



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, June 11, 2015

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

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – 5/28/2015 MEETING and 6/2/2015 SITE WALKS

PUBLIC COMMENTS - Public comment and opinion are welcome during this open session. However, comments and opinions related to development projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate. Those providing comment must state clearly their name and address and record it in writing at the podium.

PUBLIC HEARING

ITEM 1 – Yankee Commons Mobile Home Park Expansion – Subdivision Preliminary Plan Review

Action: hold a public hearing, approve or deny preliminary plan. Owner/applicant Real Property Trust Agreement requests consideration of plans for a 78-lot expansion of the Yankee Commons Mobile Home Park for the property located at US Route 1, Tax Map 66, Lot 24 in the Mixed Use (MU) and Residential – Rural (R-RL) Zones. Agent is Thomas Harmon, Civil Consultants.

ITEM 2 – 9 Mill Pond Road – Shoreland Development Plan Review

Action: hold a public hearing; approve or deny plan. Owners/applicants Eric Stites and Katherine Peternell request consideration of a shoreland development plan for an addition to and second story expansion of an existing, nonconforming single-family dwelling located at 9 Mill Pond Road, Tax Map 23, Lot 6A in the Residential – Urban (R-U), Shoreland Overlay (OZ-SL-250'), and Resource Protection Overlay (OZ-RP) Zones. Agent is Tom Emerson, Studio B-E.

NEW BUSINESS

ITEM 3 – State Road Mixed Use Development – Preliminary Site Plan Completeness Review

Action: accept or deny preliminary plan application, schedule a public hearing. Owner/applicant Aaron Henderson, HGC, LLC requests consideration of plans for a mixed use development consisting of three (3) commercial office units and five (5) single family residential units at 42 State Road, Tax Map 3, Lots 5, 6, and 7 in the Business – Local 1 (B-L1) Zone. Agent is Jeff Clifford, Altus Engineering, Inc.

ITEM 4 – 28 Island Avenue – Shoreland Development Plan Review

Action: accept or deny plan application; approve or deny plan. Owner/applicant Diane Knight requests consideration of a shoreland development plan for a second story expansion of an existing, nonconforming single-family dwelling located at 28 Island Avenue, Tax Map 1, Lot 9 in the Residential – Urban (R-U) and Shoreland Overlay (OZ-SL-250') Zones. Agent is Anne Whitney, Architect.

ITEM 5 – 89 Route 236 – Sketch Site Plan Review

Action: approve or deny sketch plan. Owner/applicant Rockwell Homes, LLC requests consideration of a sketch site plan for a single, 2,520-square-foot building containing business and professional offices and a drive-through-only restaurant at 89 Route 236, Tax Map 28, Lot 14-2 in the Commercial 2 (C-2) Zone. Agent is Ryan McCarthy, Tidewater Engineering & Surveying, LLC.

ITEM 6 – 43 Tower Road – Shoreland Development Plan Review

Action: accept or deny plan application; approve or deny plan. Owner/applicant Theodore H. Curtis Trust requests consideration of a shoreland development plan for a 396-square-foot garage addition to an existing, nonconforming

single-family dwelling located at 43 Tower Road, Tax Map 58, Lot 34 in the Residential – Rural Conservation (R-RLC), Shoreland Overlay (OZ-SL-250') and Resource Protection Overlay (OZ-RP) Zones. Agent is Ken Markley, North Easterly Surveying, Inc.

ITEM 7 – 73 Tower Road – Shoreland Development Plan Review

Action: accept or deny plan application, approve or deny plan. Owner/applicant Robert Ramos requests consideration of a shoreland development plan to demolish an existing, non-conforming single-family dwelling and construct a new, more conforming single-family dwelling at 73 Tower Road, Map 58, Lot 42 in the Residential – Rural Conservation (R-RLC), Shoreland Overlay (OZ-SL-250') and Resource Protection Overlay (OZ-RP) Zones. Agent is Robert MacDonald, Detail Design Builders, LLC.

ITEM 8 – Board Member Items / Discussion

- A. Committee Updates
- B. Other

ITEM 9 – Town Planner Items:

- A. TBD

ADJOURNMENT - (by 10:00 PM unless extended by motion and vote)

NOTE: ACTION LISTED IN ABOVE AGENDA ITEMS IS FOR REFERENCE ONLY AND THE BOARD MAY DETERMINE A DIFFERENT ACTION. DISCLAIMER: ALL AGENDAS ARE SUBJECT TO REVISION ONE WEEK PRIOR TO THE SCHEDULED TOWN PLANNING BOARD MEETING. TO REQUEST A REASONABLE ACCOMMODATION FOR THIS MEETING CONTACT STAFF AT (207) 475-1323.

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

UNAPPROVED
May 28, 2015

4
5 Meeting called to order: 6:00 p.m.

6 Board members present: Chair Ann Grinnell, Vice Chair Karen Kalmar, Secretary Deborah
7 Driscoll Davis, Mark Alesse, Robert Harris, David Lincoln

8 Members absent: None

9 Staff present: Chris Di Matteo, Town Planner; Elena Piekut, Assistant Town Planner

10
11 Pledge of Allegiance

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13 Minutes: May 14, 2015

14 Mr. Lincoln requested amendments.

15 **Ms. Davis moved to approve the minutes of May 14, 2015 as amended.**

16 **Mr. Lincoln seconded.**

17 **Motion carried: 6-0-0**

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19 Public Comment: Ms. Grinnell recognized that there were no members of the public in the
20 audience.

21
22 **ITEM 1 – Town Code Amendment – Title 16.7.3.5.6 Nonconforming Structure Reconstruction.**

23 Action: hold a public hearing; make recommendation to Town Council. The proposed amendment
24 addresses an omission in the current code related to reconstructing nonconforming structures outside of
25 the Shoreland Overlay Zone.

26
27 Ms. Grinnell opened the public hearing and, hearing no comment, closed it.

28
29 Ms. Davis said that she agrees with the Conservation Commission's concerns as presented in their letter.
30 She suggested the Board consider limiting expansion as is done in the Shoreland Overlay Zone to avoid
31 the addition of second and third stories on nonconforming lots.

32 Discussion ensued concerning the Code's provision for expansion that is no more nonconforming than the
33 existing condition, height restrictions, septic system suitability, and the different density goals for
34 sewerred and nonsewerred areas of the Town. The Board came to a consensus that this concern should be
35 addressed in a separate amendment process.

36 Mr. Di Matteo explained that the amendment as written mirrors what is found in the shoreland zoning,
37 asked whether the Board may want to use the Shoreland Zone method of addressing destruction or
38 demolition under and over 50% of the market value of the structure separately.

39 Mr. Lincoln said he wants to leave 16.7.3.5.6.C as is and the Board agreed.

40
41 Mr. Alesse asked whether a demolition permit is required when a structure is damaged.

42 Mr. Di Matteo said that it is.

43
44 Ms. Kalmar brought up the Conservation Commission's concern about dangerous foundation holes, and
45 discussion ensued regarding the length of time allowed and permitting process for demolition

46 Mr. Harris noted that insurance company procedures can delay demolition and reconstruction.

47 Ms. Davis added that insurance companies also will dictate coverage based on the requirements of local
48 ordinances.

49
50 Ms. Kalmar and Ms. Davis agreed that the amendment should be passed as written with additional
51 concerns put back on the action list to address at a later date.

52 **Ms. Kalmar moved to recommend the proposed amendments to Title 16.7.3.5.6 Nonconforming**
53 **Structure Reconstruction as written.**

54 **Mr. Lincoln seconded.**

55 **Motion carried: 6-0-0.**

56

57 **ITEM 2 – Town Code Amendment – 16.5.2.4 Permit Period, Appendix A Schedule 16 Land Use**
58 **and Development Fees** Action: review amendment and schedule a public hearing. The proposed
59 amendment corrects a discrepancy between 16.5.2.4 and Fee Schedule 16, where the Code refers to the
60 renewal of expired building permits upon reapplication and payment of a renewal fee, but the Fee
61 Schedule omits any reference to a renewal fee.

62

63 Ms. Grinnell asked where the proposed fee is found in the fee schedule.

64 Mr. Di Matteo explained that the base application fee is used.

65 Discussion ensued regarding the fee and how it is referred to in the code.

66

67 Ms. Kalmar asked about the subjectivity of the phrase “substantially complete.”

68 Ms. Davis noted that there is a definition of “substantially complete” in the construction trades.

69 Mr. Di Matteo explained that the determination is at the discretion of the Code Enforcement Officer and
70 suggested inserting on line 10, “as determined by the Code Enforcement Officer.”

71 Ms. Kalmar agreed and pointed out that the phrase occurs in two other places whether the same revision
72 might be considered. She also requested that lines 14-15 be revised to read, “with all applicable fees
73 doubled.”

74 Ms. Grinnell asked staff to add the fee in question to the Fee Schedule.

75

76 **Ms. Kalmar moved to schedule a public hearing for Town Code Amendment, Title 16.5.2.4 Permit**
77 **Period, and Appendix A Schedule 16 Land Use and Development Fees on June 25, 2015.**

78 **Ms. Davis seconded.**

79 **Motion carried: 6-0-0.**

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ITEM 3 – Board Member Items / Discussion

A. Committee Updates

B. Action List

C. Other

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82 Mr. Lincoln asked Mr. Di Matteo to explain the issue raised at the previous night’s Town
83 Council meeting regarding freestanding signs in the code.

84 Mr. Di Matteo explained that Mr. Dennett was referring to applications from 2003 for signs on
85 Route 236 similar to the signs in question, where there was no option for a freestanding sign on
86 the application. The current applications include freestanding signs and are clearer.

87

88 Ms. Davis requested an update from the sewer department on the current expansion of the
89 system.

90

91 Mr. Alesse explained his earlier email regarding bike and pedestrian safety. He provided a
92 handout of suggested signage. He would like the Town to place signs on the most used roads to
93 instruct cyclists and pedestrians to “bike right, walk left.”

94 Ms. Grinnell said this was a matter to be addressed through Public Works.

95 Mr. Di Matteo said he would speak to the Public Works Commissioner and suggested that the
96 Maine Bicycle Coalition may have more local signage or resources.

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ITEM 4 – Town Planner Items:

A. Town Code Amendments for 16.7.8 Land Not Suitable for Development; 16.8.7 Sewer System and Septic Disposal, 16.9.1.4 Soil Suitability, 16.8.16 Lots; 16.2.2 Definitions; and associated zones in 16.3.2. Request to schedule a public hearing.

B. Other

Mr. Di Matteo asked the Board to schedule a public hearing for these amendments as revised based on the May 4 joint workshop with the Town Council.

Mr. Alesse moved to schedule a public hearing for June 25, 2015 for Town Code Amendments for 16.7.8 Land Not Suitable for Development; 16.8.7 Sewer System and Septic Disposal, 16.9.1.4 Soil Suitability, 16.8.16 Lots; 16.2.2 Definitions; and associated zones in 16.3.2.

Ms. Kalmar seconded.

Mr. Lincoln asked for confirmation that the revisions presented were based on the Council’s comments at the workshop.

Mr. Di Matteo said that they were, with the caveat that the substitution of “land area” for “acreage” was not made, and confirmed that there are no new additions to the amendment.

Motion carried: 6-0-0

Ms. Davis moved to adjourn.

Ms. Kalmar seconded.

Motion carried: 6-0-0

The Kittery Planning Board meeting of May 28, 2015 adjourned at 6:55 p.m.

The meeting was followed by a workshop of Title 16.8.11, Cluster Residential and Cluster Mixed-Use Development.

Submitted by Elena Piekut, Assistant Town Planner, June 1, 2015.

TOWN OF KITTEERY, MAINE
PLANNING BOARD MEETING – SITE WALKS
10:30 a.m. Yankee Commons Mobile Home Park Expansion
11:30 a.m 9 Mill Pond Road Shoreland Development Plan

UNAPPROVED
JUNE 2, 2015

Yankee Commons Mobile Home Park Expansion – The Planning Board conducted a site walk to Idlewood Lane and US Route 1 (Tax Map 66, Lot 24) regarding the Preliminary Subdivision Plan for a 78-lot expansion of the Yankee Commons Mobile Home Pack in the Mixed Use (MU) and Residential – Rural (R-RL) Zones.

Board members present: Chair Ann Grinnell, Vice Chair Karen Kalmar, Secretary Deborah Driscoll Davis, Mark Alesse, Robert Harris, David Lincoln.

Staff present: Chris Di Matteo, Town Planner; Elena Piekut, Assistant Town Planner.

Other committee members present: Meghan Kline, KOSAC; Craig Wilson, KOSAC; Steve Hall, KCC/KOSAC; Karen Saltus, KCC; Herb Kingsbury, KCC.

Agents present: Tom Harmon, Civil Consultants; Ron Beal, Civil Consultants; Gary Beers; Mike Peverett, Civil Consultants.

Ms. Grinnell read a statement regard site walk procedure.

