



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, October 8, 2015
6:00 P.M. to 10:00 P.M.**

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE – APPROVAL OF MINUTES –9/24/15

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.

NEW BUSINESS

ITEM 1- York Hospital –Modification to an Approved Plan

Action: grant or deny plan approval. York Hospital requests approval to amend a previously approved site plan with the addition of a new second free-standing sign as a general information sign along State Road. Property is located at 35 Walker Street at State Road in the Business Local 1 and Mixed Use Kittery Foreside Zones; Tax Map 4 Lot 168. Agent is Ken Wood, with Attar Engineering.

ITEM 2 – Board Member Items / Discussion A. TBD

ITEM 3 – Town Planner Items: A.TBD

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.

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WORKSHOP - Council Chambers

Workshop began at 6:05 p.m.

Board members present: Chair Ann Grinnell, Vice Chair Karen Kalmar, Robert Harris, David Lincoln and Secretary Debbie Driscoll-Davis.

Staff present: Chris DiMatteo, Town Planner.

Other members present: Steve Workman, Paul Bonacci, Lucy Schlaffer, Tom Ryan, Terry Lochhead, Megan Zottoli-Breen, George Dow and Page Mead.

Ms. Grinnell gave a short introduction on the Kittery Foreside zone, noting that in 1997, businesses in the Foreside were exempt from the first three parking spaces in the calculation. She asked if they wanted to eliminate that part of the code so that businesses would need to have all of the required number of spaces and were not allowed any exemptions. Mr. Lincoln asked for an explanation of the problem. Ms. Driscoll-Davis commented that the parking exemption puts an unfair burden on the residents who live on narrow streets with limited space for parking and creates a safety hazard for emergency vehicles. Ms. Driscoll-Davis suggested that they eliminate the three free parking credits in the Foreside except on Walker Street, Government Street and in Wallingford Square until a more permanent plan is put into place. Ms. Grinnell emphasized that Ms. Driscoll-Davis' plan is not permanent.

Mr. Lincoln suggested that the problem is where people park and not with the parking credits. Ms. Driscoll-Davis responded that, although that is a part of the problem, there is more to it. Mr. Bonacci commented that the proximity of the different zones and the differential between the parking requirements in each zone puts a heavier burden on businesses outside of the Foreside. Mr. Dow asked how parking spaces for businesses are defined and how many businesses would be affected by the parking change. Ms. Grinnell commented that it puts the burden on the business to find the parking spaces that are required and gave an example of a business owner renting spaces from the library. A discussion ensued regarding on-street parking in the Foreside and the fear of overflow parking affecting small residential streets and other small businesses.

Mr. Dow asked if the plan would affect current businesses and Ms. Grinnell stated that the plan is only going forward and no current businesses would be affected. Ms. Lochhead commented that the plan would encourage businesses with greater parking needs to steer toward an area that can accommodate them more than the Foreside. Ms. Schlaffer noted that, in the past, businesses intending to open at a location in Kittery outside of the Foreside have changed their minds and moved their business elsewhere because of the strict parking rules. She also noted that parking in the Foreside is heavily concentrated on Wallingford Square because people choose not to walk too far and added that the Library has three parking lots that remain unused after regular business hours, suggesting they work out a deal with the library to utilize those spaces at night. Mr. Ryan

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41 reiterated that the focus of the meeting was not on where the customers can park, it is on how
42 many spaces the business is required to have. He noted that if a business is required to provide
43 three extra spaces then those extra spaces are available to all customers in the Foreside and, in
44 turn, parking for all customers will increase. A discussion ensued regarding whether or not
45 eliminating the parking credit would ease the parking problem.

46

47 Mr. Dow suggested having a central parking area for businesses to ease the congestion on the
48 residents and Ms. Schlaffer suggested color-coded parking stickers for residents. A discussion
49 ensued regarding alternative long-term solutions to the problem and Ms. Grinnell noted that the
50 point of the meeting was to discuss the parking credits as a short term solution. Mr. DiMatteo
51 suggested that they focus on streets that cannot physically accommodate on-street parking. Mr.
52 Harris commented that if a business rents private parking spaces then they are no longer
53 available for other people to use and eventually all of the private parking spaces will be taken.
54 Ms. Schlaffer discussed Shipyard employees affecting parking in the Foreside and the parking
55 credit idea being ineffective at prohibiting parking on small residential streets.

56

57 Mr. DiMatteo suggested prohibiting all parking on small streets. Ms. Zottoli-Breen agreed with
58 Mr. DiMatteo about prohibiting parking on certain streets since people are currently not utilizing
59 all available Foreside parking spots because they are parking on smaller side streets which are
60 closer. Mr. Ryan commented that restricting on-street parking on certain roads is unfair to
61 residents who wish to park in front of their house. Ms. Driscoll-Davis asked if those present
62 supported the idea of eliminating the parking credits. Mr. Workman expressed his concern with
63 the Town creating temporary solutions and not following through with long-term solutions. Ms.
64 Driscoll-Davis suggested that people could attend the Planning Board meetings to discuss
65 smaller issues that the Board could add to their action list. The attendees discussed projects that
66 have not yet been completed. Ms. Kalmar suggested sending a few people out to survey the
67 streets in the Foreside area to come up with a list. Ms. Schlaffer expressed her concern about the
68 Town discouraging business growth. A few people expressed interest in involving emergency
69 services in the discussion about parking on small streets.

70

71 Workshop ended at 7:12 p.m.

72

73 **Council Chambers**

74 Meeting called to order: 7:18 p.m.

75 Board members present: Chair Ann Grinnell, Vice Chair Karen Kalmar, Robert Harris, David
76 Lincoln and Secretary Debbie Driscoll-Davis.

