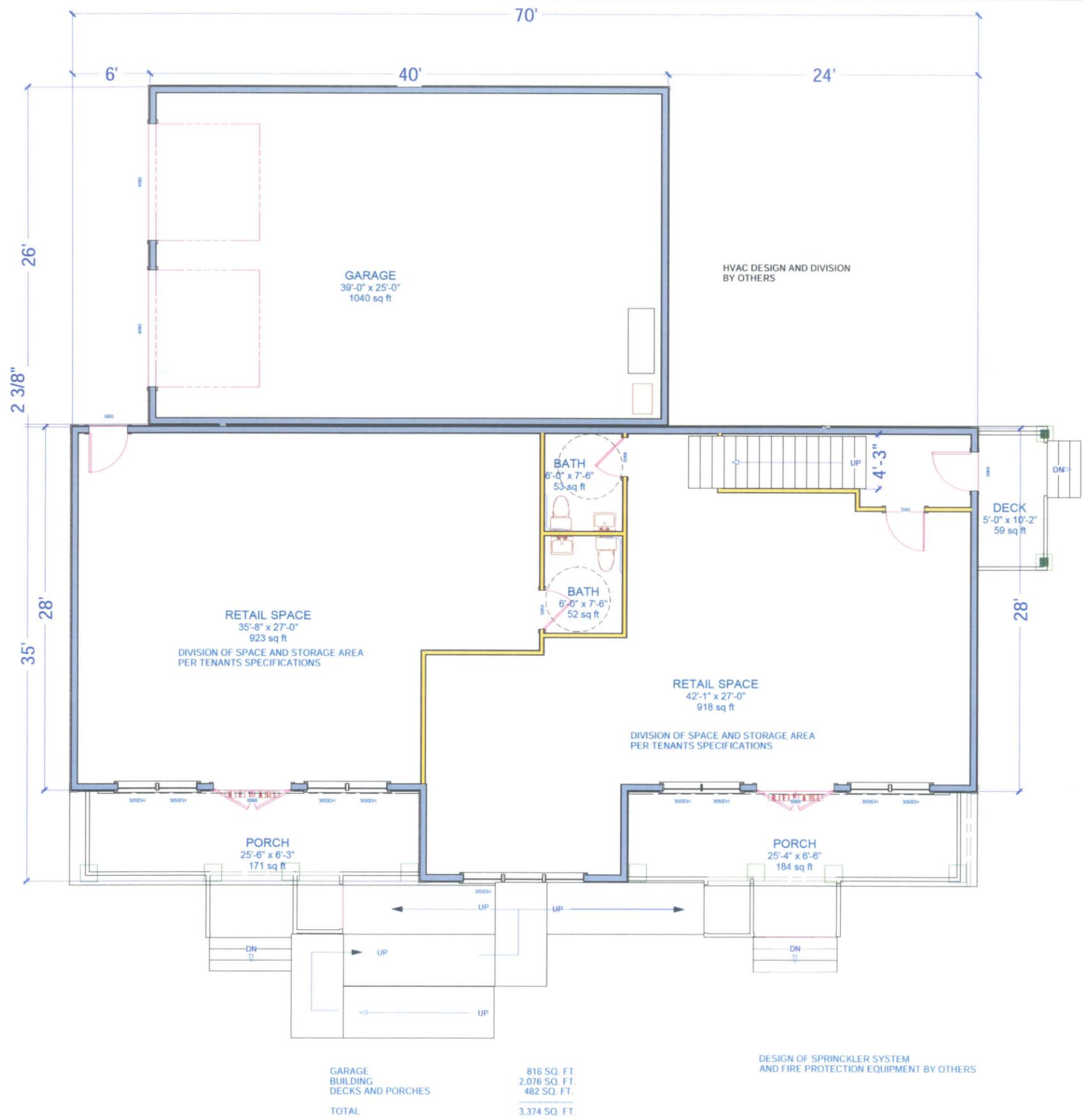

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DATE  
REVISION: 12/16/2014



DESIGN OF SPRINKLER SYSTEM AND FIRE PROTECTION EQUIPMENT BY OTHERS

HVAC DESIGN AND DIVISION BY OTHERS

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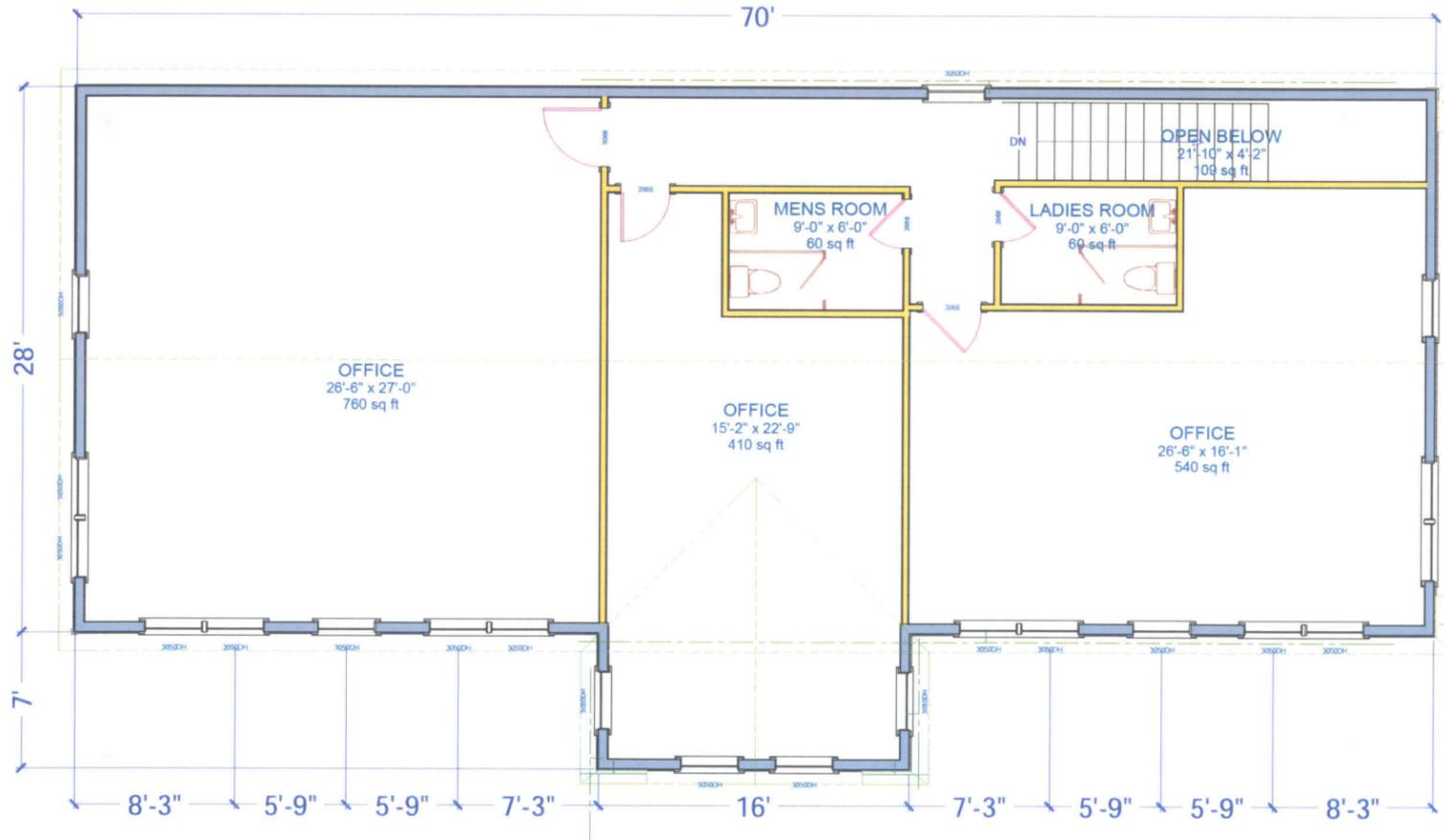
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**McEachern & Thornhill**

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**Attorneys At Law**

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December 14, 2005

Ms. Heather M. Ross  
Kittery Code Enforcement Officer  
P. O. Box 808  
Kittery, ME 03904-0808

Re: Kittery Foreside Design Standard Review

Dear Heather:

I have reviewed the Kittery Foreside Ordinance with regard to the Design Review provisions. I understand that the Kittery Foreside Committee has been disbanded and a "successor organization" has not been appointed. My first impression of the design standards set out in the Ordinance is that some of them are broadly drafted and sprinkled with subjective concepts. I realize that the design review is only advisory to you or the Planning Board but it has introduced a layer of review to which an applicant will be subjected. Moreover, it adds up to 45 days to the permit-granting process. All these comments are off the point of your inquiry.

You indicate that you now have a request for a building permit before you but there is no entity to review the permit under the Design Review. In light of this, it would be my opinion that you should grant the permit if it complies with the Ordinance. I don't believe that an applicant should be penalized with regard to an advisory review when the legal mechanism for

---

Duncan A. McEachern & Dan W. Thornhill

PO Box 360, 10 Walker Street  
Kittery, Maine 03901  
Telephone 207-439-1881 FAX 207-439-8893

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McEachern & Thornhill

Attorneys At Law

Ms. Heather M. Ross

Re: Kittery Foreside Design Standard Review

December 14, 2005

Page 2

that review is yet to be established. Moreover, the Town is protected through your review of the permit request.

Should you need anything more on this, please let me know.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'DAM'.

Duncan A. McEachern

DAMcE/cn

Copy to

Mr. James Noel

Mr. Jonathan L. Carter

\\Opinions\Foreside  
\\DAM\Foreside.2.doc

**Town of Kittery  
 Planning Board Meeting  
 January 8, 2015**

**Old Armory Way Mixed Use Development — Preliminary Site Plan – Completeness Review**

Owner/applicant Ken McDavitt requests approval to construct two residential condominiums (total of three dwelling units) with 8 commercial boat slips at 15 Old Armory Way, Tax Map 4, Lot 51 in the Mixed Use Kittery Foreside Zone, and the Shoreland and Commercial Fisheries/Maritime Activities Overlay Zones. Agent is Ken Wood, P.E., Attar Engineering, Inc., Eliot, Maine

**PROJECT TRACKING**

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Review/Approval	Scheduled: 5/8/14	GRANTED
NO	Site Visit	Held during Sketch Plan	PENDING
YES	Preliminary Plan Review Completeness/Acceptance	Scheduled for 1/8/2015	PENDING
YES	Public Hearing		TBD
YES	Port Authority Approval		TBD
YES	Final Plan Review		TBD

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

**Background**

Applicant began the process for parcel development in 2012, not proceeding beyond the sketch plan review level. In June 2014 the Applicant received Sketch Plan approval. The Applicant has submitted a preliminary plan application based on the concept approved in June.

The project consists primarily of two new residential condominium buildings (3 dwelling units) replacing one principal structure (3 dwelling units) and garage and the creation of 8 commercial boat slips. Construction of associated parking for the boat slips is part of the proposed project, residential parking is provided in attached garages and a single exterior space adjacent to the buildings.

A retaining wall is required for the commercial parking which is designed for 5 spaces and one accessible space. The Applicant has prepared a stormwater management report for CMA’s review.

**Staff Comments**

Completeness Review

The Town’s Peer Review Engineer will review the preliminary plan application and is prepared to have comments for the Board’s consideration at the first meeting in February if a public hearing is scheduled.

With the exception of Standard Boundary Survey the preliminary plan application appears to be generally complete and the Board can accept the application conditioned that the Boundary Survey and any comments/request for information from CMA and the board members is submitted in advance of scheduling a public hearing (three weeks prior to the meeting date).

The Board’s primary objective for this meeting is to determine if the application is complete. Below is the supporting Code:

**16.10.5.3 Planning Board Acceptance Review.**

**16.10.5.3.1 Preliminary Plan Acceptance Criteria.**

*A. At a Planning Board acceptance review meeting, the Planning Board must accept or deny the preliminary plan application in accordance with the following:*

- 1. Applicant(s) have standing by virtue of vested interest (right, title, or interest) in all properties under consideration in the plan;*
- 2. Application is complete in accordance with the requirements of Section 16.10.5.2 or the Planning Board accepts and approves by formal action any written requests for waiver of submission contents or deferment.*
- 3. At the acceptance review meeting, if the Planning Board accepts the preliminary plan, it must confirm the review category; determine if any studies/review or analysis is required in accordance with Section 16.10.5.2D and schedule the date for a public hearing.*

The Applicant's presentation and the Boards consideration should focus on this objective and make an effort not to begin a substantive review as to how and if the project conforms to the Code, unless necessary to identify information that applicant has not addressed or is missing and is needed to in order to perform a successful review.

Kittery Foreside Committee (KFC)

The Board is actively discussing the status of this committee that is referenced in the Code. The property is located in the Mixed Use Kittery Foreside Zone so the question as to how to address the requirement in the Code for review by the KFC should be discussed. Staff suggests that if the Board is not comfortable making the determination without the KFC, perhaps a peer-review can be prepared by an architect through the peer-review process already on the way with CMA.

**Board's Action**

Staff recommends the Planning Board accept the plan application conditioned that information noted above is prepared and submitted prior to holding a public hearing.

***move to accept the preliminary site plan application of Ken McDavitt to construct two residential condominiums (total of three dwelling units) with 8 commercial boat slips at 15 Old Armory Way, Tax Map 4, Lot 51 in the Mixed Use Kittery Foreside Zone, and the Shoreland and Commercial Fisheries/Maritime Activities Overlay Zones and schedule a site walk and public hearing.***

# 15 Old Armory Way Project Description

December 19, 2014

## Introduction

Ken and Sandy McDavitt purchased the property from William and Mary Dennett on August 6<sup>th</sup>, 2004. Ken and his wife bought the property with the intention to develop so that they may keep a unit to retire to. Ken, being a sailor, was attracted to the property because of its access to the open ocean and the maritime activities it enables. Years past there was an active dock on the property and the old piers remain today. Sandra was attracted to the property because of fond memories visiting her Kittery grandmother Sprague and returning to her Kittery roots tracing back to the 1700's.

The McDavitts' plan to replace the existing 2 structures, a 3-family structure with detached garage and workshop, with 2 new structures, a single family and two-family. Further, they plan to expand the existing pier and float with a basic marina consisting of 8 boat slips, each with water and electric. The property will be a mixed use condominium, 3 residential units and a marina.

The sketch plan for the project was approved on June 12, 2014. The sketch plan was for 3 residential units with 5 parking spaces, and 12 boat slips with 9 parking spaces. Listening to the traffic and parking concerns expressed by the planning board, the McDavitts' preliminary plan increased the number of spaces associated with the three dwelling units from 5 to 6 and reduced the number of boat slips from 12 to 8, keeping 6 parking spaces, one more than required.

## Existing Condition

### Property

The 31,300 S.F. lot is located at 15 Old Armory Way, Kittery, Maine with 325' of frontage along the Piscataqua River, Kittery tax assessor's Map 4, Lot 51. The property is located in the Kittery Foreside (MU-KF), Shoreland Overlay (OZ-SL), and Commercial Fisheries / Maritime Activities Overlay (OZ-CFMU) Zone.

Kittery Foreside Lot Requirements are:

- Minimum land area per dwelling unit 5,000 square feet

- Minimum street frontage: 0 feet

- Minimum front yard: 10 feet

- Minimum rear and side yards: 10 feet

- Minimum separation distance between principal buildings on the same lot: 10 feet

- Minimum setback from:

  - water body and wetland water dependent uses: 0 feet

  - all other uses (including buildings and parking): 75 feet

- Maximum building coverage 60 percent

- Minimum open space on the site 40 percent

Kittery Foreside – Design Review

KFC advisory design review is required for any project involving the construction of a new building.

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.

Shoreland Overlay Zone Site Requirements are:

Maximum lot coverage 60 percent

Principal and accessory structures minimum setback from water bodies is 75 feet

Commercial Fisheries/Maritime Activities Overlay Zone Site Requirements are:

Parking area must be set back at least 25' from Normal High Water Line.

### **Structures**

Currently there are 2 old structures, a 3-family residential building with a detached garage and workshop.

The residential building is in need of repair and upgrading. It has a foot print of 1,140 SF, three stories high from the street level (including the unfinished attic) and a full walkout basement. It is legally nonconforming being setback 2' from the street and 70' from the normal high water mark.

The detached garage and workshop has a footprint of 390 SF with a partial walkout basement. It too is in need of repair and is legally nonconforming being setback 65' from the normal high water mark.

### **Pier and Float**

The pier is 6' by 30' long with an attached 30' ramp and 10' by 20' float used for 1 vessel.

## **Proposed Changes**

### **Residential Use**

The placement of the buildings on the lot is difficult. Setback from water, street and side yards creates a small buildable area. Please see the attached perspective drawing. Great effort was taken to conform to the Kittery Foreside Design Standards:

The placement of buildings on the lot does acknowledge the uniqueness of the site, the neighboring buildings, and the natural setting. The height of the new structures is similar to that of the existing structure and not higher than 35 feet from the average grade.

The 2-family building replaces the existing detached garage and workshop. The existing garage and workshop sits about 65 feet from the normal high water mark, current setback requirements are 75 feet. The new structure will sit on a 1,500 SF footprint and be setback 18' from the street and 75' from the normal high water mark. Each unit will have a one care garage within the structure and living space above and below. Additional parking space is in front of each garage, for a total 2 parking spaces per dwelling unit.

The single family building replaces the existing 3-family structure. The existing 3-family structure sits 2 feet from the street, 10' now required, and 70 feet from the normal high water mark, 75 feet now required. The single family building will have a 900 SF foot print and is setback 10' and 75' from the normal high water mark. There is a 2 car garage within the structure with living space above and below.

The buildings and the front elevation are oriented facing the street on which the buildings are located. The overall massing of the buildings simulates the concentrated use of space in the Foreside zone while avoiding the use of large, multi-unit buildings. The building footprints are not greater than maximums set, 1,500 SF.

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

Each building has its own structure and elevation treatment that is different from its neighbor.

The roofs are of the allowed shape, gambrel with dormers.

Retaining walls will be built with redi-rock.

Utilities will be placed underground from the access pole.

Large, healthy trees are being preserved.

There will be no traffic increase due to the residential units on Old Armory Way because the total number of residential units remains at 3.

### **Marina Use**

The existing pier, ramp and float will have additional floats attached, secured by piers, to accommodate 7 more vessels, 8 total. Each slip will have water and electric available. The slips will be rented, in order of priority, to the condominium owners, neighborhood residents, town of Kittery residents and others.

Marina parking requirements for 8 slips are 5 spaces; one space per slip, less 3 spaces exempt per Kittery Town Code 16.3.2.15. There will be 6 off-street parking spaces, one more than required, supported by a retaining wall made from Redi-Rock, please see attached example of Redi-Rock.

The slips will stay in the water year round. The peak use is in the summer time, it is anticipated that winter use will be minimal. Conservative traffic estimates anticipate a peak hour of 2.3 trips.

Marina permitting requires approval of Kittery Port Authority, Army Corp of Engineers, and Maine Department of Environmental Protection. An application will be filed with the Maine Bureau of Lands regarding the necessary land lease for the project over wetlands resource. In addition, the McDavitts shall notify the Maine Preservation Commission and Maine Indian Tribal Nations of the proposed project.

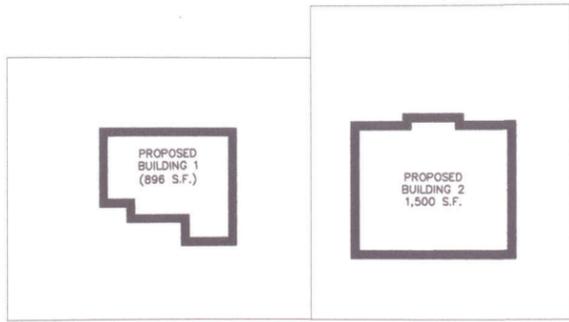
### **Conclusion**

The McDavitts are not looking for any variance and is meeting current design standards. They are replacing old, non-conforming structures with new conforming structures that keep the character of and add beauty to the neighborhood. He is providing water access and use to those in the neighborhood and town who wish to lease boat slips. The traffic report shows that at peak time, traffic will be increased by only 2.3 cars in one hour.

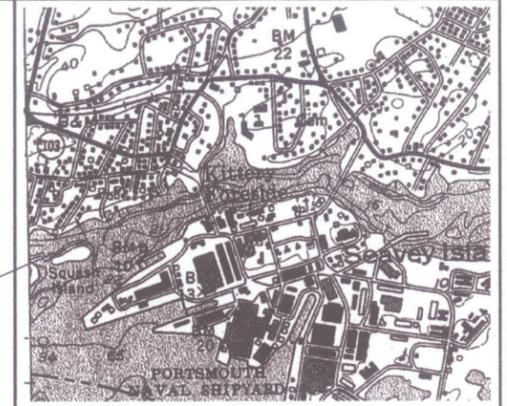
Sincerely,

Ken McDavitt  
Owners  
15 Old Armory Way  
Kittery, Maine

Sandy McDavitt



BUILDING FOOTPRINTS  
(SCALE: 1" = 20')



LOCATION MAP  
(NTS)

SITE

GENERAL NOTES

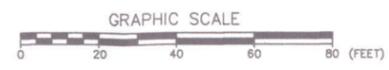
- THIS PLAN PROVIDES DETAILS FOR A TWO BUILDING DEVELOPMENT, PROPOSED DOCK AND BATHHOUSE LOCATED ON OLD ARMORY WAY IN KITTERY, MAINE. BUILDING 1 CONTAINS 1 RESIDENTIAL UNIT, BUILDING 2 CONTAINS 2 RESIDENTIAL UNITS. THE PROPERTY IS IDENTIFIED ON THE TOWN OF KITTERY TAX ASSESSOR'S MAP 4, LOT 51. THE TOTAL AREA OF THE PARCEL IS 31,300 SQ. FT. OR 0.72 ACRES.
  - BOUNDARY INFORMATION IS BASED ON REFERENCE 1. AN EXISTING CONDITIONS AND TOPOGRAPHY SURVEY WAS PERFORMED BY ATTAR ENGINEERING IN JULY, 2004. THE EXISTING STREET AND LOT 4-52 HOUSE LOCATION WERE SURVEYED BY ATTAR ENGINEERING IN AUGUST, 2014. BUILDINGS ON ALL OTHER ADJUTING LOTS WERE TAKEN FROM THE KITTERY GIS AERIAL PHOTOGRAPHS AND ARE APPROXIMATE.
  - TOPOGRAPHY IS BASED ON A MAINE DEPARTMENT OF TRANSPORTATION DISK LOCATED IN THE FOUNDATION OF THE FORMER KITTERY POST OFFICE ON GOVERNMENT STREET. DISK STAMPING IS D-605 AND ELEVATION IS 33.42 (NGVD 29).
- THE PROPERTY IS LOCATED IN THE KITTERY FORESIDE (MU-KF), SHORELAND OVERLAY (OZ-SL), AND COMMERCIAL FISHERIES/MARITIME ACTIVITIES OVERLAY (OZ-CFMU) ZONE. REQUIREMENTS FOR THE KITTERY FORESIDE (KF) DISTRICT ARE AS FOLLOWS:  
 MINIMUM LAND AREA PER DWELLING UNIT: 5,000 S.F.  
 MINIMUM LOT SIZE: 5,000 S.F.  
 MINIMUM STREET FRONTAGE: 0'  
 MINIMUM FRONT YARD SETBACK: 10'  
 MINIMUM SIDE YARD SETBACK: 10'  
 MINIMUM REAR YARD SETBACK: 10'  
 MAXIMUM BUILDING COVERAGE: 60%  
 ACTUAL BUILDING COVERAGE IS (2,514 S.F. / 31,300 S.F.) = 8.0%  
 MINIMUM OPEN SPACE ON SITE: 40%  
 ACTUAL OPEN SPACE IS (18,235 S.F. / 31,300 S.F.) = 58.3%  
 MINIMUM SEPARATION DISTANCE BETWEEN PRINCIPAL BUILDINGS ON THE SAME LOT: 10'  
 MAXIMUM BUILDING FOOTPRINT FOR ANY NEW BUILDING: 1,500 SQ. FT., UNLESS REPLACING A LARGER BUILDING.
- REQUIREMENTS FOR THE SHORELAND OVERLAY ZONE (OZ-SL) ARE AS FOLLOWS:  
 MAXIMUM LOT COVERAGE IN THE MIXED USE KITTERY-FORESIDE (MU-KF) ZONE IS 60%  
 ACTUAL LOT COVERAGE IS (6,535 S.F. / 31,300 S.F.) = 20.9%  
 NEW PRINCIPAL AND ACCESSORY STRUCTURES MUST BE SET BACK 75' FROM THE NORMAL HIGH WATER LINE OF ANY WATER BODY.
- PARKING STANDARDS ARE AS FOLLOWS:  
 DWELLING UNITS: 2 VEHICLE SPACES PER DWELLING UNIT. ACCORDING TO SECTION 16.3.2.15.E.1.b OF THE KITTERY TOWN CODE, PARKING REQUIREMENTS IN THE KITTERY FORESIDE DISTRICT MAY BE REDUCED TO 1.5 PARKING SPACES PER DWELLING UNIT. MARINAS WITHOUT LAUNCH FACILITIES: 1 SPACE PER SLIP OR MOORING  
 THE REQUIRED NUMBER OF PARKING SPACES IS:  
 DWELLING UNITS: 3 UNITS X 1.5 SPACES/UNIT = 5 SPACES REQUIRED.  
 MARINAS: 8 BOAT SLIPS X 1 SPACE/SLIP = 8 SPACES  
 TOTAL REQUIRED PARKING SPACES = 13 SPACES HOWEVER SECTION 16.3.2.15 ALLOWS A NONRESIDENTIAL USE EXEMPTION OF 3 PARKING SPACES, THEREFORE THE TOTAL REQUIRED IS 10 SPACES.  
 A TOTAL OF 12 SPACES ARE PROVIDED, WITH 4 GARAGE SPACES, 2 EXTERIOR SPACES FOR RESIDENTIAL UNITS, AND 6 SPACES FOR MARINE USE ASSOCIATED WITH THE BOAT SLIPS. ONE SPACE IS ADA ACCESSIBLE.
  - IN THE COMMERCIAL FISHERIES/MARITIME USES OVERLAY ZONE PARKING AREA MUST BE SET BACK AT LEAST TWENTY-FIVE (25) FEET FROM THE NORMAL HIGH-WATER LINE (SECTION 16.8.9.4.F)
  - THE 75' STRUCTURE SETBACK FROM THE NORMAL HIGH WATER LINE IN THE SHORELAND OVERLAY ZONE AS REQUIRED BY SECTION 16.3.2.17.D.2.A.J. OF THE TOWN OF KITTERY ORDINANCE IS BASED ON THE HIGHEST ANNUAL TIDE (HAT) OF 6.4 FEET (NGVD29). THE HAT OF 6.4 FEET WAS TAKEN FROM THE "MAINE DEP HIGHEST ANNUAL TIDE (HAT) LEVELS FOR YEAR 2013 MAINE COAST FROM EASTPORT TO PORTSMOUTH, NH" FOR THE PORTSMOUTH HARBOR - PORTSMOUTH LOCATION.
  - THE SITE IS SERVED BY PUBLIC WATER AND SEWER. THE PROPOSED BUILDINGS DO NOT INCREASE THE NUMBER OF UNITS ON THE SITE.
  - THE PROPOSED RETAINING WALL TO BE DESIGNED BY OTHERS. RETAINING WALLS OVER 4 FEET IN HEIGHT MUST BE DESIGNED BY A REGISTERED PROFESSIONAL ENGINEER. THE RETAINING WALL SHOULD BE A BLOCK RETAINING WALL BY REDI-ROCK INTERNATIONAL, LLC OR SIMILAR.

