



KITTERY TOWN PLANNING BOARD MEETING

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

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

AGENDA for Thursday, January 22, 2015

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

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE – APPROVAL OF MINUTES – 1/8/2015 & Site Walks

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.

OLD BUSINESS

ITEM 1 – (30 minutes) - Board Member Items / Discussion

- A. Bylaws; review amendments and adopt
- B. Committee Updates
- C. Action List; review, edit and prioritize
- D. Other

ITEM 2 – (15 minutes) - Town Planner Items:

A Memorial Circle Improvement Plan; B.KACTS Grant for Route One By-Pass; C Route 1 – BP District TPB Advisory Committee. D. Town standing board/committee list; E. Staff/Applicant meetings prior to formal applications; F. Ongoing Code Amendments; and G. Other.

NEW BUSINESS

ITEM 3 – (30 minutes) – Kittery Foreside Committee - Title 16.3.2.15 Mixed Use – Kittery Foreside – MU-KF

Discussion. Planning Board to evaluate the need for Kittery Foreside Committee as referenced in Title 16.3.2.15. for the execution of the design review of new or expanded buildings as required in the Town Code, and determine next steps in addressing the current situation with no active committee.

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 CONTACT STAFF AT (207) 475-1323.

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

4
5 Meeting called to order at 6:04 p.m.
6 Board Members Present: Karen Kalmar, Deborah Driscoll, David Lincoln, Ann Grinnell, Robert Harris;
7 Tom Emerson
8 Members absent: Mark Alesse
9 Staff: Chris DiMatteo, Town Planner

10
11 Pledge of Allegiance

12
13 Minutes: December 18, 2014

14 Ms. Kalmar moved to accept as submitted
15 Mr. Harris seconded
16 Motion carried: 6-0-0

17
18 Public Comment:

19 Ken Wood, Attar Engineering, asked about status of the soil suitability ordinance.
20 Mr. DiMatteo: This has been reviewed in a workshop with Council and the goal for adoption is
21 sometime in February.

22
23 **PUBLIC HEARING / OLD BUSINESS**

24
25 **ITEM 1 – Town Code Amendment - Title 16.10.9.1.4. Approved Plan Expiration, Title 16.10.9.1.5**
26 **Requests for Extension and Title 16.9.3.8 Expiration of Wetlands Alteration Approval. Action:**
27 **Hold a public hearing, review amendment and make recommendation to Town Council for adoption.**

28 Proposed amendment reduces the period of time in which extensions can be granted and modifies the
29 process for extension requests.

30 Ms. Grinnell: This is before the board to meet noticing and public hearing requirements. There are no
31 proposed changes to this ordinance amendment.

32 The Public Hearing opened and closed at 6:10 p.m. with no comment

33
34 Ms. Kalmar moved to forward to Council for adoption amendments to Title 16.10.9.1.4. Approved Plan
35 Expiration, Title 16.10.9.1.5 Requests for Extension and Title 16.9.3.8 Expiration of Wetlands Alteration
36 Approval.

37 Ms. Davis seconded
38 Motion carried: 6-0-0

39
40 This will be heard at the Council meeting of January 26.

41
42 ~~**ITEM 2 – McCoy Residence – Shoreland Development Plan Review. Action: Hold a Public Hearing,**~~
43 ~~**grant or deny Plan approval. Kevin and Terry McCoy, owners/applicant request approval for a**~~
44 ~~**noneconforming structure reconstruction to include removal of an existing house, garage and shed and**~~
45 ~~**construct a new house, garage and barn at 24 Goose Point, Kittery, Tax Map 34 Lot 9 in the Residential-**~~
46 ~~**Rural, Shoreland and Resource Protection Overlay zones. Agent is Architect Tom Emerson, Studio B-E**~~
47 ~~**THIS ITEM HAS BEEN RESCHEDULED TO THE 2/12/15 MEETING.**~~

48
49 **ITEM 3 – Pine Tree Plaza Site Plan – Modification to an Approved Plan Action: Hold a Public**
50 **Hearing, grant or deny Plan approval, Kenneth Lemont, owner/applicant (for Harrison E. Lemont**
51 **Management Co., Inc.), requests approval to amend an approved Site Plan to replace an existing building**

52 and ell with a new 2,450 sf building, and increase the existing garage at 435 US Route 1 in the Mixed Use
53 zone, Tax Map 50, Lot 8. Agent is Jeff Clifford, P.E. with Altus Engineering, Inc.

54
55 Ken Lemont, owner/applicant: Stated he hired Jeff Clifford of Altus Engineering to perform engineering
56 services, and summarized highlighted plan changes:

- 57 – proposed lighting on the site will be dark-sky friendly fixtures to avoid light pollution;
- 58 – the existing garden has been reconfigured, but not expanded due to the existing building and tree;
- 59 – designed rain garden to assist in stormwater runoff.

60 Mr. Lincoln:

- 61 – Has the impervious surface runoff been addressed?
- 62 – Will the garage be used vehicle repair or for storage?
- 63 – What is proposed for the planting area between parking and the road?
- 64 – CMA notes this plan will enhance the Route 1 corridor. There does not appear to be much planting
65 between the parking areas and the road. Current facility is an eyesore, with no vegetated buffer.
- 66 – What are your signage plans? Current signage is not attractive.

- 67
- 68 Mr. Lemont:
- 69 – The runoff will be addressed through a stormwater management plan, including a rain garden. Sheet
70 C-3 illustrates flow direction of stormwater to the rain garden.
 - 71 – The garage will be used for storage for the retail store, not for vehicle repair.
 - 72 – Additional plantings can be considered in addition to what is proposed, if the Board so requests. A
73 professional landscape designer can be hired.
 - 74 – New signage will be redesigned by a professional, while some is already permitted and existing.
75 There is no proposed replacement signage.

76
77 Ms. Grinnell: Signage is not before Board; sign applications go to Code Enforcement.

78
79 Ms. Wells: Will there be a landscape plan?

80 Mr. Lemont: He is willing to work with the Board and staff and a landscape professional to address this
81 issue.

82
83 The Public Hearing opened and closed at 6:20 p.m. There was no public comment

84
85 Ms. Kalmar moved to grant preliminary plan approval for the Pine Tree Plaza Site Plan Modification to
86 replace an existing building and ell with a new 2,450 sf building, and increase the existing garage at 435
87 US Route 1 in the Mixed Use zone, Tax Map 50, Lot 8.

88 Mr. Emerson seconded

89 Ms. Davis: Is the site plan the survey? It should be stamped and signed. Where is the stockade fence to
90 be located? If a guardrail is required at the rain garden, it should be wood, not metal.

91 Mr. Markley: It is a survey.

92 Mr. Lemont: The fence will be placed around the dumpster.

93 Mr. DiMatteo: Most of the outstanding issues are landscaping and lighting. CMA has not yet reviewed
94 the stormwater analysis and plan. These will be reviewed prior to final approval.

95 Ms. Kalmar: A waiver of the YCSWC review requirement is needed.

96 Mr. Lincoln: Between the parking area and street, there should be a significant planting buffer. What
97 does the Board need to review signage?

98 Ms. Grinnell: Signage is reviewed by Code and Planning through a permit application.

99 Mr. Emerson: Additional landscaping on the right of the proposed building will balance the design.

100 Motion carried: 6-0-0

101

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

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

104 Ms. Grinnell: This was a productive meeting, and we're looking forward to proceeding.

105 Discussion followed regarding amendments for the January 26 Council meeting. Members will receive
106 copies of the Council packets, probably by January 19.

107
108 Ms. Kalmar: Bike-pedestrian plans and overlay zones involving Tom Emerson. Requested that the code
109 amendment regarding a pre-construction meeting remain on the Action List.

110 Ms. Grinnell: Would like to discuss the decision from Attorney McEachern.

111 Mr. Emerson: The opinion states the group does not exist, except as referenced in the Code (16.3.2.15.F).

112 Mr. DiMatteo: As outlined by the Town Manager, the Board has been asked to review the role of the
113 group, what can the group do that the Board cannot, and be prepared to discuss this with Council.

114 Board members concurred that this discussion should be held at the February 26 meeting.

115 Mr. DiMatteo: Will discuss whether the group has been or will be included in Council discussions.

116 Ms. Grinnell: We have an application before us now and there may be others before this is resolved.

117 Mr. Emerson: Without an existing Foreside Committee review, the Board has been operating as the review
118 authority, per the Attorney's opinion.

119 Ms. Davis: Also include on the Action List the checklist of items that staff reviews with the applicant
120 prior to Board review.

121

122 **ITEM 5 – Town Planner Items**

123

124 **NEW BUSINESS**

125

126 **ITEM 6 – Old Armory Way Mixed Use Development — Preliminary Site Plan – Completeness**
127 **Review** Action: Accept or Deny Plan Application, schedule a Public Hearing and Site Walk.

128 Owner/applicant Ken McDavitt requests approval to construct a 3-unit residential condominium with 8
129 commercial boat slips at 15 Old Armory Way, Tax Map 4, Lot 51 in the Mixed Use Kittery Foreside
130 Zone, and the Shoreland and Commercial Fisheries/Maritime Activities Overlay Zones. Agent is Edward
131 Brake, Attar Engineering, Inc., Eliot, Maine.

132 Ms. Grinnell: This is a review for completeness, and is not a public hearing. If the application is
133 determined complete, a public hearing and site walk will be scheduled.

134

135 Ken McDavitt: This property was purchased 11 years ago. As a sailor, would like to tie his boat
136 alongside his home and retire in Kittery. He spoke with the Foreside Group in 2005 and made his
137 intentions to develop the property known. The proposal is to remove a 3-family structure which does not
138 meet building standards or setback requirements and replace with two new buildings with three units that
139 meet current standards. A proposed private marina will provide 8 boat slips to be used by condominium
140 owners, and offer slip leases to neighbors and residents. The marina will be private, not public.

141 Sandy McDavitt: Many generations of her family have lived in Kittery, and this proposal offers them an
142 opportunity to live in Kittery and enjoy the waterfront with her children and grandchildren.

143

144 Ms. Kalmar: The staff is concerned about the adequacy of the boundary survey.

145 Mr. DiMatteo: Attar Engineering's site plan references a 1986 survey. It is unclear if this meets
146 requirements for a boundary survey. The building area is tight, so the boundary and the ROW needs to be
147 clear. Is a new survey needed or can the old one be certified?

148 Ken Wood, Attar Engineering: This is a standard boundary survey showing and describing the width by
149 meets and bounds of Old Armory Way that meets today's standards. A new survey may be described
150 differently, but the location of the building from the ROW and HAT is accurate. They have located and
151 tied into markers found on both sides of the roadway, conducted the survey, and meets survey
152 requirements. The original plan was submitted in full size.

153 Mr. DiMatteo: Is the boundary for Old Armory Way fixed? If not, can it be certified that it is uncertain.

154 Mr. Wood: There is no evidence that it is not fixed. Surveys can disagree on any particular parcel. If
155 property owners along Old Armory Way feel the survey is incorrect, this can be addressed. They have
156 tied into monumentation found on both sides of the road and the TF Moran survey, and have found
157 nothing to the contrary. Mr. Wood explained the process of utilizing the original survey to exact their
158 site plan design. Monumentation used in 1986 have been used now that fixes the ROW at 22 feet.

159 Ms. Grinnell: Would like CMA to comment as to whether a current boundary survey of the lot would be
160 needed.

161 Mr. Lincoln: The existing house is very old, and may or may not have historical significance. Do you
162 live on the property?

163 Mr. McDavitt: The existing three units are leased and I live in Sanbornville.

164 Ms. Grinnell: Will the slips be long-term or short-term leases? Public access (16.8.15.1.N) is required.

165 Mr. McDavitt: Leases will be market driven. They will address the public access requirement.

166 Mr. Lincoln: Does the proposal meet the MU-KF requirements?

167 Mr. DiMatteo: The application meets the requirements for preliminary review and will have to meet all
168 relative code requirements for this project for final approval.

169 Discussion followed regarding Port Authority and Planning Board review process. Ms. Davis asked
170 about a joint public hearing with the Port Authority. Mr. DiMatteo: The reviews are different, upland
171 versus shoreland, and the Authority must provide comments to the Board before approval.

172 Mr. Harris: It appears this development would improve the area, in his opinion.

173 Earlean Wells: The Conservation Commission would like to know about overflow parking
174 arrangements.

175 Ms. Grinnell: Would like an updated traffic count analysis and to address the boundary issue.

176 Mr. Emerson: For applicant direction, the following should be addressed:

- 177 · landscaping plan
- 178 · materials for retaining wall
- 179 · lighting
- 180 · guardrail
- 181 · steps & paths
- 182 · stormwater management cover materials
- 183 · snow storage/removal

184 Mr. DiMatteo: When traffic analysis is conducted, overflow parking can be reviewed.

185

186 Ms. Davis: Does the town have a survey of Old Armory Way? Mr. DiMatteo will research this.

187 Mr. McDavitt: He has space for more parking, but wanted to reduce site disturbance

188 Mr. Lincoln: Access and egress may be difficult, due to visibility and sight lines.

189

190 Ms. Kalmar moved to accept the preliminary site plan of Ken McDavitt to construct a 3-unit residential
191 condominium with 8 commercial boat slips at 15 Old Armory Way, Tax Map 4, Lot 51 in the Mixed Use
192 Kittery Foreside Zone, and the Shoreland and Commercial Fisheries/Maritime Activities Overlay Zones.

193 Mr. Emerson seconded

194 Motion carried: 6-0-0

195

196 Ms. Kalmar moved to schedule a Site walk for Wednesday, February 4 at 9 a.m. with a snow date of
197 Wednesday, February 11 at 9 a.m., and to schedule a Public Hearing for February 12, 2015.

198 Mr. Lincoln seconded

199 Motion carried: 6-0-0

200

201 ~~**ITEM 7** (30 MIN.) **State Road Mixed Use Development Sketch Plan Review** Action: Review,~~
202 ~~schedule site walk, accept Sketch Plan. Owner/Applicant HGC, LLC & Aaron Henderson, requests~~
203 ~~approval for a mixed residential/commercial development at 42 State Road, Tax Map 3, Lots 5, 6 & 7 in~~

204 ~~the Business Local 1 Zone. Agent is Jeff Clifford, P.E. with Altus Engineering, Inc.~~ Withdrawn per
205 applicant request.

206
207

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

214 Ken Markley: Summarized the plan, property location and explained the prior approval improvements
215 have been completed. They are now requesting approval to re-design the front steps, resulting in less
216 square footage and including a garden area located in the prior step area. There will be no changes in
217 coverage/non-vegetated surfaces or footprint in the relocation and reconstruction of the second dwelling
218 unit. The existing building dates to the turn of the century, and the owner would like to update it for
219 family use. The abutter would also like the structure be moved away from property line. The HAT
220 setback is 40.5' with a proposed increase of 2 feet to 42.5'. The side property setback is now at 0 feet, and
221 will be moved 3 feet. Building elevations included on the plan. The proposal does not increase the
222 square footage or lot coverage, or negatively impact existing stormwater runoff. There is a 17.9%
223 increase in volume as the existing ceilings are quite low. Adjacent to the house is a heritage apple tree,
224 'Ben Davis', which was valued by seafarers because of their long storage life. Mr. Markley read a letter
225 from John Bunker, Fedco Seeds and Maine Organic Farmers Association, regarding the tree:

226 *This letter is in support of preserving an old Kittery Point apple tree on the former George*
227 *Lawson property. The tree is a classic old New England variety called 'Ben Davis'. The actual*
228 *history behind the Ben Davis remains shrouded in mystery. Some think it originated in Minot,*
229 *just 80 miles from Kittery. We do know that the Ben Davis apple played a key role in the early*
230 *agriculture history of the state. Ben Davis trees were a fixture in old Maine orchards in the 19th*
231 *Century. The apples themselves were packed into barrels and stored in farm cellars or shipped*
232 *as far away as Liverpool, England. I have traveled in all of Maine's sixteen counties in search of*
233 *ancient apple trees. Unfortunately, the old trees were, for many years, taken for granted. They*
234 *are now rapidly disappearing from the landscape. Unlike today, when local food might be called*
235 *a fad, old apple varieties come from a time when Mainers were utterly dependent on local food.*
236 *Trees such as the Kittery Point 'Ben Davis' are part of our historical heritage. It is my opinion*
237 *that you would do well to do everything you can to preserve this unique piece of our history.*

238

239 Mr. Markley: The plan is presented to preserve this tree, which is actually quite large. The flood zone
240 requires raising the structure a minimum of 1 foot, but recommends a bit higher.

241 Ms. Davis: Will there be a new foundation?

242 Mr. Markley: There will be new footings, probably a slab.

243 Ms. Kalmar: The plan showing prior plan proposals is confusion and requests an existing conditions plan
244 be used to support the current proposal.

245 Mr. Markley: A set of old steps have not yet been removed, but will be. He will make the requested
246 changes to the plan, noting it is an amendment to an approved plan showing existing conditions.

247

248 Ms. Kalmar moved to accept the amended shoreland development plan application from Steven Gerhartz
249 and Susan Pendry to remove and reconstruct a secondary dwelling unit and reconfigure existing stairs on
250 the primary dwelling unit at 118 Pepperrell Road in the Residential-Kittery Point Village and Shoreland
251 Overlay zones, Tax Map 27, Lot 37, conditioned that the plan provided for preliminary review be
252 amended as discussed January 8, 2015.

253 Mr. Emerson seconded

254 Motion carried 6-0-0

255
256 Ms. Kalmar moved to schedule a Public Hearing for February 12, and a site walk for Wednesday,
257 February 4 at 10:00 a.m. with a snow date of Wednesday, February 11 at 10:00 a.m.
258 Mr. Lincoln seconded
259 Motion carried 6-0-0
260
261 Ms. Grinnell: The bylaws are included for review prior to the scheduled January 22 meeting.
262
263 Mr. Emerson moved to adjourn
264 Ms. Kalmar seconded
265 Motion carried unanimously
266
267 The Kittery Planning Board meeting of January 8, 2015 adjourned at 8:00 p.m.
268 Submitted by Jan Fisk, Recorder

KITTERY PLANNING BOARD SITE WALK MINUTES DATE: 12/22/14

LOCATION: MAP 34 LOT 9; 24 GOOSE POINT ROAD; OWNER: KEVIN AND TERRY MCCOY

PRESENT: KPB: Ann Grinnell, Karen Kalmar, Mark Alesse, Robert Harris, David Lincoln, Debbie Driscoll Davis; KCC: Earledeen Wells, Karen Saltus;
AGENT/ARCHTECT: Tom Battcock-Emerson; BUILDER: Steve Entenmann

(please let me know if I missed anyone)

Site walk called to order by Ann Grinnell at 11:05 a.m.