77 Members absent: Deborah Lynch and Mark Alesse.

78 Staff present: Chris DiMatteo, Town Planner.

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81 Pledge of Allegiance

82

83 Minutes: August 27, 2015

84 **Ms. Kalmar moved to approve the minutes of August 27, 2015 as written.**

85 **Mr. Harris seconded.**

86 **Motion carried: 5-0**

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88 Minutes: September 10, 2015

89 **Ms. Kalmar moved to approve the minutes of September 10, 2015 as amended.**

90 **Ms. Driscoll-Davis seconded.**

91 **Motion carried: 4-0-1 with Mr. Harris in opposition.**

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93 Public Comment

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95 Stephen Kosacz, a member of the Economic Development Committee (EDC), approached the
96 podium to make the following comments:

- 97 • Mr. Kosacz believed that the roundtable discussion that evening was productive and
98 suggested that they canvas the residents of the Foreside to see what their parking needs
99 are. He added that they could make the parking on residential-only streets open during
100 the day to accommodate businesses and restrict it to residents only after a certain time
101 limit.

102

103 **NEW BUSINESS**

104

105 **ITEM 1 – 73 Tower Road – Shoreland Development Plan Review-Modification to an**
106 **Approved Plan**

107 Action: approve or deny plan. Owners/applicants Robert & Megan Ramos request consideration
108 of a modification to their recently approved shoreland development plan to construct a new,
109 more conforming single-family dwelling at 73 Tower Road (Tax Map 58, Lot 42) in the
110 Residential – Rural Conservation (R-RLC), Shoreland Overlay (OZ-SL-250'), and Resource
111 Protection Overlay (OZ-RP) Zones. Agent is Robert MacDonald, Detail Design Builders, LLC.

112

113 Robert MacDonald of Detail Design Builders, LLC approached the podium to give a short
114 presentation which included the following points:

- 115 • There was one modification to the plan which added a 3 ft. by 18 ft. two story jog which
116 increased the volume by a slight amount and made the structure more conforming.
- 117 • They moved the back deck, which was completely in the nonconforming zone, behind the
118 garage and the family room, placing the majority of the deck in the conforming zone.

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120 Ms. Driscoll-Davis asked if the jog was any closer to the water than the old structure was. Mr.
121 MacDonald responded that it is 3 ft. closer, but taking the deck into consideration, the entire
122 structure is not as close to the water.

123

124 **Mr. Lincoln moved to accept the Shoreland Development Plan application dated**
125 **September 10, 2015 from owners and applicants Robert and Megan Ramos for 73 Tower**
126 **Road (Tax Map 58, Lot 42) in the in the Residential – Rural Conservation (R-RLC),**
127 **Shoreland Overlay (OZ-SL-250’), and Resource Protection Overlay (OZ-RP) Zones.**

128 **Mr. Harris seconded the motion.**

129 **Motion carried 5-0-0.**

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131 **Ms. Kalmar moved to approve the plan modification presented in the Shoreland**
132 **Development Plan application dated September 10, 2015 and amend the previously**
133 **approved findings of fact dated July 9, 2015 as presented in the 9/24/2015 plan review notes**
134 **for owners and applicants Robert and Megan Ramos for 73 Tower Road (Tax Map 58, Lot**
135 **42) in the in the Residential – Rural Conservation (R-RLC), Shoreland Overlay (OZ-SL-**
136 **250’), and Resource Protection Overlay (OZ-RP) Zones.**

137 **Mr. Lincoln seconded the motion.**

138 **Motion carried 5-0-0**

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140 **FINDINGS OF FACT**

141 **For 73 Tower Road**

142 **Shoreland Development Plan Review**

143

144 **WHEREAS:** Owners and applicants Robert and Megan Ramos request approval of their
145 Shoreland Development Plan for reconstruction of an existing, nonconforming structure located
146 at 73 Tower Road (Tax Map 58, Lot 42) in the Residential – Rural Conservation (R-RLC),
147 Shoreland Overlay (OZ-SL-250’) and Resource Protection Overlay (OZ-RP) Zones, hereinafter
148 the “Development,” and Pursuant to the Plan Review meetings conducted by the Town Planning
149 Board as noted;

150

Shoreland Development Plan Review	6/11, 7/9, 9/24
Site Walk	6/30
Public Hearing	7/9

151

152 And pursuant to the Application and Plan and other documents considered to be a part of the
153 plan review decision by the Town Planning Board in this Finding of Fact consisting of the
154 following (hereinafter the “Plan”):

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156 1. Shoreland Development Plan Application, May 21, 2015 and September 10, 2015

157 2. Shoreland Development Plan, Frank Emery, PLS, May 5, 2015 revised June 3, June 11 and
158 September 9, 2015.

159 3. Architectural Plans, Detail Design Builders, May 27 and September 10, 2015

160

161 **NOW THEREFORE**, based on the entire record before the Planning Board, including
162 previously approved Findings of Fact dated July 9, 2015 and pursuant to the applicable standards
163 in the Land Use and Development Code, the Planning Board makes the following factual
164 findings and conclusions:

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166 **FINDINGS OF FACT**

167

168 **Chapter 16.3 LAND USE ZONE REGULATIONS**

16.3.2.17. D Shoreland Overlay Zone (updated and voted again on 9/12)

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

Findings: Existing conditions on the 30,469-square-foot lot include 3,959 square feet (13%) of devegetated area. The revised proposed to be devegetated area is 3,887 square feet (12.8% of the lot).

Conclusion: This standard appears to be met.

(at the 9/24/15 meeting) **Vote: 5 in favor 0 against 0 abstaining**

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170 **Chapter 16.7 GENERAL DEVELOPMENT REQUIREMENTS**

171 **Article III Nonconformance**

16.7.3.1 Prohibitions and Allowances

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

Finding: This is an existing, nonconforming lot with an existing single-family dwelling structure located partially within 100 feet of a waterbody. The proposed development's floor area, volume and devegetated area do not exceed what is allowed under Title 16.

Conclusion: The proposed development does not increase the nonconformity. The requirement appears to be met.