REFERENCES

- "PLAN OF LAND PREPARED FOR THE ESTATE OF RALPH E. DENNETT, KITTERY, MAINE" PREPARED BY THOMAS F. MORAN, INC., DOVER, NH. DATED 11/6/86.

LEGEND	
PROPERTY LINE	BEARING DISTANCE
EXISTING CONTOUR	---XXX---
UTILITY POLE W/GUY	⊕
WATER VALVE	W
WATER SHUTOFF	⊕
SEWER MANHOLE	⊕
EXISTING SEWER	ES
EXISTING WATER	EW
EXT. EDGE PAVEMENT	----
EXT. EDGE GRAVEL	----

NO.	DESCRIPTION	DATE
L.	REMOVED BATHHOUSE	12/29/14
K.	REVISED SEWER SERVICE	12/19/14
J.	GENERAL REVISIONS	12/8/14
I.	REVISED PARKING LOCATION	11/14/14
H.	REVISED BUILDING 1	11/3/14
G.	GENERAL REVISIONS	9/3/14
F.	GENERAL REVISIONS	6/30/14
E.	ADDED MARINA PARKING, GENERAL REVISIONS	4/4/14
D.	RELOCATED PROPOSED DOCK	10/28/13
C.	TOWN REVIEW REVISIONS	10/16/13
B.	REVISED HAT, NHML SETBACK, BUILDING LOCATION	6/7/12
A.	REVISED DOCKS	3/12/12
NO.	DESCRIPTION	DATE



TOWN OF KITTERY PLANNING BOARD	DATE

**SITE PLAN**  
15 OLD ARMORY WAY  
KITTERY, MAINE

FOR: KEN McDAVITT  
157 RED GATE ROAD  
SANBORNVILLE, NH 03872

**ATTAR ENGINEERING, INC.**  
CIVIL • STRUCTURAL • MARINE  
1284 STATE ROAD - ELIOT, MAINE 03903  
PHONE: (207)439-6023 FAX: (207)439-2128

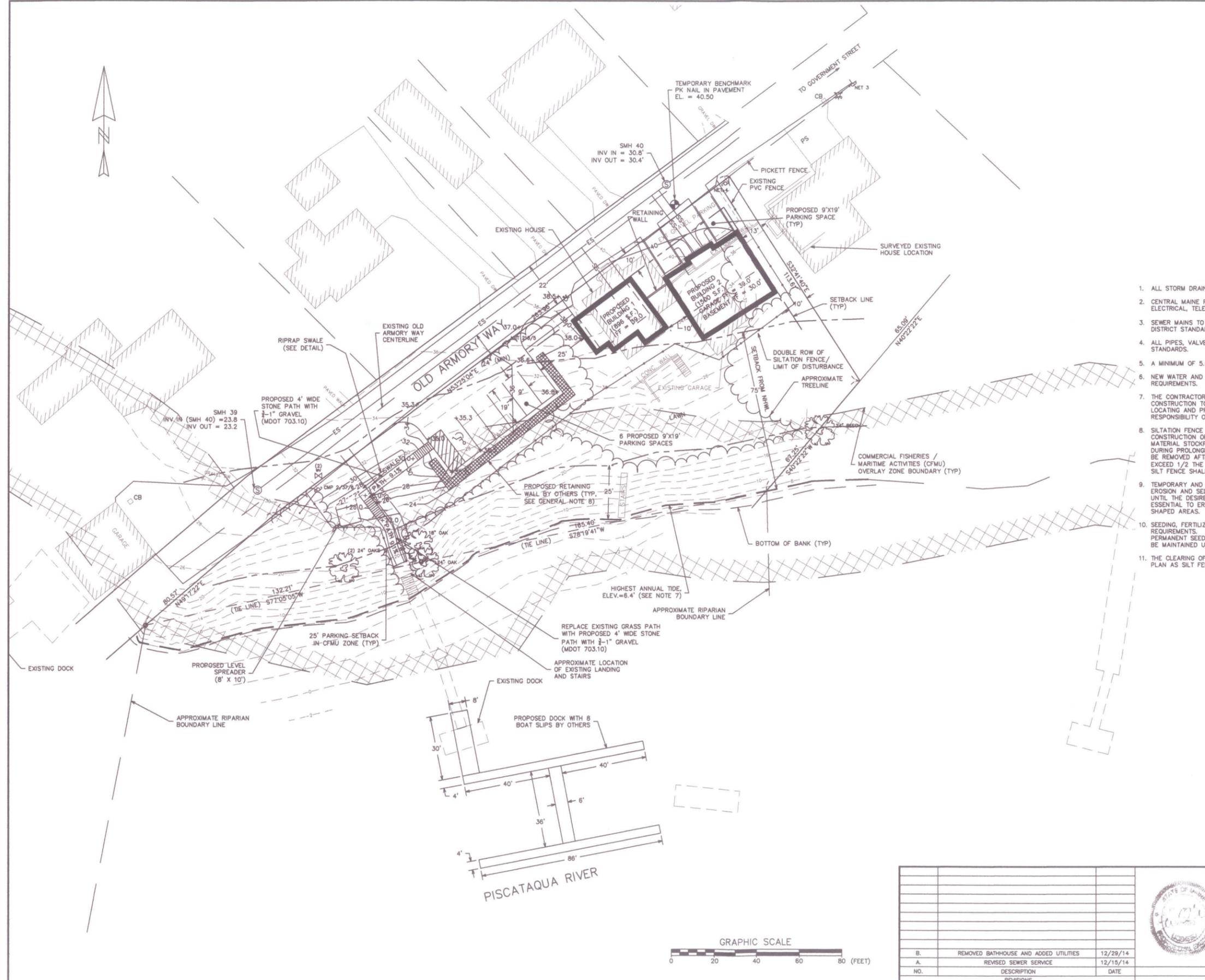
SCALE: 1" = 20'  
DATE: 10/28/11

APPROVED BY: [Signature]  
DRAWN BY: EAB  
REVISION : DATE  
L : 12/29/14

JOB NO: C093-14 CAD FILE: OAW SITE SHEET 1

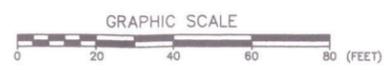


LEGEND	
PROPERTY LINE	--- BEARING --- --- DISTANCE ---
EXISTING CONTOUR	---XXX---
UTILITY POLE W/GUY	⊕
WATER VALVE	⊕
WATER SHUTOFF	⊕
SEWER MANHOLE	⊕
EXISTING SEWER	--- ES ---
EXISTING WATER	--- EW ---
EXT. EDGE PAVEMENT	---XXX---
EXT. EDGE GRAVEL	---XXX---



**GENERAL NOTES**

1. ALL STORM DRAINS TO BE ADS N-12 (PE) OR APPROVED EQUAL.
2. CENTRAL MAINE POWER COMPANY WILL PREPARE THE ELECTRICAL PLAN FOR CONSTRUCTION. ALL ELECTRICAL, TELEPHONE, AND CABLE SERVICES WILL BE UNDERGROUND.
3. SEWER MAINS TO BE 8" SDR 35 PVC. ALL OTHER APPURTENANCES SHALL MEET KITTELY SEWER DISTRICT STANDARDS.
4. ALL PIPES, VALVES, FITTINGS, AND CONNECTIONS SHALL MEET CURRENT KITTELY WATER DISTRICT STANDARDS.
5. A MINIMUM OF 5.0' OF COVER SHALL BE MAINTAINED OVER ALL WATER LINES.
6. NEW WATER AND SEWER LINES SHALL BE TESTED IN ACCORDANCE WITH RESPECTIVE DISTRICT REQUIREMENTS.
7. THE CONTRACTOR MUST CONTACT DIG SAFE AND ALL LOCAL UTILITIES PRIOR TO THE START OF CONSTRUCTION TO VERIFY THE LOCATION OF EXISTING SUBSURFACE UTILITIES AND CONDITIONS. LOCATING AND PROTECTING ANY UNDERGROUND OR ABOVE GROUND UTILITY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
8. SILTATION FENCE OR HAY BALE BARRIERS WILL BE INSTALLED DOWNSLOPE OF ALL STRIPPING OR CONSTRUCTION OPERATIONS. A SILT FENCE WILL ALSO BE INSTALLED AROUND ANY SOIL MATERIAL STOCKPILES. SILT FENCES SHALL BE INSPECTED AFTER EACH RAIN EVENT AND DAILY DURING PROLONGED RAIN. SILT AND SOIL PARTICLES ACCUMULATING BEHIND THE FENCE SHALL BE REMOVED AFTER EACH SIGNIFICANT RAIN EVENT AND IN NO INSTANCE SHOULD ACCUMULATION EXCEED 1/2 THE HEIGHT OF THE FENCE. TORN OR DAMAGED AREAS SHALL BE REPAIRED. A SILT FENCE SHALL BE STAKED UPSTREAM OF EACH CULVERT.
9. TEMPORARY AND PERMANENT VEGETATION AND MULCHING IS AN INTEGRAL COMPONENT OF THE EROSION AND SEDIMENTATION CONTROL PLAN. ALL AREAS SHALL BE INSPECTED AND MAINTAINED UNTIL THE DESIRED VEGETATIVE COVER IS ESTABLISHED. THESE CONTROL MEASURES ARE ESSENTIAL TO EROSION PREVENTION AND ALSO REDUCE COSTLY REWORK OF GRADED AND SHAPED AREAS.
10. SEEDING, FERTILIZER AND LIME RATES AND TIME OF APPLICATION WILL BE DEPENDENT ON SOIL REQUIREMENTS. TEMPORARY VEGETATION SHALL BE MAINTAINED IN THESE AREAS UNTIL PERMANENT SEEDING IS APPLIED. ADDITIONALLY, EROSION AND SEDIMENTATION MEASURES SHALL BE MAINTAINED UNTIL PERMANENT VEGETATION IS ESTABLISHED.
11. THE CLEARING OF TREES SHALL BE LIMITED TO THE AREA OF DEVELOPMENT INDICATED ON THE PLAN AS SILT FENCE AND PROPOSED TREELINE.



**GRADING PLAN**  
15 OLD ARMORY WAY  
KITTELY, MAINE

FOR: KEN McDAVITT  
157 RED GATE ROAD  
SANBORNVILLE, NH 03872

**ATTAR ENGINEERING, INC.**  
CIVIL • STRUCTURAL • MARINE  
1284 STATE ROAD - ELIOT, MAINE 03903  
PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: 1" = 20'	APPROVED BY:	DRAWN BY: EAB
DATE: 11/25/14		REVISION : DATE A : 12/29/14
JOB NO: C093-14	CAD FILE: OAW_GRD	SHEET 2

NO.	DESCRIPTION	DATE
B.	REMOVED BATHHOUSE AND ADDED UTILITIES	12/29/14
A.	REVISED SEWER SERVICE	12/15/14
	REVISIONS	







# TOWN OF KITTERY, MAINE

## TOWN PLANNING AND DEVELOPMENT DEPARTMENT

200 Rogers Road, Kittery, Maine 03904  
 PHONE: (207) 475-1323 - FAX: (207) 439-6806  
[www.kittery.org](http://www.kittery.org)

RECEIVED  
 DEC 18 2014  
 BY: \_\_\_\_\_

### APPLICATION: SITE PLAN REVIEW

<b>FEE FOR SITE PLAN REVIEW:</b>	<input type="checkbox"/> \$300.00 PLUS THE GREATER OF:	<input type="checkbox"/> \$50/USE OF UNIT; OR  <input type="checkbox"/> \$0.50/LINEAR FOOT OF DOCK, SLIP & FLOAT; OR	<input type="checkbox"/> \$5.00/100 SQ FT OF GROSS FLOOR AREA  <input type="checkbox"/> \$20.00/ UNIT INTENDED TO PROVIDE OVERNIGHT SLEEPING ACCOMODATIONS	<b>Application Fee Paid:</b> \$_____ Date:_____																																																
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"><b>PROPERTY DESCRIPTION</b></td> <td style="width: 10%;">Parcel ID</td> <td style="width: 10%;">Map</td> <td style="width: 10%; text-align: center;">4</td> <td style="width: 10%;">Lot</td> <td style="width: 10%; text-align: center;">51</td> <td style="width: 10%;">Zone:</td> <td style="width: 10%;">Kittery Forside</td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> </tr> <tr> <td></td> <td>Physical Address</td> <td colspan="8">15 Old Armory Way</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Base:</td> <td>_____</td> <td rowspan="2" style="vertical-align: middle;"><b>Total Land Area (Square Feet)</b></td> <td rowspan="2" style="text-align: center; vertical-align: middle;">31,300</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Overlay:</td> <td>_____</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>MS4:</td> <td>XX YES ___ NO</td> <td></td> <td></td> </tr> </table>					<b>PROPERTY DESCRIPTION</b>	Parcel ID	Map	4	Lot	51	Zone:	Kittery Forside				Physical Address	15 Old Armory Way														Base:	_____	<b>Total Land Area (Square Feet)</b>	31,300							Overlay:	_____							MS4:	XX YES ___ NO		
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						Overlay:	_____																																													
						MS4:	XX YES ___ NO																																													
<b>PROPERTY OWNER'S INFORMATION</b>	<b>Name</b>	Kenneth McDavitt			<b>Mailing Address</b>	POB 245 Sanbornville, NH 03872																																														
	<b>Phone</b>	603-930-3259																																																		
	<b>Fax</b>																																																			
	<b>Email</b>	ken@mcdavitt.com																																																		
<b>APPLICANT'S AGENT INFORMATION</b>	<b>Name</b>	Attar Engineering, Inc			<b>Name of Business</b>																																															
	<b>Phone</b>	207-439-6023			<b>Mailing Address</b>	1284 State Road Eliot, ME 03903																																														
	<b>Fax</b>																																																			
	<b>Email</b>	Ken@attarengineering.com																																																		
<b>PROJECT DESCRIPTION</b>	Existing Use: 3 family residential building, garage with workspop, pier with float																																																			
	Project Name:	15 Old Armory Way																																																		
	Proposed Use: 3 residential condominium units in 2 buildings, commercial marina with 8 boat slips																																																			

## WAIVER REQUEST

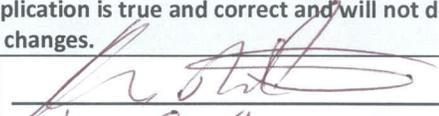
	Ordinance Section	Describe why this request is being made.
DESCRIPTION	***EXAMPLE*** 16.32.560 (B)- OFFSTREET PARKING.	***EXAMPLE*** Requesting a waiver of this ordinance since the proposed professional offices have a written agreement with the abutting Church owned property to share parking.
	None	

Related Kittery Land Use Code concerning waivers and modifications:

**16.10.8.2.5 Conditions or Waivers.**

Conditions required by the Planning Board at the final plan review phase must have been met before the final plan may be given final approval unless so specified in the condition or specifically waived, upon written request by the applicant, by formal Planning Board action wherein the character and extent of such waivers which may have been requested are such that they may be waived without jeopardy to the public health, safety and general welfare.

**16.7.4.1 Objectives Met.** In granting modifications or waivers, the Planning Board must require such conditions as will, in its judgment, substantially meet the objectives of the requirements so waived or modified.

<b>I certify that, to the best of my knowledge, the information provided in this application is true and correct and will not deviate from the plans submitted without notifying the Kittery Planning Department of any changes.</b>			
Applicant's Signature: Date:		Owner's Signature: Date:	 12-18-14

COMPLETED BY OFFICE STAFF

ASA CHARGE	AMOUNT	ASA CHARGE	AMOUNT
<b>REVIEW</b>		<b>SERVICES</b>	
LEGAL FEES (TBD)		RECORDER	\$35
ENGINEERS REVIEW (TBD)		FACT FINDING (TBD)	
ABUTTER NOTICES		3 <sup>RD</sup> PARTY INSPECTIONS (TBD)	
POSTAGE	\$20	OTHER PROFESSIONAL SERVICES	\$50
<b>LEGAL NOTICES</b>		<b>PERSONNEL</b>	
ADVERTISING	\$300	SALARY CHARGES IN EXCESS OF 20 HOURS	
<b>SUPPLIES</b>			
OFFICE	\$5		
SUB TOTAL		SUB TOTAL	
		<b>TOTAL ASA REVIEW FEES</b>	

## Minimum Submission Requirements

- 15 COPIES OF THIS APPLICATION
- 15 COPIES OF THE PROPOSED SITE PLAN – 12 REDUCED SIZE AT 11"X17"AND 3 FULL SIZE AT 24"X 36"
- 1 PDF OF THE SITE PLAN SHOWING GPS COORDINATES

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

### Related Ordinances: Kittery Land Use Code- Title 16

#### **16.10.5.2 Planner Review and Confirmation of Submittal Content - Preliminary Plan.**

A completed application must include on the plan or attached thereto, the following items, unless upon the applicant's written request, the Planning Board, by formal action, waives or defers any requirement(s) for submission.

- A. A minimum of fifteen (15) paper copies of the application form, plan and all attachments thereto plus if applicable, five (5) paper copies of the 24 x 36 inches size plan sheets.
- B. Plan must include:
  1. Plan sheets drawn on a reproducible medium and must measure no less than eleven (11) inches by seventeen (17) inches and no larger than twenty-four (24) inches by thirty-six (36) inches; with a:
  2. Scale of the drawings no greater than one inch equals thirty (30) feet for developments less than ten (10) acres, and one inch equals fifty (50) feet for all others;
  3. Code block in the lower right-hand corner. The block must contain:
    - a. Name(s) and address(es) of the applicant and owner,
    - b. Name of the project.
    - c. Name and address of the preparer of the plan, with professional seal, if applicable,
    - d. Date of plan preparation/revision, and a unique ID number for the plan and any revisions;
  4. Standard boundary survey conducted by a surveyor licensed in the state of Maine, in the manner recommended by the State Board of Registration for Land Surveyors;
  5. An arrow showing true north and the magnetic declination, a graphic scale, and signature blocks for the owner(s) and members of the Planning Board;
  6. Locus map showing the property in relation to surrounding roads, within two thousand (2,000) feet of any property line of the development,
  7. Surveyed acreage of the total parcel, of rights-of-way, wetlands, and area to be disturbed and amount of street frontage;
  8. Names and addresses of all owners of record of property abutting the development, including those across a street;
  9. Locations of essential physical features such as watercourses, forest cover, and outcroppings
  10. Proposed development area conditions including, but not limited to:
    - a. Structures; their location and description including signs, to be placed on the site, floor plan of exterior walls and accesses located within one hundred (100) feet of the property line;
    - b. Utilities proposed including power, water, sewer, holding tanks, bridges, culverts and drainage ways;

*Handwritten:* 2/10/04  
CFL

**WARRANTY DEED**

KNOW ALL BY THESE PRESENTS, That We, WILLIAM A. DENNETT and MARY D. DENNETT of 182 Whipple Road Kittery, Maine, for consideration paid, grants to KENNETH M. MCDAVITT, a single man, whose mailing address is 49 Arch Street Dover, New Hampshire.

*With* **WARRANTY COVENANTS**

The land in Kittery, County of York and state of Maine, which is more particularly described as follows:

A certain lot or parcel of land together with an apartment building thereon at # 15 Old Armory Way (formerly known as Echo Street) in said Kittery, bounded and described as follows:

Bounded by Echo Street 419 feet on the Northwest; on the Northeast by land formerly of Mrs. Abby W. Johnson; on the East by land formerly of Mrs. Ann M. Neal's heirs; on the South by the Piscataqua River. The above described premises were formerly known as the Joseph E. Cox Homestead.

Excepting therefrom the premises deeded to Elizabeth E. Boulter by Alexander Dennett by deed dated June 16, 1922, and recorded in the York County Registry of Deeds in Book 708, Page 14.

See deed of Ralph E. Cox to Ralph E. Dennett, dated April 11, 1918 and recorded in the York County Registry of Deeds in Book 658, Page 402, and deed of Ralph E. Dennett to Alexander Dennett, dated April 21, 1921, and recorded in the York County Registry of Deeds in Book 674, Page 464. See also York County Probate Docket # 66035 for Alexander Dennett's Estate, as above, and for source of title in Ralph E. Dennett, deceased, See York County Probate Docket # 86-309 for Ralph E. Dennett's estate.

Being a portion of the premises as conveyed to the grantors herein by Deed of William A. Dennett, Individually, dated December 30, 1994 recorded with the York County Registry of Deeds at Book 7299, Page 333.

WITNESS our hands and seals this 6<sup>th</sup> day of August, 2004.

*Handwritten signature of William A. Dennett*  
\_\_\_\_\_  
William A. Dennett

*Handwritten signature of Mary D. Dennett*  
\_\_\_\_\_  
Mary D. Dennett

MAINE R.E. TRANSFER TAX PAID

NEW HAMPSHIRE

STATE OF MAINE

County of ROCKINGHAM

July \_\_, 2004

On this 6<sup>th</sup> day of AUGUST, 2004, before me, the undersigned notary public, personally appeared William A. Dennett and Mary D. Dennett, proven to me through satisfactory evidence of identification, which was VALID DRIVERS LICENSE to be the person(s) whose name(s) are signed on the preceding document and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public

My Commission expires:

Robert J. Rodger  
N.H. Commissioner of Deeds  
My Commission Expires: May 29, 2007

SEAL

Doc# 2004048652  
Book 14184 Page 106

2pg A PRIME TITLE SERVICES  
100 BRICKSTONE

Prime Title Services Inc.  
100 Brickstone Square  
Andover, MA 01810

Received York SS  
08/06/2004 4:25PM  
REGISTER OF DEEDS  
Debra L. Anderson

A TRUE COPY OF RECORD  
ATTEST



ROGER C. RAYMOND, JR., President  
ROBERT P. WYMAN, Treasurer

JAMES E. GOLTER, Secretary  
MICHAEL S. ROGERS, Superintendent

OFFICE OF  
**KITTERY WATER DISTRICT**

17 State Road  
Kittery, Maine 03904-1565  
TEL: 207-439-1128  
FAX: 207-439-8549  
Email: kitterywater@comcast.net

Kittery Planning Board  
200 Rogers Road  
Kittery, ME 03904

November 20, 2014

Re: Ken McDavitt -- 15 Old Armory Way, Kittery

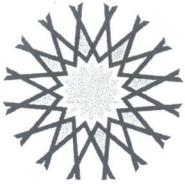
Dear Planning Board Members,

This letter is to verify that the Kittery Water District does have the capacity to supply the redevelopment of 15 Old Armory Way with municipal water service per the Attar Engineering plan dated 11/14/14.

Sincerely,



Michael S. Rogers  
Superintendent



# ATTAR

ENGINEERING, INC

CIVIL • STRUCTURAL • MARINE

## 15 OLD ARMORY WAY KITTERY, MAINE STORMWATER MANAGEMENT STUDY

Project No.: C093-14

November 24, 2014

### ◆ Scope

This Stormwater Management Study has been prepared for the proposed development at 15 Old Armory Way in Kittery, Maine. The proposed development involves replacing the existing structure with two new buildings, and constructing a bathhouse, new dock, and associated parking area. The entire parcel contains 0.72 acres. The project must meet the Stormwater Management requirements for the Town of Kittery.

### ◆ Site and Watershed Description

The site is located in the Piscataqua River watershed. The Piscataqua River flows directly to the Atlantic Ocean and is tidal in the area of the site. A 7½ minute series U.S.G.S. map of the project area is attached. Currently 10,170 S.F. of the site is developed, including 2,705 S.F. of buildings and parking. The undeveloped portion of the lot is wooded.

The topography of the site is a slight slope down from Old Armory Way progressing into a steep slope towards the Piscataqua River. The majority of grades on-site are from 10% to 30%.

The Piscataqua River is located to the south of the site. On site runoff sheet flows across parking area, through a swale, and down the bank to the river.

This site is located in a FEMA A2 flood zone, with a flood elevation at 9 feet (NGVD1929), as shown on the FEMA Flood Insurance Rate Map. The area of development is outside of the flood zone.

The proposed site development involves the construction of two buildings containing 3 dwelling units, a parking lot, path, and dock. The proposed development results in 6,440 S.F. of impervious area. The area of disturbance for the new construction on the site is approximately 11,550 S.F. The development will result in 19,920 S.F. of developed area, including the buildings, parking, and grassed areas.

### ◆ Soils/Hydrologic Soil Groups

Soil types and their respective Hydrologic Soil Groups (HSG) were determined from the Soil Survey of York County, Maine. The site soil group was found to be Urban Development (Ur). HSG C was used for the stormwater modeling of this area.

### ◆ Methodology

The stormwater quantity analysis was conducted using the HydroCAD Stormwater Modeling System by Applied Microcomputer Systems. The analysis determines the "Existing Condition" and "Developed Condition" stormwater flows. Both cases are analyzed for the 2, 10 and 25-year, 24-hour frequency storm events. The Existing Condition analyzes the site as it currently exists and the Developed Condition models the site with the proposed improvements described above.

◆ **Water Quantity Analysis**

Existing Condition

The site consists of one sub-catchment (SC) for the Existing Condition analysis. SC 1 is the entire site with one Analysis Points (AP) along the Piscataqua River.

Developed Condition

The Developed Condition analysis consists of one sub-catchment. All Developed Condition flows were routed to the Analysis Point at the Piscataqua River, described above.

Changes in Stormwater Flows

Changes in peak stormwater flows at the analysis point, represents the difference from the Existing Condition to the Developed Condition. The results are shown in the attached table. The 2-year storm results in a 0.05 cfs increase to the peak flow. The 10 and 25-Year storm events result in a 0.03 cfs and 0.01 cfs increase, respectively. This increase in peak flow is negligible, especially given that the stormwater flows into the Piscataqua River, a large resource.

◆ **Summary**

The increase in peak flows for this small parcel are negligible, since the site drains to the Piscataqua River. No adverse effects are anticipated on any downstream properties or drainage structures.