Agents Gary Beers, Tom Harmon (Civil Consultants), and Mike Peverett (Civil Consultants) led the group from Idlewood Lane along the existing private road at the edge of the existing park to the site of the proposed expansion. They oriented the group to proposed conditions, many of which were marked with stakes and flagging, and provided answers to questions regarding:

- excavation and grading,
- new roads and the realignment of existing roads,
- the limit of disturbance,
- wetland impacts,
- the existing cemetery,
- the proposed conservation easement area,
- lots sizes,
- future lot reconfiguration in the original park,
- sewer service,
- the possibility of moving existing trees,
- the extent of blasting, its impact and regulation,
- location of stormwater infrastructure.

Ms. Kalmar moved to adjourn. Ms. Davis seconded and the motion passed unanimously.
Adjournment: 11:20 a.m.

9 Mill Pond Road – The Planning Board conducted a site walk to 9 Mill Pond Road (Tax Map 23, Lot 6A) in the Residential – Urban (R-U), Shoreland Overlay (OZ-SL-250'), and Resource Protection Overlay (OZ-RP) Zones.

Board members present: Chair Ann Grinnell, Vice Chair Karen Kalmar, Secretary Deborah Driscoll Davis, Mark Alesse, Robert Harris, David Lincoln.

Staff present: Chris Di Matteo, Town Planner; Elena Piekut, Assistant Town Planner.

Other committee members present: Steve Hall, KCC/KOSAC; Karen Saltus, KCC; Herb Kingsbury, KCC.

Agent present: Tom Emerson, Studio B-E.

Mr. Emerson led the group around the property, pointed out property lines, and described how the porch will be enclosed, the roof will be raised, and second-story dormers will be added. The paved walkway will be removed.

Ms. Kalmar moved to adjourn. Ms. Davis seconded and the motion passed unanimously.

Adjournment: 11:45 a.m.

Title 16.8.11 – Cluster Residential and Cluster Mixed-Use Development

Board members present: Chair Ann Grinnell, Vice Chair Karen Kalmar, Secretary Deborah Driscoll Davis, Mark Alesse, Robert Harris, David Lincoln.

Staff present: Chris Di Matteo, Town Planner; Elena Piekut, Assistant Town Planner.

Committee members present: Christine Bennett, Kittery Open Space Advisory Committee (KOSAC) and Kittery Land Trust; Karen Young, KOSAC and Mt. Agamenticus to the Sea Conservation Initiative; Meghan Kline, KOSAC; Steve Hall, KOSAC and Kittery Conservation Commission; Craig Wilson, KOSAC; Herb Kingsbury, Conservation Commission; Page Mead, KOSAC.

Ms. Kalmar, Ms. Piekut, and Mr. Di Matteo began the meeting with introductions, an agenda, and overview. The group discussed many points, summarized chronologically below.

- No cut, no disturb buffers should be reworted. We used to reference the table for wetland setbacks. We should make it clear that it's about the maximum amount of protection. (Di Matteo, lines 174-184) "Where two setbacks overlap, the more restrictive applies." (Kalmar)
- What is the intention of the waterfront access provision? Active recreation? Or conservation? (Di Matteo, 143)
- 174 is talking about wetland setbacks only, but maybe refer to front and side as well. The DEP requires no-cut vegetated buffers, and all of the Lewis Farm subdivision setbacks (including front and side) are vegetated and must remain vegetated (Wilson)
- Create a standard of maintaining existing vegetation where possible. That was a big goal of Lewis Farm. The wetlands are an easy one to use across the parcel. Some towns require a buffer around the whole parcel. (Di Matteo)
- I would encourage us to keep as much vegetation with as many rationales as possible. A 60' x 100' house site is already a lot of vegetation. (Wilson)
- Lewis Farm as a clustered subdivision is too spread out, not clustered enough, with multiple clusters that fragmented a large lot. (Wilson)
- These developments are largely motivated by profit (Grinnell). But allowing and even requiring cluster subdivisions saves a developer money in infrastructure investment (Piekut). And that saves the Town in infrastructure maintenance and providing services (Grinnell). People may also pay more for lots with common open space (Piekut).
- Commonly held land on water should be more for conservation than for active boating (Grinnell, line 143). Wetlands could be treated separately from a water body good for recreation (Kalmar).
- Part of the intent of maintaining water access for recreation is so that there is one communal dock, not nine individual ones, so that recreation is clustered too (Wilson).
- So we agree that this standard is geared toward recreation, not conservation (Di Matteo)
- Motorized boats shouldn't be allowed where there's mud at low tide (Davis).

- York requires that open space be laid out, and special features be identified, before the subdivision layout is designed. If the goal is to preserve in common the land with the greatest

ecological and cultural values, then that's a logical order (Young). Perhaps under application procedures we can spell out a methodical way to approach this (Di Matteo). They also require the developer to be designed with the proposed holder of the open space (Young).

- Is the common land of a subdivision open only to the residents or everyone? (Kingsbury) It depends. It's possible to be public. They would have to petition the Town to accept it and in some places it would be disastrous. It should be site specific but it's a possibility (Kalmar).
- We want to map current open spaces and potential open spaces and could then determine where best to petition for public acceptance/access. Public use in an isolated situation doesn't necessarily work (Di Matteo).
- Whether there's public access or not, just to have the open space between parcels and between subdivisions connected makes it all more meaningful from a habitat and water resource protection perspective, instead of making islands of open space (Bennett). That's a standard we don't have—the goal of locating open space near other open space. There's some language but it could be clearer (Di Matteo). It's not very strongly worded (Piekut). It's not clear what "contiguous" means (Kalmar).
- What's the difference between "open space" and a conservation easement? (Grinnell) Conserved land is held by a conservation organization and is permanently conserved, as opposed to open space that is associated with a cluster subdivision and is held by a homeowner's association and not conserved in the same way or for the same purposes (Young). High probability of people in the subdivision encroaching on the open space from their lots—how does the town deal with that? (Mead) Monitoring is a concern. In York, York Land Trust has declined to hold land with too many abutters to avoid spending their time managing multiple encroachments, which is why it's important to have the land holder involved in open space design (Young). Open space should be marked because people don't read their documents (Davis). We should strengthen the notion of the management plan (intent, how managed) and make it a part of homeowner's association covenants. Or find a partner like the municipality or a land trust (Di Matteo).
- A long time ago there was a plan to put up small plaques to delineate open space. What happened? (Grinnell) It got shot down by the Planning Board (Hall). There are some at Shepard's Cove (Kingsbury). At Lewis Farm you only own your little piece of ground and the rest is commonly held, so it's not very difficult. It is difficult to say which areas are more sensitive (Wilson).
- DEP now requires that stormwater buffers be demarcated in some way. An individual homeowner can own a DEP buffer and in many cases they do so those are very important to understand (Wilson). Snow shouldn't be stored on those (Davis).
- Have we considered have a third party inspect these open spaces? (Kingsbury) It's in the ordinance now. There's supposed to be an annual report to the town (Kalmar). I'm not sure any clusters have done it (Wilson). We haven't seen much (Di Matteo). I don't think the form exists yet (Bennett).
- A baseline document should be created, for the Code Enforcement Office to hold, which contains pictures and existing conditions at the time of permitting, so that encroachments can be identified (Bennett). Maybe we could make that retroactive? (Grinnell) There could be a fee to cover the Code Enforcement time (Davis). Could also include GPS points (Mead).
- Discussion of responsibilities and punishment for violations. Easy to find a violation per ordinance, but there's no specific fine (Di Matteo).
- Does the Town get a copy of homeowner's association documents? (Grinnell) We get a draft at the Planning Board and then they record it (Di Matteo) and then they get recorded with each deed

(Grinnell). The Planning Board is approving it for things related to public improvements and code-related concerns, but any self-restricted portions shouldn't be reviewed by the Board. The Assessor's Department gets a record of deeds each month (Di Matteo). It's not happening that way (Harris).

- KOSAC provided a memo containing several recommendations.
- We should increase 30% of net residential acreage included in the open space to 50%. An argument is that where there is no sewer, cluster subdivision allows the lot size to be cut down by half (from 40,000sf to 20,000sf), so half of the net residential acreage can be saved (Wilson and KOSAC). We started this conversation after the ordinance first came into effect, and the 44-lot Stone Meadow cluster subdivision was proposed, which was visually shocking and didn't look like a cluster subdivision. A lot of what we talked about with that 50% was in the Rural Residential and Rural Conservation Zones. In the Suburban Zone and Mixed Use Zone, I don't think 50% is necessary. These are areas where we want to infill and there is the infrastructure to support public safety with water and sewer (Bennett).
- Conservation is an important goal for open space but it's not the only goal—active recreation especially in the urban areas has its own benefits (Di Matteo).
- I agree it was surprising that the initial Stone Meadow proposal met the letter of the code (Di Matteo). Would it have been if we had required them to come forward with a standard subdivision plan first? (Davis) It's hard to say but you may have not had as many units. This was also an extension of a roadway so that was a piece of it (Di Matteo). The code is so vague that emergency roads have only been used to circumvent road length limitations and I would suggest that emergency roads be specifically required by emergency services (Kalmar). As a counterpoint to that, road length was initially developed from the models from a public safety standpoint, presuming a fire department couldn't service more than 1500 feet. Now we need to talk about road lengths in terms of fragmentation. The rationale has changed. It should be in purpose statement for road standards (Wilson). The legislative intent is to preserve unfragmented land (Kalmar). It's codified that the intent is to have dead-end roads in residential areas which I think is misplaced. You need to develop thoroughfares in the sense that they get you from point A to point B rather than a dead end in some places, because when you have all dead ends the existing thoroughfares can't sustain the growth (Di Matteo). Having streets that are connected disperses traffic (Piekut). Consider that people will use through roads a cut-through—Love Lane is a racetrack (Mead). This is how we end up with issues like the hodge-podge at Highpointe Circle (Grinnell).
- The suggestion that the Kittery Land Trust be added in the ordinance as a possible holder of open space—although they won't want every piece—could relieve some of the monitoring burden on the Town (Piekut). Does the Town have the capacity to hold open space? (Grinnell) In the code it is an option (Piekut, line 205). Should be Kittery Land Trust or another nonprofit conservation organization (Hall). Does the Town hold any of those now? (Grinnell) We already have ball fields, etc. (Wilson). The KLT does hold one (Young). The Town may hold some land behind the Post Office (Davis).
- In order to keep development concentrated near roads and infrastructure, consider an overlay zone in the first 300 to 500 feet from the road in rural areas where houses will be clustered, and beyond that require much less density (Wilson/KOSAC). This might result in losing the experience of a roadway as rural. Consider this especially with scenic byways (Di Matteo). You might also consider a limit on how far roads can penetrate into a site, say 500 feet (Wilson). You

could allow development 500 feet in but preserve the 100 feet closest to the road (Davis). Should also encourage shared driveways and “stacked lots” to prevent eating up road frontage (Wilson).

- Table of examples I prepared was an exercise in studying the existing ordinance and shows how it would be applied in several situations. It compares a conventional and a clustered subdivision in each example. The exercise illustrated several things. Consider changing the minimum land area per dwelling unit in the Suburban Zone, where sewer service is expanding. It also shows how you end up with “extra” usable land area after meeting the minimum lot size for all lots permitted, so consider the concept of maximum lot size and maximum density presented by GrowSmart Maine, being used in in Cape Elizabeth (Piekut). *[Note: I also see now how this supports the recommendation to increase from 30% to 50% the net residential acreage included in the preserved open space. In every case except the Suburban Zone, the theoretical developer was left with more net residential land area than needed to meet the 20,000sf minimum lot size.]*
- Traditionally minimum lot size is usually equal to minimum land area per dwelling unit so density is almost synonymous with minimum lot size but the maximum density concept flips that and provides more flexibility. However it’s meant for more for truly rural areas, which Kittery might not be (Di Matteo). Remember that we’re trying to be connected to the Mt. Agamenticus to the Sea initiative (Kalmar). And that’s what the impetus for this ordinance was—maintain what rural and unfragmented blocks there are. There are some big blocks with meaningful habitat (Bennett). Brunswick has overlays to protect unfragmented blocks and other resources (Young). We’ve lost at least three of the large habitat blocks we had in 2000; there are really only two, maybe three left (Bennett). After the last Comp Plan when we tried to go to 3-acre zoning, there was a lot of opposition. If we do something like that again, we’ll need to educate the public and need the help of KOSAC (Davis).
- We should meet more often (Grinnell). We’d like a Planning Board representative on KOSAC (Bennett).
- Cape Elizabeth is using GrowSmart maximum density concept. We do need a mechanism for comparing conventional subdivision to cluster—I have mixed feelings about requiring the applicant to put work into something that’s not permitted but there should be a way to compare—linked to an example of how Newburyport does that. Newburyport also allows greater density based on historic preservation, affordable housing, and public access. I provided a simple example from Effingham, NH where putting more land in open space earns a bonus of more lots. Consider a density bonus of some sort in Kittery (Piekut). We have something in the Mixed Use Zone (Davis). We can use these things based on different zones. And without making it too onerous for the applicant, we can get an idea of what the yield in a conventional subdivision would be (Kalmar). Some of the evils of that are driven by numbers, if we had a five- or seven- or ten-lot limit on subdivisions a lot of that would go away. Smaller developments will be more sensitive. There’s a lot of money in subdivision—take that incentive away. Same as limiting a building to 100,000sf on Route 1 (Wilson). Monster development doesn’t maximize value, eventually it depresses value. Have to preserve existing property values (Alesse). More viable subdivisions should be where we have sewer (Davis).
- Let’s discuss how to work with KOSAC at our next meeting (Grinnell).
- What are the next steps? Staff will work on this? (Young) We’ll put minutes together and start drafting specific amendments. Keep looking at the resources provided, generate more questions, we’ll meet again later, keep in touch (Di Matteo).
- Think about simple amendments first (Wilson).
- We could write basic language for homeowner’s documents (Davis).