(at the 9/24/15 meeting) **Vote: 5 in favor 0 against 0 abstaining**

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16.7.3.5.6 Nonconforming Structure Reconstruction. (Effective 2/28/15)

A. Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, damaged or destroyed, regardless of

the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board (in cases where the structure is located in a Shoreland Overlay of Resources Protection Overlay Zone) or Code Enforcement Officer, in accordance with this Code.

B. In no case will a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it may not be any larger than the original structure, except as allowed pursuant to Section 16.7.3.5.5, Nonconforming Structures Repair and Expansion and 16.7.3.6.1 Nonconforming Structure Expansion, as determined by the nonconforming floor area and volume of the reconstructed or replaced structure at its new location.

C. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure may be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation to reconstruct a structure, vegetation must be replanted in accordance with Section 16.7.3.5.4.C, Nonconforming Structure Relocation. Application for a demolition permit for any structure that has been partially damaged must be made to the Code Enforcement Officer.

D. Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and removed, damaged or destroyed by any cause by the owner by 50% or less of the market value of the structure before such damage, destruction or removal, may be reconstructed in-place if a permit is obtained from the Code Enforcement Officer or the Planning Board (in cases where the structure was located in the Shoreland Overlay or Resources Protection Overlay Zone) within twelve (12) months of the established date of damage, destruction, or removal.

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

Finding: The existing nonconforming structure will be destroyed by more than 50% of its market value. D is not applicable. The proposed structure does not expand in area or volume within the required setback from the water and does not increase nonconformity.

Conclusion: With the proposed conditions (#5), the standards of 16.7.3.5.6 appear to be met.

(at the 7/9/15 meeting) **Vote: 5 in favor 0 against 0 abstaining**

16.7.3.5.4 Nonconforming Structure Relocation

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

Finding:

1. Lot. The lot is 30,469 square feet, which is comparable to adjacent properties but nonconforming to the 80,000-square-foot minimum.
2. Slope. The lot slopes toward the ocean and toward the road. The existing house is built into the slope, with a portion of the basement level accessible from the outside.
3. Soil erosion. Increased soil disturbance increases the potential for soil erosion. Proposed development limits the total amount of necessary excavation and thus the increased potential for soil erosion.
4. Other Structures. There are no other structures on the property. Structures on abutting properties meet the side setbacks and are nonconforming to the 100-foot setback from the ocean.
5. Septic System. The applicant proposes an expansion of the existing septic system.
6. Vegetation. No removal of vegetation is proposed or permitted.

Conclusion: The structure relocation meets the setback to the greatest practical extent.

(at the 7/9/15 meeting) **Vote: 5 in favor 0 against 0 abstaining**

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16.7.3.6 Nonconforming Structures in Shoreland and Resource Protection Zones

16.7.3.6.1 Nonconforming Structure Expansion

A nonconforming structure may be added to, or expanded, after obtaining Planning Board approval and a permit from the Code Enforcement Officer. Such addition or expansion must not increase the non-conformity of the structure and must be in accordance with the subparagraphs [A through C] below.

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

B. If a replacement structure conforms to the requirements of Section 16.7.3.6.1.A and is less than the required setback from a water body, tributary stream or wetland, the replacement

structure will not be permitted to expand if the original structure existing on January 1, 1989, has been expanded by 30% in floor area and volume since that date.

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

Finding: The proposed reconstruction *reduces* floor area and volume within the setback from the water.

Conclusion: The requirements of this section appear to be met.

(at the 7/9/15 meeting) **Vote: 5 in favor 0 against 0 abstaining**

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Chapter 10 DEVELOPMENT PLAN APPLICATION AND REVIEW

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Article 10 Shoreland Development Review

16.10.10.2 Procedure for Administering Permits

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

1. Maintain safe and healthful conditions;

Finding: The proposed development does not appear to have an adverse impact.

Conclusion: This requirement appears to be met.

(at the 7/9/15 meeting) **Vote: 5 in favor 0 against 0 abstaining**

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

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

Conclusion: The proposed development does not appear to have an adverse impact. With the suggested conditions #2, #3, this requirement appears to be met.

(at the 7/9/15 meeting) **Vote: 5 in favor 0 against 0 abstaining**

3. Adequately provide for the disposal of all wastewater;

Finding: The applicant has submitted a HHE 200 septic system application for the proposed expansion to the existing septic system.

Conclusion: This requirement appears to be met.

<p>(at the 7/9/15 meeting) Vote: <u>5</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;</p> <p><u>Finding:</u> Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction. (see conditions #2 and #3) to avoid impact on adjacent surface waters.</p> <p><u>Conclusion:</u> The proposed development does not appear to have an adverse impact. With the suggested conditions #2 and #3, this standard appears to be met.</p>
<p>(at the 7/9/15 meeting) Vote: <u>5</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>5. Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;</p> <p><u>Finding:</u> Shore cover is not affected by this development. Vegetation will be increased. There are no points of access.</p> <p><u>Conclusion:</u> The requirement appears to be met.</p>
<p>(at the 7/9/15 meeting) Vote: <u>5</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>6. Protect archaeological and historic resources;</p> <p><u>Finding:</u> The proposed development does not appear to have an adverse impact.</p> <p><u>Conclusion:</u> The requirement appears to be met.</p>
<p>(at the 7/9/15 meeting) Vote: <u>5</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/ maritime activities district;</p> <p><u>Finding:</u> The proposed development does not appear to have an adverse impact.</p> <p><u>Conclusion:</u> This requirement appears to be met.</p>
<p>(at the 7/9/15 meeting) Vote: <u>5</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>8. Avoid problems associated with floodplain development and use;</p> <p><u>Finding:</u> The existing development is within the floodplain. The proposed development is not within the floodplain.</p> <p><u>Conclusion:</u> This requirement appears to be met.</p>
<p>(at the 7/9/15 meeting) Vote: <u>5</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>9. Is in conformance with the provisions of this Code;</p> <p><u>Finding:</u> The proposed development appears to be in conformance with the provisions of this Code.</p> <p><u>Conclusion:</u> This requirement appears to be met.</p>
<p>(at the 7/9/15 meeting) Vote: <u>5</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>10. Be recorded with the York County Registry of Deeds.</p>