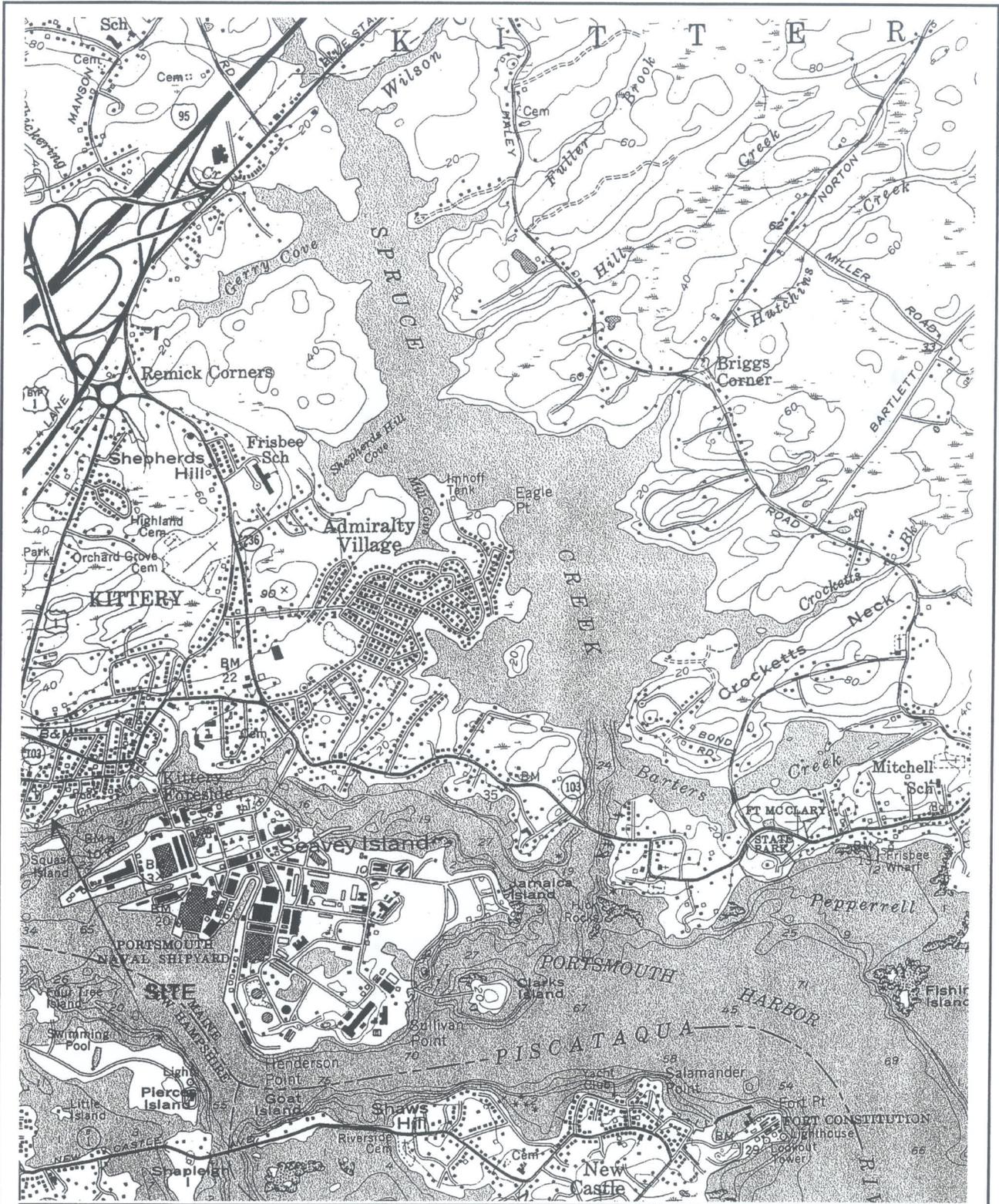
Sincerely,

Edward Brake, E.I.T.

C093-14 SW OAW.doc

**OLD ARMORY WAY**  
Stormwater Flows  
C093-14

		STORM EVENT		
		2 Year	10 Year	25 Year
EXISTING	AP1	0.81	1.93	2.55
DEVELOPED	AP1	0.86	1.96	2.56
CHANGE	AP1	0.05	0.03	0.01



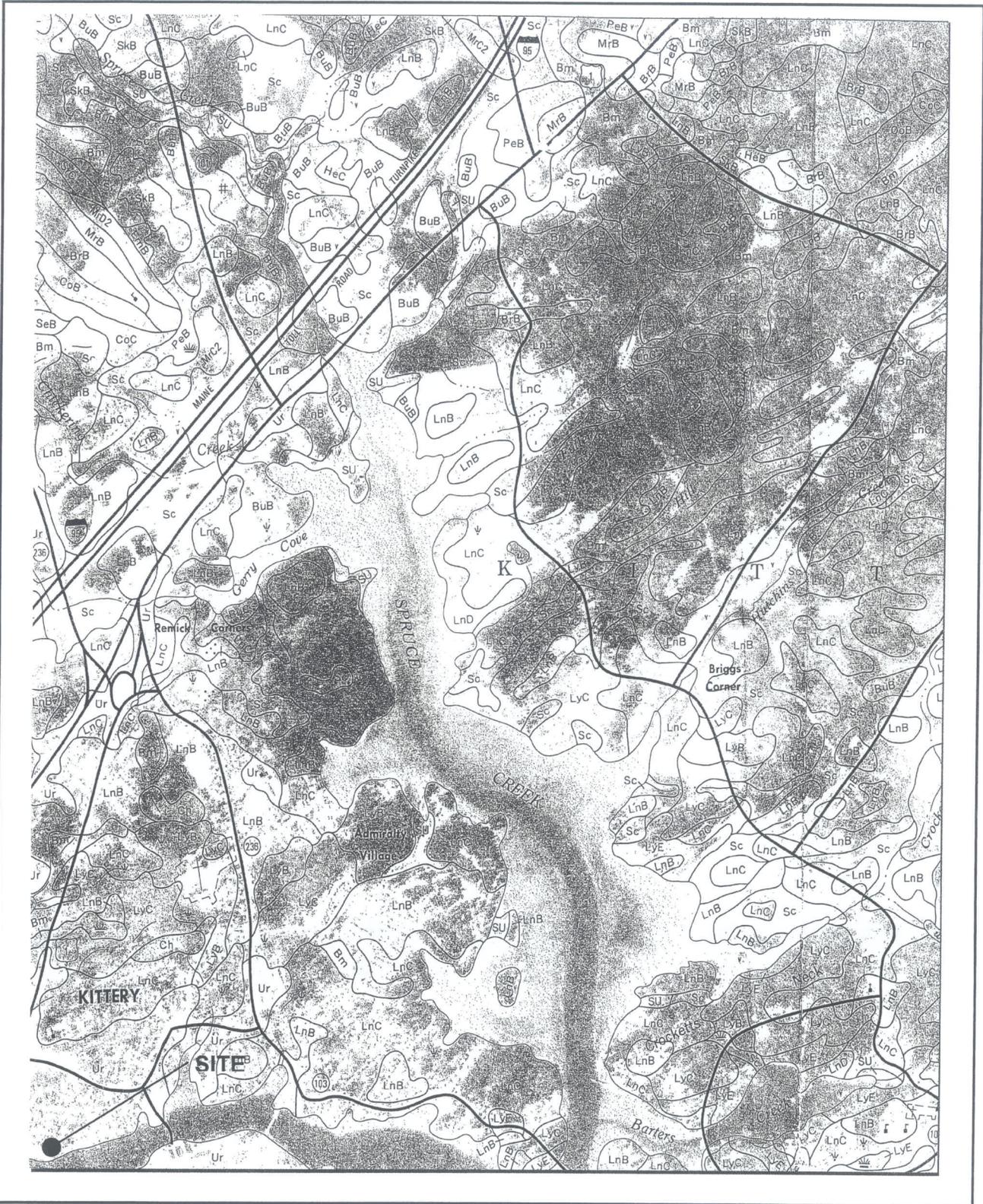
**ATTAR**

ENGINEERING, INC

CIVIL · STRUCTURAL · MARINE

1284 STATE ROAD, ELIOT ME 03903

**LOCATION MAP**  
 15 OLD ARMORY WAY  
 USGS MAP, KITTERY, ME QUADRANT  
 APPROX. SCALE: 1:24,000  
 PROJECT NO. C093-14



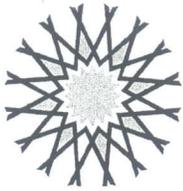
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**SOILS MAP**  
**15 OLD ARMY WAY**  
**SOIL SURVEY OF YORK COUNTY MAINE**  
**APPROX. SCALE: 1:20,000**  
**PROJECT NO. C093-14**



# ATTAR

ENGINEERING, INC

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15 OLD ARMORY WAY  
KITTERY, MAINE  
**OPERATION AND MAINTANANCE PROGRAM  
STORMWATER MANAGEMENT BMP's**

This project contains specific Best Management Practices (BMP's) for the conveyance, storage, and treatment of stormwater and the prevention of erosion. All components should be inspected quarterly, and after every significant rain event of 1" in any 24-hour period. Additional inspection intervals are specified for certain BMP's.

The party responsible for implementing this Operation and Maintenance Program (O & M Program) shall be the property owner.

### **Swales**

All swales should be inspected for accumulation of debris, which could adversely affect the function of this BMP. These areas should also be maintained to have gradual slopes, which prevent channeling of stormwater and erosion of the bottom and sides of the swales.

### **Snow Removal**

Snow shall be stockpiled only in the approved snow storage areas. Plowing of snow into wetland areas or detention ponds shall be avoided. Additionally, a mostly sand mix (reduced salt) shall be applied during winter months to prevent excessive salt from leaching into wetland areas. Excess sand shall be removed from the storage areas, all paved surfaces and adjacent areas each spring.

### **Vegetated Buffers**

Buffers shall be inspected for evidence of erosion or concentrated flows through or around the buffer. Eroded areas shall be repaired, seeded and mulched. A shallow stone trench should be installed and maintained as a level spreader to improve areas that exhibit concentrated flows.

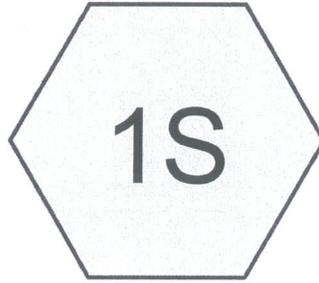
### **Seeding, Fertilizing and Mulching**

All exposed soil materials and stockpiles must be either temporarily or permanently seeded, fertilized and mulched in accordance with plan specifications. This is one of the most important features of the Erosion Control Plan, which will provide both temporary and permanent stabilization. Areas must be repaired until a 75% effective growth of vegetation is established.

### **Record Keeping**

Routine maintenance and inspections will be accomplished by the property owner's maintenance staff or third party contracted by the property owner. All inspections accomplished in accordance with this program shall be documented on the attached Inspection & Maintenance Log. Copies of the Log shall be kept by the property owner, and be made available to the Town of Kittery, upon request.

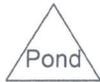




Subcat



Reach



Pond



Link

**Routing Diagram for OAW\_EXT**

Prepared by Attar Engineering, Inc. , Printed 11/26/2014  
HydroCAD® 10.00 s/n 01988 © 2011 HydroCAD Software Solutions LLC

**OAW\_EXT**

Type III 24-hr 2 YEAR STORM Rainfall=3.00"

Prepared by Attar Engineering, Inc.

Printed 11/26/2014

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Page 1

Time span=1.00-36.00 hrs, dt=0.05 hrs, 701 points

Runoff by SCS TR-20 method, UH=SCS

Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

**Subcatchment 1S:**

Runoff Area=32,110 sf 15.43% Impervious Runoff Depth=0.91"

Flow Length=99' Tc=2.3 min UI Adjusted CN=74 Runoff=0.81 cfs 0.056 af

**Link AP1:**

Inflow=0.81 cfs 0.056 af

Primary=0.81 cfs 0.056 af

**OAW\_EXT**

Type III 24-hr 10 YEAR STORM Rainfall=4.60"

Prepared by Attar Engineering, Inc.

Printed 11/26/2014

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Page 2

Time span=1.00-36.00 hrs, dt=0.05 hrs, 701 points

Runoff by SCS TR-20 method, UH=SCS

Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

**Subcatchment 1S:**

Runoff Area=32,110 sf 15.43% Impervious Runoff Depth=2.05"

Flow Length=99' Tc=2.3 min UI Adjusted CN=74 Runoff=1.93 cfs 0.126 af

**Link AP1:**

Inflow=1.93 cfs 0.126 af

Primary=1.93 cfs 0.126 af

**OAW\_EXT**

Type III 24-hr 25 YEAR STORM Rainfall=5.40"

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Page 3

Time span=1.00-36.00 hrs, dt=0.05 hrs, 701 points

Runoff by SCS TR-20 method, UH=SCS

Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

**Subcatchment 1S:**

Runoff Area=32,110 sf 15.43% Impervious Runoff Depth=2.69"  
Flow Length=99' Tc=2.3 min UI Adjusted CN=74 Runoff=2.55 cfs 0.165 af

**Link AP1:**

Inflow=2.55 cfs 0.165 af  
Primary=2.55 cfs 0.165 af

**OAW\_EXT**

Type III 24-hr 25 YEAR STORM Rainfall=5.40"

Prepared by Attar Engineering, Inc.

Printed 11/26/2014

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Page 1

**Summary for Subcatchment 1S:**

Runoff = 2.55 cfs @ 12.04 hrs, Volume= 0.165 af, Depth= 2.69"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 1.00-36.00 hrs, dt= 0.05 hrs  
Type III 24-hr 25 YEAR STORM Rainfall=5.40"

Area (sf)	CN	Description
4,955	98	Unconnected pavement, HSG C
970	96	Gravel surface, HSG C
7,465	74	>75% Grass cover, Good, HSG C
18,720	70	Woods, Good, HSG C
32,110	76	Weighted Average, UI Adjusted CN = 74
27,155		84.57% Pervious Area
4,955		15.43% Impervious Area
4,955		100.00% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.0	50	0.2800	0.41		<b>Sheet Flow,</b> Grass: Short n= 0.150 P2= 3.00"
0.3	49	0.3700	3.04		<b>Shallow Concentrated Flow,</b> Woodland Kv= 5.0 fps
2.3	99	Total			

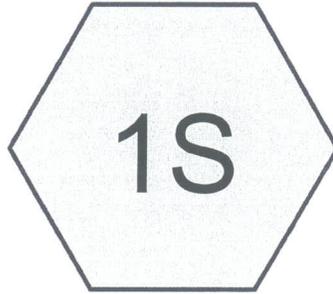
**Summary for Link AP1:**

Inflow Area = 0.737 ac, 15.43% Impervious, Inflow Depth = 2.69" for 25 YEAR STORM event

Inflow = 2.55 cfs @ 12.04 hrs, Volume= 0.165 af

Primary = 2.55 cfs @ 12.04 hrs, Volume= 0.165 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 1.00-36.00 hrs, dt= 0.05 hrs



**OAW\_PRP**

Prepared by Attar Engineering, Inc.

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Type III 24-hr 2 YEAR STORM Rainfall=3.00"

Printed 11/26/2014

Page 1

Time span=1.00-36.00 hrs, dt=0.05 hrs, 701 points

Runoff by SCS TR-20 method, UH=SCS

Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

**Subcatchment 1S:**

Runoff Area=32,110 sf 29.41% Impervious Runoff Depth=1.02"

Flow Length=157' Tc=4.4 min UI Adjusted CN=76 Runoff=0.86 cfs 0.062 af

**OAW\_PRP**

*Type III 24-hr 10 YEAR STORM Rainfall=4.60"*

Prepared by Attar Engineering, Inc.

Printed 11/26/2014

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Page 2

Time span=1.00-36.00 hrs, dt=0.05 hrs, 701 points

Runoff by SCS TR-20 method, UH=SCS

Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

**Subcatchment 1S:**

Runoff Area=32,110 sf 29.41% Impervious Runoff Depth=2.21"

Flow Length=157' Tc=4.4 min UI Adjusted CN=76 Runoff=1.96 cfs 0.136 af

**OAW\_PRP**

Prepared by Attar Engineering, Inc.

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Type III 24-hr 25 YEAR STORM Rainfall=5.40"

Printed 11/26/2014

Page 3

Time span=1.00-36.00 hrs, dt=0.05 hrs, 701 points

Runoff by SCS TR-20 method, UH=SCS

Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

**Subcatchment 1S:**

Runoff Area=32,110 sf 29.41% Impervious Runoff Depth=2.87"

Flow Length=157' Tc=4.4 min UI Adjusted CN=76 Runoff=2.56 cfs 0.176 af

**Summary for Subcatchment 1S:**

Runoff = 2.56 cfs @ 12.07 hrs, Volume= 0.176 af, Depth= 2.87"

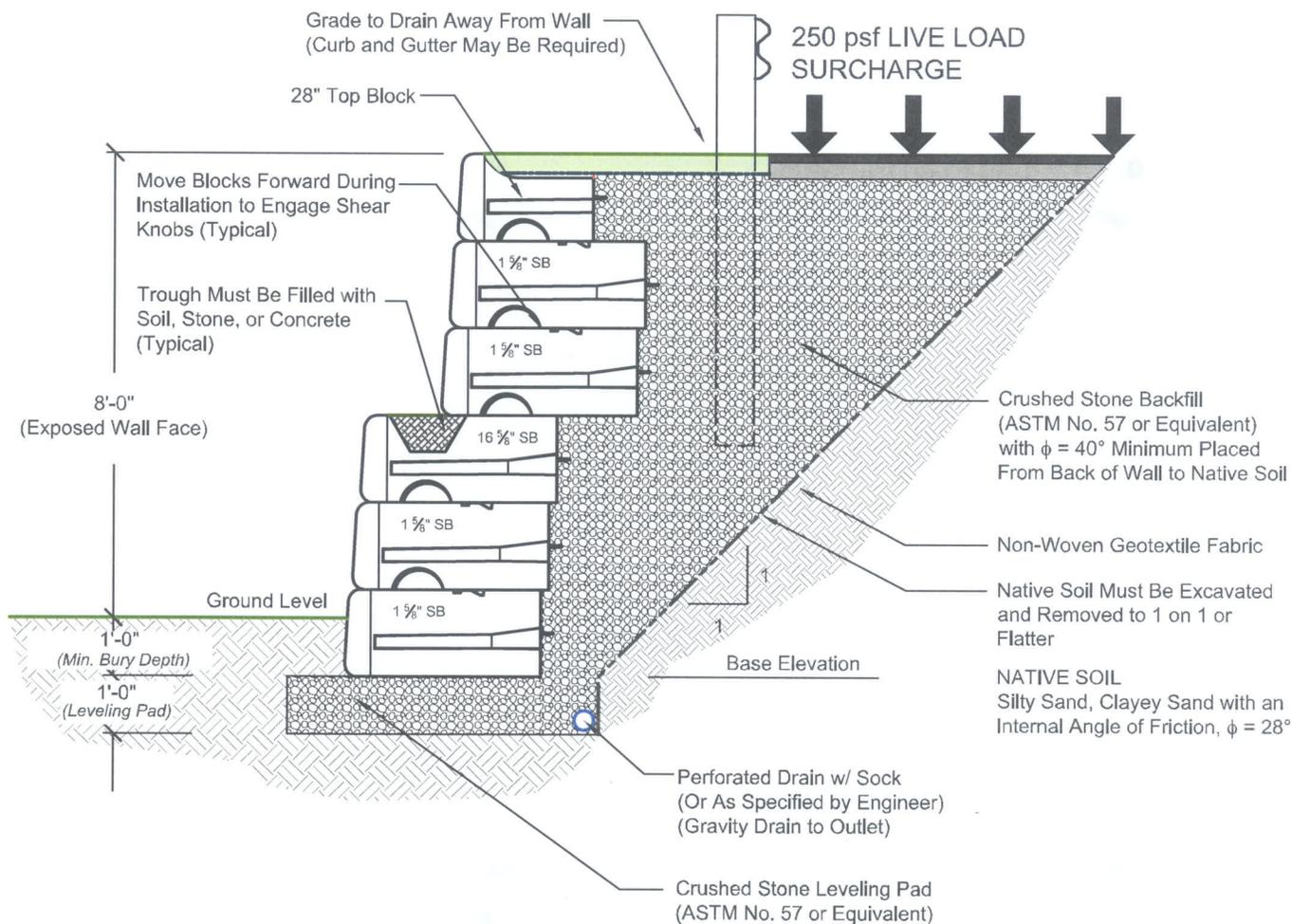
Runoff by SCS TR-20 method, UH=SCS, Time Span= 1.00-36.00 hrs, dt= 0.05 hrs  
 Type III 24-hr 25 YEAR STORM Rainfall=5.40"

Area (sf)	CN	Description
9,445	98	Unconnected pavement, HSG C
370	96	Gravel surface, HSG C
10,105	74	>75% Grass cover, Good, HSG C
12,190	70	Woods, Good, HSG C
32,110	80	Weighted Average, UI Adjusted CN = 76
22,665		70.59% Pervious Area
9,445		29.41% Impervious Area
9,445		100.00% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.6	50	0.0260	1.29		<b>Sheet Flow,</b> Smooth surfaces n= 0.011 P2= 3.00"
0.1	12	0.0250	3.21		<b>Shallow Concentrated Flow,</b> Paved Kv= 20.3 fps
0.1	51	0.1760	15.33	71.55	<b>Parabolic Channel,</b> W=7.00' D=1.00' Area=4.7 sf Perim=7.4' n= 0.030 Earth, grassed & winding
3.6	44	0.3640	0.20		<b>Sheet Flow,</b> Woods: Light underbrush n= 0.400 P2= 3.00"
4.4	157	Total			

Silty Sand, Clayey Sand - Internal Angle of Friction ( $\phi$ ) = 28°  
 Condition B - No Back Slope, No Front Slope, 250 psf Live Load Surcharge  
 9'-0" Single Planter Block Wall-41" Series Blocks  
 40° Stone Backfill REQUIRED

**PRELIMINARY**  
 Not for Construction



**PRELIMINARY SECTION**  
 (No Scale)

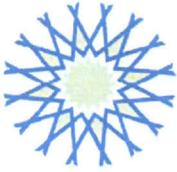
- This drawing is for reference only.
- Final designs for construction must be prepared by a registered Professional Engineer using the actual conditions of the proposed site.
- Final wall design must address both internal and external drainage and shall be evaluated by the Professional Engineer who is responsible for the wall design.

DRAWN BY: E. SHAFER
APPROVED BY:
DATE: Oct. 26, 2010
SHEET NO. : 1 OF 1

TITLE: <b>PRELIMINARY WALL SECTION</b> Silty Sand, Clayey Sand with $\phi = 28^\circ$ No Back Slope, No Front Slope, 250 psf Live Load Surcharge
DRAWING FILE: B_28_C_0_1_108.dwg

**REDI ROCK™**  
**INTERNATIONAL LLC**

05481 US 31 SOUTH CHARLEVOIX, MI 49720  
 866-222-8400 • 231-237-9521 Fax • [www.redi-rock.com](http://www.redi-rock.com)



# ATTAR

ENGINEERING, INC

CIVIL · STRUCTURAL · MARINE

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

December 15, 2014  
Project No.: C093-14

**Re: 15 Old Armory Way  
Traffic Statement**

Dear Mr. DiMatteo:

On behalf of Ken McDavitt, I have calculated the following conservative traffic estimates for the proposed development at 15 Old Armory Way, described by the Town of Kittery Assessor's Map 4 as Lot 51:

The 3 dwelling units are expected to produce 8 trips per dwelling or 24 trips per day, with 2.4 peak hour trips. The 8 boat slips are expected to produce 4 trips per berth or 32 trips per day, with 2.3 peak hour trips.<sup>1</sup> The total trips per day is 56, with 4.7 peak hour trips. Note that the proposed dwellings are replacing existing dwellings, so the 24 trips for the dwelling unit are existing trips.

Please contact me for any additional information or clarifications required.

Sincerely,

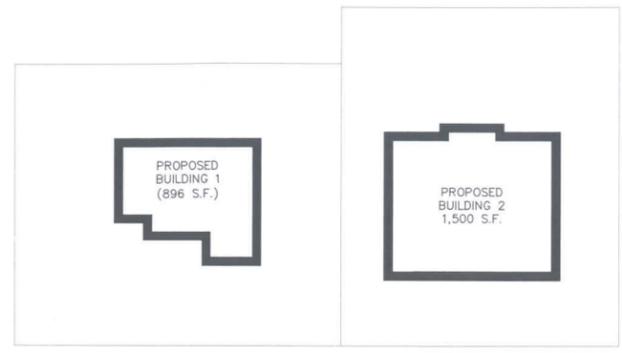
Edward Brake, E.I.T.

cc: Ken McDavitt

C093-14 Traffic.doc

---

<sup>1</sup> Estimated trip generation rate taken from San Diego Municipal Code Land Development Code Trip Generation Manual, revised May 2003.



