



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, March 12, 2015

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

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE – APPROVAL OF MINUTES – 2/26/2015

PUBLIC COMMENTS - Public comment and opinion are welcome, however comments and opinions related to projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing. Those providing comment must state clearly their name and address and record it in writing at the podium.

OLD BUSINESS

ITEM 1 – Pine Tree Plaza Site Plan – Modification to an Approved Plan.

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

ITEM 2 – Beatrice Way –Major Subdivision Plan - Preliminary Plan Review.

Action: grant or deny preliminary plan approval. Owner Operation Blessing LP, and applicant Richard Sparkowich, propose a five lot subdivision on remaining land from the previously approved 3-lot subdivision located between Highpoint Circle and Kittree Lane. The site is identified as Map 61 Lot 08, in the Residential - Rural (R-RL) Zone. Agent is Ken Markley, Easterly Survey Inc.

ITEM 3 – Town Code Amendment - Title 16.4.4.1 Inspection of Required Improvements; 16.10.3.7 Independent Review/Inspection Consultant Review; 16.10.3.8 Independent Review Applicant Funding; 16.10.8.2.2 Performance Guaranty Conditions; and 16.10.9.1 Post Approval Actions Required.

Action: review amendment and schedule a public hearing. Proposed amendment: codifies the need to hold a pre-construction meeting; updates provisions associated with inspections; and provides clarity through minor changes where needed.

ITEM 4 – Board Member Items / Discussion

- A. Retreat date and agenda
- B. Other

ITEM 5 – Town Planner Items:

- A. Landgarten, minor modification to an approved plan for 7-17 Wallingford Sq.
- B. Recently ordained amendments.
- C. Other

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

4
5 Meeting called to order at 6:01 p.m.
6 Board Members Present: Karen Kalmar, Deborah Davis, David Lincoln, Robert Harris, Mark Alesse
7 Members absent: Ann Grinnell
8 Staff: Chris DiMatteo, Town Planner

9
10 Pledge of Allegiance

11
12 Minutes: February 12, 2015

13 Ms. Davis moved to accept as amended

14 Mr. Lincoln

15 Motion carried: 5-0-0

16
17 Public Comment: There was no public comment.

18
19 **PUBLIC HEARING/OLD BUSINESS**

20
21 **ITEM 1:** Kittery Municipal Center/Memorial Park - Modifications to an Approved Plan.

22 The Town of Kittery proposes to add new memorials to the Memorial Park located at the east side of
23 Town Hall to accommodate the fire and police departments. The area is located at 200 Rogers Road in
24 the Business Local (B-L) zone, Tax Map 22 Lot 20A and 20. Project represented by Chris DiMatteo,
25 Town Planner.

26 Chris DiMatteo: Summarized the project, noting this is a minor modification to an approved plan. It is
27 before the Board because the Findings of Fact require Board review for any changes. The proposed
28 changes include a request by the fire and police departments to include memorials for their members.

29 The public hearing opened at 6:15 p.m.

30 Earldean Wells: What kind of trees are included at the site?

31 Mr. DiMatteo: Flowering crabapple.

32 The public hearing closed at 6:16 p..

33 Mr. Lincoln: Asked about dimensions of the proposed Fire and Police monuments and the William
34 Whipple monument; concerned about intrusion of proposed monument (Whipple) into the existing Circle;
35 it appears the name has been changed from the "Circle of Honor" to Memorial Park, and how can this be
36 done administratively; only one member (Lamont) from the Thresher Memorial group attended the
37 meeting with the fire and police to discuss the proposed monument additions; has a problem with
38 approving a plan that has drastically changed in philosophy from the original intent, and has no way of
39 stopping future changes that would fill this area with other memorials.

40 Mr. DiMatteo: The area is 9'x12' for both Fire and Police; the Whipple monument has not yet been
41 designed, and the area shown on the plan is to hold for future design; the proposed addition of the
42 Whipple memorial would be an amendment; the original Thresher Memorial group no longer exists and
43 those who were contacted, but did not attend, were supportive.

44 Mr. Harris: Spoke with Gary Beers and was told it was always the intent that this area be for memorials,
45 and not restricted to the Thresher memorial.

46 Ms. Davis: Has similar concerns as Mr. Lincoln. Is there something that references this area as
47 "Memorial Park"? There is already the John Paul Jones Memorial Park and Memorial Field. Noted the
48 original plan references "Monuments reserved for other memorials" which is what is now before the
49 Board. Where does the inclusion of William Whipple come from? Placement of memorials should be
50 well thought out so it does not appear haphazard.

51 Mr. DiMatteo: This name has evolved from Circle of Honor to Memorial Park. In summary, the Town
52 should create a management plan that address how issues such as this will be handled in the future, and
53 determine and finalize the name of the park in recognition of the original approval.

54 Mr. Harris: Agrees the name should be investigated since there are other similar names in town.

55 Mr. Alesse: This is the Town Hall Memorial Park where the Circle of Honor is located. Sees consistency
56 and believes it can remain as named.

57 Mr. Lincoln: The Town Planner should prepare a statement of fact regarding the name of the memorial
58 area, and who it is reserved for, not historical figures.

59 Mr. DiMatteo: Asked the Board consider approving the plan with the condition that a statement of fact be
60 presented to the Board with the final plan following construction, as the statement does not change the
61 plan before them.

62
63 Ms. Davis moved to accept the application and approve the Kittery Municipal Center Memorial
64 Park/Circle of Honor modifications to an approved plan dated February 26, 2015, with the condition the
65 final plan will incorporate a statement including the final name, current and future use, and purpose.

66 Mr. Alesse seconded

67 Mr. Harris: He can agree as long as no name is engraved prior to review of the prepared statement.

68 Motion carried: 4-1 (Lincoln) -0

69 Motion passes.

70

71 **OLD BUSINESS**

72

73 **ITEM 2 - Board Member Items/Discussion**

74 A. Board retreat: Suggested by Chairman Grinnell. Purpose is to become acquainted with protocols and
75 procedures, and discuss plan review process with staff. Suggested date is Thursday, April 1 from 9-
76 11 a.m.

77 B. Committee updates

78 – Comprehensive Plan Update: Awaiting funding; Staff preparing an RFP for a consultant to
79 prepare the Update; next meeting scheduled in May.

80 Mr. Lincoln: What is the role of the Board representative? Roles should be defined. Ms. Davis:
81 The Board representative participates and reports Committee activities to the Board.

82 C. Action List; review, edit and prioritize

83 – Ms. Kalmar: Suggested Commercial Recreation be reduced in priority due to other pending
84 amendments to Council in May, the complexity of the definition as a permitted use in various
85 zones, and the consistent use of recreation definitions throughout zones.

86 – Ms. Davis: Would be willing to reduce to a priority 2, but members should give it some thought,
87 be prepared for discussion, and consider types of recreation they can accept and types they do not
88 want to see in town.

89 – Mr. DiMatteo: Suggested reviewing all permitted uses, whether definitions exist or are needed,
90 and determine continuity of language, when used, across zones. A matrix or table of uses could
91 be developed, as permitted in associated zones.

92 – Amendments for May, 2015 Council presentation: Remaining Council workshop items (3) plus
93 pre-construction amendments currently before the Board, and Major/Minor change amendments.
94 Ms. Kalmar: The Cluster workshop with KOSC will be postponed to April 23. The Board needs
95 to be prepared to discuss amendment issues rather than waiting to be informed. Include structure
96 replacement outside the Shoreland Zone for May review.

97 D. Other

98 Ms. Kalmar: Sensitivity Training is scheduled for Town Boards and Committees on Thursday,
99 March 19 at 6:30 p.m. in Town Hall.

100 Mr. Lincoln: Asked about providing key code sections on projects before the Board. Ms. Kalmar:
101 This will be discussed in detail at the retreat when discussing staff work and Board expectations.
102 Mr. Lincoln: Spoke about the conflict between new housing and the potential destruction of
103 historical and old homes, particularly in the Foreside, and the use of historical districts to preserve the
104 character of an area. Does the Board want to be proactive regarding the future of the Foreside? Ms.
105 Davis: We should get a clear understanding of what the Foreside groups have found in their studies;
106 study the size of the Foreside and whether the zone should be changed; need to receive community
107 input. Mr. Alesse: Believes the Board does not have the statutory authority to make changes without
108 ordinance changes, but believes the majority of residents want the Foreside to remain the same. Mr.
109 Harris: Does not believe there is much commercial activity in the Foreside; little historical homes
110 remain in the Foreside or can be repaired; concerned about the rights of taxpayers and landowners.
111 Ms. Kalmar: Would like to hear from the Foreside groups who have been studying this for some time
112 before considering changes. Mr. DiMatteo: The Town Manager has compiled information from the
113 Foreside Forums and committee meetings that will be emailed to the Board and copies included in the
114 March 26 packets; Council has authorized the Town Manager to take the next steps, which may
115 include an RFP for a consultant to summarize and make recommendations. Ms. Kalmar: Once the
116 Board reviews the information, would it be appropriate to formulate questions at that time?
117 There was no further Board member comment.
118

119 **ITEM 3 - Town Planner Items**

- 120
- 121 A. Memorial Circle Improvement Plan - The construction costs were over budget, and now the
122 consultant costs are over budget. Because of this, there is concern about the number of public
123 hearings proposed. He will keep the Board informed.
 - 124 B. KACTS Grant for Route 1 By-Pass - Inventory of study area provided; a stakeholder meeting hosted
125 by the Board would help keep everyone informed. Mr. Lincoln: What is the purpose of the study
126 areas? Mr. DiMatteo: This area is for pedestrian and bicycle use that studies safety and use within
127 existing conditions. Discussion followed regarding road use, bridge access, etc. Mr. Lincoln: The
128 Board should consider the future of the By-Pass area.
 - 129 C. Town standing board/committee list: Mr. Lincoln: Need to check to see if there are any other
130 Committees with Board representation, and to replace Tom Emerson on the Economic Development
131 Committee.
 - 132 D. Ongoing Code amendments - No further discussion
 - 133 E. Other - None
- 134

135 **NEW BUSINESS**

136

137 **ITEM 4 - Town Code Amendment-Title 16.4.4.1 Inspection of Required Improvements; 16.10.3.7**
138 **Independent Review/Inspection Consultant Review; 16.10.3.8 Independent Review Applicant Funding;**
139 **16.10.8.2.2 Performance Guaranty Conditions; 16.10.9.1 Post Approval Actions Required. Action:**
140 **Review amendments and schedule a public hearing.** Proposed amendment: codifies the need to hold a
141 pre-construction meeting; updates provisions associated with inspections; and provides clarity through
142 minor changes where needed.

143 Mr. DiMatteo: Summarized the proposed amendment language, explaining a pre-construction conference
144 assures that all parties are working together on large projects before construction begins.

145 Mr. Harris: Read a prepared statement providing a list of questions and comments regarding the overall
146 amendment language. Who's going to handle the consultants, agreements and money in this process?

147 Mr. Alesse: Suggested Mr. Harris provide his comments to the Planner for comment and for review by
148 the Board at a later time. Mr. Lincoln: Concurred with Mr. Alesse. Ms. Kalmar: Requested Board
149 members submit their comments regarding the proposed amendment language to the Planner for
150 discussion at the next amendment review meeting in March.

151 Mr. Harris: It is unclear that this language applies to developments receiving Planning Board review,
152 and not to single family development.

153 Mr. DiMatteo: This was intended for subdivisions where there are roads and drainage systems, etc.

154

155

156 Mr. Alesse moved to adjourn

157 Mr. Harris seconded

158 Motion carried 5-0-0

159

160

161 The Kittery Planning Board meeting of February 26, 2015 adjourned at 7:54 p.m.

162 Submitted by Jan Fisk, Recorder, March 1, 2015

**Town of Kittery
 Planning Board Meeting
 March 12, 2015**

Pine Tree Plaza Site Plan – Modification to an Approved Plan

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

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Review		
YES	Site Visit	Scheduled 6/10/14	HELD
YES	Completeness/Acceptance	Plan accepted 5/8/14, conditional	ACCEPTED
YES	Public Hearing	Scheduled January 8, 2015	HELD
YES	Preliminary Plan Review and Approval	Continuance granted 9/11/14 to 1/8/15;	GRANTED
YES	Final Plan Review and Approval	Scheduled March 12, 2015	

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

This application was originally heard on May 8, 2014, where the application was accepted conditioned that the necessary survey and engineering plans should be prepared and submitted prior to a public hearing. The applicant requested an extension of 90 days which was granted on September 11, 2014. A site walk was held on June 10, 2014. The plan received preliminary approval January 8.

Staff Review

Peer Review Engineer, CMA, has reviewed both preliminary and final plans, with the most recent report (email) attached, and comments are included in the Findings of Fact. In addition to CMA's comments, Staff has the following comments:

- 1) 16.3.2.13. D.4 Location and Screening of Parking. There is a clear expectation for parking along Route 1 in the Mixed-Use Zone to be screened from view. The Site Plan shows plantings that straddle the front property line, however, more information is needed to adequately determine if the proposed screen will be effective throughout the year.
- 2) 16.3.2.13. D.6 Landscape Standards. All new and modified development along Route 1 in the Mixed-Use Zone is required to have a 'Landscape Planter Strip' along the front of the property with an average depth of 50 feet, a maximum of 70 and minimum of 30 feet. The area is to include groundcover, perennials, shrubs, and trees and designed to provide an aesthetic screening. The Design Handbook calls for plantings to be a 3-1/2-foot high minimum. There may be instances due to sight lines that plantings need to be no higher than 3-1/2 feet, otherwise the landscaping should be a mix of plants that will provide year-round screening while accommodating a view of the buildings on the site.

16.3.2.13. D.6.a.iv. Special Situations, however, allows for the Planning Board, in areas where the location for the required Landscape Planter Strip is legally utilized to narrow the depth to the “minimum extent necessary” to achieve the screening objective. The proposed development provides a maximum screening depth of 30 feet proposed to the right of the driveway entrance and a minimum depth of 15 feet to the left of the entrance. Both of these measurements include approximately 12 feet of the Right-Of-Way.

To compensate for the lack of planting depth and to aid in achieving the screening objective, Staff recommends having the striped area located to the right of the building and adjacent to the front row of parking designed as a planted island. Ideally this would include one of the front parking spaces to the left of this area. Though planted islands present difficulty in plowing, the code and the Design Handbook anticipates such islands in parking lots. (16.8.9.4.G. and Landscaping III-9)

In addition, the area adjacent to the property to the east (M60-L22, Henry VIII Carvery) is approximately 50 feet in from Route 1 and could accommodate additional tall shrubs and small trees that would aid significantly in screening the proposed parking from view.

- 3) Staff recommends, as a condition of approval, the plan be revised to include more specifics on plant species and size for the proposed trees and shrubs in addition to the planted island and supplementary plants mentioned above.
- 4) Minor Plan changes:
 - a) The light poles should be added to the legend (G-1) and the pole model and height noted on the plan (C-2).
 - b) Will the large re-graded area associated with the proposed drainage soil filter be maintained as lawn or wildflower meadow? The type of vegetation should be denoted on the site plan (C-2).
 - c) The caliper size of 2-1/2 inches for proposed street trees and height of 8-10 feet for proposed evergreen trees needs to be noted on the site plan (C-2), in addition to the species name
 - d) Location of shrubs, species and size should be noted on the plan.
 - e) Amend existing note on site plan (C-2) that refers to plantings being maintained at “a maximum height of 3-1/2 feet” to read: “Plantings inside the public Right-Of-Way to be maintained...”

Board’s Action

Staff finds the site plan modification to be in conformance with applicable provisions of Title 16 and recommends the Board grant conditional final plan approval in consideration of the comments above. Staff suggests, after review of the draft findings and determining there are no questions related to the content, the Board can consider a motion (suggestion below) and proceed to reading and voting on the Findings of Fact.

move to grant final approval with conditions for the modification to an approved plan for Pine Tree Plaza, Site Plan Amendment No. 2 with a revision date of March 3, 2015 prepared for Kenneth Lemont, owner/applicant (for Harrison E. Lemont Management Co., Inc.)

Conditions are provided in the following draft Findings as a suggestion and the Board may add, amend or remove as they see necessary.

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

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

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

Hereinafter the “Development”.

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

Site Visit	Held	6/10/14
Completeness/Acceptance	Accepted	5/8/14
Request for Extension	Granted for 90 days	9/11/14
Public Hearing	Held	1/8/15
Preliminary Plan Review	Held & Approved	1/8/15
Final Plan Review	Held & Approved	3/12/15

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

Major Modification to an Approved Site Plan Application		Rec'd: April 17, 2014
Land Survey Plans <i>Existing Conditions Plan</i>	NorthEasterly Survey Inc. 7/23/14 / REV. 3/02/15	Rec'd: December 18, 2014
Engineering Plans: <i>General Notes and Legend (G-1)</i> - - <i>Site Preparation Plan (C-1)</i> - <i>Site Plan Amendment #2 (C-2)</i> - <i>Grading & Utility Plan (C-3)</i> - <i>Erosion Control Notes (C-4)</i> - <i>Detail Sheet (C-5 and C-6)</i>	Altus Engineering, Inc., 12/18/14 12/18/14 / REV. 3/02/15 12/18/14 / REV. 3/02/15 12/18/14 12/18/14 / REV. 3/02/15 (C-6)	<i>Proposed Retail /Office Building Map 50 Lot 0 435 US Route 1</i> Rec'd: December 18, 2014 Rec'd March 2, 2015 (Revised Plans)
Architectural Drawings <i>Sheets 1-4</i>	Pearson Traditional Design 12/16/14	Rec'd: December 18, 2014
Lighting / Photometrics Plan	Heidi Connors, Visible Light Inc. February 27, 2015	Rec'd March 2, 2015
Comments to May 8, 2014 PRN Comments to January 8, 2015 PRN And supplemental information	Altus Engineering, Inc.	Rec'd: December 24, 2014 Rec'd March 2, 2015
Peer Review Engineer Comments	CMA Engineers	Rec'd: December 29, 2014 Rec'd: March 4, 2015

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

FINDINGS OF FACT

Action by the board shall be based upon findings of fact which certify or waive compliance with all the required standards of this title, and which certify that the development satisfies the following requirements:

A. Development Conforms to Local Ordinances.

The proposed development conforms to a duly adopted comprehensive plan as per adopted provisions in the Town Code, zoning ordinance, subdivision regulation or ordinance, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

This is an existing, nonconforming (size) lot of record. The lot size is 89,764 square feet where a minimum of 200,000 square feet is required in the Mixed-Use Zone. The proposed uses of retail and business offices are permitted uses in the zone.

CMA: The applicant has provided architectural details for the proposed retail/office building that appear to comply with design standards.

The proposed Development appears to conform to Title 16. The Board finds this standard has been met.

Vote of __ in favor__ against __ abstaining

B. Freshwater Wetlands Identified.

All freshwater wetlands within the project area have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.

None have been identified. The Board finds this standard is not applicable.

Vote of __ in favor__ against __ abstaining

C. River, Stream or Brook Identified.

Any river, stream or brook within or abutting the proposed project area has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in 38 M.R.S. §480-B, Subsection 9.

None have been identified. The Board finds this standard is not applicable. .

Vote of __ in favor__ against __ abstaining

D. Water Supply Sufficient.

The proposed development has sufficient water available for the reasonably foreseeable needs of the development.

The property is currently connected to municipal water. The Board finds this standard is not applicable.

Vote of __ in favor__ against __ abstaining

E. Municipal Water Supply Available.

The proposed development will not cause an unreasonable burden on an existing water supply, if one is to be used.

The proposed development will not cause an unreasonable burden on the municipal water supply currently servicing the property. The Board finds this standard has been met.

Vote of __ in favor__ against __ abstaining
F. Sewage Disposal Adequate.
<i>The proposed development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.</i>
The property is currently connected to municipal sewer and the Kittery Sewer Department Superintendent has stated the plan is acceptable. The Board finds this standard has been met.
Vote of __ in favor__ against __ abstaining
G. Municipal Solid Waste Disposal Available.
<i>The proposed development will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be used.</i>
The property is currently managed for solid waste disposal and the proposed development accommodates an additional dumpster. The Board finds this standard has been met.
Vote of __ in favor__ against __ abstaining
H. Water Body Quality and Shoreline Protected.
<i>Whenever situated entirely or partially within two hundred fifty (250) feet of any wetland, the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.</i>
It does not appear that the proposed development will have an adverse effect on the nearby wetland. The Board finds this standard has been met.
Vote of __ in favor__ against __ abstaining
I. Groundwater Protected.
<i>The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.</i>
The site is serviced by public sewer. The Board finds this standard is not applicable.
Vote of __ in favor__ against __ abstaining
J. Flood Areas Identified and Development Conditioned.
<i>All flood-prone areas within the project area have been identified on maps submitted as part of the application based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the proposed development, or any part of it, is in such an area, the applicant must determine the one hundred (100) year flood elevation and flood hazard boundaries within the project area. The proposed plan must include a condition of plan approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least one foot above the one hundred (100) year flood elevation.</i>
The property is not located within a flood prone area. The Board finds this standard is not applicable.
Vote of __ in favor__ against __ abstaining
K. Stormwater Managed.
<i>Stormwater Managed. The proposed development will provide for adequate stormwater management</i>

<p>CMA: The applicant has prepared a stormwater design and associated analysis and report that is logical and complete, and meets the requirements of the LUDC. The design was prepared by Altus Engineering and reviewed by CMA Engineers. The applicant has prepared a waiver request of review by the York County Soil and Water Conservation District, which is justified.</p>
<p>If the applicant does not propose to have the drainage design to be reviewed by the York County Soil and Water Conservation District, <u>a waiver request is necessary.</u></p>
<p>The proposed development conforms to Title 16.8.8 Surface Drainage and will provide for adequate stormwater management. The Board finds this standard has been met.</p>
<p style="text-align: center;">Vote of __ in favor__ against __ abstaining</p>
<p>L. Erosion Controlled.</p>
<p><i>The proposed development will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.</i></p>
<p>The Contractor shall follow MDEP best management practices for erosion and sediment control (silt fencing, silt sacks, etc.), and CMA engineers will be notified to observe application during construction (see conditions of approval #2).</p>
<p>The proposed development conforms to Title 16.8.8 Surface Drainage and will provide for adequate erosion and sediment control measures on site. The Board finds this standard has been met.</p>
<p style="text-align: center;">Vote of __ in favor__ against __ abstaining</p>
<p>M. Traffic Managed.</p>
<p><i>The proposed development will:</i></p> <ol style="list-style-type: none"><i>1. Not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed; and</i><i>2. Provide adequate traffic circulation, both on-site and off-site.</i>
<p>CMA: A brief analysis of the traffic generation and sight distances has been completed, supporting the proposed modification. Wheel stops or other barriers should be considered at the border of the parking lot above the slopes to the rain garden.</p>
<p>The proposed development conforms to Title 16.8.9 Parking, Loading and Traffic and will provide for adequate traffic circulation. The Board finds this standard has been met.</p>
<p style="text-align: center;">Vote of __ in favor__ against __ abstaining</p>
<p>N. Water and Air Pollution Minimized.</p>
<p><i>The proposed development will not result in undue water or air pollution. In making this determination, the following must be considered:</i></p> <ol style="list-style-type: none"><i>1. Elevation of the land above sea level and its relation to the floodplains;</i><i>2. Nature of soils and sub-soils and their ability to adequately support waste disposal;</i><i>3. Slope of the land and its effect on effluents;</i><i>4. Availability of streams for disposal of effluents;</i><i>5. Applicable state and local health and water resource rules and regulations; and</i><i>6. Safe transportation, disposal and storage of hazardous materials.</i>
<ol style="list-style-type: none">1. The development is located outside of a Flood Hazard Area.2 thru 6. Not applicable to the proposed development.
<p>It does not appear the proposed development will result in undue water or air pollution The Board finds this standard has been met.</p>

Vote of __ in favor __ against __ abstaining
O. Aesthetic, Cultural and Natural Values Protected.
<i>The proposed development will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.</i>
The proposed amendment continues the existing use in a new building. The ‘Curtis House’ may be historical interest, but is not does not meet the criteria for protection under 16.9.2.5. There is no significant change proposed in the use of the property that would have an undue adverse impact on aesthetic, cultural or natural values.
The property does not include any significant aesthetic, cultural or natural values that require protection. The Board finds this standard has been met.
Vote of __ in favor __ against __ abstaining
P. Developer Financially and Technically Capable.
<i>Developer is financially and technically capable to meet the standards of this section.</i>
The developer will provide an inspection escrow in an amount suitable to cover the costs of on-site inspection by the Peer Review Engineer to ensure the proposed development is constructed according to the approved plan. The Board finds this standard has been met.
Vote of __ in favor __ against __ abstaining

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

Waivers: Title 16.10.5.2.C.6 Review by the York County Soil and Water Conservation District

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

1. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated with site and building construction to ensure adequate erosion control and slope stabilization.
3. Prior to the commencement of grading and/or construction within a building envelope, as shown on the Plan, the owner and/or developer must stake all corners of the envelope. These markers must remain in place until the Code Enforcement Officer determines construction is completed and there is no danger of damage to areas that are, per Planning Board approval, to remain undisturbed.
4. All Notices to Applicant contained in the Findings of Fact (dated: March 12, 2015).

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

5. Revise the site plan (C-2) to reflect the minor plan changes staff recommended in the 3-12-15 Plan Review Notes.
6. Revise the site plan (C-2) to include a planted island in place of the striped area located to the right of the building and adjacent to the front row of parking. The design of the island to include the adjacent parking space located in the front of the proposed building.
7. Revise the site plan (C-2) to include additional tall shrubs and small trees in the area adjacent to the

property to the east (M60-L22, Henry VIII Carvery), approximately 50 feet in from Route One, to aid in screening the proposed parking from view.

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

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

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

Vote of __ in favor__ against __ abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON March 12, 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.

From: [William Straub](#)
To: [Chris DiMatteo](#)
Cc: [Jodie Bray Strickland](#); [Jeff Clifford](#)
Subject: Pine Tree Plaza final review (CMA 591.78)
Date: Wednesday, March 04, 2015 5:19:56 PM

Chris,

We have reviewed the March 2, 2015 letter from Jeff Clifford of Altus Engineering and the revised final drawings and associated materials. These were prepared following our emails including February 23, 2015 with follow-up comments to our 12-20-14 review letter.

The applicant has responded satisfactorily to all issues that we have raised, including developing a lighting plan that meets the requirements of the LUDC.

The only remaining comment is minor. We had previously suggested that a guardrail of some sort be installed at the border of the parking lot adjacent to the 3:1 slope heading down 6-7 feet to the rain garden. We raise this as a general safety issue that would prevent cars from inadvertently heading off the parking and down that slope under certain conditions or driver inattention. The applicant indicates they wish to use the area as snow storage, and not have a barrier, which is understandable. Altus has included AASHTO guidance on roadway design in support of that. (The guidance applies to roads design, not parking lots per se). I have retained the suggestion that the applicant consider wheel stops or some other measure that would be a barrier for cars, and not interfere with snow storage.

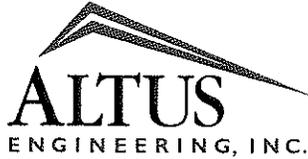
If you have any additional questions or comments, please let us know.

Best,

Bill

Bill Straub, PE


(603) 431-6196



Civil 133 Court Street
Site Planning Portsmouth, NH
Environmental 03801-4413
Engineering

March 2, 2015

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

**Re: Pine Tree Plaza – Proposed Retail / Office Building
Site Plan Amendment No. 2
Map 50, Lot 8
U.S. Route 1
Kittery, Maine 03904
P-4652**

Dear Mr. DiMatteo:

The Site Plan Amendment Application for the project received preliminary approval at the January 8, 2015 Planning Board meeting. The Board will deliberate on March 12, 2015 for final approval. In response to comments received from the Planning Board and discussion with Kittery Planning Department, enclosed are the following:

- updated Site Plan set - fifteen (15) copies (2 full size and 13 reduced size)
- Waiver Request
- Exhibit A - Traffic Generation Analysis
- Exhibit B - Barrier Requirement for Embankment (figure)

We offer the following in response to comments received from the Planning Board, the Planner and CMA Engineers:

1. Included in the plan set is a lighting plan prepared by a lighting vendor. While being a very busy plan, it demonstrates appropriate lighting levels. LED cut off fixtures are proposed with a mounting height of 15 feet.
2. The plans reflect landscape plantings recommended by the applicant's consultant Marshall Bros. Landscaping. The plan includes seven (7) proposed street trees in the State Road right-of-way to complement the large existing tree near the easterly edge of the property. The three (3) evergreens west of the parking area have been realigned as requested. Landscape planting beds have been added adjacent to State Road.

3. The applicant is not proposing a guardrail east of the parking lot since it would interfere with management of snow. As indicated on Exhibit B from the AASHTO Roadside Design Guide, a barrier is not warranted for a 6 foot embankment with 3:1 side slope.
4. The island at the corner of the two parking areas is stripped pavement to facility snow removal operations.
5. The applicant was informed by staff that the utilities letters were addressed via interdepartmental communications last year when the proposed Amendment was originally submitted to the Town.

Please call if you have any questions or require additional information.

Sincerely,

ALTUS ENGINEERING, INC.



Jeffrey K. Clifford, P.E.
Vice President

JKC/jkc/4552.004.CD.update.doc

e-copies (w/ encl): Ken Lemont

WAIVER REQUESTS

Title 16.7.4.1:		In granting modifications or waivers, the Planning Board must require such conditions as will, in its judgment, substantially meet the objectives of the requirements so waived or modified.
REQUESTED WAIVERS	Ordinance Section	Describe why this request is being made.
	EXAMPLE 16.32.560 (B)- OFFSTREET PARKING.	***EXAMPLE*** Requesting a waiver of this ordinance since the proposed professional offices have a written agreement with the abutting Church owned property to share parking.
	16.10.5.2.C.6	Requesting a waiver from erosion and sedimentation design review by the York County Soil and Water Conservation District since this has already been favorably reviewed by the Planning Board's engineering review consultant, CMA Engineers.

Exhibit – A

Traffic Generation Analysis

Pine Tree Plaza – Proposed Retail / Office Building

The project involves construction of a new two story building with 2,072 sf of retail use on the first floor and 2,072 office use on the second floor. An existing two story building at the site is being demolished.

TRAFFIC

Section 16.10.5.2.C.9 of the LUDC requires an estimation of the amount of vehicular traffic that will be generated by the project. To provide an estimate of trip generation, Altus Engineering, Inc. referenced the Institute of Transportation Engineers (ITE) publication, Trip Generation, 8th Edition. The ITE publication includes Land Use Codes 710 and 823 as the appropriate land use codes for this project. The calculations are based on the building gross floor area.

	Units	TRIP ENDS	
		Peak Hour	Avg. Daily Trips
Trip Rates*:			
Proposed Building:			
Office (ITE 710)	trip/1,000 sf	1.55	11.10
Retail (ITE 823)	trip/1,000 sf	3.79	40.97
Traffic Generation:			
Proposed Building:			
Office	2,072 sf	3	23
Retail	2,072 sf	8	85
		-----	-----
Total		11tph	108 tpd

* Highest rates during the 7 day week

From a traffic operations, capacity, and safety standpoint, the hourly rate of traffic flow is of prime importance. Because the project involves less than 400 vehicle trips per day, a traffic impact study is not required Section 16.10.5.2.C.10 of the Land Use and Development Code (LUDC).

Because the project is generating only 11 peak hour trips from the facility, the Maine Department of Transportation (MDOT) traffic permit threshold of 100 additional trips per hour does not apply.

The posted speed limit of U.S. Route 1 is 35 mph along the property frontage. Sight distance from the driveway exceeds 350 feet in each direction thus meeting the requirement of at least 350 foot sight distance listed in Section 16.8.4.8.D. Vegetation within the sight lines will be maintained so as not exceed 3.5 feet in height.