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

(at the 7/9/15 meeting) **Vote: 5 in favor 0 against 0 abstaining**

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Based on the foregoing Findings, the Planning Board finds the applicant has satisfied each of the review standards for approval and, therefore, the Planning Board approves the Shoreland Development Plan Application for Robert and Megan Ramos, owners and applicants, for reconstruction of a nonconforming single-family dwelling located at 73 Tower Road (Tax Map 58, Lot 42) subject to any conditions or waivers, as follows:

Waivers: None

Conditions of Approval (not to be included on final plan):

1. Minor plan revisions as described in staff review notes will be made prior to signing.

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

1. No changes, erasures, modifications, or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated with site and building construction to ensure adequate erosion control and slope stabilization.
3. Prior to the commencement of grading and/or construction within a building envelope, as shown on the Plan, the owner and/or developer must stake all corners of the envelope. These markers must remain in place until the Code Enforcement Officer determines construction is completed and there is no danger of damage to areas that are, per Planning Board approval, to remain undisturbed.
4. All Notices to Applicant contained herein (Findings of Fact dated 9/24/15).
5. A replanting plan to mitigate past unpermitted tree removal in the Shoreland Zone showing tree species, sizes, and planting locations will be submitted to and approved by the Town of Kittery Shoreland Resource Officer, who will also confirm conformance to 16.10.10.2.D.2.

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

(at the 7/9/15 meeting) **Vote of 5 in favor 0 against 0 abstaining**

APPROVED BY THE KITTERY PLANNING BOARD ON 7/9/15 and 9/24/15

214 Notices to Applicant:
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- 216 1. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board,
217 or Peer Review Engineer, and submit for Staff review prior to presentation of final Mylar.
218 2. Prior to the release of the signed plans, the applicant must pay all outstanding fees
219 associated with the permitting, including, but not limited to, Town Attorney fees, peer
220 review, newspaper advertisements and abutter notification.
221 3. One (1) Mylar copy of the final plan and all related state/federal permits or legal
222 documents that may be required must be submitted to the Town Planning Department for
223 signing. Date of Planning Board approval shall be included on the final plan in the
224 Signature Block. After the signed plan is recorded with the York County Registry of
225 Deeds, a Mylar copy of the signed original must be submitted to the Town Planning
226 Department.
227 4. This approval by the Town Planning Board constitutes an agreement between the Town
228 and the Developer, incorporating as elements the Development Plan and supporting
229 documentation, the Findings of Fact, and any Conditions of Approval.

230 Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the
231 Planning Board to the York County Superior Court in accordance with Maine Rules of Civil
232 Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning
233 Board was rendered.
234

235 **ITEM 2 – Board Member Items/Discussion**
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237 Ms. Grinnell asked Mr. DiMatteo about the newly hired Assistant Planner. Mr. DiMatteo
238 responded that she is starting on October 5th.
239

240 A discussion ensued about the order of the items on the action list. Mr. DiMatteo commented
241 that there was a public hearing during the Town Council meeting on Monday regarding the code
242 amendments. Ms. Driscoll-Davis discussed the idea of parking credits for Walker Street,
243 Government Street and Wallingford Square. Mr. DiMatteo suggested that he gather data for the
244 Council to review that would explain the need for the parking change. Ms. Grinnell mentioned
245 Mr. Mead’s statement regarding certain streets no longer meeting minimum standards and asked
246 if they should still allow parking on those streets. Ms. Kalmar noted that the street inventory
247 would identify which streets they wanted to limit actual parking on, not parking credits. She
248 added that restricting certain smaller streets to resident-only parking would resolve some issues
249 that residents have. Ms. Kalmar suggested structuring a list of criteria for how to determine
250 whether a proposed use would be allowed the credits or not, which would allow for certain small
251 businesses in residential neighborhoods.
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253 Ms. Grinnell suggested giving one or two credits instead of three. Ms. Driscoll-Davis reiterated
254 that the situation is temporary and noted that they could keep the parking credits to the area
255 previously mentioned and give themselves the ability to waive parking credits for small
256 businesses in residential areas that would not adversely affect the neighborhood. Ms. Kalmar
257 noted a comment that Tom had passed along which stated that requiring the maximum number of
258 parking spaces often leads to the destruction of existing structures, meaning that they would
259 destroy the current structure to replace it with a smaller structure which allows for more parking.
260 Ms. Kalmar noted that in the 1990s businesses either did not want to relocate to Kittery because
261 of the strict parking requirements or chose to destroy the building to create more spaces. She
262 noted that the Town reduced the required number of parking spaces and instituted parking
263 credits. She discussed additional negative impacts of providing more parking spaces.

264
265 Mr. DiMatteo noted that he would like to avoid changing the ordinances until they have time to
266 go through it in a methodical way using the big picture the change parking and zoning in the
267 area. He stated again that they must have an urgent reason to tweak the ordinance. Mr. Lincoln
268 commented that he supports Mr. DiMatteo's position and does not support changes in the
269 parking credit system currently in place. Mr. DiMatteo stated that if they want to preserve the
270 neighborhood then they need to change more than the parking credits. Ms. Driscoll-Davis
271 suggested having a Design Review Committee in the Foreside.

272
273 Mr. DiMatteo commented on a statement made by someone at the workshop regarding land use
274 being a delicate balance. Ms. Driscoll-Davis noted that there have been applications presented
275 to the Board which indicate a need for a parking change. A discussion ensued between Mr.
276 DiMatteo and Ms. Driscoll-Davis regarding an example on Knight Ave, the creation of a mixed
277 use zone and the evolution of business in the area. Ms. Kalmar commented that limiting parking
278 credits alone would not eliminate the possibility of someone buying multiple lots to increase
279 their parking. Ms. Driscoll-Davis suggested reinstating the Foreside Review Committee. Ms.
280 Grinnell suggested moving the discussion to the second meeting in October.