TAX MAP 4 LOT 46  
CATHERINE W. WOLFF  
10 OLD ARMORY WAY  
KITTERY, ME 03904  
Y.C.R.D. 9795/ 290

TAX MAP 4 LOT 47  
CLARA JOANNE NEWCOMER  
14 OLD ARMORY WAY  
KITTERY, ME 03904  
Y.C.R.D. 2218/ 206

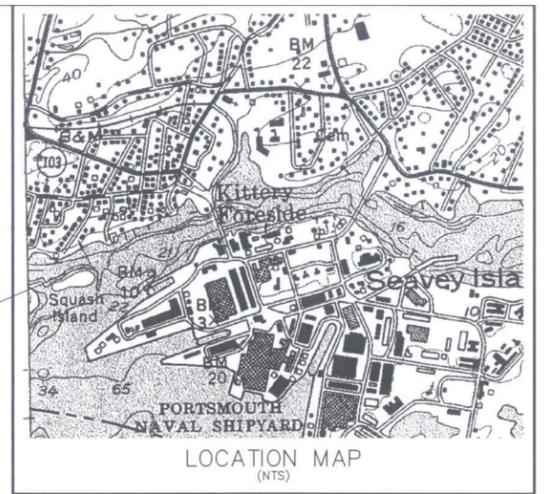
TAX MAP 4 LOT 48  
ELIZABETH C. LOCHHEAD  
16 OLD ARMORY WAY  
KITTERY, ME 03904  
Y.C.R.D. 16308/ 861

TAX MAP 4 LOT 49  
ANDREW S. & HEATHER L. REED  
165 WEST RD  
RYE, NH 03870  
Y.C.R.D. 15073/ 463

TAX MAP 4 LOT 50  
RICHARD D. & BEVERLY E. DUFRESNE  
22 OLD ARMORY WAY  
KITTERY, ME 03904  
Y.C.R.D. 3315/ 46

TAX MAP 4 LOT 52  
JOHN THOMAS & JUDITH POWER DESPRES  
48 EVANS ROAD  
MARBLEHEAD, MA 01945  
Y.C.R.D. 14949/ 534

TAX MAP 4 LOT 55  
TODD M. DUPRE  
45A GOVERNMENT STREET  
KITTERY, ME 03904  
Y.C.R.D. 14374/ 43



**GENERAL NOTES**

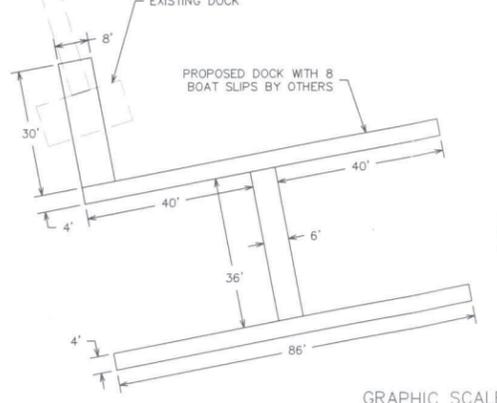
- THIS PLAN PROVIDES DETAILS FOR A TWO BUILDING DEVELOPMENT, PROPOSED DOCK AND BATHHOUSE LOCATED ON OLD ARMORY WAY IN KITTERY, MAINE. BUILDING 1 CONTAINS 1 RESIDENTIAL UNIT, BUILDING 2 CONTAINS 2 RESIDENTIAL UNITS. THE PROPERTY IS IDENTIFIED ON THE TOWN OF KITTERY TAX ASSESSOR'S MAP 4, LOT 51. THE TOTAL AREA OF THE PARCEL IS 31,300 SQ. FT. OR 0.72 ACRES.
  - BOUNDARY INFORMATION IS BASED ON REFERENCE 1. AN EXISTING CONDITIONS AND TOPOGRAPHY SURVEY WAS PERFORMED BY ATTAR ENGINEERING IN JULY, 2004. THE EXISTING STREET AND LOT 4-52 HOUSE LOCATION WERE SURVEYED BY ATTAR ENGINEERING IN AUGUST, 2014. BUILDINGS ON ALL OTHER ADJUTING LOTS WERE TAKEN FROM THE KITTERY GIS AERIAL PHOTOGRAPHS AND ARE APPROXIMATE.
  - TOPOGRAPHY IS BASED ON A MAINE DEPARTMENT OF TRANSPORTATION DISK LOCATED IN THE FOUNDATION OF THE FORMER KITTERY POST OFFICE ON GOVERNMENT STREET. DISK STAMPING IS D-605 AND ELEVATION IS 33.42 (NGVD 29).
- THE PROPERTY IS LOCATED IN THE KITTERY FORESIDE (MU-KF), SHORELAND OVERLAY (OZ-SL), AND COMMERCIAL FISHERIES/MARITIME ACTIVITIES OVERLAY (OZ-CFNU) ZONE. REQUIREMENTS FOR THE KITTERY FORESIDE (KF) DISTRICT ARE AS FOLLOWS:
- MINIMUM LAND AREA PER DWELLING UNIT: 5,000 S.F.
  - MINIMUM LOT SIZE: 5,000 S.F.
  - MINIMUM STREET FRONTAGE: 0'
  - MINIMUM FRONT YARD SETBACK: 10'
  - MINIMUM SIDE YARD SETBACK: 10'
  - MINIMUM REAR YARD SETBACK: 10'
  - MAXIMUM BUILDING COVERAGE: 60%
  - ACTUAL BUILDING COVERAGE IS (2,514 S.F. / 31,300 S.F.) = 8.0%
  - MINIMUM OPEN SPACE ON SITE: 40%
  - ACTUAL OPEN SPACE IS (18,235 S.F. / 31,300 S.F.) = 58.3%
  - MINIMUM SEPARATION DISTANCE BETWEEN PRINCIPAL BUILDINGS ON THE SAME LOT: 10'
  - MAXIMUM BUILDING FOOTPRINT FOR ANY NEW BUILDING: 1,500 SQ. FT., UNLESS REPLACING A LARGER BUILDING.
- REQUIREMENTS FOR THE SHORELAND OVERLAY ZONE (OZ-SL) ARE AS FOLLOWS:
- MAXIMUM LOT COVERAGE IN THE MIXED USE KITTERY-FORESIDE (MU-KF) ZONE IS 60%
  - ACTUAL LOT COVERAGE IS (6,535 S.F. / 31,300 S.F.) = 20.9%
  - NEW PRINCIPAL AND ACCESSORY STRUCTURES MUST BE SET BACK 75' FROM THE NORMAL HIGH WATER LINE OF ANY WATER BODY.
- PARKING STANDARDS ARE AS FOLLOWS:
    - DWELLING UNITS: 2 VEHICLE SPACES PER DWELLING UNIT. ACCORDING TO SECTION 16.3.2.15.E.1.B OF THE KITTERY TOWN CODE, PARKING REQUIREMENTS IN THE KITTERY FORESIDE DISTRICT MAY BE REDUCED TO 1.5 PARKING SPACES PER DWELLING UNIT. MARINAS WITHOUT LAUNCH FACILITIES: 1 SPACE PER SLIP OR MOORING.
    - THE REQUIRED NUMBER OF PARKING SPACES IS:
      - DWELLING UNITS: 3 UNITS X 1.5 SPACES/UNIT = 5 SPACES REQUIRED.
      - MARINAS: 8 BOAT SLIPS X 1 SPACE/SLIP = 8 SPACES
      - TOTAL REQUIRED PARKING SPACES = 13 SPACES HOWEVER SECTION 16.3.2.15 ALLOWS A NONRESIDENTIAL USE EXEMPTION OF 3 PARKING SPACES, THEREFORE THE TOTAL REQUIRED IS 10 SPACES.
      - A TOTAL OF 12 SPACES ARE PROVIDED, WITH 4 GARAGE SPACES, 2 EXTERIOR SPACES FOR RESIDENTIAL UNITS, AND 6 SPACES FOR MARINE USE ASSOCIATED WITH THE BOAT SLIPS. ONE SPACE IS ADA ACCESSIBLE.
  - IN THE COMMERCIAL FISHERIES/MARITIME USES OVERLAY ZONE PARKING AREA MUST BE SET BACK AT LEAST TWENTY-FIVE (25) FEET FROM THE NORMAL HIGH-WATER LINE (SECTION 16.8.9.4.F)
  - THE 75' STRUCTURE SETBACK FROM THE NORMAL HIGH WATER LINE IN THE SHORELAND OVERLAY ZONE AS REQUIRED BY SECTION 16.3.2.17.D.2.A.1. OF THE TOWN OF KITTERY ORDINANCE IS BASED ON THE HIGHEST ANNUAL TIDE (HAT) OF 6.4 FEET (NGVD29). THE HAT OF 6.4 FEET WAS TAKEN FROM THE "MAINE DEP HIGHEST ANNUAL TIDE (HAT) LEVELS FOR YEAR 2013 MAINE COAST FROM EASTPORT TO PORTSMOUTH, NH" FOR THE PORTSMOUTH HARBOR - PORTSMOUTH LOCATION.
  - THE SITE IS SERVED BY PUBLIC WATER AND SEWER. THE PROPOSED BUILDINGS DO NOT INCREASE THE NUMBER OF UNITS ON THE SITE.
  - THE PROPOSED RETAINING WALL TO BE DESIGNED BY OTHERS. RETAINING WALLS OVER 4 FEET IN HEIGHT MUST BE DESIGNED BY A REGISTERED PROFESSIONAL ENGINEER. THE RETAINING WALL SHOULD BE A BLOCK RETAINING WALL BY REDI-ROCK INTERNATIONAL, LLC OR SIMILAR.

**REFERENCES**

- "PLAN OF LAND PREPARED FOR THE ESTATE OF RALPH E. DENNETT, KITTERY, MAINE" PREPARED BY THOMAS F. MORAN, INC., DOVER, NH. DATED 11/6/86.

LEGEND	
PROPERTY LINE	BEARING DISTANCE
EXISTING CONTOUR	---XXX---
UTILITY POLE W/GUY	⊕
WATER VALVE	⊕
WATER SHUTOFF	⊕
SEWER MANHOLE	⊕
EXISTING SEWER	— ES —
EXISTING WATER	— EW —
EXT. EDGE PAVEMENT	=====
EXT. EDGE GRAVEL	-----

TOWN OF KITTERY PLANNING BOARD	DATE



NO.	DESCRIPTION REVISIONS	DATE
K.	REVISED SEWER SERVICE	12/15/14
J.	GENERAL REVISIONS	12/8/14
L.	REVISED PARKING LOCATION	11/14/14
H.	REVISED BUILDING 1	11/3/14
G.	GENERAL REVISIONS	9/3/14
F.	GENERAL REVISIONS	6/30/14
E.	ADDED MARINA PARKING, GENERAL REVISIONS	4/4/14
D.	RELOCATED PROPOSED DOCK	10/28/13
C.	TOWN REVIEW REVISIONS	10/16/13
B.	REVISED HAT, NHWL SETBACK, BUILDING LOCATION	6/7/12
A.	REVISED DOCKS	3/12/12

**SITE PLAN**  
15 OLD ARMORY WAY  
KITTERY, MAINE

FOR: KEN McDAVITT  
157 RED GATE ROAD  
SANBORNVILLE, NH 03872

**ATTAR ENGINEERING, INC.**  
CIVIL • STRUCTURAL • MARINE  
1284 STATE ROAD - ELIOT, MAINE 03903  
PHONE: (207)439-6023 FAX: (207)439-2128

SCALE: 1" = 20'  
DATE: 10/28/11  
JOB NO: C093-14

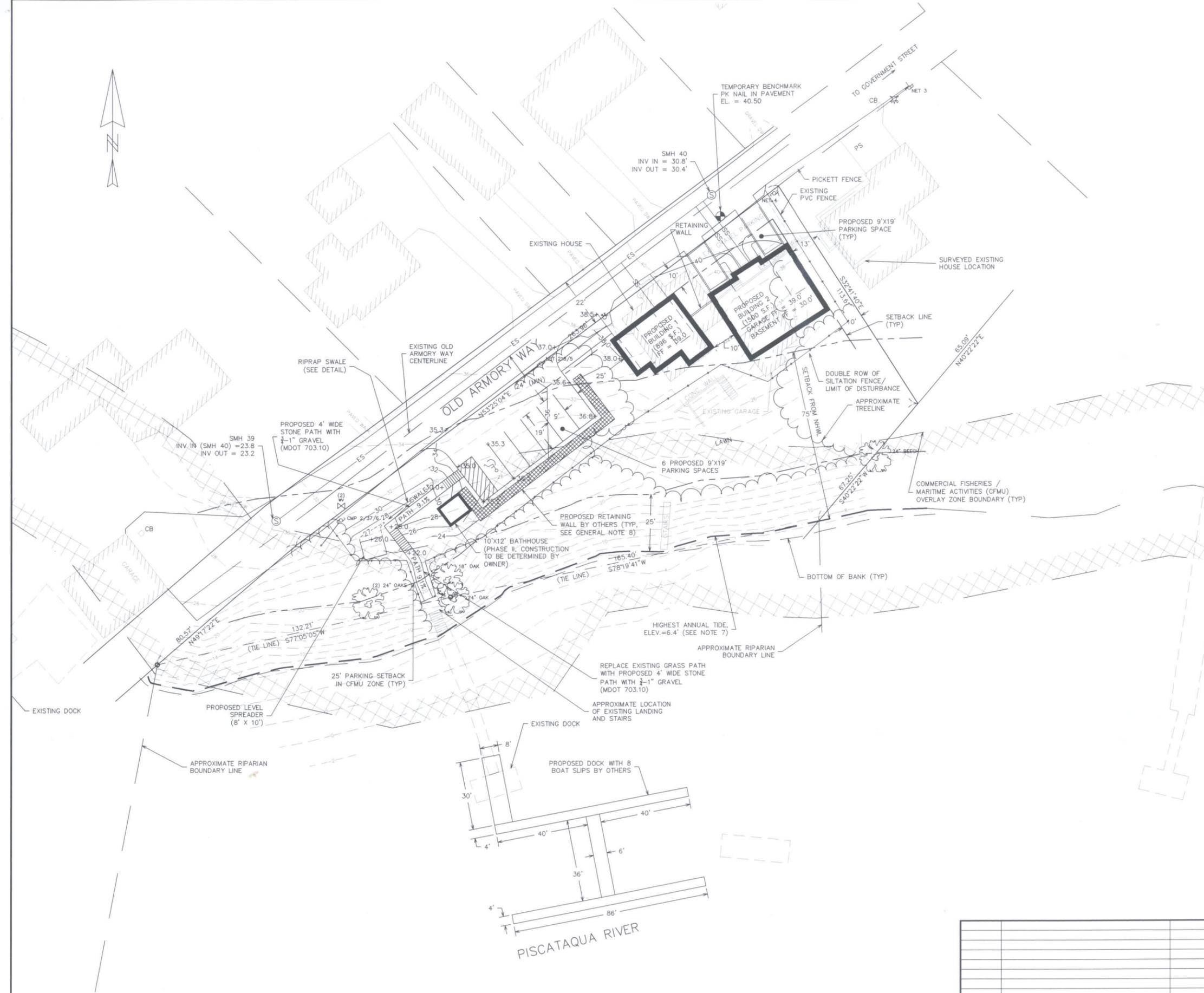
APPROVED BY: [Signature]  
DRAWN BY: EAB  
REVISION - DATE  
K : 12/15/14  
SHEET 1

CAD FILE: OAW SITE

LEGEND	
PROPERTY LINE	BEARING DISTANCE
EXISTING CONTOUR	---XXX---
UTILITY POLE W/GUY	⊕
WATER VALVE	⊕
WATER SHUTOFF	⊕
SEWER MANHOLE	⊕
EXISTING SEWER	ES
EXISTING WATER	EW
EXT. EDGE PAVEMENT	-----
EXT. EDGE GRAVEL	-----

**GENERAL NOTES**

- ALL STORM DRAINS TO BE ADS N-12 (PE) OR APPROVED EQUAL.
- CENTRAL MAINE POWER COMPANY WILL PREPARE THE ELECTRICAL PLAN FOR CONSTRUCTION. ALL ELECTRICAL, TELEPHONE, AND CABLE SERVICES WILL BE UNDERGROUND.
- SEWER MAINS TO BE 8" SDR 35 PVC. ALL OTHER APPURTENANCES SHALL MEET KITTERY SEWER DISTRICT STANDARDS.
- ALL PIPES, VALVES, FITTINGS, AND CONNECTIONS SHALL MEET CURRENT KITTERY WATER DISTRICT STANDARDS.
- A MINIMUM OF 5.0' OF COVER SHALL BE MAINTAINED OVER ALL WATER LINES.
- NEW WATER AND SEWER LINES SHALL BE TESTED IN ACCORDANCE WITH RESPECTIVE DISTRICT REQUIREMENTS.
- THE CONTRACTOR MUST CONTACT DIG SAFE AND ALL LOCAL UTILITIES PRIOR TO THE START OF CONSTRUCTION TO VERIFY THE LOCATION OF EXISTING SUBSURFACE UTILITIES AND CONDITIONS. LOCATING AND PROTECTING ANY UNDERGROUND OR ABOVE GROUND UTILITY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
- SILTATION FENCE OR HAY BALE BARRIERS WILL BE INSTALLED DOWNSLOPE OF ALL STRIPPING OR CONSTRUCTION OPERATIONS. A SILT FENCE WILL ALSO BE INSTALLED AROUND ANY SOIL MATERIAL STOCKPILES. SILT FENCES SHALL BE INSPECTED AFTER EACH RAIN EVENT AND DAILY DURING PROLONGED RAIN. SILT AND SOIL PARTICLES ACCUMULATING BEHIND THE FENCE SHALL BE REMOVED AFTER EACH SIGNIFICANT RAIN EVENT AND IN NO INSTANCE SHOULD ACCUMULATION EXCEED 1/2 THE HEIGHT OF THE FENCE. TORN OR DAMAGED AREAS SHALL BE REPAIRED. A SILT FENCE SHALL BE STAKED UPSTREAM OF EACH CULVERT.
- TEMPORARY AND PERMANENT VEGETATION AND MULCHING IS AN INTEGRAL COMPONENT OF THE EROSION AND SEDIMENTATION CONTROL PLAN. ALL AREAS SHALL BE INSPECTED AND MAINTAINED UNTIL THE DESIRED VEGETATIVE COVER IS ESTABLISHED. THESE CONTROL MEASURES ARE ESSENTIAL TO EROSION PREVENTION AND ALSO REDUCE COSTLY REWORK OF GRADED AND SHAPED AREAS.
- SEEDING, FERTILIZER AND LIME RATES AND TIME OF APPLICATION WILL BE DEPENDENT ON SOIL REQUIREMENTS. TEMPORARY VEGETATION SHALL BE MAINTAINED IN THESE AREAS UNTIL PERMANENT SEEDING IS APPLIED. ADDITIONALLY, EROSION AND SEDIMENTATION MEASURES SHALL BE MAINTAINED UNTIL PERMANENT VEGETATION IS ESTABLISHED.
- THE CLEARING OF TREES SHALL BE LIMITED TO THE AREA OF DEVELOPMENT INDICATED ON THE PLAN AS SILT FENCE AND PROPOSED TREELINE.



**GRADING PLAN  
15 OLD ARMORY WAY  
KITTERY, MAINE**

FOR: KEN McDAVITT 157 RED GATE ROAD SANBORNVILLE, NH 03872		
ATTAR ENGINEERING, INC. CIVIL • STRUCTURAL • MARINE 1284 STATE ROAD - ELIOT, MAINE 03903 PHONE: (207)439-6023 FAX: (207)439-2128		
SCALE: 1" = 20'	APPROVED BY:	DRAWN BY: EAB
DATE: 11/25/14		REVISION : DATE A : 12/15/14
JOB NO: C093-14	CAD FILE: OAW_GRD	SHEET 2

NO.	DESCRIPTION REVISIONS	DATE
A	REVISED SEWER SERVICE	12/15/14











*PRELIMINARY*



GENERAL NOTES:

DRAWING PREPARED FOR:  
**KEN + SANDY McDAVITT**  
**OLD ARMORY WAY**  
**KITTERY, ME**

SCALE:

SHEET TITLE:  
**3D VIEWS**

SHEET NUMBER:

**A2.0**

DATE REVISED: 12/18/2014

**Town of Kittery  
 Planning Board Meeting  
 January 8, 2015**

**State Road Mixed Use Development – Sketch Plan Review**

**Action:** Review, grant or deny concept plan approval. Owner/Applicant Aaron Henderson, HGC, LLC requests approval for a mixed residential/commercial development at 42 State Road, Tax Map 3, Lots 5, 6 & 7 in the Business Local 1 Zone. Agent is Jeff Clifford, P.E. with Altus Engineering, Inc.

**PROJECT TRACKING**

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Review	Scheduled: 1/8/15	PENDING
NO	Site Visit	Site inspection made 5/22/14	TBD
Yes	Preliminary Plan Review Completeness/Acceptance		
Yes	Public Hearing		
Yes	Final Plan Review		
<p>Applicant: Prior to the signing of the approved Plan any <b>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.</b></p>			

**Background:**

Applicant is planning a mixed-use development to include five residential units above three commercial units. The former makes the project subject to subdivision. This property was before the Board on May 8, 2014. The Board held a site visit in 5/22 and encouraged the applicant to redesign the concept with a building that was closer to the street and parking to the side to reflect current zoning standards. See minutes from the May 8, 2014 meeting.

**Review to date:**

1. The application appears to be substantially complete, see 16.10.2.2.2 for required submittal information. Since the property is serviced by public sewer and water, staff recommends that the High Intensity Class A Soil Survey not be required.
2. Applicant must provide proof of right/title/interest to the property.
3. The project with 5 proposed residential dwelling units (tax assessing records find 2 dwellings currently exist) is subject to subdivision.
4. Dimensional and Parking standards have been provided on Sheet C-2. Specifics include:
  - Front yard maximum is 30'; proposal is 15', including street trees along frontage (and Love Lane).
  - Side yard minimum abutting a residential use is 15'; proposal is >15 feet.
5. Parking is located to the rear and side of the properties, not along State Road (Sheet C-2). Access for commercial and residential uses appears to be from both State Road and Love Lane. The applicant should clarify. Parking spaces along the side of the development are visible from the street and abut a residential use to the east. Screening should be addressed per 16.3.2.9.D.2.c.
6. Parking calculations have been prepared (Sheet C-2). Total required parking is 31 spaces, with 24 provided. Proposed required parking spaces for the residential units is 7 not 8 spaces as shown (5 x 1.5 = 7.5, values ½ and less are disregarded). In the same manner, only 22, not 23 parking spaces are required for the proposed office use, making the total required for the site 29 spaces, not 31. The

- deficit of 5 spaces needs to be addressed. Other configurations and/or different uses should be considered. Perhaps parking for residential units should be common and not specific for individual units. This would provide an opportunity for additional parking for the commercial/business use.
7. The aisle and parking associated with the residential parking as shown on the sketch plan at the rear of the property will require a standard modification. Total aisle and stall depth for perpendicular parking is 43 feet, the proposed concept provides for 40.
  8. The design of the front yard required to address zoning standards that include promoting "...a pedestrian public space, which includes, but is not limited to, landscaping, sidewalks, and sitting areas." needs to be flushed out and more deliberate. The proposed concept plan with a narrow sidewalk and stormwater rain gardens does not appear to meet the intent of the zoning standard. The space should be designed to anticipate a more active public use that is typical of a pedestrian oriented business/commercial district.

As a sketch plan application, the Board's primary objective is 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. 16.10.4.2.1.*

The Planning Board must act on this determination with thirty (30) days of the submitted application or continued for a total period not to exceed ninety (90) calendar days for good and sufficient reason.

Staff finds the application complete for such a determination, though the Board may find it needs additional information prior to approving the concept. Along with the staff notes above, the following is a summary of some potential issues to be addressed at preliminary review. The Board may want to add to this list:

1. Parking requirements (Change of office units, change of proposed use, i.e. business or restaurant rather than professional office space, or Board of Appeals per 16.8.9.4.L or M?)
2. Traffic impact;
3. Site lighting;
4. Screening;
5. Snow removal and/or on-site storage;
6. Elevations illustrating proposed design and landscaping along State Road and Love Lane;
7. Review by fire, police and public works, re: access/egress, site lines and visibility, road openings, etc.
8. Use of the State Road (U.S. Route One) Right-Of-Way for required improvements (staff has contacted Maine DOT)
9. Erosion and sediment control; water runoff to existing storm drain system on State Road;

#### Board Action:

The application is substantially complete. Staff also finds the concept plan in general conformance with the Code with some exceptions noted above that don't appear to be significant enough to warrant holding off on submitting a preliminary plan application. A site walk is not required but may be warranted since there are new Board members since the last site inspection. If this is the intent of the Board, Staff recommends the Board schedules a site walk prior to the February 12<sup>th</sup> meeting.

***move to schedule a site walk and continue the Sketch Plan application to the February 12<sup>th</sup> meeting for consideration of Aaron Henderson, HGC, LLC's, proposed mixed residential/commercial development at 42 State Road, Tax Map 3, Lots 5, 6 & 7.***

Otherwise the Board can grant approval of the concept and reference the staff comments with any additional direction the Board finds pertinent.

*{from 5/8/14 minutes}*

**ITEM 8 – State Road Mixed Use Development — Sketch Plan Review**

Action: Review, schedule site walk if warranted, approve Sketch Plan concept if in compliance with Town Code and provide direction to Applicant Owner HGL, LLC and Applicant Doug Greene, Building Works Company are requesting consideration of their plans for a mixed residential and commercial development at 42 State Road, Tax Map 3, Lots 5, 6 & 7 in the Business Local 1 Zone.

Mr. Emerson: In the BL-1 zone parking in front of a business is not permitted and the Board needs to determine if this requirement can be waived as there is ledge at the rear of the property where parking is directed.

Doug Greene: Offered additional submittals to the Board.

Mr. Emerson: Additional submittals are not permitted at the night of the meeting, and requested he present the information through testimony.

Mr. Greene: Summarized development request: demolish existing structures on the three parcels and construct a new building of approximately 47'x125', utilizing existing entrances and exits, with 6 residential units and commercial space. Requests Board feedback on the parking and building configuration on the site.

Ms. Driscoll: Love Lane accesses are of concern because of the traffic on Love Lane.

Ms. Tuveson: Concurr; concerned about site visibility from these exits onto Love Lane because of vegetation and Navy traffic.

Ms. Grinnell concurred.

Mr. Emerson: Can the building be moved forward with parking in rear? The code requires new construction with parking in the rear.

Mr. Greene: There is a 10-12 foot rise where lots 6 and 7 converge, allowing for residential privacy.

Mr. Myroie: The Board needs to provide guidance and a site walk would help members observe the conditions which are forcing this design.

Mr. Emerson: The application is not complete, but in order to provide direction to the applicant, a site walk is warranted though the application cannot be accepted at this time.



**Site Walk minutes**

42 State Road Sketch Plan Review

May 21, 2014

Attendees:

All Planning Board members present, with the exception of R. Melanson.

Staff; C. DiMatteo

Applicant: Aaron Henderson, HGL, and Doug Green, Building Works Company.

Abutters: none

Handouts: none

Meeting called to order at 6:02 PM by Chair T. Battcock-Emerson.

Met along Love Lane adjacent to TD Bank parking. Applicant provided orientation and stated one of three subject lots. Discussed the lots involved and reviewed the property plan showing tax map information.

Moved across to the site and inspected the vicinity of the rear property line. Verified field located pins/ flagging on property plan.

Applicant discussed the proposal, commercial below on first level and residential above on the

Walk commenced from the adjacent to TD Bank parking, across Love Lane to the rear of the site.

- 1) Chair Battcock-Emerson asked if there were any further questions.  
Hearing none, meeting adjourned at 6:10 PM.

Submitted by Chris DiMatteo, Assistant Planner  
May 22, 2014

# **Project Narrative**

## ***Retail/Residential Building***

### **Map 3, Lots 5, 6, & 7**

#### **State Road and Love Lane Kittery, Maine**

##### **Introduction**

The project is located on three (3) parcels, totaling 26,220 square feet, on the east side of Love Lane and the south side of State Road, across from Carl's Meat Market. There are with two (2) driveways off Love Lane and one (1) driveway off State Road with access to two (2) single-family residences and a third wood structure.. The property is abutted by residential property and a church. Commercial/retail businesses are located across State Road and Love Lane

The applicant proposes to merge the three lots into a single lot, raze the three (3) buildings that are in disrepair and construct a 5,000 square feet building. The proposed structure will have three (3) non-residential units on the lower level and five (5) single-family units in the upper level. Vehicular access is provided off State Road and Love Lane at existing curb cuts. The driveway off Love Lane will be restricted to entrance only to address the limited sight distance to the south. A total of twenty-four (24) shared parking spaces are provided.

The property is served by municipal water and sewer from State Road and Love Lane. New service connections will be proposed from Love Lane. The existing overhead wires from State Road will be removed and a new electrical service installed underground.

Stormwater from the site drains towards north into an existing closed drainage system that daylight into a large wetland on the north side of State Road. Landscaped islands within the front yard will serve as small rain gardens to treat and attenuate the runoff from the development. The full stormwater management system will be addressed as part of the preliminary site plan application.

#7



Civil  
Site Planning  
Environmental  
Engineering

133 Court Street  
Portsmouth, NH  
03801-4413

December 18, 2014

Christopher Di Matteo, Town Planner  
Town of Kittery  
200 Rogers Road  
Kittery, Maine 03904

RECEIVED  
DEC 18 2014  
BT:.....

Re: **Retail/Residential Building**  
**Map 3, Lots 5, 6 & 7**  
**Kittery, Maine**  
**P-4639**

Dear Mr. Di Matteo:

Altus Engineering, Inc. is pleased to submit on behalf of the applicant, Aaron Henderson, an *Application: Site Sketch Plan Review* to the Kittery Planning Board for a proposed three (3) commercial units & five (5) single family residential units at the subject 26,220 square foot property located on the south side of State Road. This Sketch Plan submission includes the following materials:

- Application for Subdivision – Site Sketch Plan Review (15 copies)
- Sketch Review Plans – (5 full size and 10 half size sets)

The applicant submitted a check for the application check earlier this year to initiate the project. The applicant seeks to be placed on the January 8, 2015 Planning Board agenda. Please call if you have any questions or require additional information.