General Office Building (710)

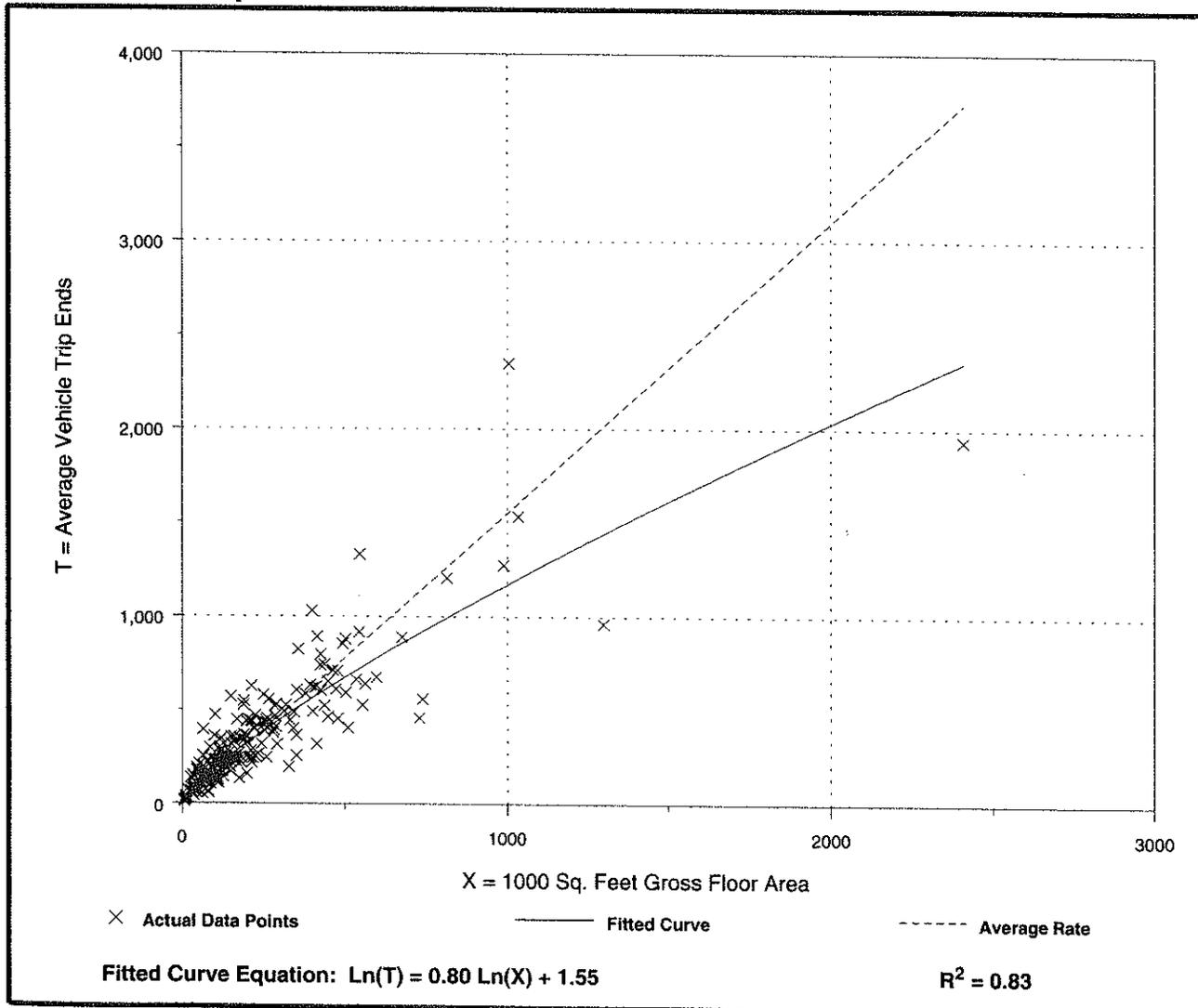
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
A.M. Peak Hour

Number of Studies: 217
 Average 1000 Sq. Feet GFA: 223
 Directional Distribution: 88% entering, 12% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
1.55	0.60 - 5.98	1.39

Data Plot and Equation



General Office Building (710)

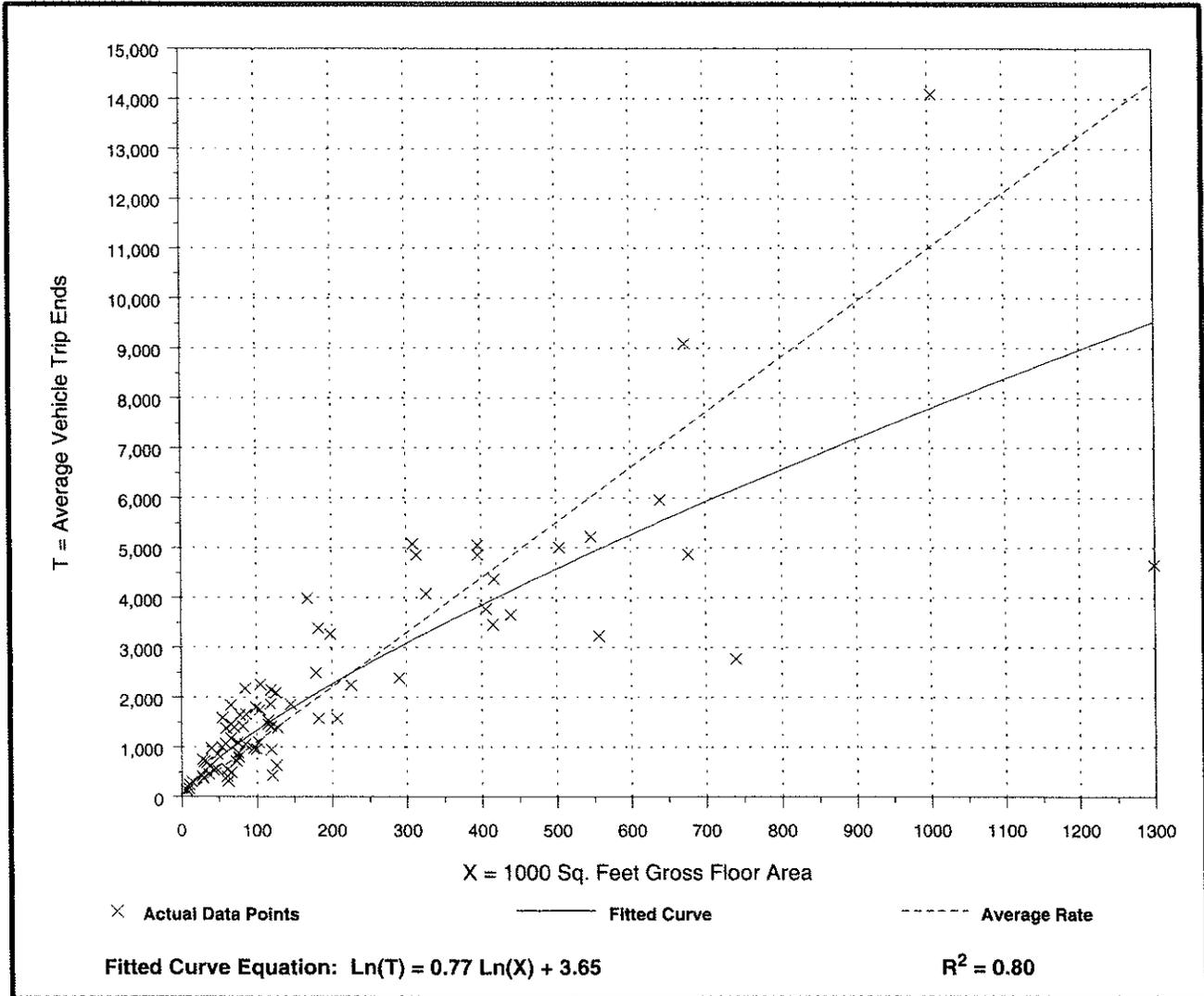
**Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday**

Number of Studies: 78
Average 1000 Sq. Feet GFA: 199
Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
11.01	3.58 - 28.80	6.13

Data Plot and Equation



Factory Outlet Center (823)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Saturday,
Peak Hour of Generator

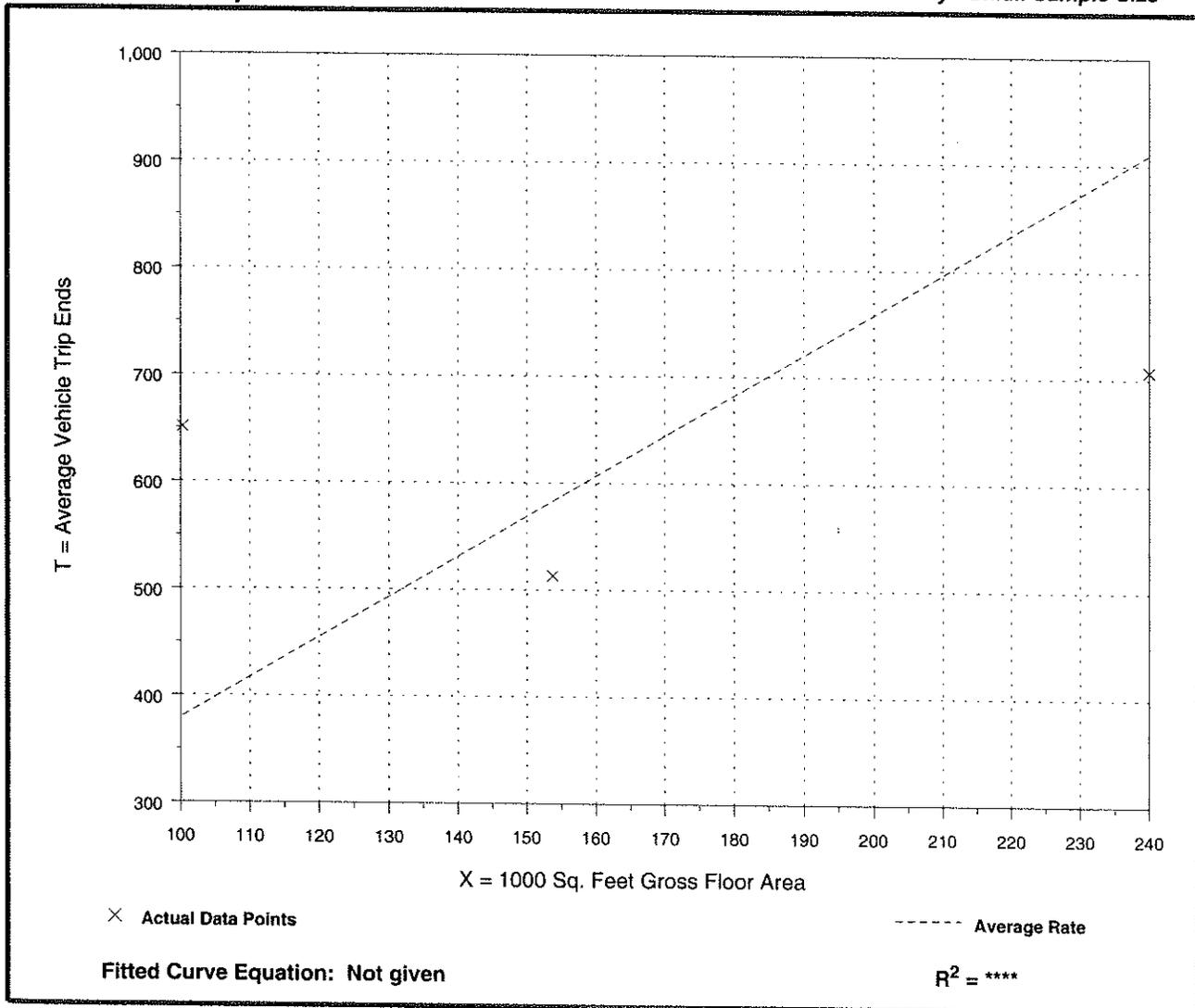
Number of Studies: 3
 Average 1000 Sq. Feet GFA: 165
 Directional Distribution: 51% entering, 49% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
3.79	2.95 - 6.49	2.38

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Factory Outlet Center (823)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Saturday

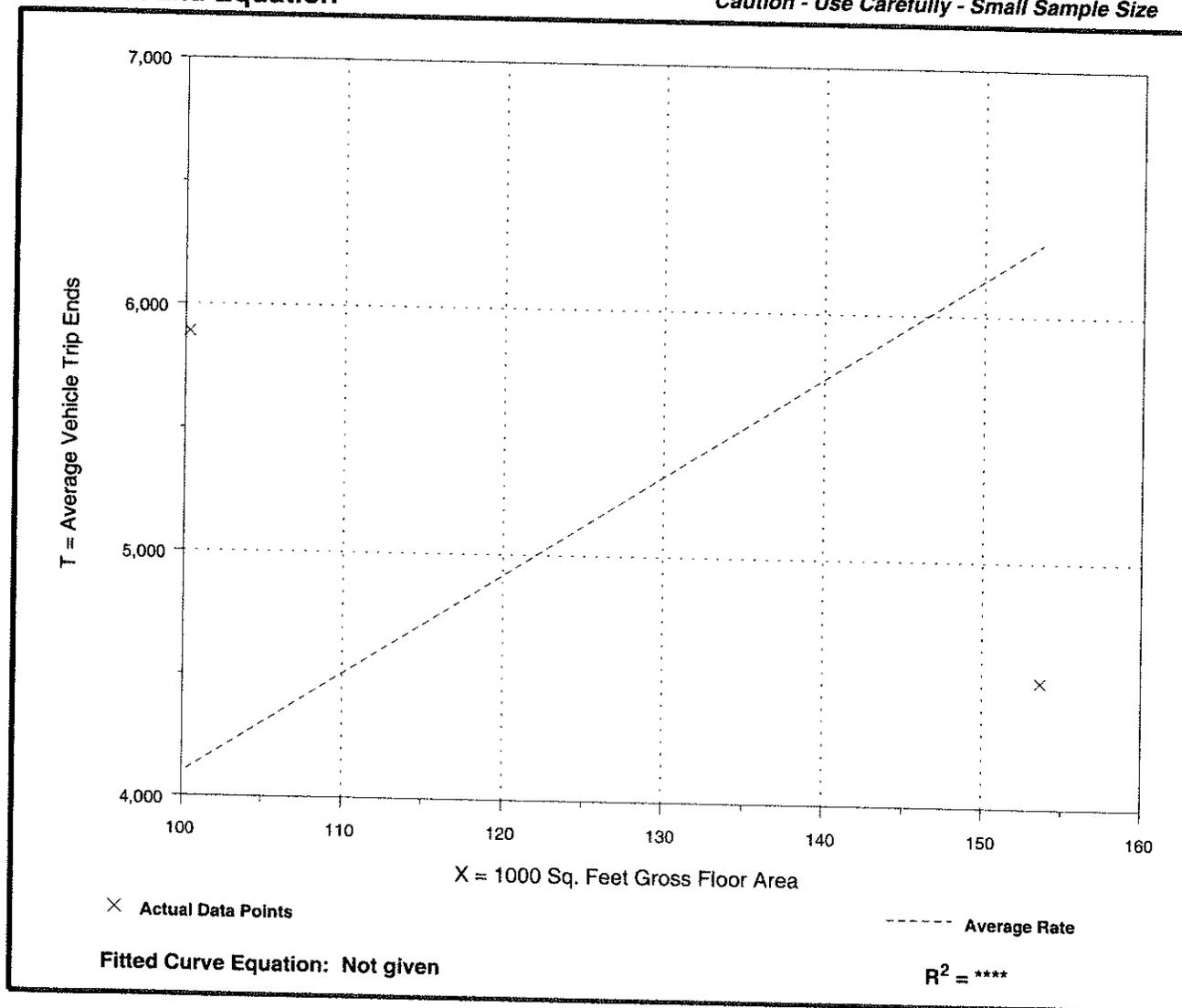
Number of Studies: 2
 Average 1000 Sq. Feet GFA: 127
 Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
40.97	29.38 - 58.73	*

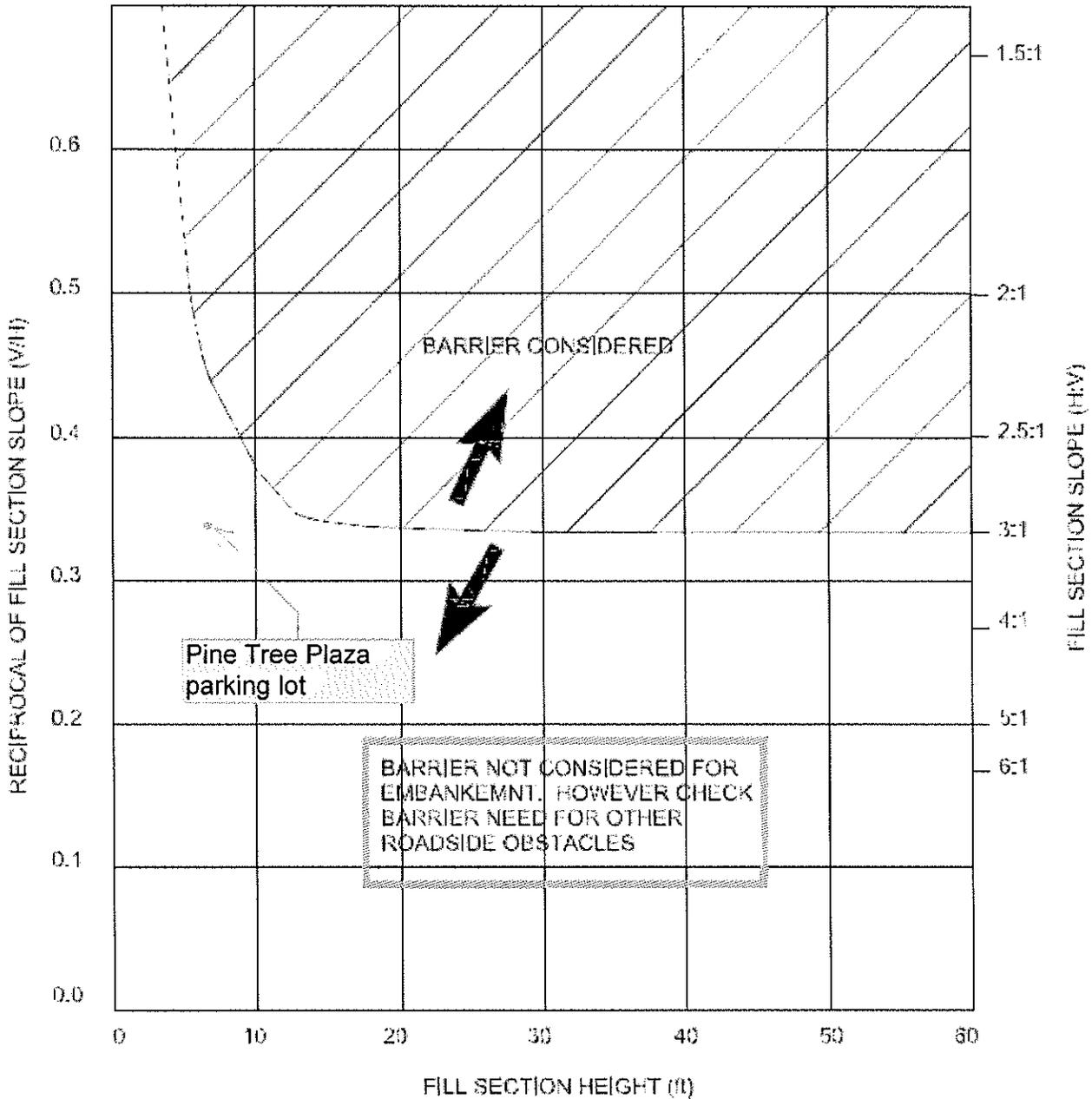
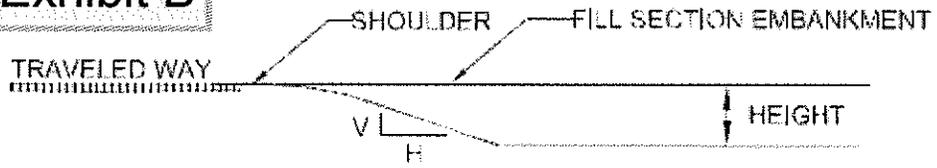
Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Barrier Requirements for Embankment Heights

Exhibit B



AASHTO Roadside Design Guide, 4th Edition, 2011, Figure 5-1(b), Pg 5-6.

PROPOSED RETAIL/OFFICE BUILDING

MAP 50 LOT 8

435 US ROUTE 1

KITTERY, MAINE

Issued:

December 18, 2014
March 2, 2015

PB Submission
Approval

Owner/Applicant:

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

Civil Engineer:



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

Surveyor:



191 STATE ROAD, SUITE #1
KITTERY, MAINE 03904
(207) 439-6333



Sheet Index

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



NOTES:

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

ZONING DATA: (SEE NOTE 8)

Per Town of Kittery Code Sec. 16.3.2.13

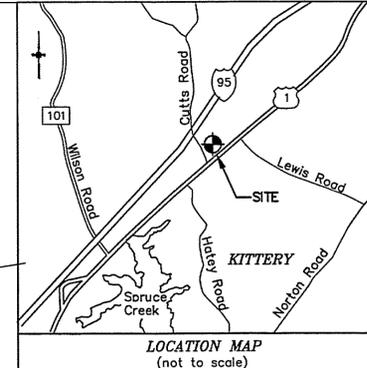
ZONE: MIXED USE (MU)

REQUIREMENTS:*

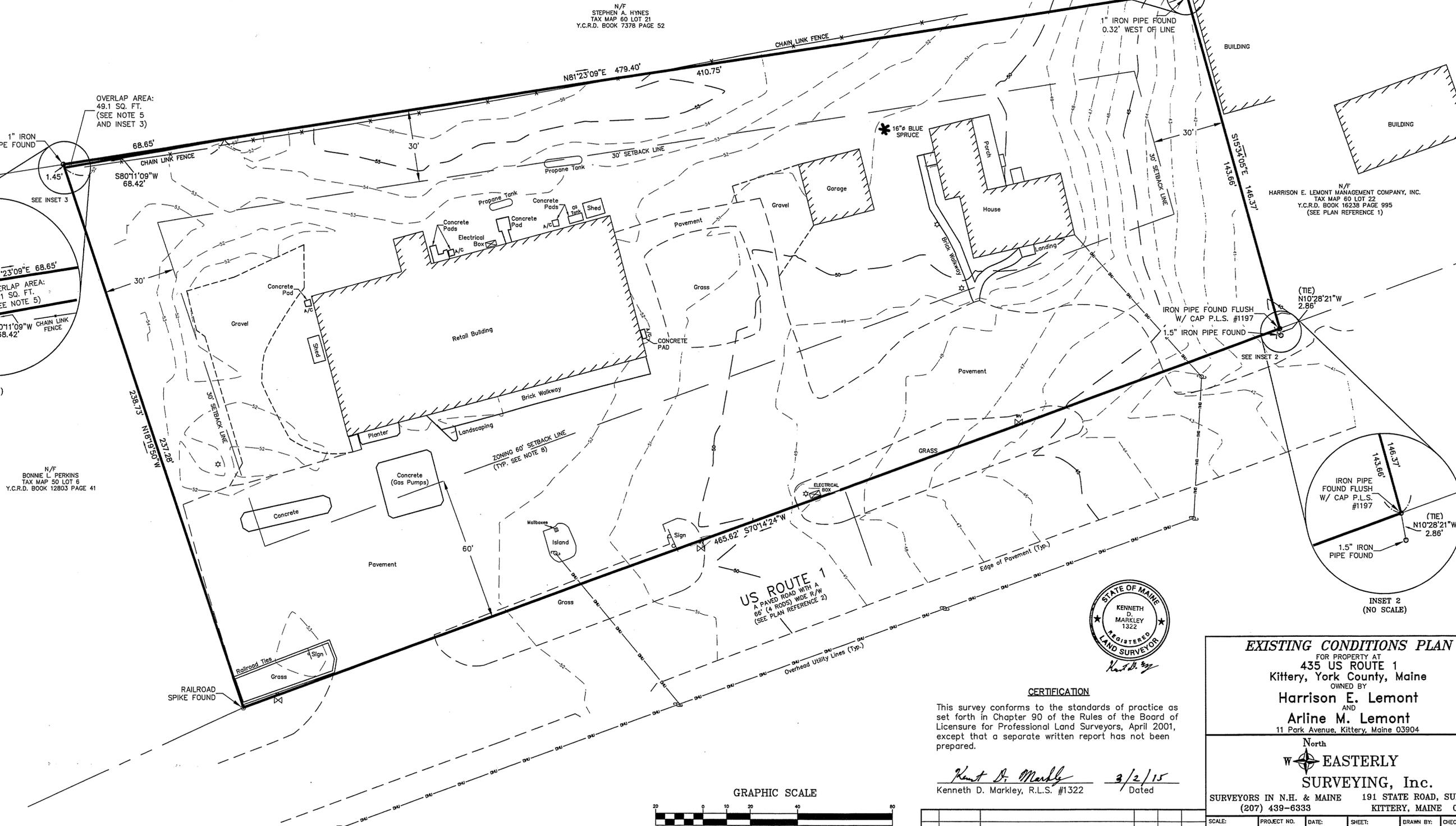
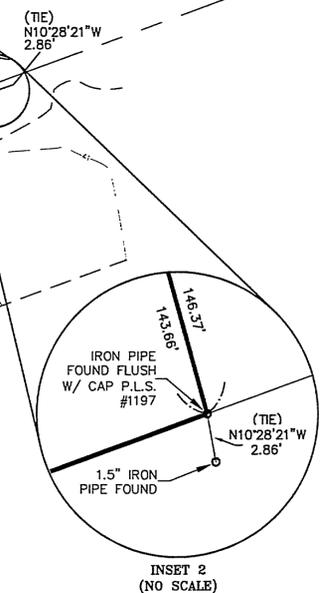
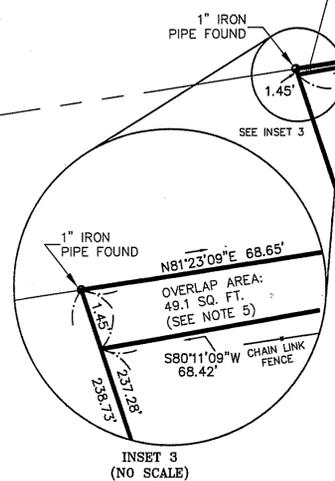
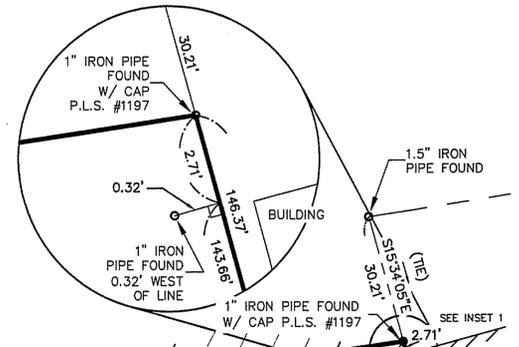
- MINIMUM LAND AREA: 200,000 Square Feet
- MINIMUM STREET FRONTAGE: 250 Ft
- MINIMUM LOT DEPTH: None
- MINIMUM FRONT SETBACK: 60 Ft
- MINIMUM SIDE SETBACK: 30 Ft
- MINIMUM REAR SETBACK: 30 Ft
- MAXIMUM LOT COVERAGE:
IMPERVIOUS SURFACE RATIO: Consult
Planning Department
- MAXIMUM BUILDING HEIGHT: 40 Ft

PLAN REFERENCES:

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



INSET 1 (NO SCALE)



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

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

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

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

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

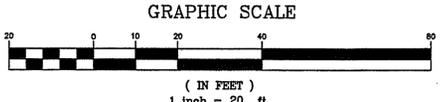
US ROUTE 1
A PAVED ROAD WITH A
66' (4 ROADS) WIDE R/W
(SEE PLAN REFERENCE 2)



CERTIFICATION

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

Kent D. Markley 3/2/15
Kenneth D. Markley, R.L.S. #1322 Dated



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

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

SCALE: 1" = 20'	PROJECT NO. 14660	DATE: 7/23/14	SHEET: 1 OF 1	DRAWN BY: B.M.K.	CHECKED BY: K.D.M.
REV. A	3/2/15	CHANGED TITLE		BY B.M.K.	CHKD. K.D.M.
REV.	DATE	STATUS		BY	CHKD APPD.

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

Tax Map 50 Lot 08

CONSTRUCTION NOTES:

- DO NOT BEGIN CONSTRUCTION UNTIL ALL STATE AND LOCAL PERMITS HAVE BEEN APPLIED FOR AND RECEIVED. THE LANDOWNER AND CONTRACTOR ARE RESPONSIBLE FOR COMPLYING WITH ALL LOCAL, STATE, AND FEDERAL WETLANDS REGULATIONS, INCLUDING ANY PERMITTING AND SETBACKS REQUIREMENTS REQUIRED UNDER THESE REGULATIONS.
- CONTRACTOR SHALL OBTAIN A "DIGSAFE" NUMBER AND NOTIFY TOWN OF KITTERY AT LEAST 72 HOURS PRIOR TO COMMENCING CONSTRUCTION.
- WORK HOURS DURING CONSTRUCTION WILL BE AS APPROVED BY THE TOWN OF KITTERY
- SITE CONSTRUCTION SHALL COMPLY WITH THE RULES AND REGULATIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA) AS PUBLISHED IN THE FEDERAL REGISTER, VOL. 56, NO. 144, DATED JULY 26, 1991.
- COORDINATE ALL WORK WITHIN TEN (10') FEET OF PROPOSED BUILDINGS WITH BUILDING CONTRACTOR AND ARCHITECTURAL DRAWINGS.
- CONTRACTOR TO ESTABLISH AND MAINTAIN TEMPORARY BENCHMARKS (TBMS) AND PERFORM CONSTRUCTION SURVEY LAYOUT.
- THE LOCATION OF EXISTING UNDERGROUND UTILITIES IS APPROXIMATE AND THE LOCATIONS ARE NOT GUARANTEED BY THE ENGINEER, SURVEYOR, OR OWNER. CONTRACTOR SHALL VERIFY THE EXACT LOCATION AND ELEVATION OF ALL EXISTING DRAIN AND SEWER LINES; VERIFY LOCATION OF EXISTING GAS LINES, ELECTRICAL LINES, COMMUNICATION LINES, AND WATER MAIN PRIOR TO COMMENCING CONSTRUCTION. ANY DISCREPANCIES BETWEEN FIELD AND PLAN SHALL BE IMMEDIATELY REPORTED TO THE ENGINEER. PRESERVE AND PROTECT ANY UTILITY LINES TO BE RETAINED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ANTICIPATE CONFLICTS, REPAIR DAMAGE TO EXISTING UTILITIES, AND RELOCATE EXISTING UTILITIES WHERE SHOWN.
- CONTRACTOR SHALL REMOVE AND DISPOSE OF EXISTING ON-SITE STRUCTURES, BITUMINOUS CONCRETE, DEBRIS, AND CONSTRUCTION WASTE PRODUCTS WHICH ARE NOT AUTHORIZED TO BE USED AS PART OF CONSTRUCTION. DISPOSE OF EXCESS MATERIALS OFF-SITE IN ACCORDANCE WITH APPLICABLE REGULATORY REQUIREMENTS.
- CONTRACTOR SHALL CONTROL DUST BY SPRAYING WATER, SWEEPING PAVED SURFACES AND VEGETATION AND/OR MULCHING STOCKPILES.
- FILL PLACED WITHIN 3 FEET OF THE OUTSIDE OF FOUNDATION WALLS SHALL CONSIST OF STRUCTURAL FILL.
- PROTECTION OF SUBGRADE: THE CONTRACTOR SHALL BE REQUIRED TO MAINTAIN STABLE, DEWATERED SUBGRADES FOR FOUNDATIONS, PAVEMENT AREAS, UTILITY TRENCHES, AND OTHER AREAS DURING CONSTRUCTION. SUBGRADE DISTURBANCE MAY BE INFLUENCED BY EXCAVATION METHODS, MOISTURE, PRECIPITATION, GROUNDWATER CONTROL, AND CONSTRUCTION ACTIVITIES. THE CONTRACTOR SHALL TAKE PRECAUTIONS TO PREVENT SUBGRADE DISTURBANCE. SUCH PRECAUTIONS MAY INCLUDE DIVERTING STORMWATER RUNOFF AWAY FROM CONSTRUCTION AREAS, REDUCING TRAFFIC IN SENSITIVE AREAS, AND MAINTAINING AN EFFECTIVE DEWATERING PROGRAM. SOILS EXHIBITING HEAVING OR INSTABILITY SHALL BE OVER EXCAVATED TO MORE COMPETENT BEARING SOIL AND REPLACED WITH FREE DRAINING STRUCTURAL FILL.
- IF THE EARTHWORK IS PERFORMED DURING FREEZING WEATHER, EXPOSED SUBGRADES ARE SUSCEPTIBLE TO FROST. NO FILL OR UTILITIES SHALL BE PLACED ON FROZEN GROUND. THIS WILL LIKELY REQUIRE REMOVAL OF A FROZEN SOIL CRUST AT THE COMMENCEMENT OF EACH DAY'S OPERATION. THE FINAL SUBGRADE ELEVATION WOULD ALSO REQUIRE AN APPROPRIATE DEGREE OF INSULATION AGAINST FREEZING.
- EXCAVATED MATERIALS SHALL BE PLACED AS FILL MATERIALS WITHIN UPLAND AREAS ONLY.
- PLACEMENT OF BORROW MATERIALS SHALL BE PERFORMED IN A MANNER THAT PREVENTS LONG TERM DIFFERENTIAL SETTLEMENT. EXCESSIVELY WET MATERIALS SHALL BE STOCKPILED AND ALLOWED TO DRAIN BEFORE PLACEMENT. FROZEN MATERIAL SHALL NOT BE USED FOR CONSTRUCTION. VOIDS BETWEEN STONES AND CLUMPS OF MATERIAL SHALL BE FILLED WITH FINE MATERIALS.
- ALL DISTURBED AREAS NOT TO BE PAVED OR OTHERWISE TREATED SHALL RECEIVE FOUR (4") INCHES OF LOAM, LIMESTONE, FERTILIZER, SEED, MULCH, AND APPROPRIATE SOIL STABILIZATION TECHNIQUES.
- SAWCUT AND REMOVE EXISTING PAVEMENT ONE FOOT OFF PROPOSED EDGE OF PAVEMENT OR CURB LINE IN ALL AREAS WHERE NEW PAVEMENT OR CURBING ABUTS EXISTING PAVEMENT. CLEAN AND COAT VERTICAL FACE OF EXISTING PAVEMENT AT SAWCUT LINE WITH RS-1 IMMEDIATELY PRIOR TO PLACING NEW BITUMINOUS CONCRETE.
- UPON COMPLETION OF CONSTRUCTION, THE DRAINAGE INFRASTRUCTURE SHALL BE CLEANED OF ALL DEBRIS AND SEDIMENT.
- CONTRACTOR SHALL MAINTAIN AND PROVIDE RECORD DRAWINGS TO TOWN OF KITTERY

GRADING NOTES:

- WHERE PROPOSED GRADES MEET EXISTING GRADES, CONTRACTOR SHALL BLEND GRADES TO PROVIDE A SMOOTH TRANSITION BETWEEN EXISTING AND NEW WORK. PONDING AT TRANSITION AREAS WILL NOT BE ACCEPTED. ABRUPT RIDGES AT TOPS AND BOTTOM WILL NOT BE ACCEPTED.
- CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM ALL BUILDING FOUNDATIONS, STRUCTURES AND PLANTING BEDS.
- MAXIMUM SLOPE IN DISTURBED AREAS SHALL BE NO STEEPER THAN 3:1 (h:v), UNLESS OTHERWISE NOTED. WHERE SLOPES IN DISTURBED AREAS ARE STEEPER THAN 3:1, CONTRACTOR SHALL PROVIDE CURLEX II EROSION CONTROL BLANKET FROM AMERICAN EXCELSIOR COMPANY (800) 777-7645 OR APPROVED EQUAL UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL ADJUST UTILITY ELEMENTS MEANT TO BE FLUSH WITH GRADE (CLEANOUTS, UTILITY MANHOLES, HANDHOLDS, CATCH BASINS, INLETS, ETC.) THAT IS AFFECTED BY SITE WORK OR GRADE CHANGES, WHETHER SPECIFICALLY NOTED ON PLANS OR NOT.
- CROSS SLOPES AT ALL WALKS SHALL BE PITCHED TO DRAIN 1-1/2% MINIMUM 2% MAXIMUM.
- PITCH ALL WALKS AND PATIOS AWAY FROM BUILDINGS AT 1-1/2% MINIMUM 2% MAXIMUM WITHIN 5 FEET OF THE BUILDING
- CONTRACTOR SHALL PROVIDE A FINISH PAVEMENT SURFACE FREE OF LOW SPOTS AND PONDING AREAS.
- THE GRADING ON THIS PLAN SHOWS THE GENERAL INTENT AND DIRECTION OF THE STORMWATER FLOW (TOWARDS DRAINAGE STRUCTURES). CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY OF ANY FIELD CONDITIONS THAT WILL IMPACT THE GRADING DESIGN SHOWN ON THIS PLAN FOR RESOLUTION.

UTILITY NOTES:

- COORDINATE UTILITY WORK WITH RESPECTIVE UTILITY COMPANIES.
- ALL ELECTRIC, CABLE, AND TELECOMMUNICATION SERVICES AND CONDUITS SHALL BE LOCATED UNDERGROUND WHERE SHOWN. UNDERGROUND UTILITIES INSTALLATIONS SHALL MEET THE MINIMUM REQUIREMENTS OF TOWN OF KITTERY AND RESPECTIVE UTILITY COMPANIES. ALL UNDERGROUND CONDUITS SHALL HAVE NYLON PULL ROPES TO FACILITATE PULLING IN CABLES.
- CONTRACTOR SHALL VERIFY THE EXACT LOCATION & ELEVATIONS OF ALL EXISTING UTILITIES PRIOR TO COMMENCING CONSTRUCTION. ANY DISCREPANCIES BETWEEN FIELD AND PLAN SHALL BE IMMEDIATELY REPORTED TO ENGINEER.
- ALL SEWER RELATED WORK SHALL CONFORM TO THE MINIMUM REQUIREMENTS OF THE KITTERY SEWER DEPARTMENT.
- VERIFY LOCATION OF NEW UTILITY BOXES WITH OWNER AND UTILITY COMPANIES.
- ALL UTILITY STRUCTURES SHALL BE SET FLUSH WITH PROPOSED GRADE.
- THE CONTRACTOR SHALL NOT DISRUPT THE EXISTING SEWER FLOWS.
- CONTRACTOR SHALL MAINTAIN WATER SERVICE AT ALL TIMES TO BUILDING

STORMWATER MANAGEMENT / BMP FACILITIES MAINTENANCE PLAN

CONSTRUCTION PHASE

GENERAL CLEAN UP

UPON COMPLETION OF THE PROJECT, THE CONTRACTOR SHALL BE REMOVE ALL TEMPORARY STORMWATER STRUCTURES (I.E., TEMPORARY STONE CHECK DAMS, SILT FENCE, TEMPORARY DIVERSION SWALES, CATCH BASIN INLET BASKET, ETC.). ANY SEDIMENT DEPOSITS REMAINING IN PLACE AFTER THE SILT FENCE OR FILTER BARRIER IS NO LONGER REQUIRED SHALL BE DRESSED TO CONFORM WITH THE EXISTING GRADE, PREPARED AND SEEDED. REMOVE ANY SEDIMENT IN CATCH BASINS AND CLEAN DRAIN PIPES THAT MAY HAVE ACCUMULATED DURING CONSTRUCTION.