281
282 **Mr. Lincoln moved to adjourn.**

283 _____ **seconded.**

284 **Motion carried: 5-0-0**

285
286 The Kittery Planning Board meeting of September 29, 2015 was adjourned at 9:47 p.m.

287
288 Submitted by Valerie Porrazzo, Minutes Recorder, October 1, 2015.

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

York Hospital –Modification to an Approved Plan

Action: grant or deny plan approval. York Hospital requests approval to amend a previously approved site plan with the addition of a new second free-standing sign as a general information sign along State Road. Property is located at 35 Walker Street at State Road in the Business Local 1 and Mixed Use Kittery Foreside Zones; Tax Map 4 Lot 168. Agent is Ken Wood, with Attar Engineering.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan		
NO	Site Visit		
YES	Plan Review Completeness/Acceptance	Scheduled for 10/8/15	
NO	Public Hearing		
YES	Plan Review and Decision	Scheduled for 10/8/15	

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

Background

The Planning Board approved a site plan for York Hospital in April 2010. There have been two subsequent minor plan modifications prior to the current proposal. The owner/applicant is interested in providing more direction to visitors arriving to the site as to the location of the entrance, specifically that it is located on Walker Street and not State Road (US Route One.) The proposed plan modification includes a new free-standing sign along State Road in the same manner as the existing sign on Walker Street. See attached sketch and photo.

Staff Review

The plan modification is minor in nature and would require only the CEO and the Town Planner to review and approve if the proposed change did not specifically require planning board approval. (16.10.9.3.1)

Title 16.8.10.4 prohibits a development having more than one free-standing sign with the exception of specific temporary signs described in 16.8.10.8 and signs allowed without a permit as outlined in 16.8.10.9. The latter is pertinent to the proposed plan modification where the applicant is requesting the Planning Board’s approval for a second free-standing sign as a *General Information Sign* as allowed in 16.8.10.9.B.

A general information sign is allowed to be 4 square feet in size for those that include ‘Enter’ and ‘Exit’, and 2 square feet for all other information signs. The Planning Board, however, can approve larger sizes and/or the addition of logos or business names when “considered necessary to promote safety or eliminate confusion”.

With a single business on the premises the Code allows for a total of 300 square feet for both free-standing and building signs. The site currently has one free-standing sign located on Walker Street and two building-mounted signs (insignia/logs) at the top front of the building and to the side adjacent to State Road. This totals approximately 113.4 square feet in sign area. (Current building sign area is 52 sf plus 61.4 sf for the double-sided free-standing sign)

In addition to the existing signage on the premises, there is a single OBDS (off-premises business directional sign) that is located on State Road heading north.

The proposed sign is depicted on the plan as a double-sided sign located 20 feet from the edge of pavement. The latter is pertinent because Title 16.8.10.3.C requires this for U.S. and state number highways that are more than 24 feet in width and have more than two travel ways. It is unclear exactly the sign area that is being proposed and the need for a double-sided sign. Staff assumes that the photo mock-up is the proposed general information sign which is approximately 44.7 sf in sign area per side. (30.7 + approx. 14 sf for the empty shingles) A double-sided sign does not seem warranted and may create confusion for visitors arriving to the site heading south on State Road. Additional OBDS's might also improve the ability for visitors to locate the Walker Street entrance. The applicant can apply directly to the state, which staff can provide direction for.

Recommendation

At a minimum it seems reasonable to allow for a second free-standing sign (single sided only) along State Road that would include the business name and, which it does not appear on the proposed sign, the address and clear direction to the entrance. For example, "35 Walker Street", perhaps on the top of the sign, and "NEXT RIGHT" at the bottom. If the Board finds that additional information is warranted, the Code allows for larger sign area than what is required along with business names and logos where *considered necessary to promote public safety or eliminate confusion.*

Action

After accepting the plan application and discussing the proposed general information sign request and determining to what extent the sign proposal need changing, the Board may want to continue the application in order to allow the applicant to provide additional information and/or opportunity for board members to visit the site, or provide specific direction to the applicant and grant conditional approval based on staff and Board's comments.

Move to accept the plan application dated September 3, 2015 from owner York Hospital and applicant, Steven Pelletier, Chief Operating Officer at 35 Walker Street (Tax Map 4, Lot 168) in the Business Local 1 and Mixed Use Kittery Foreside Zones.

and

Move to approve with conditions the minor plan modification for a general information sign dated September 3, 2015 from owner York Hospital and applicant, Steven Pelletier, Chief Operating Officer at 35 Walker Street (Tax Map 4, Lot 168) in the Business Local 1 and Mixed Use Kittery Foreside Zones.

FINDINGS OF FACT

UNAPPROVED

**For York Hospital General Information Sign
 Modification to an Approved Plan Review**

WHEREAS: Owner York Hospital and applicant Steven Pelletier, Chief Operating Officer requests approval to amend a previously approved site plan with the addition of a new second free-standing sign along State Road as a general information sign, property located at 35 Walker Street in the Business Local 1 and Mixed Use Kittery Foreside Zones; Tax Map 4 Lot 168.

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

Modification to an Approved Plan Review	10/8/2015

And pursuant to the Application and Plan and other documents considered to be a part of the plan review decision by the Town Planning Board in this Finding of Fact consisting of the following (hereinafter the “Plan”):

- 1 Minor Modification to an Approved Plan Review application and associated exhibits, September 3, 2015
2. Modified Site Plan, prepared by ATTAR Engineering, entitled Site Plan Amendment #3 York Hospital Medical Office Building...REV date 9/28/2015

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

FINDINGS OF FACT

Chapter 16.8.10 SIGNS

16.8.10.9 Signs Allowed Without a Sign Permit.

The following types of signs, in sizes and under conditions stated, are allowed without a Town sign permit, but must conform with all other provisions of Article X of Chapter 16.8 except for the provisions restricting the number of signs (Sections 16.8.10.4 and 16.8.10.5) and limiting the total sign area (Section 16.8.10.6).