Sincerely,

Jeffrey K. Clifford, P.E.  
Vice President

RMB/jkc/4539.001.CDM.ltr.doc  
Enclosures

e-copy (w/encl.): Aaron Henderson



**TOWN OF KITTEERY MAINE**  
**TOWN PLANNING AND DEVELOPMENT DEPARTMENT**

200 Rogers Road, Kittery, Maine 03904

Phone: (207) 475-1323

Fax: (207) 439-6806

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

**APPLICATION: SITE OR SUBDIVISION-SKETCH PLAN REVIEW**

**Application Fee:**  \$300.00      **Amount Paid:\$** \_\_\_\_\_      **Date:** \_\_\_\_\_

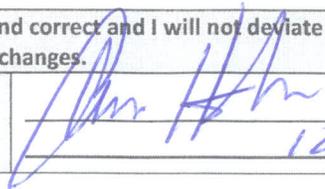
PROPERTY DESCRIPTION	Parcel ID	Map	3	Zone(s)-Base:	B-L1	Total Land Area	26,220 s.f.
		Lot	5,6 & 7	Overlay:	n/a	MS4	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
	Physical Address	42 State Road					

PROPERTY OWNER'S INFORMATION	Name	HGC, LLC		Mailing Address	37 Chauncey Creek Road Kittery Point, ME 03905
	Phone	207-438-9258			
	Fax				
	Email	ahgc@comcast.net			

APPLICANT'S AGENT INFORMATION	Name	Jeffrey K. Clifford, PE		Name of Business	Altus Engineering, Inc.
	Phone	603-433-2335		Mailing Address	133 Court Street Portsmouth, NH 03801
	Fax	603-433-4194			
	Email	jclifford@altus-eng.com			

PROJECT DESCRIPTION	<i>See reverse side regarding information to be provided.</i>	
	Existing Land Use(s):	Three (3) single family houses
	Proposed Land Use(s) and Development:	Three (3) commercial units on lower level with five (5) single-family units in upper level
	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)	None

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

Applicant's Signature: _____	Owner's Signature: 
Date: _____	Date: 12/29/14

## MINIMUM PLAN SUBMITTAL REQUIREMENTS

15 Copies of this Application, 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

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.

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

**Sketch Plan must include the following existing and proposed information:**

**Existing:**

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

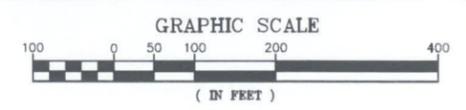
**Proposed:** (Plan must show the lightened existing topography under the proposed plan for comparison.)

- Recreation areas and open space
- Number of lots and lot areas *MERGE (3) LOTS TO (1)*
- 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
- N/A  Nearest significant water body

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



RECEIVED  
DEC 18 2014

ISSUED FOR:  
SKETCH PLAN REVIEW

ISSUE DATE:  
DECEMBER 18, 2014

NO.	DESCRIPTION	BY	DATE
0	SKETCH PLAN SUBMISSION	JKC	12/18/14

DRAWN BY: RMB  
APPROVED BY: JKC  
DRAWING FILE: 4639SITE.DWG

SCALE:  
1" = 100'

OWNER/APPLICANT:  
**HGC, LLC**  
37 CHAUNCEY CREEK ROAD  
KITTERY POINT, MAINE 03905

PROJECT:  
**RESIDENTIAL /  
OFFICE BUILDING  
MAP 3  
LOTS 5, 6 & 7  
42 STATE ROAD  
KITTERY, MAINE**

TITLE:  
**VICINITY PLAN**

SHEET NUMBER:  
**G - 1**

THIS DRAWING HAS NOT BEEN  
RELEASED FOR CONSTRUCTION

PAGE 39



**ZONING DATA:** (SEE NOTE 7)  
 Per Kittery Town Code Section 16.3.2.9  
**ZONE:** Business-Local 1 (B-L1)  
**REQUIREMENTS:**  
 MINIMUM LAND AREA PER DWELLING UNIT:  
 -WHEN ALL FLOORS ARE RESIDENTIAL: 8,000 Sq. Ft.  
 -WHEN THE ENTIRE FIRST FLOOR IS IN NONRESIDENTIAL USE: 3,500 Sq. Ft.  
 MINIMUM LOT SIZE: 20,000 Sq. Ft.  
 MINIMUM STREET FRONTAGE: 50 Ft.  
 MAXIMUM FRONT YARD: 30 Ft\*  
 MINIMUM REAR AND SIDE YARD: 10-20 Ft\*  
 MAXIMUM BUILDING HEIGHT: 40 Ft.  
 MAXIMUM BUILDING AND OUTDOOR STORED MATERIAL COVERAGE: 50%  
 MINIMUM AREA DEDICATED TO LANDSCAPED AREA: 15%  
 \*SEE SECTION 16.3.2.9.D. STANDARDS

**PLAN REFERENCES:**

- "EXISTING CONDITIONS PLAN, 25 & 47 STATE ROAD (A.K.A. U.S. ROUTE 1, KITTERY, YORK COUNTY, MAINE, OWNED BY 25 STATE, LLC & REGATTA GROUP, LLC", PREPARED BY EASTERLY SURVEYING, INC. AND DATED 12/18/06. PROJECT NO. 06818.
- "PLAN SHOWING PROPERTIES OF, THOMAS F. ROARK AND VIVIAN A. ROARK, WILLIAM A. CLAPP AND HELEN M. CLAPP, WILLIAM DIXON, ALSO A TRIANGULAR SHAPED PARCEL TO BE CONVEYED BY, WILLIAM A. CLAPP AND HELEN M. CLAPP", PREPARED BY MOULTON ENGINEERING CO., DATED OCT. 1954 AND RECORDED AT THE Y.C.R.D. IN PLAN BOOK 26 PAGE 7.
- "LOT LINE REVISION & CONSOLIDATION, OF, TAX MAP 3, LOTS 2, 3, & 4, FOR, BOW STREET THEATER TRUST, U.S. ROUTE 1, KITTERY, MAINE", PREPARED BY DOUCET SURVEY INC., DATED MAY 27, 1999 AND RECORDED AT THE Y.C.R.D. IN PLAN BOOK 253 PAGE 38.
- "STATE HIGHWAY '1', (U.S. ROUTE 1), KITTERY YORK COUNTY, FEDERAL AID PROJECT NO. STP-1158(400)X", PREPARED BY STATE OF MAINE DEPARTMENT OF TRANSPORTATION, DATED OCTOBER 2007 AND RECORDED AT THE Y.C.R.D. IN PLAN BOOK 341 PAGE 26.
- "PLAN SHOWING, PROPOSED RIGHT OF WAY, OVER PRIVATE PROPERTY, HIGHWAY 'A' - TOWN OF KITTERY ME.", PREPARED BY MAINE STATE HIGHWAY COMMISSION, DATED MAY 23, 1924 AND RECORDED AT THE Y.C.R.D. IN PLAN BOOK 10 PAGE 10.
- "PLAN SHOWING, LAND BOUGHT OF THE, UNITED STATES HOUSING CORPORATION, ON KITTERY MAINE", PREPARED BY MAINE HIGHWAY COMM., DATED OCT. 1925 AND RECORDED AT THE Y.C.R.D. IN PLAN BOOK 10 PAGE 20.

**NOTES:**

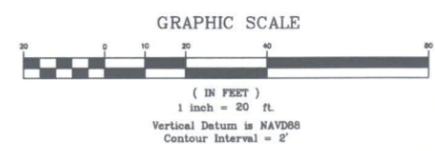
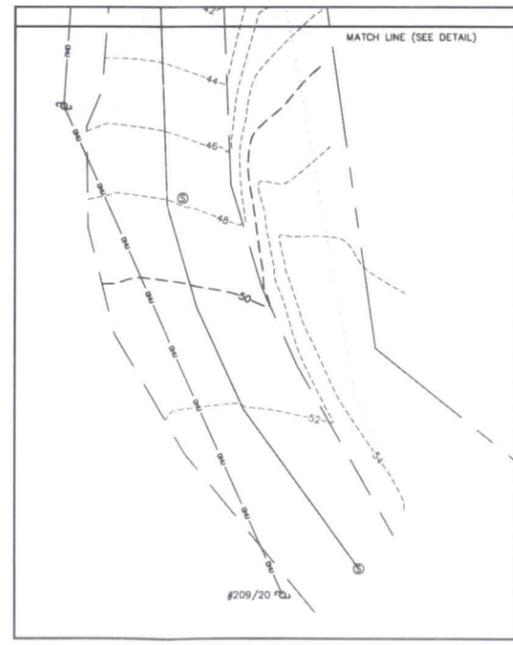
- OWNERS OF RECORD:  
 TAX MAP 3 LOTS 5, 6 & 7  
 HGC, LLC  
 Y.C.R.D. BOOK 16846 PAGE 783  
 DATED MAY 1, 2014 &  
 Y.C.R.D. BOOK 16814 PAGE 416  
 DATED MAY 1, 2014
- TOTAL EXISTING PARCEL AREA:  
 TAX MAP 3 LOTS 5, 6 & 7  
 0.60 Acres (26,220 Sq. Ft.)
- BASIS OF BEARING IS PER PLAN REFERENCE #1.
- THE VERTICAL DATUM IS NAVD 88.
- APPROXIMATE ABUTTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
- EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.
- ZONING INFORMATION AND SETBACK LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES. CONFIRM CURRENT ZONING REQUIREMENTS WITH THE TOWN OF KITTERY PRIOR TO DESIGN OR CONSTRUCTION.
- AN OVERLAP EXISTS BETWEEN BOOK 10846 PAGE 782, BOOK 16814 PAGE 416 AND BOOK 1376 PAGE 335.
- A PORTION OF CONCRETE AND A BRICK FIRE PIT CROSSES THE BOUNDARY LINE.
- POSSIBLE UNDERGROUND STORM WATER STORAGE AREA. CONFIRM WITH THE TOWN OF KITTERY PRIOR TO DESIGN OR CONSTRUCTION.
- 4, 3 1/2" PVC PIPES FOUND RUNNING INTO CB 4. THE ORIGIN AND FURTHER LOCATION OF THESE PIPES ARE UNKNOWN BY US.
- THE EAST END OF A 12" CULVERT WAS FOUND, THE OTHER END WAS NOT FOUND. THE POSSIBLE LOCATION OF THIS CULVERT IS SHOWN ON PLAN REFERENCE 4, BUT IS NOT CONFIRMED.

N/F  
 PEOPLES HERITAGE SAVINGS BANK  
 TAX MAP 4 LOT 200  
 Y.C.R.D. BOOK 4690 PAGE 298

N/F  
 JENNIFER A. MORRIS  
 TAX MAP 3 LOT 4  
 Y.C.R.D. BOOK 10291 PAGE 303

N/F  
 CHURCH OF CHRIST  
 TAX MAP 4 LOT 189  
 Y.C.R.D. BOOK 1376 PAGE 335

● = IRON SET W/ CAP #1322



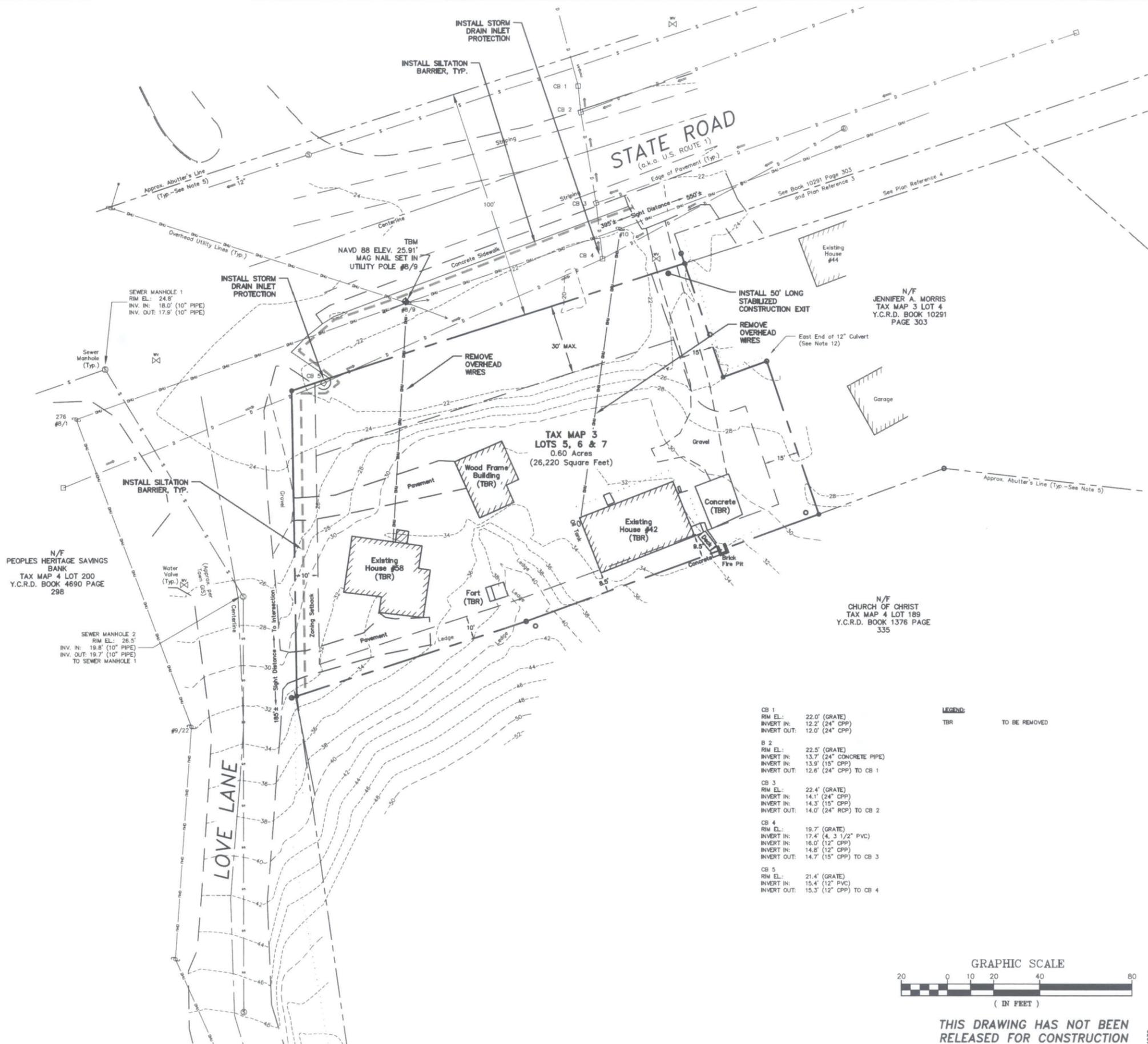
**PRELIMINARY**

**EXISTING CONDITIONS PLAN**  
 FOR PROPERTY AT  
**42 State Road (a/k/a U.S. Route 1)**  
 Kittery, York County, Maine  
 OWNED BY  
**HGC, LLC**  
 37 Chauncey Creek Road, Kittery Point, ME 03905

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

SCALE: 1" = 20'	PROJECT NO: 14618	DATE: 11/5/14	SHEET: 1 OF 1	DRAWN BY: B.M.K.	CHECKED BY: K.D.M.
DRAWING No: 14618 EXISTING CONDITIONS FIELD BOOK No: "Kittery #30" <b>Tax Map 3 Lots 5, 6 &amp; 7</b>					

REV.	DATE	STATUS	BY	CHKD	APPD.



N/F  
PEOPLES HERITAGE SAVINGS  
BANK  
TAX MAP 4 LOT 200  
Y.C.R.D. BOOK 4690 PAGE  
298

SEWER MANHOLE 2  
RIM EL.: 26.5  
INV. IN: 19.8' (10" PIPE)  
INV. OUT: 19.7' (10" PIPE)  
TO SEWER MANHOLE 1

SEWER MANHOLE 1  
RIM EL.: 24.8  
INV. IN: 18.0' (10" PIPE)  
INV. OUT: 17.9' (10" PIPE)

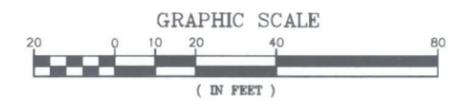
TAX MAP 3  
LOTS 5, 6 & 7  
0.60 Acres  
(26,220 Square Feet)

N/F  
JENNIFER A. MORRIS  
TAX MAP 3 LOT 4  
Y.C.R.D. BOOK 10291  
PAGE 303

N/F  
CHURCH OF CHRIST  
TAX MAP 4 LOT 189  
Y.C.R.D. BOOK 1376 PAGE  
335

CB 1	RIM EL.: 22.0' (GRATE)
	INVERT IN: 12.2' (24" CPP)
	INVERT OUT: 12.0' (24" CPP)
B 2	RIM EL.: 22.5' (GRATE)
	INVERT IN: 13.7' (24" CONCRETE PIPE)
	INVERT IN: 13.9' (15" CPP)
	INVERT OUT: 12.6' (24" CPP) TO CB 1
CB 3	RIM EL.: 22.4' (GRATE)
	INVERT IN: 14.1' (24" CPP)
	INVERT IN: 14.3' (15" CPP)
	INVERT OUT: 14.0' (24" RCP) TO CB 2
CB 4	RIM EL.: 19.7' (GRATE)
	INVERT IN: 17.4' (4, 3 1/2" PVC)
	INVERT IN: 16.0' (12" CPP)
	INVERT IN: 14.8' (12" CPP)
	INVERT OUT: 14.7' (15" CPP) TO CB 3
CB 5	RIM EL.: 21.4' (GRATE)
	INVERT IN: 15.4' (12" PVC)
	INVERT OUT: 15.3' (12" CPP) TO CB 4

LEGEND:  
TBR TO BE REMOVED



THIS DRAWING HAS NOT BEEN  
RELEASED FOR CONSTRUCTION



133 COURT STREET PORTSMOUTH, NH 03801  
(603) 433-2335 www.ALTUS-ENG.com

ISSUED FOR:  
SKETCH PLAN REVIEW

ISSUE DATE:  
DECEMBER 18, 2014

NO.	DESCRIPTION	BY	DATE
0	SKETCH PLAN SUBMISSION	JKC	12/18/14

DRAWN BY: \_\_\_\_\_ RMB  
APPROVED BY: \_\_\_\_\_ JKC  
DRAWING FILE: 4639SITE.DWG

SCALE:  
1" = 50'

OWNER/APPLICANT:  
**HGC, LLC**  
37 CHAUNCEY CREEK ROAD  
KITTERY POINT, MAINE 03905

PROJECT:  
**RESIDENTIAL /  
OFFICE BUILDING  
MAP 3  
LOTS 5, 6 & 7  
42 STATE ROAD  
KITTERY, MAINE**

TITLE:  
**SITE PREPARATION  
PLAN**

SHEET NUMBER:  
**C - 1**

P4639

**ZONING SUMMARY:**

Owner of Record: HGC, LLC  
 37 Chauncey Road  
 Kittery Point, ME 03905

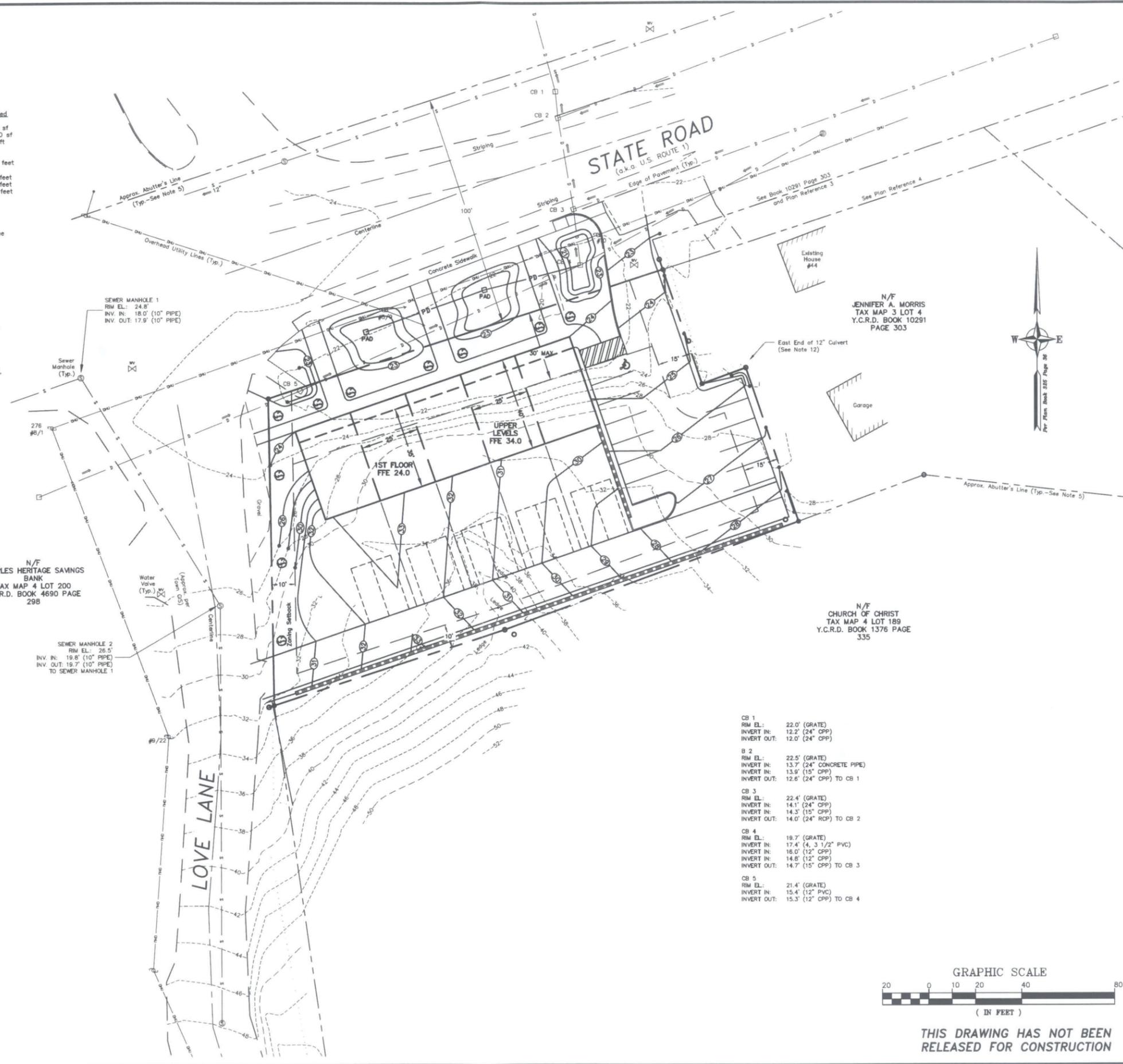
Property Reference: Tax Map 3, Lots 5, 6 & 7  
 Lot Size: 0.60 acres (26,220 sq. ft.)  
 Zoning: Business-Local (B-L1)  
 Existing Use: Two residential Homes  
 Proposed Use: Commercial & Residential (Permitted use in B-L1 zone)

	Requirements	Provided
Minimum Land area per dwelling unit when the entire first floor nonresidential use	3,500 sf	4,375 sf
Minimum lot size	20,000 sf	26,220 sf
Minimum Street Frontage	50 ft per bldg.	>178 ft
Minimum Building Setbacks		
Maximum Front Yard	30 feet	15.05 feet
Side / Rear		
abutting Residential	15 feet	> 15 feet
abutting other	10 feet	> 10 feet
Maximum Building Height	40 feet	< 40 feet
Maximum Building Coverage	50%	19%
Minimum Landscape area	15%	32%
Parking Standards:		
Parking Stall Size	9 feet x 19 feet	
Aisle Width	24 feet min. for 90 degree	
Spaces Required:		
Residential		
1.5 space/dwelling =		
1.5 space * 5 units =	8 spaces	
Office Space		
2 spaces/unit plus 1 space/250 sf =		
2 sp * 3 units + (1 sp/250 sf * 4,375 sf) =	23 spaces	
6 spaces + 17.5 spaces =	31 spaces	
Total required		
Spaces Provided:	24 spaces	
Landscaping Streetscape:	1 tree/ 25 ft of frontage	

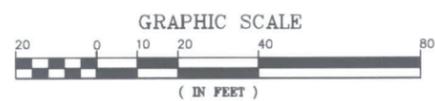
**PLAN REFERENCES:**

1. "Existing Conditions Plan for Property at 42 State Road (a.k.a. U.S. Route 1), Kittery, Maine", by North Easterly Surveying, Inc., dated November 5, 2014

Existing Impervious 5,964 s.f.  
 Proposed Impervious 18,926 s.f.  
 Net Increase 13,062 s.f.



CB 1	RIM EL.: 22.0' (GRATE)
	INVERT IN: 12.2' (24" CPP)
	INVERT OUT: 12.0' (24" CPP)
B 2	RIM EL.: 22.5' (GRATE)
	INVERT IN: 13.7' (24" CONCRETE PIPE)
	INVERT IN: 13.9' (15" CPP)
	INVERT OUT: 12.6' (24" CPP) TO CB 1
CB 3	RIM EL.: 22.4' (GRATE)
	INVERT IN: 14.1' (24" CPP)
	INVERT IN: 14.3' (15" CPP)
	INVERT OUT: 14.0' (24" RCP) TO CB 2
CB 4	RIM EL.: 19.7' (GRATE)
	INVERT IN: 17.4' (4, 3 1/2" PVC)
	INVERT IN: 16.0' (12" CPP)
	INVERT IN: 14.8' (12" CPP)
	INVERT OUT: 14.7' (15" CPP) TO CB 3
CB 5	RIM EL.: 21.4' (GRATE)
	INVERT IN: 15.4' (12" PVC)
	INVERT OUT: 15.3' (12" CPP) TO CB 4



THIS DRAWING HAS NOT BEEN RELEASED FOR CONSTRUCTION

**ALTUS ENGINEERING, INC.**  
 133 COURT STREET PORTSMOUTH, NH 03801  
 (603) 433-2335 www.ALTUS-ENG.com

ISSUED FOR: SKETCH PLAN REVIEW

ISSUE DATE: DECEMBER 18, 2014

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	SKETCH PLAN SUBMISSION	JKC	12/18/14

DRAWN BY: RMB  
 APPROVED BY: JKC  
 DRAWING FILE: 4639SITE.DWG

SCALE: 1" = 20'

OWNER/APPLICANT:  
**HGC, LLC**  
 37 CHAUNCEY CREEK ROAD  
 KITTERY POINT, MAINE 03905

PROJECT:  
**RESIDENTIAL / OFFICE BUILDING**  
**MAP 3**  
**LOTS 5, 6 & 7**  
 42 STATE ROAD  
 KITTERY, MAINE

TITLE:  
**SITE PLAN**  
 SHEET NUMBER:  
**C - 2**

**Town of Kittery Maine  
 Town Planning Board Meeting  
 January 8, 2015**

**118 Pepperrell Road - Shoreland Development Plan Review - Amendment to an Approved Plan.**

Steven Gerhartz & Susan Pendery, owners and Ken Markley, Agent, request approval to remove and reconstruct a secondary dwelling unit and reconfigure existing stairs on the primary dwelling unit at 118 Pepperrell Road, Tax Map 27, Lot 37, in the Residential-Kittery Point Village and Shoreland Overlay zones.

**PROJECT TRACKING**

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Review		
NO	Site Visit		
YES	Determination of Completeness/Acceptance	January 8, 2015	
YES	Public Hearing		
YES	Final Plan Review and Approval		

Plan Review Notes reflect comments and recommendations regarding applicability of Town Land Use Development Code, and standard planning and development practices. Only the PB makes final decisions on code compliance and approves, approves with conditions or denies final plans. 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 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.