Tom Emerson gave us an overview and tour of the property, starting in the driveway, we walked over to the boat house and viewed the structure at high tide, being partially in the water. There was discussion as to whether it is best to leave it or remove it.

Then we continued on toward the promitory area with care due to an abundance of groundhog tunnels,

Then we contiued to the water side of the house, then walk through the house and out the front door to the driveway and finished up the site walk between the barn/garage and Goose Point Road.

The proposed "new" structure area was deliniated with blue ribbons. It appears the "new" sturcture will be farther back from the water than the existing house. It was questioned, whether the new house is set back as far as possible?

A question was raised about the proximity of the "new" house to the neighboring property line.

The site walk was adjourned at 11:40 a.m.

Respectfully submitted,
Debbie Driscoll Davis
Secretary
Kittery Planning Board

KITTERY PLANNING BOARD SITE WALK MINUTES DATE: 12/22/14

LOCATION: MAP 61 LOT 8; BEATRICE LANE (NOT WAY); OWNERS: OPERATION BLESSING, LP (LIMITED PARTNERSHIP with MR. & MRS. SPARKOWICH)

PRESENT: KPB: Ann Grinnell, Karen Kalmar, Mark Alesse, Robert Harris, David Lincoln, Debbie Driscoll Davis, Tom Battcock-Emerson; KCC: Earleen Wells;
APPLICANTS: Mr. & Mrs. Sparkowich;
ABUTTERS: Mr. Gasbarro, *Jennifer McCann*, *Melissa Morehead* Ingrid Kelley,
(arrived at 12:13 Darlene McIntyre)

Ann Grinnell, Chair, called site walk to order at 12:00 noon.

The sitewalk began where proposed Beatrice Lane meets High Point Circle. Discussion ensued about the "Woods Road", behind Mr. Gasbarro's house. The applicant stated the "Woods Road" was part of Lot H. Ms. Driscoll Davis asked if there were any deeded rights over the "Woods Road"? Mr. Sparkowich stated "no" but a 3 foot path for horses and residents of High Point Estates. Ms. Grinnell asked when will "Woods Road" be closed?

We continued down proposed Beatrice Lane, noting that the proposed lots off of said lane are not clearly marked.

It was asked by someone, if High Point Estates road could be posted "No thru Construction Vehicles".

Applicant stated Operation Blessing has deeded access over Old Farm Road.

There was discussion about a hammerhead vs. a culdesac. And problems that have come to pass when we approve culdesacs on paper and allow a hammer head in it's place.

There were questions about continued logging. The applicant says there is none, the abutters say it has continued.

There were questions on what the intended use would be in the future for the "big" lot at the end of proposed "Beatrice Lane".

There were questions as to what would be built, single family or duplexes?

An abutter stated High Point Estates was built and marketed as a 15 lot subdivision, not as a through way to other developments.

The applicant and an abutter began to have words and Mr. Emerson quickly called for adjournment of the site walk at 12:30 p.m.

*Two abutters asked that their contact information (should the town have this) not be made public or given to the applicant, as they feel they have been harrassed by the applicant.

Respectfully submitted:
Debbie Driscoll Davis
Secretary
Kittery Planning Board

Site Walk minutes

Betty Welch Road Cluster Subdivision Sketch Plan Review

Tuesday January 13, 2015 9:00 AM
Fair and 16° Fahrenheit

Attendees:

Planning Board members: K. Kalmar, D. Driscoll-Davis, M. Alesse, A. Grinnell, T. Emerson, and R. Harris

Staff: C. DiMatteo; Conservation Commission: Earledean Wells.

Applicant: Paul Kerrigan with Chinburg Builders, Jeff Clifford, Altus Engineering; Scott Gone and Patty O'Brien, The Gone Group; and Jim Gove, GES Inc.

Other participants: David Moulton, 54 Cutts

Handouts: 11x17 plan reduction of *Proposed Subdivision Map 66 Lots 2A & 8, Betty Welch Road, Kittery Maine, Sketch Review 24 (10K) Lots Concept Plan* dated 7/24/2014.

Meeting called to order at 9:05 AM by A. Grinnell.

J. Clifford presented the information found in the plan exhibit, the details for the proposal and how this second site walk was to proceed. The walk commenced from Andrews Automotive parking lot towards the site proposed for the project's subsurface wastewater disposal system.

First Stop

Gove's discussed wetland vegetation extending into the uplands amongst the pines, probably due to the timber harvesting equipment.

Second Stop

Came to first wetlands on the site.

Third Stop

Came to the height of the land and discussed the extent of the proposed central disposal system and that there is added flexibility with regard to the systems the Developer is planning on using and the amount of vegetation needed to be removed.

Fourth Stop

Came to the edge of the second wetlands in this vicinity of the site and inspected the topography and the proximity if the location of housing development and discussed the method of piping and force main going through the wetland to connect the proposed housing with the proposed central disposal system.

Proceeded back to the parking lot and adjourned at 9:45 AM.

Submitted by C. Di Matteo, Town Planner, January 15, 2015.

2012-2015
PLANNING BOARD ACTION ITEMS

ITEM #	START DATE	ITEM	PRIORITY	ACTION TAKEN	COMPLETE
1	8/9/2012	16.10.9.2 REDEFINE FIELD CHANGES; Major/Minor	3		
2	10/13/2012	DPW PROJECTS COME BEFORE PB; NEED UPDATED LIST	2	No DPW update submitted since October, 2012	
3	2/14/2013	DEFINE COMMERCIAL RECREATION	1	CDM to propose / December 2014; re-draft for 1/22/15 discussion	
4	2/28/2013	UPDATE DESIGN STANDARDS FOR LED LIGHTING:	3		
5	3/28/2013	Set up Workshop to discuss High Pointe Circle Issues: Road Extension & Gate and use of woods road; review prior approvals and minutes	1	Staff (GM) will attempt to resolve and report to KPB (4/25/13)	
6a	10/13/2012	BUSINESS OVERLAY ZONES: WHERE AND WHAT CHANGES; 16.3.2.20 Proposed Quality Improvement Overlay; form based code vs. individual ordinances		Workshop; Sustain So ME; set up January 2014 workshop (1/24 AM)	
6b	3/28/2013	CONTINUE WORKSHOP WITH KCPC, KOSC REGARDING 1 - 3 ACRE RR; and future land use regulation; restrict # building permits issued per year (See also: VIII.3.i.i 2015 Code Amendments: Briefing Book)		May 15, 2013 Workshop; December 3, 2013 workshop, w Soil Suitability;	
6c	4/25/2013	WORKSHOP: Cluster Ordinance needs work		KOSC wants input	
		USABLE OPEN SPACE RETAIN ROAD FRONTAGE (Buffers) TRAFFIC STUDIES			
6d	12/12/2020	Minor subdivisions; density; septic			
7	4/26/2013	ROADS / SIDEWALKS TO NOWHERE (ROW plans)/Shared Driveways/ROW Standards	1		
8	8/22/2013	Site dev pre-meeting; CMA construction inspection;	1	December, 2014; discuss again	
9	10/24/13 Amendment	DPW Road Cuts; Title 5 amendment; approved by PB 10/24/13; to Council 11/25/13	1	Revise per Council Action / Re-visit: January 2015;	
10	10/24/2013	Shoreland definition	1	Get from State?	
11	10/24/2013	HAT - Highest Annual Tide: no Elevation 6	1	January, 2015	
12	10/24/2013	Definition: Substantially complete re: development vs. building permits	1		
13	10/24/2013	Soil Suitability Guide; discontinue; (NRA)	Done	16.7.8 Land Not Suitable for Development: 10/23/14 PB Review/Recommend to Council for 11/10/14 approval; 1/5/15 TC workshop	Pending
14	11/14/2013	Fines	3	CDM to discuss with TM	
15	11/14/2013	16.7.3.5.6 Reconstruction periods (see below/outside of shoreland zone)	?	Research: in shoreland	
16	11/14/2013	16.7.3.5.6 Structure replacement outside of shoreland zone (missing from code)	1	Get language from prior ordinance to review; reviewed 12/18/14;	
17	11/14/2013	By-Law changes	1	Markup provided; discussed 11/13; 12/13; 1/14; 3/14; 7/14; Finalize 12/14; Review 1/15	

2012-2015
PLANNING BOARD ACTION ITEMS

18	11/14/2013	Review flood hazard ordinance; 16.5.3.4	3	Coordinate w CMA; need estimates	
19	12/12/2013	Structure replacement inside shoreland/excavation (see #15)	2	CDM	
20	12/12/2013	Pedestrian / Bike paths / Bike Racks	1	CDM will provide existing bike path plan; disc. 12/18; req. input from T. Emerson 1/22/15	
21	1/23/2014	Outdoor Seating, extend to other zones	1	Use of the Public Way- For PB review: 10/23/14; rev. language 12/18/14; Re-draft w/ maps & permit for 1/22/15 review;	
22	1/24/2014	Findings of Fact workshop (include municipal fiscal impact)		Staff will work on process	
23	2/27/2014	Approved Plan Expiration; Requests for Extension; Expiration of Wetland Alteration Permit	Done	Reviewed 3/27/14; PB approval 6/26/14; to Council 11/10/14	Pending
24	2/27/2014	List of Committees/Boards to monitor ?	1	1/22/2015	
25	2/27/2014	Flag Lots (16.8.-16.9)	Done		Pending
26	3/13/2014	Septic pretreatment requirement as bonus (See also: VIII.3.i.ii 2015 Code Amendments: Briefing Book, #38)	Done		Pending
27	3/13/2014	Proof of building materials (ie. sand from Alfred for septic systems)		Check with other communities	
28	3/27/2014	FY 2015 Amendments: Briefing Book		Status of Briefing Book to Council?	
		<ul style="list-style-type: none"> ii. Septic pretreatment iii. Quality Improvement Development Standards update iv. Outdoor seating to other zones v. Adjacent off-site improvement update vi. Consolidate RR and RC zones vii. Consolidate BL and L-1 zones viii. Sign standards/education/enforcement 			
29	3/27/2014	Kittery Historic Resources; historic designation identification	3		
30	5/8/2014	Sign ordinance changes	2	Workshop: 7/14/14; Int'l Sign Assoc. 10/23/14	
30a		Message boards/internal & external lights & timers			
30b		Window/A-frame & portable signs/banners			
30c		Sign character/appearance/administration & enforcement			
31	5/22/2014	Invasive plants; shoreland invasive plant removal	3		
32	5/22/2014	Encourage rain gardens in parking areas	3		
33	5/22/2014	Parking credits	2		
34	1/8/2015	Foreside Review Committee (16.3.2.15.F)		Discuss 2/26/15; determine need & role; follow legal opinion until resolved;	
35	1/8/2015	Planning staff applicant review checklist (pre-Planning Board review)			

2012-2015
PLANNING BOARD ACTION ITEMS

COMPLETED ITEMS		
Complete	LEGAL NOTICES IN PACKET OR EMAILED TO PB MEMBERS (email to PB @ same time sent to publication)	Complete
4/25/2013	UNBUNDLE ZONING AMENDMENTS	Complete / Ongoing
Complete	BUILDING PERMIT LIST IN PACKETS	Complete / Ongoing
3/25/2013	Amendment: 16.8.24.2 F (LED lights)	Ordained: 3/25/2013
3/25/2013	DISCUSS PUBLIC NOTICES; ABUTTER'S LIST EARLY, INCLUDE M/L AND PHYSICAL ADDRESS; Sales (assessor) close April 1; system update in Fall	Complete
4/25/2013	Amendment: Speciality Food & Beverage	ordained 6/10/2013
1/24/2014	Foreside workshop with Council	
1/24/2014	REVIEW REPORT TO COUNCIL (RTC) FORMAT	1/24/2013
4/25/2013	PB Workshop Update: training; education; conflict of interest; attendance/voting;	Retreat: January 10, 2014; MMA workshop 3/25/14
4/25/2013	Title 16.11 Marine Development	Ordained: 1/27/2014
2/14/2013	Outdoor Seating/use of public ROW extension period/Title 5 (Seasonal only; extend sunset date)	To Council 6/9/14
	Proposed Ordinance Changes on line	Packets posted online
4/24/2013	ABUTTER'S LIST TO PB EARLY ON, BEFORE PUBLIC HEARING (at sketch plan)	
	Waivers;	January 2014
	Post Building Permits on Web Site	Provided in Board packets



October 23, 2014
14375

Ms. Myranda McGowan
Senior Transportation Planner
KACTS
21 Bradeen Street, Suite 304
Springvale, ME 04083

RE: KACTS – Kittery Pedestrian and Bicycle Improvement Plan

Dear Myranda:

Thank you for including us on your list of invited consultants for the above referenced Kittery Project. We have familiarity with the Town and a number of its staff, having worked there on several assignments in the past 2-3 years. We have read your RFP, spoke with Dan Stewart at MaineDOT, and met with representatives of the Town to develop a relatively thorough understanding of the goals and objectives for the Project. On this basis we believe we have assembled a Team of highly qualified professionals that match your needs. You will note that we have partnered with Alta PLANNING + DESIGN, a specialty firm in the area of pedestrian and bicycle planning. This is an association we developed a couple of years ago and have collaborated on a number of assignments recently in South Portland. Because they are industry specialists, the members of Alta stay in touch with the latest policies and standards for pedestrian and bicycle design, which we respect and know that their recommendations will be consistent with the latest national trends in the industry.

In the interest of expedience and brevity, we have structured our response to your RFP in the form of this "Letter Proposal".

Statement of Project Understanding

Having spent the past two years being involved in the design of the new Sarah Mildred Long (SML) Bridge, we have had a number of opportunities to interface with the folks in Kittery about the design of the Kittery approach to the new bridge. In many conversations the topic of "Gateway" into the community arose. Furthermore, the character of the Route 1 Bypass was mentioned by some, and couldn't something be done to improve the aesthetics of this prime travel corridor into the State and through the community.

In addition to the feedback we received from members of the Kittery community about the SML Bridge design, we also are unclear about the bicycle routing over the Bridge and at each end. In Portsmouth, it is our understanding that all bikers traveling across the bridge from Maine will be directed off the Route 1 Bypass and onto the Albacore Connector Roadway leading to Market Street and downtown Portsmouth. On the Maine side this issue is not addressed. Will bikers be allowed to travel north on the Bypass or should they be encouraged to exit at Bridge Street? MaineDOT does not prohibit bikes from the Bypass, but Route 1 is the location of the East Coast Greenway.

The RFP indicates that the Town has made some strides in creating bike routes in certain areas of the Town and also upgraded and expanded a number of pedestrian amenities as part of local and state funded roadway projects. This Study will look to build upon this effort by looking at another “unstudied” area of Town (see Attached Study Area Map by KACTS), and documenting pedestrian and bicycle deficiencies like sidewalk gaps, new sidewalk needs, signage, and crossing improvements.

Scope of Services

- Task 1: Conduct 2 kick-off meetings to introduce the Project Team to KACTS and the community representatives that will be actively involved in the Study. Since personnel have changed within the Town, we will hold two introductory meetings to make sure we all are in agreement on the scope of the Study and what the final outcomes might look like. KACTS will arrange for the meeting time and place, and Sebago will record minutes from these meetings for distribution to all attendees.
- Task 2: Host a Public Meeting with members of the community, local businesses, and property owners within the Study Area to discuss pedestrian deficiencies. KACTS will arrange for this meeting’s place and time, and Sebago will prepare graphics for this meeting and record the minutes from the discussion for distribution to all Team members.
- Task 2A: Host a meeting with local and regional bicycle interests to coordinate their plans with what may make sense in the Study Area. The issue of the SML Bridge and also the Eastern Trail connections will be important to discuss with these interests. KACTS will arrange for this meeting’s place and time, and Sebago will prepare graphics for this meeting and record the minutes from the discussion for distribution to all Team members.
- Task 2B: Host a meeting with representatives of MaineDOT from both Augusta and Scarborough to discuss the disposition of the Route 1 Bypass and what is reasonable to expect that can or cannot be done with this facility. KACTS will arrange for this meeting’s place and time, and Sebago will prepare graphics for this meeting and record the minutes from the discussion for distribution to all Team members.
- Task 3: Conduct a field inventory of pedestrian and bicycle facilities within the Study Area. From this information create a base map using an aerial base of the Study Area that shows issues and deficiencies derived from the meetings in Task 2 and 2A, as well as documented facilities or lack thereof from field observations. The RFP states that recent traffic crash data obtained from MaineDOT shall also be included on this map.
- Task 4: Prepare an Improvement Master Plan using the aerial base map that illustrates proposed capital improvements for pedestrian and bicycle facilities within the Study Area. Review this Draft Plan with KACTS and Town Staff to gain their feedback before going final. The final mapping will be supplemented with perspective sketches in certain areas to enhance the understanding and impact of the proposed improvements. Conceptual level cost estimates will also be prepared in coordination with the Town’s Public Works Department, who might be able to construct much of this work. The final deliverable will be an electronic copy of the map along with back-up calculations for the cost estimates in summary memo form.

Sebago's History

Sebago is a 30-year old multi-discipline consulting firm with a staff of 45 professionals in two office locations in Maine, South Portland and Lewiston. Built on a commitment to provide our clients with creative, cost-effective, professional services, the firm has developed a full suite of expertise in the areas of:

- Land Surveying
- **Traffic and Transportation Engineering**
- Civil/Site Engineering and Permitting
- Landscape Architecture
- Construction Administration/Inspection

Sebago's Traffic and Transportation Practice represents approximately 15 percent of the company's annual business volume. Leadership is provided by Stephen S. Sawyer, Jr., PE, a highly respected transportation engineer with over 40 years of diverse planning, design, and management experience. Particular areas of expertise include:

- Transportation Planning
- Highway Design
- Railroad Design
- Traffic Signal Design and Systems Operations
- Pedestrian and Bicycle Facilities Design

The firm is currently providing all of these transportation services to the Figg/Hardesty-Hanover Design Team for the \$160 Million Sarah Mildred Long Bridge Replacement Project between Portsmouth, NH and Kittery, ME for the NHDOT and MaineDOT. On a smaller scale we have been working with the City of South Portland on a number of bicycle and pedestrian facility upgrades in the past several years. Currently we are designing a new multi-use path along Main Street (a commercial corridor) that includes landscaping and pedestrian scale lighting in addition to the new pathway. This \$350,000 project is being funded by MaineDOT through PACTS as an LAP. Construction will be completed by South Portland Public Works. We are also about to start another PACTS funded Multi-use Project in South Portland on Lincoln Street that will connect the Veteran's Bridge Pathway with the City's Greenbelt trail. This assignment was planned in conjunction with Alta PLANNING + DESIGN. We also worked with Alta for PACTS on the development of a plan to make Cash Corner in South Portland more bike friendly.