**Town of Kittery
Town Planning Board Meeting
June 11, 2015**

Yankee Commons Mobile Home Park Expansion – Subdivision Preliminary Plan Review

Action: Hold a public hearing, grant or deny preliminary approval. Owner/applicant Real Property Trust Agreement requests consideration of plans for a 78-lot expansion of the Yankee Commons Mobile Home Park for the property located at US Route 1, Tax Map 66, Lot 24 in the Mixed Use (MU) and Residential – Rural (R-RL) Zones. Agent is Thomas Harmon, P.E., Civil Consultants.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan	2/23/12	Accepted
YES	Site Visit	9/4/12; 6/2/2015 (2 nd visit)	Held
YES	Completeness/Acceptance	8/23/12	Granted
YES	Public Hearing	9/13/12; 6/11/2015 (2 nd hearing scheduled)	Held
YES	Preliminary Plan Review and Approval	9/13/12 mtg continued for addt'l info re: mineral extraction (90 days max) 12/13/12 & 3/14/13 granted 90-day continuance 5/9/13 tabled requested by Applicant 6/13/13 Reconsideration of 9/13/12 decision failed 7/11/13 Board continued for addt'l info re: preparation of findings with Town Attorney 8/8/13 Board continued for CEO's recommendation on a special permit for Mineral/Earth Extraction 9/12/13 Board continued to 9/26/13 meeting due to time constraints and denied preliminary plan approval. 3/11/2015 Superior Court grants Rule 80B appeal to applicant	Pending
YES	Final Plan Review/Approval		TBD
TBD	Wetland Alteration		TBD
<p>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.</p>			

BRING PACKET INFO FROM 5/14 MEETING

Staff's Comments

BACKGROUND

The Applicant and Agent have provided a good summary of the project related to circumstances before and after the Board's denial for preliminary subdivision approval in 9/26/2013. The Superior Court, on 3/11/2015 granted the applicant a Rule 80B appeal and vacated the Board's 2013 decision and remanded back to the Board for further proceedings consistent with its decision. The Superior Court's order is attached.

Staff and the Town Attorney met with the Applicant's representatives and discussed moving forward. It was agreed to have a narrative prepared along with a full submission of previously submitted plans and reports that explained the issues/highlights of the project and a chronology of events leading to the present.

UPDATE: Board requested Town Attorney to attend June meeting and a site visit was held on 6/2/15. CMA has provided comments on portions of the applicant's 4/23/15 précis, *History & Overview*.

STAFF REVIEW (from 5/14 Plan Review Notes)

Staff has not yet completed obtaining all the comments from Police, Fire and other pertinent Department Heads, Staff has at this point in time the following comments:

1) Density Calculations (Enclosure 1 of Précis, *History and Overview*):

a) Determination is based on lot size and not on the minimum land area per dwelling unit for the use proposed in the Mixed-Use zone. The proposed subdivision is identified as Elderly Housing (Enclosure 2 of Précis, *History and Overview*), which is permitted as a special exception use in the Mixed-Use Zone. Considering this, shouldn't the minimum land area per dwelling unit specified in the Mixed Use Zone, 16.3.2.13.D. Note 3, be applied to determine how many units are allowed?

It is apparent from Enclosure 1, Density Calculations (*Précis, History and Overview*) that the 5,000 square foot Lot Size allowed in the Mixed-Use Kittery Foreside Zone (applied here as allowed under 30-A MRSA § 4358(3)(A)(1)(b)) is being applied as the minimum land area per dwelling unit. 30-A MRSA § 4358(3)(B) does not address land area per dwelling unit but only lot size. Staff requests the Applicant's attorney to address this. Perhaps there is case law that shows that lot size is considered the same as minimum land area per dwelling unit under these circumstances.

b) Title 16.7.8 Land Not Suitable for Development identifies land that is deducted per the definition of net residential acreage, in order to determine the total number of dwelling units allowed in a subdivision. The provision includes "... land which must be filled or drained, or on land created by diverting a watercourse..." The Town has consistently interpreted this to mean wetlands. The Applicant has stated that this is not applicable, but later indicates that wetlands are not developable. Staff recommends that the subdivision plan (that needs to be prepared, only a site plan has been submitted) include net residential acreage calculations that reflect the deduction of wetlands.

2) Waivers requested (page 4 of 4 of Précis, *History and Overview*):

The Applicant is requesting four waivers which are dimensional in nature with the exception of one, sidewalks.

a) The requirement for sidewalks is found in 16.8.12.3.M and states:

The mobile home park must contain pedestrian walkways that link all units and all service and recreational facilities. Such walkways are to be adequately surfaced and lit. A portion of the road surface may be reserved for walkways provided the street width is increased accordingly. Walkways should be a minimum width of three feet.

In the Applicant's narrative on how the project conforms to 16.8.12.3 Mobile Home Parks the need is questioned based on the observing the existing mobile home park. It is stated that the 20-foot wide paved street section proposed with 2-foot wide shoulders is sufficient for pedestrians, especially with the speed limit planned for 15 MPH.

The request seems reasonable, however, when considering that there is sufficient space within the front yard to provide a 3-foot walkway and that the intent in 16.8.12.3.M is more definitive than 16.8.4.13 Sidewalks where it seems to be more discretionary, applying the waiver authorization in 16.7.4.1 is not clear. Title 16.7.4.1 states:

Where the Planning Board finds, due to special circumstances of a particular plan, certain required improvements do not promote the interest of public health, safety and general welfare, or are

inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed development...

Can the Board find that the three foot walkway does not promote the interest of public health, safety and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed development? It is not evident to Staff how the request is supported by 16.7.4.1.

b) The Applicant requests a waiver for Title 16.8.12.3.C.1 requiring a minimum lot size of 6,000 square feet since 30-A MRSA § 4358(3)(A)(1)(b) mandates municipalities not to require more than *Six thousand five hundred square feet* or *The area of the smallest residential lot permitted in the municipality*. The latter appears to be 5,000 square feet in the Mixed-Use Kittery Foreside Zone. Since it is evident that the state statute regulating manufactured housing trumps the town's land use code it doesn't seem necessary for the Board to provide a waiver, for the same reason stated in item a) above regarding the Board making a positive finding and also because it is clear from 16.1.8 Severability that it is anticipated that portions of Title 16 may become invalid as declared by a *court of competent jurisdiction*. With this in mind, Staff suggests that the Board does not have to and shouldn't grant a 'waiver', but simply make a finding that 16.8.12.3.C.1 is invalidated by 30-A MRSA § 4358(3)(A)(1)(b).

c) The applicant requests a waiver for 16.8.12.3.D.1 requiring a side yard setback of 20 feet, stating that 30-A MRSA § 4358(3)(C) does not allow municipalities to require setbacks on mobile home lots that have the effect of requiring a larger lot. It is not clear how the required setbacks create such an effect. Considering the 'Typical Site Layout' found in the submittal book, it appears that some mobile home configurations, i.e. double-wide with a garage or a 60-foot long double-wide, cannot fit on a 5,000 square foot lot with 20-foot side setbacks. It is not clear, however, that the state, under 30-A MRSA § 4358(3)(C), means to keep a municipality from requiring lot area that cannot support any and all configurations of manufactured housing. That is what it appears the Applicant is suggesting.

Staff recommends that the Board does not grant the requested waiver for three reasons: 1) the great number of the proposed lots are in the range of 6,000 to 7,000 square feet in size, not nearly all the lots are 5,000 square feet in size; 2) the Town Code, under Title 16.8.12.3.D, allows for the Code Enforcement Officer to relax setbacks in a limited manner; and 3) it is not apparent that 16.7.4.1 allows for waiving setbacks, it seems only "required improvements".

UPDATE: After reviewing the 1989 *Maine's New Mobile Home Park Law, A Guidebook for Local Officials* and the Model Ordinance it includes, our local ordinance's (16.8.12.3.D) setback requirements are the same as in the model ordinance (attached). With this in mind and the publication was prepared by the state, the applicant's suggestion that 30-A MRSA § 4358(3)(C) is not being met may not be pertinent.

d) The applicant is requesting the Board to waive the requirement for dumpsters in Title 16.8.12.3.U. The provision states:

Each mobile home lot must be provided with an area for refuse storage. Within a maximum one hundred fifty (150) feet from each mobile home lot, there must be a flytight, watertight and rodent-proof container capable of storing the amount of refuse that the mobile home park for which it was designed could generate within one week as well as any separation containers as required by the Kittery recycling program. The park management is responsible for disposal of refuse from such containers at least once a week.

The applicant illustrates their issue in Enclosure 7 of the précis. Staff does not calculate the same number of dumpsters required, however, if containers are provided to the tenants that adequately addresses the health issues the provision is concerned with along with the proposed "curbside pick-up" for household waste and recyclables, the Board may consider granting a waiver. In this instance, unlike some of the other requests, the dumpster is considered "required improvement" and the required

and more frequent managed trash pick-up in lieu of dumpsters with less frequent pick-up is in the better *interest of public health, safety and general welfare*.

3) **Title 16.8.12.3.O Open space calculations:**

The current narrative, page 5 of 7 of *Updated Section 16.8.12.3 discussion*, needs to be updated/revised since it references 77 versus 78 lots and references 6,000 versus the actual area allotted to the total number of lots, in calculating for open space. It is not clear how all the requirements in 16.8.12.3.O are met. Details on where active recreation is afforded in the site design is not apparent.

4) **Subdivision Plan.** A subdivision plan, perhaps in lieu of the *Overall Site Plan C2*, needs to be prepared and be suitable for recording. It will include all zoning, waiver, and condition of approvals, and in this instance, the Title 16 provisions that are preempted by state statute.

UPDATE: (*Staff comments subsequent to the 5/14 meeting*)

5) **Findings of Fact 16.10.8.3.4.** In the same manner that the applicant has made an effort to methodically address application requirements and the mobile home standards, it would be very helpful to have the same done with the standards the Board will ultimately have to make a positive finding on. These standards are based from the State's subdivision law, 30-A MRSA § 4404, which is applicable in this instance.

6) **Traffic impact analysis.** It appears the traffic information submitted (comments in the 8/1/2012 Review Checklist-p5 of 6) identifies a total number of trips/day not exceeding 385. This number is for only the new development and does not include the existing development. Since this is an expansion it seems appropriate to include this information when considering 16.8.12.3.K (500 trips/day) and 16.10.5.2.C.9 (400 trips/day). While our local standard is for 400 or 500 trips/day, the MDOT traffic moving permit's threshold is 100 passenger car equivalents at peak hour. The applicant needs to address if state's traffic requirements have been met for the development too.

Similarly, consideration should be made for performing a traffic impact analysis for the temporary traffic conditions that will result from the expected large scale earth moving operations.

7) **Vernal Pool.** It doesn't appear there was any consideration of the existing vernal pool with regard to U.S. Army Corps of Engineers' standards. These standards include that no more than 25% of the forested uplands and wetlands within 750' of the pool can be converted to unforested area. Staff has checked with USACE to determine applicability and they asked to advise the applicant the need for the applicant to contact the Corps to obtain a permit.

STAFF RECOMMENDATION

The applicant has not to date responded to staff comments. It seems likely that even after the public hearing and an opportunity for the Board to ask questions of the Town Attorney that the application is ready for preliminary approval. Staff recommends providing more time for the applicant to address staff comments from 5/14 and respond to new comments from CMA and potential questions from tonight's meeting.

BOARD ACTION

Move to continue the preliminary plan review for a 78-lot expansion of the Yankee Commons Mobile Home Park located at US Route 1, for owner/applicant Real Property Trust Agreement, Tax Map 66, Lot 24 and 25, not to exceed 90 days.

SECTION 5

Suggested Standards Which Comply With The Law

NOTE:

If you have no local ordinances regulating mobile home parks, your community already complies with the new law. If you would like to develop an ordinance to regulate mobile home parks or amend an existing ordinance, the suggested standards contained in this section are minimums which comply with the new law.