**Staff Comments:**

This is a nonconforming lot with nonconforming structures. Minimum standards and existing / proposed conditions:

Standard	KPV	Shoreland	Existing	Proposed
Use (Secondary DU)	Permitted*	Special Exception	Residential	No change
Lot	40,000 sf	40,000 sf	No change	No change
Front	40'	-	18'	18'
Rear	15'	-	37'	37'
Side	15'	-	0'	2'
Shoreland Overlay		100'	40.5'	42.5'

\*In the KPV Zone: Dwellings, excluding mobile homes, in a single-family, duplex, and multi-unit residential configuration with not more than four units per building.

Actual dimensional standards need to be included on the plan, not just what the ordinance requires, for future reference.

**Primary Dwelling Unit:**

- Applicant received prior Planning Board approval for improvements to the primary dwelling unit on April 11, 2013 (minutes enclosed).
- Agent states the current proposal is to reconfigure the existing stairs at the primary dwelling unit with no increase in square footage. This is unclear in the inset figure provided; dimensions should be included. It also appears the addition of the proposed stairs and stone wall, and retention of a garden space, will increase the overall devegetated area on the lot. Prior to the 2013 approval, the total devegetated area was 27.8%. This was reduced with the 2013 approved plan by 100 sf to 27.1%.

This still exceeds the maximum devegetated coverage allowed of 20%. The applicant/agent should show there is no increase in the 2013 allowance of 27.1% of devegetated cover by providing the dimensions of the proposed stair re-design in comparison to the existing coverage.

- Note: The 2013 approval of the stairs was based on the interpretation (supported by the then-Board of Appeals Chairman) that steps larger than 3'x3', constituting a structure, would be allowed as long as they did not encroach on setbacks any further than the existing structure. (2013 Findings of Fact, enclosed).

#### Secondary Dwelling Unit:

- Records dating to 1974 indicate this unit has been on the lot and utilized as a dwelling unit or guest house.
- Currently this unit is identified on Vision (attached) as a camp, with coal/wood heat source and old-style kitchen and bath.
- File records indicate the subsurface wastewater disposal system, designed and approved in 1998, was sized at 1,200 gallons for two residential structures (3 bedroom house; 1 bedroom guest house). Current regulations require a 1,000 gallon system for 4 bedrooms (application and regulation attached).
- Tax records indicate Building 2 (camp) is 'seasonal use only' with an organic toilet. What is the intended use of this second building? Will it continue to be seasonal?
- The camp is located within the 100-foot shoreland setback at 40.5 feet, and appears to be abutting the southerly property line with no side setback. The proposal is to demolish the camp and move the existing footprint (560 sf) approximately 2 feet from the side setback. Staff scaled the structure at 15x35' for a total footprint of 525 sf and the deck at 5x6' (approx) for a total of 30 sf. The actual dimensions of the structure and proposed side yard need to be included on the plan.
- The applicant is not proposing to move the new structure any further into the parcel to meet side yard requirements (15 feet) as this will place the structure in the VE/V2 flood zone area. Proposal is to move the new structure 2 feet further west from the HAT, but due to an existing tree, no further. It does not appear the structure can be moved outside of the 100-foot shoreland setback or the flood zone area as identified.

#### *16.7.3.5.6 Nonconforming Structure Reconstruction.*

*A. Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, damaged or destroyed, by any cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board...*

*E. In determining whether the structure reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or Code Enforcement Officer must consider, in addition to the criteria in Section 16.7.3.5.4, Nonconforming Structure Relocation, the physical condition and type of foundation present, if any.*

*16.7.3.5.4.B. In determining whether the structure relocation meets the setback to the greatest practical extent, the Board of Appeals or Planning Board (in cases where the structure is located in a Shoreland Overlay or Resources Protection Overlay Zone.), must consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.*

- Applicant states the proposed volume for the new structure will total 6,020 cf, an increase of 913 cf or 17.9% (6020 cf - 5107 cf = 913 cf / 5107 cf = 17.87%). There is no record of prior volume expansions and this is below the 30% maximum allowed in the shoreland setback.

Comments:

1. This is an Amendment to an Approved Plan - Shoreland Development, and the title block needs to be amended.
2. The Plan should reflect existing conditions. The plan revision schedule or plan references do not include the 2013 plan approval and revisions to date. Notations from the previously approved plan should be removed (i.e. proposed porch; proposed screen porch, to be removed, etc.), unless they have not been completed. The approved 2013 plan has been enclosed in the submittal. Some information was removed from the approved plan for this amended plan (Site Plan/Coverage Schedule; plan revision dates; setbacks), with additional information included (new stair plan), resulting in inconsistencies and confusion.
3. Notes and plan references should be reduced in font size to allow for conditions of approval.
4. Proposed building elevations should be submitted separately, to scale, with architectural drawings of the proposed structures to support volume and area calculations (detail on plan is 'not to scale').
5. Setbacks for the proposed structure relocation need to be shown.

**Board Action**

A public hearing and/or site visit is not required. However, given the constraints of the parcel as described, a site visit may be warranted. If the Board is comfortable with the information presented, the application could be accepted and a site walk and public hearing scheduled.

*move to accept the Amended Shoreland Development Plan application of Steven Gerhartz and Susan Pendery, requesting approval to remove and reconstruct a secondary dwelling unit and reconfigure existing stairs on the primary dwelling unit at 118 Pepperrell Road, Tax Map 27, Lot 37, in the Residential-Kittery Point Village and Shoreland Overlay zones, and schedule a site walk and public hearing.*

END OF PLAN REVIEW NOTES



Note: Boundary lines are illustrative only.

Minutes: April 11, 2013

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**ITEM 2 – Gerhartz/Pendery Residence - Pepperrell Road — Shoreland Development Plan Review**

Action: Hold a Public Hearing, review plan, grant or deny approval. Steven Gerhartz and Susan Pendry, owner and applicant, requests approval to expand the existing two-story dwelling located at 118 Pepperrell Road in the Residential-Kittery Point Village and Shoreland Overlay zones, Tax Map 23, Lot 37.

Ken Markley, North Easterly Surveying, Inc., summarized the project proposal, noting the plans and profiles for the proposed building.

- Improvements are outside the 100 foot setback from the Highest Annual Tide
- A seasonal porch will be replaced with a screened deck
- Existing gravel drive will be removed and re-vegetated
- Added landscaping is proposed
- Existing deck on southeasterly corner will be reduced in size by one square foot
- The original building is 8 feet from the ROW
- A garage is proposed underneath the building at existing basement level
- A new driveway to access the front of the building

Brenden McNamara, Architect, highlighted the building renovations, noting the driveway will be crushed stones, not pavement.

Mr. Markley stated there is a net reduction of impervious area to improve stormwater runoff. He noted the abutter is generally positive about the plans.

Earldean Wells asked that the final plans show the driveway will be crushed stone. Mr. McNamara agreed to do so.

There was no public comment. The Public Hearing opened and closed at 6:50 p.m.

Ms. Tuveson moved to accept the plan

Ms. Grinnell seconded

Mr. Balano asked if this was to approve the plan as a final plan

Ms. Tuveson amended her motion to approve the preliminary plan as the final plan

Ms. Grinnell seconded

Motion carried unanimously

Ms. Grinnell noted the conditions include a statement that *All substantial changes ... must be approved by the Planning Board* but the prior Findings of Fact for the 3/28 meeting state *No changes, erasures, modifications ... may be made...unless resubmitted...* She requested elimination of the word 'substantial'.

April, 2013 Findings of Fact, 118 Pepperrell Road

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**16.7.3.5.5 Nonconforming Structure Repair and/or Expansion**

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

The Board of Appeals (BOA) has in the past interpreted *no more nonconforming* in two ways.

1) The proposed additions are not allowed to be closer than the existing structure is to the property lines, and 2) the proposed additions are not allowed to protrude past the existing non-conforming building façade. The proposed development meets the second interpretation with the exception of the stairs.

Staff spoke with the BOA's Chairman for insight on which interpretation would likely be applied by the BOA. After review of the proposal he thought the first interpretation would be applied, citing that in the past, the BOA has treated steps larger than 3x3 as structures and as a structure would be allowed as long as it did not encroach on the yards further than the principal structure.

If the Planning Board concurs with the first interpretation then the steps can remain as proposed (though larger than the required 3x3 foot landing) see 16.7.3.5.12 below. The proposed porch additions are no closer than the existing structure to the front, side and rear property lines. The existing deck (#2 on the plan) within the front yard setback will be reduced in size resulting in a 1 foot reduction in setback nonconformity.

**16.7.3.5.12 Nonconforming Steps.**

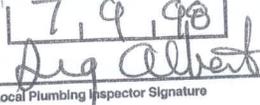
*The addition of steps and landings, exterior to the structure does not constitute expansion. Such steps are not to be considered part of the structure for such determination. Step landings may not exceed three feet by three feet (3'x3') in size.*

The proposed landing exceeds 3'x3' at approximately 5'x7'. The BOA has interpreted that proposed stairs larger than 3'x3' are treated as a structure and constitutes expansion. A finding on this should be based on how the Board determines the extent of encroachment allowed in the Front Yard setback (40-foot). See 16.7.3.5.5 above

# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services  
Division of Health Engineering  
(207) 287-5672 FAX (207) 287-4172

PROPERTY LOCATION	
Town or Plantation	KITTERY
Street	118 PEPPERELL ROAD
Subdivision Lot *	<del>MOORE SCARDE</del>
PROPERTY OWNER'S NAME	
Last: FORBES	First: ELLEN
Applicant's Name	SAME
Mailing Address of Owner	P.O. Box 117
Daytime Tel. *	439-1662
Owner Statement	
I state that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a permit	
 Signature of Owner/Applicant	7/6/98 Date

Date Permit Issued: 7/9/98 Local Plumbing Inspector Signature: 	2099 \$ 1120 FEE L.P.I. # 893	TOWN COPY <input type="checkbox"/> If Double Fee Charged
#2+3 OK 2/A 10/8/98		
Municipal Tax Map • 27	Lot • 37	
Caution: Inspection Required		
I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application		
Local Plumbing Inspector Signature	Date Approved	

## PERMIT INFORMATION

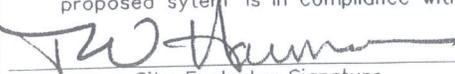
<b>TYPE OF APPLICATION:</b> 1. <input type="checkbox"/> First Time System 2. <input checked="" type="checkbox"/> Replacement System Type Replaced: <u>TRFDC II</u> Year Installed: <u>60's</u> 3. <input type="checkbox"/> Expanded System <input type="checkbox"/> a. one time exempted <input type="checkbox"/> b. non exempted 4. <input type="checkbox"/> Experimental System 5. <input type="checkbox"/> Seasonal Conversion	<b>THIS APPLICATION REQUIRES:</b> 1. <input type="checkbox"/> No Rule Variance 2. <input type="checkbox"/> First Time System Variance <input type="checkbox"/> a. Local Plumbing Inspector approval <input type="checkbox"/> b. State & Local Plumbing Inspector approval 3. <input checked="" type="checkbox"/> Replacement System Variance <input checked="" type="checkbox"/> a. Local Plumbing Inspector approval <input type="checkbox"/> b. State & Local Plumbing Inspector approval 4. <input type="checkbox"/> Minimum Lot Size Variance 5. <input type="checkbox"/> Seasonal Conversion Approval	<b>DISPOSAL SYSTEM COMPONENT(S)</b> 1. <input checked="" type="checkbox"/> Non-Engineered System 2. <input type="checkbox"/> Primitive System (graywater & alt toilet) 3. <input type="checkbox"/> Alternative Toilet _____ 4. <input type="checkbox"/> Non-Engineered Treatment Tank 5. <input type="checkbox"/> Holding Tank _____ Gallons 6. <input type="checkbox"/> Non-Engineered Disposal Area (only) 7. <input type="checkbox"/> Separated Laundry System 8. <input type="checkbox"/> Engineered System (+2000 gpd) 9. <input type="checkbox"/> Engineered Treatment Tank (only) 10. <input type="checkbox"/> Engineered Disposal Area (only) 11. <input type="checkbox"/> Pretreatment
<b>SIZE OF PROPERTY</b> 15,000 S.F. ±	<b>DISPOSAL SYSTEM TO SERVE:</b> 1. <input type="checkbox"/> Single Family Dwelling Unit 2. <input checked="" type="checkbox"/> Multiple Family Dwelling: Number of Units <u>2</u> 3. <input type="checkbox"/> Other _____	<b>TYPE OF WATER SUPPLY</b> MUNICIPAL WATER
<b>SHORELAND ZONING</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

## DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

<b>TREATMENT TANK</b> 1. <input checked="" type="checkbox"/> Concrete <input type="checkbox"/> a. Regular <input checked="" type="checkbox"/> b. Low Profile 2. <input type="checkbox"/> Plastic 3. <input type="checkbox"/> Other _____ SIZE: <u>1500</u> Gallons	<b>DISPOSAL AREA TYPE / SIZE</b> 1. <input type="checkbox"/> Bed _____ Sq. Ft. 2. <input checked="" type="checkbox"/> Proprietary Device <u>152</u> Sq. Ft. <input type="checkbox"/> Cluster <input type="checkbox"/> Linear <input type="checkbox"/> Regular <input type="checkbox"/> H-20 3. <input type="checkbox"/> Trench 4. <input type="checkbox"/> Other _____ IN DRAINS	<b>GARBAGE DISPOSAL UNIT</b> 1. <input checked="" type="checkbox"/> No 2. <input type="checkbox"/> Yes <input type="checkbox"/> Multi-compartment tank <input type="checkbox"/> Tank in series <input type="checkbox"/> Increase in tank capacity <input type="checkbox"/> Filter on tank outlet	<b>CRITERIA USED FOR DESIGN FLOW (Show Calculations)</b> 3 BEDROOM HSE + 1 BEDROOM GUEST HOUSE 270 + 180 DESIGN FLOW: <u>450</u> (Gallons/Day)
<b>PROFILE &amp; DESIGN CLASS</b> PROFILE: <u>4</u> DESIGN: <u>C</u> DEPTH TO MOST LIMITING FACTOR: <u>23"</u>	<b>DISPOSAL AREA SIZING</b> 1. <input type="checkbox"/> Small - 2.00 2. <input checked="" type="checkbox"/> Medium - 2.60 3. <input type="checkbox"/> Medium-Large - 3.30 4. <input type="checkbox"/> Large - 4.10 5. <input type="checkbox"/> Extra-Large - 5.20	<b>PUMPING</b> 1. <input checked="" type="checkbox"/> Not required FOR HSE 2. <input type="checkbox"/> May be required 3. <input checked="" type="checkbox"/> Required FOR GUEST HOUSE DOSE: <u>10</u> Gallons	

## SITE EVALUATOR'S STATEMENT

On 6/ / (date) I completed a site evaluation on this property and state that the data reported is accurate and that the proposed system is in compliance with the Subsurface Wastewater Disposal Rules.

 Site Evaluator Signature	<u>114</u> SE	<u>6/29/98</u> Date
T.W. HARMON Site Evaluator Name Printed	<u>384-2550</u> Telephone	

4. Garbage disposal: Garbage disposals should not be used with disposal fields. However, if such units are proposed to be used, other measures must be taken, such as:
  - a) increasing septic tank capacity by a minimum of 30 percent;
  - b) the installation of a second septic tank installed in series; or a multiple compartment septic tank (specified in Section 4(G)(6));
  - c) the use of septic tank outlet filters; and
  - d) must be included in the system design to prevent suspended solids from entering the disposal field.

**G. LIQUID CAPACITY OF SEPTIC TANKS**

1. The minimum liquid capacity of the septic tank(s) serving 1 to 3-family dwelling units must meet the capacity requirements of Table 6A for each dwelling unit. For example, a duplex comprised of one two-bedroom unit and one three-bedroom unit would require a septic tank capacity of 1,750 gallons.
2. Septic tank size for other than 1 to 3-family dwelling units: When serving residential structures other than 1 to 3-family dwelling units, the liquid capacity must be a minimum of 150 percent of the design flow prescribed in Section 4, or as specified in Section 6(G)(3), whichever is greatest. For nonresidential use, the liquid septic tank capacity must be a minimum of 150 percent of the design flow prescribed in Section 4.
3. Minimum septic tank size: The minimum liquid capacity of an individual septic tank must be 750 gallons for any use.
4. Septic tanks for engineered systems: Multiple compartment or multiple septic tanks are required for institutional and commercial installations where the design flow (determined as prescribed in Section 4) is greater than 2,000 gallons.

**TABLE 6A  
SEPTIC TANK CAPACITY FOR DWELLING UNITS**

Number of bedrooms per Unit	Minimum septic tank liquid capacity per Unit
1 Bedroom	750 gallons
2 Bedrooms	750 gallons
3 Bedrooms	1,000 gallons
4 Bedrooms	1,000 gallons
5 Bedrooms	1,250 gallons or
For each additional bedroom	250 gallons per bedroom

5. Multiple septic tanks: 2 or more septic tanks may be connected in series to obtain the minimum required liquid capacity, provided each septic tank has a capacity at least as great as the succeeding septic tank.
6. Multiple compartment septic tanks: Multiple compartment septic tanks must meet the following requirements:
  - (a) Minimum liquid capacity: The total liquid capacity of the multiple compartment tank must be at least 750 gallons;
  - (b) Sizing the first compartment: The first compartment must have a minimum liquid capacity at least 66 percent of the total required liquid capacity, determined pursuant to Section 6(G)(2);



CURRENT OWNER		UTILITIES		STRT / ROAD		LOCATION		CURRENT ASSESSMENT				
Code	Description	TOPO	Public Water	Unpaved	Suburban	Code	Description	Code	Appraised	Assessed	Code	Assessed
4	Rolling	2	6	3	2	1090	RES LAND	1090	292,200	292,200	1090	4513
						1090	RESIDENTL	1090	218,100	218,100		LOCATION
SUPPLEMENTAL DATA TIF Other ID Sub-div Photo Ward Prec. Utility 2 Gis ID 2166 ASSOC PID#												

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)				
Year	Code	Amount	Description	Code	Year	Type	Assessed	Year	Assessed	Year	Code	Assessed
		16274 72	03-02-2012	Q	I	510,000	00	2014	1090	2014	1090	197,100
		7207 55	07-14-1994	U	I	0	1	2014	1090	2014	1090	304,200
		1609 158	07-23-1964	U	I	0	0	1090	1090	1090	1090	0
Total								Total	510,300	Total	510,300	501,300

EXEMPTIONS		OTHER ASSESSMENTS	
Year	Code	Amount	Comm Int
Total			

ASSESSING NEIGHBORHOOD		NOTES	
NBHD	Street Index Name	Tracing	Batch
0001			
NAT/WD IP ORGANIC TOILET SEASONAL USE ONLY			

BUILDING PERMIT RECORD		VISIT / CHANGE HISTORY	
Permit ID	Issue Date	Type	Purpose/Result
Net Total Appraised Parcel Value 510,300			

LAND LINE VALUATION SECTION																
B #	Code	Description	Zone ID	Depth	Units	Unit Price	I. Fact	S.A.	Ac Di	C. Fact	St. I	Adj	Notes	Special Pricing	Adj Unit Pric	Land Value
2	1090	MULTI HSES MDL	SR	0	1 SF	0.01	1.000	0	1.000	1.00	1.00	1.00		0	0.01	0
Total Card Land Units 0.000 AC										Parcel Total Land Area 10.3000		Total Land Value 292,200				

This signature acknowledges a visit by a Data Collector or Assessor

CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION
GERHARTZ, STEVEN CONRAD	4 Rolling	2 Public Water	3 Unpaved	2 Suburban	
PENDERY, SUSAN EMILY		6 Septic			
111 WATKINS POND BOULEVARD		SUPPLEMENTAL DATA			
#204		TIF			
ROCKVILLE MD 20850		ASSOC PID#			
	Gis ID 2166				

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC
GERHARTZ, STEVEN CONRAD	16274	72	03-02-2012	Q	I	510,000	00
FORBES TRUSTEE, ELLEN F	7207	55	07-14-1994	U	I	0	1
FORBES, ELLEN F	1609	158	07-23-1964	U	I	0	0
Total							

EXEMPTIONS		Amount	Description	Number	Amount	Comm Int
Year	Code					
Total						

ASSESSING NEIGHBORHOOD		Street Index Name	Tracing	Batch
NBHD	NBHD Name			
0001				

APT=1BD 1BTH STP ANGLD  
 2X4X20 WHITE IA

APPRaised VALUE SUMMARY

Appraised Bldg. Value (Card) 216,900  
 Appraised XF (B) Value (Bldg) 1,200  
 Appraised OB (L) Value (Bldg) 0  
 Appraised Land Value (Bldg) 292,200  
 Special Land Value 0  
 Total Appraised Parcel Value 510,300  
 Valuation Method C  
 Total Exemptions 0

Net Total Appraised Parcel Value 510,300

BUILDING PERMIT RECORD		Amount	Insp Date	% Comp	C of O	Comments
Permit ID	Issue Date					
13-229	09-16-2013	285,000	06-06-2014	100	06-12-2014	DEMO AND REBUIL
13-228	09-16-2013	40,000	06-06-2014	100	06-12-2014	REBUILD PORCH
07-326	09-05-2007	3,000	04-01-2008	100		Reroof kitchen roof
92-004	01-14-1992	4,000		100		ENCLOSE 7

LAND LINE VALUATION SECTION		Units	Unit Price	I. Fact	S.A.	Ac Di	C. Fact	St.	Adj	Notes
B #	Description									
1	1090 MULTI HSES MDL SR	13,068	4.38	1.200	6	1.000	4.25		1.00	LOCATION
Total Card Land Units		0.300	AC	Parcel Total Land Area		0.3000				

VISIT / CHANGE HISTORY		Date	Type	IS	ID	Cd	Purpost/Result
Permit ID	Issue Date						
13-229	09-16-2013	06-06-2014	PR	53	Bldg Permit Inspection		
13-228	09-16-2013	04-16-2013	PR	13	Sale Inspection- Ext O		
07-326	09-05-2007	03-11-2013	RK	13	Sale Inspection- Ext O		
92-004	01-14-1992	04-01-2008	PR	53	Bldg Permit Inspection		
		05-08-2003	PR	68	Field Review		
		02-21-1998	AB	00	Measur+Listed		
		02-12-1998	AB	03	Letter Sent		

OTHER ASSESSMENTS		Year	Assessed	Year	Assessed	Code	Assessed
Year	Code						
2014	1090	2014	218,100	2014	1090	197,100	
1090	1090	2014	292,200	2014	1090	304,200	
Total			510,300			501,300	

CURRENT ASSESSMENT		Code	Appraised	Assessed
Description	Code			
RES LAND	1090	292,200	292,200	4513
RESIDENTL	1090	218,100	218,100	LOCATION
Total			510,300	

CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)	
Element	Description	Element	Description
Style	Camp		
Model	Residential		
Grade:	Average		
Stories:	1 Story		
Occupancy	Wood Shingle		
Exterior Wall 1	Gable/Hip		
Exterior Wall 2	Asph/F Glis/Cmp		
Roof Structure:	Minim/Masonry		
Roof Cover	Minimum/Plywd		
Interior Wall 1	Coal or Wood		
Interior Wall 2	None		
Interior Fir 1	None		
Interior Fir 2	None		
Heat Fuel:			
Heat Type:			
AC Type:			
Total Bedrooms	0		
Total Bathrooms	0		
Total Half Baths	0		
Total Xtra Fixtrs	2		
Total Rooms:	01		
Bath Style:	01		
Kitchen Style:	01		



No Sketch

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)		BUILDING SUB-AREA SUMMARY SECTION				
Code	Description	Su   Sub Des   Lan   Units   Unit Price	Year %   Dep R   Qu   Adj   Apprais Valu			
SUBAR	Description	LIVING	GROSS	EFF AR	Unit Cost	Undeprec Value
BAS	First Floor	560	560	560	0.00	
WDK	Deck, Wood	0	42	4		
Ttl Gross Liv / Lease Area		560	602	564		



# KITTERY, ME



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 [Feedback \(Feedback.aspx\)](#)

[Back \(http://gis.vgsi.com/KitteryME/Search.aspx\)](http://gis.vgsi.com/KitteryME/Search.aspx)   
 [Home \(Default.aspx?lo=T\)](#)

## 118 PEPPERRELL ROAD

[Sales](#)   
 [Print](#)   
 [Map It](#)

**Location** 118 PEPPERRELL ROAD   
 **Assessment** \$489,300   
 **PID** 2166  
**Mblu** 27/ 37/ / /   
 **Appraisal** \$489,300   
 **Building** 2  
**Acct#** 27/37   
 **Count**  
**Owner** GERHARTZ, STEVEN  
 CONRAD

### Current Value

Appraisal						
Valuation Year	Building	Extra Features	Outbuildings	Improvements	Land	Total
2013	\$196,400	\$700	\$0	\$197,100	\$292,200	\$489,300

Assessment						
Valuation Year	Building	Extra Features	Outbuildings	Improvements	Land	Total
2013	\$196,400	\$700	\$0	\$197,100	\$292,200	\$489,300

### Owner of Record

**Owner** GERHARTZ, STEVEN CONRAD   
 **Sale Price** \$510,000  
**Co-Owner** PENDERY, SUSAN EMILY   
 **Book & Page** 16274/ 72  
**Address** 1625 PICCARD DR, #102   
 **Sale Date** 03/02/2012  
 ROCKVILLE, MD 20850

### Ownership History

Ownership History			
Owner	Sale Price	Book & Page	Sale Date
FORBES TRUSTEE, ELLEN F	\$0	7207/ 55	07/14/1994
FORBES, ELLEN F	\$0	1609/ 158	07/23/1964

### Building Information

#### Building 1 : Section 1

**Year Built:** 1800  
**Living Area:** 2162  
**Replacement Cost:** \$207,591  
**Depreciation Percent:** 80

**Building Photo**

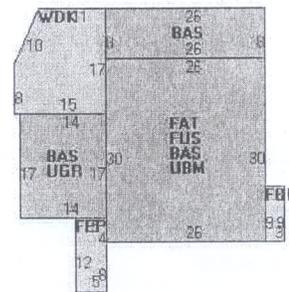
**Replacement Cost**  
**Less Depreciation:** \$166,100

Building Attributes	
Field	Description
Style	2 Units
Model	Residential
Grade:	Average +10
Stories:	2 Stories
Occupancy	2
Exterior Wall 1	Aluminum Sidng
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Pine/Soft Wood
Heat Fuel	Oil
Heat Type:	Forced Air-Duc
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	2
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	8 Rooms
Bath Style:	Average
Kitchen Style:	Average
MHP	



(http://images.vgsi.com/photos/KitteryMEPhotos//\00\01\92\80.jpg)

**Building Layout**



Building Sub-Areas		Legend	
Code	Description	Gross Area	Living Area
BAS	First Floor	1226	1226
FUS	Upper Story, Finished	780	780
FAT	Attic, Finished	780	156
FEP	Porch, Enclosed, Finished	60	0
FOP	Porch, Open, Finished	27	0
UBM	Basement, Unfinished	780	0
UGR	Garage, Under	238	0
WDK	Deck, Wood	237	0
		4128	2162

**Building 2 : Section 1**

**Year Built:** 1900  
**Living Area:** 560  
**Replacement Cost:** \$38,840  
**Depreciation Percent:** 78  
**Replacement Cost**  
**Less Depreciation:** \$30,300

Building Attributes : Bldg 2 of 2	
Field	Description

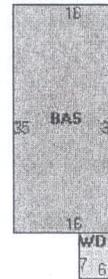
**Building Photo**

Style	Camp
Model	Residential
Grade:	Average
Stories:	1 Story
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Minim/Masonry
Interior Wall 2	
Interior Flr 1	Minimum/Plywd
Interior Flr 2	
Heat Fuel	Coal or Wood
Heat Type:	None
AC Type:	None
Total Bedrooms:	00
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	2 Rooms
Bath Style:	Old Style
Kitchen Style:	Old Style
MHP	



(http://images.vgsi.com/photos/KitteryMEPhotos//\00\01\92\81.jpg)

**Building Layout**



Building Sub-Areas			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	560	560
WDK	Deck, Wood	42	0
		602	560

**Extra Features**

Extra Features					Legend
Code	Description	Size	Value	Bldg #	Comment
HRTH	HEARTH	1 UNITS	\$700	1	

**Land**

**Land Use**

**Use Code** 1090  
**Description** MULTI HSES MDL-01  
**Zone** SR  
**Neighborhood**  
**Alt Land Appr** No  
**Category**

**Land Line Valuation**

**Size (Acres)** 0.30  
**Frontage** 0  
**Depth** 0  
**Assessed Value** \$292,200  
**Appraised Value** \$292,200

**Outbuildings**

<b>Outbuildings</b>	<b>Legend</b>
No Data for Outbuildings	

**Valuation History**

<b>Appraisal</b>						
<b>Valuation Year</b>	<b>Building</b>	<b>Extra Features</b>	<b>Outbuildings</b>	<b>Improvements</b>	<b>Land</b>	<b>Total</b>
2013	\$150,000	\$700	\$0	\$150,700	\$255,900	\$406,600
2012	\$150,000	\$700	\$0	\$150,700	\$255,900	\$406,600
2011	\$150,000	\$700	\$0	\$150,700	\$255,900	\$406,600

<b>Assessment</b>						
<b>Valuation Year</b>	<b>Building</b>	<b>Extra Features</b>	<b>Outbuildings</b>	<b>Improvements</b>	<b>Land</b>	<b>Total</b>
2013	\$150,000	\$700	\$0	\$150,700	\$255,900	\$406,600
2012	\$150,000	\$700	\$0	\$150,700	\$255,900	\$406,600
2011	\$150,000	\$700	\$0	\$150,700	\$255,900	\$406,600

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#8

North  
W  Easterly  
SURVEYING, Inc.