Proposed Sub-consultants

Even though the breadth of our surface transportation practice is quite diverse, we recognize our limitations and to account for these we routinely seek the assistance of from highly qualified sub-consultants. Our selection process for these firms is heavily driven by our concern for quality and timely service. For this assignment, we are pleased to report that our Team includes Alta Planning and Design, a specialty firm in the bicycle facility planning and design arena.

Alta PLANNING + DESIGN is North America's leading multi-modal transportation firm that specializes in the planning, design, and implementation of bicycle, pedestrian, greenway, park, and trail corridors and systems. Founded in 1996, Alta has over 100 staff in 25 offices across North America. Alta's mission is to create active communities where bicycling and walking are safe, and normal daily activities are healthy and fun.

Relevant Projects

Steve Sawyer and his staff at Sebago have performed the following relevant projects in the past three years for the City of South Portland:

- Main Street Multi-Use Path Project, South Portland for the City and PACTS
- Broadway Corridor Planning Study for Bicycle and Pedestrian Facility Improvement, South Portland for the City and PACTS
- East Broadway reconfiguration project that changed the lane use and added bike lanes on a primary arterial for the City and MaineDOT, South Portland
- Cash Corner Intersection Bicycle Accommodations, South Portland for the City and PACTS
- Reconfiguration of Main Street through the Thornton Heights Neighborhood in accordance with the City's Complete Streets Policy, South Portland

References

Charles "Tex" Haeuser
Director of Planning
City of South Portland
Tel. 207.767.7649
chaeuser@southportland.org

Carl Eppich
Transportation Planner
PACTS
Tel. 207.774.9891
ceppich@gpcog.org

Key Personnel

Project Manager – Stephen Sawyer, PE (Sebago)
Lead Bicycle Facilities Planner – Phil Goff (Alta PLANNING + DESIGN)
Project Engineer – Richard Meek, PE (Sebago)

Full resumes of the above individuals are contained in an Appendix at the end of this document.

Schedule

Our proposed schedule is as follows:

Notice to Proceed	November 12, 2014
Task 1:	
Initial Kick-off Meeting	November 19, 2014
2 nd Kick-off Meeting	December 3, 2014
Task 2:	
Public Meeting	December 17, 2014
Bike Meeting	January 14, 2015
MDOT Meeting	January 7, 2015

Task 3:		
Field Inventory		December 10, 2014
Prep. Exist. Cond. Map		January 28, 2015
Task 4:		
Prep. Draft Master Plan		February 18, 2015
Refine Draft to Final		March 4, 2015
Prep. Summary Memo		March 11, 2015

We have attached a spreadsheet at the end of this document that indicates the person hours we expect to dedicate to each of the Tasks in our Scope of Services.

We hope that we have appropriately scoped this work, but if not, please let us know. Thanks again for contacting us and we look forward to assisting you with this Project.

Sincerely,

SEBAGO TECHNICS, INC.



Stephen S. Sawyer, Jr., P.E.
Vice President, Transportation Services

SSS:sss/jag

Attachments:

Study Area Map
Resumes of Key Personnel
Alta Firm Profile
Spreadsheet of Person Hours by Task



Dennett Rd
Old Dennett Rd
I-95 Ramp

Emery Ln

I-95

Shepards Cove Rd

Rogers Ln

Colonial Rd

Dunlea Ave

George St

Ford Ln

Love Ln

Whipple Rd

Main St

Walker St

Traip Ave

Government St

Priscilla Ter

Williams Ave



Steve Sawyer has close to 40 years of broad-based experience in the transportation field, including route location/planning studies, preparation of contract documents (PS&E), and on-site construction administration. He possesses creative management capabilities and is skilled at making persuasive public presentations that build consensus on difficult issues. He has led many large complex technical teams that have successfully left their mark on the northern New England landscape. Currently, projects include the replacement of the Sarah Mildred Long Bridge, between Kittery and Portsmouth, and the replacement of the I-91 bridges over the West River in Brattleboro, VT.

Education:

University of Maine, Orono, ME
Bachelor of Science, Civil Engineering,
1973

Maine DOT Local Project Administration
Certification Course, 2010

NH DOT Local Project Agency (LPA)
Certification Course, 2012

Registrations:

Professional Engineer:
Maine #3736
New Hampshire #05122
Vermont #4040

Memberships:

American Society of Civil Engineers
Maine Institute of Transportation Engineers
Maine Better Transportation Association,
Board of Directors and Past President

Training:

Traffic Signals Design and Operation Workshop,
Electric Light Company, 2010, 2011, 2012,
2013 and 2014
BlueTOAD and Dynaflow Workshop, TrafficCast,
2010
Adaptive Traffic Signal Design Workshop,
Naztec, 2011

Selected Project Experience - Transportation Engineering

- **City-wide ATMS** – Dover, NH
- **Broadway Traffic Signal Upgrades** – South Portland, ME
- **Maine Mall Traffic Signal Operations** – South Portland, ME
- **Upper Route 1 Safety and Environmental Improvements**– Kittery, ME
- **Route 1 Traffic Signal Improvements** -Kennebunk, ME
- **William Clarke Drive Improvements** – Westbrook, ME
- **Exit 3, I-295 Improvement Study and Design** – South Portland, ME
- **Bayview Street Reconstruction** – Saco, ME
- **Portland Intermodal Transportation Center** – Portland, ME
- **Fall Brook Watershed Analysis and Design** – Portland, ME
- **Rochester Street Reconstruction** – Berwick, ME
- **Maine Street Traffic Improvements** – Brunswick, ME
- **Downtown Transportation Improvement Plan** – South Berwick, ME
- **Routes 1/3 Traffic Signal Operations** – Ellsworth, ME
- **I-91 Brattleboro Bridge Project** - Brattleboro, VT
- **Replacement of Sarah Mildred Long Bridge** - Kittery, ME & Portsmouth, NH
- **Rochester Street Reconstruction**- Berwick, ME
- **Main Street Multi-use Path**- South Portland, ME

From 2000-2011, Mr. Sawyer managed two General Consultant Agreements with the MaineDOT for statewide traffic and intersection improvements. During this period, Sebago performed over 60 projects involving more than 75 new or modified traffic signals, including several coordinated systems.

In 2008, Sebago Technics began a specific traffic signal systems operational practice. Current clients include South Portland, ME; Ellsworth, ME; Dover, NH; Westbrook, ME; and Kennebunk, ME. As part of these assignments, Sebago engineers are providing daily monitoring and management of these systems via remote access to ensure their optimum efficiency.



Phil Goff, LEED AP

Project Manager/Sr. Planner



Phil Goff brings 16 years of urban design, pedestrian and bicycle planning and advocacy experience to the team. As manager of Alta's Cambridge office, he merges his passion for multi-modal streetscape design with his keen ability to effectively manage a diverse set of complex projects. Prior to his work at Alta, Phil used his architecture and urban design background to design and manage master-planning projects for private-development parcels, transit-oriented development sites and neighborhoods in cities and towns large and small. His sincere passion for making cities and towns more lively, bike-friendly, and sustainable places for people represents a common theme in his work.

Education

- Master of Architecture in Urban Design, University of Oregon, 1998
- Bachelor of Architecture, Syracuse Univ., 1991

Professional Leadership

- Founding Board Member, LivableStreets Alliance
- Chair, East Arlington Livable Streets Coalition

Professional Highlights

- Alta Planning + Design, 2009–
- Goody Clancy and Associates, 2005–2009
- City of Portland Bureau of Planning, 2001–2004
- Crandall/Arambula PC, 1998–2001
- Adjunct Faculty – Master of Urban and Regional Planning, Portland State University, 2003–2004

Recent Projects

Charles River Basin Pathway & Bridge Master Plan

Alta worked with the MassDOT and DCR to develop a plan that addresses the needs of pedestrians and cyclists along an eight-mile stretch of the Charles River Basin in Boston, Cambridge, Watertown, and Newton. Led by Phil, Alta's two-year effort includes recommendations for new paths along the river, in addition to enhanced pedestrian and bike connections to the adjacent neighborhoods and ten bridges across the Charles. The current Connectivity Study effort is putting specific emphasis on the Charlesgate interface, with the goal of connecting the Charles River Esplanade with the Emerald Necklace.

Emerald Necklace Bicycle and Pedestrian Crossing Project, Brookline MA

Working with GPI Inc., the engineering lead, Alta helped to develop bicycle and pedestrian improvements at five key intersections along the Emerald Necklace pathway system for the Town of Brookline. The work included final design and contract documents for the reconstruction of the Route 9 crossing, historically, one of the most difficult for cyclists and walkers in the entire park

system. Phil led the conceptual design efforts for the team, incorporating innovative design features developed by Alta for the National Assoc. of City Transportation Officials' Urban Bikeway Design Guide.

EPA Building Blocks: Planning Bikeshare Programs

Phil worked with the Alta team and the EPA to develop a Planning for Bikeshare Tool to facilitate a community's consideration of whether and how to establish a public bikeshare system. He then helped to facilitate a two-day community workshop in both Portland, Maine and Bridgeport, Connecticut. The workshops were intended to educate city officials, business leaders, and advocate about the benefits of bike share and the steps needed to plan, fund, and maintain such a system in their communities.

PACTS Pedestrian-Bike Facility Design Guidelines

Phil managed the development of regional design guidelines for pedestrian and bicycle facilities for the PACTS. The guide is being used to ensure a level of consistency among the 14 cities and towns within PACTS' jurisdiction.

South Portland Main Street Streetscape Plan, ME

As project manager, Phil worked closely with Sebago Technics to develop a street reconstruction plan for a one-mile-long portion of the Route 1/Main Street Corridor in South Portland. Streetscape options intended to accommodate a high volume of motor vehicle traffic while improving conditions for bicyclists and pedestrians, along with providing additional landscape elements and stormwater treatment.

Albany Bicycle Master Plan Implementation, NY

Phil is serving as project manager, working with the Capital District Planning Committee and the City of Albany to implement its 2009 Bicycle Master Plan. The two key implementation tasks include studying the feasibility of a bike-share system for Albany, along with a strategy for bike network signage. Critical elements for the bike-share task include recommendations for the service area, potential station locations, the business model and options for funding.

Waterbury Naugatuck River Greenway Routing Study, CT

Partnered with civil engineering firm Fuss & O'Neill, Alta led the planning effort for a 22-mile greenway corridor along the Naugatuck River. The effort involved outreach in four communities for the Council of Governments of the Central Naugatuck Valley. The regional project complements a separate project for the City of Waterbury that recommended a route for the trail along a seven-mile stretch of the Naugatuck River that passes through the City. For both efforts, Phil was the project manager and planner.

Portsmouth Safe Routes to School Planning Study, NH

For the City of Portsmouth, Alta developed an innovative Safe Routes to School plan. The effort involves creating recommendations, based on the "Five E's" (Engineering, Encouragement, Education, Enforcement and Evaluation), to increase the number of children walking and biking to Portsmouth's three elementary schools, the middle school and a private Catholic school. The document is currently being used to pursue grants and other funds to create safer routes to school in the city.

Norwalk River Valley Trail Routing Study, CT

Phil served as Project Manager to develop a regional trail routing study for the 27-mile-long corridor along the Norwalk River in western Connecticut, working with subconsultants Stantec and Fitzgerald & Halliday. Key issues included the development of a seamless connection between the existing sections of the trail, accommodating other existing and future trails (such as the Merritt Parkway path), avoiding impacts to wetlands and dealing with the many topographical constraints.

Oak Hill Pedestrian Master Plan, Scarborough, ME

Phil served as Project Manager to study and develop a plan for new sidewalks, crosswalks and other pedestrian amenities in the Oak Hill area of the Town of Scarborough. The purpose of the project was to enable Oak Hill to function more effectively as Scarborough's de facto downtown through strategic planning and design for improved walking conditions. The proximity of the Town's high school, middle school, an elementary school and public library further reinforced the need to carefully prioritize projects that promoted safe routes to school. Projects that improved access to the bus stops within the study area were also prioritized to encourage multi-modal access to nearby Portland.

Professional & Advocacy Organizations

- Association of Pedestrian and Bicycle Professionals
- Founding Board Member, LivableStreets Alliance
- Founder and Chair, East Arlington Livable Streets Coalition
- Massachusetts Bicycle Coalition
- Former Vice Chair, Portland, Oregon Bicycle Advisory Committee



Mr. Meek joined the staff of Sebago Technics, Inc. in 2002 as a Design Engineer. Since then, he has performed project engineering for numerous municipal, commercial and residential design projects in Maine and New Hampshire. Rick is currently a Design Engineer within the firm's Transportation Group.

His specialties include hydrologic and hydraulic analyses for open and closed roadway drainage systems, roadway design and plan preparation, utility coordination, design of temporary traffic control schemes, and environmental permitting associated with state and municipal transportation related projects. Richard is LEED certified and as such he has a particular interest in providing our projects with innovative water quality treatment solutions to storm water management. He is proficient in the use of the latest design software including AutoCAD and MicroStation, HydroCAD, Hydra-Flow, HY-8, and the full suite of Microsoft Office products.

Currently, he is involved in the final design of a \$1.5M road reconstruction project on Rochester Street in Berwick, ME for the MaineDOT. This is an MS4 community that requires proactive strategies for storm water management. A number of treatments were evaluated for use on this project, but ROW constraints limited the options to the use of catch basin cartridge inserts that will filter runoff prior to its being discharged into the Salmon Falls River.

Rick is also working with the Town of Kittery on the development of a long-range corridor improvement Study for Upper Route 1 through the commercial retail outlet section. This design includes access management provisions, new signalization, a uniform 5-lane section, a new Shared Use Path, landscaped medians, and innovative Low Impact Development (LID) storm water treatment strategies for the roadway and abutting developments in several locations due to the proximity of Spruce Creek, and impaired water body.

Mr. Meek is an active member of the firm's Design/Build Team providing civil engineering and permitting support for a \$60M interstate bridge replacement on I-91 in Brattleboro, VT for VTrans. Here he is assisting in the production of the Maintenance of Traffic Plans, approach roadway and drainage design, and environmental permitting.

Most recently, Rick is also providing utility design services in support of the new Sarah Mildred Long Bridge between Portsmouth and Kittery.

Registrations:

Professional Engineer: Maine #10668

LEED Accredited Professional

Memberships:

American Society of Civil Engineers

Training:

University of New Hampshire's Storm Water Center, 2013

Certified Professional in Erosion and Sediment Control, 2011

Phosphorus Management Design, 2008

Biofilter Media Design, 2008

Maintenance and Inspection of Storm Water BMP's, 2009

Low Impact Development, 2005

Education:

New Hampshire Technical College,
Stratham, NH

Associate in Applied Science, Electro-Mechanical Drafting, 1990

Auburn University, Auburn, AL

Bachelor of Science, Civil Engineering, 1999

Alta Planning + Design Firm Profile

Alta Planning + Design is North America's leading multi-modal transportation firm that specializes in the planning, design, and implementation of bicycle, pedestrian, greenway, park, and trail corridors and systems. Founded in 1996, Alta has over 100 staff in 25 offices across North America. Alta's mission is to create active communities where bicycling and walking are safe, healthy, fun, and normal daily activities.



Services

Alta provides a full range of services including:

- Master plans (bike, pedestrian, bike share, trail, open space)
- Traffic engineering
- Bicycle and pedestrian integration with transit
- Counts, surveys and demand analysis
- Roadway corridor planning and design
- Signage and wayfinding plans
- Construction documentation
- Education and personal travel encouragement
- Public involvement
- Landscape architecture and project design
- Greenway and corridor plans
- Bicycle and pedestrian facility design guidelines
- Complete Streets
- Trail safety and sustainability audit
- GIS and mapping services
- Bike share planning studies
- Safe Routes to School studies and plans
- Project funding

Complete Streets

Making core areas and streets more livable and pedestrian and bicycle-friendly is a priority for many communities. Alta Planning + Design offers a unique blend of skills to produce an effective and high quality Complete Streets solution, from concept to implementation. Our staff have specialized expertise in land-use planning, traffic calming, context-sensitive design, Main Streets, transit corridors and access, multi-modal design, urban design, and many other aspects of creating livable communities. Alta is the national leader in creating plans that support sustainable community strategies and Complete Streets policies.

Dedication

Alta staff are at the forefront of the sustainable transportation movement. We are active in the Association of Pedestrian and Bicycle Professional (APBP), the Institute of Transportation Engineers, the Transportation Research Board, the Complete Streets Coalition, and have conducted national studies for the U.S. Department of Transportation. Alta is proud to be a founder of the NACTO *Urban Bikeway Design Guide*, the Initiative for Bicycle & Pedestrian Innovation at Portland State University, and APBP.

Office Locations:

Arlington, VA
 Atlanta, GA
 Baltimore, MD
 Benicia, CA
 Bentonville, AR
 Berkeley, CA
 Bozeman, MT
 Cambridge, MA
 Chicago, IL
 Dallas, TX
 Davidson, NC
 Denver, CO
 Durham, NC
 Greenville, SC
 Jacksonville, FL
 Los Angeles, CA
 Portland, OR
 Sacramento, CA
 Salt Lake City, UT
 San Diego, CA
 San Rafael, CA
 Saratoga Springs, NY
 Seattle, WA
 St. Louis, MO
 Vancouver, BC

KACTS
CONSULTANT'S DETAILED COST PROPOSAL FORM

Consultant Name: Sebago Technics, Inc.
Vendor/Customer No.:
Project Title/Location: KACTS - Kittery Pedestrian Improvement Plan
Service Area or Phase of Work:

Orig. Date: October 23, 2014
Revised Date:
Contact Name:
Contact e-mail address:

Consultant Positions =>

#	Task Descriptions	PM Hours	Bike Planner Hours	Project Engineer Hours	Support Staff Hours	Hours	Hours	Hours	Hours	Hours	TOTAL Hours
1	Administration	10.00			2.00						12.00
2	Kick Off Meeting 1	5.00		3.00	1.00						9.00
3	Kick Off Meeting 2	5.00		3.00	1.00						9.00
4	MaineDOT Meeting	3.00		3.00	1.00						7.00
5	Biker Meeting	4.00	6.00	4.00	1.00						15.00
6	Field Inventory	1.00	6.00	12.00							19.00
7	Prepare Existing Conditions Plan	1.00		16.00							17.00
8	Prepare Draft Master Plan	2.00	16.00	24.00							42.00
9	Prepare Final Master Plan	1.00	16.00	16.00							33.00
10	Prepare Conceptual Cost Estimates	2.00		8.00							10.00
11	Prepare Summary Memo	8.00	10.00	4.00	2.00						24.00
12											0.00
13											0.00
14											0.00
15											0.00
16											0.00
17											0.00
18											0.00
19											0.00
20											0.00
21											0.00
TOTAL HOURS		42.00	54.00	93.00	8.00	0.00	0.00	0.00	0.00	0.00	197.00
HOURLY RATE		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
DIRECT LABOR TOTAL		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
DIRECT EXPENSES											
Alta Planning and Design		\$0.00									
Subconsultant 2-List Name		\$0.00									
Mileage (currently \$.44 per mile)		\$0.00									
Postage		\$0.00									
Printing		\$0.00									
Other		\$0.00									
Other		\$0.00									
TOTAL DIRECT EXPENSES =		\$0.00									

NOTE: This proposal form must be accompanied by: (a) Description of Services; (b) Scope of Work; (c) DBE form; (d) Appendix A-1; (e) Certified Payroll; (f) Insurance Certificates; and (g) Subconsultant Proposal.