***B. General Information Signs.** Signs which provide direction or instruction such as, location of telephone, rest rooms, parking, automatic teller machines (ATMs), transit stops, entrances and exits, open and closed signs, where installed entirely upon the property to which they pertain. “Enter” and “Exit” signs must not exceed four square feet in size. All other general information signs must not exceed two square feet in size. Except for identifying approved off-premises parking stalls, no logos, trademarks or names of businesses are permitted on general information signs. The Planning Board may approve increased sizes and/or the use of logos or names of businesses on general information signs when considered necessary to promote safety or eliminate confusion;*

Findings: York Hospital located fronts both State Road and Walker Street with only one entrance on Walker Street. It appears that without signage along State Road in addition to the existing OBDS direction visitors to the site north bound on State Road do not adequately locate the main entrance.

Conclusion: An additional sign as allowed under 16.8.10.6.B will likely promote safety and eliminate confusion.

Vote: 0 in favor 0 against 0 abstaining

Based on the foregoing Findings, the Planning Board finds the applicant has satisfied the review standards for approval and, therefore, the Planning Board approves the Modification to an Approved Plan Application for a General Information Sign, Owner York Hospital and applicant Steven Pelletier, Chief Operating Officer, 35 Walker Street, Tax Map 4 Lot 168, subject to any conditions or waivers, as follows:

Waivers: None

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

1. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board, or Peer Review Engineer, and submit for Staff review prior to presentation of final Mylar.

{and other conditions as presented in the Findings of Fact dated 10/8/2015}

2. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
3. One (1) Mylar copy of the final plan and all related state/federal permits or legal documents that may be required must be submitted to the Town Planning Department for signing. Date of Planning Board approval shall be included on the final plan in the Signature Block. After the signed plan is recorded with the York County Registry of Deeds, a Mylar copy of the signed original must be submitted to the Town Planning Department.

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

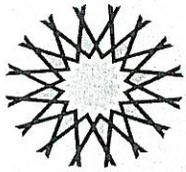
The Planning Board authorizes the Planning Board Chair to sign the Final Plan and the Findings of Fact upon confirmation of compliance with any conditions of approval.

Vote of 0 in favor 0 against 0 abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON 10/8/2015

Ann Grinnell, Planning Board Chair

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



ATTAR
ENGINEERING, INC
CIVIL STRUCTURAL MARINE

RECEIVED
SEP 03 2015
BY: _____

Chris DiMatteo, AICP,
Director of Planning and Development
Town of Kittery
P.O. Box 808
Kittery, Maine 03904

September 3, 2015

Project No.: C113-15

Re: Kittery Medical Building – Sign Amendment
Amended Plan Application

Dear Mr. DiMatteo:

On behalf of York Hospital, I have attached a plan amendment request, as discussed, for an additional sign at the Kittery Medical Building.

The existing approved sign is located at the facility's main entrance on Walker Street. However, patients and clients travelling on Route 1, State Rd, which the facility also fronts on, are often confused with regards to the entrance location. The additional sign, located adjacent to the facility and State Road will remedy this issue. Section 16.8.10.9.B allows the PB to approve an increased "use" to promote safety and eliminate confusion – exactly the conditions that apply in this situation.

Please schedule this project for the next available Planning Board meeting.

Please contact me for any additional information or clarifications required.

Sincerely,

Kenneth A. Wood, P.E.
President

cc: Steve Pelletier, York Hospital

C093-14 Kittery Sketch Cover.doc



A Not-for-Profit Community
Health Care Center Since 1904.

August 26, 2015

Chris DiMatteo
Director of Planning and Development
Town of Kittery
200 Rogers Road
Kittery ME 03904

RE: York Hospital's Request for Additional Signage at 35 Walker Street, Kittery

Dear Chris,

In our effort to improve our service in Kittery, York Hospital would like to request an additional sign on the Route 1 side of our property at 35 Walker Street.

I have had many Kittery community members, visitors and first time users of the medical services we provide at this location express that it would have been very beneficial to them if there was a sign on Route 1.

A well-placed sign on US Route 1, similar to the one on Walker Street, would be helpful with those first time users of Kittery Walk-In and the other medical services provided at this location.

I'm looking forward to presenting our request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Pelletier', written over a horizontal line.

Steve Pelletier
COO

15 Hospital Drive, York, Maine 03909
Information: 207-363-4321 Toll Free: 877-363-4321
www.yorkhospital.com TTY: 207-363-7433



TOWN OF KITTERY
TOWN PLANNING AND DEVELOPMENT
 200 Rogers Road, Kittery, ME 03904
 Telephone: 207-475-1323 Fax: 207-439-6806

APPLICATION:
MINOR MODIFICATION TO AN APPROVED SITE OR SUBDIVISION PLAN

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

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

PROPERTY DESCRIPTION	Parcel ID	Map	4	Lot	168	Zone(s): Base: Overlay: MS4	LB1/KF _____ YES NO	Total Land Area	2.5 acres
	Physical Address	35 Walker Street, Kittery, ME							

PROPERTY OWNER'S INFORMATION	Name	York Hospital	Mailing Address	York Hospital Steve Pelletier 15 Hospital Drive York, ME 03909
	Phone	207-351-2777		
	Fax	207-351-2308		
	Email	n/a		

APPLICANT'S AGENT INFORMATION	Name	Kenneth Wood, P.E.	Mailing Address	Attar Engineering, Inc. 1284 State Rd. Eliot, ME. 03903
	Phone	207-439-6023		
	Fax	207-439-2128		
	Email	ken@attarengineering.com		

PROJECT DESCRIPTION	Project Name: York Hospital Medical Office Building
	Existing Use:
	Proposed Amendment Please describe how the approved plan is to be amended. State any known areas of non-compliance to the Code and how this amendment will decrease or remove non-compliance, if applicable.
	Add additional sign to assist patients with finding the main entrance.