Your community is not obligated to adopt mobile home park standards, but if you have no standards, your community will have to review and accept any and all mobile home parks which are developed according to minimal state standards.

The standards below are not written in the form of a complete model ordinance; you should not just adopt the language below as is. It needs to be shaped to your local needs and incorporated into specific ordinance language. You may want to obtain assistance in drafting these standards into an ordinance. Assistance can be obtained from the Office of Comprehensive Planning, the Maine Municipal Association, your Regional Planning Council, private consultants, or your municipal attorney.

SECTION 6

Additional Options For Regulating Mobile Home Parks

NOTE: The following model language may be used in conjunction with the standards in the preceding section to create a more complete mobil home park ordinance. Read the model language and the com-

ments before selecting the language you wish to use. Further, make sure that the language you select is skillfully combined with that of Section 5 to create a complete, legally defensible ordinance that satisfies local needs.

MODEL LANGUAGE

COMMENTS

A. LOT SETBACKS

1. The following lot setbacks shall apply to all homes and accessory buildings:

Front setback:	20 feet
Side setback:	20 feet
Rear setback:	10 feet

If these requirements conflict with the requirements of the Shoreland Zone, the stricter standards shall apply. If a lot is on a public road, the setback shall conform with the residential setback requirements applicable to residential dwelling units.

Neither the existing law nor the state rules contain mobile home setbacks. These suggested setbacks could be changed if the municipality wishes to encourage innovative design.

Where the park is in a Shoreland Zone, shoreland zoning requirements shall apply if they are stricter.



June 4, 2015

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

**RE: Town of Kittery, Planning Board Services
Yankee Commons Mobile Home Park Expansion Review#2 (Tax Map 66, Lots 24 & 25)
CMA #591.65**

Dear Chris:

CMA Engineers received the following information for Assignment #65, review #2 of the subdivision plan for the Yankee Commons Mobile Home Park Expansion:

- 1) Yankee Commons-Mobile Home Park Expansion, Subdivision Application, Town of Kittery, for Stephen A. Hynes, Trustee, c/o Gary Beers, 3 Idlewood Lane, Kittery, Maine by Civil Consultants, Original Preliminary Submission-1 August 2012, Submittal Updated-4 September 2012, Plans Updated-18 April 2013, Consolidated Package Provided-20 April 2015.

The proposed development consists of a 78 unit expansion to an existing mobile home park, with associated roadways, drainage and utilities on two lots. Construction of the mobile home park includes removal of a significant volume of bedrock estimated to be 190,000 cubic yards (CY) of in place material. The material consists primarily of ledge requiring blasting. Truck counts for removal of this blasted material are based on a truck capacity of 25 CY filled to a capacity of 22 CY. We have identified the following issues that require further information:

Blasting:

- What is the proposed schedule for blasting?
- What is the proposed sequence of blasting?
- Will blasting occur concurrently with hauling or in advance of hauling?
- How does the applicant propose to deal with noise and vibrations associated with long term blasting?
- Is there going to be any processing or crushing of blasted material at the site?

Hauling vehicles:

- What is the type of vehicle proposed for material removal: number of axles, vehicle weight empty and when loaded, loads on roadway when empty and full.

Trucking:

- Where is the blasted rock being hauled? What is the trucking route? Are there hauling restrictions on the route?
- Is Route 1 within or outside of the urban compact? Does MeDOT have an opinion on the increased traffic or loading?
- Part of the hauling route uses Idlewood Lane. The applicant should show that Idlewood Lane is constructed to standards to handle the traffic and loading required during hauling. If it is not, the applicants should provide a plan to upgrade the roadway to the applicable standards required. A post construction rehabilitation plan to address any damage should be presented for Idlewood Lane. All of this should be reviewed by Kittery Public Works.
- The in-place estimate of 190,000 CY of material appears accurate. The “fluff” factor of 12% applied in loading the trucks is significantly underestimated. Swelling factors for blasted ledge are more accurately in the range of 70%-75%.
 - Assuming a 70% swelling factor, the quantity of material requiring hauling after blasting would be $(190,000 * 1.7) = 323,000$ CY
 - Assuming the same 22 CY capacity of each truck, the revised number of truck trips would be $(323,000 / 22) = 14,682$ trips (previously estimated to be 8,637 trips)
 - Additionally, the current estimate assumes a schedule that does not allow for any hauling downtime related to weather, blasting, trucking pace, mechanical issues, etc. Assuming a reasonable schedule that deviates 20% from the ideal, and maintaining the same 10 month time frame, the new number of trips would be $(14,682 / (216 * 0.8)) = 85$ round trips (170 trip ends for traffic counting purposes). This is more than twice the current estimate.

The applicant should re-evaluate the proposed blasting and hauling estimate and their impacts.

Due to the high traffic counts and heavy loads on town and state roads, we recommend that a full traffic study be completed to address traffic both during and after construction.

Stormwater: A portion of the stormwater treatment system is located within the right of way on Idlewood Lane. Are there easements proposed? Who is responsible for maintenance of the pond and piping?

In a final review, we may include a detailed review of the applicant’s April 2013 response to our August 2012 review points. At this time, we have not identified major issues in that response.

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

Very truly yours,

CMA ENGINEERS, INC.



Jodie Bray Strickland, P.E.
Project Engineer

cc: Tom Harmon, Civil Consultants

**Town of Kittery Maine
 Town Planning Board Meeting
 June 11, 2015**

Please refer to application from the 5/14 meeting.

ITEM 7 – 9 Mill Pond Road – Shoreland Development Plan Review

Action: accept or deny plan application; approve or deny plan. Owners/applicants Eric Stites and Katherine Peternell request consideration of a shoreland development plan for an addition to and second story expansion of an existing, nonconforming structure located at 9 Mill Pond Road, Tax Map 23, Lot 6A in the Residential – Urban (R-U), Shoreland Overlay (OZ-SL-250’), and Resource Protection Overlay (OZ-RP) Zones. Agent is Tom Emerson, Studio B-E.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Review		NA
NO	Site Visit		Held 6/2
YES	Determination of Completeness/Acceptance		Scheduled for 6/11
NO	Public Hearing		Scheduled for 6/11
YES	Final Plan Review and Decision		Feasible for 6/11

Plan Review Notes reflect comments and recommendations regarding applicability of Town Land Use Development Code, and standard planning and development practices. Only the PB makes final decisions on code compliance and approves, approves with conditions or denies final plans. Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

Background

Planning Board review of this project is required by 16.10.3.2 Other Development Review because it is located in the Shoreland Overlay Zone. The existing use is a nonconforming single family dwelling on a nonconforming lot. The entire house is located within the 100-foot setback from the water (Spruce Creek). The proposal is to add a second story and enclose the existing front porch area. Expansion is limited to less than 30% in floor area or volume by 16.7.3.6.1 Nonconforming Structure Expansion. The proposed expansions constitute a 28.47% increase in floor area and 29.54% increase in volume. Development on the lot as a whole is also limited to 20% devegetated coverage by Shoreland Zoning Law. The existing condition is 32.7%. Devegetated area will be maintained, although the applicant voluntarily proposes to remove a paved walkway and replace it with pervious material (this is still considered devegetated). Building coverage also is limited to 20% in the Residential – Urban Zone. The existing and proposed condition is 13%.

UPDATED Staff Comments

The Board held a site walk on June 2, 2015.

Mr. Emerson provided a revised plan (attached) and made the changes we requested:

- Existing building coverage is provided (13.0%)
- Maximum building coverage and impervious surface coverage are corrected
- The volume figure indicates that the basement was included in the calculation
- A note regarding no previous expansions after 1989 was added
- Note 8 refers to NAVD88 as well as NGVD29

There are a few additional minor plan changes that can be resolved as a condition of approval, including:

- Making it clear with a note that the expansion consists of enclosing the porch *and* adding a second story.
- A revision to show the 100-foot setback, not a Resource Protection Zone Boundary as presented.
- In the Expansion Analysis table, qualify “Tom Emerson” as “Architect, Studio B-E.” For type of construction, “Demolition and Rebuild” instead of “DR.”
- Revise the “Impervious Surface Coverage” table by replacing “impervious” with “devegetated.”

The applicant appears to meet the standards governing expansion of a nonconforming structure in the Shoreland Zone. This is reflected on the plan as expected.

Recommendations

Staff opinion is that the application is complete and the proposal appears to meet the requirements of Title 16, as described in the draft findings of fact below.

The Board should first accept the plan application.

Move to accept the Shoreland Development Plan application dated April 23, 2015 from Eric Stites & Katherine Peternell for 9 Mill Pond Road (Tax Map 23, Lot 6A) in the Residential – Urban, Shoreland Overlay, and Resource Protection Overlay Zones...

After holding the scheduled public hearing and considering testimony, the Board may move to approve with conditions (suggestions provided below) and proceed to reading and voting on the Findings of Fact.

Move to grant conditional approval for the Shoreland Development Plan application dated April 23, 2015 from Eric Stites & Katherine Peternell for 9 Mill Pond Road (Tax Map 23, Lot 6A) in the Residential – Urban, Shoreland Overlay, and Resource Protection Overlay Zones.

KITTERY PLANNING BOARD

FINDINGS OF FACT For 9 Mill Pond Road Shoreland Development Plan Review

UNAPPROVED

WHEREAS: Eric Stites and Katherine Peternell request approval of their Shoreland Development Plan for an addition to and second story expansion of an existing, nonconforming structure located at 9 Mill Pond Road (Tax Map 23, Lot 6A) in the Residential – Urban, Shoreland Overlay, and Resource Protection Overlay Zones, hereinafter the “Development,” and

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

Shoreland Development Plan Review	5/14, 6/11
Site Walk	6/2
Public Hearing	6/11

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

1. Shoreland Development Plan Application, April 23, 2015.
2. Shoreland Development Plan, Easterly Surveying, April 22, 2015; revised May 28, 2015.
3. Architectural Plans, Studio B-E, received April 23, 2015.

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

FINDINGS OF FACT

Chapter 16.3 LAND USE ZONE REGULATIONS

16.3.2.17. D Shoreland Overlay Zone

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

Findings: Existing conditions on the 12,370-square-foot lot include 4,045 square feet of devegetated area (32.7%). The applicant proposes to replace a paved walkway with pervious pavers. Although for regulatory purposes this is still counted as vegetated area, in effect it lessens the existing impact of the development.

The existing nonconforming condition is 32.7% devegetated and must not be increased.

Conclusion: This standard appears to have been met.

Vote: in favor against abstaining

Chapter 16.7 GENERAL DEVELOPMENT REQUIREMENTS
Article III Nonconformance

16.7.3.1 Prohibitions and Allowances

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

Finding: This is an existing, nonconforming lot with an existing single-family dwelling structure located entirely within 100 feet of a coastal wetland. It appears to be nonconforming to one side setback.

The proposed development does not increase nonconformity.

Conclusion: The requirement appears to be met.

Vote: in favor against abstaining

16.7.3.5 Types of Nonconformance

16.7.3.5.5 Nonconforming Structure Repair and/or Expansion

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

Finding: The proposed development is no more nonconforming than the existing condition.

Conclusion: The requirement appears to be met

Vote: __ in favor __ against __ abstaining

16.7.3.6 Nonconforming Structures in Shoreland and Resource Protection Zones

16.7.3.6.1 Nonconforming Structure Expansion

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

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

B. If a replacement structure conforms to the requirements of Section 16.7.3.6.1.A and is less than the required setback from a water body, tributary stream or wetland, the replacement structure will not be permitted to expand if the original structure existing on January 1, 1989, has been expanded by 30% in floor area and volume since that date.

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

Finding:

A. This proposal is the only expansion of the structure since January 1, 1989. The proposed increase in floor area is 28.47%. The proposed increase in volume is 29.54%.

Conclusion: 16.7.3.6.1.A appears to be met. B and C are not applicable.