	Overhead %	0.00%	\$0.00
	Profit/Fee %	0.00%	\$0.00
	Subtotal =		\$0.00
	Total Direct Expenses =		\$0.00

Total Proposed Cost \$0.00

**Town of Kittery
Planning Board Meeting
January 22, 2015**

Kittery Foreside Committee - Title 16.3.2.15 Mixed Use – Kittery Foreside – MU-KF

Discussion. Planning Board to evaluate the need for Kittery Foreside Committee as referenced in Title 16.3.2.15. for the execution of the design review of new or expanded buildings as required in the Town Code, and determine next steps in addressing the current situation with no active committee.

Background

It has been recently evident that there is no official or active committee that is or has been in recent past performing design reviews for development projects in the Kittery Foreside as required by the Town code, Title 16.3.2.15. Staff has researched the issue and have found the following outlined below:

- 1) May 2, 1995 the Town Council established the Kittery Foreside Committee (see Exhibit A for the charge)
- 2) September 26, 2005 the Town Council voted to disband the Kittery Foreside Committee (KFC) as requested by Ray Smith. (Exhibit B and see Exhibit C for Smith's letter)
- 3) A design review committee appears to have been a subset of members of the KFC (See Council Minutes 8/8/05, Exhibit D, paragraph 6 page 2) but it is not clear when it was established and in what manner it was undertaking design reviews.
- 4) Sometime in 2005 amendments to the Mixed-Use Kittery Foreside Zone was undertaken and finalized with adoption by Town Council on August 8, 2005 (Exhibit D, paragraph 22 page 3)
- 5) At the August 8th Town Council Meeting in 2005 Town Manager Carter expressed an issue around the use of the name Kittery Foreside Committee since the KFC had completed its charge and was planning to disband in the near future. The Manger recommended the reference to the KFC in the Code be qualified with the clause "or its replacement" to remedy the apparent issue. This revision was agreed to as the Council minutes show, however, the revision did not make it to the final Code (Exhibit F)
- 6) At the December 28, 2005 Town Council meeting it was agreed that the Kittery Foreside Design Committee should be set up by the Planning Board since it was advisory to the Board. Along with the appointment of the committee members by the Planning Board it was also agreed that the committee would be established on a trial basis lasting only one year. (Exhibit G)
- 7) At the January 26, 2006 Planning Board meeting, the Kittery Foreside Design Committee was established with a unanimous vote. (Exhibits H and I)
- 8) Staff found nothing in the files regarding a year-end analysis of the committee or any formal reappointment of the committee members.

Staff Comments

Staff did find a draft committee charge from 2006, enclosed for your reference. Also attached are excerpts from the Charter and Town Code, Title 4 and meeting minutes from two past committee meetings.

Staff discussed with the Town Manager the need for the design review committee and what factors might be important to consider. A familiarity of the Foreside that definitely comes with being a Foreside resident or business, is a valuable asset to such a committee, but should not outweigh having members that are professionals with qualifications and a background in architectural history and design.

An alternative to a committee may be contracting with an architectural design firm that is engaged in the same manner that CMA, the town's peer review engineer, is engaged, on a case-by-case scenario.

Board's Action

Staff recommends the Planning Board discuss the matter and provide direction to staff as how they would like to proceed, a code amendment is likely in any event.

5/8/95 This was approved

5/8/95 APPV'D

Charge to Committee

EX. A

May 1, 1995

OBJECTIVE: DEVELOP A PLAN TO REVITALIZE THE KITTERY DOWNTOWN AREA AND OVERSEE ITS IMPLEMENTATION.

1. AREA - Define the geographic area of focus.

The area allocated for local business (LB) on the town zoning map.

2. DEFINE PROBLEM - Define the problem(s) facing the town.

Due mainly to both the downsizing at the Portsmouth Naval Shipyard and the relocation of both the post office and district court, the commercial buildings in this area have been steadily closing businesses and deteriorating. The domino effect is that even some businesses that have been able to survive for years are barely keeping afloat. The block known as Wallingford Square is beginning to look like a ghosttown. There is no draw in this area to bring people into the neighborhood, whether it be local residents or tourists. As the result, property is devaluating and the town is receiving less revenue in property tax dollars from these commercial property owners. Kittery residents bring their out-of-state guests to York or Portsmouth when visiting to show visitors the "sights".

3. STRENGTHS - Identify strengths and opportunities of the downtown area.

Kittery is the "Gateway to Maine", the first town entered when coming into the State of Maine and should reflect the beauty of the state. The town is also the oldest town in the state and has historical importance that should be exploited. The foreshore area is surrounded by water which means there is a great potential to increase the beauty of the area focusing on the aesthetic value of the neighborhood. The Wallingford Square block is "tucked away" but close to major thoroughfares so easily accessible.

4. WEAKNESSES - Identify weaknesses and barriers facing revitalization of the downtown area.

The major problem facing local business is that there is no "draw" to the neighborhood. The fact that this area borders on the State of New Hampshire where there is no state sales tax also deters the local people from shopping here. Another major problem is the lack of parking in this block. Although this is not a present problem, before things "liven up" this will have to be addressed. The downtown block is also an eyesore, much in need of a facelift, to make people want to come and enjoy themselves. It is a blatant physical reflection of the recession and downsizing of the PNSY and is worrisome to many. The local bar is the only "thriving" business and, unfortunately, that, too, is a sign of hard times in an area, not to mention a deterrent for families to visit.

5. VISION STATEMENT - Develop a realistic vision statement for revitalizing the downtown area, including the desired role of the downtown area.

Perhaps we could pick up where Portsmouth left off with an historical trail coming from the Memorial Bridge downtown. This would include a bike path and continue to the town wharf. The town wharf would be more inviting to visitors by providing perhaps a park bench or two, a small picnic area, and even a hot dog or ice cream stand. Small

things along the streets, such as flower beds and hanging pots of flowers from utility poles, would add to the ambiance. Restoration of the buildings would make a huge difference. There should be a park where families could bring their children to swing and sit on a bench and read. Small specialty shops where shoppers could find unique items not found in the Outlet Stores or malls would make a pleasant day for all. The public is not as apt to avoid sales tax for a one-of-a-kind item. Sidewalk craft fairs and community events should be held downtown on a regular basis. An ice cream parlor with sidewalk tables in the summertime would be inviting. Perhaps a farmers market held on Sunday in a bank parking lot where local people could sell their fresh vegetables, flowers and crafts.

There is property on the outside of Gate 1 which is owned by the federal government and is a parking lot which will hold about fifty vehicles that was used for the overflow of parking needed in the PNSY. As the result of downsizing, the shipyard most likely no longer has that need there and this parking lot is suited ideally for downtown parking as well if it could be acquired for use by the town.

6. OVERALL PLAN - Develop an overall plan to address problems and take advantage of opportunities to achieve the stated vision for revitalizing the downtown area.

At this point in time, the first thing the committee must do is research the availability of funding. As the town has not budgeted for downtown revitalization, we must find other areas in the budget where it would be appropriate to request funds. There must be an initial treasury to cover the cost of mailings, telephone and photocopying. As the town has already allocated funds to hire a consultant to update the comprehensive plan, perhaps this can be incorporated to aid the committee by asking that a certain portion of these funds be used to focus on the downtown area. Estimates need to be presented to foundations such as The Community Development Block Grant or the Southern Maine Regional Planning Commission in order to procure grant money. Environmental or Conservation agencies may provide grant money for town parks, bikeways or sidewalks, while there is also federal money available for areas suffering from military downsizing. In order to entice small business in the area, there must be some indication that changes are being made to enhance the surroundings. Is the town willing to purchase land for a town parking lot or purchase sidewalk trash receptacles? A survey must be made to better understand the wishes of the town residents, particularly those who live in the foreshore area. It is important that the people in the town are supportive of any changes before grant money is requested so that things can move along at a steady pace and all deadlines can be met without interference. Where is the best place to put a parking lot? Where is the best place to build a park? The town is presently working on the present zoning regulations and are working toward a change in these policies to better fit in and meet the needs of this neighborhood. The zoning as it stands makes it difficult for new business to come into the area.

7. ACTION STEPS - Identify and prioritize recommended actions to make progress towards the desired vision for the downtown area.

1. Using the news media, ask the residents of the town to write and voice their concerns regarding revitalization. Solicit criticism now, as well as positive input, to avoid

problems later. After perusal of response, hold a public meeting where all residents and property owners are welcome to come and voice their concerns. This will also be a good opportunity for volunteers to be recruited. Iron out the rough spots before going forward writing for grants.

2. Compile a list of local people who are interested in this project and want to become involved. Keep them all up to date on progress so that the momentum continues by regular mailings. These people will be a great resource when volunteers are needed for fundraising later on. Also tap into the expertise of the people in the community, such as historians, conservationists, town planners, attorneys, garden club members, etc. Keep notes of concerns and suggestions for use throughout project.

3. Assign designated tasks to individuals in the committee to research and speak to foundations to find out the requirements for obtaining funds. The local library is a good resource of information on how to write a grant to a foundation and obtain lists of federal money available (i.e. author Laurie Blum). There are foundations out there that have not been discussed or the town may not be aware of.

a. Locate a source for funds to obtain sidewalks or bikeways.
b. Locate a possible site and source for funds to build a park.
c. Research the parking problem and talk to property owners who may have property suitable for parking. Communicate with town manager and ascertain what the town's stand is on obtaining town parking.

d. Draw a plan for the rehabilitation of the town wharf to revamp area to appeal to the public.

e. Speak to local commercial property owners regarding the appearance of their buildings.

4. Request initial funding from the Town Council to cover costs of telephone, postage and photocopying.

5. Approach the garden club and find out if there is an interest in that group to plant and upkeep flowers in the foreshore area.

6. Assign someone on the committee the task of researching the possibility of the town acquiring the federal parking lot from the government. Perhaps it could be leased or perhaps there is a federal agency that deals with funding from military downsizing.

8. IMPLEMENTATION PROCESS - Recommend a process for implementing the recommendations in the plan, including recommended funding sources.

Using the information compiled above after thorough research, begin by writing for grants to the various foundations that are the most likely to fund a program such as this. Keep the community interested and enthusiastic by holding local fundraisers. A good time to begin this process would be during the commissioning of the U.S. Maine this coming July. There will be a lot of activity in the Wallingford Square area and the town wharf should be used to bring awareness to the town people that this is their wharf. A lot of people will be in the area for this event and it is the perfect opportunity for publicity and awareness to the community. The biggest resource we have are the people of the town so let's get them involved.

*The City
Approved
5/8/95*

Kittery Foreside Committee

Kittery Town Hall
P. O. Box 808
Kittery, Maine 03904

May 3, 1995

Mr. Philip McCarthy,
Town Manager
Kittery Town Hall
Kittery, ME 03904

Re: Downtown Revitalization

Dear Mr. McCarthy:

At the last meeting of the Kittery Foreside Committee it was felt that we will need help from the town for start-up costs to go forward with the research and implementation of the revitalization plans.

We are requesting that the Town Council approve the sum of \$500 to be put into an account for the committee to cover costs of postage, telephone, copies and other miscellaneous supplies.

On behalf of the committee, I would appreciate it if you would present this request to the Town Council for approval at the next meeting. Thank you for your anticipated cooperation in this regard.

Sincerely yours,


Ann M. Betts, Co-Chairperson

Town Manager Carter said he treated it as a housekeeping issue; it didn't matter, it saved them from setting up another account. Chairperson Grinnell suggested that this item be postponed indefinitely.

COUNCILOR DENNETT MOVED THAT THE MOTION TO TRANSFER UP TO \$25,000 FROM UNENCUMBERED SURPLUS INTO AN INSURANCE DEDUCTIBLE ACCOUNT BE POSTPONED INDEFINITELY, SECONDED BY COUNCILOR BALANO. ROLL CALL VOTE TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

d. *OTHER*

Chairperson Grinnell said she had one item. A resident called her and said they wanted to thank the Town for the cleaning up the property at Brave Boat Road and Chairperson Grinnell asked if someone knew who had done that. Chief Strong said that was accomplished through a code enforcement matter with the Police Department and Chairperson Grinnell thanked him.

10. NEW BUSINESS

a. (090205-2) *THE KITTERY TOWN COUNCIL MOVES TO APPROVE THE DISBURSEMENT WARRANTS.*

Chairperson Grinnell said she had the warrants before her and that Councilor Dennett had told her the warrants were okay. Councilor Dennett said the Town is okay. Chairperson Grinnell asked about the School warrant. Councilor Heilshorn said the school one would be all right tomorrow. Chairperson Grinnell said thank you.

CHAIRPERSON GRINNELL MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR HEILSHORN.

Councilor Balano asked if they could get a clarification on the school warrant and Councilor Heilshorn said it was just a discrepancy between a receipt and the amount on the record. Councilor Balano asked if what they were approving was the correct amount? Councilor Heilshorn said they were verifying the amount tomorrow and it should be the right amount. Councilor Balano asked how they could correct it if they approved it, did they have to wait until the next meeting? Councilor Heilshorn said if there was a discrepancy, it could be added.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

* → b. (090205-3) *THE KITTERY TOWN COUNCIL MOVES TO DISBAND THE FORESIDE COMMITTEE.*

Chairperson Grinnell said they received a letter from the Foreside Committee. She said that they had done their job admirably and they would like us to close out the Committee.

CHAIRPERSON GRINNELL MOVED TO DISBAND THE FORESIDE COMMITTEE, SECONDED BY COUNCILOR BALANO. ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

Chairperson Grinnell said she would like to thank everyone on the Foreside Committee for all the work that had been done since February of 1995.

c. (090205-4) *THE KITTELY TOWN COUNCIL MOVES TO APPOINT STEPHEN F. HALL TO THE CONSERVATION COMMISSION AS AN ASSOCIATE MEMBER UNTIL 8/26/08 (replacing Janet Gourley, who did not re-apply).*

Councilor Balano said he interviewed Stephen Hall and thought he was an excellent addition and he highly recommended his appointment.

COUNCILOR BALANO MOVED TO APPOINT STEPHEN F. HALL TO THE CONSERVATION COMMISSION AS AN ASSOCIATE MEMBER UNTIL 8/26/08 (REPLACING JANET GOURLEY, WHO DID NOT RE-APPLY), SECONDED BY CHAIRPERSON GRINNELL. ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

d. (090205-5) *THE KITTELY TOWN COUNCIL MOVES TO RECEIVE AN UPDATE ON THE KITTELY KOREAN VIETNAM VETERANS MONUMENT WITH PLACEMENT ON THE 27 FOOT TRIANGULAR PIECE OF LAND IN FRONT OF THE HISTORICAL AND NAVAL MUSEUM AT THE KITTELY MUNICIPAL COMPLEX.*

Town Manager Carter said that in the Council's packet was the update by the Co-Chair of the Historical Naval Society as well as a diagram of the monument and the location in which it would be placed, which was in front of the Naval Museum here. The Manager said it was a project that has taken some time but Mr. Longcrier had assured him that the project team was moving forward and we should be seeing something in late fall over there, with some assistance from our Highway Department. Town Manager Carter said that Mr. Longcrier had asked for release of the \$200.00 the Council gave him several years ago and that he was in the process of doing that, and Mr. Longcrier wanted to thank the Council for their patience and they should have some sort of ceremony in the not too distant future. Chairperson Grinnell said their agenda said we had to move to receive the update. Town Manager Carter said, I guess if you liked what you've heard.

CHAIRPERSON GRINNELL MOVED TO RECEIVE THE UPDATE ON THE KITTELY KOREAN VIETNAM VETERANS MONUMENT, SECONDED BY COUNCILOR BALANO. ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

e. (090205-6) *THE KITTELY TOWN COUNCIL MOVES TO SCHEDULE A PUBLIC HEARING FOR OCTOBER 12 TO AMEND CHAPTER 2.24 PERSONNEL CLASSIFICATION PLAN, SEC. 2.24.250 BOOKKEEPER, 2.24.040 DEPUTY TREASURER AND TO ADD SECTION 2.24.035, ASSISTANT TOWN CLERK.*

Town Manager Carter told the Chair that besides the notes being a little skewed, basically what was being presented was following through on their budget process and the changes that were being made were in the finance office where the bookkeeper and accountant would now be reporting to the Deputy Treasurer. The bookkeeper job would be changed so that she would report to the Deputy Treasurer and the Deputy Treasurer's job description was changed, again, by one sentence that allowed for her to be the supervisor of the accountant and the bookkeeper. The new position that was introduced was Assistant Town Clerk, which would be a person who

copied Jim Noel, Maryann Blace + for 9/2
packets (TR) **Kittery Foreside Committee**

P.O. Box 808, Kittery, ME 03904

RECEIVED
EX. C
SEP 13 2005

To: Kittery Town Council

Subject: Completion of the charges to the Kittery Foreside Committee set in 1995

TOWN OF KITTERY

Date: September 12, 2005

Town Manager Jonathan Carter and Kittery Town Council Members:

The present members of the Kittery Foreside Committee consider that the charges assigned to this Committee in February, 1995, by the Kittery Town Council are now completed to such extent that this ad hoc committee can be closed out or reassigned. As has been suggested to the Town Planning Board, some members may volunteer to form the Design Review team as specified in the Kittery Foreside ordinance change of 2005.

Attached is a brief summary of the accomplishments to match the eight charges assigned to the original committee which was chaired by Ann Betts and Bill Campion. The key accomplishments, as we see them, are as follows:

- (a) the establishment of a district zoning ordinance to ensure the Comprehensive Plan for the downtown;
- (b) the improvement of the state park and monument at the 'gateway' of the town and the state; and
- (c) major streetscape improvements to Wallingford Square which have created a revitalized interest in both business and residential properties in the district.

Thanks need to go to the many past members of the Foreside Committee (notably MaryFrancis Turner-Harrington and the late Conrad Quimby) but also especially these present members: charter members Janet Gourley and Frank Clark, long-time members Dudley Bierau and Ray Smith, and members Ned Savoie (Associate Member), Bruce Herron, and Jill Belilah.