POST COSTRUCTION

PROPER CONSTRUCTION, INSPECTION, MAINTENANCE, AND REPAIR ARE KEY ELEMENTS IN MAINTAINING A SUCCESSFUL STORMWATER MANAGEMENT PROGRAM ON A DEVELOPED PROPERTY. ROUTINE INSPECTIONS ENSURE PERMIT COMPLIANCE AND REDUCES THE POTENTIAL FOR DETERIORATION OF INFRASTRUCTURE OR REDUCED WATER QUALITY.

FOR THE PURPOSE OF THIS STORMWATER MANAGEMENT PROGRAM, A SIGNIFICANT RAINFALL EVENT IS CONSIDERED AN EVENT OF THREE (3) INCHES IN A 24-HOUR PERIOD OR 0.5 INCHES IN A ONE-HOUR PERIOD. IT IS ANTICIPATED THAT A SHORT, INTENSE EVENT IS LIKELY TO HAVE A HIGHER POTENTIAL OF EROSION FOR THIS SITE THAN A LONGER, HIGH VOLUME EVENT.

THE FOLLOWING PROVIDES A LIST OF RECOMMENDATIONS AND GUIDELINES FOR MANAGING THE STORMWATER FACILITIES.

TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES

FUNCTION - TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES ARE UTILIZED DURING THE CONSTRUCTION PERIOD TO DIVERT, STORE AND FILTER STORMWATER FROM NON-STABILIZED SURFACES. THESE DEVICES INCLUDE, BUT ARE NOT LIMITED TO: SILT FENCES, HALE BALES, FILTERS, SEDIMENT TRAPS, STONE CHECK DAMS, MULCH, AND EROSION CONTROL BLANKETS.

MAINTENANCE
 • IN GENERAL, TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES SHALL BE INSPECTED AND MAINTAINED ON A WEEKLY BASIS AND FOLLOWING A SIGNIFICANT STORM EVENT.
 • REFER TO THE SITE PLAN DRAWINGS FOR THE MAINTENANCE OF TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES.

MANICURED LANDSCAPED AREAS - FERTILIZER MANAGEMENT

FUNCTION - FERTILIZER MANAGEMENT INVOLVES CONTROLLING THE RATE, TIMING AND METHOD OF FERTILIZER APPLICATION SO THAT THE NUTRIENTS ARE TAKEN UP BY THE PLANTS THEREBY REDUCING THE CHANCE OF POLLUTING THE SURFACE AND GROUND WATERS. FERTILIZER MANAGEMENT CAN BE EFFECTIVE IN REDUCING THE AMOUNTS OF PHOSPHORUS AND NITROGEN IN RUNOFF FROM LANDSCAPED AREAS, PARTICULARLY LAWNS. SOIL TESTS SHALL BE CONDUCTED TO DETERMINE FERTILIZER APPLICATION RATES.

MAINTENANCE
 • HAVE THE SOIL TESTED BY YOUR LANDSCAPER OR LOCAL SOIL CONSERVATION SERVICE FOR NUTRIENT REQUIREMENTS AND FOLLOW THE RECOMMENDATIONS.
 • DO NOT APPLY FERTILIZER TO FROZEN GROUND.
 • CLEAN UP ANY FERTILIZER SPILLS.
 • DO NOT ALLOW FERTILIZER TO BE BROADCAST INTO WATER BODIES.
 • WHEN FERTILIZING A LAWN, WATER THOROUGHLY, BUT DO NOT CREATE A SITUATION WHERE WATER RUNS OFF THE SURFACE OF THE LAWN.

MANICURED LANDSCAPED AREAS - LITTER CONTROL

FUNCTION - LANDSCAPED AREAS TEND TO FILTER DEBRIS AND CONTAMINATES THAT MAY BLOCK DRAINAGE SYSTEMS AND POLLUTE THE SURFACE AND GROUND WATERS.

MAINTENANCE
 • LITTER CONTROL AND LAWN MAINTENANCE INVOLVES REMOVING LITTER SUCH AS TRASH, LEAVES, LAWN CLIPPINGS, PET WASTES, OIL AND CHEMICALS FROM STREETS, PARKING LOTS, AND LAWNS BEFORE MATERIALS ARE TRANSPORTED INTO SURFACE WATERS.
 • LITTER CONTROL SHALL BE IMPLEMENTED AS PART OF THE GROUNDS MAINTENANCE PROGRAM.

CATCH BASIN CLEANING

FUNCTION - CATCH BASINS COLLECT STORMWATER, PRIMARILY FROM PARKING LOTS. STORMWATER OFTEN CONTAINS SEDIMENT AND CONTAMINANTS. CATCH BASIN SUMPS SERVE TO TRAP SEDIMENT, TRACE METALS, NUTRIENTS AND DEBRIS. HOODED CATCH BASINS TRAP HYDROCARBONS AND FLOATING DEBRIS.

MAINTENANCE
 • REMOVE LEAVES AND DEBRIS FROM CATCH BASIN GRATES ON AN AS-NEEDED BASIS.
 • SUMPS SHALL BE CLEANED ON AN ANNUAL BASIS TO PROTECT WATER QUALITY (UNLESS OTHERWISE NOTED ON THE PLANS). CATCH BASIN DEBRIS SHALL BE DISPOSED OF AT A SOLID WASTE DISPOSAL FACILITY.

STREET/PARKING LOT SWEEPING

FUNCTION - PARKING LOTS ACCUMULATE SAND AND DEBRIS. STREET SWEEPING REMOVES THE SAND AND DEBRIS, WHICH LOWERS TRANSPORT OF SEDIMENT AND POLLUTANTS THE STORMWATER SYSTEMS AND INTO THE ENVIRONMENT.

MAINTENANCE
 • A REGULAR PERIODIC CLEANING SCHEDULE IS RECOMMENDED. THE MORE FREQUENT, THE GREATER THE SEDIMENT AND POLLUTANT REMOVAL. REGULAR CLEANING OF PAVED AREAS REDUCES THE FREQUENCY OF CLEANING CATCH BASINS AND DRAINAGE SYSTEMS. IT IS RECOMMENDED THAT THE PARKING LOTS AND ACCESS WAYS SHALL BE SWEEPED AT LEAST ONCE A MONTH DURING WINTER MONTHS.

DE-ICING CHEMICAL USE AND STORAGE

FUNCTION - SALT AND SAND IS USED FOR DE-ICING OF WALKWAYS, PARKING LOTS AND DRIVES. CARE SHALL BE TAKEN TO PREVENT THE OVER-APPLICATION OF SALT FOR MELTING ICE.

MAINTENANCE
 • MINIMIZE SALT USE TO ONLY THAT AMOUNT NECESSARY TO PROVIDE FOR SAFETY OF PEDESTRIANS AND VEHICLES USING THE FACILITY.
 • WHEN PARKING LOTS AND WALKWAYS ARE FREE OF SNOW AND ICE, THEY SHALL BE SWEEPED CLEAN. DISPOSAL SHALL BE IN A SOLID WASTE DISPOSAL FACILITY.
 • THE PROPER STORAGE OF SALT IS CRITICAL. SALT IS HIGHLY WATER-SOLUBLE. CONTAMINATION OF WETLANDS AND OTHER SENSITIVE AREAS CAN OCCUR WHEN SALT IS STORED IN OPEN AREAS. SALT PILES SHALL BE COVERED AT ALL TIMES IF NOT STORED IN A SHED. RUNOFF FROM STOCKPILES SHALL BE CONTAINED TO KEEP THE RUNOFF FROM ENTERING THE DRAINAGE SYSTEM.

CULVERTS AND DRAINAGE PIPES

FUNCTION - CULVERTS AND DRAINAGE PIPES CONVEY STORMWATER AWAY FROM BUILDINGS, WALKWAYS, AND PARKING AREAS.

MAINTENANCE
 CULVERTS AND DRAINAGE PIPES SHALL BE INSPECTED SEMI-ANNUALLY, OR MORE OFTEN AS NEEDED, FOR ACCUMULATION OF DEBRIS AND STRUCTURAL INTEGRITY. LEAVES AND OTHER DEBRIS SHALL BE REMOVED FROM THE INLET AND OUTLET TO INSURE THE FUNCTIONALITY OF DRAINAGE STRUCTURES. DEBRIS SHALL BE DISPOSED OF ON SITE WHERE IT WILL NOT CONCENTRATE BACK AT THE DRAINAGE STRUCTURES OR AT A SOLID WASTE DISPOSAL FACILITY.

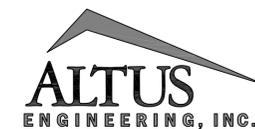
GRASSED UNDERDRAINED SOIL FILTER (USF)

FUNCTION - USF CONTROLS STORMWATER QUALITY BY CAPTURING AND RETAINING RUNOFF AND PASSING IT THROUGH A FILTER BED COMPRISED OF A SPECIFIC SOIL MEDIA.

MAINTENANCE
 IN THE SPRING OF EACH YEAR, ANY DEAD VEGETATION SHALL BE REMOVED TO ALLOW FOR NEW GROWTH, AND ANY ACCUMULATED SEDIMENT (NORMALLY AT THE ENTRANCE TO THE USF) SHALL ALSO BE REMOVED. DURING THE GROWING SEASON TURF SHALL BE MOWED AS NEEDED. IF WATER PONDS ON THE SURFACE FOR MORE THAN 24 HOURS DURING THE FIRST YEAR OR 72 HOURS THEREAFTER, THE FILTER SURFACE SHALL BE AERATED WITH DEEP TINES OR THE SURFACE REPLACED.

LEGEND:

- (DU)— (DU) ——— EXIST. UTILITY POLE
- S— EXIST. SEWER
- W— EXIST. WATER
- 5'— EXIST. 1-FT CONTOUR
- 50'— EXIST. 5-FT CONTOUR
- (50) PROP. CONTOUR
- PROP. POND OUTLET STRUCTURE
- PD— PROP. DRAIN LINE
- UD— PROP. UNDERDRAIN
- PE— PROP. ELECTRIC
- PV— PROP. WATER
- VGC— VERTICAL GRANITE CURB
- SGC— SLOPE GRANITE CURB



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ISSUED FOR: **APPROVAL**

ISSUE DATE: **DECEMBER 18, 2014**

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

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

SCALE: **N.T.S.**

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

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

TITLE:
**GENERAL NOTES
 AND LEGEND**

SHEET NUMBER:
G - 1



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APPROVED BY: _____ JKC
DRAWING FILE: 4652SITE.DWG

SCALE: **1' = 20'**

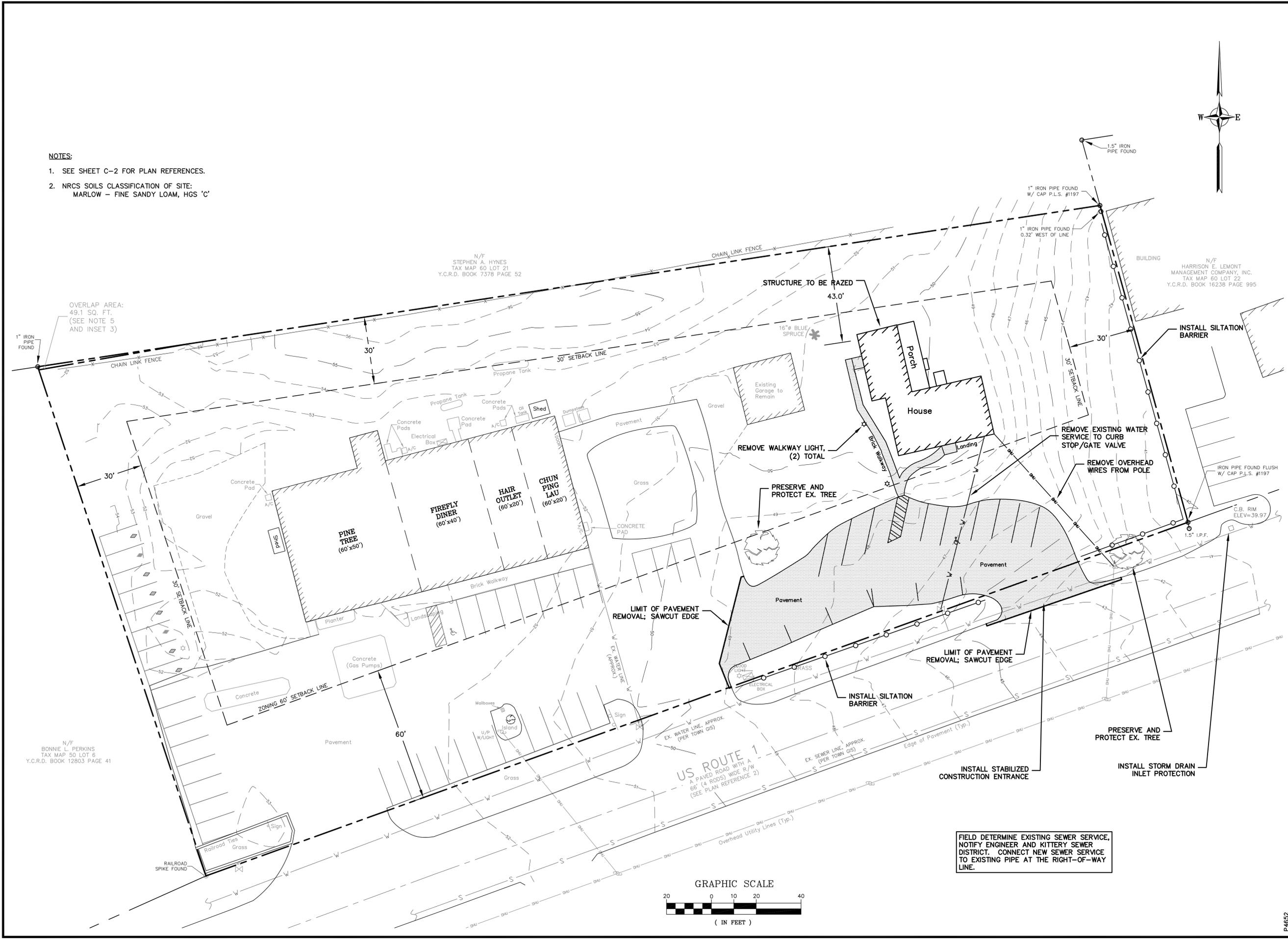
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KITTERY, MAINE 03904

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

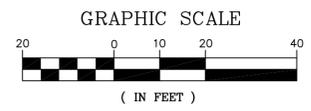
TITLE:
**SITE
PREPARATION
PLAN**

SHEET NUMBER:
C - 1

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



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



P-4652

ZONING SUMMARY:

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

	REQUIREMENTS	PROVIDED
MINIMUM LOT SIZE (ALONG ROUTE ONE)	200,000 SF	89,837 SF *
MINIMUM STREET FRONTAGE (ALONG ROUTE ONE)	250 FEET	465.62 FEET
MINIMUM BUILDING SETBACKS		
ROAD (FRONT)	60 FEET	68.3 FEET
SIDE / REAR	30 FEET	43.0 FEET
MAXIMUM HEIGHT	40 FEET	< 40 FEET
OPEN SPACE**	20% MIN.	43% (39,081 SF)
ALLOWABLE RETAIL SPACE	15% MAX.	8% (6,937 SF)
2,072 SF (RETAIL) PLUS 3,348 SF (12 SPACES)		

PARKING STANDARDS (FOR NEW BUSINESS):
 PARKING STALL SIZE: 9 FEET X 19 FEET
 AISLE WIDTH: 24 FEET MIN. FOR 90 DEGREE

LANDSCAPE STANDARDS PER LUDC:
 1 TREE PER 25 FT. STREET FRONTAGE
 PLUS 1 TREE PER 8 SPACES

IMPERVIOUS AREA: 51,523 SF OR 1.18 ACRES
 NET INCREASE OF IMPERVIOUS AREA (INCL. R.O.W.): 8,678 SF

* NON-CONFORMING LOT
 ** SEE NOTE #4

PLAN REFERENCES:

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

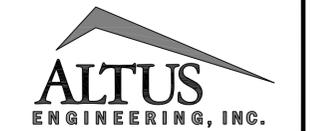
PARKING CALCULATIONS:

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

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

PLAN NOTES:

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



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ISSUE DATE: MARCH 2, 2015

NO.	DESCRIPTION	BY	DATE
0	P.B. SUBMISSION	JKC	12/18/14
1	P.B. COMMENTS	JKC	3/02/15

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

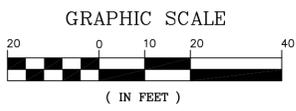
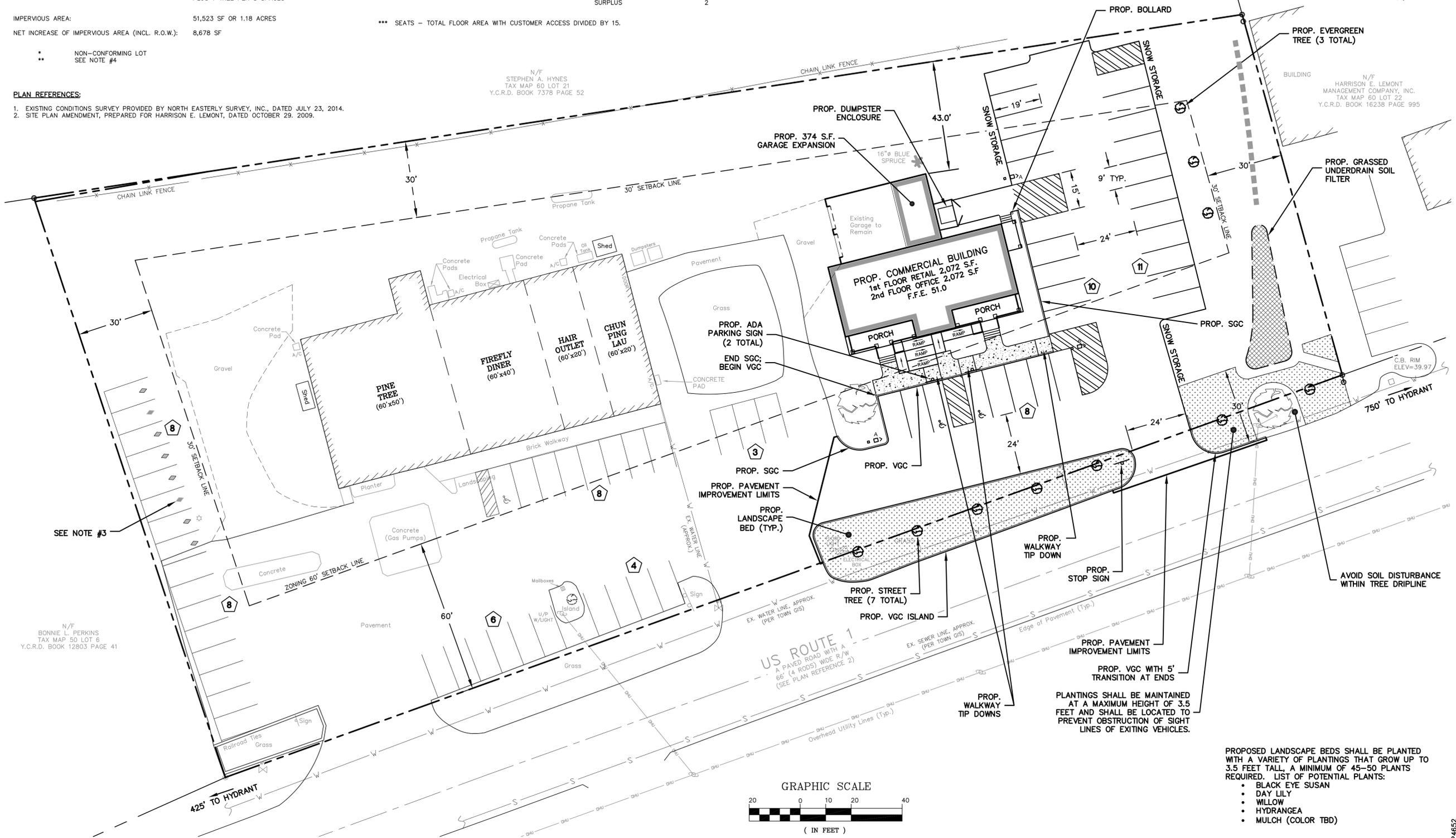
SCALE: 1" = 20'

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

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

TITLE:
SITE PLAN AMENDMENT NO. 2

SHEET NUMBER:
C - 2



- PROPOSED LANDSCAPE BEDS SHALL BE PLANTED WITH A VARIETY OF PLANTINGS THAT GROW UP TO 3.5 FEET TALL, A MINIMUM OF 45-50 PLANTS REQUIRED. LIST OF POTENTIAL PLANTS:
- BLACK EYE SUSAN
 - DAY LILY
 - WILLOW
 - HYDRANGEA
 - MULCH (COLOR TBD)

P-4652



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ISSUED FOR: **APPROVAL**

ISSUE DATE: **MARCH 2, 2015**

NO.	DESCRIPTION	BY	DATE
0	P.B. SUBMISSION	JKC	12/18/14
1	P.B. COMMENTS	JKC	3/02/15

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

SCALE: **1' = 20'**

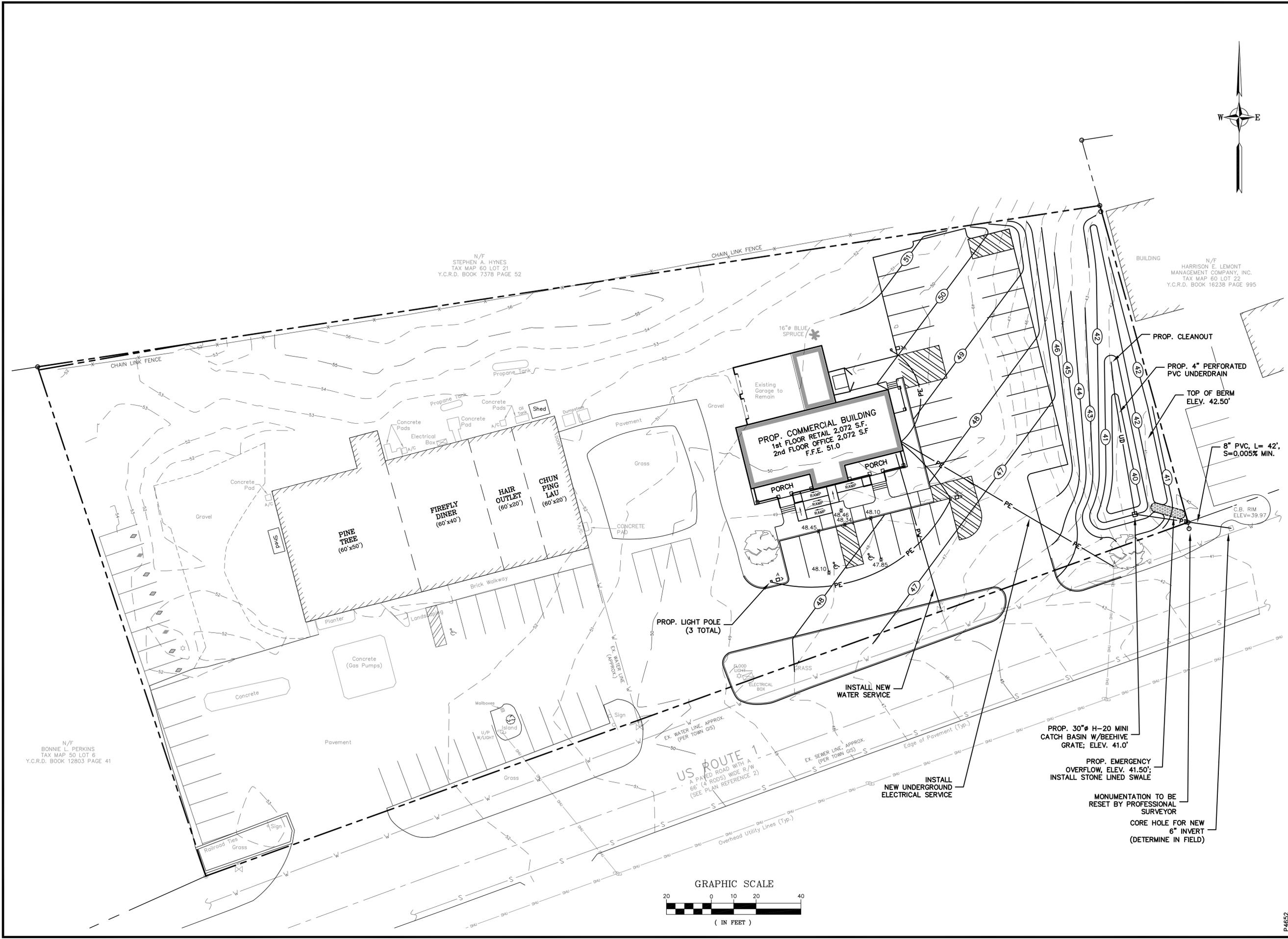
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HARRISON E. LEMONT MGMT CO.
HARRISON E. LEMONT
&
ARLENE M. LEMONT
11 PARK AVENUE
KITTERY, MAINE 03904

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

TITLE:
GRADING AND
UTILITY PLAN

SHEET NUMBER:
C - 3

P-4652



PROJECT NAME AND LOCATION

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

LATITUDE: 043° 07' 17" N LONGITUDE: 070° 43' 13" W

APPLICANT:

HARRISON E. LEMONT 11 PARK AVENUE KITTERY, MAINE 03904

DESCRIPTION

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

SEQUENCE OF MAJOR ACTIVITIES

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

NAME OF RECEIVING WATER

Closed drainage system draining into unnamed wetlands.

TEMPORARY EROSION AND SEDIMENT CONTROLS AND STABILIZATION PRACTICES

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

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

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

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

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

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

A. GENERAL

These are the general inspection and maintenance practices that will be used to implement the plan.

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

B. MULCHING

Application

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

Type of Mulch

Hay or Straw Mulches

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

Erosion Control Mix

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

- * On slopes 2 horizontal to 1 vertical or less.
* On frozen ground or forested areas.
* At the edge of gravel parking areas and areas under construction.

Other reinforcement BMPs (i.e. riprap) should be used:

- * On slopes with groundwater seepage;
* At low points with concentrated flows and in gullies;
* At the bottom of steep perimeter slopes exceeding 100 feet in length;
* Below culvert outlet aprons; and
* Around catch basins and closed storm systems.

Composition

Erosion control mix shall contain a well-graded mixture of particle sizes and may contain rocks less than 4" in diameter. Erosion control mix must be free of refuse, physical contaminants, and material toxic to plant growth. The mix composition shall meet the following standards:
* The organic matter content shall be between 80 and 100%, dry weight basis.
* Particle size by weight shall be 100 % passing a 6" screen and a minimum of 70 %, maximum of 85%, passing a 0.75" screen.
* The organic portion needs to be fibrous and elongated.
* Large portions of silts, clays or fine sands are not acceptable in the mix.

Installation

- * Erosion control mix shall not be used on slopes steeper than 2:1.
* On slopes of 3:1 or less; 2 inches plus an additional 1/2 inch per 20 feet of slope up to 100 feet.
* On slopes between 3:1 and 2:1, 4 inch plus an additional 1/2 inch per 20 feet of slope up to 100 feet.
The thickness of the mulch at the bottom of the slope needs to be:

Table with 3 columns: Slope, Thickness, and Notes. Rows include slopes from < 20' to < 100' and < 3:1 slope.

- * It shall be placed evenly and must provide 100 % soil coverage, with the soil totally invisible.

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

Maintenance

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

C. TEMPORARY VEGETATION

Considerations

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

Specifications

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

Seeding

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

Mulching

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

Maintenance

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

Table with 5 columns: Seed, Temporary Seeding Rates and Dates (Lb./Ac, Seeding Depth), Recommended Seeding Dates, and Remarks. Rows include Winter Rye, Oats, Annual Ryegrass, Sudangrass Perennial, and Temporary mulch with or without dormant seeding.

D. FILTERS

Silt Fences

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

Table with 3 columns: Physical Property, Test, and Requirements. Rows include Filtering Efficiency, Tensile Strength at 20% Maximum Elongation, and Flow Rate.

Synthetic filter fabric shall contain ultraviolet ray inhibitors and stabilizers to provide a minimum of six (6) months of expected usable construction life at a temperature range of 0 degrees F. to 120° F.

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

Straw/Hay Bales

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

Installation

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

Maintenance

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

E. PERMANENT SEEDING

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

F. OVER WINTER STABILIZATION

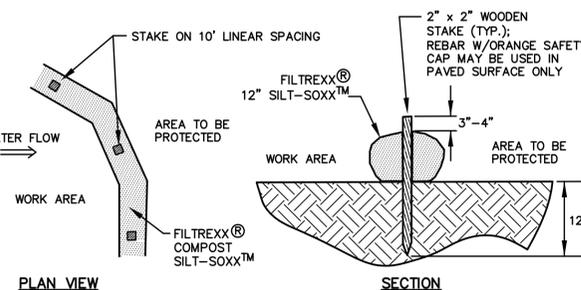
- a. If a construction site is not stabilized with pavement, a road gravel base, 75 % mature vegetation cover or riprap by November 15 then the site shall be protected with over-winter stabilization. An area considered open is any area not stabilized with pavement; vegetation, mulching, erosion control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

Maintenance

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

Stabilization Schedule before Winter

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



NOTES:

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

FILTREXX STAKING DETAILS

NOT TO SCALE



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



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ISSUED FOR: APPROVAL

ISSUE DATE: DECEMBER 18, 2014

Table with 3 columns: REVISIONS NO., DESCRIPTION, and BY DATE. Row 1: 0 P.B. SUBMISSION JKC 12/18/14

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

SCALE: N.T.S.

OWNER/APPLICANT:

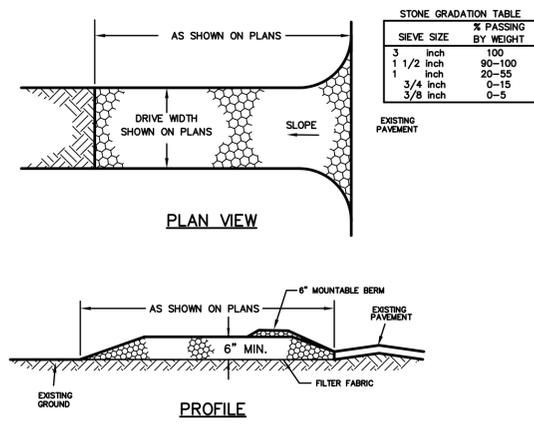
HARRISON E. LEMONT MGMT CO. HARRISON E. LEMONT & ARLENE M. LEMONT 11 PARK AVENUE KITTERY, MAINE 03904

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

TITLE: EROSION CONTROL NOTES SHEET NUMBER:

C - 4

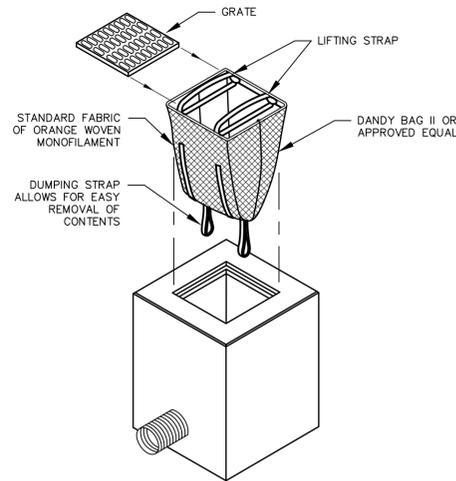
P-4652



CONSTRUCTION SPECIFICATIONS

- STONE SIZE** - NHDOT STANDARD STONE SIZE #4 - SECTION 703 OF NHDOT STANDARD.
- LENGTH** - DETAILED ON PLANS (50 FOOT MINIMUM).
- THICKNESS** - SIX (6) INCHES (MINIMUM).
- WIDTH** - FULL DRIVE WIDTH UNLESS OTHERWISE SPECIFIED.
- FILTER FABRIC** - MIRAFI 600X OR EQUAL APPROVED BY ENGINEER.
- SURFACE WATER CONTROL** - ALL SURFACE WATER THAT IS FLOWING TO OR DIVERTED TOWARD THE CONSTRUCTION ENTRANCE SHALL BE PIPED BENEATH THE ENTRANCE. IF PIPING IS IMPRACTICAL, A BERM WITH 5:1 SLOPES THAT CAN BE CROSSED BY VEHICLES MAY BE SUBSTITUTED FOR THE PIPE.
- MAINTENANCE** - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS WILL REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE OR ADDITIONAL LENGTH AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
- WHEELS** SHALL BE CLEANED TO REMOVE MUD PRIOR TO ENTRANCE ONTO PUBLIC RIGHTS-OF-WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
- STABILIZED CONSTRUCTION EXITS** SHALL BE INSTALLED AT ALL ENTRANCES TO PUBLIC RIGHTS-OF-WAY, AT LOCATIONS SHOWN ON THE PLANS, AND/OR WHERE AS DIRECTED BY THE ENGINEER.

STABILIZED CONSTRUCTION EXIT
NOT TO SCALE



INSTALLATION AND MAINTENANCE:

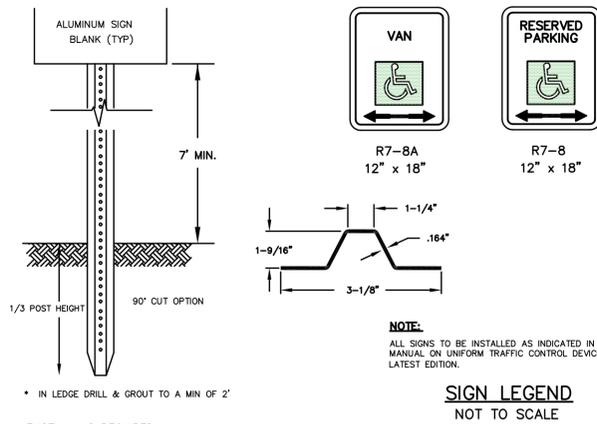
INSTALLATION: REMOVE THE GRATE FROM CATCH BASIN. IF USING OPTIONAL OIL ABSORBENTS, PLACE ABSORBENT PILLOW IN UNIT. STAND GRATE ON END. MOVE THE TOP LIFTING STRAPS OUT OF THE WAY AND PLACE THE GRATE INTO CATCH BASIN. INSERT SO THE GRATE IS BELOW THE TOP STRAPS AND ABOVE THE LOWER STRAPS. HOLDING THE LIFTING DEVICES, INSERT THE GRATE INTO THE INLET.