Vote: __ in favor __ against __ abstaining

Chapter 10 DEVELOPMENT PLAN APPLICATION AND REVIEW

Article 10 Shoreland Development Review

16.10.10.2 Procedure for Administering Permits

D. An Application will be approved or approved with conditions if the reviewing authority makes a

<p><i>positive finding based on the information presented. It must be demonstrated the proposed use will:</i></p>
<p>1. <i>Maintain safe and healthful conditions;</i> <u>Finding:</u> The proposed development does not appear to have an adverse impact. <u>Conclusion:</u> This requirement appears to be met.</p>
<p style="text-align: right;">Vote: __ in favor __ against __ abstaining</p>
<p>2. <i>Not result in water pollution, erosion or sedimentation to surface waters;</i> <u>Finding:</u> Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction. (see conditions #2 and #3) to avoid impact on adjacent surface waters. <u>Conclusion:</u> The proposed development does not appear to have an adverse impact. With the suggested conditions #2, #3, this requirement appears to be met.</p>
<p style="text-align: right;">Vote: __ in favor __ against __ abstaining</p>
<p>3. <i>Adequately provide for the disposal of all wastewater;</i> <u>Finding:</u> The dwelling is served by public sewer. <u>Conclusion:</u> The requirement is not applicable.</p>
<p style="text-align: right;">Vote: __ in favor __ against __ abstaining</p>
<p>4. <i>Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;</i> <u>Finding:</u> Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction. (see conditions #2 and #3) to avoid impact on adjacent surface waters. These conditions should be added to the plan. <u>Conclusion:</u> The proposed development does not appear to have an adverse impact. With the suggested conditions #2 and #3, this standard appears to be met.</p>
<p style="text-align: right;">Vote: __ in favor __ against __ abstaining</p>
<p>5. <i>Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;</i> <u>Finding:</u> Shore cover is not affected by this development. There are no points of access. <u>Conclusion:</u> The requirement appears to be met.</p>
<p style="text-align: right;">Vote: __ in favor __ against __ abstaining</p>
<p>6. <i>Protect archaeological and historic resources;</i> <u>Finding:</u> The proposed development does not appear to have an adverse impact. <u>Conclusion:</u> The requirement appears to be met.</p>
<p style="text-align: right;">Vote: __ in favor __ against __ abstaining</p>
<p>7. <i>Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district;</i> <u>Finding:</u> The proposed development does not appear to have an adverse impact. <u>Conclusion:</u> This requirement appears to be met.</p>
<p style="text-align: right;">Vote: __ in favor __ against __ abstaining</p>

<p>8. Avoid problems associated with floodplain development and use; <u>Finding:</u> The proposed development is not within the floodplain. <u>Conclusion:</u> This requirement appears to be met.</p>
Vote: __ in favor __ against __ abstaining
<p>9. Is in conformance with the provisions of this Code; <u>Finding:</u> The proposed development appears to be in conformance with the provisions of this Code. <u>Conclusion:</u> This requirement appears to be met.</p>
Vote: __ in favor __ against __ abstaining
<p>10. Be recorded with the York County Registry of Deeds. <u>Conclusion:</u> As stated in the Notices to Applicant contained herein, Shoreland Development plans must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.</p>
Vote: __ in favor __ against __ abstaining

Based on the foregoing Findings, the Planning Boards finds the applicant has satisfied each of the review standards for approval and, therefore, the Planning Board approves the Shoreland Development Plan Application for Eric Stites and Katherine Peternell, owners and applicants, for an additional to and second story expansion of an existing, nonconforming single family dwelling located at 9 Mill Pond Road (Tax Map 23, Lot 6A) subject to any conditions or waivers, as follows:

Waivers: None

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

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

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

1. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated with site and building construction to ensure adequate erosion control and slope stabilization.
3. Prior to the commencement of grading and/or construction within a building envelope, as shown on the Plan, the owner and/or developer must stake all corners of the envelope. These markers must remain in place until the Code Enforcement Officer determines construction is completed and there is no danger of damage to areas that are, per Planning Board approval, to remain undisturbed.
4. All Notices to Applicant contained herein (Findings of Fact dated 6/11/15).

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

Vote of __ in favor __ against __ abstaining

APPROVED BY THE KITTELY PLANNING BOARD ON _____ 6/11/15 _____

Ann Grinnell, Planning Board Chair

Notices to Applicant:

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

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.



ZONING DATA: (See Note 6)
 BASE ZONE: Residential-Urban (R-U)
 REQUIREMENTS:
 MINIMUM LAND AREA: 20,000 Sq Ft*
 PER UNIT DWELLING: 100 Ft
 MINIMUM LOT SIZE: 20,000 Sq Ft*
 MINIMUM STREET FRONTAGE: 100 Ft
 MINIMUM FRONT YARD: 30 Ft
 MINIMUM REAR AND SIDE YARDS: 15 Ft*
 MAXIMUM BUILDING HEIGHT: 35 Ft*
 MINIMUM SETBACK FROM WATER BODY AND WETLAND WATER DEPENDENT USES: 0 Ft
 MINIMUM SETBACK FROM STREAMS, WATER BODIES AND WETLANDS: 100 Ft

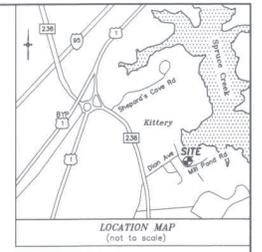
ZONING DATA CONT:
 OVERLAY ZONE: SHORELAND-WATER BODY/WETLAND PROTECTION AREA (OZ-SL-2507)
 RESOURCE PROTECTION (OZ-RP)
 REQUIREMENTS:
 MINIMUM LAND AREA: 20,000 Sq Ft
 PER UNIT DWELLING: 20,000 Sq Ft
 MINIMUM LOT SIZE: 20,000 Sq Ft
 MINIMUM STREET FRONTAGE: 50 Ft
 IMPERVIOUS SURFACE COVERAGE: 20%*
 *See Town Code Title 16, Section 16.3.2.17.d.iii
 Per Town of Kittery Town Code Title 16, Section 16.3.2.17

*See Town Code Title 16, Section 16.3.2.4
 **See Town Code Title 16, Section 16.3.2.17.d.iii
 Per Town of Kittery Town Code Title 16, Sections 16.3.2.4, 16.3.2.17 and Table 16.9

SPRUCE CREEK

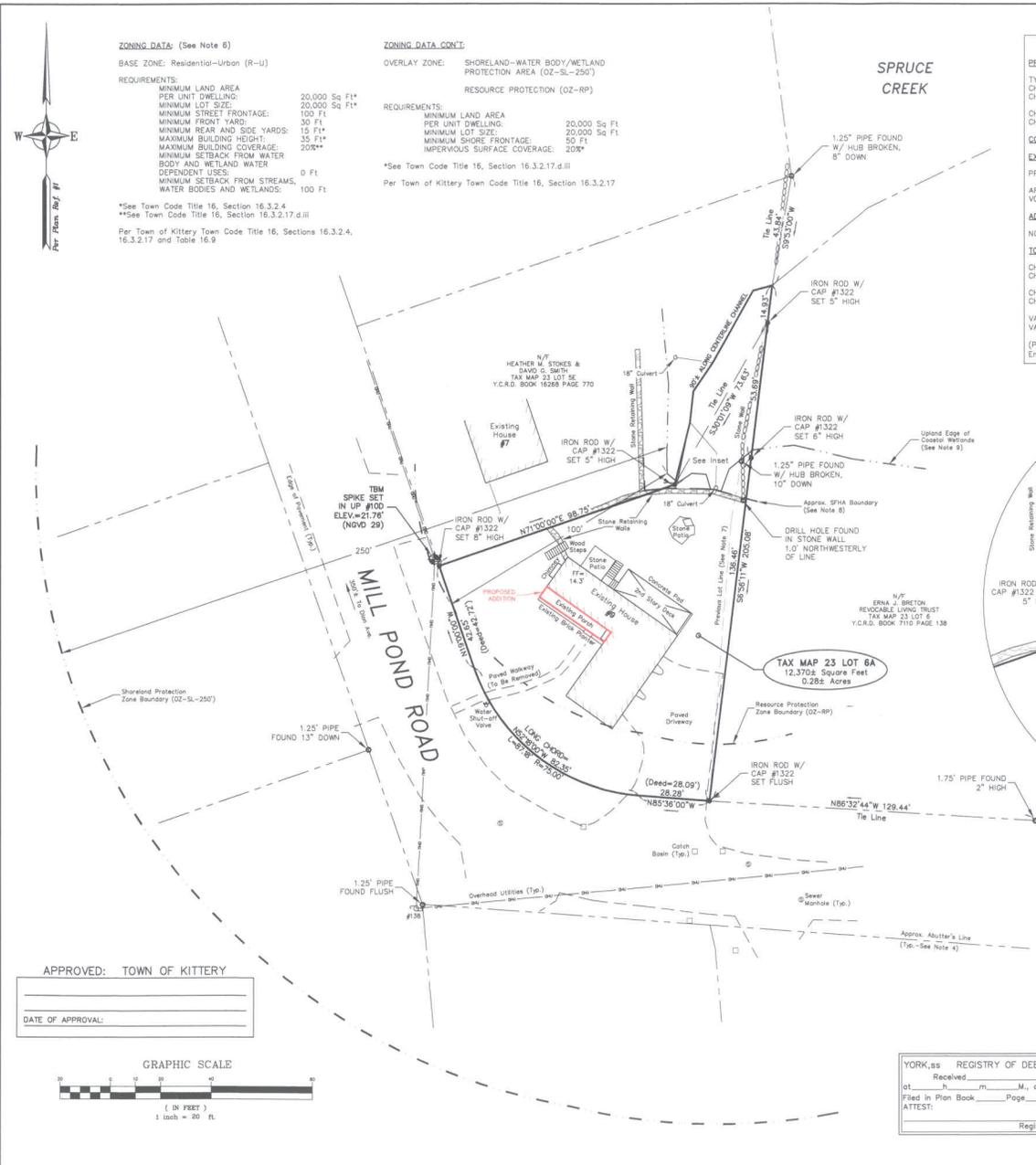
EXPANSION ANALYSIS:
PROPOSED ADDITION:
 TYPE OF CONSTRUCTION: DR
 CHANGE-TOTAL AREA: 966.75 SF
 CHANGE-PERCENT AREA: 28.47%
 CHANGE-TOTAL VOLUME: 8,340 CFT
 CHANGE-PERCENT VOLUME: 29.54%
CONSTRUCTION VALUE \$124,500
EXISTING:
 PRIOR TO SHORELAND LAW-1987
 AREA: 3,395 SF
 VOLUME: 28,230 CFT
ADDITION(S)-AFTER SHORELAND LAW ADOPTION:
 NONE
TOTAL-EXISTING PLUS PROPOSED:
 CHANGE-AMOUNT AREA: 4,362 SF
 CHANGE-PERCENT AREA: 22.2%
 CHANGE-AMOUNT VOLUME: 36,570 CFT
 CHANGE-PERCENT VOLUME: 22.8%
 VALUE OF CONSTRUCTION: \$124,500
 VALUE OF INCREASE: 30%
 (Proposed and Value Calculations performed by Tom Emmerson)

IMPERVIOUS SURFACE COVERAGE:
 EXISTING LOT AREA: 12,370 Sq Ft
 IMPERVIOUS SURFACE AREA: 4,045 Sq Ft
 IMPERVIOUS SURFACE COVERAGE: 32.7%
BUILDING COVERAGE:
 EXISTING BUILDING COVERAGE: 13.0%
FLOOR AREA:
 EXISTING FLOOR AREA: 3,395 Sq Ft
 (Includes Porch and Deck)
VOLUME:
 EXISTING BUILDING VOLUME: 28,230 CFT
 (Including Basement, Not Including Porch or Deck)

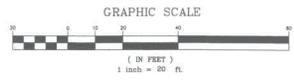


PLAN REFERENCES:
 1. "PORTION OF PROPERTY OF JOSEPH DION, KITTERY, YORK COUNTY, MAINE", PREPARED BY ALBERT MOULTON C.E. AND DATED FEB. 6, 1984 AND RECORDED AT THE Y.C.R.D. IN PLAN BOOK 41 PAGE 46.

- NOTES:**
- OWNERS OF RECORD: TAX MAP 23 LOT 6A ERIC W. STITES & KATHERINE A. PETERNELL Y.C.R.D. BOOK 15730 PAGE 365 DATED SEPTEMBER 25, 2009
 - TOTAL EXISTING PARCEL AREA: TAX MAP 23 LOT 6A 12,370± Sq Ft (0.28± Acres)
 - BASIS OF BEARING IS PER PLAN REFERENCE #1.
 - APPROXIMATE ADJUTER'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 SHOWN HEREON IS FOR REFERENCE PURPOSES ONLY TO CONFIRM CURRENT REQUIREMENTS PRIOR TO DESIGN OR CONSTRUCTION.
 - REFERENCE IS MADE TO AN INDENTURE RECORDED AT THE Y.C.R.D. IN BOOK 5174 PAGE 173 (BOUNDARY LINE AGREEMENT).
 - A PORTION OF THIS PROPERTY IS LOCATED WITHIN SPECIAL FLOOD HAZARD AREA (SFHA) ZONE A2 PER NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM) TOWN OF KITTERY, MAINE, YORK COUNTY, PANEL 5 OF 10, COMMUNITY-PANEL NUMBER 230171 0005 D, MAP REVISED: JULY 3, 1986. BASE FLOOD ELEVATION (BFE) = B.2' NAVD 88 (5' NAVD 29). ELEVATION B.2' FALLS WITHIN THE STONE RETAINING WALL.
 - WETLANDS WERE DELINEATED BY MAINE CERTIFIED SOIL SCIENTIST, JOE NOEL, APRIL 8, 2015.
 - BASE ZONE SETBACKS FALL WITHIN THE RESOURCE PROTECTION ZONE SETBACK AND THEREFORE ARE NOT SHOWN HEREON.