Sincerely,

Ray Smith
Ray Smith, for the Committee

all Ray ^{closed}
need 3 9/12/05
members
on Design
Review
comm

Town of Kittery

CHARGE TO THE KITTERY FORESIDE COMMITTEE

Original Date: February, 1995 (approximately)

OBJECTIVE: DEVELOP A PLAN TO REVITALIZE THE KITTERY DOWNTOWN AREA AND OVERSEE ITS IMPLEMENTATION

ORIGINAL CHARGE	ACCOMPLISHMENT
1. AREA – Define the geographic area of focus.	Defined for Foreside Committee area as Badger’s island to Newmarch St. and Route 1 to Love Lane to the Back Bay Channel and the Piscataqua River.
2. DEFINE PROBLEM – Define the problem(s) facing downtown.	Defined as 5 areas of concern in grant application to Quality Main Streets: Rezoning, Market/ Inventory, Site Improvement, Transportation, and Traffic Flow.
3. STRENGTHS – Identify strengths and opportunities of the downtown area.	Kittery Outlet Malls and Portsmouth downtown are both nearby sources of traffic; area has historic character; small state park could be an attraction.
4. WEAKNESSES - Identify weaknesses and barriers facing revitalization of the downtown area.	Recent (early 1990s) loss of 6,000 workers at PNSY and (1989) loss of 5,000 workers at nearby Pease Air Force Base; moving of Town Hall two decades ago, Post Office about one decade ago, and County Court House about 8 years ago. Brief study showed 60% loss in value for business properties.
5. VISION STATEMENT – Develop a realistic vision statement for revitalizing the downtown area, including the desired role of the downtown area, (i.e., neighborhood center serving Kittery residents, PNSY support service center, specialty shops linked to downtown Portsmouth, center for small-scale, local employment ventures, residential neighborhood, tourism focus, etc....).	Introduced October, 1995: “To revitalize downtown Kittery Foreside by stimulating activity, awareness and pride, and promoting economic development, while respecting its residential and historic character.”
6. OVERALL PLAN – Develop an overall plan to address problems and take advantage of opportunities to achieve the stated vision for revitalizing the downtown area. In developing the plan specifically consider strategies designed to leverage private investment in the downtown area as contained in zoning regulations, traffic ordinances and other town ordinances as well as public services and public infrastructure investments.	“Revitalization Strategy For The Kittery Foreside District” by Stafford Consulting Group, Ltd. (Portsmouth, NH) and Sasaki Associates, Inc. (Watertown, MA) of June, 1997, thru a Community Development Block Grant (\$20,000). Each implementation step (see below) resulted in private investment in both businesses and residences. Residential usage has remained high and business storefronts have been filled for five years.
7. ACTION STEPS – Identify and prioritize recommended actions to make progress toward the desired vision for the downtown area.	Above strategy contained 21 recommendations in five areas: Economic, Traffic and Parking, Regulatory (Zoning), Design, and Other (Organization).
8. IMPLEMENTATION PROCESS – Recommend a process for implementing the recommendations in the plan, including recommended funding sources.	Implementation was based on the 1997 urban planners strategy: Regulatory —a new zoning ordinance was passed in 1997, further revised 2005 to recognize the urban/village neighborhood; Traffic and Parking —the Rice Library parking lot was leased in 1998, and study showed parking ordinance could be eased up; Economic —a micro-loan program was established in 1997, businesses were helped with zoning problems and appeals in 1997, 1998; Design —park was improved with planting in 1997 & again 2005, a new sign in 1998 & \$43,000 restoration of monument in 1998; ‘centerpiece’ streetscape and sidewalks at Sugrue Block in 1999; more capital outlay in 2000, 01, & 02 followed by sidewalks & trees in 2001, 02, 03 & 05 completing most of the ‘Foreside Shopping Loop’.

EX. D

8. PUBLIC HEARINGS

A. (080105-1) THE KITTERY TOWN COUNCIL MOVES TO HOLD A JOINT PUBLIC HEARING WITH THE PLANNING BOARD TO RECEIVE COMMENTS CONCERNING AMENDMENTS TO THE KITTERY FORESIDE DISTRICT OF THE LAND USE AND DEVELOPMENT CODE.

1 Russell White, Chairman of the Planning Board, opened the Board's public hearing, asking that the five members present be noted: Scott Mangiafico, Megan Kline, Janet Gagner, Doug Muir and Chairman White. Chairperson Grinnell opened the public hearing for the Council. She said she and other Councilors have received numerous telephone calls about the timing of this. Chairperson Grinnell said if the Council passes these amendments tonight, it will take 30 days until the ordinance goes into effect, which will be September 8th. She said the building moratorium that's currently in effect will end on August 18th. Chairperson Grinnell said that leaves a window where there's no moratorium and the old ordinance will still be in effect. She said there's a 99.9% chance that a plan could not get to the Planning Board and be considered complete within that window. Chairperson Grinnell said the ordinance under which an application is reviewed is the one in effect on the day an application is considered complete. She said that means an application would have to be submitted, go through all the steps and get to the Planning Board before September 8th in order to be reviewed under the existing ordinance. Chairperson Grinnell said the likelihood of that happening is very slight. She said she just wanted to clarify this situation ahead of time, since a lot of calls have been received on the timing.

2 Councilor Brock asked Mr. White for his opinion on the likelihood of any development making it through the process to a point of being deemed complete and subject to the existing ordinance, as opposed to an application going through the process and being deemed complete after the enactment date. Mr. White said there's one Planning Board meeting after August 18th, which is on August 25th. He said a plan involving development in the Foreside would have to be found to be a complete application by the Board in order for it to be scheduled. Mr. White said he doesn't think the agenda for the August 25th meeting is complete yet, but the Board hasn't seen any sketch plans, so he thought it's unlikely that there's going to be any plans submitted at that meeting or that the Board would find any plan to be complete as submitted. He said their following meeting on September 13th will be after the enactment date, so it's really just that one meeting.

3 Councilor Brock said the moratorium is set to expire in a few days. He said the amendments to the Foreside District are further along in the pipeline than other districts. Councilor Brock said if the moratorium expires, then development in other zones where the ordinances haven't been updated will be done in accordance with the existing ordinances, which haven't been brought into compliance with the Comprehensive Plan. He said he's concerned that there will be a gap between the time the moratorium expires and all the ordinances being brought into conformity with the Comprehensive Plan, as required by State law. Councilor Brock asked Mr. White what his perspective is of the likelihood of development going through under the old ordinances and what that will do to orderly growth in the town. Mr. White said if there's a gap, he hopes that it's no more than two to three months, but that's not a sure thing. He said it's hard for him to give an opinion on the appropriateness of extending the moratorium. Mr. White said there are primary concerns of people's rights to use their land and economic development. He said the Planning Board has been aware of those issues all along. Mr. White said the moratorium was put in place reluctantly and extended somewhat reluctantly. He said there's a potential negative impact, but development occurs over many years and these new ordinances will be in place for years. Mr. White said it's possible that a project may come through that complies with the existing ordinances that are out of date, and there's also the question of those ordinances not being consistent with the Comprehensive Plan, so if someone doesn't like what the Board approves, they could complain to a higher authority.

4 Chairperson Grinnell asked for comments from the public. Sarah Brown of 22 Main Street said she hopes the Council has received two letters with 50 signatures of residents in the Foreside. She said a concern is that she has only heard talk about one focus group going through the long process to get that building permit. Ms. Brown said there are a lot of smaller lot sizes that don't have to go to the Planning Board for approval. She said a 5,000 square foot lot would now allow two units but only one unit would be allowed if the proposed amendment is passed. Ms. Brown said she doesn't think that kind of development would have to go before the Planning Board; just to the CEO for a building permit. She said unless a developer is asking for something that requires Zoning Board approval, a person proposing to put two units on a 5,000 square foot lot could get a permit on the same day. Ms. Brown asked what triggers a project to have to go before the Planning Board. Mr. White said the moratorium already exempts one and two family housing development, so it wouldn't change the current situation. Ms. Brown asked if a proposal to put two units on a 5,000 square foot lot could get a building permit without going to the Planning Board. Mr. White said a building permit could be issued, or the Planning Department could say the project creates an impact and needs to be engineered before a permit is issued, or that what's proposed triggers Planning Board review. He said those are discretionary within the Planning Department, so there's no perfect assurance.

5 Ms. Brown said that brings her back to her concern about the lapse of time. She said bigger projects, like the condominium development at the corner of Main and Walker Streets, which was the impetus to change the number of dwelling units per square footage in the Foreside, couldn't make it under the old ordinance, but she's concerned about the smaller projects. Ms. Brown said there are some properties that are now cleared and have bulldozers waiting. She said there was a consensus at the meeting with the Planning Board that two units per 5,000 square feet and a minimum square footage of 2,500 square feet

is a small piece of land for a dwelling unit, and that it's not good development for the Foreside. Ms. Brown said if it has been decided as a group that it's not a good practice, no lots should be allowed to take advantage of the old rules. She said if there's no way to keep that from happening, the amendment should be passed as an emergency ordinance. Ms. Brown said if the idea is that these new ordinances have to be passed to be good for the Foreside, they should be enacted now so they are good today instead of taking chances. She asked if there is another option of having the CEO agree not to expedite any applications in the Foreside if the new ordinance wording is passed tonight, because of the new ordinance coming in, and that people need to wait until September 8th to get a building permit. Chairperson Grinnell said those questions will be addressed after the public hearing.

The Manager said he's had the opportunity to meet with the Chair of the Kittery Foreside Committee (KFC) and has been told that the Committee's work is about done. He said that Committee has been working on the Foreside for about 10 years and they're hoping to disband in the near future. The Manager said the ordinance before the Council tonight has the Foreside Committee as the design review committee. He said the Foreside Committee isn't opposed to doing that, with some makeup of its members being on the design review committee, but they don't think the entire KFC would be intact. The Manager proposed, if this is not a substantial change, to add "or its replacement" after "KFC" in the proposed wording on page 7. Chairperson Grinnell said if the KFC wants to disband, the Council could just appoint other people to the committee. The Manager said if that's done, the charge of the KFC would probably have to be changed.

Ray Smith, Chair of the KFC, agreed that the original charge for the KFC is not the same as what's being proposed for the design review committee. He said it's up to the Council, but the KFC plans to request that since it feels that the eight requirements that it was charged with 10 years ago have been completed, that it be allowed to disband or cease to exist as the Committee is now, and hopefully be reborn with a new charge as described in the proposed ordinance. Mr. Smith said the KFC just wants to go through the correct legal steps to end its current charge and begin again.

There being no further comments, Mr. White and Chairperson Grinnell closed their public hearings. Mr. White asked the Planning Board members for comments on the July 13th revision and the suggestions that have been made tonight. The consensus of the Planning Board members present was that they are supportive of adding the language proposed by the Manager. Mr. White said there is a quorum of the Board present and they have previously discussed the proposed ordinance revision and are in support of it, with the change suggested by the Manager.

COUNCILOR BALANO MOVED TO APPROVE THE ORDINANCE MARKED "Revised July 13, 2005" AS PRESENTED, SECONDED BY COUNCILOR GUY.

Councilor Shwaery asked why page 2, Section C, Special Exceptions, was changed from "Research laboratories" to "Research and development". Mr. White said that was done to be consistent with a new definition that has been added.

Councilor Dennett said this proposal recommends expansion of the Foreside District to the railroad tracks that curve down by St. Raphael's Church. He asked if there's a rationale for that. Mr. White said his recollection is that the uses in that area are consistent with the Foreside zoning. Councilor Dennett said the larger question is that the Comprehensive Plan discourages lot line zoning and highly recommends straight line zoning. He said the curve of the railroad tracks is not straight line zoning but is as good a delineating boundary as can be used. Councilor Dennett asked if doing this will get the Town into trouble with the Comprehensive Plan. Mr. White said the Board tried to follow the straight line rule wherever possible and he thought deviation is allowed where doing that didn't make sense. Mr. Mangiafico said the Town uses the middle of a roadway all the time as a zoning boundary. Councilor Dennett said that may be, but the railroad track isn't a public way.

Councilor Dennett said a change has come forward in the dimensional standards regarding front yard setbacks. He said the previous revision was that there would be a front yard setback of zero feet on Government and Walker Streets east of Jones Avenue. Councilor Dennett said that has been changed, with Walker Street being taken out, so it's now only along Government Street, east of Jones Avenue that has a zero setback and Walker Street has a 10' setback. He asked why that was changed. Mr. White said that was as a result of a site walk and looking at the existing pattern of development. He said it was thought that extending the zero setback around the corner and up Walker Street would adversely impact that area. Councilor Dennett said the inclusion of lot 107 seems to smack of an isolated lot being set aside, or spot zoning. Mr. White said the Board wanted to include the corner lot because it has significant frontage on Government Street. Councilor Dennett said lot 107, which is the Bank of America parking lot, has no frontage on Government Street. He said there will be one lot with no setbacks and every lot around it will have a 10' setback. Mr. White said the entire street has existing zero front setbacks. Councilor Dennett said the proposal is for zero front setback along Government Street east of Jones Avenue, including lot 107. He said the Segrue Block, the Cook Block, Chuggers and the Masonic Building aren't on Government Street; those are in Wallingford Square. Councilor Dennett said Government Street stops at Knight Avenue, which is where the old post office was located. Mr. White said the intent is to bring the zero setback requirement up to the corner.

Councilor Dennett said Page 3, paragraph 4, Design Standards, doesn't apply to the replacement of a building destroyed by accidental or natural causes. He said that's a pretty nebulous term, as a building can be fully or partially destroyed. Councilor Dennett suggested that it be reworded to read, "does not apply to replacement of a building partially damaged or completely

13 destroyed". Mr. Muir said the issue is with a building having trivial damage and the owner wants to replace it without design review. Councilor Dennett said the only control is that it has to be on the same footprint and that any expansion can't be more than 30%. The Manager thought the CEO would be responsible to make this decision. He said if an owner isn't happy with the decision, that can be appealed.

14 Councilor Brock said the concern he is hearing from Councilor Dennett sounds legitimate. He asked if it's the Board's intent that trivial damage would bring it within this exception. Councilor Brock said he reads this as meaning that it had to be destroyed, but he's now hearing that there could be 1% damage to the building and still fall within the exception. He said that seems to be a radical departure from the intent. Ms. Kline said the design review doesn't kick in unless that 30% figure is exceeded. Mr. Muir suggested replacing Councilor Dennett's suggested wording of "partially" with "significantly".

15 COUNCILOR DENNETT MOVED TO AMEND THE MOTION AS FOLLOWS: PAGE 2, IN THE THIRD LINE FROM THE BOTTOM, DELETE "shall" AND INSERT "may"; PAGE 3, IN PARAGRAPH 4, "Design Standards", CHANGE THE SEVENTH LINE DOWN TO READ, "does not apply to the replacement of a building significantly damaged or completely destroyed"; PAGE 7, PARAGRAPH G, "Design Review", CHANGE THE EIGHTH AND NINTH LINES DOWN TO READ, "(KFC). This requirement does not apply to the replacement of a building significantly damaged or completely destroyed by accidental or natural causes"; AND IN ALL PLACES WHERE PARAGRAPH G. READS "Kittery Foreside Committee" OR "KFC", ADD "or a successor organization", SECONDED BY COUNCILOR BALANO. ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR.

16 Councilor Dennett said he sees the wording under the Standards on Page 2 to be spot zoning. Mr. Mangiafico said the Board's intent was to include Wentworth Street, and lot 107 is on the corner of Wentworth and Walker Streets. Councilor Dennett noted that the Grange Hall would be nonconforming if this setback isn't up to Jones Avenue. Mr. White asked if any Planning Board members felt that should be changed to include the Grange Hall. Mr. Muir thought that would be a substantial change. The Board agreed.

17 COUNCILOR DENNETT MOVED TO AMEND THE MOTION AS FOLLOWS: PAGE 2, PARAGRAPH E, "Standards", "Minimum front yard." TO STRIKE "along Government Street east of Jones Avenue including lot 107 at the corner of Government Street and Walker Streets 0 feet" and replace it with "on Government and Walker Streets east of Jones Avenue including Wallingford Square 0 feet", SECONDED BY COUNCILOR SHWAERY. ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR.

18 Chairperson Grinnell asked for discussion on the main motion as amended. Councilor Dennett said Page 4, paragraph g, Utilities, states that utilities serving a new building must be placed underground from the access pole. He said this was brought up in a letter sent to the Council about burying all utilities underground, regardless of the situation. Councilor Dennett said the person who wrote the letter thought it was a good idea but it's expensive if the pole is on the other side of the street, and the Commissioner of Public Works isn't happy with digging up the street if it's just recently been paved.

19 COUNCILOR DENNETT MOVED TO AMEND THE MOTION AS FOLLOWS: ON PAGE 4, PARAGRAPH g, "Utilities", TAKE OUT THE "." AFTER "pole" AND ADD "if the pole is on the same side of the street.", SECONDED BY COUNCILOR GUY.

20 Councilor Brock said new development puts these lines underground for reasons of aesthetics, safety and durability. He said he hasn't heard a sufficient reason to vary that, unless the Planning Board feels this would be an appropriate change. Mr. White thought someone could request a waiver from putting the utilities underground. He said if a road was recently paved, it can't be dug up against within a certain amount of time. Mr. White said there may also be hardship or other reasons to request a waiver. He said on the other hand, if you have an expectation, it's more likely to get the desired result. Mr. White said just mandating this for the side of the street that the pole is on will provide less of the desired result. Councilor Brock said that means the language could remain and the issue could be addressed on a case by case situation. Councilor Dennett said no one knows where the utilities are in the Foreside District, unless they were put in recently, and there could also be horrendous problems with digging because of all the ledge. He asked who would approve any waiver requested. Mr. Mangiafico said if it's a project before the Planning Board, it will be a waiver to the ordinance requirement and if it's before the CEO for review, it could be as a miscellaneous appeal to the Zoning Board of Appeals.

21 ROLL CALL VOTE WAS TAKEN ON THE AMENDMENT WITH FOUR IN FAVOR, WITH COUNCILORS HEILSHORN, BROCK AND CHAIRPERSON GRINNELL IN OPPOSITION. AMENDMENT PASSES 4/3.

22 ROLL CALL VOTE WAS TAKEN ON THE MAIN MOTION AS AMENDED WITH ALL IN FAVOR.

23 Chairperson Grinnell said she would like to discuss the concern brought up by Ms. Brown about applications submitted after August 18th and before September 8th that don't have to go to the Planning Board and would only need to be approved by the CEO in order to get a building permit. Mr. White said he doesn't have an answer to that. He said there may be lots that are cleared and ready to go and if there's a plan to put four condominiums on a 10,000 square foot lot and the Planning Department decides to issue a permit for that type of project with that type of impact, it won't necessarily come before the Planning Board. Mr. White said it would appear to him that it should come before the Board, but he doesn't make those

23 decisions. Councilor Brock asked if that would be up to the discretion of the CEO or the Planner. Mr. White thought it's done as a consultation between the Code Enforcement and Planning Departments. Councilor Brock asked what those Departments would be looking for. Mr. White said they would be looking to see if the project results in a substantial change in use or intensification of use. He said he can't say that the Planning Board has always agreed with how that language is interpreted, but he hopes that in view of the new ordinance, if an existing single family home is proposed to be replaced by four dwelling units, that it would be considered an intensification of use, even though it's a permitted activity. Councilor Brock asked if it's appropriate to consider a new ordinance that has been enacted. Mr. White said he would act conservatively in those situations. He said you have to have one eye on what the ordinance allows and the other on what you're permitted to do.