MAINTENANCE: REMOVE ALL ACCUMULATED SEDIMENT AND DEBRIS FROM VICINITY OF THE UNIT AFTER EACH STORM EVENT. AFTER EACH STORM EVENT AND AT REGULAR INTERVALS, LOOK INTO THE CATCH BASIN INSERT. IF THE CONTAINMENT AREA IS MORE THAN 1/3 FULL OF SEDIMENT, THE UNIT MUST BE EMPTIED. TO EMPTY THE UNIT, LIFT THE UNIT OUT OF THE INLET USING THE LIFTING STRAPS AND REMOVE THE GRATE. IF USING OPTIONAL ABSORBENTS; REPLACE ABSORBENT WHEN NEAR SATURATION.

UNACCEPTABLE INLET PROTECTION METHOD:

A SIMPLE SHEET OF GEOTEXTILE UNDER THE GRATE IS NOT ACCEPTABLE.

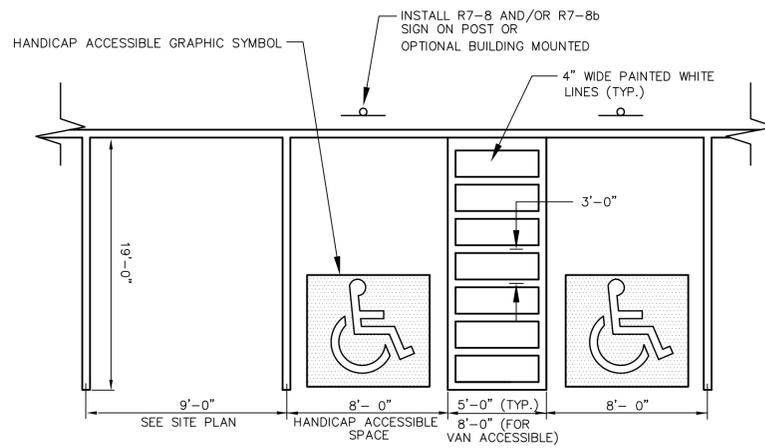
STORM DRAIN INLET PROTECTION
NOT TO SCALE



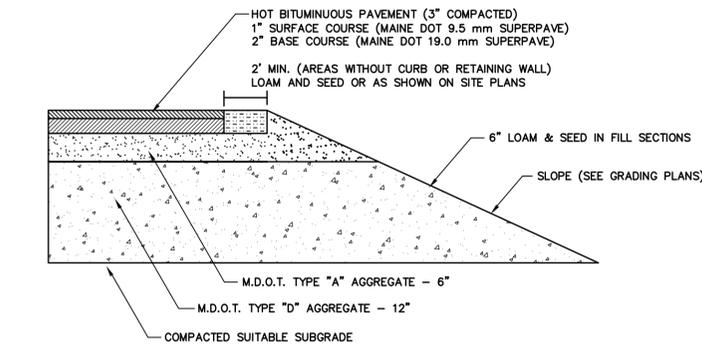
SIGN LEGEND
NOT TO SCALE

LENGTH: AS REQUIRED
WEIGHT PER LINEAR FOOT: 2.50 LBS (MIN.)
HOLES: 3/8" DIAMETER, 1" C-C FULL LENGTH
STEEL: SHALL CONFORM TO ASTM A-499 (GRADE 60) OR ASTM A-576 (GRADE 1070 - 1080)
FINISH: SHALL BE PAINTED WITH TWO COATS OF AN APPROVED MEDIUM GREEN BAKED ON OR AIR DRIED, PAINT OF WEATHER RESISTANT QUALITY. ALL FABRICATION SHALL BE COMPLETE BEFORE PAINTING.

SIGN POST DETAIL
NOT TO SCALE



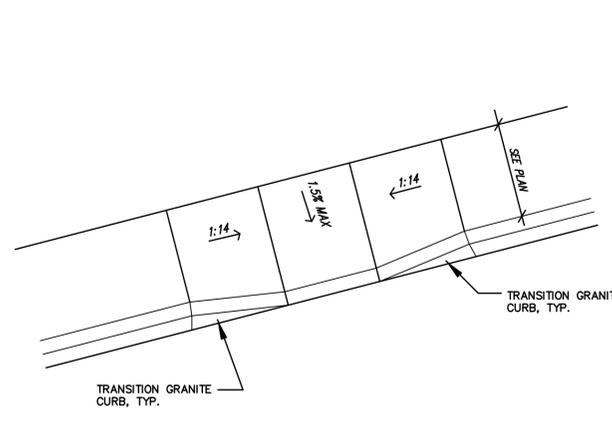
STALL PARKING
NOT TO SCALE



NOTES:

- ALL EXISTING FILL, BURIED ORGANIC MATTER, LOAM, AND/OR OTHER QUESTIONABLE MATERIAL SHALL BE REMOVED FROM BELOW ALL PAVEMENT, SHOULDERS AND UNDERGROUND PIPING/UTILITIES TO DEPTHS RECOMMENDED IN GEOTECHNICAL REPORT.
- SUBGRADE SHALL BE PROOFROLLED A MINIMUM OF 6 PASSES WITH A VIBRATORY COMPACTOR OPERATING AT PEAK RATED FREQUENCY OR BY MEANS APPROVED BY THE ENGINEER.
- FILL BELOW PAVEMENT GRADES SHALL BE GRANULAR BORROW COMPACTED PER MDOT REQUIREMENTS.
- SITWORK CONTRACTOR SHALL COORDINATE GEOTECHNICAL ENGINEERING INSPECTIONS WITH THE CONSTRUCTION MANAGER PRIOR TO PLACING GRAVELS.
- TACK COAT SHALL BE APPLIED BETWEEN SUCCESSIVE LIFTS OF ASPHALT.
- THE BITUMINOUS PAVEMENT SHALL BE COMPACTED TO 92 TO 97 PERCENT OF ITS THEORETICAL MAXIMUM DENSITY AS DETERMINED BY ASTM D-2041. THE BASE AND SUBBASE MATERIALS SHOULD BE COMPACTED TO AT LEAST 95 PERCENT OF THEIR MAXIMUM DRY DENSITIES AS DETERMINED BY ASTM D-1557.

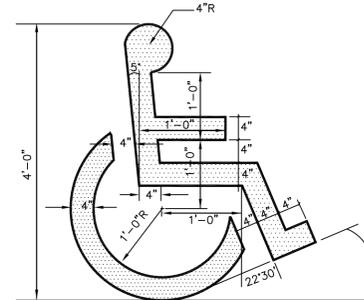
BITUMINOUS CONCRETE PAVEMENT DETAIL
NOT TO SCALE



NOTE:

- RAMP CROSS SECTION TO BE THE SAME AS ADJACENT SIDEWALK.
- DIMENSIONS ARE SUBJECT TO CHANGE IN FIELD. ALL SLOPES AND DIMENSIONS TO COMPLY WITH A.D.A. REQUIREMENTS.

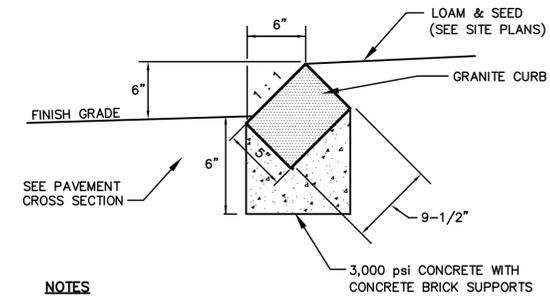
CURB CUT DETAIL
NOT TO SCALE



NOTE:

SYMBOL TO BE PAINTED IN ALL HANDICAPPED ACCESSIBLE SPACES

HANDICAP SYMBOL
NOT TO SCALE

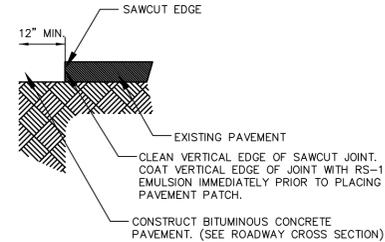


NOTES:

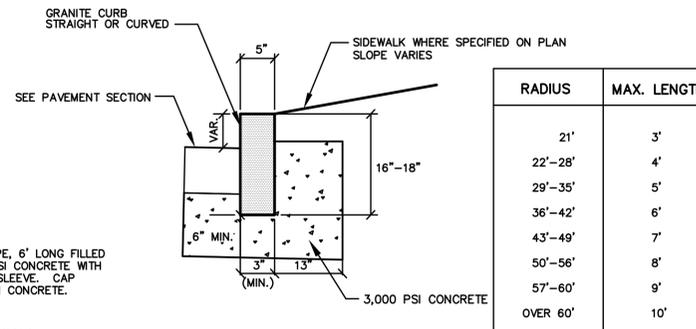
- SEE SITE PLAN FOR LIMITS OF CURBING
- ADJOINING STONES OF STRAIGHT CURB LAID ON CURVES SHALL HAVE THE SAME OR APPROXIMATELY THE SAME LENGTH
- MINIMUM LENGTH OF STRAIGHT CURB STONES = 18"
- MAXIMUM LENGTH OF STRAIGHT CURB STONES = 8'
- MAXIMUM LENGTH OF STRAIGHT CURB STONES LAID ON CURVES - SEE CHART

RADIUS FOR STONES WITH SQUARE JOINTS	MAXIMUM LENGTH
16'-28'	1'-6"
29'-41'	2'
42'-55'	3'
56'-68'	4'
69'-82'	5'
83'-96'	6'
97'-110'	7'
OVER 110'	8'

SLOPED GRANITE CURB
NOT TO SCALE



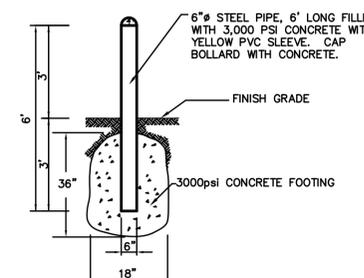
TYPICAL PAVEMENT SAWCUT DETAIL
NOT TO SCALE



NOTES:

- SEE PLANS FOR CURB LOCATION.
- ADJOINING STONES SHALL HAVE THE SAME OR APPROXIMATELY THE SAME LENGTH.
- MINIMUM LENGTH OF CURB STONES = 3'
- MAXIMUM LENGTH OF CURB STONES = 10'
- MAXIMUM LENGTH OF STRAIGHT CURB STONES LAID ON CURVES - SEE CHART.
- CURB ENDS TO ROUNDED AND BATTERED FACES TO BE CUT WHEN CALLED FOR ON THE PLANS.

VERTICAL GRANITE CURB
NOT TO SCALE



BOLLARD DETAIL
NOT TO SCALE

ALTUS ENGINEERING, INC.
133 COURT STREET PORTSMOUTH, NH 03801
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ISSUED FOR: APPROVAL

ISSUE DATE: DECEMBER 18, 2014

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

DRAWN BY: _____ RMB
APPROVED BY: _____ JKJ
DRAWING FILE: _____ 4652SITE.DWG

SCALE: N.T.S.

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

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

TITLE:
DETAIL SHEET

SHEET NUMBER:
C - 5

P-4652



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ISSUED FOR: **APPROVAL**

ISSUE DATE: **MARCH 2, 2015**

NO.	DESCRIPTION	BY	DATE
0	SKETCH PLAN SUBMISSION	JKC	12/18/14
1	P.B. COMMENTS	JKC	3/02/15

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

SCALE: **N.T.S.**

OWNER/APPLICANT:
HARRISON E. LEMONT MGMT CO.
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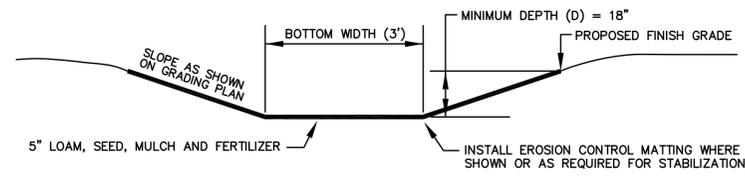
PROJECT:
PROPOSED RETAIL/OFFICE BUILDING
MAP 50 LOT 8
435 US ROUTE 1
KITTERY, MAINE

TITLE:

DETAIL SHEET

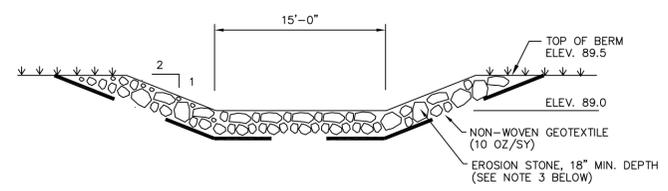
SHEET NUMBER:

C - 6



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

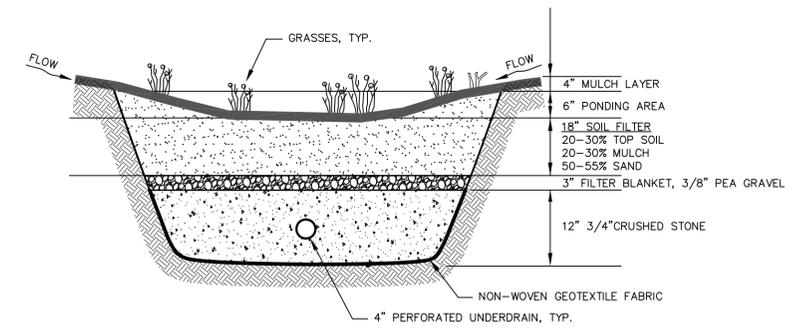
GRASSED SWALE
NOT TO SCALE



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

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

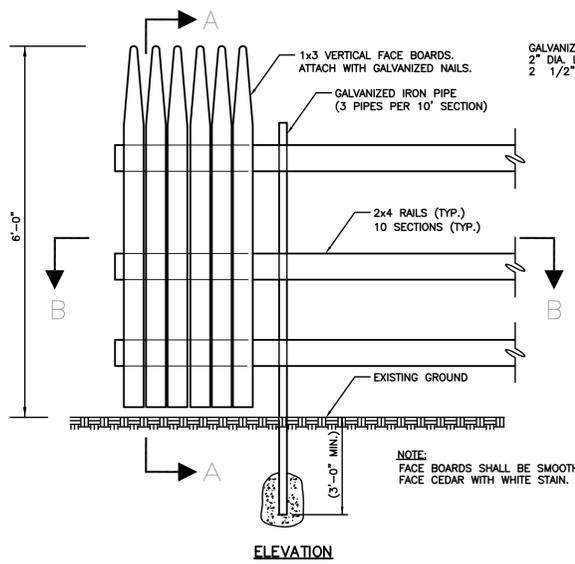
EMERGENCY OVERFLOW WEIR
NOT TO SCALE



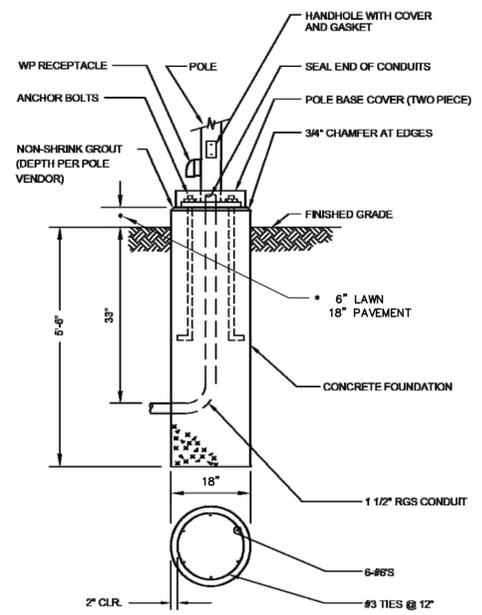
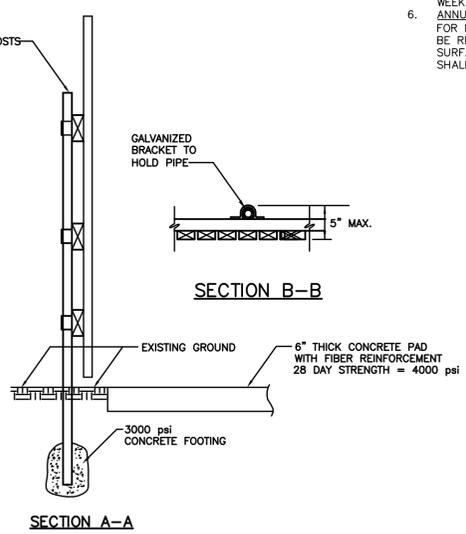
SOIL FILTER MEDIA			MEDOT #703.01 AGGREGATE		SEEDING	
FILTER MEDIA	MIXTURE BY VOLUME	SPECIFICATION	SIEVE SIZE	% BY WEIGHT		
SAND	50-55%	MEDOT SPECIFICATION #703.01 FINE AGGREGATE FOR CONCRETE	3/8"	100	Creeping red fescue	20 lb/acre
TOPSOIL	20-30%	LOAMY SAND TOPSOIL WITH MINIMAL CLAY CONTENT AND BETWEEN 15 TO 25% FINES PASSING THE #200 SIEVE	#4	95-100	Tall fescue	20 lb/acre
			#8	80-100	Bird's foot trefoil	8 lb/acre
			#16	50-85	Annual Rye	20 lb/acre
MULCH	20-30%	MODERATELY FINE, SHREDDED BARK OR WOOD FIBER MULCH WITH LESS THAN 5% PASSING #200 SIEVE	#30	25-60	Total	68 lb/acre
			#60	10-30	Straw mulch or erosion control blanket	
			#100	2-10	after seeding	
			#200	0-5		

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

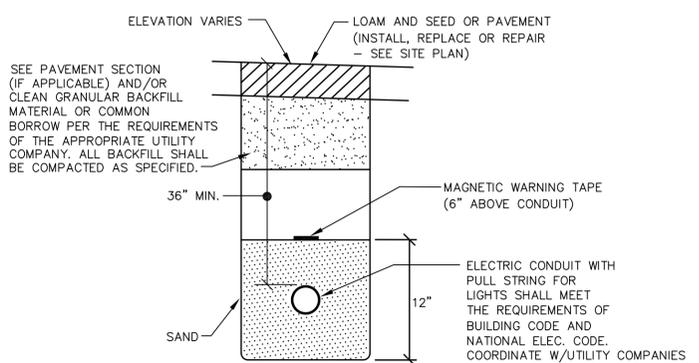
GRASSED UNDERDRAINED SOIL FILTER
NOT TO SCALE



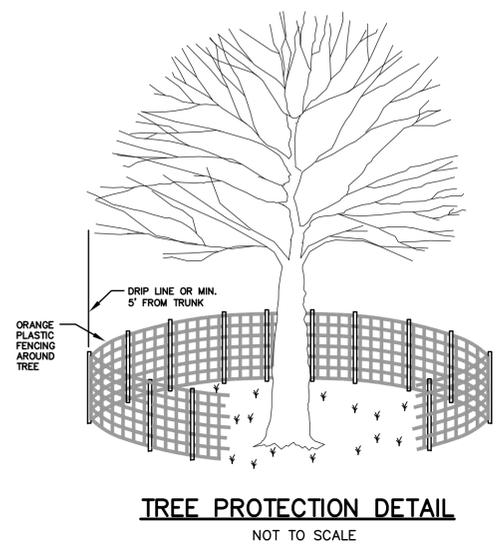
STOCKADE FENCE
NOT TO SCALE



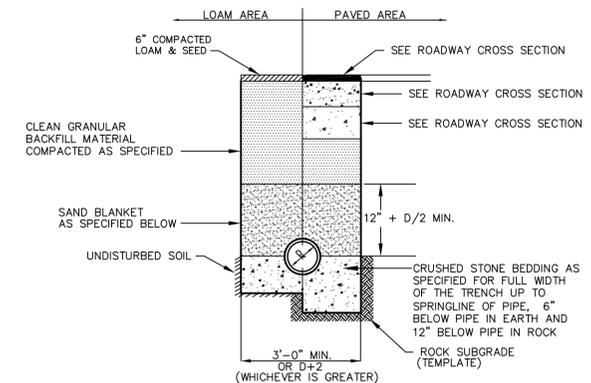
LIGHT POLE BASE DETAIL
NOT TO SCALE



SITE LIGHTING ELECTRIC TRENCH DETAIL
NOT TO SCALE



TREE PROTECTION DETAIL
NOT TO SCALE



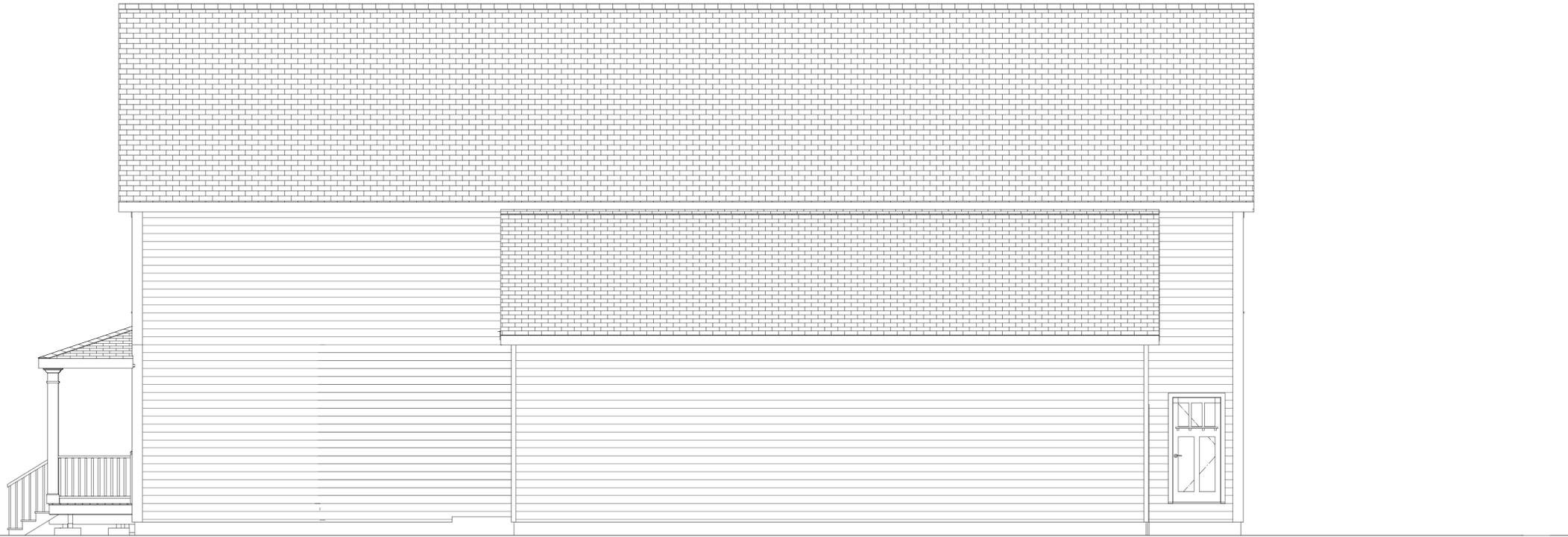
SAND BLANKET		CRUSHED GRAVEL BEDDING	
SIEVE SIZE	% FINER BY WEIGHT	SIEVE SIZE	% PASSING BY WEIGHT
1/2"	90 - 100	3"	100
200	0 - 15	2"	95 - 100
		1"	55 - 85
		# 4	27 - 52
		# 200	0 - 12

MDOT TYPE A, CRUSHED GRAVEL
*(IN SAND PORTION) FRACTION PASSING THE #4 SIEVE.
BACKFILL MATERIAL BELOW PAVED OR CONCRETE AREAS, BEDDING MATERIAL, AND SAND BLANKET SHALL BE COMPACTED TO NOT LESS THAN 95% OF AASHTO T 99, METHOD C. SUITABLE BACKFILL MATERIAL BELOW LOAM AREAS SHALL BE COMPACTED TO NOT LESS THAN 90% OF AASHTO T 99, METHOD C.

DRAIN TRENCH SECTION
NOT TO SCALE



FRONT ELEVATION
SCALE: 1/4" = 10"



REAR ELEVATION
SCALE: 1/4" = 10"



LEFT ELEVATION
SCALE: 1/4" = 10'



RIGHT ELEVATION
SCALE: 1/4" = 10'

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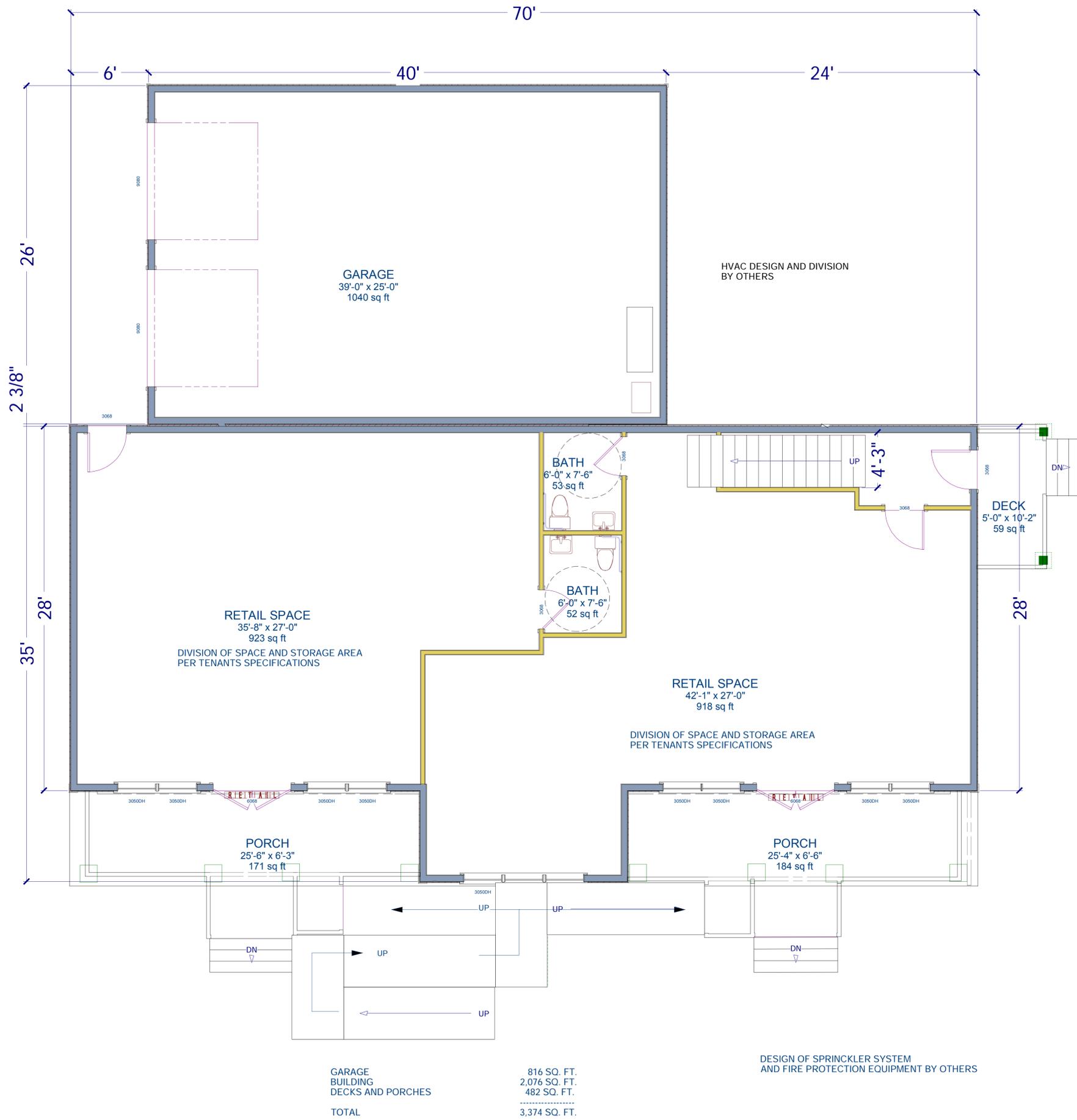
COPYRIGHT 2014 PEARSON TRADITIONAL DESIGN LLC

HARRISON E. LEMONT MGMT. CO. INC.
PROPOSED RETAIL/OFFICE BUILDING
MAP 50, LOT 8
435 US ROUTE 1 KITTERY, ME

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

DATE
REVISED 12/16/2014

REVISIONS



GARAGE BUILDING DECKS AND PORCHES
 TOTAL

816 SQ. FT.
 2,076 SQ. FT.
 482 SQ. FT.
 3,374 SQ. FT.

DESIGN OF SPRINKLER SYSTEM AND FIRE PROTECTION EQUIPMENT BY OTHERS

HVAC DESIGN AND DIVISION BY OTHERS

RETAIL SPACE
 35'-8" x 27'-0"
 923 sq ft
 DIVISION OF SPACE AND STORAGE AREA PER TENANTS SPECIFICATIONS

RETAIL SPACE
 42'-1" x 27'-0"
 918 sq ft
 DIVISION OF SPACE AND STORAGE AREA PER TENANTS SPECIFICATIONS

BATH
 6'-0" x 7'-6"
 53 sq ft

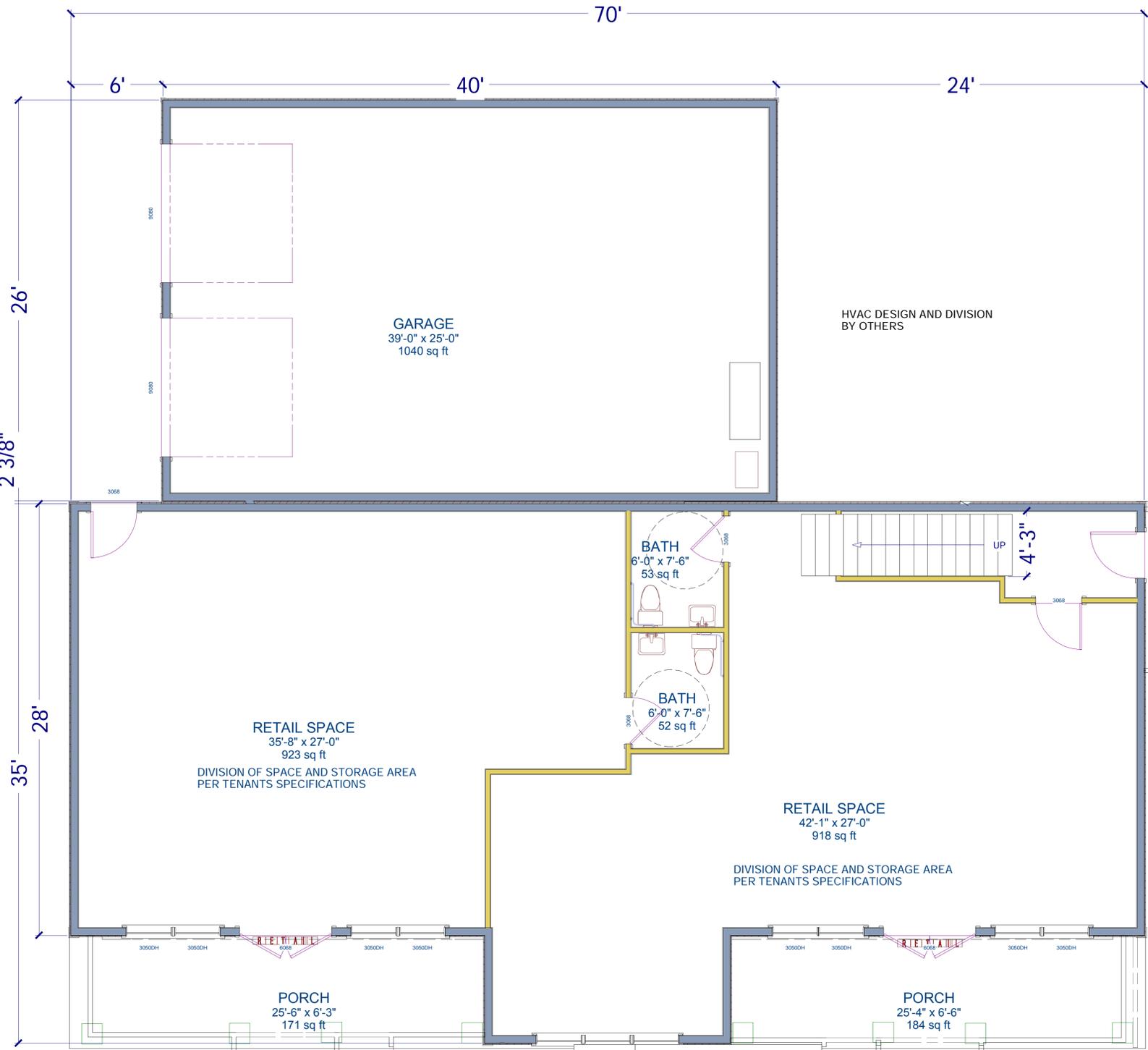
BATH
 6'-0" x 7'-6"
 52 sq ft

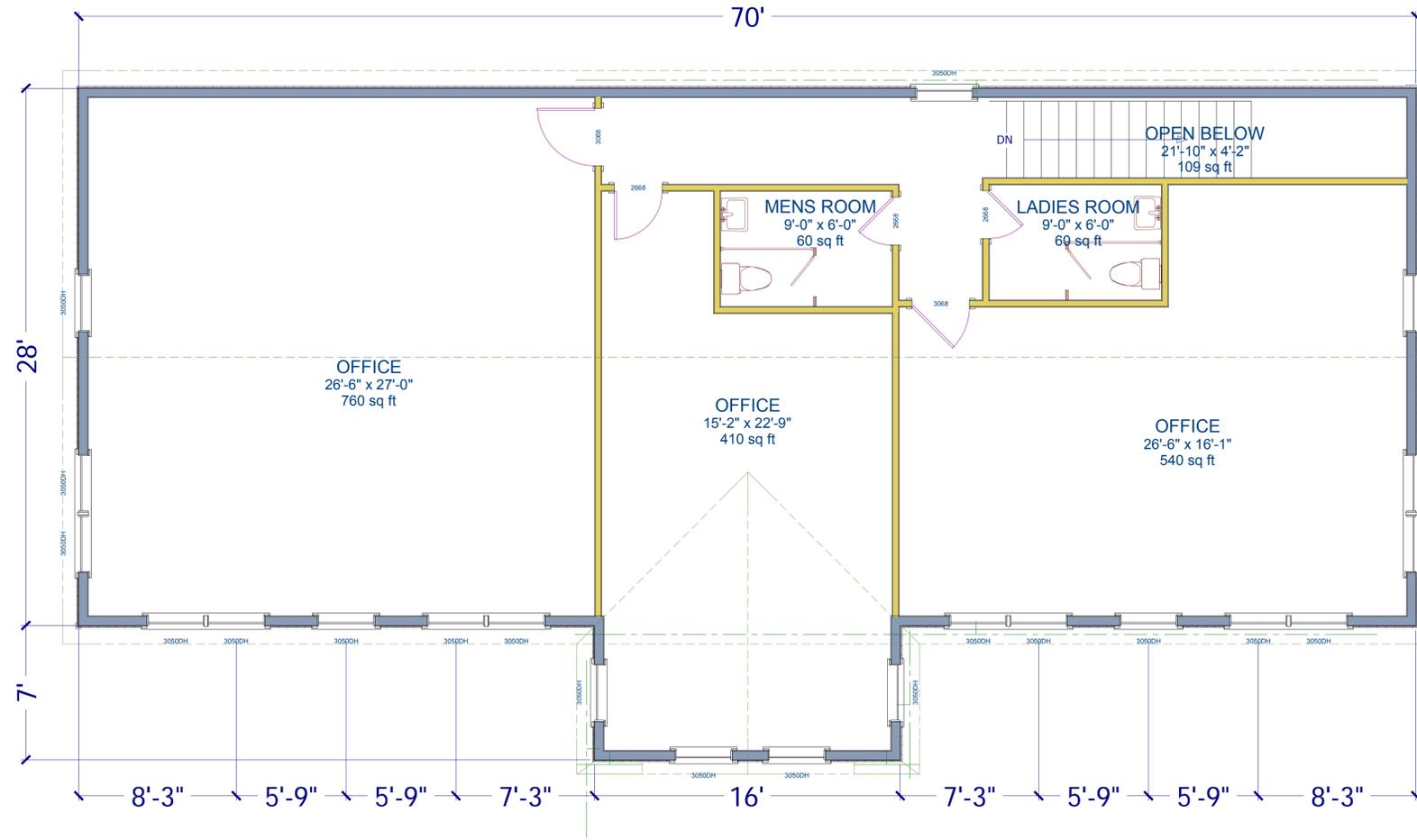
DECK
 5'-0" x 10'-2"
 59 sq ft

PORCH
 25'-6" x 6'-3"
 171 sq ft

PORCH
 25'-4" x 6'-6"
 184 sq ft

GARAGE
 39'-0" x 25'-0"
 1040 sq ft





**Town of Kittery
 Planning Board Meeting
 March 12, 2015**

Beatrice Way – Preliminary Major Subdivision Plan.