APPROVED: TOWN OF KITTERY
 DATE OF APPROVAL: _____



YORK,ss REGISTRY OF DEEDS
 et Received _____ m _____ M., and
 Filed in Plan Book _____ Page _____
 ATTEST:
 Register

CERTIFICATION
 This survey conforms to the standards of practice as set forth in Chapter 93 of the Rules of the Board of Licensure for Professional Land Surveyors, April 2001, except that a separate written report has not been prepared.
 Kenneth D. Markley, R.L.S. #1322 Dated _____

RECEIVED
 JUN 02 2015
 BY: _____

SHORELAND DEVELOPMENT PLAN
 FOR PROPERTY AT
 9 Mill Pond Road
 Kittery, York County, Maine
 OWNED BY
 Eric W. Stites & Katherine A. Peternell
 9 Mill Pond Road, Kittery, ME 03904

North

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

REV.	DATE	PROPOSED ADDITION, EXPANSION ANALYSIS	STATUS	BY	CHKD	APPD.
A	5/28/15	PROPOSED ADDITION, EXPANSION ANALYSIS		B.M.K.	K.D.M.	K.D.M.

SCALE:	PROJECT NO.	DATE:	SHEET:	DRAWN BY:	CHECKED BY:
1" = 20'	14650	4/22/15	1 OF 1	B.M.K.	K.D.M.

DRAWING NO: 14650 SITE
 FIELD BOOK NO: "Kittery #31"
Tax Map 23 Lot 6-A

**Town of Kittery
Planning Board Meeting
June 11, 2015**

ITEM 3 – State Road Mixed Use Development – Preliminary Site Plan Completeness Review

Action: accept or deny preliminary plan application, schedule a public hearing. Owner/applicant Aaron Henderson, HGC, LLC requests consideration of plans for a mixed use development consisting of three (3) commercial office units and five (5) single family residential units at 42 State Road, Tax Map 3, Lots 5, 6, and 7 in the Business – Local 1 (B-L1) Zone. Agent is Jeff Clifford, Altus Engineering, Inc.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Review	First Sketch Plan review: May 8, 2014 Second Sketch Plan Review: 2/12/2015	Not complete APPROVED
NO	Site Visit	Site inspection made 5/22/14; 2/4/2015	HELD
Yes	Preliminary Plan Review Completeness/Acceptance	Scheduled for 6/11/2015	PENDING
Yes	Public Hearing		
Yes	Final Plan Review		

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

Background:

Applicant is planning a mixed-use development to include five residential units above three commercial units. Division of the building into five dwelling units makes the development subject to subdivision review. The Board held a site visit in early February this year and approved the Sketch Plan at its 2/12 meeting. The applicant plans to merge three parcels, raze all existing buildings and construct a 3-story 15,600 s.f. mixed-use building with office proposed for the first floor. The access to the commercial use is planned at the existing curb cut on Route One. Entrance-only access to the residential units is planned at the existing curb cut on Love Lane.

Review to date:

The applicant has submitted a complete plan application including landscape and lighting plans that are typical of a final plan submittal. The town’s peer review engineer, CMA, plans to provide a review in advance of the public hearing. Staff will provide comments at that time as well, however, will plan to contact the Maine DOT sooner with regard to the proposed improvements in the Right-Of-Way. The zoning for the Business Local -1 anticipates promoting “...a pedestrian public space, which includes, but is not limited to, landscaping, sidewalks, and sitting areas.” The applicant has included a design that staff can share with MDOT to begin their review and approval process.

Board Action:

The application is complete. The Board should determine if a site visit is warranted and if so schedule it prior to the first meeting in July. Staff recommends the Board accept the plan and schedule a public hearing at the July 9 meeting.

move to accept the preliminary plan and schedule a public hearing for consideration of Aaron Henderson, HGC, LLC’s, proposed mixed residential/commercial development at 42 State Road, Tax Map 3, Lots 5, 6 & 7 in the Business – Local 1 (B-L1) Zone for July 9, 2015.

Subdivision Review Application

***OFFICE / RESIDENTIAL
BUILDING***

Tax Map 3, Lots 5, 6 & 7

**42 State Road
Kittery, Maine**

May 21, 2015

Prepared For:

HGC, LLC
37 Chauncey Creek Road
Kittery Point, Maine 03905
(207) 438-9258

Prepared By:

Altus Engineering, Inc.
133 Court Street
Portsmouth, NH 03801
Phone: (603) 433-2335
Fax: (603) 433-4194



**Civil
Site Planning
Environmental
Engineering**

133 Court Street
Portsmouth, NH
03801-4413

May 21, 2015

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

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

Dear Mr. Di Matteo:

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

- Application and supporting documents (15 copies)
- Site Plans – (5 full size and 10 half size sets)
- Check in the amount of \$1,080.00 for application fee
- Drainage Analysis (2 copies)

The applicant seeks to be placed on the June 12, 2015 Planning Board agenda. Please call if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink that reads "RMB FOR".

Jeffrey K. Clifford, P.E.
Vice President

RMB/jkc/4639.004.CDM.ltr.doc
Enclosures

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

OFFICE / RESIDENTIAL BUILDING

**42 State Road
Kittery, Maine**

Site Review Application

May 21, 2015

SUBMISSION DOCUMENT LIST:

- *Application for Site Plan Review*
- *ASA Worksheet*
- Development Narrative
- Driveway Entrance Permit
- Abutters List and Map
- Abutter Notification Letter
- Copy of Certified Mail Receipts
- Warranty Deed
- Traffic Generator Summary
- Location Map (USGS, 1" = 1000')
- Vicinity Plan (1"=500')
- Kittery Overlay Zones Map
- Kittery Natural Resources Map (from Town GIS)
- Kittery Wetlands Map (from Town GIS)
- Kittery Municipal Water, Storm & Sewer System Map (from Town GIS)
- Beginning with Habitat High Value Plant & Animal Habitat
- FEMA Map
- NRCS - York County Soils Map
- Kittery Water District letter
- Kittery Wastewater Treatment Department letter
- Kittery Fire Department letter
- Kittery Police Department letter
- Kittery Public Works letter
- Engineer's Opinion of Cost
- Draft Findings of Fact

SITE PLANS: Five sets (full size) & ten sets (half scale)



TOWN OF KITTERY, MAINE
TOWN PLANNING AND DEVELOPMENT DEPARTMENT

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

APPLICATION: SITE PLAN REVIEW

FEE FOR REVIEW:	<input checked="" type="checkbox"/> \$300.00 <u>PLUS THE GREATER</u> OF:	<input type="checkbox"/> \$50/USE OF UNIT; OR	<input checked="" type="checkbox"/> \$5.00/100 SQ FT OF GROSS FLOOR AREA	Fees Paid: \$ 1,080.00						
		<input type="checkbox"/> \$0.50/LINEAR FOOT OF DOCK, SLIP & FLOAT; OR	<input type="checkbox"/> \$20.00/ UNIT INTENDED TO PROVIDE OVERNIGHT SLEEPING ACCOMODATIONS	Date: _____ Escrow Fees Paid: \$ _____ Date: _____						
PROPERTY DESCRIPTION	Parcel ID	Map	3	Lot	5,6 & 7	Zone(s): Base: Overlay: MS4:	B-L1 n/a X YES ____ NO	Total Land Area	26,220 s.f. 0.60 ac.	
	Physical Address	42 State Street								
PROPERTY OWNER'S INFORMATION (print clearly)	Name	HGC, LLC				Mailing Address	37 Chauncey Road Kittery Point, Maine 03905			
	Phone	207-438-9258								
	Fax									
	Email	ahgc@comcast.net								
APPLICANT'S AGENT INFORMATION (print clearly)	Name	Jeffrey K. Clifford, P.E.				Name of Business	Altus Engineering, Inc.			
	Phone	603-433-2335								
	Fax	603-433-4194				Mailing Address	133 Court Street Portsmouth, NH 03801			
	Email	jclifford@altus-eng.com								
PROJECT DESCRIPTION	Existing Use: Three (3) residential homes; two (2) with driveway off Love Lane and one (1) off State Road									
	Project Name:	Office / Residential Building								
	Proposed Use:	Proposing three (3) commercial office units in the lower level with five (5) residential units in the upper level.								

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.

ABUTTER NOTIFICATION

16.10.5.1.1. Preliminary Plan Application Filing and Completeness Review. The application must be accompanied by a Plan and the required fee together with a certification the applicant has notified abutters by mail of the filing of the Plan application for approval.

Submitted Applications must include a list of the names and addresses of the abutters and date notification mailed.
The abutter Notice of Filing must include the owner/applicant name, address and description of the proposed project.

Applications will not be accepted without submittal of all plan requirements as specified herein, and without a complete, signed application page (page 5).

Prior to the issuance of building permits, Applicants shall secure performance assurances and escrow agreements. Forms for Cost Estimates (escrow) are available on line (Excel format) or at the Kittery Planning office.

Minimum Plan Submission Requirements (Title 16.10.5.2)

- 15 COPIES OF THIS APPLICATION 15 COPIES OF THE PLAN – 5 OF WHICH MUST BE 24" X 36"
 1 PDF OF THE SITE PLAN SHOWING GPS COORDINATES

Prior to starting the review process, the Planning Board will decide whether sufficient information has been provided and will vote to **DETERMINE COMPLETENESS/ACCEPTANCE**. The applicant is responsible to clearly describe the project. The following requirements must be addressed, and noted if not applicable.

Paper size:

- No less than 11" X 17" (reduced) or greater than 24" X 36" (full)

Scale size:

- Under 10 acres: no greater than 1" = 30'
 10 + acres: 1" = 50'

Title block:

- Applicant's name and address
 Name of preparer of plans with professional information and professional seal
 Parcel's tax map identification (map – lot)
 Date of plan preparation

Boundary survey performed and sealed by licensed surveyor:

- Identify all existing boundary markers
 Show all proposed boundary monuments (per ordinance)

Provide orientation:

- Arrow showing true north and magnetic declination
 Graphic scale Parcel Owners and map and lot
 Deed docket and page numbers Signature blocks

Show location and description of:

- All structures Floor plans
 Elevations of principle structures
 All structures and accesses within 100 feet

Show parcel data:

- Total parcel area Rights-of-way area Wetlands area
 Area to be disturbed Length of street frontage
 Building setback lines Wetland setbacks
 All parcels of land proposed to be dedicated to public use and the conditions of such dedication

Indicate how the existing ground will change by showing:

- Existing contours Proposed contours % grade
 Finished grades Proposed slopes Finished floor elevations

- Show names and addresses of all owners of record on abutting parcels and the assessor's map and lot numbers.

- Label all zoning districts abutting the property boundaries.

- Show locations of natural physical features such as water bodies, watercourses, forest cover, and ledge outcroppings.

Show the locations of existing and proposed utilities and identify which utilities are to be privately owned/ municipally owned:

- Overhead Electric underground electric Water mains Wells
 Gas mains Cable TV Sewer mains Test pits Septic tanks
 Leach fields Storm drain lines Catch basins Culverts
 Gutters Stormwater storage basins Rain gardens
 Nearest fire hydrant

Indicate required landscaping including:

- Type of plant material Plant/Tree sizes
 Placement Irrigation systems

Show natural and historical topography:

- Rock walls Railroad beds
 The location of all natural features or site elements to be preserved.

Provide a **locus map** showing the property in relation to surrounding roads, within 2,000 feet of any property line of the development.

Provide a **vicinity map and aerial photograph** at a scale not more than **400 feet to the inch** showing the relation to other properties and geographic features and show:

- All the area within five hundred (500) feet of the boundary line of the proposed development including roads, geographic features, natural resources (wetlands, etc.), historic sites, applicable comprehensive plan features such as proposed park locations, land uses, Zones and other features;
 Any smaller area between the tract and all existing streets, provided any part of such a street used as part of the perimeter for the vicinity map is at least five hundred (500) feet from any boundary of the proposed development.

Show the locations of any:

- Parks Open space Conservation easement

Identify and locate each:

- Easements Rights-of-way Street alignments
 All intersecting property lines within 50 feet of the parcel.

Include plans, profiles and typical sections of all **roads and other paved ways**, including all relevant street data.

- Intersections or Distance to nearest intersection
 Driveways onsite Distance to nearest driveway
 Sight visibility lines

Show all existing and proposed lighting

- Map of all street lighting, attached lighting, and area lighting
 Location of lighted signs Photo-metrics map

- Indicate the location of any permanently installed machinery likely to cause appreciable noise at the lot lines.

Provide description of these materials stored on the property:

- Hazardous Toxic Raw Waste

Indicate the location and dimensions of (existing and proposed):

- Sidewalks Curbs Driveways
 Fences Retaining walls Other artificial features

Show parking calculations and parking spaces on the site plan and:

- Existing parking, if applicable proposed parking spaces
 Handicapped spaces

Copies of State and Local permit applications:

- Notice of Intent NRPA Permit by Rule
 all other applicable permits

- Copy of **FIRM Map** showing proposed parcel boundary.