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

RECEIVED  
DEC 18 2014

BY: .....

December 18, 2014

Kittery Planning Board  
Chris DiMatteo - Town Planner  
200 Rogers Road  
Kittery, ME 03904

RECEIVED  
DEC 18 2014

BY: .....

Planning Board Review – Steven Gerhartz & Susan Pendery - 118 Pepperrell Road, Kittery Point  
– Job# 12675

Dear Planner and Planning Board Members,

The owners of 118 Pepperrell Road in Kittery Point would like to renovate the existing secondary dwelling unit at that location and change the configuration of the stairs at the entrance of the main building. Attached is an application for planning board review and a site plan showing the existing site along with the proposed improvements. Following is a list of the major components of the renovation:

- 1.) Use the existing footprint of the secondary dwelling unit, moving it away from the property line by 3 feet (No change in square footage).
- 2.) Increase the building setback from the Highest Annual Tide (HAT).
- 3.) Rebuild the existing structure with an increase in volume by 18 percent.
- 4.) Raise the finished floor to 3 foot above the highest flood zone of 12 feet and improve the drainage around the building.
- 5.) Reconfigure the approved stairs at the entrance of the main building (no change in square footage).

The result will be an increase of the setbacks to the water and to the property line. The non-vegetative coverage will remain the same. The drainage will be improved.

Please feel free to contact me should you have any questions.

Sincerely:

  
Kenneth D. Markley R.L.S.  
President – North Easterly Surveying, Inc.



**TOWN OF KITTERY MAINE**  
**TOWN PLANNING AND DEVELOPMENT DEPARTMENT**  
 200 Rogers Road, Kittery, Maine 03904  
 Phone: (207) 475-1307  
 Fax: (207) 439-6806  
[www.kittery.org](http://www.kittery.org)

**APPLICATION: SHORELAND OVERLAY ZONE**  
**PROJECT PLAN REVIEW**

<b>FEE FOR REVIEW</b>	<input type="checkbox"/> \$100.00	Amount Paid:
	<input checked="" type="checkbox"/> <del>100</del> 200	\$ _____ Date: _____

<b>PROPERTY DESCRIPTION</b>	Parcel ID	Map	27	Base Zone	R-KPV	Total Land Area	0.34 ac.
		Lot	37	Overlay Zone	RP SL-250		
	Physical Address	118 PEPPERRELL ROAD, KITTERY, PT					

<b>PROPERTY OWNER'S INFORMATION</b>	Name	STEVEN GERHARTZ SUSAN PENDERY	Mailing Address	118 PEPPERRELL ROAD KITTERY POINT, ME
	Phone	301-252-0072		
	Fax			
	Email	STEVE.GERHARTZ@PASSPORTAUTO.COM		

<b>APPLICANT'S AGENT INFORMATION</b>	Name	KEN MARKLEY	Name of Business	NORTH EASTERLY SURVEYING, INC.
	Phone	207-439-6333	Mailing Address	191 STATE ROAD KITTERY, ME 03904
	Fax	207-439-1354		
	Email	KEN@EASTERLYSURVEYING.COM		

<b>PROJECT DESCRIPTION</b>	<b>See reverse side regarding information to be provided.</b>	
	Existing Land Use:	RESIDENTIAL WITHIN SHORELAND ZONE
	Proposed Land Use and Development:	RESIDENTIAL - REBUILD SECONDARY DWELLING UNIT - RECONFIGURE APPROVED STAIRS

PROJECT DESCRIPTION	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)			
	DWELLING UNIT	REQUIRED	EXISTING	PROPOSED
	FRONT SETBACK	40'	18'	18'
	H.A.T. SETBACK	100'	40.5	42.5
	NON-VEG. COVERAGE	<20%	27.1%	27.1%

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

Applicant's Signature: Date:	<u>Kenneth D. Markle</u> <u>12/18/14</u>	Owner's Signature: Date:	<u>[Signature]</u> <u>12/18/14</u>
---------------------------------	---	-----------------------------	---------------------------------------

### MINIMUM PLAN SUBMITTAL REQUIREMENTS

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

**Shoreland Overlay Zone Project Plan format and content:**

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

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

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

**Project Plan must include the following existing and proposed information:**

<p><b>Existing:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Land Use Zone and boundary</li> <li><input checked="" type="checkbox"/> Topographic map (optional)</li> <li><input checked="" type="checkbox"/> Wetlands and flood plains</li> <li><input checked="" type="checkbox"/> Water bodies and water courses</li> <li><input checked="" type="checkbox"/> Parcel area</li> <li><input checked="" type="checkbox"/> Lot dimensions</li> <li><input checked="" type="checkbox"/> Utilities (Sewer/septic, water, electric, phone)</li> <li><input checked="" type="checkbox"/> Streets, driveways and rights-of-way</li> <li><input checked="" type="checkbox"/> Structures</li> </ul>	<p><b>Proposed:</b> (Plan must show the lightened existing topography under the proposed project plan for comparison.)</p> <p>M/A <input type="checkbox"/> Recreation areas and open space</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Setback lines and building envelopes</li> <li><input checked="" type="checkbox"/> Lot dimensions</li> <li><input checked="" type="checkbox"/> Utilities (Sewer/septic, water, electric, phone)</li> <li><input checked="" type="checkbox"/> Streets, driveways and rights-of-way</li> <li><input checked="" type="checkbox"/> Structures</li> <li><input checked="" type="checkbox"/> Shoreland Project Expansion Analysis (see attached)</li> </ul> <p>Distance to:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Nearest driveways and intersections</li> <li><input checked="" type="checkbox"/> Nearest fire hydrant</li> <li><input checked="" type="checkbox"/> Nearest significant water body; ocean, wetland, stream.</li> </ul>
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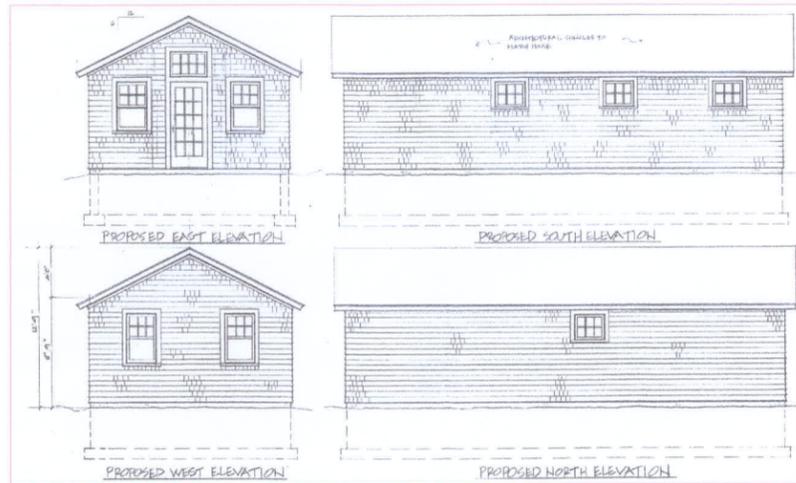
AN APPLICATION THE TOWN PLANNER DEEMS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE SCHEDULED FOR PLANNING BOARD REVIEW.

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

EXPANSION ANALYSIS OF CONSTRUCTION ONLY WITHIN THE SHORELAND OVERLAY ZONE

	AREA - SQUARE FEET	VOLUME - CUBIC FEET	CONSTRUCTION TYPE * (DR or MR)	VALUE \$
PROPOSED ADDITION				
CHANGE – TOTAL	<u>0</u> SF	<u>913</u> CF	<u>DR</u>	NA
CHANGE – PERCENT	<u>0</u> %	<u>17.9</u> %	NA	NA
CONSTRUCTION VALUE	NA	NA		\$ _____
EXISTING –				
PRIOR TO SHORELAND LAW – 1987	<u>560</u> SF	<u>5107</u> CF	NA	NA
ADDITION(S) –AFTER INITIAL SHORELAND LAW ADOPTION				
CHANGE - TOTAL	<u>0</u> SF	<u>0</u> CF	NA	NA
CHANGE – PERCENT	<u>0</u> %	<u>0</u> CF	NA	NA
VALUE OF CONSTRUCTION	NA	NA	NA	\$ _____
VALUE OF INCREASE – PERCENT	NA	NA	NA	_____ %
TOTAL – EXISTING PLUS PROPOSED				
CHANGE – AMOUNT	<u>560</u> SF	<u>6,020</u> CF	NA	NA
CHANGE – PERCENT	<u>0</u> % **	<u>17.9</u> CF**	NA	NA
**(Note: May not exceed 30%)				
VALUE OF CONSTRUCTION - \$	NA	NA	NA	\$ <u>80,000</u>
VALUE OF INCREASE – PERCENT	NA	NA	BA	_____ %

\* KEY - TYPE OF ADDTION  
 -DEMOLITION AND RE-BUILD - DR  
 -MAINTENCE OR REPAIR - MR



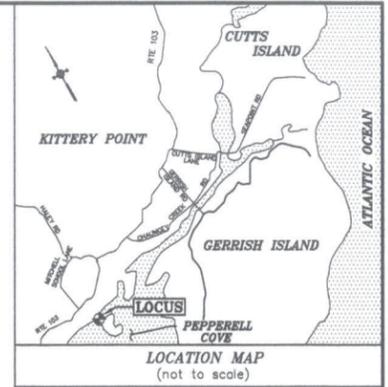
PROPOSED BUILDING ELEVATIONS  
(not to scale)

**ZONE DATA PER KITTERY TOWN CODE 07/26/2010  
16.3.2.3 (D)(2):**

BASE ZONE: RESIDENTIAL -KITTERY POINT VILLAGE (R-KPV)  
OVERLAY ZONE: 02-SL-250'

BASE ZONE DIMENSIONAL REQUIREMENTS:  
MINIMUM LOT SIZE: 40,000 Square Feet  
MINIMUM STREET FRONTAGE: 150 Feet  
MINIMUM FRONT YARD: 40 Feet  
MINIMUM REAR YARD: 15 Feet  
MINIMUM SIDE YARD: 15 Feet  
MAXIMUM NON-VEGETATED COVERAGE: 20%

NOTE: LOT APPEARS TO BE NON-CONFORMING UNDER CURRENT SETBACK REQUIREMENTS. OTHER DIMENSIONAL REQUIREMENTS MAY APPLY. CONTACT THE TOWN OF KITTERY FOR CURRENT DIMENSIONAL REQUIREMENTS PRIOR TO DESIGN OR CONSTRUCTION.



**NOTES:**

- OWNER OF RECORD:  
STEVEN CONRAD GERHARTZ  
SUSAN EMILY PENDERY  
Y.C.R.D. BOOK 16274 PAGE 72  
DATED MARCH 2, 2012
- TOTAL PARCEL AREA:  
14,900 Square Feet (0.34 Acres)
- BASIS OF BEARING IS PER PLAN REFERENCE #1.
- PLAN REFERENCE 1 CONTAINS THE FOLLOWING NOTE:  
DUE TO THE AMBIGUOUS NATURE OF THE DEEDS INVOLVED, THE LOCATION OF THIS LINE MAY VARY, THEREFORE IT IS STRONGLY RECOMMENDED THAT QUITCLAIM DEEDS BE EXCHANGED BETWEEN THE ELLEN F. FORBES REVOCABLE TRUST AND THE JACQUELINE ELLIS FAMILY TRUST TO ESTABLISH A COMMON BOUNDARY LINE IN THIS VICINITY.
- REFERENCE IS MADE TO A SURVEYOR'S REPORT DATED FEBRUARY 2, 1999 AS TO THE BOUNDARIES IN THIS VICINITY.
- ELEVATION 6 FEET WAS DERIVED FROM "RM 7" AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP 230171 0006 C, BEING USC&GS PLAQUE Q-99 LOCATED ON THE NORTHEASTERN WING WALL OF GERRISH ISLAND LANE BRIDGE OVER CHAUNCEY CREEK, ELEVATION 25.01'.
- TAX MAP 27 LOT 36 HAS THE BENEFIT OF AND IS SUBJECT TO THE 12 FOOT WIDE PASSAGEWAY FROM MOORE'S ISLAND TO PEPPERRELL ROAD, INCLUDING ANY UTILITY EASEMENTS APPLICABLE.
- TAX MAP 27 LOTS 36 & 38 HAVE AN EQUAL "PRIVILEGE OF LANDING WITH BOATS ON THE SHORE"
- TAX MAP 27 LOT 37 HAS THE "PRIVILEGE OF BATHING AND LANDING WITH BOATS ON THE STRIP" OF LAND CONVEYED FROM GEORGE S. WASSON TO PHYLLIS COES (A PORTION OF TAX MAP 27 LOT 36) IN Y.C.R.D. BOOK 678 PAGE 370.
- NOT ALL EXISTING UTILITIES, BOTH OVERHEAD AND UNDERGROUND, ARE SHOWN.
- PROPOSED FEATURES AND ELEVATIONS ARE BASED ON DRAWINGS PROVIDED BY BRENDAN McNAMARA IN MARCH 2014. SEE SAID DRAWINGS FOR FURTHER SPECIFICATIONS AND DETAILS.
- TO ENSURE ADEQUATE EROSION CONTROL AND SLOPE STABILIZATION, MAINE DEP EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES SHALL BE EMPLOYED.
- REFERENCE IS MADE TO NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM) TOWN OF KITTERY, MAINE PANEL 5 OF 10, COMMUNITY-PANEL NUMBER 230171 0005 D, MAP REVISED: JULY 3, 1986.

**PLAN REFERENCES:**

- "STANDARD BOUNDARY SURVEY FOR PROPERTY AT 118 PEPPERRELL ROAD YORK COUNTY, KITTERY POINT, MAINE OWNED BY ELLEN F. FORBES" PREPARED BY NORTH EASTERLY SURVEYING, DATED JANUARY 1, 1999.
- "STANDARD BOUNDARY SURVEY & SITE PLAN FOR PROPERTY AT 6 MOORES ISLAND LANE, KITTERY POINT, MAINE, OWNED BY JACQUELINE ELLIS FAMILY TRUST" PREPARED BY NORTH EASTERLY SURVEYING, INC. DATED JULY 18, 2008, PROJECT No. 08693.
- "PLAN OF LAND, KITTERY POINT, MAINE FOR BETTY F. TUTTLE" PREPARED BY JOHN W. DURGIN, DATED AUGUST 1965 AND RECORDED AT Y.C.R.D. PLAN BOOK 41 PAGE 24.
- "PLAN OF LOT FOR MRS. ELIZ. F. UPHAM ESTATE AT KITTERY POINT, YORK COUNTY, MAINE" PREPARED BY C.S. GERRISH, DATED SEPTEMBER 1946, AMENDED ON AUGUST 26, 1947 AND RECORDED AT Y.C.R.D. BOOK 17 PAGE 61.
- "PLAN OF LOT FOR MABEL L. BLISS AT KITTERY POINT, YORK COUNTY, MAINE" PREPARED BY C.S. GERRISH, DATE IS UNKNOWN AND WAS PROVIDED BY ROBERT GREY.
- "PLAN OF LAND FOR REBECCA FRANCIS MAP 27 LOT 33A MOORE'S ISLAND INNER ISLAND, KITTERY POINT, MAINE" PREPARED BY ROARING BROOK CONSULTANTS, DATED OCTOBER 10, 1999 AND RECORDED AT Y.C.R.D. BOOK 259 PAGE 25.
- "EXISTING CONDITIONS PLAN FOR PROPERTY AT 118 PEPPERRELL ROAD, KITTERY POINT, YORK COUNTY, MAINE, OWNED BY STEVEN CONRAD GERHARTZ AND SUSAN EMILY PENDERY", PREPARED BY EASTERLY SURVEYING, DATED AUGUST 24, 2012, PROJECT No. 12675.
- "PROPOSED SITE PLAN, FOR PROPERTY AT 118 PEPPERRELL ROAD, KITTERY POINT, YORK COUNTY, MAINE, OWNED BY STEVEN CONRAD GERHARTZ, SUSAN EMILY PENDERY" PREPARED BY EASTERLY SURVEYING, INC., DATED 2/18/13 AND RECORDED AT THE Y.C.R.D. IN BOOK 363 PAGE 4.

**SITE PLAN / COVERAGE SCHEDULE:**

TOTAL EXISTING LOT AREA: 14,900 Sq. Ft.  
TOTAL EXISTING NON-VEGETATED COVERAGE: 4,045 Sq. Ft. (27.1%) (NO PROPOSED CHANGE)  
TOTAL BUILDING SQUARE FOOTAGE: 560 Sq. Ft. (NO PROPOSED CHANGE)

**BUILDING VOLUME:**

EXISTING = CROSS SECTION X LENGTH = VOLUME  
145.9 Sq. Ft. X 35 Ft. = 5,107 CUBIC Ft.

PROPOSED = CROSS SECTION X LENGTH = VOLUME  
172 Sq. Ft. X 35 Ft. = 6,020 CUBIC Ft.

PROPOSED = 17.9% INCREASE IN VOLUME

**FRONT SETBACK:**

EXISTING BUILDING 18'  
PROPOSED RELOCATION 18'

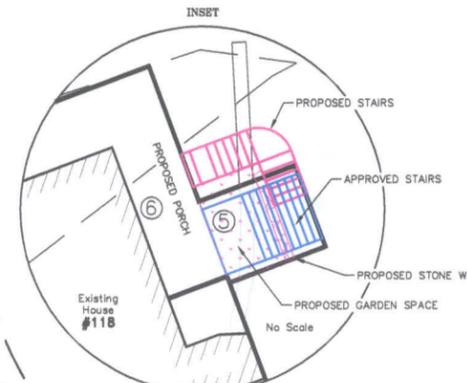
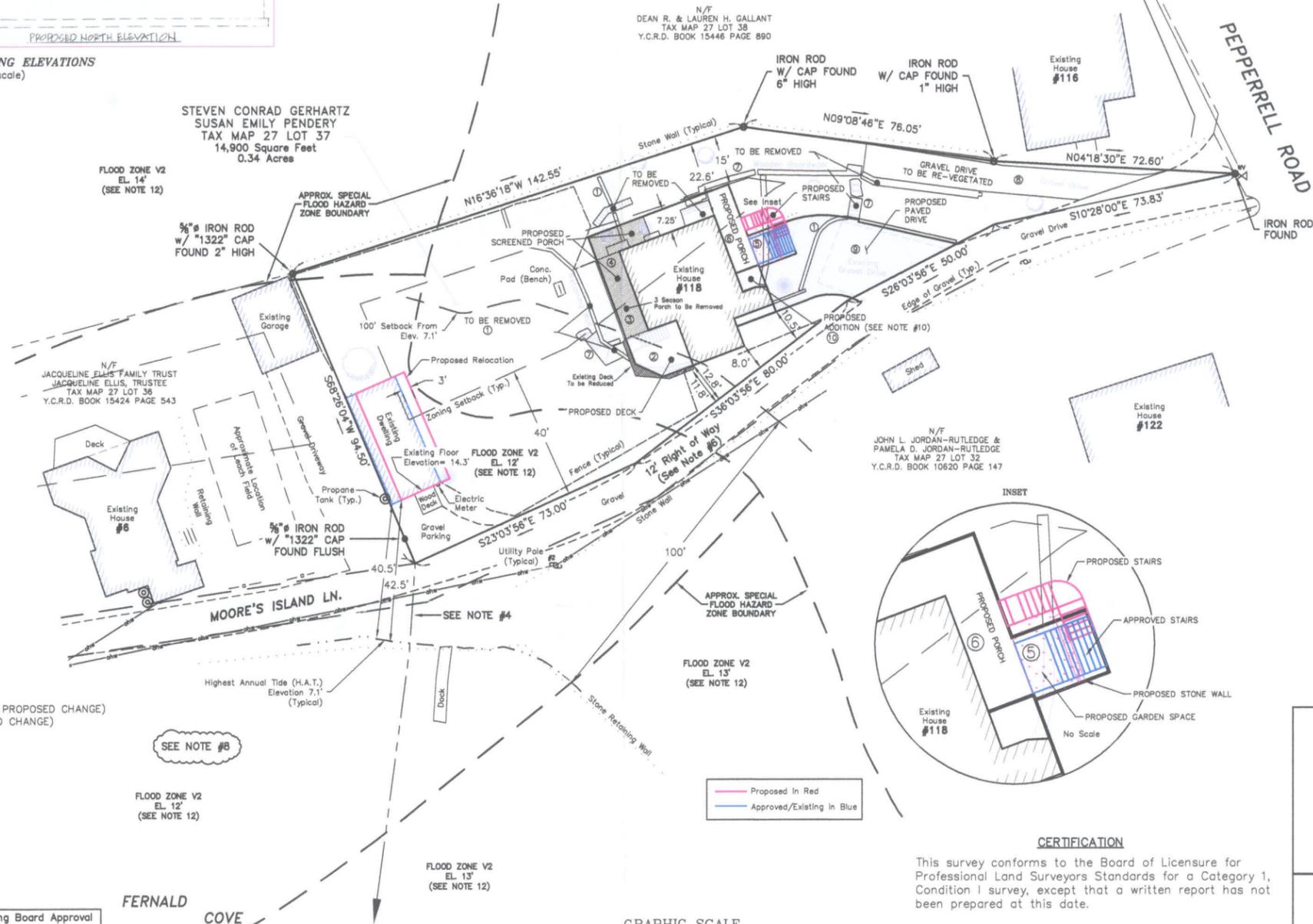
**H.A.T. (ELEV. 7.1') SETBACK:**

EXISTING BUILDING 40.5'  
PROPOSED RELOCATION 42.5'

Kittery, Maine - Planning Board Approval

Date of Approval \_\_\_\_\_

Chairman \_\_\_\_\_ Date \_\_\_\_\_

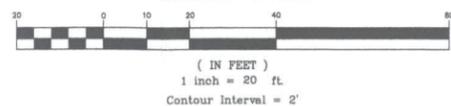


**CERTIFICATION**

This survey conforms to the Board of Licensure for Professional Land Surveyors Standards for a Category 1, Condition 1 survey, except that a written report has not been prepared at this date.

Kenneth D. Markley, PLS #1322 Dated: \_\_\_\_\_

**GRAPHIC SCALE**



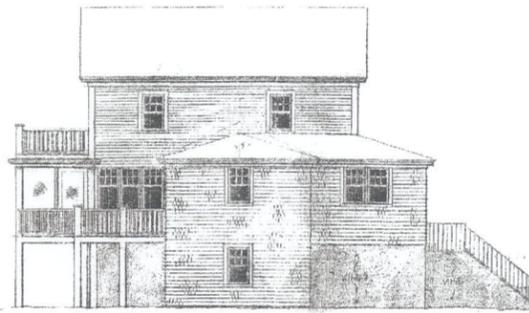
REV.	DATE	STATUS	BY	CHKD	APPD.

**PROPOSED SITE PLAN II**  
FOR PROPERTY AT  
**118 Pepperrell Road**  
Kittery Point, York County, Maine  
OWNED BY  
**Steven Conrad Gerhartz**  
**Susan Emily Pendery**  
1625 Piccard Drive, #102  
Rockville, MD 20850

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

SCALE: 1" = 20' PROJECT NO. 12675 DATE: 12/18/14 SHEET: 1 OF 1 DRAWN BY: A.M.P. CHECKED BY: K.D.M.