Action: Hold a Public Hearing, accept or deny preliminary plan. Owner Operation Blessing LP, and applicant Richard Sparkowich, propose a five lot subdivision on remaining land from the previously approved 3-lot subdivision located between Highpoint Circle and Kittree Lane. The site is identified as Map 61 Lot 08, in the Residential - Rural (R-RL) Zone. Agent is Ken Markley, Easterly Survey Inc.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Review	Scheduled 6-12-14	APPROVED
NO	Site Visit		HELD
YES	Determination of Completeness/Acceptance	Scheduled 12-11-14	GRANTED
	Waiver Request:		TBD
YES	Public Hearing	Scheduled for 2-12-15	HELD
YES	Preliminary Plan Review and Approval	Scheduled for 2-12-15, continued	PENDING
YES	Final Plan Review and Approval		

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

PLEASE REFER TO PACKET INFO FROM 12/11 & 2/26 MTGS

Background

Operation Blessing LP, represented by Richard Sparkowich, received subdivision approval in August 2008 for three lots. The remaining 58 acres (with existing access from Old Farm Road) maintains 78 feet of frontage along a right-of-way that formerly was owned by Goodhouse Construction (Highpoint Circle developer) and currently co-owned by abutters Hanson and Gasbarro.

Through numerous iterations that included an amended subdivision plan, a cluster Sketch Plan, and a Right-Of-Way plan, the Board granted approval of the conventional subdivision concept June 12, 2014. The Applicant has submitted a preliminary plan application for a conventional subdivision including a Request for Special Exception as required for non-clustered subdivision. A site walk and public hearing have been held.

Minutes from the last meeting and past meetings for context are attached for your reference.

Review to date

CMA, the Peer Review Engineer, made their initial review on 1/21/2015 (provided in the 2/26 packet). The applicant's agent, NorthEasterly Survey has responded to their comments (attached) and CMA has provided their comments on the revised plans and submission (attached email dated 3/4/15). The applicant has submitted a waiver request for the review by the York County Soil and Water Conservation

District, however, it appears that a waiver for the hammer-head rather than a cul-de-sac would be required for a Class II street. A narrative addressing the Special Exception Request and answers to questions raised at the December site walk have been submitted by the agent for the Board's consideration.

The applicant's agent has responded to Staff's 2/12/15 comments (in italics) below in the attached letter dated 2/19/2015. The following are updated staff comments.

- 1) *Open space. 16.3.2.1.D.3.b.i Minimum percentage of Common Open Space, 15%. The current plan does not accommodate any open space. Staff recommends that the applicant designates land for this purpose at the rear of the property in the vicinity of the vernal pools. When considering the vernal pools, it may make sense to have the minimum required 8.6 ± acres designated in the far most northwestern corner. See attached Exhibit 1. In addition the Board may want to consider placing additional restrictions on the wetland setbacks that are adjacent to the vernal pool locations.*

UPDATE: NorthEasterly Survey states that the open space shown on their revised plan is more diverse in habitat than the location staff suggested in the 2/12 PRN. It is also stated that vernal pools are protected by the Maine DEP. The latter, however, is only true if the property development triggers state and federal regulation, and even with that, valuable uplands can be altered. Attached is a document from the U.S Army Corps of Engineers, New England District's website regarding Vernal Pool Directional Buffer Guidance (ATT. 1). It is clear that the circular zones that are typically used in regulation are deficient at times depending on the site's specifics. The narrative helps explain the importance to uplands associated with vernal pools and the need to link other habitats that often don't fall within the circular setback. Staff suggests that the open space requirement for the subdivision is an important opportunity to strategically preserve critical habitat that would benefit the identified vernal pools on the site.

It is evident from the attached plan exhibits (ATT. 2) that the vernal pool associated uplands abut other protected lands designated as open space, Fuller Brook and Lewis Farms subdivisions. The location proposed by the applicant, along the small stream that bisects the property (See Subdv. Plan), is not leveraging any other protected tracts of land. In addition, the location includes wetlands, floodplain and wetland setback area that is protected to a large degree by current regulations, unlike the habitat that is associated with the vernal pools. It is also important to recognize that given the proximity of the vernal pool uplands to existing development, the development pressure for this area is a great deal higher than for the open space location that is being proposed by the applicant. Parsonage Way abuts the vernal pool uplands where the open space location proposed by the applicant is not near to existing streets.

When considering the location of open space the Board should consider the objective of the open space, in this case conservation of natural resources, and determine where the best opportunity is to achieve the objective. Staff suggests the ultimate objective is to conserve the most valuable habitat and not simply require the minimum acreage.

Given that the property has valuable habitat on site, more significant and critical than the small brook and associated wetlands that is proposed on the revised plan, and that there are two important existing open space areas abutting the property that can be connected to, Staff recommends the Board require uplands associated with the vernal pools to be preserved within the required open space.

- 2) *Boundary between proposed Lot H and abutting property Map 61-Lot 9-8 (Gasbarro). Attached is an email from the Gasbarros. It is not clear from the Subdivision Plan the old woods road that abuts their property is to be discontinued as indicated by the applicant, this needs to be clarified. Further, Staff recommends it should be entirely removed and a vegetated/fence buffer should be established and maintained in the same locale as discussed during Sketch Plan Review.*

UPDATE: It is stated that the “woods road” is the only access to the wood lot to support “wood lot” activities. What activities are currently taking place that are permitted? There should be no more timber harvesting, which is not allowed in the R-RL zone. Staff continues to recommend that the Board requires a more substantive effort in mitigating the impact of the proposed development on the Gasbarro’s lot. Due to perpetuating the “woods road” it appears the vegetation within the setback of the proposed lot (H) that would provide is limited in the amount of screening it would provide, where under more normal conditions when developing wooded lots existing vegetation is available to be maintained along the property line.. Left for nature to regenerate within a very well compacted gravel roadbed would undoubtedly be a slow process and not conducive to establishing any significant screen.

- 3) *The street acceptance for the Highpointe Circle extension. When the applicant was before the Planning Board for Sketch Plan Review, the Board requested that the issue around the street naming of the section of roadway that is between the public street Highpointe Circle and the terminus of Kittree Lane. The Applicant will need to provide the necessary documentation to demonstrate that this portion of roadway, constructed by the Applicant as part of the 2008 three-lot subdivision, and to petition the Town to accept this length of roadway as public street and a part of the existing Highpointe Circle.*

UPDATE: It may have not been clear from the original comment, however, at the March 13, 2014 planning board public hearing when the applicant was requesting approval for a Right-Of-Way plan, the Board outlined some of their expectations for the review and approval of this property which included the status of the street that the proposed Beatrice Lane is connecting to. The minutes are attached of your reference.

The agent’s response that this issue will not be resolved prior to the approval of the current subdivision application is not acceptable and is counter to what the expectation was a year ago. Further, this portion of street between Kittree Lane and Highpointe Circle is and has been crucial for the development of the applicant’s 2008 3-lot subdivision and the current 5-lot subdivision. The Board should note that the applicant has an easement along the now street, formerly a shared driveway, that provides the access required for their past and current development. With this in mind Staff recommends that the applicant prepare and submit the necessary applications for the street naming and street acceptance petition to the Town as part of the current application review and approval.

- 4) *Boundary Plan. It is not clear from the plans submitted that the entire boundary of the subject parcel is part of a ‘Boundary Survey’ that Northeasterly Survey has performed and/or certifies.*

UPDATE: The agent states that the survey is pending and anticipates completing it prior to final approval. The Boundary Survey is a preliminary plan submittal requirement, 16.10.5.2.B.4. If the Board grants preliminary approval it should be conditioned that a Boundary Plan is submitted prior to the Final Plan application.

- 5) *Net Residential Density. 16.3.2.1.D.2 Minimum Land Area per Dwelling Unit requires the deduction of land area per 16.2.2 Net Residential Acreage. These calculations need to be placed on the Subdivision Plan.*

UPDATE: The agent states that the calculations are on the plan. They don't appear to be.

- 6) *The Subdivision Plan references wetland delineation from a Sketch Plan prepared in 2007 and undocumented information from the applicant. Staff recommends that the wetlands that in part determine building envelopes be delineated or re-certified by a wetland scientist.*

UPDATE: Delineation of wetland areas is, in part, required to calculate the net residential acreage. Passing this requirement of subdivision review to a building permit is not appropriate. The Board voted at the 2/12/15 meeting to require both the wetlands and soil reports and maps re-certified.

New Staff Comments:

- 7) The shared driveway proposed for parcels A and I is shown on the plan as located within a "60' wide R.O.W". Staff recommends this encumbrance on parcel I for the benefit of parcel A should be noted as an easement for utilities and access and not as a R.O.W. The latter can be construed as an extension of the proposed street which it is not. In addition, a plan note that specifies the constraint on the length and the number of dwellings it can serve should be provided. It is also recommended that the Applicant complete a Wetland Alteration application for the proposed fill because: 1) the access to Lots A and I is an intrinsic part of the subdivision plan to be approved; and 2) it makes good logistical sense since wetland fills require Planning Board approval.
- 8) Sidewalk. It is stated in the agent's 2/19/2015 letter responding to the Peer Review comments "that no sidewalks should be installed since there is no sidewalk network to attach to..." The Board should consider the existing sidewalk that currently terminates at the beginning of Highpointe Circle's hammer-head. From this point to the entrance of the proposed Beatrice Lane is approximately 350 feet. In addition, the corridor (formerly a shared driveway for lots 61-9-7 and 61-9-8) where most of this 350 feet is located was part of the applicant's 2008 approved 3-lot subdivision. With regard to the potential number of dwellings that may benefit from a sidewalk, the number appears to be 13 rather than the 4 stated by the agent. There are 2 existing duplexes (4 units), 1 existing dwelling (61-8F) and 2 vacant lots (8E & 8D) from the 2008 three-lot subdivision, and 2 existing homes east of the proposed Beatrice Lane (lots 61-L9-7 and 61-9-8), yields 9 existing dwellings. This added to the 4 proposed lots provides a total of 11 dwellings that can benefit from a sidewalk.
- 9) The Board should consider requiring a homeowner's association for the development. Such an entity would be accountable for ensuring the integrity of the open space and provide a legal frame work for the maintenance and repair of the street. The latter is especially important to the Town to aid in ensuring there is an accountable party for snow removal allowing the unrestricted passage of public safety vehicles.
- 10) The Board should consider a condition to final approval that no further division of land is allowed without prior review and approval by the Planning Board.

Recommendation / Board Action

The application remains to have outstanding items that may need to be addressed prior to preliminary plan approval. Staff recommends the Board move to continue Operation Blessing LP's Beatrice Way Major Subdivision Plan application not to exceed 90 days, or the Board may want to grant conditional approval for the preliminary plan.

Conditions for Preliminary Approval (Suggested).

- 1) Resolution of the unnamed roadway between Kittree Lane and Highpointe Circle. Complete a Street Naming Application and Petition for Street Acceptance form and associated legal documents for Staff review prior to Final Plan application. (item 3 above)
- 2) The recertification of soils and wetland reports prepared in 2006.
- 3) A finalized Boundary Survey (item 4 above)
- 4) Required open space to include uplands associated with the vernal pools that abut the open space areas for Fuller Brook and Lewis Farm subdivisions, as shown on ATT. 2. (item 1 above)
- 5) All other recommendations by Staff, CMA and board members that the Board concurs with. (to be itemized)

Move to grant final preliminary approval with conditions for the Beatrice Lane Subdivision, plans prepared by NorthEasterly Survey with a revision date of February 19, 2015 prepared for Operation Blessing LP. Conditions include....

Chris DiMatteo

From: William Straub <wstraub@cmaengineers.com>
Sent: Wednesday, March 04, 2015 3:49 PM
To: Chris DiMatteo
Cc: Jodie Bray Strickland
Subject: Comments on Beatrice Lane, Applicant's February 19, 2015 response (CMA 591.82)

Chris,

We provide the following follow-up comments on Beatrice Lane, wrt the response letter from Ken Markley dated February 19, 2015.

Sidewalks (16.8.4.3 c)

There are existing sidewalks on Highpoint Circle. There is logic to continuing that connectivity onto Beatrice Lane, however there is a "gap" between the sidewalks and Beatrice Lane. This is a Planning Board decision.

Roadway (16.8.4.3 e)

The "gutter" design is a little unusual, but is limited in length and is in response to site/boundary constraints.

- They should incorporate roadway underdrain, or the possibility of underdrain, along that side of the road for this this length, to assure that the roadway remains dry and drained.

(Note - I am no longer concerned with the adjacent leachfield "breaking out" on the cut slope, after reviewing in more detail with design engineer)

Driveway to lots A and I

A wetlands crossing is necessary for this access to half the lots in the subdivision. It would require a Wetlands Alteration Approval from the Planning Board under 16.9.3.6. It is integral with the subdivision, and we think it's appropriate at this time for the applicant to review those issues and work with the Planning Board to obtain Approval for this disturbance. (Note it is likely below the size threshold for ME DEP permitting.)

Waiver of York County review for drainage and erosion control

Waiver is required and supportable, based on the design completed and our review.

Historic review

Response to the letter sent by the applicant to the Maine Historical Commission is needed.

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

Best,

Bill
Bill Straub, PE

CMA
ENGINEERS

(603) 431-6196

VP Directional Buffer Guidance

Current review areas

Typically, vernal pool regulations apply to the pool depression and a radial buffer around the pool. Buffers were established largely to protect the water quality of the amphibian breeding pool while providing some terrestrial habitat for the wood frogs and salamanders that breed in these pools. The size of the regulated zone varies from state to state. In Maine, the DEP's regulated zone is 250 feet (FT) from the high water mark of a Significant Vernal Pool's depression (Figure 1). An activity in this zone is eligible for a Permit by Rule (PBR) provided that habitat management standards are met, including maintaining a minimum of 75% of the 250 FT regulated zone as unfragmented forest. The Corps of Engineers review area ("Vernal Pool Management Area") in their October 2010 Maine General Permit is 750 FT from the high water mark of a vernal pool, regardless of whether the vernal pool is "significant" or not. An activity in this 750 FT area is eligible for Category 1 provided that similar habitat management standards are met, including maintaining a minimum of 75% of the 750 FT regulated zone as unfragmented forest. Impacts to over 25% of contiguous area in this zone will require an application to the Corps for review for potential avoidance, minimization and compensatory mitigation measures.

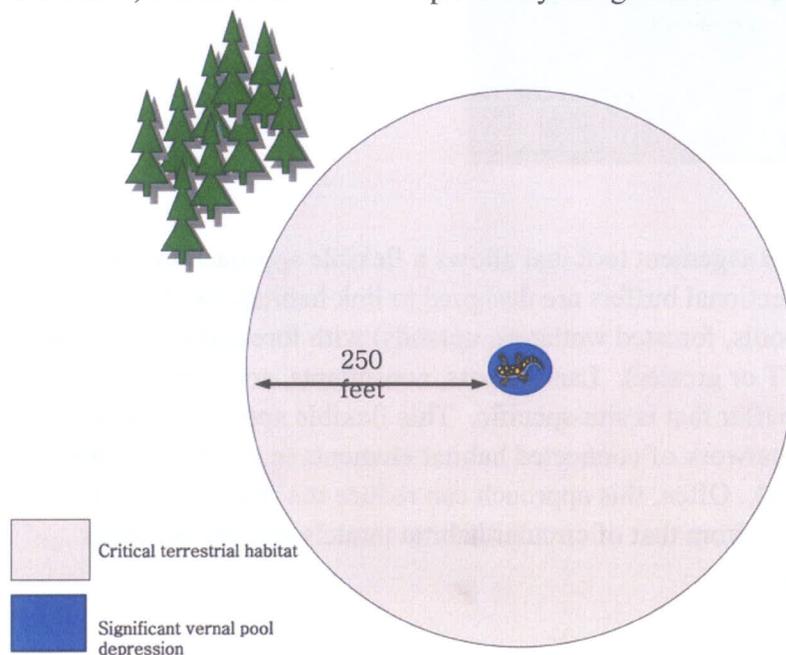


Figure 1:
Maine DEP's regulated zone

However, circular zones often do not meet the terrestrial habitat needs of vernal pool species. Adult amphibians spend only 2 or less weeks in breeding pools before they move back into the forests where they spend the vast majority of their lifecycle (feeding and hibernating). Pool-breeding amphibians typically travel 750 FT (and as far as a mile or more) to reach non-breeding habitats. During their life-cycle, some species require 2 or more distinct habitats. For example, the wood frog uses vernal pools to breed, forested wetlands and moist stream bottoms to summer, and well-drained uplands to hibernate (Figure 2). Spotted salamanders typically breed in vernal pools and rely on small mammal burrows (often shrews) in upland forests for both summer habitat and for hibernating.

Given that current vernal pool regulations rely on regulating set circular zones around pools and may not conserve pool-breeding species or meet the needs of landowners, regulating agencies may choose to take a flexible approach like directional buffers that better serves both the human and amphibian communities.



Figure 2:
Complex habitat requirements

Directional Buffers

Directional buffers are a vernal pool management tool that allows a flexible approach to conserving pool-breeding amphibian habitat. Directional buffers are designed to link habitats used by pool-breeding amphibians (e.g., breeding pools, forested wetlands, uplands) with forested travel corridors at appropriate migration scales (750 FT or greater). Landowners, consultants, and regulators can work together to design a regulatory buffer that is site-specific. This flexible approach considers pool-breeding amphibian habitat as a network of connected habitat elements (e.g., breeding pools, upland forest, nearby forested wetlands). Often, this approach can reduce the amount of land potentially requiring protection by $> 2/3$ from that of circular habitat models and can be better tailored to individual landowner needs.

Example

In Figure 3a, there is a circular buffer around a significant vernal pool which includes field habitat that is not suitable for vernal pool-breeding amphibians (they are forest-dwelling species). As it stands, this would only allow the landowner to develop 25% of this zone thereby conserving land unsuitable for amphibians and suitable for development. Figure 3b illustrates a “directional buffer” alternative where a buffer is shaped to connect other elements of amphibian habitat for wood frogs. In this model, the pool is linked to forested wetlands used by wood frogs in the summer and includes a travel corridor that is suitable upland habitat for hibernation. The same amount of land is conserved using both approaches. Other models may connect pools to other vernal pools or to good upland habitat and may actually require less land.

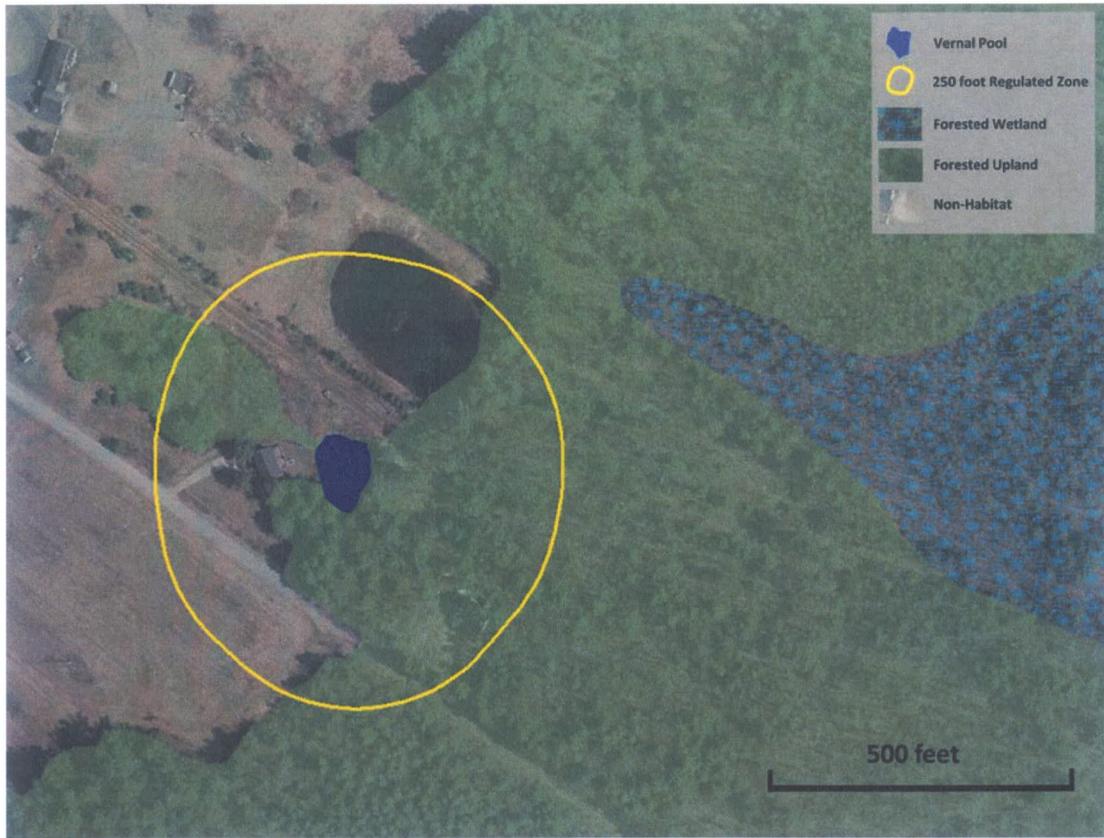


Figure 3a: Circular Buffer

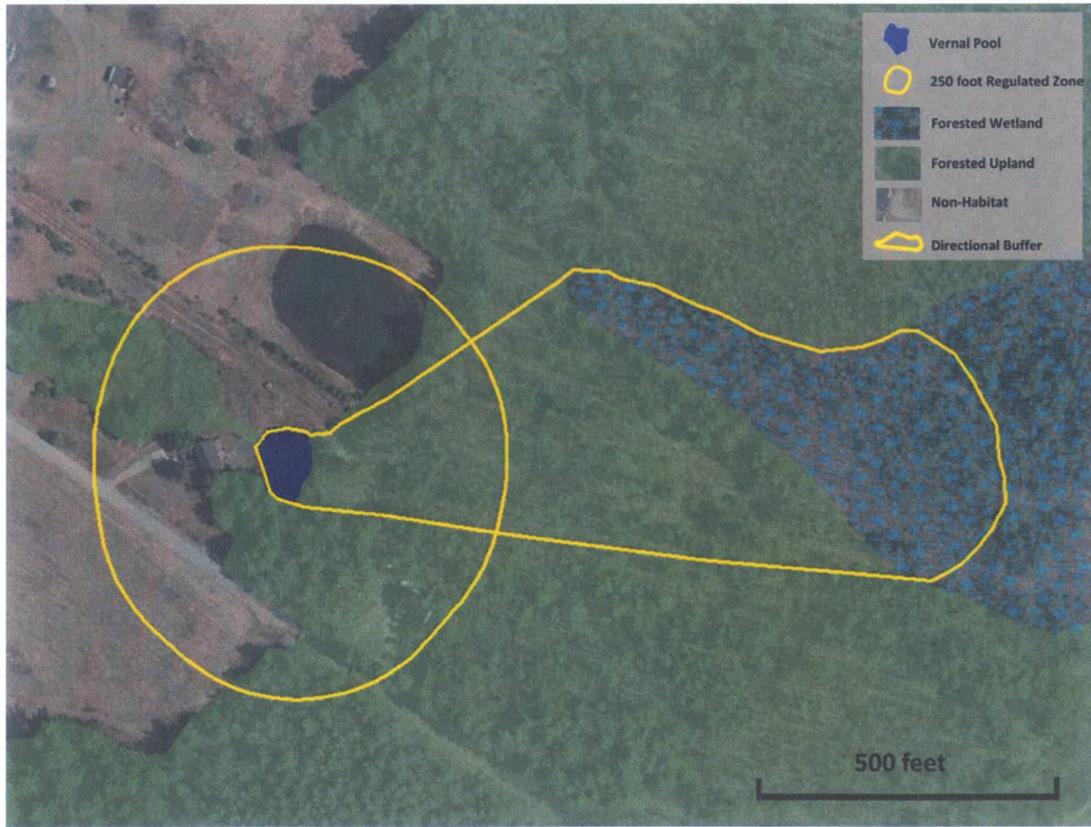


Figure 3b: Directional Buffer



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Legend		0 200 400 800 1,200 1,600 2,000 2,400 2,800 3,200 3,600 Feet	<p>1" = 1,000'</p>
	Site Boundary		
	Tax Map		Town Forest
	Vernal Pool (approx. location)		Vernal Pool Habitat/ Suggested Open Space

March 5, 2015
Town of Kittery GIS

residential/commercial development at 42 State Road, Map 3, Lots 5, 6 & 7 in the Business Local 1 Zone. Agent is Jeff Clifford, P.E., Altus Engineering, Inc.

Mr. Clifford: Summarized the project, noting this has been changed since originally before the Board in May, 2014 and brings the structure closer to State Road, per Ordinance recommendation:

- 125' x 40' (first floor) with permitted business uses
- 125'x45' (second floor) with 5 residential condominiums
- Associated parking requirements: upper level for residential and business use; parking deficiency could be pursued through a shared use with the businesses at preliminary review;
- Access from State Road (entrance and exit), and Love Lane (entrance only);
- State Road sidewalk; landscaping, screening and fencing;
- Stormwater to be handled through an existing drain and a subsurface system for cooling of site drainage; though below MS-4 threshold, proposed drainage plan would comply;
- Traffic: Project is in an Urban Compact area, proposed uses will be well below 100 trips per hour requiring state review;
- Sidewalk along Love Lane isn't practical due to the grade;
- Lighting, snow storage, etc. will be addressed.

Ms. Davis: Referenced the gravel area off Love Lane, noting it would be a good area to landscape and not be used for parking in the future.

Mr. Alesse: Where will snow be stored on site?

Mr. Clifford: This is a tight site, and sometimes you have to haul snow away.

Mr. Lincoln: Love Lane is described as a collector road in the Comprehensive Plan. Suggests working with DPW regarding location of an entrance drive off Love Lane onto the property, regarding site distances and speed.

Ms. Kalmar: It appears the Board of Appeals will need to deal with a shared parking plan.

Ms. Grinnell: Could a crosswalk connect with existing sidewalks to the crosswalk at TD Bank? This could be discussed with DPW.

Ms. Kalmar moved to approve the 42 State Road sketch plan submitted by Aaron Henderson, HGC, LLC, for property located at 42 State Road, Map 3 Lots 5,6, and 7.

Mr. Lincoln seconded

Mr. DiMatteo: With the issues noted in the plan review notes and Board discussion, the applicant appears well directed.

Motion carried: 6-0-0

PUBLIC HEARING

ITEM 2 – Beatrice Way – Preliminary Major Subdivision Plan. Action: Hold a Public Hearing, accept or deny preliminary plan. Owner Operation Blessing LP, and applicant Richard Sparkowich, propose a five lot subdivision on remaining land from the previously approved 3-lot subdivision located between Highpoint Circle and Kittree Lane. The site is identified as Map 61 Lot 08, in the Residential - Rural (R-RL) Zone. Agent is Ken Markley, Easterly Survey Inc.

Ken Markley: Noted this was originally proposed as a 15-lot cluster subdivision and is now before the Board as a 5-lot subdivision.

- Beatrice Lane is proposed at slightly over 500 feet in length with a hammerhead turnaround for minimal impact;
- Noted existing parcel off Old Farm Road, but all parcels will be accessed via Beatrice Lane;

Ms. Grinnell read a public hearing statement

The Public Hearing opened and closed at 6:40 p.m. There was no public comment. Mr. DiMatteo noted letters submitted from Joe and Linda Gasbarro (12/9/14) and James Rothwell (1/26/15) were included in the Board's packets and are part of the public record.

Mr. Markley: There was a High Intensity Soil Survey conducted in 2006 and 2007 and the parcel has not been disturbed and doubts there would be a change, so a recertification should not be necessary. The majority of the wetlands adjacent to the lots were re-delineated in 2014, and believes the studies should be accepted.

Ms. Kalmar moved to continue review of the Operation Blessing major subdivision proposal, not to exceed 90 days.

Mr. Alesse seconded

Discussion followed regarding soils and wetland study re-certifications, and the Board agreed this was in order.

Mr. Markley: Surprised that the common open space area was located by staff, and is far removed from the building lots. The open space will be located in the southeast area of the large parcel and will be included in legal documents.

Mr. Harris: Questioned the need to re-certify soil and wetland studies. Land doesn't change from one year to the next and this seems redundant.

Mr. DiMatteo: Only the soil and wetland studies that were done in 2006 need to be re-certified, not the 2014 wetland study.

Motion carried: 6-0-0

Ms. Kalmar moved to have applicant re-certify HISS and wetland delineations from 2006

Mr. Lincoln seconded

Ms. Davis: There has been a fair amount of logging done since 2006 affecting the soils

Motion carried: 5 - 1 (Harris) - 0

Ms. Davis: Is the applicant aware of issues that came up in the site walk, such as:

- When will the Woods Road be closed?

Mr. Markley: When the project is approved lots will be accessed via Beatrice Way, and Woods Road will be closed.

- Is it the intention to intensify the buffer along Woods Road?

Mr. Markley: It should be allowed to grow and refill in a natural state.

Ms. Grinnell: The Town Manager, Attorney and Planner have discussed Tom Emerson's position as a member of the Planning Board while presenting an application before the Board. It has been decided, and mutually agreed, that Mr. Emerson cannot continue as a Board member.

Mr. Lincoln: Requested permission to read Mr. Emerson's letter of resignation (Attached).

Ms. Grinnell. Tom will be missed.

~~**ITEM 3 – Old Armory Way Mixed Use - Preliminary Site Plan. Action: Hold a Public Hearing, accept or deny preliminary plan.** Owner/applicant Ken McDavitt requests approval to construct two condominiums (total of three dwelling units) with 8 commercial boat slips at 15 Old Armory Way, Map 4, Lot 51 in the Mixed Use Kittery Foreside Zone, Shoreland and Commercial Fisheries/Maritime Activities Overlay Zones. Agent is Ken Wood, P.E., Attar Engineering, Inc., Eliot, Maine.~~

~~Ms. Grinnell: Noted she was dismayed to receive a letter from Matthew Howell on February 9 stating she had bias towards this project and should recuse herself. She stated she does not have bias and will not recuse herself. Any project before her and the Board must follow the code. It appears Mr. Howell read a newspaper article that misquoted what happened at the site walk of February 4. At the site walk, residents~~

- Kittery Outlet Center: Addition of gables and cupolas [inaudible].
- Councilman Thompson requested a list of pending ordinance amendments for October target date.

NEW BUSINESS

[this item was reviewed out of sequence]

ITEM 8 – Knutel/56 Chauncey Creek Rd – Modification to an Approved Plan – Shoreland Development Review

Action: Accept or deny plan application and schedule site walk and/or public hearing. Owner and applicant Philip Knutel is requesting approval of their plans to expand an existing non-conforming building located on Chauncey Creek Rd., Tax Map 44, Lot 55, in the Kittery Point Village and Shoreland Overlay zones. Agent is Architect Tom Emerson, Studio B-E. Chairman Emerson recused himself.

Ms. Tuveson summarized the request, noting this is not an expansion, but a modification of a previously approved expansion.

Mr. Emerson: The brick stoop is being removed for ease of access, to be replaced by a 7' x 3' stoop and a 3-foot wide step, further back from road, and creates less impervious surface.

Ms. Kalmar moved to approve modification to the previously approved Shoreland Development Plan for Philip Knutel at 56 Chauncey Creek Road, Map 44 Lot 55, concluding the proposed improvements related to the front porch, associated steps and roof canopy meet all applicable standards including Title 16.10.140.2.D, and authorize the Vice-Chair to sign the amended Findings of Fact and revised development plan to be recorded at the York County Registry of Deeds.

Ms. Grinnell seconded.

Ms. Tuveson: Is the Board comfortable approving this project without a site walk or public hearing?

Members agreed they were.

Motion carried unanimously

ITEM 9 – Beatrice Way – Subdivision – Sketch Plan Review

Action: Review and approve concept if in compliance with Town Code and provide direction to Applicant Owner Operation Blessing LP, and applicant Richard Sparkowich, propose a new Right-Of-Way to allow the division of remaining land from the previously approved 3-lot subdivision located between Highpoint Circle and Kittree Lane. The site identified as Tax Map 61 Lot 08, ±65 acres, in the Residential - Rural (R-RL) Zone. Agent is Ken Markley, Easterly Survey Inc.

Mr. Markley: Taking Board and staff comments under consideration, the applicant is now requesting this application be reviewed as a conventional subdivision instead of a cluster subdivision.

Mr. Mylroie: Summarized how the applicant can meet his needs through a cluster subdivision application, without actually developing a cluster subdivision, but applying cluster standards to determine net residential acreage, open and common space, etc. [stepped away from microphone; inaudible]

Ms. Driscoll Davis: Uncomfortable with trying to predict what will be done in the future.

Ms. Tuveson: What is feasible in the future is not at issue before the Board now.

Ms. Kalmar: Title 16.8.16.6 allows the Board to require potential division of lots be shown.

Mr. Emerson: We need to determine if the existing lots belong with this proposed subdivision when determining net acreage for development.

Mr. Markley: This would be unfair; the applicant had originally come before the Board with a ROW application to divide the property, and were told to change to the current application before the Board. Now you're asking to include the existing duplex lots as part of a cluster application.

Mr. DiMatteo: This meets subdivision requirements as three lots are being created within a 5 year period.

Mr. Sparkowich: Referenced May 22, 2014 letter regarding inappropriateness of cluster subdivision provisions for the project. He summarized:

1. Clustering homes in the only developable area would require a road 2,000-3,000 feet long, with accompanying utilities, sidewalks, etc. which is not feasible;
2. The proposed cul-de-sac provides access to an easement to reach the large parcel and upland area for a single home;
3. Frontage for the proposed lots and existing subdivision has been provided.

Mr. Emerson: Is there a provision in the code for a simple lot division? Is there a provision for the Board to approve as a conventional subdivision?

Ms. Driscoll Davis: Does the Board have authority to restrict use of the easement beyond the proposed single home on the large lot? Does the owner of the easement lot have the right to know how the easement will be used?

Mr. Emerson: Yes the owner would, but that would be addressed in the future should there ever be any additional development on the large parcel.