24 The Manager said there's also an appeal process, so if an abutter isn't happy with a permit that's been granted by the CEO, an appeal can be made to the Zoning Board of Appeals. Chairperson Grinnell said abutters aren't notified when someone receives a building permit. Ms. Brown said there also have to be grounds to appeal. The Manager thought everyone will know who takes out a permit for the next few weeks.

25 Chairperson Grinnell said if someone goes to the Planning Department on August 20th and wants to develop property under the old ordinance, can the Planner and the CEO use their discretion, knowing that this ordinance has been passed. The Manager said the Planner and CEO have the discretion to send something to technical review and to take the full period of time to issue the permit. He said it's rare to issue a permit on the same day someone applies for it. The Manager thought the CEO and the Planner will be very careful in what they're doing.

26 Councilor Shwaery said he's comfortable with the Planning Department and the CEO doing this, and he suspects that they will act conservatively, but he's uncomfortable with them enforcing ordinances that haven't been enacted yet. He said the Council can't tell these Departments not to do anything or not act in a manner that they wouldn't have anyway. Councilor Shwaery said one and two family units haven't been prohibited during the moratorium. He thought the Code Enforcement and Planning Departments will be conservative and recommend it to the Planning Board for review criteria if necessary.

27 Councilor Brock agreed that the Planner and CEO should conduct their business the way they normally would and that they can't impose additional requirements that they wouldn't otherwise have done. He said he's hearing that it's consistent with their practice to use discretion in such circumstances and that this would be a factor to do that. Councilor Brock didn't think an abutter could do anything about a building permit being issued. He thought there are issues of standing and having a proper legal process in order to make a challenge.

B. (080105-2) THE KITTERY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING REGARDING PLACING A REFERENDUM QUESTION ON THE NOVEMBER 8, 2005 ELECTION BALLOT FOR THE ISSUANCE OF BONDS IN AN AMOUNT NOT TO EXCEED \$2.66 MILLION FOR THE PURPOSE OF CONSTRUCTING AND UPGRADING NEW FIRE STATIONS FOR KITTERY AND KITTERY POINT, IN ACCORDANCE WITH SEC. 6.07 OF THE TOWN CHARTER.

Fire Chief Dave O'Brien thanked the firefighters who are here tonight in force. He said they do a great job for this community at a low cost. Chief O'Brien said the Town currently has two fire stations: on Walker Street and in Kittery Point. He said this proposal doesn't increase the number of fire stations. Chief O'Brien said this is to replace the Walker Street station with a new one on Gorges Road and demolish the Kittery Point station and rebuild a new one in that same location. He said AMR Ambulance has expressed a strong interest in the Walker Street building.

Revised
August 9, 2005
Revised July 13, 2005

Proposed Amendments to the Kittery Foreside District

Proposed additions are underlined;
~~proposed deletions are struck through.~~

1. Amend Section 16.12.150 Kittery Foreside-KF to read as follows:

16.12.150 Kittery Foreside-KF

The Kittery Foreside district ~~is defined as encompassing~~ generally the area between Route 1 (south) (Newmarch Street) on the west, one lot depth on Newmarch Street, except at the corner of Government Street, where it extends to Stimson Street, and except for the existing commercial zone (slightly reduced by the residential lots west of Priscilla Terrace); the railroad ~~and Central Street~~ to the north extended over to the Piscataqua River; and the Piscataqua River forming the east and southern boundaries. For the exact boundaries of the district, refer to the Zoning Map of the Town of Kittery, the Official Shoreland Zoning Map, and 16.12.030 of the Land Use and Development Code.

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

B. Permitted Uses.

1. Dwelling units in single-family, duplex, and multi-family configurations and units in a mixed-use building up to twelve (12) dwelling units per lot, but excluding mobile homes;
2. Public open space recreational uses;
3. School (including ~~day~~ nursery school), hospital, nursing, convalescent home, municipal or state building or use, church; ~~or~~ any other institution of educational, religious, philanthropic, fraternal, political or social nature; ~~which is not used for residential occupancy;~~
4. Accessory uses including home occupation and church rectory;

5. Retail business and service establishments excluding those where the principal activity entails outdoor sales and/or storage;
6. Business and professional offices, including financial institutions;
7. Shuttle service and ride sharing facilities;
8. Restaurant, coffee shop, bakery, cafes and similar food service operations but excluding drive-in facilities;
9. Art studio ~~or gallery~~;
10. Grocery store, food store;
11. Personal and/or business service;
12. Inn;
13. Commercial or private parking lots;
14. Marinas;
15. Commercial boating and fishing uses and facilities, provided only incidental cleaning and cooking of seafood occur at the site;
16. Place of assembly, including theater;
17. Temporary, intra-family dwelling unit.

C. **Special Exceptions.**

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

D. **Prohibited Uses**

Any use not listed as a permitted use or a special exception is prohibited in the district.

E.D. **Standards.**

1. The design and performance standards of Chapter 16.32 must ~~shall~~ be observed except where specifically altered in this subsection.
2. **Dimensional Standards.** The following space standards ~~shall~~ apply:

Minimum land area per dwelling unit ~~2,500~~ 5,000 square feet

Minimum lot size _____ 5,000 square feet

Minimum street frontage _____ 0 feet

Minimum front yard:

~~along Government or Walker Streets east of Jones Avenue including lot 107 at the corner of Government and Walker Streets on Government and Walker Streets east of Jones Avenue including Wallingford Square~~
0 feet

along other streets _____ 10 feet

Minimum rear and side yards _____ 10 feet

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

Maximum building height _____ 40 feet except that for buildings that are located on lots that abut tidal waters, the highest point on the primary structure of the

building including the roof, but excluding chimneys, towers, cupolas, and similar appurtenances that have no floor area, shall may be not more than thirty-five (35) feet above the average grade between the highest and lowest elevations of the original ground level adjacent to the building.

Minimum setback from water bodies and wetlands:

water-dependent uses _____ 0 feet

all other uses (including buildings and

parking as modified by the terms of

subsection (E) ~~subsection (E)~~ of this section _____

75 feet

Maximum building coverage _____ 60 percent

Minimum open space on the site _____ 40 percent

3. **Maximum Building Footprint.** The maximum area of the building footprint of any new building is one thousand five hundred (1,500) square feet unless the building is replacing a larger building that existed on the lot as of April 1, 2005. If the footprint of the pre-existing building was larger than one thousand five hundred (1,500) square feet, the maximum size of the footprint of the new building may be no larger than the footprint of the pre-existing building. If the footprint of the new building is larger than one thousand five hundred (1,500) square feet, the width of the new building as measured parallel to the front lot line may not be greater than the width of the pre-existing building.

4. **Design Standards.** Any new building, or additions or modifications to an existing building that: 1) cumulatively increase the building footprint or building volume by more than thirty (30) percent after April 1, 2005, or 2) is subject to shoreland zoning as set forth in 16.32.490.C., must conform to the following standards. This requirement shall does not apply to the replacement of a building significantly damaged or completely destroyed destroyed by accidental or natural causes after April 1, 2005 that is rebuilt within the pre-existing building footprint and that does not increase the pre-existing building volume by more than thirty (30) percent.

a. Placement and orientation of buildings within a lot. The placement of buildings on the lot must acknowledge the uniqueness of the site, the neighboring buildings, and the natural setting. Existing views and vistas must be preserved in the design of the site and buildings, and buildings must be placed to frame, rather than block, vistas. Buildings and the front elevation must be oriented facing the street on which the building is located. The siting of buildings on corner lots must consider the placement of buildings on both streets.

b. Overall massing of buildings. The overall massing objective is to stimulate a concentrated use of space in the Foreside while avoiding the use of large, multi-unit buildings. In the interest of this objective, building

footprints must conform to the maximums set forth above. Larger parcels may be developed but will require the use of multiple buildings with smaller footprints. The smaller scale of the buildings will allow new projects to fit in with the existing architectural styles of the Foreside.

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

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

e. Roof slopes and shapes. Allowable roof shapes include a simple gable, gambrel, saltbox and hip. The minimum roof pitch must be 8/12 (rise over run) except in the case of a hip roof where a lesser pitch is acceptable. The roof pitch of elements that link buildings or portions of buildings must be the same or greater than the pitch of the roofs on the buildings that are being linked. Flat or nearly flat shed roofs are not allowed except for porches, dormers, or attachments distinct from the primary structure or where systems are concealed by standard roof forms. The roof pitch of additions or wings must be similar to the pitch of the primary roof. Clusters of buildings must apply the same roof plan principles to pitch and link roofs.

f. Fencing and walls. Fencing may be used to separate public and private spaces, mark property lines, and protect plantings. Fences must harmonize with nearby structures and not unduly interfere with existing scenic views or vistas. Picket and other medium height fences and low stone walls are permitted. Modern concrete walls and similar structures are prohibited. Chain-link and stockade fences are not appropriate in front yards and may be used in side and rear yards only if compatible with the overall design of the site. Waste receptacles, dumpsters, exterior systems, service entrances and similar areas must be screened with board fences, board and lattice fences, and/or landscaping.

g. Utilities. All utilities serving a new building including electricity, telephone, cable, Internet, and alarm systems must be placed underground from the access pole if the pole is on the same side of the street.

h. Preservation of trees. Existing large, healthy trees must be preserved if practical.

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

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

b. Signboards ~~are shall be~~ permitted in accordance with a design detailing style and size submitted by Kittery foreside committee and approved by the planning board and on file in the planning office;

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

d. An annual permit ~~must shall~~ be obtained from the code enforcement officer. Permits are issued for a calendar year or portion thereof, to expire December 31st of each year. Sign permit application fee, reference Appendix L;

~~e. The Kittery planning board shall reevaluate Section 3 under standards above, one year after the effective date of this amendment and recommend to the town council continuation, modification or repeal.~~

FE. **Special Parking Standards--Preamble.** It is understood by the town that the Kittery Foreside district is already largely built up and that many buildings either completely or almost completely cover the lot on which they are located. Therefore, it is not possible to comply with parking standards which would otherwise be required for open land. To encourage the reuse of existing structures as far as practical, the town hereby establishes special parking standards and conditions within the district.

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

Notwithstanding the off-street parking requirements in Sections 16.32.530 through 16.32.560, minimum parking requirements for the uses below are modified as specified herein:

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

b. Dwelling units in new buildings including the replacement of existing buildings other than the replacement of units destroyed by

accidental or natural causes: one and one-half parking spaces per dwelling unit.

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

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

ee. Inn: one parking space for each guest room.

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

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

For each use in the district, the total parking demand ~~is shall be~~ calculated using the standards above or in Section 16.32.530 if not modified above. Then each nonresidential use ~~is shall be~~ exempt from providing off-street parking for the first three required spaces. For uses requiring a demand of greater than three, then the off-street parking is to be provided on site and/or in accordance with subsections (E)(2) and (3) of this section.

2. Maximum Parking on New Impervious Surface. Not more than one and one-half parking spaces per dwelling unit may be created on new impervious surface in conjunction with the construction of a new or replacement building. This restriction does not apply to parking spaces located within the same building with the dwelling units, to spaces located on pre-existing impervious surface, or to spaces located on a pervious surface such as parking pavers designed to allow infiltration of precipitation.

32. Off-Site Parking. Required off-street parking may be satisfied at off-site locations provided such parking is on other property owned by the applicant or is under the terms of a contractual agreement that will insure such parking remains available for the uses served. Applicant shall present evidence of a parking location and a contractual agreement to the town board or officer with jurisdiction to review and approve.

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

development plan review, the planning board shall consider the following factors:

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

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

G. Design Review. Any project involving the construction of a new building, or the enlargement or modification of an existing building that: 1) cumulatively increases the building footprint or building volume by more than thirty (30) percent after April 1, 2005, or 2) is subject to shoreland zoning as set forth in 16.32.490.C., is subject to an advisory design review by the Kittery Foreside Committee (KFC) or a successor organization. This requirement shall does not apply to the replacement of a building significantly damaged or completely destroyed by accidental or natural causes after April 1, 2005 that is rebuilt within the pre-existing building footprint and that does not increase the pre-existing building volume by more than thirty (30) percent. This review is limited to consideration of the project's conformance with the Design Standards set forth in E.4. Upon receipt of an application for a project in the district that is subject to this requirement, Town staff shall forward the application to the chair of the KFC or successor organization. The application must contain adequate information to allow the committee to evaluate the project's conformance with the design standards of E.4.

The Kittery Foreside Committee or a successor organization shall have a maximum of forty-five (45) days to complete its review of the project. The KFC shall 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 with the standards. The design review must be completed prior to approval of a development plan under Chapter 16.36, 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.

Proposed Amendments to the Kittery Foreside District

Proposed additions are underlined; proposed deletions are ~~struck through~~.

1. Amend Section 16.12.150 Kittery Foreside-KF to read as follows:

16.12.150 Kittery Foreside-KF

The Kittery Foreside district ~~is defined as encompassing~~ generally the area between Route 1 (south) (Newmarch Street) on the west, one lot depth on Newmarch Street, except at the corner of Government Street, where it extends to Stimson Street, and except for the existing commercial zone (slightly reduced by the residential lots west of Priscilla Terrace); the railroad ~~and Central Street~~ to the north extended over to the Piscataqua River; and the Piscataqua River forming the east and southern boundaries. For the exact boundaries of the district, refer to the Zoning Map of the Town of Kittery, the Official Shoreland Zoning Map, and 16.12.030 of the Land Use and Development Code.

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

B. Permitted Uses.

1. Dwelling units in single-family, duplex, and multi-family configurations and units in a mixed-use building up to twelve (12) dwelling units per lot, but excluding mobile homes;
2. Public open space recreational uses;
3. School (including ~~day-nursery school~~), hospital, nursing, convalescent home, municipal or state building or use, church; or any other institution of educational, religious, philanthropic, fraternal, political or social nature, which is not used for residential occupancy;
4. Accessory uses including home occupation and church rectory;
5. Retail business and service establishments excluding those where the principal activity entails outdoor sales and/or storage;
6. Business and professional offices, including financial institutions;
7. Shuttle service and ride sharing facilities;
8. Restaurant, coffee shop, bakery, cafes and similar food service operations but excluding drive-in facilities;
9. Art studio or gallery;

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

C. **Special Exceptions.**

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

D. **Prohibited Uses**

Any use not listed as a permitted use or a special exception is prohibited in the district.

ED. **Standards.**

1. The design and performance standards of Chapter 16.32 ~~must~~ shall be observed except where specifically altered in this subsection.
2. Dimensional Standards. The following space standards shall apply:

Minimum land area per dwelling unit ~~2,500~~ 5,000 square feet

Minimum lot size 5,000 square feet

Minimum street frontage 0 feet

Minimum front yard:

~~along Government or Walker Streets east of Jones Avenue~~
including lot 107 at the corner of Government and Walker
Streets 0 feet

along other streets 10 feet

Minimum rear and side yards 10 feet

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

Maximum building height 40 feet except that for buildings that are located on lots that abut tidal waters, the highest point on the primary structure of the building including the roof, but excluding chimneys, towers, cupolas, and similar appurtenances that have no floor area, shall be not more than thirty-five (35) feet above the average grade between the highest and lowest elevations of the original ground level adjacent to the building.

Minimum setback from water bodies and wetlands:

water-dependent uses 0 feet

all other uses (including buildings and parking as modified by the terms of subsection (E) of this section 75 feet

Maximum building coverage 60 percent

Minimum open space on the site 40 percent

3. Maximum Building Footprint. The maximum area of the building footprint of any new building is one thousand five hundred

(1,500) square feet unless the building is replacing a larger building that existed on the lot as of April 1, 2005. If the footprint of the pre-existing building was larger than one thousand five hundred (1,500) square feet, the maximum size of the footprint of the new building may be no larger than the footprint of the pre-existing building. If the footprint of the new building is larger than one thousand five hundred (1,500) square feet, the width of the new building as measured parallel to the front lot line may not be greater than the width of the pre-existing building.

4. **Design Standards.** Any new building, or additions or modifications to an existing building that: 1) cumulatively increase the building footprint or building volume by more than thirty (30) percent after April 1, 2005, or 2) is subject to shoreland zoning as set forth in 16.32.490.C., must conform to the following standards. This requirement shall not apply to the replacement of a building destroyed by accidental or natural causes after April 1, 2005 that is rebuilt within the pre-existing building footprint and that does not increase the pre-existing building volume by more than thirty (30) percent.

a. Placement and orientation of buildings within a lot. The placement of buildings on the lot must acknowledge the uniqueness of the site, the neighboring buildings, and the natural setting. Existing views and vistas must be preserved in the design of the site and buildings, and buildings must be placed to frame, rather than block, vistas. Buildings and the front elevation must be oriented facing the street on which the building is located. The siting of buildings on corner lots must consider the placement of buildings on both streets.

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

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

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

e. Roof slopes and shapes. Allowable roof shapes include a simple gable, gambrel, saltbox and hip. The minimum roof pitch must be 8/12 (rise over run) except in the case of a hip roof where a lesser pitch is acceptable. The roof pitch of elements that link buildings or portions of buildings must be the same or greater than the pitch of the roofs on the buildings that are being linked. Flat or nearly flat shed roofs are not allowed except for porches, dormers, or attachments distinct from the primary structure or where systems are concealed by standard roof forms. The roof pitch of additions or wings must be similar to the pitch of the primary roof. Clusters of buildings must apply the same roof plan principles to pitch and link roofs.

f. Fencing and walls. Fencing may be used to separate public and private spaces, mark property lines, and protect plantings. Fences must harmonize with nearby structures and not unduly interfere with existing scenic views or vistas. Picket and other medium height fences and low stone walls are permitted. Modern concrete walls and similar structures are prohibited. Chain-link and stockade fences are not appropriate in front yards and may be used in side and rear yards only if compatible with the overall design of the site. Waste receptacles, dumpsters, exterior systems, service entrances and similar areas must be screened with board fences, board and lattice fences, and/or landscaping.

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

h. Preservation of trees. Existing large, healthy trees must be preserved if practical.