CERTIFICATION: To the best of my knowledge, all the information submitted on this plan amendment and with my application is true and correct.

 _____ Signature of Owner	 _____ Date
 _____ Signature of Applicant	 _____ Date

Minimal Plan Submittal Requirements

3 COPIES OF THE APPROVED SITE OR SUBDIVISION PLAN 3 COPIES OF THE AMENDED SITE OR SUBDIVISION PLAN

PRIOR TO COMMENCEMENT OF THE REVIEW PROCESS, THE TOWN PLANNER WILL DECIDE WHETHER SUFFICIENT INFORMATION HAS BEEN PROVIDED AND WILL *DETERMINE* COMPLETENESS/ACCEPTANCE.

THE APPLICANT IS RESPONSIBLE TO PRESENT A CLEAR UNDERSTANDING OF THE PLAN AMENDMENT.

- A) Paper size:
 No less than 11" X 17" (reduced) or greater than 24" X 36" (full)
- B) Scale size:
 Under 10 acres: no greater than 1" = 30'
 10 + acres: 1" = 50'
- C) Title block:
 Applicant's name and address
 Name of preparer of plans with professional information and professional seal
 Parcel's tax map identification (map - lot)
 Date of plan preparation
- D) Clearly show and reference the area on the plan that is revised. Use lines and symbols to identify areas of change and the associated revision.
- E) Describe the revision in a revision block (i.e. "moved elec. trans. box on sheet 3/12.) on the cover sheet and on the revised sheet.
- F) Provide all associated reference material and or documentation that clarify and or supports the purpose of the proposed revision.
- G) Revisions to the boundary, internal lots and or parcels must be made by a surveyor licensed in the State of Maine.
- H) Significant revisions to the proposed site must be made by a professional engineer licensed in the State of Maine.

**16.10.9.3.1 Modifications to an Approved Plan.
 06.10.9.3.1 Minor Modifications.**

Modifications to a Planning Board approved plan, that do not require Planning Board review per Section 16.10.3.2, may approved by the Code Enforcement Officer and Town Planner. Such approvals must be issued in writing to the developer with a copy to the Planning Board. The developer must provide a revised plan to the Town Planner and be recorded in the York County Register of Deeds when required.

SUBMITTALS THAT STAFF DEEMS SUFFICIENTLY LACKING IN CONTENT WILL BE RETURNED TO THE APPLICANT WITHOUT REVIEW.

REVIEW ACTION

___ Approved

___ Approved with conditions as follows:

___ Denied

Town Planner _____ Date _____

Code Enforcement Officer _____ Date _____

LEGEND

WETLAND BOUNDARY	---
UTILITY POLE	⊗
EXT. WATER	—EW—
EXT. SEWER	—ES—
EXT. OVERHEAD UTIL.	—OHW—
EDGE OF PAVEMENT	—
WATER VALVE	⊗
WATER SHUTOFF	⊕
PROPOSED CURB	—
BORING	⊕
PROBE	⊙



PHASING NOTE

PHASE IA: BUILDING AND SITE

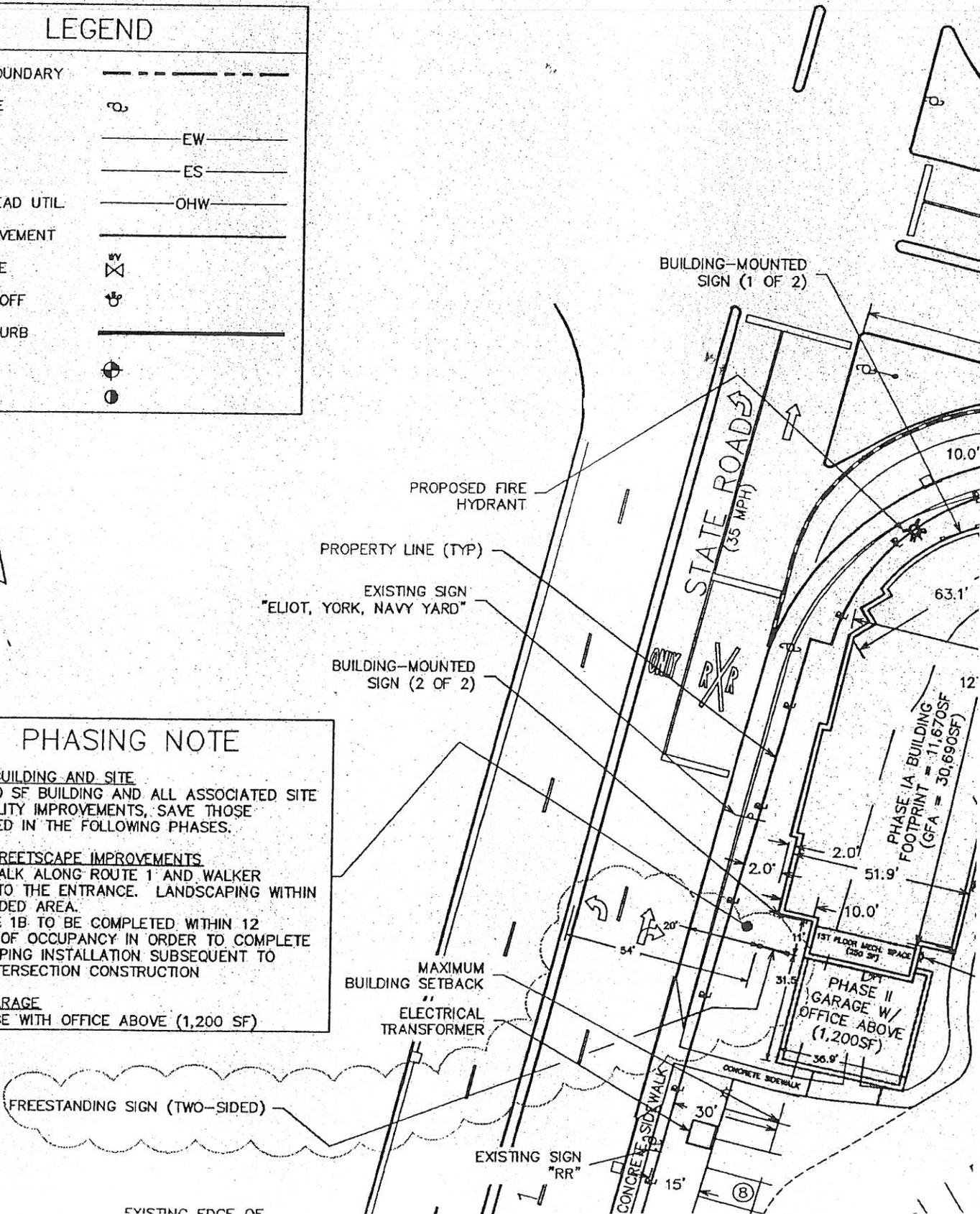
- 11,670 SF BUILDING AND ALL ASSOCIATED SITE AND UTILITY IMPROVEMENTS, SAVE THOSE DESCRIBED IN THE FOLLOWING PHASES.