Ms. Kalmar: If you force a cluster on this large parcel, the resources are impacted. If we review as proposed, the housing is where we want it and it meets the code now, and could be justified as a special exception. Item O in standards for subdivision review addresses the natural values and resources.

Mr. DiMatteo: Cluster development will preserve open space, but a conventional subdivision could provide conditions for preservation of the resource. Just because someone owns the property does not necessarily meet the goal of protecting the natural habitat.

Mr. Emerson: If we require a cluster subdivision it forces development into this habitat.

Mr. Mylroie: The intent is not to force a cluster, but to determine the maximum development allowed for future consideration, for instance setting 50% aside for open space.

Ms. Tuveson: Not sure it is fair to impose this upon the applicant. Agrees with Ms. Kalmar.

Mr. Emerson: Likes the way the lot is parceled at this time. If there is to be additional development, they will have to deal with that in the future.

Mr. Markley: Requests Board intent to grant special exception so they can proceed.

Mr. Sparkowich: Met with individuals regarding the gate and no one wants one.

Ms. Kalmar moved to grant approval of the sketch plan for Operation Blessing LP and direct the applicant to address the comments raised and to submit a special exception request with their preliminary plan application.

Ms. Driscoll Davis seconded

Motion carried unanimously

Mr. Emerson: This is a paper cul-de-sac, as a hammerhead will be designed.

Mr. Markley: Correct. Additional changes requested:

1. Access to back lot shown;
2. Setbacks shown;
3. Emergency access road to cul-de-sac for existing units;
4. Buffering to neighboring parcels;
5. Building envelopes and open space.

Ms. Tuveson moved to adjourn

Mr. Emerson seconded

Motion carried by all members present

Ms. Kalmar: Could the Conservation Commission weigh in on the boat house structure, as to whether it should remain or be removed.

Mr. Lincoln: Is the boat house part of the proposal for consideration?

Mr. Emerson: No. The applicant would like it removed, if feasible.

Ms. Driscoll Davis: Is the boat house used in any of the proposed calculations for this proposal.

Mr. Emerson: No.

A site walk was scheduled for Monday December 22, 2014 at 11:00 a.m., with a snow date scheduled for December 29, 2014 at 11:00 a.m.

Mr. DiMatteo noted he will not be available for these scheduled site walk dates.

Ms. Kalmar moved to schedule a Public Hearing for the McCoy property, Tax Map 34 Lot 9, to be held on January 8, 2015

Ms. Driscoll Davis seconded

Mr. Lincoln thanked Mr. Emerson for his complete and clear submittal materials

Motion carried with 6 in favor; 0 against; 1 abstention (Emerson)

Ms. Driscoll Davis moved to accept the Shoreland Development Plan application from Kevin and Terry McCoy, for a nonconforming structure reconstruction and demolition at 24 Goose Point, Kittery, Tax Map 34 Lot 9 in the Residential-Rural, Shoreland and Resource Protection Overlay zones.

Mr. Lincoln seconded

Motion carried with 6 in favor; 0 against; 1 abstention (Emerson)

ITEM 3 – Beatrice Way – Preliminary Major Subdivision Plan –Completeness Review

Action: Accept or Deny Plan Application, schedule a Public Hearing and Site Walk. Owner Operation Blessing LP, and applicant Richard Sparkowich, propose a five lot subdivision on remaining land from the previously approved 3-lot subdivision located between Highpoint Circle and Kittree Lane. The site is identified as Tax Map 61 Lot 08, ±65 acres, in the Residential - Rural (R-RL) Zone. Agent is Ken Markley, Easterly Survey Inc.

Ken Markley summarized the proposal:

- Proposed 5-lot subdivision, encompassing 57.6 acres
- Proposed lot sizes: 0.92; 1.67; 3.4; 7.12; 43.03 acres
- 570'- long roadway, permitting access by all parcels
- Soil testing, test pits, wetland delineations, and the boundary survey have been completed

Mr. DiMatteo: A communication has been received from abutter Gasparro and this will be forwarded to the Board and applicant for their information.

Ms. Grinnell: CMA review of the proposal needs to be prepared prior to formal preliminary review. With two new Board members, another site walk should be considered.

Ms. Kalmar moved to accept the application from Operation Blessing LP and applicant Richard Sparkowich, for a five lot subdivision located between Highpoint Circle and Kittree Lane, Tax Map 61 Lot 08, in the Residential - Rural Zone, and to schedule a Public Hearing on February 12, 2015 and a site walk on December 22, 2014 at 12:00 p.m., with a snow date of December 29, 2014 at 12:00 p.m.

Mr. Emerson seconded

Motion carried unanimously

ITEM 4 – Board Member Items / Discussion

A. Amendments to Title 16, scheduled Town Council 12/8 Public Hearing and 1/5 Joint Workshop

ITEM 2 – Beatrice Way – Right-Of-Way Plan – Preliminary Plan Review

Action: review plan application, approve site walk minutes. Owner Operation Blessing LP, and applicant Richard Sparkowich, propose a new Right-Of-Way to allow the division of remaining land from the previously approved 3-lot subdivision located between Highpoint Circle and Kittree Lane. The site identified as Tax Map 61 Lot 08, ±65 acres, in the Residential - Rural (R-RL) Zone. Agent is Ken Markley, Easterly Survey Inc.

Ms. Kalmar moved to approve the site walk minutes of April 1, 2014 for the Beatrice Way ROW Plan

Ms. Grinnell seconded

Motion carried unanimously

Mr. Mylroie summarized issues before the Board:

1. How many lots are being created and what are anticipated future divisions?
2. Where is the 'front door' of the lot?
3. What is the access road for units; secondary access; road maintenance

Members discussed use of access roads, extension of Highpoint Circle, start of Kittree Lane; private vs. public road access; paving of Kittree Lane; gating of Kittree Lane from Highpoint Circle; cessation of logging activities in the area; level of road construction to accommodate potential build out; waivers for road construction standards and length; secondary accesses; completion of roadway to Class 2 standards at time of building permit; cul de sac vs. hammerhead construction.

Mr. Sparkowich: Not prepared to shoulder cost of Class 2 road without some break; need waiver for road length.

Mr. Emerson summarized the Board would like the Beatrice Way ROW designed as a Class 2 road. Further discussions with the Fire Chief and Public Works are warranted regarding the extension of Highpoint Circle and whether there can be a gate at Kittree Lane.

Ms. Kalmar moved to continue the application not to exceed 90 days.

Ms. Grinnell seconded

Motion carried unanimously

OLD BUSINESS

ITEM 3 – Board Member Items / Discussion

A. Kittery Town Planning & Development Briefing Book discussion

Items prioritized will be included in the Briefing Book. Briefing Book workshop at next meeting.

B. Action plan review and prioritization discussion

List will be clarified and discussed at the next meeting. Review Public Works CIP certification procedure.

C. Comprehensive Plan Update Status

Plan is being updated by the Comp Plan Committee Chairman with a 30-day completion goal. Ms. Tuveson noted her concern regarding the Plan being updated by one individual. Mr. Emerson stated other groups (Conservation Commission; Economic Development Committee, etc.) should have first review of the Plan prior to submittal to the Planning Board. Mr. Emerson will contact the Chairman requesting the Plan be provided to the other groups, and following individual group input, the Update Committee will review any subsequent changes prior to submittal to the Board.

D. Quality Improvement Plan for Kittery Shore and Harbors

E. Other

- Monthly updates from Board Members, re: committee (e.g. Economic Development, Comp Plan Update).
- Request updates from other groups that do not have Board member representation;

TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING
Council Chambers

APPROVED
March 13, 2014

Meeting called to order at 6:04 p.m.

Board Members Present: Tom Emerson, Karen Kalmar, Bob Melanson, Mark Alesse, Deborah Driscoll Davis, Susan Tuveson, Ann Grinnell

Members absent: none

Staff: Gerald R. Mylroie, AICP, Town Planner, Chris DiMatteo, Assistant Town Planner

Pledge of Allegiance

Minutes:

Mr. Melanson moved to approve the minutes of February 20, 2014 as amended

Ms. Kalmar seconded

Motion carried; 5 in favor; 2 abstentions

Public Comment: There was no public comment.

PUBLIC HEARING

ITEM 1 – Beatrice Way – Right-Of-Way Plan – Preliminary Plan Completeness Review

Action: hold public hearing and review plan application. Owner Operation Blessing LP, and applicant Richard Sparkowich, propose a new Right-Of-Way to allow the division of remaining land from the previously approved 3-lot subdivision located between Highpoint Circle and Kittree Lane. The site identified as Tax Map 61 Lot 08, ±65 acres, in the Residential - Rural (R-RL) Zone. Agent is Ken Markley, Easterly Survey Inc.

Richard Sparkowich, Old Farm Road, Kittery, explained he and his wife are one-half of the Operation Blessing Limited Partnership (OB LP) with a Board of Directors the other half. He summarized the application for a single-lot right-of-way, and presented a plan to the Board. They have a buyer for the lot but need a right of way to the lot to sell it and do not understand why they are subjected to subdivision review, and should not be combined with the previously approved subdivision.

Mr. Mylroie explained the history of the approved subdivision and the creation of a non-conforming lot without required frontage; flag lot definition; history of the Highpoint Circle and Beatrice Way subdivisions, miscellaneous access ways, responsibilities, and area disputes; creating a right of way to meet frontage and provide access to lots affected by the proposed division; use of portions of property owned by OB LP for logging (with a state permit), though it is not a permitted use in the zone.

Mr. Sparkowich noted OB LP owns Kittree Lane; explained he received a deeded right-of-way following the Highpoint Circle development, engaged in a land swap to complete the development, and an agreement to provide road access to the lot. Logging ceased 2 years ago and continuing work is clean-up only. Currently a buyer is interested in the property for a single family home.

Public Hearing opened at 7:00 p.m.

Rachel Sparkowich: Feels like they have been on a merry-go-round forever. They have done what they have been asked to do to the best of their ability. It seems there is never enough they can do and this has been going on for 10 years. When is it going to end?

Joe Gasbarro, 11 Highpoint Circle, has attended Planning Board meetings since 2004. Recalls when the 3-lot subdivision was approved that any new right-of-way extending to Kittree Lane would be constructed similar to Highpoint Circle, including sidewalks and street signage. The right-of-way he uses is owned by Mr. Hansen and himself with a right for OB LP use. Why would the Town allow construction and

logging vehicles access via Highpointe Circle vs. Kittree Lane? Requested that what is left of Woods Road be closed to vehicular traffic. Where does Beatrice Lane come in?

Gary Holmes, Kittery, President of Operation Blessing, practicing Attorney. OB LP is a 501(3)(c) providing assistance to those in need. The only request is to allow a driveway to develop the property for one house, and avoid a large-scale development. The remaining land will not be more non-conforming than it already is. Now is the opportunity to do the right thing for the Sparkowich's and the neighbors.

Brett Taylor, Norton Road, stated he is the prospective buyer of the property. He explained he grew up in Kittery and owns a Kittery business. It is not his intent to develop the land beyond a single home for his family and preserve open space.

Maryann Ciali, 10 Kittree Lane. Would the developed property empty onto Kittree Lane? She and other family members maintain Kittree Lane and ongoing heavy use is of concern. Will the new owner and Beatrice Way subdivision help maintain Kittree Lane?

Public Hearing closed at 7:25 p.m.

Ms. Kalmar asked if Mr. Taylor and/or Mr. Sparkowich would consider a deed restriction limiting development on this parcel to a single family home. Both responded in the negative.

Mr. Emerson summarized the issues:

1. Lot division and configuration;
2. Access and road design;
3. Where does one road/right-of-way start and end?
4. Use of OB LC remaining land including its use for logging as permitted by the state.

The Board has been asked to address #1 and #2, but how will a decision impact #3 and #4. He suggested the Board see the site.

Mr. Sparkowich suggested modifying Woods Road to address the neighbors concern, noting again that logging is done. Discussion followed regarding use of Old Farm Road, Kittree Land and Highpointe Circle. Members requested a more detailed map showing these roads to their full length.

Ms. Tuveson moved to continue review of the application pending a site walk

Ms. Grinnell seconded

Board members discussed continuing or conducting another public hearing. A site walk was scheduled for Tuesday, April 1 at 5:00 p.m. Parties will meet at the end of Highpoint Circle. Ms. Grinnell asked for a more detailed map of the roads in the area. Mr. Emerson asked that anyone with deeds describing their roadway rights and access in this area provide same to the Planning Department prior to March 27. Mr. Markley stated he will provide a package for the Board.

Ms. Tuveson amended her motion to continue review of the application to April 10.

Seconded by Ms. Kalmar

Motion carried unanimously



Town of Kittery, Maine

Conservation Commission

P.O. Box 808, Kittery, Maine 03904

DATE: March 6, 2015

TO: Ann Grinnell, Chair Kittery Planning Board
Chris De Matteo, Kittery Town Planner

FROM: Earldean Wells, Chairman

RE: Proposed development of Operation Blessing/Beatrice Way Map 61 Lot 08

The Kittery Conservation Commission has reviewed the plans submitted for the proposed five lot development of Operation Blessing/Beatrice Way. In particular, the Commission requests a Planning Board review of the area proposed to be set aside under Kittery Ordinance's requirement for Open Space. The Open Space requirement is intended to not only have Green Space in developed areas but to also provide protection for areas deemed in need of that protection under both Maine State Statutes and Kittery's Ordinances. The plans for the proposed development clearly identify two areas with characteristics of vernal pools on this property which should be protected from impacts.

Title 16.9.2.3 Land Dedication

Reserved land acceptable to the Planning Board and applicant may be gifted to the municipality as a condition of approval, only when Council has agreed to the gifting.

Title 16.9.2.4 Landscape Plan for the Preservation of Natural and Historic Features

A. The applicant is required to submit a proposed development design plan that includes a landscape plan showing:

4. Streams, wetlands and water bodies; and
5. Preservation of scenic, histories or environmentally significant areas.

Article III Conservation of Wetlands Including Vernal Pools

16.9.3.1 Purpose

A. ...It is therefore the intent of the Town to:

1. Prevent the development of structures and land uses within wetlands and wetland setback areas that may contribute to the pollution of surface and groundwater by sewage or toxic substances;
2. Prevent the destruction of, or significant changes to, wetlands which provide flood and shoreline protection, recharge groundwater supplies, and augment stream flow during dry periods;
3. Protect wetland areas and promote healthy wetland buffers that will preserve and enhance the wetlands;
4. Protect wildlife habitats, such as vernal pools, ...
5. Establish maintenance responsibility and/or fees to protect and maintain the wetland area.

C. Wetlands of special significant...

10. Vernal Pools. The wetland contains a particular aquatic habitat as defined by Maine Department of Environmental Protection (MDEP) including those mapped as significant vernal pools by MDEP.

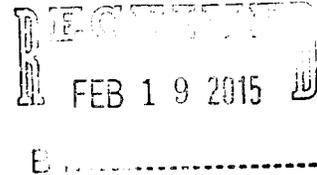
The Kittery Conservation Commission respectfully requests that the Planning Board include the two areas identified as having the characteristics of vernal pools on the Operation Blessing property, (as indicated on the property plans submitted by the applicant, Richard Sparkowich) in the Open Space/Conservation land requirement for Planning Board approval.

North
W  EASTERLY
SURVEYING, Inc.

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

February 19, 2015

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



Planning Board Review – Preliminary Application Acceptance – Subdivision – Beatrice Lane –
Operation Blessing L. P. - 22/24 Old Farm Road, Kittery – Tax Map 61 Lot 8 - Job# 12726

Dear Chairman and Planning Board Members,

Operation Blessing would like to continue their quest to subdivide the above mentioned property into 5 lots. We presented a preliminary drawing of this conventional subdivision to the planning board last month. It was determined that this division of land did not lend itself to the cluster subdivision concept and that the conventional subdivision route was more appropriate for this parcel of land. Since then Operation Blessing has retained the services of Attar Engineering to design the road, stormwater plan/report and associated details.

Attached you will find the following:

- 1.) Letters and supporting documentation
 - a.) Special exception for residential buildings within a subdivision
 - b.) Response to CMA review
 - c.) Response to site walk minutes
 - d.) Response to Staff review
 - e.) Special exception for regular conventional subdivision rather than cluster
 - f.) Waiver request form

- 2.) Set of drawings including:
 - a.) Cover Sheet
 - b.) Subdivision Plan by North Easterly Surveying, Inc.
 - c.) Road Construction and stormwater drainage plans by Attar Engineering showing grading details.
 - d.)

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

Sincerely:


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

North
W  Easterly
SURVEYING, Inc.

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

February 19, 2015

Chris DiMatteo, Town Planner
Town of Kittery
PO Box 808
Kittery, ME 03904

RE: Beatrice Lane 5 Lot Subdivision – Operation Blessing, L.P. – Special Exception for Residential Dwellings within the Residential-Rural Zone

Tax Map 61 Lot 8 - Job No.: 12726 – 22/24 Old Farm Road/Highpointe Circle/Kittree Lane - Kittery, Maine

Dear Chris,

A Special Exception approval, as noted in (16.3.2.1.C.14), is required for residential dwellings within a proposed subdivision. Therefore, we are asking that this special exception be granted for the above described project. The special exception standards require that the proposed residential use will:

- 1) Not prevent the orderly and reasonable use of adjacent properties in adjacent use zone. **Response – This development does not affect nor prevent any reasonable use of adjacent properties.**
- 2) Not prevent the orderly and reasonable use of permitted or legally established uses in the zone where the proposed use is to be located, or of permitted or legally established use in adjacent zones. **Response - The intended use is rural residential in a rural residential zone. The adjacent uses are rural and residential in nature and this project will not prevent this from continuing.**
- 3) Not adversely affect the safety, the health and the welfare of the Town. **Response – There will be no adverse affect to the town because the project proposes to use, onsite wastewater disposal in accordance with the State of Maine rules, onsite wells with adequate setbacks and typical residential volumes and only generate traffic from 4 new residences (two now and two in the future).**
- 4) The use will be in harmony with and promote the general purpose and intent of the Land Use and Development Code. **Response – The intended use is compatible with the code and is encouraged within this zone.**

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

Sincerely:


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

North
W  Easterly
SURVEYING, Inc.

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

February 19, 2015

Chris DiMatteo, Town Planner
Town of Kittery
PO Box 808
Kittery, ME 03904

RE: Beatrice Lane 5 Lot Subdivision – Operation Blessing, L.P. – Response to CMA Review dated 1/21/2015
Tax Map 61 Lot 8 - Job No.: 12726 – 22/24 Old Farm Road/Highpointe Circle/Kittree Lane - Kittery, Maine

Dear Chris,

Northeasterly Surveying, Inc. has received the CMA review of the previously submitted documents for the above mentioned project. This review was very thorough and favorable and I would like to address some of the items mentioned:

16.3 Zoning Regulations

16.3.2.1 - The proposed use as residential is permitted as a special exception. **We are asking for a special exception to allow residences in a subdivision. We believe that we meet all of the criteria required. The reduction in lot size for parcel 61-8G does not make the pre-existing condition of multiple dwellings on a single lot more non-conforming since the proposed lot is large enough to meet the minimum zoning requirements for each dwelling unit. No additional units on this lot are proposed. Kittery planning department staff agree.**

16.8 Design and Performance Standards-Built Environment

16.8.4.3 c - The planning board may determine any sidewalk requirements with the applicant. **We are asking that no sidewalks be installed since there is no sidewalk network to attach to and that it is only a 578 foot long dead end street serving four homes. Three foot shoulders on both sides are being proposed where there is no curb proposed.**

e - The roadway from Sta 3+27 to Sta 5+78 does not have a gravel shoulder on the left side of the roadway. **The drainage is expected to flow over the curb and into the gutter system and has been modeled accordingly. The applicant has included in the detail sheet the ability to install slanted curbing in order to facilitate this if he so chooses. (See revised detail sheet) The detail has been changed to show that the curbing is not to be installed past Sta 4+99 on the left side of the road. The proposed cut in this area may be too close to the apparent location of an existing leachfield. The proposed cut downhill of the septic leachfield is located 18 feet away from the proposed 3:1 cut slope meeting the Maine Subsurface Wastewater Disposal Rules.**

Cul-de-sac

The roadway has a hammerhead turn tee. The subdivision plan indicates that Parcels A and I are served by a 60' wide right-of-way. The existing access is a woods road that crosses a stream without a discernible culvert crossing. No improvements to the driveway are shown or proposed. This shared driveway would be classified as a Class I private street and should be built to those standards. Construction of any improvements to this access would involve impacts to the wetland crossing per of Section 16.9.3. These are not yet addressed. **It has been discussed previously by the planning board that these items will be addressed prior to the issuance of building permits for the Parcels A & I.**

Sight Distance and Traffic Study

It is presumed that a traffic study is not warranted for this proposed 5-lot subdivision. *The applicant should confirm what the sight distances are, and whether any actions are necessary to increase or maintain sight distance(s).* **The**

sight lines are clear and the distances (710 feet to the northwest & 460 feet to the southeast) greatly exceed the Town of Kittery requirements. These have been added to the plan.

Article VII. Sewage Disposal

On-site septic systems are proposed. Evaluation of soils supports the design of these systems. We note that all four test pits on Parcel A show a limiting factor within 24" of the surface. **Parcel A has over 40 test pits that meet or exceed the requirements for onsite wastewater disposal, only 4 have been shown. (See the High Intensity Soils Report)**

Article VIII. Surface Drainage

The applicant has presented a Stormwater Management Plan prepared and stamped by a Maine licensed civil engineer. The plan is well prepared, and concludes that the site will be stable, and that there are slight decreases to stormwater flows. The planning Board may reasonably waive, if requested, the requirement for York County Soil and Water Conservation Review per 18.8.8.1 D.e. **We agree and will ask for a waiver of this review.**

16.9.1.4 Soil Suitability

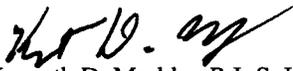
B. This subdivision requires a high intensity soil survey. The stormwater management study indicates that a soil survey was completed previously. The Applicant should provide the High Intensity Soil Study for review. **This study has been provided and is in the process of being recertified as per planning board request.**

16.9.2.5 Archaeological or Historic Sites

Has it been confirmed that there are no features on the site that are jurisdictional? **A letter has been sent to the Maine Historical Commission and is on file at the town hall.**

I believe this addresses the concerns raised. Please feel free to contact me should you have any questions.

Sincerely:


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

North
W  EASTERLY
SURVEYING, Inc.

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

February 19, 2015

Chris DiMatteo, Town Planner
Town of Kittery
PO Box 808
Kittery, ME 03904

RE: Beatrice Lane 5 Lot Subdivision – Operation Blessing, L.P. – Response to 12/22/14 Site Walk
Tax Map 61 Lot 8 - Job No.: 12726 – 22/24 Old Farm Road/Highpointe Circle/Kittree Lane - Kittery, Maine

Dear Chris,

Northeasterly Surveying, Inc. has received the minutes of the site walk conducted on 12/22/2014 and I would like to address some of the items mentioned:

Woods Road

Once again the woods road issue was raised by the abutter. Currently the woods road is the only reasonable access to the 50 acre back parcel from the Operation Blessing housing area. It is being used for normal activity associated with a large wood lot. Once this project is approved a new access will be built on the westerly side of Parcel H for access to Beatrice Lane. The large wood lot will be sold to new owners and Operation Blessing will no longer need access to it. The woods road will become part of Parcel H and blocked at both ends with large stones. This will be completed no later than 90 days after the plan has been recorded in the York County Registry of Deeds. There is no vegetative buffer proposed but each land owner along this line could provide their own buffer if desired.

“No thru Construction Vehicles” sign

A new sign could be posted on High Pointe Estates. This is a public town road and if the residents would like to petition the town for a sign then they could do that.

Future use of “big lot” at the end of Beatrice Lane

The proposed use right now is a single family dwelling with possibly a horse barn, limited agriculture and woodlot management. The long term future is hard to predict. It could be whatever the Kittery Town Code and the planning board allows at the time.

High Pointe Estates marketed as a 15 lot subdivision

The plan of High Pointe Estates clearly shows the right of way to the proposed development. Even though I can sympathize with the residents of High Pointe Estates if their subdivision was irresponsibly marketed and they were misled, that doesn't change the rights Operation Blessing obtained legally. This issue should have been discovered and rectified between the buyers of the High Pointe Estates lots and the developer of High Pointe Estates when the titles and plans of these lots were first researched and reviewed. This is not something that should cloud the validity or impede the progress of the proposed project at hand.

I believe this addresses the concerns raised. Please feel free to contact me should you have any questions.

Sincerely:


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

North
W  EASTERLY
SURVEYING, Inc.

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

February 19, 2015

Chris DiMatteo, Town Planner
Town of Kittery
PO Box 808
Kittery, ME 03904

RE: Beatrice Lane 5 Lot Subdivision – Operation Blessing, L.P. – Response to Staff Review dated 2/12/2015
Tax Map 61 Lot 8 - Job No.: 12726 – 22/24 Old Farm Road/Highpointe Circle/Kittree Lane - Kittery, Maine

Dear Chris,

Northeasterly Surveying, Inc. has received the Kittery Planning Department Staff review of the previously submitted documents for the above mentioned project and I would like to address some of the items mentioned:

1) Open Space. 16.3.2.1.D.3.b.i

Minimum percentage of Common Open Space - 15%. The current plan does not accommodate any open space. Staff recommends that the applicant designate land for this purpose at the rear of the property in the vicinity of the vernal pools. When considering the vernal pools, it may make sense to have the minimum required 8.6 +/- acres designated in the far most northwestern corner. See Exhibit 1. In addition the Board may want to consider placing additional restrictions on the wetland setbacks that are adjacent to the vernal pool locations. **An area equal to 15 percent has been designated as “Conservation Open Space” on the southeast side of Parcel “A”. This area has a more diverse habitat which includes wetlands, uplands and sensitive transitional areas. It also allows for protection of the stream. The vernal pools are protected by the State of Maine Department of environmental Protection guidelines. These guidelines and restrictions are the result of studies and research prepared by very qualified individuals which provide adequate protection for vernal pools statewide.**

2) Boundary between proposed Lot H and abutting property Map 61 Lot 9-8(Gasbarro). It is not clear from the Subdivision Plan the old woods road that abuts their property is to be discontinued as indicated by the applicant, this needs to be clarified. Further, Staff recommends it should be entirely removed and a vegetated/fence buffer should be established and maintained in the same locale as discussed during Sketch Plan Review. **Once again the woods road issue is raised. Currently the woods road is the only reasonable access to the 50 acre back parcel from the Operation Blessing housing area. It is being used for normal activity associated with a large wood lot. Once this project is approved a new access will be built on the westerly side of Parcel H for access to Beatrice Lane. The large wood lot will be sold to new owners and Operation Blessing will no longer need access to it. The woods road will become part of Parcel H and blocked at both ends with large stones. This will be completed no later than 90 days after the plan has been recorded in the York County Registry of Deeds. There is no vegetative buffer/fence proposed but each land owner along this line could provide their own buffer if desired.**

3) The street acceptance for the High Pointe circle extension. When the applicant was before the Planning Board for Sketch Plan Review, the Board requested that the issue around the street naming of the section of roadway that is between the public street High Pointe Circle and the terminus of Kittree Lane. The applicant will need to provide the necessary documentation to demonstrate that this portion of the roadway, constructed by the Applicant as part of the 2008 three-lot subdivision, and to petition the Town to accept this length of roadway as public street and a part of the existing High Pointe Circle. **This has been in the works for awhile now and we do not anticipate it will be completed prior to the approval of this project.**

4) Boundary Plan. It is not clear from the plans submitted that the entire boundary of the subject parcel is part of a “Boundary Survey” that NorthEasterly Survey has performed and/or certifies. **This is pending a review by NorthEasterly Surveying and we anticipate it being completed prior to the meeting for the final approval.**

5) Net Residential Density. 16.3.2.1.D.2 Minimum Land Area per Dwelling Unit requires the deduction of land area per 16.2.2 Net Residential Acreage. These calculations need to be placed on the Subdivision Plan. **These calculations have been added to the plan.**

6) Wetland Delineation. The subdivision references wetland delineation from a sketch Plan prepared in 2007 and undocumented information from the applicant. Staff recommends that the wetlands that in part determine building envelopes be delineated or re-certified by a wetland scientist. **The majority of the wetlands adjacent to this project were defined and mapped in 2014 and are delineated on the plan. The areas across the stream were delineated and mapped in 2007 and could be verified prior to obtaining a building permit if needed.**

I believe this addresses the concerns raised. Please feel free to contact me should you have any questions.

Sincerely:


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

North
W  EASTERLY
SURVEYING, Inc.

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

February 19, 2015

Chris DiMatteo, Town Planner
Town of Kittery
PO Box 808
Kittery, ME 03904

RE: Beatrice Lane 5 Lot Subdivision – Operation Blessing, L.P. – Special Exception for Conventional Subdivision
Tax Map 61 Lot 8 - Job No.: 12726 – 22/24 Old Farm Road/Highpointe Circle/Kittree Lane - Kittery, Maine

Dear Chris,

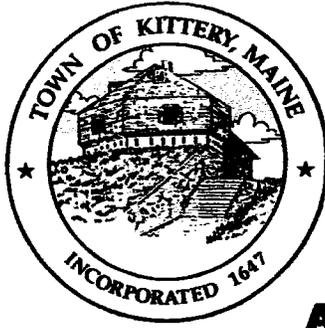
A Special Exception approval, as noted in the Kittery Town Code, is required for a Conventional Subdivision. Therefore, we are asking that this special exception be granted for the above described project. The special exception standards require that the proposed residential use will:

- 1) Not prevent the orderly and reasonable use of adjacent properties in adjacent use zone. **Response – This development does not affect nor prevent any reasonable use of adjacent properties.**
- 2) Not prevent the orderly and reasonable use of permitted or legally established uses in the zone where the proposed use is to be located, or of permitted or legally established use in adjacent zones. **Response - The intended use is rural residential in a rural residential zone. The adjacent uses are rural and residential in nature and this project will not prevent this from continuing. This project proposes large single family lots.**
- 3) Not adversely affect the safety, the health and the welfare of the Town. **Response – There will be no adverse affect to the town because the project proposes to use, onsite wastewater disposal in accordance with the State of Maine rules, onsite wells with adequate setbacks and typical residential volumes and only generate traffic from 4 new residences (two now and two in the future).**
- 4) The use will be in harmony with and promote the general purpose and intent of the Land Use and Development Code. **Response – The intended use is compatible with the code and is encouraged within this zone.**

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

Sincerely:


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



TOWN OF KITTERY MAINE

TOWN PLANNING DEPARTMENT

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

APPLICATION: WAIVER REQUEST WAIVER

PROPERTY DESCRIPTION	Parcel ID	Map	61	Lot	8	Zone(s)	R-R	Total Land Area	57.6A
	Physical Address	22B OLD FARM ROAD KITTEKY, ME 03904							

PROPERTY OWNER'S INFORMATION	Name	OPERATION BLESSING LTD. PARTNERSHIP		Mailing Address	22B OLD FARM ROAD KITTEKY, ME.
	Phone	439-6141			
	Fax				
	Email	RICKSPARKOWICH@GMAIL.COM			

APPLICANT'S AGENT INFORMATION	Name	SAME		Mailing Address	
	Phone	SAME			
	Fax	SAME			
	Email	SAME			

DESCRIPTION	Ordinance Section	Describe why this request is being made.
		EXAMPLE 16.32.560 (B)- OFFSTREET PARKING.
16.9.1.3.C		PLAN SHALL BE ENDORSED BY YORK COUNTY SOIL & WATER CONSERVATION & REQUEST A WAIVER-THE STORMWATER MANAGEMENT & EROSION CONT. PLAN HAVE BEEN REVIEWED BY CMA ALREADY.
TABLE 1 - CHAPTER 16.8 ARTICLE IV SIDEWALKS		ASKING FOR A WAIVER FROM SIDEWALKS - LANE ONLY SERVES 5 LOTS AND DOES NOT ATTACH TO AN EXISTING SIDEWALK SYSTEM THIS WOULD ENHANCE RURAL CHARACTER AND REDUCE STORM WATER AND EROSION.

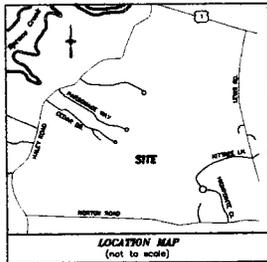
I certify, to the best of my knowledge, the information provided in this application is true and correct and will not deviate from the Plan submitted without notifying the Town Planning Department of any changes.