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

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

b. Signboards ~~are~~ shall be permitted in accordance with a design detailing style and size submitted by Kittery foreshore committee and approved by the planning board and on file in the planning office;

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

d. An annual permit ~~must~~ shall be obtained from the code enforcement officer. Permits are issued for a calendar year or portion thereof, to expire December 31st of each year. Sign permit application fee, reference Appendix L;

~~e. The Kittery planning board shall reevaluate Section 3 under standards above, one year after the effective date of this amendment and recommend to the town council continuation, modification or repeal.~~

FE. **Special Parking Standards--Preamble.** It is understood by the town that the Kittery Foreside district is already largely built up and that many buildings either completely or almost completely cover the lot on which they are located. Therefore, it is not possible to comply with parking standards which would otherwise be required for open land. To encourage the reuse of existing structures as far as practical, the town hereby establishes special parking standards and conditions within the district.

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

Notwithstanding the off-street parking requirements in Sections 16.32.530 through 16.32.560, minimum parking requirements for the uses below are modified as specified herein:

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

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

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

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

ed. Inn: one parking space for each guest room.

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

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

For each use in the district, the total parking demand is shall be calculated using the standards above or in Section 16.32.530 if not modified above. Then each nonresidential use is shall be exempt from providing off-street parking for the first three required spaces. For uses requiring a demand of greater than three, then the off-street parking is to be provided on site and/or in accordance with subsections (E) (2) and (3) of this section.

2. Maximum Parking on New Impervious Surface. Not more than one and one-half parking spaces per dwelling unit may be created on new impervious surface in conjunction with the construction of a new or replacement building. This

restriction does not apply to parking spaces located within the same building with the dwelling units, to spaces located on pre-existing impervious surface, or to spaces located on a pervious surface such as parking pavers designed to allow infiltration of precipitation.

32. Off-Site Parking. Required off-street parking may be satisfied at off-site locations provided such parking is on other property owned by the applicant or is under the terms of a contractual agreement that will insure such parking remains available for the uses served. Applicant shall present evidence of a parking location and a contractual agreement to the town board or officer with jurisdiction to review and approve.

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

a. Such joint parking areas must be held under ownership of the applicant or under terms of a contractual agreement that insures such parking remains available to all users of the shared parking spaces.

b. Analysis is to be based on a "most frequent basis," not a "worst case" scenario.

c. Joint use parking areas must be located within reasonable distance to the use served, but do not need to be located on the same lot as the uses served.

d. Ease and safety of pedestrian access to shared parking by the users served, including any improvements or shuttle service necessary.

e. Such joint parking areas must not be located in residential zoning districts of the town of Kittery.

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

G. Design Review. Any project involving the construction of a new building, or the enlargement or modification of an existing building that: 1) cumulatively increases the building footprint or building volume by more than thirty (30) percent after April 1, 2005, or 2) is subject to shoreland zoning as set forth in 16.32.490.C., is subject to an advisory design review by the Kittery Foreside Committee (KFC). This requirement shall not apply to the replacement of a building destroyed by accidental or natural causes after April 1, 2005 that is rebuilt within the

pre-existing building footprint and that does not increase the pre-existing building volume by more than thirty (30) percent. This review is limited to consideration of the project's conformance with the Design Standards set forth in E.4. Upon receipt of an application for a project in the district that is subject to this requirement, Town staff shall forward the application to the chair of the KFC. The application must contain adequate information to allow the committee to evaluate the project's conformance with the design standards of E.4.

The Kittery Foreside Committee shall have a maximum of forty-five (45) days to complete its review of the project. The KFC shall 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 with the standards. The design review must be completed prior to approval of a development plan under Chapter 16.36, 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.

Approved 8/8/05

EX. G

Chairperson Grinnell said she understood all the things he was saying and wished that yesterday, the Planning Board, Port Authority, the Town Attorney and Council all sat down together but that didn't happen. She said that if the Port Authority could hear her speaking right now she would ask that they not proceed tomorrow with their definitions before they all sat down together. Chairperson Grinnell suggested that they sit down together next week and ask them to postpone what they're doing – let's sit down now not later.

Town Manager Carter said what he could do was to develop a letter tomorrow morning to the Chair of the KPA asking that they again extend their decision making until an opportunity could be put together for these three Boards to sit down.

Chairperson Grinnell said she would really like that to happen and received agreement from the Council. The Chair said this was really important and overdue and that she took as much responsibility as she could, saying she should have promoted this more after their meeting.

Councilor Brake said the Council had discussed many things, a lot of which had to do with money, and he wanted to suggest that the Town could be receiving more funds than it currently was from the solid waste disposal facility; funds that could be used for some of those things that were coming up before them. He offered to produce some paperwork in that regard and Chairperson Grinnell asked if he would like to put it on the agenda and when. Councilor Brake said he had a lot of information for them and a date in February would be good. Chairperson Grinnell asked that it be marked for the first meeting in February.

10. COMMITTEE AND OTHER REPORTS

a. COMMUNICATIONS FROM THE CHAIRPERSON

Chairperson Grinnell said they had received the current form for the Manager's evaluation and a sample form, which had been used by the Town of Wells. One thing that the Vice Chair had talked about was to look at this form to see if they could revamp it and the Manager will have been here one year on February 28 so it will be time to do his evaluation and she wondered if Council would entertain the idea of updating the evaluation form.

Councilor Brock said he had no problem updating the form but would like to know the Town Manager's opinion concerning what he thought was an appropriate form. Town Manager Carter said he hadn't had a good opportunity to look over what Council had been using and he had been using the other one, which had been in use for a number of nonprofits and municipalities. He said he was sure there were better ones out there and he could look around for them and perhaps Councilor Spiller had something over at the university that was used for administrators but, he said, it really didn't matter. Council needed to look at all the functions that were listed in the Charter under his duties and make sure whatever tool they used for the evaluation touched on the qualities and performances that were in that job description, as well as some outside criteria they thought was important so, as long as they felt comfortable with it, whatever they finally came up with would be fine with him.

Chairperson Grinnell asked how Council would like to proceed and if anyone had access to other evaluation formats they might consider or did they want to look at just these two? After discussion, it was decided that Councilors Shwaery and Spiller would send copies of other evaluation forms to the Town Office for distribution by Barbara and Chairperson Grinnell said they could then discuss the format they wanted to use.

Chairperson Grinnell said a second item she had for discussion was concerning the Kittery Foreside Design Committee. She said they had discussed it twice as part of their agenda and the last time Councilor Dennett felt that the Committee was an advisory committee to the Planning



Board and not a committee to be set up by the Council. The Chair wanted to suggest that they send a letter to the Planning Board saying that the Design Committee was an arm of that Board, it was not a committee that needed to have a charge and all such things they had talked about; it was a group that would help the Planning Board. She said they could give the Board a list of people who wanted to be on it, they could set the group up for a year and that the Council really had nothing to do with it. The Chair said she had individually discussed it with Councilor Dennett and a few other Councilors as well as with the Manager and she wanted to know how Council felt about it.

Councilor Shwaery said his only question was if the Board had the authority to establish an advisory group that could truly hold up an application and the Chair said she believed they did. Town Manager Carter said, as they discussed at the last meeting, this ordinance also was involved with the Code Enforcement Officer and a number of different areas with this voluntary review board. The Manager thought it was worth a shot if the Planning Board was willing to appoint these people but he still felt strongly it should only be for a year and then to have a reevaluation at the end of that time.

Councilor Brock said he was for whatever process could get this going forward because the Planning Board needed help. Chairperson Grinnell said she thought this volunteer group of people could help them and said she would send the applications to the Board and directed the Manager to send the Planning Board a letter outlining the thoughts of Council.

b. TOWN MANAGER'S REPORT

Town Manager Carter said his report was summarized in their packets. The Fuel and More Program that had been started in the community under the leadership of Kathy Pridham, the General Assistance Coordinator, had raised almost \$5,000 and they really appreciated everyone's donations. Their goal was \$10,000 so they were well under way. They had spent \$1,979.25, leaving a balance of \$2,932.75. Eleven families had been assisted with oil, propane or electricity from this account. The Manager said donations could be made to Fuel and More Program, in care of the Town of Kittery, Post Office Box 808, Kittery.

The Manager said they had been notified that the Homeland Defense Grant that the Fire and Police Chiefs had been working on, the final phase of radio equipment upgrading, had been received. Although not the total amount requested, the Town received \$113,766, which was the largest grant awarded in York County. He said they would be bringing this to Council later in order to move this equipment forward and it might be as early as January 9 due to lead time in ordering. This was a major project and he wanted to congratulate the Fire and Police Chiefs on this, it should greatly enhance public safety communications in the community. The Manager said when they came back to Council, they would demonstrate, through a diagram or written document, how this whole group of radio and microwave equipment and hand held portables will work together.

The Manager said the next item was the announcement of the bid acceptance for the Kittery Point Fire Station septic system. It had been awarded to Grover and it was a difficult bid to analyze and he wanted to congratulate Chief O'Brien for his analysis.

The next item was the Town Hall telephone answering system improvements. They recognized that the general public was growing frustrated in not being able to reach them as quickly as they might like. The major problem was that the two part time receptionists left their employment for different reasons. They chose to look at alternatives when they left including a contractual answering service that they were looking at that would answer and then transfer the calls to the right extensions and parties as well as a technical solution, which was similar to what you heard when you called for airline tickets or FedEx, a synthesized voice directing you to the right



TOWN OF KITTELY, MAINE
PLANNING OFFICE
PO Box 808, Kittery, Maine 03904
(207) 439-6807 Ext. 307

EX. H

K.F.C

#3.

January 26, 2006

To: Planning Board Members

From: Jim Noel, Town Planner

Date: January 19, 2006

Re: Kittery Design Review

Please find the attached memo the town manager and copies of the applications for membership for the Kittery Design Review Committee.

These individuals have been invited to meet the Board members and briefly talk to the Board so that they understand what the Board expects their review to cover relative to the ordinance, etc. I'm sure they will have a number of questions.

Memo

To: Russell White, Chairman, Planning Board
cc: Jim Noël & Kittery Town Council
From: Jonathan L. Carter, Town Manager 
Date: December 29, 2005
Re: Design Review Committee

At the December 28th meeting, Council discussed under New Business the prolonged item of the Foreside Design Review Committee that has been delayed. The Council, through consensus last night, determined that the Planning Board is the most appropriate vehicle to implement this advisory committee.

Attached are the applications from the citizens who are waiting notification of appointment to this advisory committee. I would suggest – if the Planning Board moves forward in accepting this responsibility – that the appointments be made for only an initial one-year trial period to determine the value of an advisory committee.

I am sure you recognize that this Design Review Committee must also function for the Code Enforcement Officer and how you may want to involve her is something that perhaps Jim could assist you with.

Council would appreciate receiving written notification of when the appointment of this Committee has been made and also a periodic update on how the Committee is progressing with its work.

The Kittery Town Council is grateful for the tireless efforts and the willingness of the Planning Board to consider implementing, and overseeing, the Design Review Committee for the Foreside District.

JLC/bb

Mr. Ledgett seconds.

Mr. Ledgett asks if the applicant will be working with Oest Associates or CMA.

Mr. Mangiafico says CMA, the independent reviewer.

Mr. Mangiafico thinks he has the wrong dates on the plan in his motion. He moves to amend his motion to add revision dates January 20, 2006. That goes for all of the sheets referenced - plan, drawings, and photometric sheet. One shows a revision date of January 20, 2005, but that is an error. That's sheet C-2. The photometric sheets have dates of December 2005 and same January 20, 2006 revision dates.

Mr. Ledgett seconds.

All in favor of the amendment.

All in favor of the main motion.

Chairman White announces that any aggrieved party may appeal this decision to the Superior Court in 45 days. He asks the applicant to accept the minutes of this meeting as findings of fact. Fire Chief O'Brien agrees to do so.

5. Kittery Foreside Design Committee: Welcome and introductions of candidates for the design review committee

Chairman White welcomes the Design Committee members and introduces this item. We have looked at their materials. Maybe each of them could say their names and we could have a brief discussion. The Town Council basically wanted us to appoint them.

Gavin Barber is a Foreside resident and a construction project manager.

Pam Bowl is a designer with 30 years of experience.

Charles Bowl, who is also a designer, does remodeling and construction.

Jacqueline Nooney is a landscape designer who has been in business for 24 years. She is really excited about this opportunity.

Dean Rykerson is an architect with a practice in Kittery Point.

Ben Porter works in the computer industry and grew up in the development business with his father.

Mr. Barber says that Sandy Domina is not here tonight. She is ill.

Chairman White feels that this looks like a great committee, very well qualified. He asks if they have an understanding of their charge. It looks like it was created at the Town Council level. It looks like they are just trying to follow the ordinance.

Mr. Barber says that it is an advisory committee and therefore does not have a lot of real power. They considered themselves advisory to the Board and to the applicant directly. The parameters by which we would judge them are pretty well laid out in the code. Section E4 is pretty specific about the types of considerations over a project. One of the things that has been done in previous meetings is to consider using a check list to rate the proposed projects on the necessary criteria.

Ms. Kline asks if they have seen the Design Handbook.

They have not.

Ms. Kline says that it is just coming out. The Kittery Foreside Committee is mentioned but the page reference is wrong.

Chairman White says that the handbook has not been made an ordinance. It is a guideline, an

EX.I

portion. He does not know if anyone else wants to respond to Mr. Hall. No one responds.

Chairman White sees the letter from Chairman Hall going to the large group of all three bodies that presided over the working group, rather than to just the Planning board. It looks like Mr. Hall has copied the appropriate folks in Town. It is hard to render any judgment on the concerns raised by Mr. Hall other than to say that when we meet again on February 15, we will have had two meetings with the working group, and we will be able to gauge how it is going. If you see someone as having an ax to grind, you can bring it forward at that time. No one else wishes to speak on this.

3. Kittery Foreside Design Committee: Welcome and introductions of candidates for the design review committee

Mr. Barter is here, but there are more coming.

Chairman White says that the Town Council has told us to deal with this. We could move item 3 to a little later in the meeting when more of the committee is here. He sees only two here now. He is sure that everyone has looked at their qualifications. He does not think it will take long to act on this item, but they might have some questions or we might have some questions.

4. Public Hearing: Oest Associates, Inc., for the Town of Kittery. Applicant is requesting review/approval for a new fire station to be constructed at 3 Gorges Road, Map 13, Lots 5-13, 5-14, zoned C-3.

A. Public Comment

Chairman White introduces the application. He says they have to do a presentation.

Town Manager Carter says that he is here to introduce this project. It is a Town project voted by the citizens of the community. Chief O'Brien will be making the presentation this evening. This is the second project to go through peer review. The findings have been made known to the Planning Board. We will hear talk of the other project; the other fire station is ready to roll. The community has rolled forward with a construction management program so that we are ready for construction of both fire stations.

Chief O'Brien says that it is his pleasure to be here. He is going to make this as quick as possible. They worked very hard on this project to complete all the requirements that the Town has in place. His engineers from Oest have been very good and have worked through every issue as it has come up. This has been designed around parameters that he thinks the Town would be proud of. They have asked for a couple waivers. They are ready to address these issues if the Board believes it to be necessary. They got approval from Ken Wood, York County Soils Conservation Service (YCSCS), who recommends no changes. He will quickly turn it over to the public and get their say on it.

Chairman White asks if there will be a presentation from the engineers involved in the project. Fire Chief O'Brien says no, that they will go on the presentation as done in writing and will answer any questions the Board may have.

illustrated book, to help developers and builders understand what we want. It may be open to improvement.

Ms. Kline says that the advantage to not having it in the ordinance is that we do not have to go through the entire process and Council review to change it. It is a working document currently.

Mr. Ledgett feels that it may be appropriate to talk about our thinking when it was created. This is a model to use. At the heart of this is promoting a strong dialogue between the developers and those experiencing the development. The power of enforcing the ordinance ultimately lies with the Board. If the Committee is struggling with something, then we would like to help. He is hoping that the Committee will have productive dialogues with the developers so that the issues are not even present when the applications get to us. We need to make a determination at the end whether the Committee feels it is appropriate and whether we feel it is appropriate to continue with this process and then explain our decision to the Town Council. We welcome the Committee to the task and think it will help a lot.

Chairman White says that we could have a motion that the Kittery Planning Board unanimously approves the new members.

Mr. Ledgett asks whether Chairman White wants him to make the motion.

Chairman White so moves.

Mr. Ledgett seconds.

All in favor. Motion passes.

6. Public Hearing (continuation): First Step Land Development, Inc. /The Briers at Mead Farm. The Applicant is proposing to amend an approved subdivision plan with the addition of a pier, dock, and float system. Map 17, Lot 43, zoned Urban Residence.

Mr. Ledgett steps down for this application.

Chairman White introduces the application. At the last hearing, we took public comment and had a good presentation from the applicant, and we did not get into Board deliberation of this. Mr. Ledgett had stepped down and remains off the Board for this item. He would like to check with the applicant - is the most current plan dated August 22 with a revision date of September 28?

Jim Nadeau says yes.

Chairman White thinks we have to address waivers first off, unless there are any points of order or procedural points.

Ms. Kline realizes that the minutes that we were given, issued for tonight, the minutes we are working from, have not been approved. One is from October 13, 2005, approved December 28, 2005, and she does not think that there is anything substantial in it that is different. The second is the one from November 17, 2005.

Chairman White says that we just revised them. He has the revisions with him, he thinks. He begins to check. Now he does not know if he brought them.

Ms. Kline is concerned about what it will mean if we quote something from the prior minutes or refer to the minutes at all during the deliberations.

Ms. Gagner asks if we need to approve them.

DRAFT

KITTERY FORESIDE ADVISORY DESIGN REVIEW COMMITTEE CHARGE

Composition:

The Committee shall be comprised of seven members, from among the voters of the town, all of who shall be appointed by the Kittery Town Council for a period of one year. Following the one-year trial of the Committee, appointments by the Kittery Town Council, as per its Selection Procedures, shall be made as follows:

- 3 members – appointed for two years
- 3 members – appointed for one year
- 1 member – appointed for three years

Purpose: The purpose of the Foreside Design Review Committee is to act in an advisory capacity to the Planning Board regarding reviewing applications coming before the Board in the Foreside District, as set forth in Sec. 16.12.140(G) of the Land Use and Development Code.

Empowerment:

To carry out its purpose, the Committee shall:

1. Review any project involving construction of a new building, or the enlargement or modification of an existing building that *either* cumulatively increases the building footprint or building volume by more than 30% **after** April 1st 2005 or is subject to shoreland zoning as set forth in 16.32.490.C, with the exception of any replacement building which has been significantly damaged or completely destroyed by accidental or natural conditions that is rebuilt within the pre-existing building footprint and does not increase the pre-existing building volume by more than 30%.
2. Receive the project application from the Town Planner, who in turn will forward to the Committee Chair for the review process.
3. Expedite, but take no longer than 45 days to complete its review of the project;
4. Provide a written report documenting its findings relative to conformance with the design standards and any recommendations for changes needed to conform with the standards to the Planning Board and/or Code Enforcement Officer for consideration in their actions relative to the project.
5. Complete the design review prior to approval of a development plan under Chapter 16.36, or the issuance of a building permit if development review is not required
6. Familiarize themselves with town ordinances and the working of town government so members can carry out their work in the most effective way as well as utilize the office of the Town Planner as the primary coordinator and staff contact person to assist them in their review.