PHASE IB: STREETScape IMPROVEMENTS

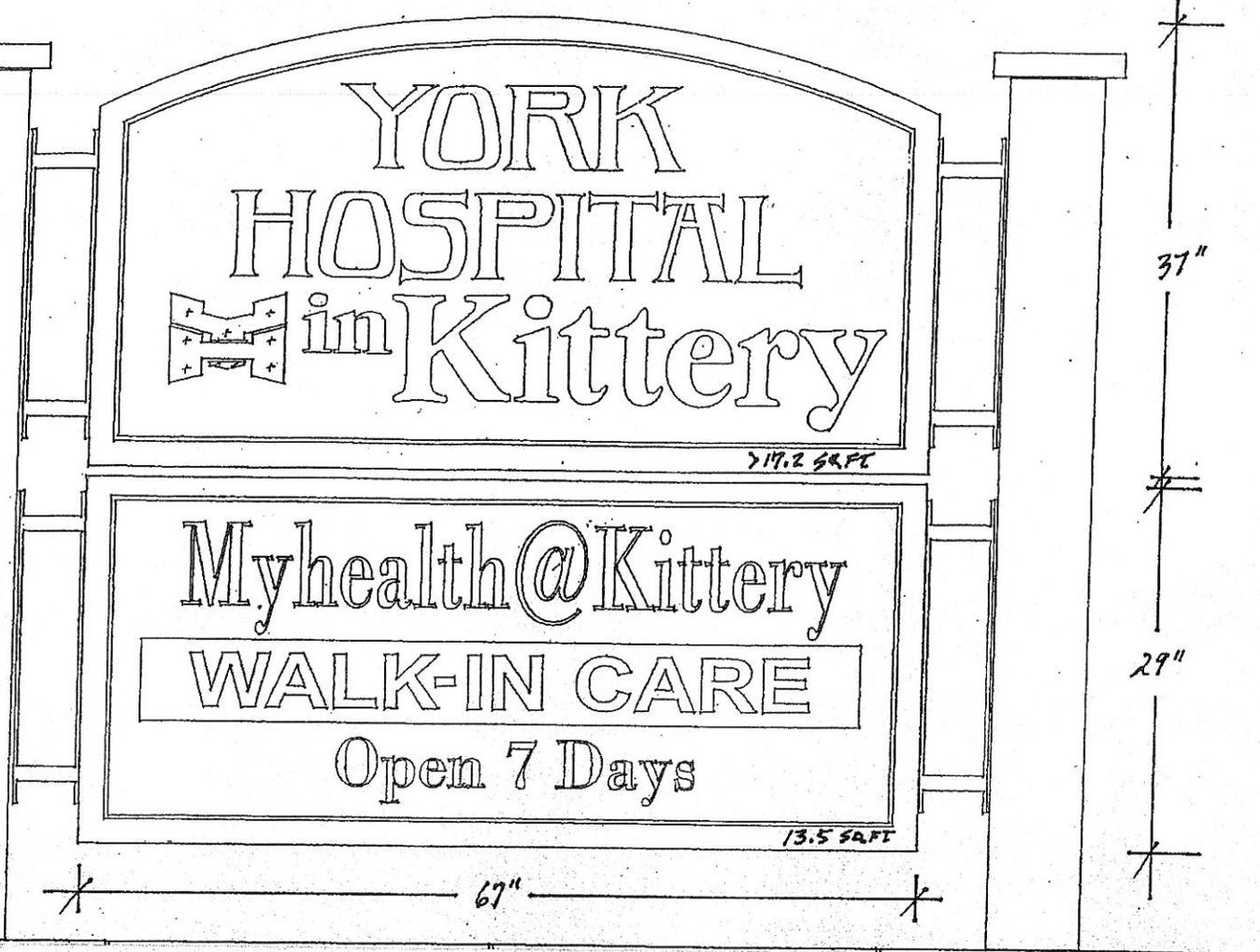
- SIDEWALK ALONG ROUTE 1 AND WALKER STREET TO THE ENTRANCE. LANDSCAPING WITHIN THE SHADED AREA.
 - PHASE IB TO BE COMPLETED WITHIN 12 MONTHS OF OCCUPANCY IN ORDER TO COMPLETE LANDSCAPING INSTALLATION SUBSEQUENT TO MDT INTERSECTION CONSTRUCTION

PHASE II: GARAGE

- GARAGE WITH OFFICE ABOVE (1,200 SF)



EXISTING EDGE OF



DK GREEN BACKGROUND
BLACK, SILVER, GOLD, GREY, WHITE ELEMENTS

CIDER HILL WOODWORKS, INC

YORK
HOSPITAL
in Kittery

Myhealth@Kittery

WALK-IN CARE

Open 7 Days