Applicant's Signature:	<i>Richard D. Sparkowich</i>	Owner's Signature:	<i>Richard D. Sparkowich</i>
Date:	2/19/15	Date:	2/19/15

"BEATRICE LANE"

Kittery, York County, Maine

APPLICANT/OWNER:
Operation Blessing, LP
c/o Richard D. Sparkowich
PO Box 4069, Portsmouth, NH 03802



LIST OF PROJECT PLANS AND DOCUMENTS:

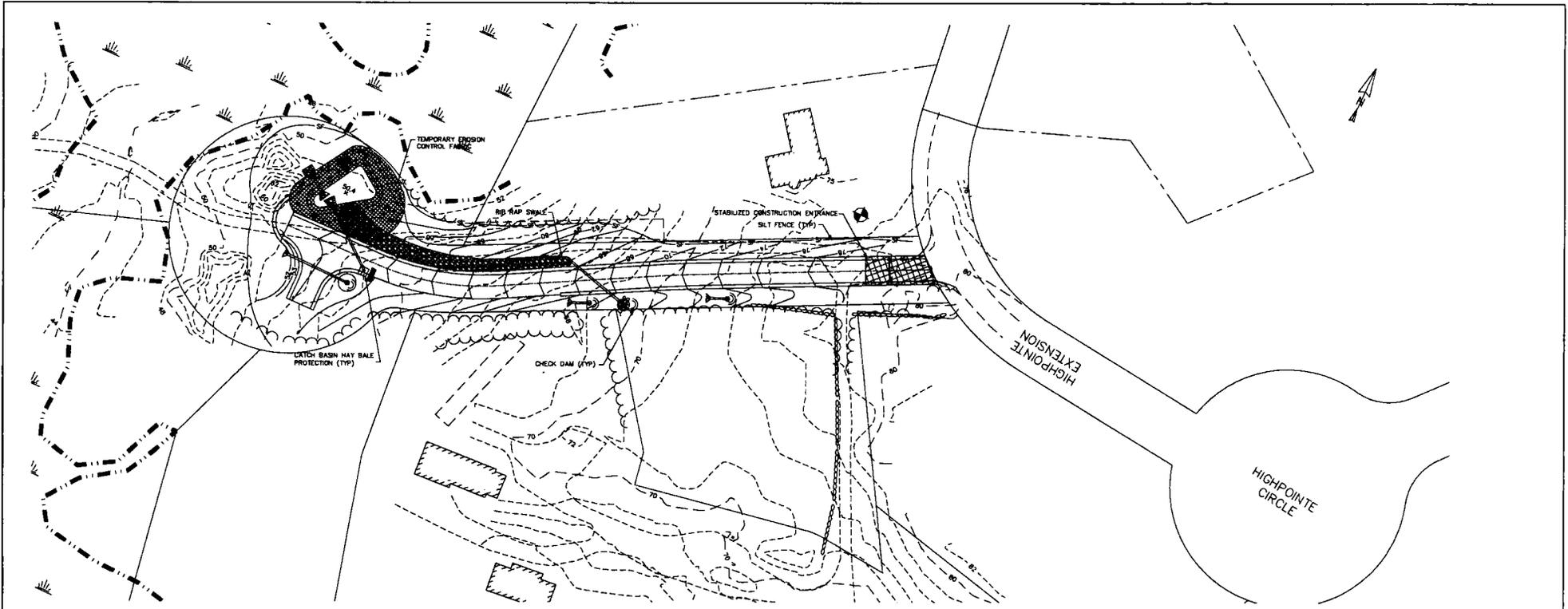
PLANS: SHEET No.	PLAN TYPE	LAST REVISED
S-1	SUBDIVISION PLAN.....	2/19/2015
C-1	PLAN AND PROFILE.....	1/23/2015
C-2	EROSION & SEDIMENT CONTROL DETAILS.....	10/23/2014
C-3	SITE DETAILS.....	1/23/2015

PREPARED BY:

North
W  Easterly
SURVEYING, Inc.
SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1
(207) 439-8333 KITTERY, MAINE 03904



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



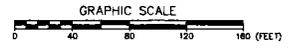
EROSION & SEDIMENTATION CONTROL NOTES

WINTER CONSTRUCTION NOTES

1. SILTATION FENCE OR HAY BALE BARRIERS WILL BE INSTALLED DOWNSLOPE OF ALL STRIPPING OR CONSTRUCTION OPERATIONS. A DOUBLE SILT FENCE BARRIER SHALL BE INSTALLED DOWNSLOPE OF ANY SOIL MATERIAL STOCKPILES. SILT FENCES SHALL BE INSPECTED AFTER EACH RAIN EVENT AND DAILY DURING PROLONGED RAIN. SILT AND SOIL PARTICLES ACCUMULATING BEHIND THE FENCE SHALL BE REMOVED AFTER EACH SIGNIFICANT RAIN EVENT AND IN NO INSTANCE SHOULD ACCUMULATION EXCEED 1/2 THE HEIGHT OF THE FENCE. TORN OR DAMAGED AREAS SHALL BE REPAIRED.
2. TEMPORARY AND PERMANENT VEGETATION AND MULCHING IS AN INTEGRAL COMPONENT OF THE EROSION AND SEDIMENTATION CONTROL PLAN. ALL AREAS SHALL BE INSPECTED AND MAINTAINED UNTIL THE DESIRED VEGETATIVE COVER IS ESTABLISHED. THESE CONTROL MEASURES ARE ESSENTIAL TO EROSION PREVENTION AND ALSO REDUCE COSTLY REWORK OF GRADED AND SHAPED AREAS.
3. SEEDING, FERTILIZER AND LIME RATES AND TIME OF APPLICATION WILL BE DEPENDENT ON SOIL REQUIREMENTS. TEMPORARY VEGETATION SHALL BE MAINTAINED IN THESE AREAS UNTIL PERMANENT SEEDING IS APPLIED. ADDITIONALLY, EROSION AND SEDIMENTATION MEASURES SHALL BE MAINTAINED UNTIL PERMANENT VEGETATION IS ESTABLISHED.
4. ALL LAWN AREA, OUTER POND SIDE SLOPES AND SWALES SHALL BE PERMANENTLY SEEDED WITH THE FOLLOWING MIXTURE: 20 LB/ACRE CREeping RED FESCUE, 2 LB/ACRE REDTOP AND 20 LB/ACRE TALL FESCUE FOR A TOTAL OF 42 LB/ACRE. FERTILIZER AND LIME SHALL BE DEPENDENT ON SOIL TESTING. IN THE ABSENCE OF SOIL TESTS, FERTILIZER WITH 10-20-20 (N-P205-K20) AT 800 LB/ACRE AND LIME AT 3 TONS/ACRE. MULCH WITH HAY AT 70-80 LB/1000 S.F. 4" OF LOAM SHALL BE APPLIED PRIOR TO SEEDED.
5. POND BOTTOMS AND INNER POND SIDESLOPES SHALL BE PERMANENTLY SEEDED WITH THE FOLLOWING MIXTURE: 20 LB/ACRE CREeping RED FESCUE, 8 LB/ACRE BRIDGEMOUTH TREFOIL AND 20 LB/ACRE TALL FESCUE FOR A TOTAL OF 48 LB/ACRE. SEE THE ABOVE NOTE FOR FERTILIZER, LIME AND MULCHING RATES.
6. TEMPORARY VEGETATION OF ALL DISTURBED AREAS, MATERIAL, STOCKPILES AND OTHER SUCH AREAS SHALL BE ESTABLISHED BY SEEDED WITH EITHER WINTER RYE AT A RATE OF 112 LB/ACRE OR ANNUAL RYEGRASS AT A RATE OF 40 LB/ACRE. WINTER RYE SHALL BE USED FOR FALL SEEDED AND ANNUAL RYEGRASS FOR SHORT DURATION SEEDED. SEEDED SHALL BE ACCOMPLISHED BEFORE OCTOBER 1.
7. TEMPORARY SEEDED OF DISTURBED AREAS SHALL BE ACCOMPLISHED BEFORE OCTOBER 1. PERMANENT SEEDED SHALL BE ACCOMPLISHED BEFORE NOVEMBER 15.
8. ALL SEEDED AREAS SHALL BE MULCHED WITH HAY AT A RATE OF 2 BALES (70-80 LB) PER 1000 S.F. OF SEEDED AREA.
9. ALL DISTURBED AREAS ON THE SITE SHALL BE PERMANENTLY STABILIZED WITHIN 7 DAYS OF FINAL GRADING OR TEMPORARILY STABILIZED WITHIN 30 DAYS OF INITIAL DISTURBANCE.
10. A STABILIZED CONSTRUCTION ENTRANCE SHALL BE INSTALLED AT ALL ACCESSES TO PUBLIC ROADS (SEE PLAN). TEMPORARY CURBENTS SHALL BE PROVIDED AS REQUIRED.
11. SLOPES 2:1 OR STEEPER SHALL BE TREATED WITH POLYMER OPEN WEAVE GEOTEXTILE (OR EQUIVALENT) AFTER SEEDED. JUTE MATS SHALL BE ANCHORED PER MANUFACTURER'S SPECIFICATIONS.
12. EXCESSIVE DUST CAUSED BY CONSTRUCTION OPERATIONS SHALL BE CONTROLLED BY APPLICATION OF WATER OR CALCIUM CHLORIDE.
13. THE CONTRACTOR MAY OPT TO USE EROSION CONTROL MIX BERM AS A SEDIMENT BARRIER IN LIEU OF SILTATION FENCE OR HAY BALE BARRIERS WITH APPROVAL FROM THE INSPECTING ENGINEER.

1. EXPOSED AREAS SHOULD BE LIMITED TO AN AREA THAT CAN BE MULCHED IN ONE DAY PRIOR TO ANY SNOW EVENT.
2. AN AREA SHALL BE CONSIDERED STABILIZED WHEN EXPOSED SURFACES HAVE BEEN EITHER MULCHED WITH HAY AT A RATE OF 100 LB/1000 S.F. OR DORMANT SEEDED, MULCHED AND ADEQUATELY ANCHORED BY AN APPROVED ANCHORING TECHNIQUE. IN ALL CASES, MULCH SHALL BE APPLIED SO THAT THE SOIL SURFACE IS NOT VISIBLE THROUGH THE MULCH.
3. FROM OCTOBER 15 TO APRIL 1, LOAM AND SEED WILL NOT BE REQUIRED. DURING PERIODS OF TEMPERATURES ABOVE FREEZING, DISTURBED AREAS SHALL BE FINE GRADED AND PROTECTED WITH MULCH OR TEMPORARILY SEEDED AND MULCHED UNTIL PERMANENT SEEDED CAN BE APPLIED. AFTER NOVEMBER 1, DISTURBED AREAS MAY BE LOAMED, FINE GRADED AND DORMANT SEEDED AT A RATE 200-300% HIGHER THAN THE SPECIFIED PERMANENT SEEDED RATE. IF CONSTRUCTION CONTINUES DURING FREEZING WEATHER, DISTURBED AREAS SHALL BE GRADED BEFORE FREEZING AND TEMPORARILY STABILIZED WITH MULCH. DISTURBED AREAS SHALL NOT BE LEFT OVER THE WINTER OR FOR ANY OTHER EXTENDED PERIOD OF TIME UNLESS STABILIZED WITH MULCH.
4. FROM NOVEMBER 1 TO APRIL 15, ALL MULCH SHALL BE ANCHORED BY EITHER RED LINE MULCH NETTING, ASPHALT EMULSION CHEMICAL, TRUCK OR WOOD CELLULOSE FIBER. MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL DRAINAGE WAYS WITH SLOPES GREATER THAN 2% SLOPES EXPOSED TO DIRECT WINDS AND FOR SLOPES GREATER THAN 2%. MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL AREAS WITH SLOPES GREATER THAN 15% AFTER OCTOBER 1, THE SAME APPLIES TO ALL SLOPES GREATER THAN 2%.
5. DURING WINTER CONSTRUCTION, DORMANT SEEDED OR MULCH AND ANCHORING SHALL BE APPLIED TO ALL DISTURBED AREAS AT THE END OF EACH WORKING DAY.
6. SNOW SHALL BE REMOVED FROM AREAS OF SEEDED AND MULCHING PRIOR TO PLACEMENT.

LEGEND	
PROP. LINE	---
WETLAND BOUNDARY	— · — · — · — · — · — · — · — · —
EXT. PAVEMENT	----
PRP. PAVEMENT	----
TREELINE	~~~~~
WETLAND	
STONEWALL	o-o-o-o-o



NO.	DESCRIPTION	DATE

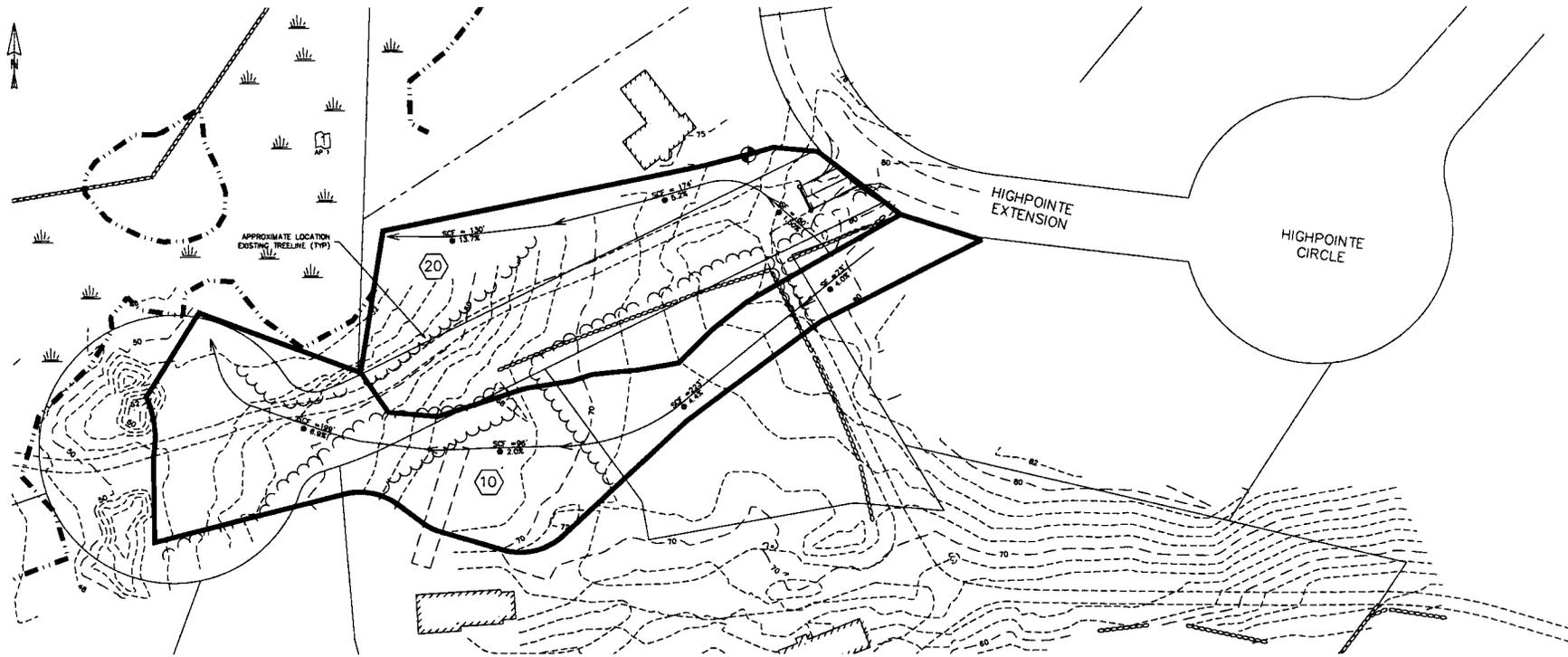
EROSION CONTROL PLAN
BEATRICE LANE
HIGHPOINT CIRCLE AND KITTREE LANE
KITTEEY, MAINE

FOR: RICHARD SPARKOWICH
OPERATION BLESSING, LP
P.O. BOX 4069
PORTSMOUTH, NH 03802

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

SCALE: 1" = 40'	APPROVED BY: MWR	DRAWN BY: MWR
DATE: 10/20/14	REVISION: DATE	SHEET: C2

JOB NO: COBS-14 CAD FILE: BEATRICE HWY SITE-MR

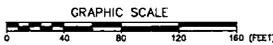


SOILS NOTES

1. SOILS DESIGNATIONS FOUND ON THE SITE WERE DELINEATED AS PART OF A HIGH INTENSITY SOIL SURVEY PREPARED, CLD CONSULTING ENGINEERS INC., DATED MARCH 2007.
2. SOILS FOUND IN THE UPLAND AREAS OF THE ROAD CONSTRUCTION AREA ARE LYMAN ROCK OUTCROP ("C/D") - ROCK OUTCROP
3. SOILS FOUND IN THE WETLAND AREAS IS A MIX OF SCANTIC SILT LOAM AND BIDDEFORD MUCKY SILT LOAM .

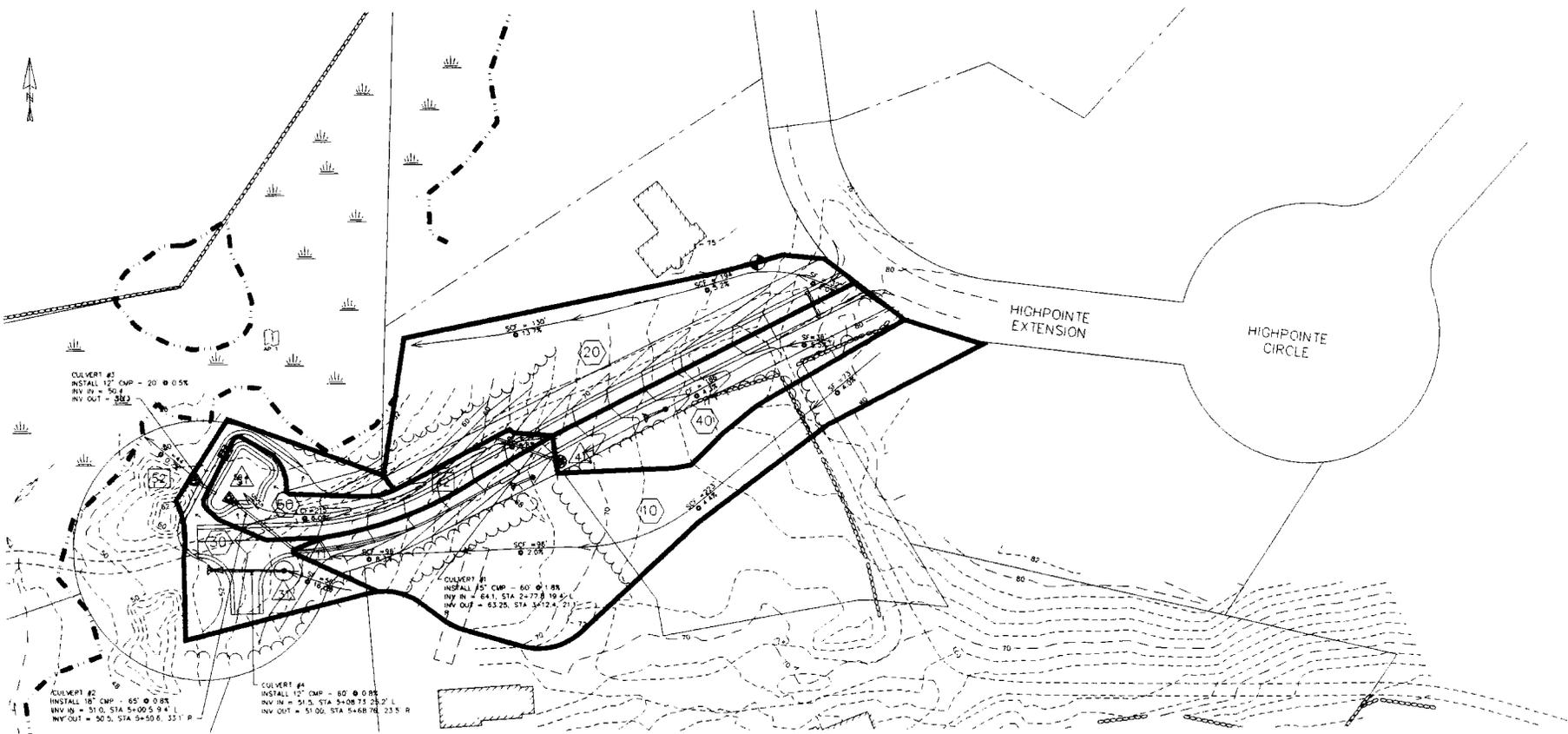
LEGEND

- SUBCATCHMENT
- ANALYSIS POINT
- REACH
- POND
- SF = SHEET FLOW
- SCF = SHALLOW CONCENTRATED FLOW
- CF = CHANNEL FLOW
- LR = LYMAN ROCK OUTCROP("C/D")
- Bm = BIDDEFORD MUCKY PEAT ("D")
- Sc = SCANTIC SILT LOAM
- WETLAND BOUNDARY
- SUBCATCHMENT BORDER
- SOIL BORDER



NO.	DESCRIPTION	DATE

EXISTING CONDITIONS AND TC'S BEATRICE LANE HIGHPOINT CIRCLE AND KITTREE LANE KITTERY, MAINE		
FOR: RICHARD SPARKWICH OPERATION BLESSING, LP P.O. BOX 4069 PORTSMOUTH, NH 03802		
ATTAR ENGINEERING, INC. CIVIL • STRUCTURAL • MARINE 1284 STATE ROAD - ELLIOT, MAINE 03903 PHONE: (207)439-8023 FAX: (207)439-2128		
SCALE: 1" = 40'	APPROVED BY:	DRAWN BY: MWR
DATE: 10/20/14		REVISION: DATE
JOB NO. C085-14		QAD FILE: BEATRICE LANE-DG-MWR
		SHEET 1 OF 2

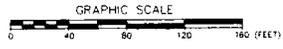


SOILS NOTES

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LEGEND

- SUBCATCHMENT
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- CF = CHANNEL FLOW
- Lh = LYMAN ('C')
- Bm = BIDEFORD MUCKY PEAT ('D')
- WETLAND BOUNDARY
- SUBCATCHMENT BORDER
- SOIL BORDER



NO.	DESCRIPTION / REVISIONS	DATE

PROPOSED CONDITIONS AND T&S
 BEATRICE LANE
 HIGHPOINTE CIRCLE AND KITTREE LANE
 KITTERY, MAINE

FOR: RICHARD SPARROWICH
 OPERATION BLESSING, LP
 P.O. BOX 40869
 PORTSMOUTH, NH 03802

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

SCALE: 1" = 40'	APPROVED BY: 	DRAWN BY: MMR
DATE: 10/20/14		REVISION - DATE
JOB NO. C085-14	CD FILE BEATRICE LANE-PP-UMR	SHEET 2 OF 2



TOWN OF KITTERY MAINE

Planning and Development Department
200 Rogers Rd. Kittery, Maine 03904
(207) 475-1323

NOTICE OF DECISION

PROPERTY OWNER/APPLICANT: Wallingford Square, LLC
MAILING ADDRESS: 500 Market Street, Unit 5, Portsmouth, NH
PROPERTY LOCATION: 7 Wallingford Square Unit 101
MAP LOT: **MAP 4 LOT 106, Artist Studios, 8 units proposed,
Exterior Stair, 2nd Floor**
APPLICATION: **Minor Modification to an approved Plan**
ZONE(S): Mixed Use-Kittery Foreside (MU-KF)
DATE: 3-5-2015

Title 16.10.3.2 Other Development Review, of the Town of Kittery Land Use and Development Code Minor Modifications to an Approved Plan per 16.10.9.3, as requiring Planning Board approval.

16.10.9.3.1 Minor Modifications.

Modifications to a Planning Board approved plan, that do not require Planning Board review per Section 16.10.3.2, may be 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 the revised plan to the Town Planner and be recorded in the York County Register of Deeds when applicable.

16.10.9.3.2 Major Modifications.

Major modifications (e.g., relocations of principal structures, rights-of-way, or property boundaries; changes of grade by more than one percent) require Planning Board approval.

The Town Planner and Code Enforcement Officer have reviewed the Minor Modification to an Approved Plan application dated 3-2-15 with attached information, and subsequent information provided including parking summary, site plan, floor plans, and make the following findings:

1. Applicant requesting to construct metal exit fire stair at rear of property for required egress from interior fit-out of existing 2nd floor.
2. Interior refit of existing second floor to include proposal of 8 artist studios, separated by panel walls.
3. Parking requirements have been met per the attached parking summary dated 2/25/2015

Per conditions #2 in the Findings of Fact dated 3/14/2013 (attached), "Any changes and modifications to the final plan..." the application may require Planning Board review and approval.

1. Consideration for review threshold will be determined at the March 12 meeting/.

This Notice of Decision IS NOT a building permit or a sign permit.

Any proposed changes, diversion or revisions to the plan and documents after approval shall be reported to the Town Planner prior to proceeding with the proposed changes.

Any changes not approved in this Notice of Decision will be in violation of State law and Town Codes.

Sincerely:


Christopher Di Matteo
Town Planner/


Bob Marchi
Code Enforcement Officer

Cc: Ann Grinnell, Planning Board Chair

**KITTERY PLANNING BOARD
 FINDINGS OF FACT - APPROVED
 for
 7-17 Wallingford Square Redevelopment
 Site Plan Amendment**

WHEREAS: Wallingford Square LLC, owner and applicant of 7-17 Wallingford Square, proposed to redevelop the former Masonic building and associated site located on Tax Map 4, Lot 106, Mixed Use Kittery Foreside Zone. Agent is Deane Rykerson, Rykerson Architecture.

Hereinafter the “Development”.

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

- | | |
|--|----------|
| 1. Standard Boundary Survey | 3/2012 |
| 2. Demo Site Plan | 2/4/2013 |
| 3. Proposed Site Plan | 2/4/2013 |
| 4. Site Lighting | 2/4/2013 |
| 5. Architectural Floor Plans – A-1.1 thru A-1.5 | 2/4/2013 |
| 6. Architectural Elevation Plans – A-2.1 thru A-2.3 | 2/4/2013 |
| 7. Architectural Storefront Elevation Plans – A-3.1 thru A-3.2 | 2/4/2013 |

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

FINDINGS OF FACT

Action by the board shall be based upon findings of fact which certify or waive compliance with all the required standards of this title, and which certify that the development satisfies the following requirements:
<p>A. Development Conforms to Local Ordinances. <i>The proposed development conforms to a duly adopted comprehensive plan as per adopted provisions in the Town Code, zoning ordinance, subdivision regulation or ordinance, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.</i></p>
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining
<p>B. Freshwater Wetlands Identified. <i>All freshwater wetlands within the project area have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.</i></p>
Not applicable. No wetlands on site.
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining
<p>C. River, Stream or Brook Identified. <i>Any river, stream or brook within or abutting the proposed project area has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in 38 M.R.S. §480-B, Subsection 9.</i></p>
Not applicable. None have been identified.
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining

D. Water Supply Sufficient.
<i>The proposed development has sufficient water available for the reasonably foreseeable needs of the development.</i>
The applicant has received confirmation that sufficient municipal water is available.
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining
E. Municipal Water Supply Available.
<i>The proposed development will not cause an unreasonable burden on an existing water supply, if one is to be used.</i>
Municipal water is available and sufficient.
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining
F. Sewage Disposal Adequate.
<i>The proposed development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.</i>
The applicant has received confirmation that municipal sewer is available and the project will not cause an unreasonable burden on municipal services.
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining
G. Municipal Solid Waste Disposal Available.
<i>The proposed development will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be used.</i>
The standard appears to be met. A dumpster is available on site for the disposal of solid waste.
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining
H. Water Body Quality and Shoreline Protected.
<i>Whenever situated entirely or partially within two hundred fifty (250) feet of any wetland, the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.</i>
Not applicable.
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining
I. Groundwater Protected.
<i>The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.</i>
Not applicable. Site is serviced by public sewer
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining
J. Flood Areas Identified and Development Conditioned.
<i>All flood-prone areas within the project area have been identified on maps submitted as part of the application based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the proposed development, or any part of it, is in such an area, the applicant must determine the one hundred (100) year flood elevation and flood hazard boundaries within the project area. The proposed plan must include a condition of plan approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least one foot above the one hundred (100) year flood elevation.</i>
Not applicable. Property is outside of the flood plain
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining

K. Stormwater Managed. <i>Stormwater Managed. The proposed development will provide for adequate stormwater management</i>
The standard appears to be met. The proposed development does not incur any significant changes to current stormwater patterns and there is an overall reduction of impervious surfaces, aiding in stormwater management. The Town has an existing utility easement over the property that is anticipated to be maintained.
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining
L. Erosion Controlled. <i>The proposed development will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.</i>
The standard appears to be met. The proposed development does not incur any significant earth moving and changes to current stormwater patterns and there is an overall reduction of impervious surfaces, aiding land's capacity to hold water.
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining
M. Traffic Managed. <i>The proposed development will:</i> <ol style="list-style-type: none"><i>1. Not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed; and</i><i>2. Provide adequate traffic circulation, both on-site and off-site.</i>
The standard appears to be met. A cross walk should be striped across the main vehicular entrance between sidewalk ramps. .
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining
N. Water and Air Pollution Minimized. <i>The proposed development will not result in undue water or air pollution. In making this determination, the following must be considered:</i> <ol style="list-style-type: none"><i>1. Elevation of the land above sea level and its relation to the floodplains;</i><i>2. Nature of soils and sub-soils and their ability to adequately support waste disposal;</i><i>3. Slope of the land and its effect on effluents;</i><i>4. Availability of streams for disposal of effluents;</i><i>5. Applicable state and local health and water resource rules and regulations; and</i><i>6. Safe transportation, disposal and storage of hazardous materials.</i>
<ol style="list-style-type: none"><i>1. The development is located outside of FEMA designated floodplains.</i><i>2 thru 6. These standards are not applicable to this development.</i>
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining
O. Aesthetic, Cultural and Natural Values Protected. <i>The proposed development will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.</i>
The standard appears to be met. The development does not appear to have a negative impact to the façade of the building.
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining
P. Developer Financially and Technically Capable. <i>Developer is financially and technically capable to meet the standards of this section.</i>
The standard appears to be met.
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining

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

Waivers: None

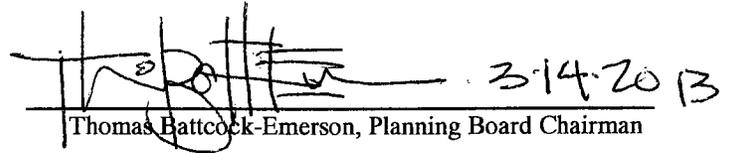
Conditions: (All conditions must be included on the final plan prior to signature by the Planning Board Chairman)

1. The crosswalk across the main vehicular entrance between sidewalk ramps to be striped.
2. Any changes and modifications to the final plan, including lighting fixtures due to non-compliance, and will include a best effort on the part by the applicant, CMP, and Town Planning office to resolve this issue.

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

Approved by the Kittery Planning Board on March 14, 2013

Vote of 7 in favor 0 against 0 abstaining

 3-14-2013
Thomas Battcock-Emerson, Planning Board Chairman

Instructions/Notice to Applicant

1. One (1) mylar copy and two (2) paper copies of the recorded Plan and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department.
2. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
3. State law requires all subdivision plans, and any plans receiving waivers or variances, be recorded at the York County Registry of Deeds within 90 days of the final approval.
4. Per Title 16.6.2.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.
5. This approval by the Planning Board constitutes an agreement between the Town and the Developer, incorporating as elements the Development Plan and supporting documentation, the Planning Board Findings of Fact, and any Conditions of Approval.



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	106	Zone(s): Base: Overlay: MSA	MU-KF _____ YES NO	Total Land Area	.2527 ACRES
	Physical Address: 7-17 WALLINGFORD SQUARE, KITTERY, ME.								

PROPERTY OWNER'S INFORMATION	Name	MICHAEL LANDGARTEN	Mailing Address	WALLINGFORD SQUARE LLC 500 MARKET ST., UNIT 5 PORTSMOUTH, N.H. 03801					
	Phone	603-502-8119							
	Fax								
	Email	mlandgarten19@gmail.com							

APPLICANT'S AGENT INFORMATION	Name	PAUL BONJAN	Mailing Address	ARQ ARCHITECTS 1 GOVERNMENT ST., SUITE 2 KITTERY, ME. 03904					
	Phone	207-439-5200							
	Fax	207-439-9531							
	Email	paul@arqarchitects.com							

PROJECT DESCRIPTION	Project Name:	MASON HALL STUDIOS - WALLINGFORD SQ.						
	Existing Use:	EXISTING 3 STORY + BASEMENT COMMERCIAL USE BUILDING						
	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.							
	A NEW METAL EXIT FIRE STAIR IS BEING ADDED AT REAR OF PROPERTY FOR REQUIRED EGRESS FROM INTERIOR FIT-OUT OF EXISTING 2 ND FLOOR SPACE							

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	3-2-15 Date
 Signature of Applicant	FEB 26, 2015 Date

E. Special Parking Standards.

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

1. Revised Off-Street Parking Standards.

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

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

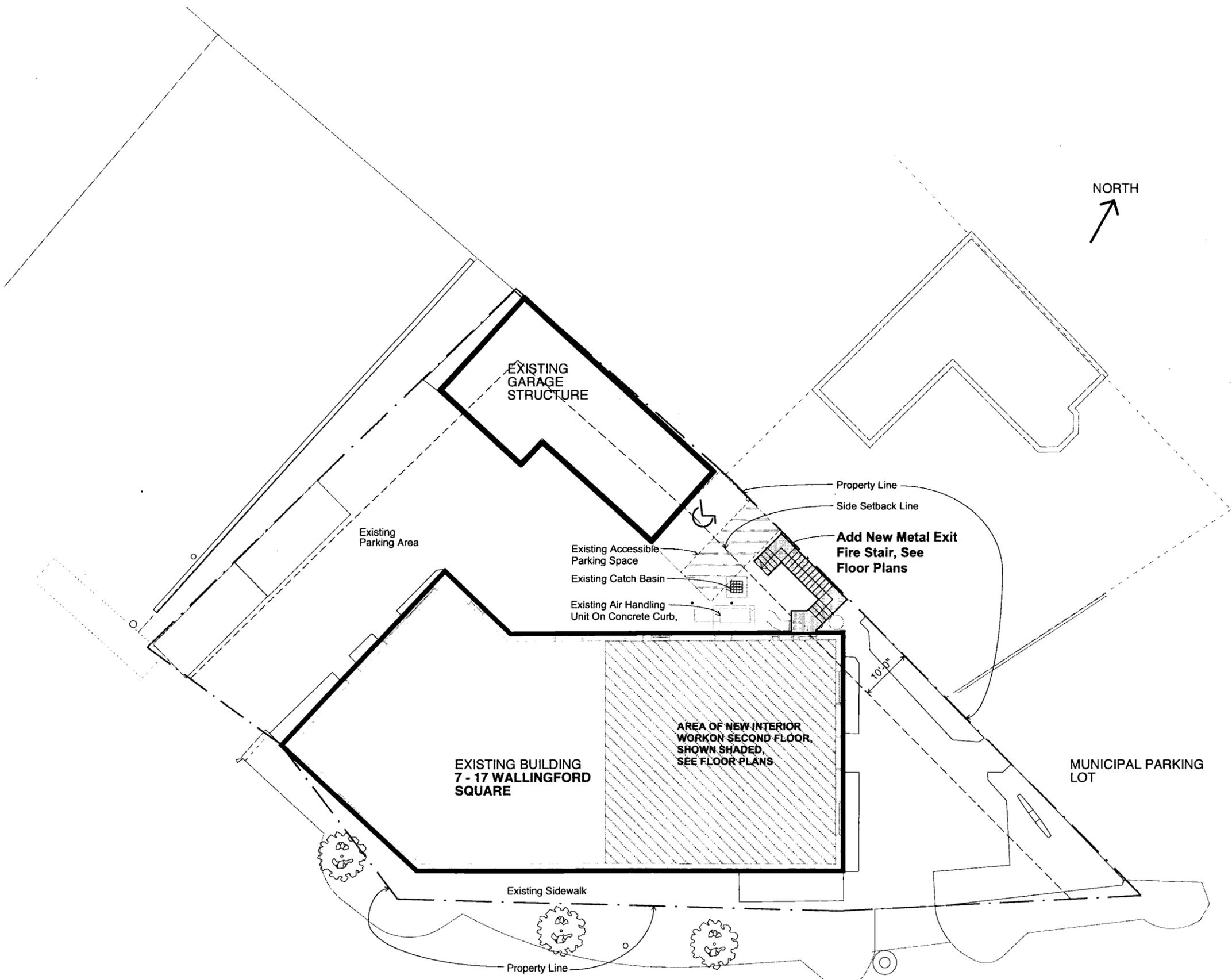
- a. Dwelling units in buildings that existed as of April 1, 2005 including the replacement of units destroyed by accidental or natural causes regardless of how configured: one parking space per dwelling unit;
- b. Dwelling units in new buildings including the replacement of existing buildings other than the replacement of units destroyed by accidental or natural causes: one and one-half parking spaces per dwelling unit;
- c. Retail, business office, or bank facilities: one parking space for each four hundred (400) square feet of gross floor area;
- d. Professional office: one parking space for each three hundred (300) square feet of gross floor area;
- e. Inn: one parking space for each guest room;
- f. Church: None required, if primary use occurs on weekends;
- g. Restaurants: one parking space for each one hundred (100) square feet of gross floor area used by the public.

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

7 Wallingford Square Parking Summary - February 25, 2015

- As shown in approved site plan there are 8 parking spaces at 7 Wallingford Square.
- We are holding onto 2 more spaces for eventual use of the Mason Hall space.