D R A F T

7. Remember at all times that they are advisory in nature – with the final determination to be made by the Planning Board, Town Planner and/or CEO.

Sunset:

Within 60 days prior to the end of the one-year trial period, the Planning Board will make a recommendation to the Town Council as to the merits of continuing the design review committee. Said review will take into account input from the Town Planner as well as the Design Review Committee.

Sec. 2.06. General powers and duties.

All powers of the town shall be vested in the council, except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the town by law.

Sec. 2.07. Enumeration of powers.

- (1) The council shall have the power to appoint, suspend, and remove the town manager, but suspension or removal shall be in accordance with Section 3.02 of this charter. The council shall have the power to appoint, and to remove for cause after notice and hearing, all members of boards created by statute, ordinance, this charter or by council action unless otherwise provided therein.
- (2) All appointments of voting members, regular and/or ad hoc, are made from among the qualified resident voters of the town and each appointee during term of office must remain a qualified resident voter in order to retain appointment. Applicants for the planning board and board of appeals must be interviewed by the council, with at least a quorum present, before any vote is taken by the council on the appointment.
- (3) The council shall have the power to enact, alter and repeal ordinances; adopt resolutions, codes and rules; and issue proclamations.
- (4) The council shall have the power to, by ordinance, create, change and abolish offices, departments and agencies, other than the offices, departments and agencies established by this charter. The council, by ordinance, may assign additional functions or duties to offices, departments or agencies established by this charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this charter to a particular office, department or agency.
- (5) The council shall provide for an independent annual audit of all town accounts and may provide for such additional audits as it deems necessary. Such audits shall be made by the State Department of Audit or by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the town government or any of its offices.
- (6) The council shall provide for a review of the town charter at intervals not to exceed 10 years. (Amended by vote of the people 10-4-94; amended by vote of the people 6-11-02; amended by vote of the people 6-10-08; amended by vote of the people 11-3-09)

Sec. 2.08. Induction of council into office.

At the next regular meeting following the day of election, or as soon thereafter as practicable, all council members-elect shall be sworn to the faithful discharge of their duties by the town clerk or by any other person authorized to administer an oath. (Amended by vote of the people 10-4-94)

Sec. 2.09. Judge of qualifications.

The council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office as set forth in section 2.12, subsection 2, and for that purpose shall have the power to subpoena witnesses as provided in section 12.03, administer oaths and require the production of evidence. A council member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the town at least one week in advance of the hearing. Decisions made by the council under this section shall be subject to review by the Superior Court.

Article VIII. Planning

Sec. 8.01. Planning board.

- (1) Composition. There shall be a town planning board to consist of 7 members who shall be appointed as hereinbefore provided in this charter and shall have such powers and perform such duties as provided by law.
- (2) Terms. Members shall serve terms of 3 years and until their successors are appointed and qualified.
- (3) Term limits. No member shall serve more than 3 consecutive terms of 3 years. Any member who has served 3 consecutive terms of 3 years is ineligible to serve on the board for a period of 1 year. Computation of term limits commences with the first term of 3 years following the effective date of this provision. Computation of term limits does not include service prior to the effective date of this provision nor to terms of fewer than 3 years after the effective date. (Amended by vote of the people 10-4-94; amended by vote of the people 6-11-02; amended by vote of the people 6-10-08)

Sec. 8.02. Comprehensive plan.

There shall be a comprehensive plan as provided by law.

Sec. 8.03. Zoning ordinance.

There shall be a zoning ordinance as provided by law.

Sec. 8.04. Board of appeals.

- (1) Composition. The board of appeals, consisting of 7 members appointed as hereinbefore provided in this charter, has such powers and perform such duties as provided by law.
- (2) Terms. Members shall serve terms of 3 years and until their successors are appointed and qualified.
- (3) Term limits. No member shall serve more than 3 consecutive terms of 3 years. Any member who has served 3 consecutive terms of 3 years is ineligible to serve on the board for a period of 1 year. Computation of term limits commences with the first term of 3 years following the effective date of this provision. Computation of term limits does not include service prior to the effective date of this provision nor terms of fewer than 3 years after the effective date. (Amended by vote of the people 10-4-94; amended by vote of the people 6-11-02; amended by vote of the people 6-10-08; amended by vote of the people 11-3-09)

Title 4 BOARDS, COMMISSIONS and COMMITTEES

Chapter 4.1 ESTABLISHMENT

Town governance requires attention to many demands pursuant to Federal law, Maine Revised Statutes, and the Town Charter. In order to provide for that range of requirements and make provision for citizen participation in community affairs the Boards, authority, commissions and committees addressed herein, are hereby established.

Chapter 4.2 SELECTION PROCEDURES FOR COUNCIL APPOINTMENTS

4.2.1. Purpose.

When subject to council appointment, members of Town Boards, which term includes authority, commission, committee (both standing and ad hoc), and trust are selected using the following procedures.

4.2.2 Objectives.

There are certain general objectives which are critical to the successful functioning of council-appointed Boards among these are:

- A. That Boards always have available to them candidates for membership who are qualified for the unique needs of that Board.
- B. That each Board maintain the independent posture needed to encourage the free and open dialogue crucial to its function; and
- C. That all volunteers are shown the appreciation of the community regardless of whether or not they are appointed to a particular Board.

4.2.3 Procedures.

To achieve these goals, the following procedures for the selection of Board members are adopted:

- A. A pool of applicants will be maintained by the Town Clerk.
- B. Volunteers must complete an application indicating on which Boards they wish to serve and in which order of preference. Applicants will be listed in order of precedence set by the date-time of receipt of the completed application by the Town Clerk.
- C. A member whose term is expiring is given consideration for reappointment first, subject to term limitations for the position, if any. Alternates or associates on a Board will be given first consideration for appointment when an opening occurs, in order of length of service.
- D. Pool applicants will be polled for interest for an interview when an opening occurs in order of listing precedence. Those refusing may opt to remain on the list and will be placed back on the list as of the date of refusal.

E. Council may waive the interview requirement for reappointments; alternates applying for full membership; and full members applying for alternate status

F. With the exception of the Planning Board and Board of Appeals, eligible applicants are interviewed for a specific Board appointment prior to consideration by the full Council..

1. The interview is conducted by the Chairperson (or designated permanent member) of the applicable Board and by one Council member designated by the Council. Councilor interviewing assignments are rotated so that no one Councilor would be involved in successive interviews for the same Board.

2. Interviews are considered private.

3. Only one interview is conducted with each applicant for each position.

4. Both interviewers must agree to the acceptability of the candidate in order for that candidate's name to be considered by the full Council.

5. Applicants not recommended to the Council may opt to remain on the list(s) if they so desire.

G. The following criteria are used in evaluating candidates:

1. Education

2. Training and experience

3. Related experiences

4. Any potential for conflict of interest

5. Preference or priority will be given to applicants who are not currently serving on any other Board (i.e., if there is more than one applicant and applicants are equally qualified, preference will be given to the person not currently serving on another Board.)

6. For reappointments or changes from Alternate to Full Member, attendance (rated as 'Excellent', 'Good', or 'Poor' is to be provided by the Chairperson of the Board on the interview form.

4.2.4 Planning Board or Board of Appeals Interviews and Appointments.

A. Applicants will be interviewed for the Planning Board or Board of Appeals with at least a quorum present at a regular or special Council meeting. If there are multiple applicants for a Board, they will be interviewed by Council as a group including applicant(s) already interviewed.

B. After the interviews are completed, Council, in open session, and by the following meeting, shall nominate, with a second, discussion and vote on the candidate(s) for the open vacancy.

C. A tie vote on an appointment shall be voted on by Council twice. Following the second tie vote the Council Chairperson shall determine the winner by lot by a coin toss.

D. Interviewed applicants not appointed may remain in the pool if they so desire.

4.2.5 Appointment Exceptions.

A. Building Committee – when Council-appointed membership is involved, appointment procedure is determined by the sitting Council.

RECODIFICATION – ORDAINMENT – 07/26/2010

- B. Charter Commission – procedure is determined by the sitting Council.
- C. Christmas Parade Committee – members recommended by sponsoring group.
- D. Rice Public Library Board of Trustees – application and interview procedure applies, but appointment is made by Library Trustees.
- E. Newly-formed Boards not existing as of November 1, 2000 – procedure is determined by the sitting Council.

4.2.6 Other Appointments.

- A. Town Manager, including related positions held by Manager: Interview by Council as part of hiring procedure.
- B. Assistant Code Enforcement Officer, Director of Civil Emergency Preparedness, Plumbing Inspector: Recommendation submitted by Town Manager.
- C. Registrar of Voters: Recommendation submitted by Town Clerk.
- D. Shellfish Warden: Application and interview procedure for Boards applies.
- E. Individual positions not enumerated: Procedure determined by sitting Council.

Chapter 4.3 BOARD OF ASSESSMENT REVIEW

4.3.1 Created – Powers.

The Board of Assessment Review is created pursuant to Article VII of the Town Charter and exercises the powers conferred by that Article.

4.3.2 Membership.

Qualifications of members, their appointment and terms, is governed by Article VII of the Town Charter. Members serve until their successors are appointed and qualified.

Chapter 4.4 CABLE TV RATE REGULATION BOARD

This article is administered by the Cable Television Rate Regulation Board which consists of five members and one alternate appointed by the town council from the qualified voters of the town. Members serve for terms of three years and until their successors are appointed and qualified. Members may be removed by the Town Council for cause after notice and hearing. For the initial terms only, one is appointed for three years, two for two years, and two for one year. The alternate member is appointed for a term of three years. Vacancies are filled by Town Council appointment for the unexpired term.

Chapter 4.5 REGISTRATION APPEALS BOARD

RESERVED

DESIGN/REVIEW COMMITTEE - Meeting, October 17, 2005 Town Hall 5:30 PM

PRESENT: Deanne Rykerson

Ray Smith (not on committee)

Ben Porter

Gavin Barbour

Jill Belilah (not on committee)

Pamela P. Bold

Charles Bold

Sandy Domina

UNABLE TO ATTEND: Jackie Nooney

This meeting focused on confirmation of final Committee members, the real purpose of the Committee, a clear-cut mission statement for the Committee, and the need for a clear-cut review process supported by by-laws. Ray Smith was most helpful in addressing all of these issues and gave support and suggestions. He presented the Committee with a checklist, and will forward copies of the Foreside Committee By- laws to see if they are adaptable. Ray also suggested that the DRC strive for concensus when reviewing projects rather than majority vote. Charles Bold stressed that the Committee be aware of its limitations based on the Town Ordinance, and it was agreed that the Committee would like to develop as a facilitator for applicants to encourage good development of the Foreside.

Jill Belilah excused herself from continuing on the Committee, feeling secure that the organization was insured.

Members " signed -in" with phone numbers and emails, a copy of which will be sent to all of the Committee to facilitate

Gavin Barbour was approved as Chairman, with Sandy Domina as Scribe to establish and maintain an electronic file on the Committee's work; Committee members will rotate taking meeting notes at formal meetings.

It was also agreed that Committee members would review parts of the Town's Comprehensive Plan prior to the next sit-down meeting, especially the scenic vistas section. and think about any additions they want to the mission statement. There was also a discussion relating to possible procedures during a review and this question will be presented to Jim Noel, Town Planner.

No date was set for the next formal meeting. Members are invited to meet at Sandy Domina's Foreside office at 68 Wallingford Square on Monday, October 24th at 4:30 to do a " walk-about" the district.

Meeting adjourned at 6:50 PM.

Foreside Design Review Committee (FDRC)
Meeting Minutes
22 March, 2006

In attendance:

Gavin Barbour Charles Bold Pam Bold Larry Elbroch
Vicky Elbroch Ben Porter Deane Rykerson

Meeting convened about 7:00pm.

Deane stated for the record the need for a better process to bring projects to review. As project architect he was frustrated by the delay thus far. There was general agreement. Gavin will meet with Heather Ross tomorrow to discuss how to get applications from Code Enforcement to Design Review. Further discussion was tabled until after 24 Wentworth had its hearing.

Ben brought up the various other projects that are in the works in the Foreside (Stimson Street, Main Street, Cottle Lane, Kale Residence) that did not come under our review. Applications may have been pulled prior to Town Council accepting FDRC members. Projects may not have met criteria. Gavin to discuss with Heather tomorrow.

Deane gave a presentation on the 24 Wentworth Street Project. He brought photographs, plots, elevations (attached) and models. He described the project as it relates to the areas that fall under the Committee's purview according to the recent ordinance changes summed up in Charlie's outline (also attached). It was clear that almost all of the criteria had either been met or were not applicable with the exception of item E2 (minimum roof pitch) and E5 (pitch similar to main roof). In the case of E2, a steeper roof pitch would have made the additional garage impractical by necessitating the loss of windows and creating awkward roof intersections. As for E5, while the proposed garage roof does not match the main roof, it is similar to the existing secondary roofs including the existing garage. In this particular case a steeper roof would actually have been out of character for the property.

It was proposed and seconded that the project be returned to Code Enforcement with the Committee's blessing. The vote was unanimously in the affirmative, Deane having recused himself.

After the Elbrochs left, the Committee discussed possible suggestions for future reviews. A look at the wording of the ordinance change suggested that projects to review could come either from Code Enforcement or Planning, depending on their scope and the Committee's recommendations would be returned to whichever department initiated the process.

The committee will recommend that Code Enforcement have a document template that will list reasons a project might need FDRC review. Should any of those criteria be

applicable, that document will be passed to the chairman initiating the review. With that document the FDRC will request a copy of the application including required documents such as dimensioned sketches or drawings. The FDRC would also *request* that the applicant provide information about proposed materials, windows and doors (placement, size, type, and trim), roof pitches, heights, and any photographs that might illustrate the existing property. It seemed agreed that the more information obtainable prior to the review itself, the better able the committee will be to discover concerns and make helpful suggestions. If possible, we would ask that the Town provide these materials in packet form for all the members as they would for cases before the Planning Board or the ZBA.

It will also be recommended that Code Enforcement provide applicants with a copy of Charlie's outline so that they can prepare a presentation for the FDRC specific to its mandate.

Discussion ensued on requirements for future meetings and it was generally agreed that there should be a minimum of 4 out of 7 members present in order for there to be a fair review. Votes would not need to be unanimous as the recommendations to Code Enforcement or Planning are non-binding. There was no vote held.

Ben updated everyone on his data/photo project of the Foreside which looks like it will be an invaluable tool for future reviews. He is investigating some kind of linkage with the Town's information systems and is continuing to take upload-able photographs of properties in the district. Nice work, Ben!

Meeting adjourned approximately 8:30

GB

Kittery Foreside Design Review Considerations

A. Placement and orientation of buildings within the lot:

1. Does the placement of the building:
 - a. Acknowledge the uniqueness of the site?
 - b. Acknowledge the neighboring buildings?
 - c. Acknowledge the natural settings?
2. Does the design of the site and buildings:
 - a. Preserve existing views and vistas?
 - b. Frame, rather than block, vistas?
3. Is the building oriented:
 - a. with the front elevation facing the street?
 - b. if on a corner lot, to consider the placement of buildings on both streets?

B. Overall massing of buildings:

1. Does the building stimulate a concentrated use of the space and Avoid the use of a large multi unit structure?
2. Does the footprint of the building conform to Section 3? (CEO item)
3. Is the parcel large enough to require multiple buildings?
4. Does the new building fit the existing architectural styles of the Foreside?

C. Grouping of smaller buildings.

1. Does each building have its own structure and elevation treatment that is different from its neighbor?
2. Are wings small enough and well integrated into the overall arrangement of shapes?

D. Building Details.

1. Does the building include architectural details that reflect the historic styles of the Foreside?
2. Are moldings and trim used to decorate the building and doors?
3. Does the building have eaves and overhangs as part of the design?

E. Roof slopes and shapes.

1. Is the roof shape a gable, gambrel, saltbox or hip?
2. Is the pitch a minimum of 8/12 on the gable, gambrel or saltbox?
3. Do roofs that link buildings or portions of buildings have a pitch the same or greater than the pitch of the roofs of the buildings being linked?
4. Are the flat or nearly flat shed roofs on porches, dormers or attachments distinct from the primary structure or concealed by standard roof forms?
5. Is the roof pitch of additions or wings similar to the pitch of the primary roof?

6. Do clusters of buildings apply the same roof plan principles to pitch and link roofs?

F. Fencing and walls.

1. Does the fence harmonize with nearby structures?
2. Does the fence *unduly* interfere with existing scenic views or vistas?
3. Is the fence low to medium in height?
4. What is the fencing material?

Note: Modern concrete or similar structures are not permitted.

Chain link and stockade is not appropriate in front yards and may be used in side and rear yards if compatible with the overall site design.

5. Are waste receptacles, dumpsters, exterior systems, service entrances and similar areas screened with board or board and lattice fences and/or landscaping?

G. Utilities.

1. Are all utility lines underground from the access pole if the pole is on the same side of the street?

H. Preservation of trees.

1. Has every reasonable attempt been made to preserve existing large healthy trees?

Kittery Foreside Design Review Committee

4/11/06

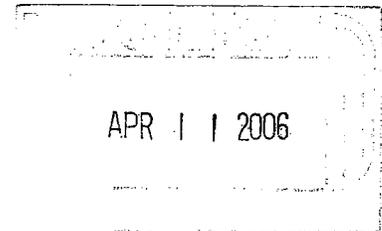
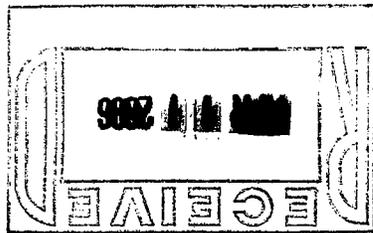
Dear Heather,

The minutes from last night's meeting won't be ready for a few days and I know the Arnolds are anxious to get started so I wanted to get you a quick recap of what we discussed last night. Any concerns we had were aesthetic so (for what it's worth) it seems reasonable to grant a partial permit for demolition and concrete.

We would like to approve the project with the following recommendations:

1. The Western Elevation on Dame Street is too massive as shown. We would ask that the applicants offer up some kind of solution along the lines discussed last night: trellis and plantings, small roof, false barn doors, etc.
2. We would like a sample of the siding to consider at a future meeting.
3. We would like to see some kind of fencing around the dumpster to hide it from view. Given it's placement in the cemetery area, this may require approval from the Planning Board.
4. We would like the proposed canopies on the South Elevation, shown in profile on the East and West Elevations.

Thanks very much. Please feel free to call me if you have any questions. 207 439 5791.



Gavin Barbour