DRAWING No: 12675\_SITE\_REVISED\_12-17-2014  
FIELD BOOK No: "Kittery Point B" **Tax Map 27 Lot 37**



PROPOSED EAST ELEVATION 8'6"0" 3.5.2013

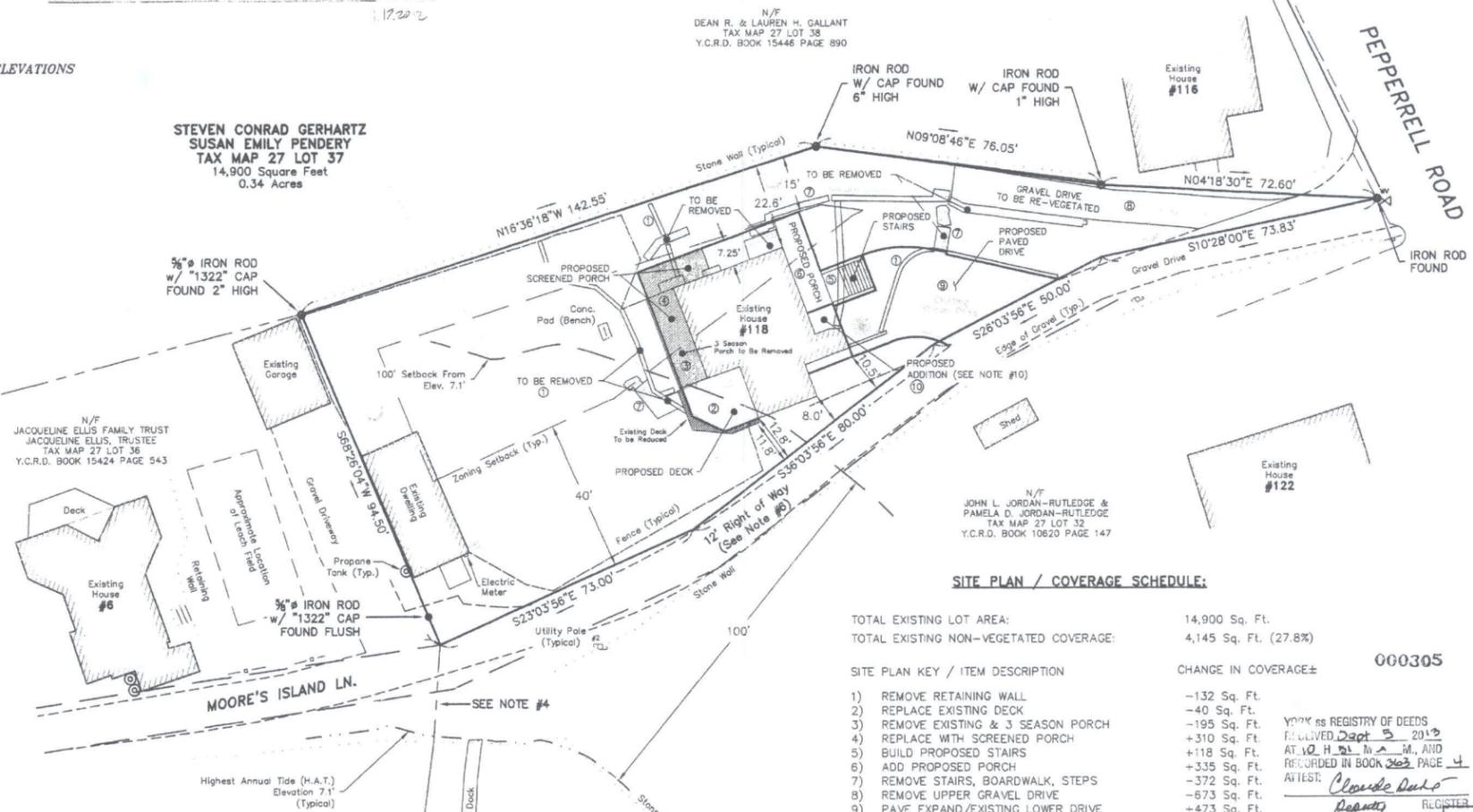
PROPOSED NORTH ELEVATION 8'6"0" 12.22.12

PROPOSED BUILDING ELEVATIONS (not to scale)

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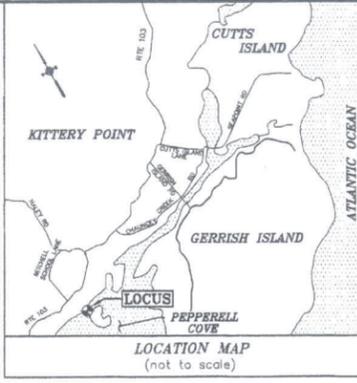
STEVEN CONRAD GERHARTZ  
SUSAN EMILY PENDERY  
TAX MAP 27 LOT 37  
14,900 Square Feet  
0.34 Acres



**ZONE DATA PER KITTERY TOWN CODE 07/26/2010 16.3.2.3 (D)(2):**

BASE ZONE: RESIDENTIAL -KITTERY POINT VILLAGE (R-KPV)  
OVERLAY ZONE: OZ-SL-250'  
  
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MINIMUM FRONT YARD: 40 Feet  
MINIMUM REAR YARD: 15 Feet  
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MAXIMUM NON-VEGETATED COVERAGE: 20%

NOTE: LOT APPEARS TO BE NON-CONFORMING UNDER CURRENT SETBACK REQUIREMENTS. OTHER DIMENSIONAL REQUIREMENTS MAY APPLY. CONTACT THE TOWN OF KITTERY FOR CURRENT DIMENSIONAL REQUIREMENTS PRIOR TO DESIGN OR CONSTRUCTION.



**NOTES:**

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SUSAN EMILY PENDERY  
Y.C.R.D. BOOK 16274 PAGE 72  
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- BASIS OF BEARING IS PER PLAN REFERENCE #1.
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DUE TO THE AMBIGUOUS NATURE OF THE DEEDS INVOLVED, THE LOCATION OF THIS LINE MAY VARY. THEREFORE IT IS STRONGLY RECOMMENDED THAT QUITCLAIM DEEDS BE EXCHANGED BETWEEN THE ELLEN F. FORBES REVOCABLE TRUST AND THE JACQUELINE ELLIS FAMILY TRUST TO ESTABLISH A COMMON BOUNDARY LINE IN THIS VICINITY.
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- TO ENSURE ADEQUATE EROSION CONTROL AND SLOPE STABILIZATION, MAINE DEP EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES SHALL BE EMPLOYED.

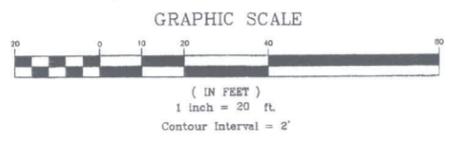
**SITE PLAN / COVERAGE SCHEDULE:**

TOTAL EXISTING LOT AREA:	14,900 Sq. Ft.
TOTAL EXISTING NON-VEGETATED COVERAGE:	4,145 Sq. Ft. (27.8%)
SITE PLAN KEY / ITEM DESCRIPTION	
1) REMOVE RETAINING WALL	-132 Sq. Ft.
2) REPLACE EXISTING DECK	-40 Sq. Ft.
3) REMOVE EXISTING & 3 SEASON PORCH	-195 Sq. Ft.
4) REPLACE WITH SCREENED PORCH	+310 Sq. Ft.
5) BUILD PROPOSED STAIRS	+118 Sq. Ft.
6) ADD PROPOSED PORCH	+335 Sq. Ft.
7) REMOVE STAIRS, BOARDWALK, STEPS	-372 Sq. Ft.
8) REMOVE UPPER GRAVEL DRIVE	-673 Sq. Ft.
9) PAVE EXPAND/EXISTING LOWER DRIVE	+473 Sq. Ft.
10) ADD PROPOSED ADDITION	+76 Sq. Ft.
TOTAL NET REDUCTION OF NON-VEGETATED COVERAGE:	-100 Sq. Ft.
TOTAL PROPOSED NON-VEGETATED COVERAGE:	4,045 Sq. Ft. (27.1%)

APPROVED: TOWN OF KITTERY  
*[Signature]*  
DATE OF APPROVAL: 4-11-2013

**CONDITIONS OF APPROVAL:**

- INCORPORATE ARCHITECTURAL AND SITE INFORMATION ON ONE PLAN SUITABLE FOR RECORDING THAT INDICATES THE CALCULATIONS FOR THE EXISTING AND PROPOSED VOLUME, FLOOR AREA AND IMPERVIOUS AREA FOR THE PROPERTY.
- FINAL PLAN MUST INCLUDE NOTES THAT REFLECT ADHERENCE TO THE MAINE DEP BEST MANAGEMENT PRACTICES FOR ALL WORK ASSOCIATED WITH SITE AND BUILDING RENOVATIONS TO ENSURE ADEQUATE EROSION CONTROL AND SLOPE STABILIZATION. SEE NOTE # 11.
- ALL CHANGES, ERASURES, MODIFICATIONS OR REVISIONS MUST BE APPROVED BY THE PLANNING BOARD.



**PROPOSED SITE PLAN**

FOR PROPERTY AT  
118 Pepperrell Road  
Kittery Point, York County, Maine  
OWNED BY  
Steven Conrad Gerhartz  
Susan Emily Pendery  
1625 Piccard Drive, #102  
Rockville, MD 20850

North  
W EASTERLY  
SURVEYING, Inc.

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

SCALE:	PROJECT NO.:	DATE:	SHEET:	DRAWN BY:	CHECKED BY:
1" = 20'	12675	2/18/13	1 OF 1	A.M.P.	K.D.M.
DRAWING No: 12675_SITE	FIELD BOOK No: "Kittery Point 8"				
REV.	DATE	STATUS	BY	CHKD	APPD.
B	9/3/13	ADDED CONDITIONS OF APPROVAL AND NOTE # 11	S.T.B.	K.D.M.	K.D.M.
A	3/4/13	ADD SITE PLAN / COVERAGE SCHEDULE	A.M.P.	K.D.M.	K.D.M.

Tax Map 27 Lot 37

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12

**BYLAWS**  
**KITTERY PLANNING BOARD**

Adopted January 17, 1974  
Revised and approved, November 19, 1987  
Revised and Approved, May 23, 1991  
Revised and Approved October 11, 2007  
Revised and Approved February 28, 2008  
(4/2013 edits per Frank Dennett for discussion)  
(3/2014 edit, Susan Tuveson, per Board comments, in red)  
(1/2015 additions staff, must/shall revisions Karen Kalmar in purple)

13  
14 The Planning Board of the Town of Kittery has been established under the Town Charter  
15 adopted in 1967 according to HP 521-LD768, Revised Planning and Zoning Statutes in Maine,  
16 1969, and other applicable State Statutes.

17  
18 Section 1. The Planning Board ~~shall~~ consists of seven (7) ~~permanent~~ members appointed by the  
19 Town Council in accordance with the Town Charter adopted in 1967 and revised on June 11,  
20 2002. ~~Members shall be residents of the Town for at least one (1) year prior to their~~  
21 ~~appointment.~~ The term of office of a member is three (3) years. ~~The Town Clerk will swear in~~  
22 ~~all members. Upon appointment by the Town Council, and upon renewal of term, each member~~  
23 ~~will must take and subscribe to the oath of office as administered by the Town Clerk or any other~~  
24 ~~person so authorized.~~

25  
26 Section 2. At the first regularly scheduled meeting in December, the Board ~~shall~~ must elect ~~a~~  
27 ~~Chair, Vice-chair, and Secretary~~ from among its ~~regular members~~ membership, a Chair, Vice-  
28 ~~Chair and Secretary. for the ensuing year.~~ Term of service is one year.

29  
30 Section 3. ~~The regular~~ M Meetings of the Planning Board ~~shall be~~ are held in the Town ~~Office~~ Hall  
31 at 6:00 p.m., on the second and fourth Thursdays of each calendar month, except ~~for~~ November  
32 and December ~~of each year~~, when the regular meetings ~~shall be~~ are held on the second and third  
33 Thursdays of those months. When a regularly scheduled ~~Planning Board~~ meeting falls occurs on

34 a holiday, the regular meeting for that date ~~shall~~ must be ~~set~~ re-scheduled by the Board at its last  
35 regular meeting prior to the holiday. The date, time or location of any regular meeting may be  
36 changed by an affirmative vote of ~~the Board at a previous meeting upon an affirmative vote of~~  
37 four (4) or more members ~~of the Board~~, taken at any regular meeting of the Board.

38  
39 Section 4. Special meetings may be called by the Chair ~~and, or,~~ in case of the Chair's absence,  
40 disability or refusal, may be called by the Vice-Chair or by four (4) or more members of the  
41 Board. Notice of ~~said such special~~ meeting ~~shall~~ must be made to Board members ~~shall be made~~  
42 by telephone at least 12 hours before the meeting; ~~and by email with confirmation by return~~  
43 email within the same 12-hour time restriction. The telephone call ~~and text of the email~~ ~~shall~~  
44 must set forth the matters; ~~or matters~~ to be discussed and/or voted on, and nothing else ~~shall~~ may  
45 be considered at such a special meeting.

46  
47 Section 5. At the appointed time, the Chair, or in the absence of the Chair, the Vice-Chair, ~~shall~~  
48 ~~take the chair at the time appointed for the meeting,~~ calls the members to order, ~~have~~ calls the  
49 roll ~~called,~~ leads the Pledge of Allegiance, and upon determining whether a quorum of members  
50 is present, ~~shall~~ proceeds with the business of the meeting. ~~Following roll call, t~~The order of  
51 business ~~shall be is~~ as follows: (a) amendments to the agenda, ~~(b) workshops, (b)~~ approval of the  
52 minutes of the preceding meeting(s), (c) public comment (d) old regular business (e) Board  
53 members' time (f) Planner's time (g) new regular business, (h) adjournment.

54  
55 Section 6. Minutes of all meetings, ~~and~~ workshops and site walks ~~shall~~ must be recorded. ~~Said~~  
56 ~~minutes shall be reviewed, corrected and approved by the Board at the first meeting following~~  
57 ~~transcription by the recorder.~~ Review, correction and approval by the Board of such minutes  
58 shall occurs at the first meeting following transcription by the recorder and distribution to  
59 members. Upon approval, copies ~~of said approved minutes shall be~~ are furnished to the Town  
60 Manager, Town Council Chair, ~~the Chair of~~ the Zoning Board of Appeals Chair, and the  
61 Conservation Commission Chair. ~~following approval.~~

62 Section 7. A quorum consists of four (4) members. All decisions ~~shall~~ must be made by a  
63 minimum of four (4) like votes, except on procedural matters. A meeting may not be held with  
64 fewer than four (4) Board members present.

65  
66 Section 8. ~~If a member has~~ Where a member may possess a conflict of interest pertaining to a  
67 matter before the Board, ~~and is~~ that member may not be ~~allowed~~ permitted to vote on a said  
68 matter, and that member ~~shall~~ may not be counted by the Board in establishing the quorum ~~for in~~  
69 the matter, ~~in which he or she has a conflict.~~ Public disclosure of ~~such any possible~~ conflict must  
70 be made before discussion of the agenda item in question. To a limited extent, ~~as~~-determined  
71 by the Chair, members of the public may be ~~allowed~~ permitted to comment on this matter at this  
72 time. A majority vote of the Board members present, ~~(except the member being challenged)~~  
73 minus the member under challenge, ~~shall~~ decides whether ~~an the~~ alleged conflict ~~in question is~~  
74 exists such that it: (a) may reasonably interfere with the affected member's ability to hear and act  
75 on the item impartially, ~~and~~ or (b) whether ~~it~~ participation by the member in question would give  
76 the appearance to the public of an inappropriate conflict of interest so as to undermine public  
77 confidence in the fairness of the meeting and the impartial treatment of the subject matter.

78  
79 Section 9. ~~Attendance of members is~~ Members are expected ~~at~~ to attend all regular and special  
80 meetings and site walks. ~~If~~ Where a member is absent from more than three (3) consecutive  
81 regular meetings, the Board may then vote to recommend to the Town Council that the position  
82 be declared vacant.

83  
84 Section 10. Site walks called by the Chair, or by four (4) or more Board members, are public  
85 meetings. All site walks must be properly noticed to applicants, abutters and the general public  
86 according to ordinance requirements. A minimum of four (4) Board members must be present to  
87 hold a site walk. No formal motions may be made nor votes taken at a site walk. The Planner, or  
88 Planner's designee, is responsible for minutes of site walks. Site walk minutes must be included

89 in the records of applications before the Board.

90

91 Section 11. Discussion between Board members of business before the Board may only be held  
92 at a public meeting. Such business may not be discussed in private whether or not a majority of  
93 the Board is involved, and whether the discussion occurs in person, by phone or by any other  
94 means. During a duly noticed public site walk, individual Board members may not hold private  
95 discussions among themselves, or with others, concerning substantive details of the site or plan.  
96 Private discussion of business before the Board could constitute illegal ex parte communication  
97 and jeopardize the due process rights of those excluded from such a discussion.

98

99 Section ~~11~~ 12. The Chair shall preserve order, may speak to points of order in preference to  
100 other members and shall decide all questions of order, subject to appeal to the Board by motion,  
101 regularly seconded, and no other business ~~shall~~ may be transacted until the question on appeal is  
102 decided.

103

104 Section ~~12~~ 13. The Chair shall declare all votes, but if any member doubts a vote, the Chair ~~shall~~  
105 must cause a recount of the vote without debate.

106

107 Section ~~13~~ 14. When a question is under debate, the Chair ~~shall~~ may receive no motion but to  
108 adjourn, or to move the previous question, or to lay on the table, or to postpone to a specified  
109 date, or to refer to a committee or some administrative official, or to amend, or to postpone  
110 indefinitely: which several motions ~~shall~~ have precedence in the order in which they stand  
111 arranged.

112

113 Section ~~14~~ 15. The Chair shall consider a motion to adjourn as always in order except on  
114 immediate repetition; and that motion, and the motion to lay on the table, or to take from the  
115 table, ~~shall~~ must be decided without debate.

116

117 Section 15 16. When a vote is passed, it ~~shall be~~ is in order for any member who voted on the  
118 prevailing side; to move ~~a~~ reconsideration thereof at the same meeting, or at the next succeeding  
119 meeting; ~~. and w~~When a motion of reconsideration is decided, that vote made and seconded, the  
120 subsequent vote ~~shall be~~ is final. ~~and not be considered further.~~

121  
122 Section 16 17. During a public hearing, at the time appointed on the agenda for a particular  
123 matter before the Board, any other person in attendance at the meeting wishing to address the  
124 Planning Board ~~on an item,~~ ~~shall~~ must so signify by raising ~~his/her~~ a hand. ~~and, w~~When  
125 recognized by the Chair, and before addressing the subject matter of the hearing, such person  
126 ~~shall~~ must ~~request permission to address the Board, stating his/her name, address and the subject~~  
127 ~~matter on which they desire to address the Board.~~ state his or her name and address for the  
128 record and enter this same data in writing where and when requested. At any other time during a  
129 meeting, the Chair ~~may, at his/her~~ retains the discretion, to invite further public comment. In all  
130 cases, ~~¶~~the Chair, with consent of the Board, may set reasonable time limits on members of the  
131 public ~~choosing who choose~~ to address the Board. Likewise, ~~¶~~the Chair may ~~also~~ limit public  
132 testimony to that deemed ~~to be~~ relevant and material to ~~a pending issue~~ the subject matter of the  
133 hearing, or other Board concern.

134  
135 Section 17 18. All meetings of the Board ~~shall be~~ are public. ~~However, the Board, upon~~  
136 ~~majority vote,~~ However, the Board may recess for executive session, upon majority vote,  
137 consistent with the Maine Right to Know Law (MRSA Title 1, Sections 401-410), provided ~~that~~  
138 the motion to ~~go into~~ recess for executive session ~~must~~ indicates the precise nature of the  
139 business ~~of the executive session to be conducted in such closed session,~~ and including ~~a citation~~  
140 any and all relevant ~~of one or more sources of~~ statutory ~~or other authority that permits an~~  
141 ~~executive session for that business,~~ reference(s) to such power to recess, and that final action not  
142 be taken by the Board except in regular public sessions.

143  
144

145 Section 19. Subcommittees are established by the Chair and may consist of no more than three  
146 (3) Board members. Planning Board subcommittee meetings are public meetings, and the date,  
147 time and location of such meetings must be posted in Town Hall and on the Kittery Town  
148 website.

149  
150 Section 20. The Chair may, with the affirmative vote of a minimum of four (4) members, call  
151 special workshops for the purpose of updating regulations, ordinances, bylaws or addressing  
152 other work items. These workshops are open to the public but are not public hearings. Input  
153 from interested citizens may be allowed at the Chair's discretion or may be heard at a regular  
154 Board meeting.

155  
156 Section ~~18~~ 21. These Bylaws may be revised by submission of a proposed change in writing to  
157 the Board, and consideration in at least two meetings of the Board. The change ~~shall be~~ is  
158 effective upon adoption by the Board.

159  
160 Section ~~19~~ 22. Planning Board meetings ~~shall be~~ are conducted according to Robert's Rules of  
161 Order . Conflicts ~~shall be~~ are resolved in favor of the Bylaws.

162

**BYLAWS**  
**KITTERY PLANNING BOARD**

Adopted January 17, 1974  
Revised and approved, November 19, 1987  
Revised and Approved, May 23, 1991  
Revised and Approved October 11, 2007  
Revised and Approved February 28, 2008  
(4/2013 edits per Frank Dennett for discussion)  
(3/2014 edit, Susan Tuveson, per Board comments, in red)  
(1/2015 additions staff, must/shall revisions Karen Kalmar in purple)

The Planning Board of the Town of Kittery has been established under the Town Charter adopted in 1967 according to HP 521-LD768, Revised Planning and Zoning Statutes in Maine, 1969, and other applicable State Statutes.

Section 1. The Planning Board consists of seven (7) members appointed by the Town Council in accordance with the Town Charter adopted in 1967 and revised on June 11, 2002. The term of office of a member is three (3) years. Upon appointment by the Town Council, and upon renewal of term, each member must take and subscribe to the oath of office as administered by the Town Clerk or any other person so authorized.

Section 2. At the first regularly scheduled meeting in December, the Board must elect from among its membership, a Chair, Vice-Chair and Secretary. Term of service is one year.

Section 3. Meetings of the Planning Board are held in the Town Hall at 6:00 p.m., on the second and fourth Thursdays of each calendar month, except November and December, when the regular meetings are held on the second and third Thursdays of those months. When a regularly scheduled meeting occurs on a holiday, the regular meeting for that date must be re-scheduled by the Board at its last regular meeting prior to the holiday. The date, time or location of any regular meeting may be changed by an affirmative vote of four (4) or more members, taken at any regular meeting of the Board.

34 Section 4. Special meetings may be called by the Chair or, in case of the Chair's absence,  
35 disability or refusal, may be called by the Vice-Chair or by four (4) or more members of the  
36 Board. Notice of such special meeting must be made to Board members by telephone at least 12  
37 hours before the meeting and by email with confirmation by return email within the same 12-  
38 hour time restriction. The telephone call and text of the email must set forth the matter or matters  
39 to be discussed and/or voted on, and nothing else may be considered at such a special meeting.

40

41 Section 5. At the appointed time, the Chair, or in the absence of the Chair, the Vice-Chair, calls  
42 the members to order, calls the roll, leads the Pledge of Allegiance, and upon determining  
43 whether a quorum of members is present, proceeds with the business of the meeting. The order  
44 of business is as follows: (a) amendments to the agenda, (b) approval of the minutes of the  
45 preceding meeting(s), (c) public comment (d) old regular business (e) Board members' time (f)  
46 Planner's time (g) new regular business, (h) adjournment.

47

48 Section 6. Minutes of all meetings, workshops and site walks must be recorded. Review,  
49 correction and approval by the Board of such minutes occurs at the first meeting following  
50 transcription by the recorder and distribution to members. Upon approval, copies are furnished to  
51 the Town Manager, Town Council Chair, the Zoning Board of Appeals Chair, and the  
52 Conservation Commission Chair.

53

54 Section 7. A quorum consists of four (4) members. All decisions must be made by a minimum  
55 of four (4) like votes, except on procedural matters. A meeting may not be held with fewer than  
56 four (4) Board members present.

57

58 Section 8. Where a member may possess a conflict of interest pertaining to a matter before the  
59 Board, that member may not be permitted to vote on said matter, and that member may not be  
60 counted by the Board in establishing the quorum in the matter.- Public disclosure of any possible  
61 conflict must be made before discussion of the agenda item in question. To an extent determined

62 by the Chair, members of the public may be permitted to comment on this matter at this time. A  
63 majority vote of the Board members present, minus the member under challenge, decides  
64 whether the alleged conflict exists such that it: (a) may reasonably interfere with the affected  
65 member's ability to hear and act on the item impartially, or (b) whether participation by the  
66 member in question would give the appearance to the public of an inappropriate conflict of  
67 interest so as to undermine public confidence in the fairness of the meeting and the impartial  
68 treatment of the subject matter.

69

70 Section 9. Members are expected to attend all regular and special meetings and site walks.  
71 Where a member is absent from more than three (3) consecutive regular meetings, the Board  
72 may then vote to recommend to the Town Council that the position be declared vacant.

73

74 Section 10. Site walks called by the Chair, or by four (4) or more Board members, are public  
75 meetings. All site walks must be properly noticed to applicants, abutters and the general public  
76 according to ordinance requirements. A minimum of four (4) Board members must be present to  
77 hold a site walk. No formal motions may be made nor votes taken at a site walk. The Planner, or  
78 Planner's designee, is responsible for minutes of site walks. Site walk minutes must be included  
79 in the records of applications before the Board.

80

81 Section 11. Discussion between Board members of business before the Board may only be held  
82 at a public meeting. Such business may not be discussed in private whether or not a majority of  
83 the Board is involved, and whether the discussion occurs in person, by phone or by any other  
84 means. During a duly noticed public site walk, individual Board members may not hold private  
85 discussions among themselves, or with others, concerning substantive details of the site or plan.  
86 Private discussion of business before the Board could constitute illegal ex parte communication  
87 and jeopardize the due process rights of those excluded from such a discussion.

88

89 Section 12. The Chair shall preserve order, may speak to points of order in preference to other

90 members and shall decide all questions of order, subject to appeal to the Board by motion,  
91 regularly seconded, and no other business may be transacted until the question on appeal is  
92 decided.

93

94 Section 13. The Chair shall declare all votes, but if any member doubts a vote, the Chair must  
95 cause a recount of the vote without debate.

96

97 Section 14. When a question is under debate, the Chair may receive no motion but to adjourn,  
98 or to move the previous question, or to lay on the table, or to postpone to a specified date, or to  
99 refer to a committee or some administrative official, or to amend, or to postpone indefinitely:  
100 which several motions have precedence in the order in which they stand arranged.

101

102 Section 15. The Chair shall consider a motion to adjourn as always in order except on immediate  
103 repetition; and that motion, and the motion to lay on the table, or to take from the table, must be  
104 decided without debate.

105

106 Section 16. When a vote is passed, it is in order for any member who voted on the prevailing  
107 side to move reconsideration thereof at the same meeting, or at the next succeeding meeting.  
108 When a motion of reconsideration is made and seconded, the subsequent vote is final.

109

110 Section 17. During a public hearing, at the time appointed on the agenda for a particular matter  
111 before the Board, any other person in attendance at the meeting wishing to address the Planning  
112 Board, must so signify by raising a hand. When recognized by the Chair, and before addressing  
113 the subject matter of the hearing, such person must state his or her name and address for the  
114 record and enter this same data in writing where and when requested. At any other time during a  
115 meeting, the Chair retains the discretion to invite further public comment. In all cases, the Chair,  
116 with consent of the Board, may set reasonable time limits on members of the public who choose  
117 to address the Board. Likewise, the Chair may limit public testimony to that deemed relevant

118 and material to the subject matter of the hearing, or other Board concern.

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120 Section 18. All meetings of the Board are public. However, the Board may recess for executive  
121 session, upon majority vote, consistent with the Maine Right to Know Law (MRSA Title 1,  
122 Sections 401-410), provided the motion to recess for executive session indicates the precise  
123 nature of the business to be conducted in such closed session, including any and all relevant  
124 statutory reference(s) to such power to recess, and that final action not be taken by the Board  
125 except in public session.

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135 from interested citizens may be allowed at the Chair's discretion or may be heard at a regular  
136 Board meeting.

137

138 Section 21. These bylaws may be revised by submission of a proposed change in writing to the  
139 Board, and consideration in at least two meetings of the Board. The change is effective upon  
140 adoption by the Board.

141

142 Section 22. Planning Board meetings are conducted according to Robert's Rules of Order.  
143 Conflicts are resolved in favor of the bylaws.

144

145