<u>Unit</u>	<u>tenant</u>	<u>use</u>	<u>Calculation summary</u>	<u>parking requirement</u>	<u>notes</u>
101	Anju/expansion	restaurant	adding 200 sf customer access area	2 spaces	tenant has leased off site
102	Anju	restaurant	390 sf of customer access area, 3 space credit	1 space	1 space provided on site - garage unit
103	Folk	retail	560 sf, 3 space credit	0 spaces	
104	MEat	retail	463 sf, 3 space credit	0 spaces	
105 +106	Lil's	restaurant	790 sf customer access area, 3 space credit	5 spaces	recently approved - all 5 spaces are provided on site
107	Maine Squeeze	take out restaurant	88 sf, 3 space credit	0 spaces	
203-208	various	offices	all 300 sf or less	0 spaces	
Mason Hall	empty		1757 sf, 3 space credit	2 spaces	Previous use was yoga. Looking for approval for art studios
301	apartment	residential	per approved site plan	1 space	Leased by landlord at library lot for term of apartment lease



WALLINGFORD SQUARE

GENERAL NOTES

OWNER:
WALLINGFORD SQUARE, LLC

ZONING:
MIXED USE - KITTERY FORESIDE (MU-KF)

- MAXIMUM LOT COVERAGE 60%
• TOTAL LOT SF - 11,008 SF
- MAXIMUM BUILDING HEIGHT - 40 FT
• PROPOSED - NC
- SETBACKS
• FRONT 0'
• SIDE 10'
• REAR 10'

SITE DATA:
TAX MAP 4 LOT 106
0.2527 ACRES

BUILDING USE & OCCUPANCY GROUP:
BUSINESS
SECONDARY USE - MERCANTILE CLASS C

CONSTRUCTION TYPE:
III (211)
SPRINKLERED
FIRE ALARM SYSTEM

APPLICABLE CODES:
MAINE UNIFORM BUILDING & ENERGY CODE (MUBEC)

- 2009 INTERNATIONAL BUILDING CODE (IBC)
- 2009 INTERNATIONAL EXISTING BUILDING CODE (IEBC)
- 2009 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)
- ASHRAE STANDARD 62.1-2007 VENTILATION ACCEPTABLE INDOOR AIR QUALITY
- NFPA 1 - FIRE CODE
- NFPA 70 - ELECTRICAL CODE
- MAINE STATE PLUMBING CODE - PLUMBING CODE
- NFPA 13, 13D, & 13R - SPRINKLER CODES

PROJECT :
MASON HALL STUDIOS
7 - 17 Wallingford Square
Kittery, Maine

ARQ Architects
1 Government Street
Kittery, Maine 03904
207.439.5286

© 2014 ARQ architects

NOTES :

Minor Modification To Approved Site Plan
- Add New Exit Fire Stair At Rear To New Interior Fit Out On 2nd Floor

REVISIONS :

NO	DATE	REVISION

PROJECT INFORMATION / INDEX / SITE PLAN

SHEET INDEX

- A0.1 PROJECT INFORMATION, SHEET INDEX, SITE PLAN
- A1..1 SECOND FLOOR DEMOLITION PLAN
- A2.1 FIRST FLOOR PLAN
- A2.2 SECOND FLOOR PLAN
- A3.0 SECOND FLOOR FIRE SAFETY PLAN

PERMIT PLANS
February 26, 2015

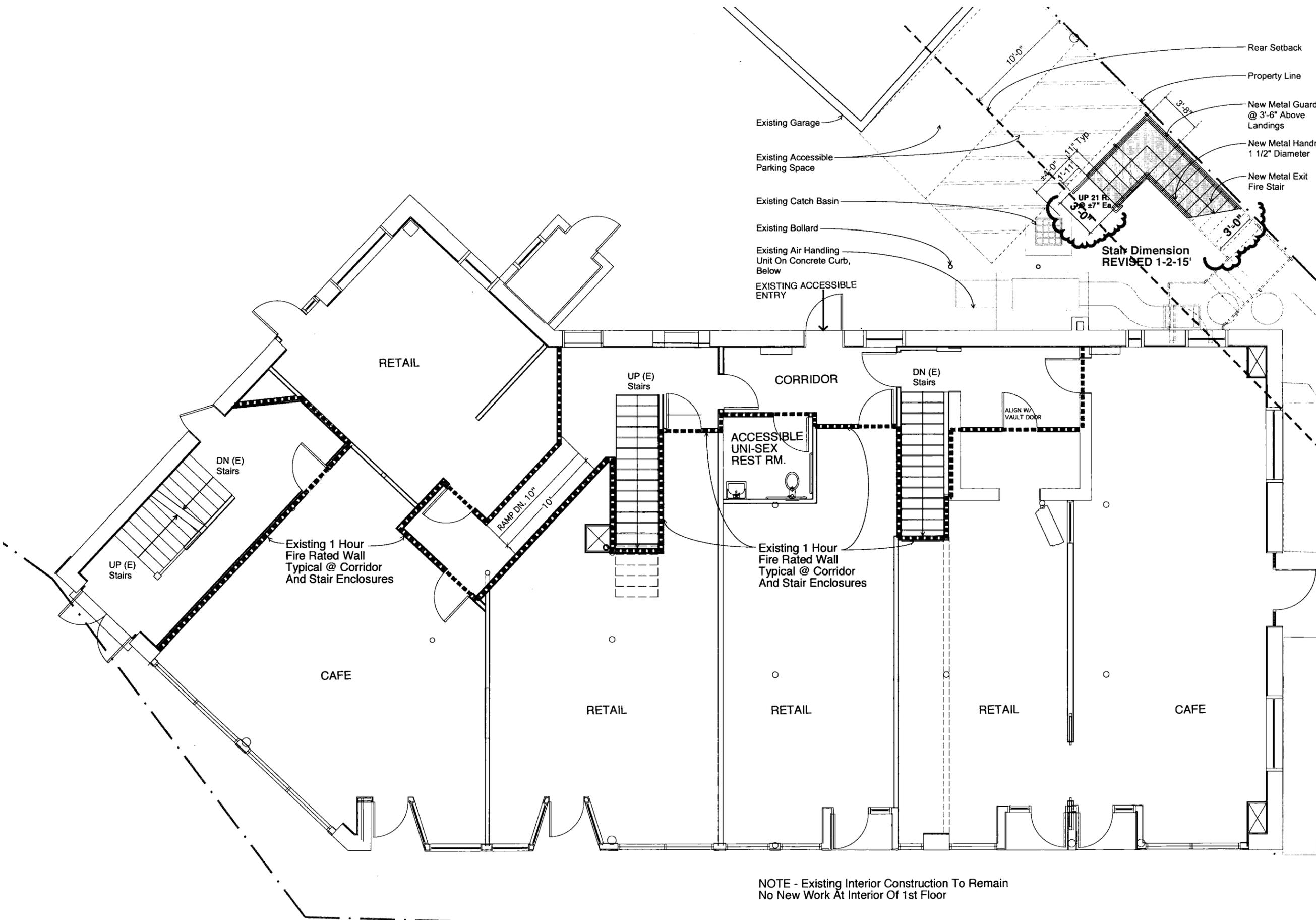
0' 1" 5' 10' 20'
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Scale : 1" = 10' Printed @ 24" x 36"

SEAL & SIGNATURE:	DATE: 11-03-14
	PROJECT NO: 1405
	DRAWING BY: PB
	CHECK BY: LS
	DWG NO:
A0.1	
FILE No:	

PROJECT :
MASON HALL STUDIOS
 7 - 17 Wallingford Square
 Kittery, Maine

ARQ Architects
 1 Government Street
 Kittery, Maine 03904
 207.439.5286
 © 2014 ARQ architects

NOTES :



NOTE - Existing Interior Construction To Remain
 No New Work At Interior Of 1st Floor

REVISIONS :

NO	DATE	REVISION

FIRST FLOOR PLAN

PERMIT PLANS
 November 2014
 REV. 1-2-15'

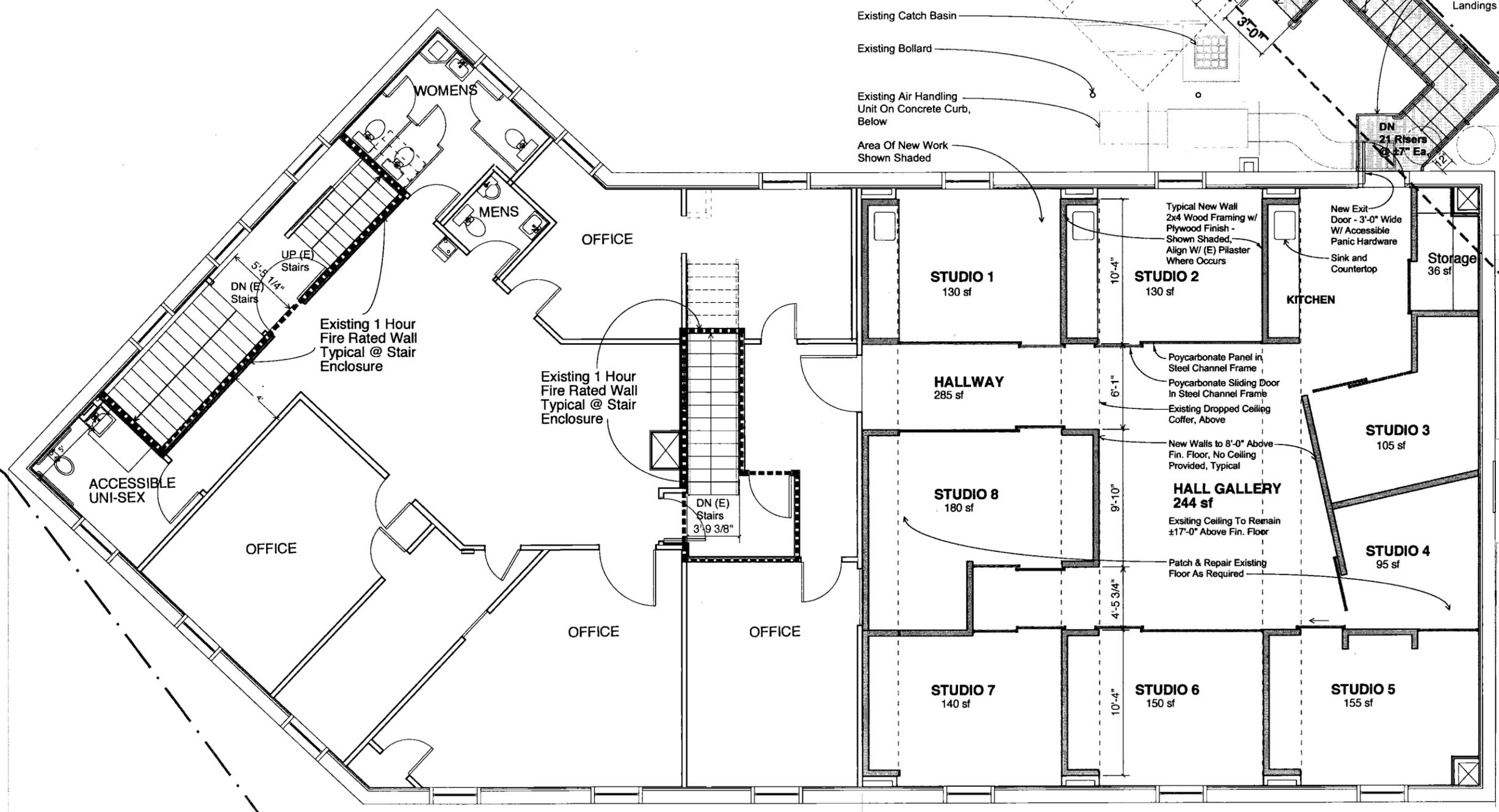
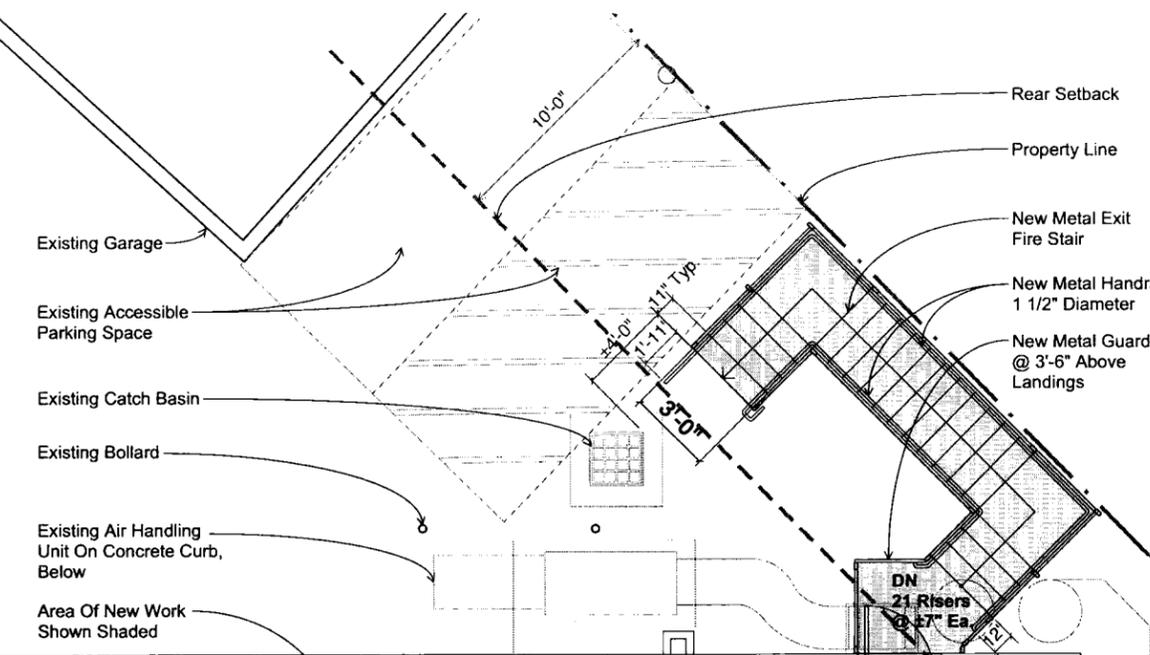
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SEAL & SIGNATURE:	DATE: 11-03-14'
	PROJECT NO: 1406
	DRAWING BY: PB
	CHECK BY: LS
	DWG NO:
	A2.1
	FILE No:

PROJECT :
MASON HALL STUDIOS
 7 - 17 Wallingford Square
 Kittery, Maine

ARQ Architects
 1 Government Street
 Kittery, Maine 03904
 207.439.5286
 © 2014 ARQ architects

NOTES :

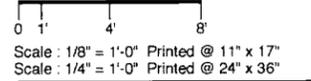


REVISIONS :

NO	DATE	REVISION

NEW SECOND FLOOR PLAN

PERMIT PLANS
 November 2014
 REV. 1-2-15'



SEAL & SIGNATURE:	DATE: 11-03-14'
PROJECT NO: 1406	DRAWING BY: PB
CHECK BY: LS	DWG NO:
A2.2	
FILE No:	

Existing Construction To Remain - No New Work This Area

AREA OF NEW WORK - 1757 sf gross
 Office/Studios/Hallway 1370 sf @ 100 sf / Occupant - 14 Occupants
 Hall Gallery 244 sf @ 7 sf / Occupant - 35 Occupants
NEW OCCUPANCY - 49 Occupants TOTAL

NOTE - Previously Approved Plans (Maine Permit #21543, 8-14-2013)
 This Space - Assembly Use @15sf / Occupant - Occupancy 125

Title 16 Amendments

Attached are the recent amendments to Title 16 to include in your code books (Effective 1/8/15 and 2/28/15).

These amendments are provided to you on brightly colored paper so you can easily see them in your book. You may be able to remove old language pages and replace with these, but be careful if you remove pages.

Rather, it may help if you highlight those sections in your code books that correspond with these updated amendments to remind you to refer to the yellow paged updates. Then, add these amendment pages as close to the corresponding sections in the code book as you can.

With pending amendments and the future codification of the entire Title 16, using colored pages to denote amendments rather than reprinting the entire book seemed wise.

March 5, 2015

Chapter 16.2 DEFINITIONS

16.2.2 Definitions.

Dwelling means a building designed or used as the living quarters for one or more families. The term does not include motel, rooming house, hotel, inn, club, trailer, or structures solely used for transient or overnight occupancy.

Dwelling unit means a room or group of rooms forming a habitable unit for one family with facilities used or intended to be used for living, sleeping, cooking, eating, and sanitary facilities. It comprises at least six hundred fifty (650) square feet of habitable floor space, except for elderly housing, an accessory dwelling unit, or a temporary, intra-family dwelling unit. The term does not include a trailer.

Dwelling unit (in the Shoreland and Resource Protection Overlay Zones) means a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term includes mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not dwelling units. (Ordained 1-28-15; Effective 2-28-15)

Easement means the authorization of a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property.

Chapter 16.3 LAND USE ZONE REGULATIONS
Article II. Zone Definitions, Uses, Standards
16.3.2.13 Mixed Use MU.

D. Standards. (Ordained 1/28/15; Effective 2/28/15)

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

2. Minimum Dimensional Standards.
 The following apply:

Minimum lot size:

lots with frontage on Route 1	200,000 square feet
lots without frontage on Route 1	80,000 square feet

Minimum street frontage on road with access along U.S. Route 1, Haley Road, Lewis Road, or Cutts Road	250 feet
other streets or approved ways	150 feet

Minimum front yard	60 feet
Minimum rear and side yards	30 feet
Maximum building height	40 feet
Maximum height above grade of building-mounted signs	40 feet

Minimum setback from water body and wetland water dependent uses	0 feet
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Minimum setback from streams, water bodies and wetlands	in accordance with Table 16.9, Section 16.3.2.17 and Appendix A, Fee
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Minimum land area per unit for eldercare facilities that are connected to the public sewerage system:	
dwelling unit with two or more bedrooms	5,000 square feet
dwelling unit with less than two bedrooms	4,000 square feet
residential care unit	2,500 square feet

Minimum land area per bed for nursing care and convalescent care facilities that are connected to the public sewerage system	2,000 square feet
--	-------------------

Buffer to I-95 ROW	40 feet
Buffer to neighboring lot with an existing residence within 100 feet of the lot line	40 feet
Vegetated buffer to be maintained between the MU and R-RL zones	40 feet

NOTE 1: For single-family dwellings, one dwelling unit is allowed for each two hundred thousand (200,000) square feet of land area. A lot of record having a land area of more than two hundred thousand (200,000) square feet that was improved with a single-family dwelling as of April 1, 2004 may be divided into two lots with a single-family dwelling on each lot provided that each of the lots contains at least forty thousand (40,000) square feet of land area and meets the other dimensional standards of the zone. Sections 16.3.2.1 D.1 and D.2 as set forth in the Residential - Rural zone apply and no further subdivision is allowed.

NOTE 2: For dwelling units that are part of a mixed-use building and are connected to the public sewerage system, one dwelling unit is allowed for each twenty thousand (20,000) square feet of buildable land area. Within the Resource Protection and Shoreland Overlay zones, one dwelling unit is allowed for each forty thousand (40,000) square feet of land area within these zones. If the parking for the residential units is encompassed within the building, the minimum required buildable land area per dwelling unit is reduced to fifteen thousand (15,000) square feet, except in the Resource Protection and Shoreland Overlay zones where the area per dwelling unit remains forty thousand (40,000) square feet.

NOTE 3: For elderly housing dwelling units that are connected to the public sewerage system, one dwelling unit is allowed for each fifteen thousand (15,000) square feet of buildable land area. Within the Resource Protection and Shoreland Overlay zones, one dwelling unit is allowed for each forty thousand (40,000) square feet of land within these zones. If the parking for the elderly units is encompassed within the building, the minimum required buildable land area per dwelling unit is reduced to ten thousand (10,000) square feet, except in the Resource Protection and Shoreland Overlay zones where the area per dwelling unit remains forty thousand (40,000) square feet.

3. Retail Use Limitation.

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

maximum lot coverage is sixty (60) percent. The Board of Appeals may approve a miscellaneous appeal application to increase allowable lot coverage in the Mixed Use -Badgers Island (MU-BI) zone to seventy (70) percent where it is clearly demonstrated that no practicable alternative exists to accommodate a water-dependent use.

ii. Commercial (C1, C-2, C-3), Business – Local (B-L and B-L1), and Industrial (IND) Zones where the maximum lot coverage is seventy (70) percent.

iii. Notwithstanding the above limits, vegetated surfaces must exceed fifty (50) percent of the lot area when the lot, being no greater in size than ten thousand (10,000) square feet, is situated in both the Residential - Urban Zone (R-U) and the Shoreland Overlay Zone.

iv. In the Shoreland Overlay zone within the Mixed Use (M-U) zone, the maximum lot coverage is 20%.

2. Principal and Accessory Structures – Setbacks and Development.

a. All new principal and accessory structures (except certain patios and decks per Section 16.3.2.17.D.2.b, must be set back as follows:

i. At least one hundred (100) feet, horizontal distance, from the normal high water line of any water bodies, tributary streams, the upland edge of a coastal wetland, or the upland edge of a freshwater wetland, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any water bodies, or the upland edge of a wetland on the Mixed Use - Badgers Island and the Kittery Foreside Zones, unless modified according to the terms of Sections 16.3.2.14.D & E and 16.3.2.15.D & E,, except that in the Commercial Fisheries/Maritime Uses Overlay Zone there is no minimum setback requirement. In the Resource Protection Overlay Zone the setback requirement is 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in the zone, in which case the setback requirements specified above apply.

ii. The water body, tributary stream, or wetland setback provision does not apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers and retaining walls, nor does it apply to other functionally water-dependent uses.

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

c. If there is a bluff, setback measurements for principal structures, water and wetland must be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map. If the applicant and Code Enforcement Officer are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant is responsible for the employment a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, or a Maine State Geologist qualified to make a determination. If agreement is still not reached, the applicant may appeal the matter to the Board of Appeals.

d. Public access to the waterfront must be discouraged through the use of visually compatible fencing and/or landscape barriers where parking lots, driveways or pedestrian routes abut the protective buffer. The planting or retention of thorny shrubs, such as wild rose or raspberry plants, or dense shrubbery along the perimeter of the protective buffer is encouraged as a landscape barrier. If hedges are used as an element of a landscape barrier, they must form a solid continuous visual screen of at least three feet in height immediately upon planting.

e. On a nonconforming lot of record on which only a residential structure exists, and it is not possible to

place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the Code Enforcement Officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure must not exceed eighty (80) square feet in area nor eight (8) feet in height, and must be located as far from the shoreline or tributary stream as practical and meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case will the structure be allowed to be situated closer to the shoreline or tributary stream than the existing principal structure.

f. The lowest floor elevation or openings of all buildings and structures, including basements, must be elevated at least one foot above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils.

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

i. Badgers Island and Kittery Foreside Zones, where the maximum lot coverage is sixty (60) percent. The Board of Appeals may approve a miscellaneous appeal application to increase allowable lot coverage in the Badgers Island district to seventy (70) percent where it is clearly demonstrated that no practicable alternative exists to accommodate a water-dependent use.

ii. Commercial (C-1, C-2, C3), Mixed Use (MU), Business – Local (B-L and B-L1), and Industrial (IND) Zones where the maximum lot coverage is seventy (70) percent.

Notwithstanding the above limits, non-vegetated surfaces must not exceed fifty (50) percent of the lot area when the lot, being no greater in size than ten thousand (10,000) square feet, is situated in both the Residential - Urban Zone (R-U) and the Shoreland Overlay Zone

h. Stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided the:

i. structure is limited to a maximum of four feet in width;

ii. structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S. §480-C); and

iii. applicant demonstrates that no reasonable access alternative exists on the property.

i. If more than one dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel in the Shoreland Overlay zone, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

Article III. Nonconformance (Ordained 9-26-11; Effective 10-27-11)

16.7.3.5.4 Nonconforming Structure Relocation.

C. When it is necessary to remove vegetation within the water or wetland setback area to relocate a structure, replanting of native vegetation to compensate for the destroyed vegetation is required. The Board of Appeals or Planning Board (in cases where the structure is located in a Shoreland Overlay or Resource Protection Overlay Zone) may restrict mowing around and pruning of the replanted native vegetation to encourage a more natural state of growth. Replanting is required as follows: (Ordained 1/28/15; Effective 2/28/15)

16.7.3.5.6 Nonconforming Structure Reconstruction. (Ordained 1/28/15; 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/or 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 less than the setback requirement for a new structure. When it is necessary to remove vegetation to replace or 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 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.

16.7.3.5.7 Nonconforming Use Expansion.

Expansion of a nonconforming use of any structure or land area other than that occupied as such when created is not permitted with the following exceptions:

A. uses in conformity with Chapter 16.7; and

B. nonconforming residential uses located within the Resource Protection Overlay, or Shoreland Overlay Zone with Planning Board approval, may expand by thirty (30) percent or less of the structure, in floor area or volume, during the lifetime of the structure if the applicant can prove the proposal is consistent with the review standards in Section 16.3.2.17.D.2.

16.7.3.5.8 Nonconforming Use Change – Review Authority and Evaluations.

The reviewing authority per subsections A B. and C below, may require evaluations be prepared by a person certified and/or qualified to perform the required evaluation. It is the burden and responsibility of the applicant to bear the costs for such evaluations. In the event there are existing official maps, data and/or reports for general use, the applicant is encouraged to submit copies of these documents to the reviewing authority. In determining that no greater adverse impact will occur, the applicant may be required to submit an evaluation in writing regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

A. Administratively. The Town Planner and the Code Enforcement Officer may approve the change of use of a nonconforming structure where it can be deemed the proposed use is a conforming use and the proposed use does not impact a water body, tributary stream, or wetland. See Section 16.4.3.5.

B. By Board of Appeals. Outside the areas regulated by Shoreland Overlay Zone or Resource Protection Overlay Zone, an existing nonconforming use may be changed to another nonconforming use with approval of the Board of Appeals provided the proposed use is not more nonconforming.

C. By Planning Board. Within areas regulated by Shoreland Overlay Zone or Resource Protection Overlay Zone, an existing nonconforming use may be changed to another nonconforming use with the approval of the Planning Board per Section 16.7.3.6.2.

16.7.3.5.9 Nonconforming Lots of Record. (Ordained 1-23-12; Effective 2-23-12)

A. Nonconforming Lots: In any district, notwithstanding limitations imposed by other sections of this Code, single noncontiguous lots legally created when recorded may be built upon consistent with the uses in the particular zone. These provisions apply even though such lots fail to meet the minimum requirements for area or width, or both, which are applicable in the zone, provided that yard dimensions and other requirements, not involving area or width, of the lot conform to the regulation for the zone in which such lot is located. Relaxation of yard and other requirements not involving area or width may be obtained only through miscellaneous variation request to the Board of Appeals.

16.7.3.5.10 Contiguous Non-Conforming Lots. (Ordained 1/28/15; Effective 2/28/15)

A. Contiguous Nonconforming Lots. If two or more contiguous nonconforming lots or portions thereof are in single or joint ownership of record, and if all or part of the lots do not meet the dimensional requirements of this Title, and if one or more of the lots are vacant or contain no principal structure, the lots must be combined to the extent necessary to meet the applicable dimensional requirements of this Title.



B. Contiguous Built Upon Nonconforming Lots. If two or more contiguous lots or parcels are in a single or joint ownership of record prior to July 13, 1977 and prior to December 15, 1973 for properties within the Shoreland Overlay Zone, if all or part of the lots do not meet the dimensional requirements of this Title, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S. §4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.



C. Contiguous Partially Built Upon Lot. If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of or since adoption or amendment of this Title, if any of these lots do not individually meet the dimensional requirements of this Code or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the applicable dimensional requirements of this Title.



This subsection does not apply:

1. to any Planning Board approved subdivision which was recorded in the York County Registry of Deeds on, or before July 13, 1977 or prior to December 15, 1973 for properties within the Shoreland Overlay Zone ;
- 2.. if one or more of the contiguous lots is served by a public sewer, or can accommodate a subsurface sewage disposal system in conformance with this Code Section 16.8.7 and the State of Maine Subsurface Wastewater Disposal Rules; and
 - i. if each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or
 - ii. if any lot(s) that do not meet the frontage and lot size requirements of Section 16.3.2.17.D.1 are reconfigured or combined so each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

16.7.3.5.11 Single Lot Division of a Nonconforming Lot.

If two principal structures existing on a single lot legally created when recorded, each may be sold on a separate lot provided the Board of Appeals determines that each resulting lot is as conforming as practicable to the dimensional requirements of this Code. If three or more principal structures existing on a single lot legally created when recorded, each may be sold on a separate lot provided the Planning Board determines that each resulting lot is as conforming as practicable to the dimensional requirements of this Code. (Ordained 1-23-12; Effective 2-23-12)

16.7.3.5.12 Adjustment of Common Boundary Line of Nonconforming Lots.

(Ordained 1/28/15; Effective 2/28/15)

- A. The common property line of two nonconforming lots of record, each with legally created principal structures, can be adjusted if:
 1. The Code Enforcement Officer (CEO) determines that the resulting lots are not more nonconforming than the existing lots with respect to the dimensional requirements of this Code; or
 2. Where the lots are located entirely outside the Shoreland Overlay Zone and the CEO determines the proposed lot line adjustment makes the lot more nonconforming, the Board of Appeals determines that each resulting lot is as conforming as practicable to the dimensional requirements of this Code; and
 - a. each resulting lot is not less than 20,000 S.F. in lot size when not served by public sewer; or
 - b. each resulting lot is not less than the smallest residential lot permitted under the town's land use base zones, Title 16.3, when served by public sewer; or
 3. Where all or part of either lot is located in the Shoreland Overlay Zone and the CEO determines the proposed lot line adjustment makes the lot more nonconforming, the Planning Board determines that each resulting lot is as conforming as practicable to the Maine Department of Environmental Protection (MDEP) Mandatory Shoreland Zoning minimum lot standards for principal structures and uses¹; and
 - a. each resulting lot is not less than 20,000 S.F. in lot size and not less than 100 feet in shore frontage^{2,3}; and

- b. a lot that is conforming to the MDEP Mandatory Shoreland Zoning minimum lot standards for principal structures and uses remains conforming to those requirements¹; and
- c. common boundary lines may not be adjusted when both subject lots are non-conforming per state minimum lot size requirement.³

¹ *Chapter 1000: Guidelines for Municipal Shoreland Zoning Ordinances*, Section 15.A Minimum Lot Standards; adjacent to Tidal Areas: 30,000 S.F. lot size with 150 feet of shore frontage; and adjacent to Non-Tidal Areas: 40,000 S.F. lot size with 200 feet of shore frontage.

² Title 16.7.3.5.12.A.3.a is allowed only when both subject lots are under the same single or joint ownership.

³ Adherence to State Minimum Lot Size Law (12 M.R.S. sections 4807-A through 4807-D) and State of Maine Subsurface Wastewater Disposal Rules or public sewer is required.

- A- B. It is not the intention of the above subsection (*Adjustment of Common Boundary Line of Non-Conforming Lots*) to allow for the creation of an additional lot. A property line adjustment in accordance with this subsection and Title 16.7 does not constitute the creation of a new lot and the adjusted lot remains a legally non-conforming lot of record, not applicable to the joining of lots.

16.7.3.5.13 Nonconforming Parking or Loading Space. (Ordained 9-26-11; Effective 10-27-11)

A structure and/or use which is nonconforming as to the requirements for off-street loading and/or parking spaces may not be enlarged or added to unless off-street space is provided sufficient to satisfy the requirements of this Code for both the original and addition or enlargement of the structure or use.

16.7.3.5.14 Nonconforming Steps. (Ordained 9-26-11; Effective 10-27-11)

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

16.7.3.6 Nonconforming Structures in Shoreland and Resource Protection Overlay Zones. (Ordained 1/28/15; Effective 2/28/15)

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 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 16.7.3.5.4 and Section 16.7.3.5.6 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, expanded 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 16.7.3.5.4 B, Nonconforming Structure Relocation. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with

Section 16.7.3.6.1.A, 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.

16.7.3.6.2 Nonconforming Use Change.

An existing nonconforming use may be changed to another nonconforming use with the approval of the Planning Board provided the proposed use has no greater adverse impact on any water body or wetland, or on the subject and adjacent properties and resources, including water dependent uses in the Commercial Fisheries/Maritime Uses Overlay Zone than the former use, as determined by the Planning Board. Within the area regulated by Shoreland Overlay Zone or Resource Protection Overlay Zone, for the determination of no greater adverse impact, the Planning Board may require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

Chapter 16.8 DESIGN AND PERFORMANCE STANDARDS – BUILT ENVIRONMENT
Article XXVIII. Single and Duplex Family Dwellings

16.8.28.1 Single and Duplex Family Dwellings in Resource Protection and Shoreland Overlay Zones. (Ordained 1/28/15; Effective 2/28/15)

In addition to the criteria specified in Section 16.6.6 and 16.10.8.3.4, applicable to the granting of a special exception use request, the Planning Board may approve an application for a single or duplex family dwelling special exception use request, where applicable, provided the applicant demonstrates all of the following conditions are met:

- A. There is no location on the property, other than a location within the Shoreland Overlay or Resource Protection Overlay Zones, where a single family dwelling can be built, or similarly for a duplex in the Shoreland Overlay zone.
- B. The lot on which the structure is proposed is undeveloped and was established and recorded in the York County Registry of Deeds before inclusion in the Shoreland or Resource Protection Overlay Zones.

Chapter 16.9 DESIGN AND PERFORMANCE STANDARDS - NATURAL ENVIRONMENT
Article III. Conservation of Wetlands Including Vernal Pools

16.9.3.8 Expiration of Wetlands Alteration Approval. (Ordained 1/28/15; Effective 2/28/15)

A. Wetlands Alteration Approval will expire if work has not commenced within one (1) year of Planning Board date of approval. Where work has commenced within one (1) year of approval, such approval will expire unless work is complete within two (2) years of the original approval date.

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

Article IX. Post Approval

16.10.9.1 Post Approval Actions Required.

16.10.9.1.4 Approved Plan Expiration. (Ordained 1/28/15; Effective 2/28/15)

A. A subdivision plan's approval will expire if work has not commenced within one (1) year from Planning Board date of approval. Where work has commenced within one (1) year of such approval, the approval will expire unless work is complete within three (3) years of the original date of Planning Board approval.

B. For all other development plans, approval will expire if work has not commenced within one (1) year from date of Planning Board approval. Where work has commenced within one (1) year of such approval, the approval will expire if work is not complete within two (2) years of the original date of Planning Board approval.

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

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

*CODE AMENDMENT
CHAPTER 16.8 – DESIGN AND PERFORMANCE STANDARDS-BUILT ENVIRONMENT
ARTICLE X-SIGNS*

16.8.10.2 General Requirements.

- A. No sign may be erected, posted, enlarged, or substantially changed without a permit issued by the Code Enforcement Officer (CEO) and also approved by the Town Planner, except where Section 16.8.10.9 provides otherwise.
(Ordained 9/26/11; effective 10/27/11)
- B. No exterior sign may be artificially illuminated except where hooded or shielded or otherwise designed to prevent direct light spilling onto traveled ways or neighboring property.
- C. No sign may contain a moving message board or intermittent illumination, except where necessary in time/temperature/date signs. (Ordained 12/8/14; Effective 1/8/15)
- D. Any sign that interferes with or closely imitates any official traffic sign, signal or device is prohibited.
- E. No sign designed to be transported by means of wheels is allowed, unless said vehicle is used in the normal day-to-day transportation operations of the business. All trailer signs are prohibited.
- F. Any changeable message signs must be integrated into a permanently-mounted sign. Such a changeable message Board is to be mounted a minimum of three and one-half feet above ground level.
- G. All signs must be maintained in a safe and sound structural condition.
- H. Advertising. No advertising or signage is permitted on wireless communication services facilities.
- I. Any sign not expressly permitted herein is prohibited.