PRIOR TO A SITE WALK, TEMPORARY MARKERS MUST BE ADEQUATELY PLACED THAT ENABLE THE PLANNING BOARD TO READILY LOCATE AND APPRAISE THE LAYOUT OF THE DEVELOPMENT.

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

Plan Findings of Fact

The following Findings (Title 16.10.8.3.4) must be sufficiently addressed in writing by the applicant/agent and submitted to the Planning Department with the Preliminary Plan application. These Findings must be updated as necessary during the review process, and the Plan must be in compliance with these Findings prior to Final Plan approval by the Planning Board.

- 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.
- 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.
- 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.
- D. **Water Supply Sufficient** The proposed development has sufficient water available for the reasonably foreseeable needs of the development.
- 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.
- F. **Sewage Disposal Adequate** The proposed development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.
- G. **Municipal Solid Waste Disposal Available** The proposed development will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be used.
- H. **Water Body Quality and Shoreline Protected** Whenever situated entirely or partially within two hundred fifty (250) feet of any wetland, the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
- I. **Groundwater Protected** The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
- J. **Flood Areas Identified and Development Conditioned** All flood-prone areas within the project area have been identified on maps submitted as part of the application based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the proposed development, or any part of it, is in such an area, the applicant must determine the one hundred (100) year flood elevation and flood hazard boundaries within the project area. The proposed plan must include a condition of plan approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least one foot above the one hundred (100) year flood elevation.
- K. **Stormwater Managed** The proposed development will provide for adequate stormwater management.
- L. **Erosion Controlled** The proposed development will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
- M. **Traffic Managed** The proposed development will:
1. Not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed; and
 2. Provide adequate traffic circulation, both on-site and off-site.
- N. **Water and Air Pollution Minimized** The proposed development will not result in undue water or air pollution. In making this determination, the following must be considered:
1. Elevation of the land above sea level and its relation to the floodplains;
 2. Nature of soils and sub-soils and their ability to adequately support waste disposal;
 3. Slope of the land and its effect on effluents;
 4. Availability of streams for disposal of effluents;
 5. Applicable state and local health and water resource rules and regulations; and
 6. Safe transportation, disposal and storage of hazardous materials.

O. <i>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.
P. <i>Developer is Financially and Technically Capable</i> Developer is financially and technically capable to meet the standards of this section.
Q. <i>Wireless Communication Facility Development (requirements as specified)</i>
R. <i>Shoreland, Resource Protection or Commercial Fisheries/Maritime Use Overlay Zone Development (requirements as specified)</i>
S. <i>Right-of-Way Plan (requirements as specified)</i>
T. <i>Special Exception Use (requirements as specified)</i>

16.10.8.2.5 - Conditions or Waivers.

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

Title 16.10.8.2.6 - Conditions on Plan

The decision of the Planning Board, plus any conditions, must be noted on three copies of the final plan to be recorded at the York County Registry of Deeds, when required. One copy must be returned to the applicant, one retained by the Town Planner and one forwarded to the Code Enforcement Officer.

Minimum conditions include:

1. Prior to the issuance of a Building Permit by the Town’s Code Enforcement Officer, the Developer must submit:
 - A. A recorded copy of the Plan and all related legal documents that may be required.
 - B. Payment of all outstanding fees associated with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
 - C. A Performance Guarantee and/or an escrow account to pay for any required field inspections (see attached ‘Cost Estimates’).

2. Before construction or soil disturbance:
 - A. The owner and/or developer must stake all corners of the building envelope, as shown on the plan. 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.
 - B. 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 (see attached ‘Cost Estimates’).

16.10.9.1.2 - Plan Revisions After Approval

No Changes, erasures, modifications or revisions may be made to any Planning Board approved final plan, unless in accordance with the Planner’s and CEO’s powers and duties as found in Chapter 16.4, or unless the plan has been resubmitted and the Planning Board specifically approves such modifications.

I certify, to the best of my knowledge, the information provided in this Application is true and correct, abutters to the project have been notified, and I will not deviate from the approved plan without following code requirements. Permission is granted to Town Staff and representatives to access the property that is associated with this Application to aid in the regulatory review.			
Applicant’s Signature:	<hr/>	Owner’s Signature:	<hr/>
Date:	<hr/>	Date:	<hr/>



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
 Telephone: (207) 439-0452 Fax: (207) 439-6806

ESTIMATED COST WORKSHEET APPLICANT SERVICE ACCOUNTS (ASA)

APPLICANT NAME:	HGC, LLC
PROPERTY LOCATION:	42 STATE ROAD
MAP LOT:	MAP 3 LOTS 5, 6 & 7
PROJECT:	OFFICE/ RESIDENTIAL BUILDING
ORG CODE ASSIGNED:	
DATE:	APRIL 23, 2015

APPLICATION FEES

	AMOUNT
PLANNING BOARD	
SITE PLAN	\$1,080.00
SUBDIVISION	
RIGHT OF WAY	
WETLAND ALTERATION	
OTHER (ROAD NAME APP)	
BOARD OF APPEALS	
ADMINISTRATIVE	
MISCELLANEOUS	
VARIANCE	
SPECIAL EXCEPTION	
TOWN CLERK	
VICTUALER	
SPECIAL ACTIVITY AMUSEMENT	
AMUSEMENT DEVICES	
JUNKYARD	
TAXI CAB	
MOBILE UNIT LUNCH WAGON	
PUBLIC WORKS	
STREET ENTRANCE PERMIT	
TOTAL APPLICATION FEES	\$1,080.00

ASA REVIEW FEES

	AMOUNT
REVIEW	
LEGAL FEES	
ABUTTER NOTICES	
POSTAGE	\$20
LEGAL NOTICES	
ADVERTISING-PLANNING	\$300
SERVICES	
RECORDER	\$35
FACT FINDING	
3 RD PARTY PLAN REVIEW	TBD
3 RD PARTY INSPECTIONS	TBD
OTHER PROFESSIONAL SERVICES	
SUPPLIES	
OFFICE	\$5
PERSONNEL	
SALARY CHARGES IN EXCESS OF 20 HOURS	
TOTAL ASA REVIEW FEES (RECEIPT CODE #750-43600)	TBD

Office Use: Check Number: _____ Check Amount: _____

These are estimated costs only. If additional costs are incurred they must be paid by the applicant prior to completion of the project. Excess funds will be returned to the applicant. Reference Town Ordinance Chapter 3.3

OFFICE / RESIDENTIAL BUILDING

**42 State Road
Kittery, Maine**

Application Fees

Base Review Fee \$ 300.00

Lower Level: 40'x120' = 4,800 s.f.

Upper Levels: 45'x120'x 2 floors = 10,800 s.f.

15,600 s.f. Gross floor area

\$5/ 100 s.f. gross floor area

\$5/100s.f. x 115,600 s.f. = \$ 780.00

Site Review Fee \$1080.00

Project Narrative

Office/Residential Building

Map 3, Lots 5, 6, & 7

State Road and Love Lane Kittery, Maine

Introduction

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

The applicant proposes to merge the three lots into a single lot, raze the three (3) buildings that are in disrepair and construct a three story building. The proposed structure will have three (3) commercial units on the lower level and five (5) single-family units in the upper level. Vehicular access is provided off State Road and Love Lane at existing curb cuts. The driveway off Love Lane will be restricted to entrance only to address the limited sight distance to the south. A total of thirty-four (34) parking spaces are provided.

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

Stormwater from the site drains towards State Road into an existing closed drainage system that daylight into a large wetland on the west side of State Road. The proposed stormwater management system includes pervious pavers, landscaped islands within the front yard and a stormwater gallery to treat and attenuate the runoff from the development. No wetlands will be impacted.



KITTERY PUBLIC WORKS DEPARTMENT

200 Rogers Road
Kittery, Maine 03904
(207) 439-0333
Fax (207) 439-6118

Solid Waste 439-1477
Shop 439-9037

Driveway Entrance Permit

Date May 21, 2015

Property Owners Name HGC, LLC Phone 207-438-9258
 Owners Address 37 Chauncey Creek Road, Kittery Point, ME 03905
 Property Location 42 State Road Map 3 Lot 5, 6 & 7
 Applicant Name same Phone _____
 Applicant Address _____
 Contractor Company Name T.B.D. Phone _____
 Contractor Contact Person T.D.B. Phone _____
 Address T.B.D.

Sketch or plan attached showing driveway entrance location in relation to the front property line.

Yes No Can a vehicle exit the property driving in a forward movement?

Yes No Is a turnaround provided?

Yes No Will the driveway entrance be a paved surface?

Yes No Does the driveway entrance/curb cut meet the following visibility standards?

Posted Speed	25	30	35	40	45
Sight distances	250	300	350	400	450
Distances for lines of sight	N.(E) <u>550'</u>		S.(W) <u>395'</u>		

Note: Sight distance is the length of roadway visible to a driver exiting a curb cut measured from the centerline of the proposed entrance 15 feet back from the edge of the existing travel way to the centerline of the oncoming lane(s) with an eye height of 3.5 feet and the height of an object 4.25 feet above the pavement.

Reviewer Comments: _____

Surface Water Drainage:

Yes No Will the surface water from the proposed entrance drain away from the the travel surface of the public way?

Yes No Is a culvert (minimum 12" diameter) required?

Reviewer Comments: _____

The undersigned applicant agrees to hold harmless and indemnify the Town of Kittery and the town official below named from any and all claims arising out of the issuance of the within "Driveway Entrance Permit".

Applicant/Owner Signature:

X _____

Date _____

Town Official Signature:

X _____

Date _____

**Office / Residential Building
Tax Map 3 Lots 5, 6 & 7
42 State Road
Kittery, Maine**

Abutters List (parcel within 150 feet)

Prepared on May18, 2015

Map3, Lot 02
Granite State Pioneer Group, LLC
P.O. Box 4201
Portsmouth, NH 03802

Map 3, Lot 147B
25 State, LLC
32 Grover Avenue
Eliot, ME 03903

Map 3, Lot 04
Jennifer Morris
44 State Road
Kittery, ME 03904

Map 3, Lot 145
Kittery Water District
17 State Road
Kittery, ME 03904

Map 4, Lot 189
Church of Christ
48 Love Lane
Kittery, ME 03904

Map 4, Lot 199
Andrew & Cathryn English
55 Love Lane
Kittery, ME 03904

Map 4 Lot 200
People Heritage Savings Bank
380 Wellington Street, 12th Floor
London, Ontario, ON N6A 5B5, Canada

Owners/Applicant:

Tax Map 3 Lot 5, 6 & &
HGL,LLC
37 Chauncey Road
Kittery Point, ME 03905

Engineer:

Jeffrey K. Clifford, P.E.
Altus Engineering, Inc.
133 Court Street
Portsmouth, NH 03801

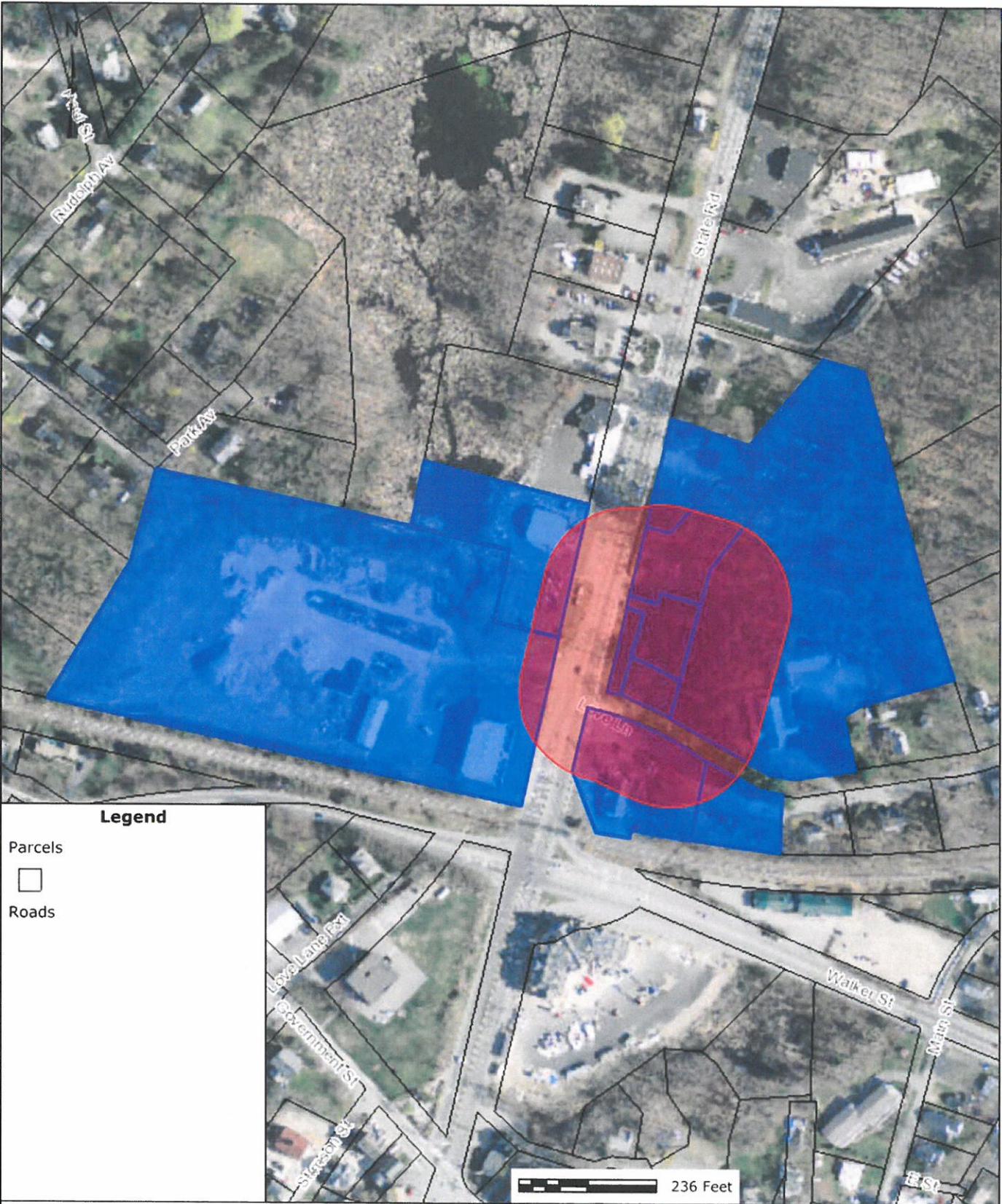
Landscape Architect:

Robbi Woodburn
Woodburn & Company
103 Kent Place
Newmarket, NH 03857

Surveyor:

North Easterly Survey, Inc.
191 State Road
Kittery, ME 03904


Prepared By: _____



Legend

Parcels



Roads

42 State Road

**Town of Kittery,
Maine**

This information has been compiled from various public and private sources. While every attempt has been made to provide accurate information, neither the municipality nor the service host guarantee the accuracy of information provided herein.



**Civil
Site Planning
Environmental
Engineering**

133 Court Street
Portsmouth, NH
03801-4413

May 21, 2015

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

Dear Abutter:

This letter is to notify you that HGC, LLC, c/o Aaron Henderson is submitting an application to the Town of Kittery Planning Board for an office / residential building at 42 State Road on a 26,220 square feet property identified as Tax Map 3, Lots 5, 6 & 7. Your parcel directly abuts, or is within 150 feet, of this property.

Plans are available for public review at the Planning Department in the Kittery Town Hall at 200 Rogers Road. Also, you may track the application's progress by reviewing Planning Board meeting dates, agendas and minutes on the internet. Please go to internet address www.kitteryme.org and on the left hand side of the web page, click on "Agendas and Meetings" and then on the appropriate date.

Otherwise you may contact the Town Planning Department at 207-475-1323.

Sincerely,

A handwritten signature in black ink that reads "Ronald M. Beal".

Ronald M. Beal, P.E.
Project Engineer

RMB\jkc\4639-07.Abut.notice.ltr.doc

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PORTSMOUTH NH 03802

Postage	\$ 0.49
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 3.79



Sent To: Granite State Pioneer Group, LLC
 Street or P.O. Box: P.O. Box 4201
 City: Portsmouth, NH 03802

PS Form 3800 Instructions

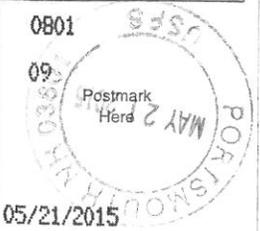
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KITTERY ME 03904

Postage	\$ 0.49
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 3.79



Sent To: Andrew & Cathryn English
 Street or P.O. Box: 55 Love Lane
 City, State: Kittery, ME 03904

PS Form 3800 Instructions

7013 1090 0001 9901 8025

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OFFICIAL USE

Postage	\$ OUT OF COUNTRY
Certified Fee	- CERTIFIED NOT ALLOWED, MAILED
Return Receipt Fee (Endorsement Required)	Postmark Here
Restricted Delivery Fee (Endorsement Required)	FIRST CLASS MAIL INT'L
Total Postage & Fees	\$

Sent To: People Heritage Savings Bank
 Street or P.O. Box: 380 Wellington Street, 12th Floor
 City: London, Ontario, ON N6A 5B5
 Country: Canada

PS Form 3800 Instructions

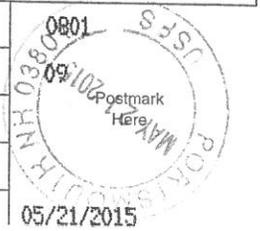
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KITTERY ME 03904

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Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 3.79



Sent To: Jennifer Morris
 Street or P.O. Box: 44 State Road
 City, State: Kittery, ME 03904

PS Form 3800 Instructions

7013 1090 0001 9901 8063

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ELIOT ME 03903

Postage	\$ 0.49
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 3.79



Sent to
25 State, LLC
32 Grover Avenue
Eliot, ME 03903

PS Form

Instructions

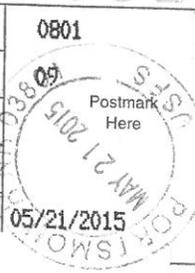
7013 1090 0001 9901 8049

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KITTERY ME 03904

Postage	\$ 0.49
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 3.79



Sent to
Kittery Water District
17 State Road
Kittery, ME 03904

PS Form

Instructions

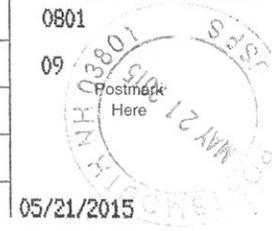
7013 1090 0001 9901 8032

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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For delivery information visit our website at www.usps.com

KITTERY ME 03904

Postage	\$ 0.49
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 3.79



Sent to
Church of Christ
48 Love Lane
Kittery, ME 03904

PS Form

Instructions

3-5
3-6



BK 16846 PGS 783 - 784
INSTR # 2014023904
RECEIVED YORK SS

07/02/2014 03:14:29 PM
DEBRA ANDERSON
REGISTER OF DEEDS

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that I, GARY H. REINER, of 8 Frost Hill Circle, Eliot, County of York and State of Maine, for consideration paid, grant to HGC LLC a Maine Limited Liability Company, of 37 Chauncey Creek Road, Kittery Point, County of York and State of Maine with WARRANTY COVENANTS, the following parcels of land together with the buildings thereon situated in said Kittery:



Subject

3-5

→ Parcel 1:

Beginning on U.S. Highway No. 1 at a hub; thence running southeasterly forty-three (43) feet to the line of a proposed right of way; thence southwesterly to a point one hundred four and one-half (104.50) feet from Love Lane; thence southeasterly parallel with and 104.50 feet distant from said Love Lane, ninety-five (95) feet to a hub; thence North 30 degrees East one hundred thirty-five (135) feet to a hub; thence northwesterly to the easterly line of the proposed right of way; thence southwesterly twenty (20) feet; thence northwesterly to the line of said U.S. Highway No. 1; thence southwesterly by said Highway to the place of beginning.

Being the same premises conveyed to Gary H. Reiner by Warranty deed from Rita M. Bourgeois dated October 30, 2002 and recorded in the York County Registry of Deeds at Book 12855 Page 131.

3-6

→ Parcel 2:

Beginning at the intersection of the Northerly sideline of Love Lane and the Easterly sideline of Route 1; thence running Northeasterly by the sideline of Route 1; thence running Northeasterly by the sideline of Route 1 One Hundred Fifty (150.00) feet to a point at the Land of Joyal; thence turning and running Southeasterly by the land of Joyal Forty-eight (48.00) feet to a point; thence turning and running Southwesterly by land of Joyal Sixty-four (64.00) feet, more or less, to a pipe; thence on same course by land of Hodsdon One Hundred Four and Five Tenths (104.5) feet to a point on the Northerly side of Love Lane; thence turning and running Northwesterly by the Northerly sideline of Love Lane Sixty (60.00) feet to the point of beginning.

Reference may be had to the deed of Santucci Sales Company to Atlantic Properties, Inc. dated November 14, 1979 and recorded in the York County Registry of Deeds in Book 2593 Page 168. Reference may also be had to deed of Lou Higgins to Santucci Sales Company dated November 14, 1979 and recorded in the York County Registry of Deeds in Book 2593 Page 171. Being one of four parcels of property conveyed to J.C. Enterprises by deed of Atlantic Properties, Inc. dated June 26, 1984 and recorded in the York County Registry of Deeds at Book 3321, page 256. Being the same the same premises conveyed to Gary H. Reiner by Warranty Deed from J.C. ENTERPRISES dated June 13, 1986 and recorded in the York County Registry of Deeds at Book 3887, page 296.

Maine R.E. Transfer Tax Paid

Witness my hand and seal this 1ST day of May, 2014

Witness

Gary H. Reiner

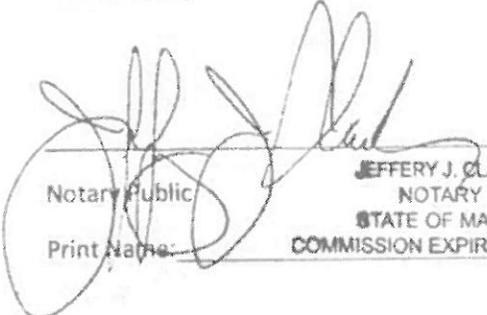
State of Maine

York, ss

May 1ST 2014

Personally appeared before me as the above-named Gary H. Reiner
And acknowledged the foregoing instrument to be his free act and deed.

Before me,


 Notary Public
 Print Name: _____
 JEFFERY J. CLARK
 NOTARY
 STATE OF MAINE
 COMMISSION EXPIRES 5-02-18

SEAL

Return to: HGC, LLC
8 Newmarket Street
Kittery, ME 03904

2
E

3-7



BK 16814 PGS 416 - 416 05/06/2014 10:42:45 AM
INSTR # 2014015796 DEBRA ANDERSON
RECEIVED YORK SS REGISTER OF DEEDS



WARRANTY DEED

Subject

KNOW ALL MEN BY THESE PRESENTS, that I BONNIE L. REINER, of 8 Frost Hill Circle, Eliot, County of York and State of Maine, for consideration paid, grant to HGC, LLC, a Maine limited liability company with a place of business at 37 Chauncey Creek Road, Kittery Point, County of York and State of Maine with WARRANTY COVENANTS, the following parcel of land together with the buildings thereon situated in said Kittery:

Lying on the northeasterly sideline of Love Lane, so called, bounded and described as follows:

Beginning at a mark on a boulder at the intersection of the lot described herein with the land now or formerly of Arthur F. Cook at Love Lane; thence North thirty-two (32) degrees and two (2") minutes East by land of said Cook, a distance of one hundred four and fifty hundredths (104.50) feet, to an iron pipe in the ground at land formerly of William Dixon; thence turning and running South forty degrees and fifty-eight minutes East, a distance of ninety-five (95) feet to an iron pipe in the ground; thence turning and running South thirty-two degrees and two minutes West by land formerly of William Lutts, a distance of one hundred four and fifty hundredths (104.50) feet, to an iron pipe in the ground at the sideline of Love Lane, aforesaid; thence turning and running North forty degrees and fifty-eight minutes West by said Love Lane, a distance of ninety-five (95) feet to the point of beginning.

Being the same premises conveyed to Gary H. Reiner by Warranty deed of Ruby L. Hodsdon dated July 5, 1979 and recorded in the York County Registry of Deeds at Book 2534, Page 279, and Being the same premises conveyed to Bonnie L. Reiner by Warranty deed of Gary H, Reiner dated June 18, 1993 and recorded in the York County Registry of Deeds at Book 6592 Page 164.

Witness my hand and seal this 1st day of May, 2014

Witness

State of Maine

Bonnie L. Reiner

York, ss

May 1, 2014

SEAL

Personally appeared before me as the above named Bonnie L. Reiner And acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public JEFFERY J. CLARK
NOTARY
STATE OF MAINE
Print Name: COMMISSION EXPIRES 5-02-19

IPUE
Return to Aaron Henderson HGC, LLC 37 Chauncey Creek Rd.
Kittery, ME 03905

Traffic Generation Analysis

Office / Residential Building

The project involves construction of a new three-story building with 4,800 sf of office use on the first floor and 5 residential units on the upper level. The existing buildings at the site are 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.

Trip Rates*:	Units	TRIP ENDS	
		Peak Hour	Avg. Daily Trips
Proposed Building:			
Office (ITE 710)	trip/1,000 sf	1.55	11.01
Residential Condominium (ITE 230)	trip/units	0.52	5.81

Traffic Generation:

Proposed Building:			
Office	4,800 sf	8	50
Residential	5 units	3	29
Total		----- 11 tph	----- 79 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 State Road 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)

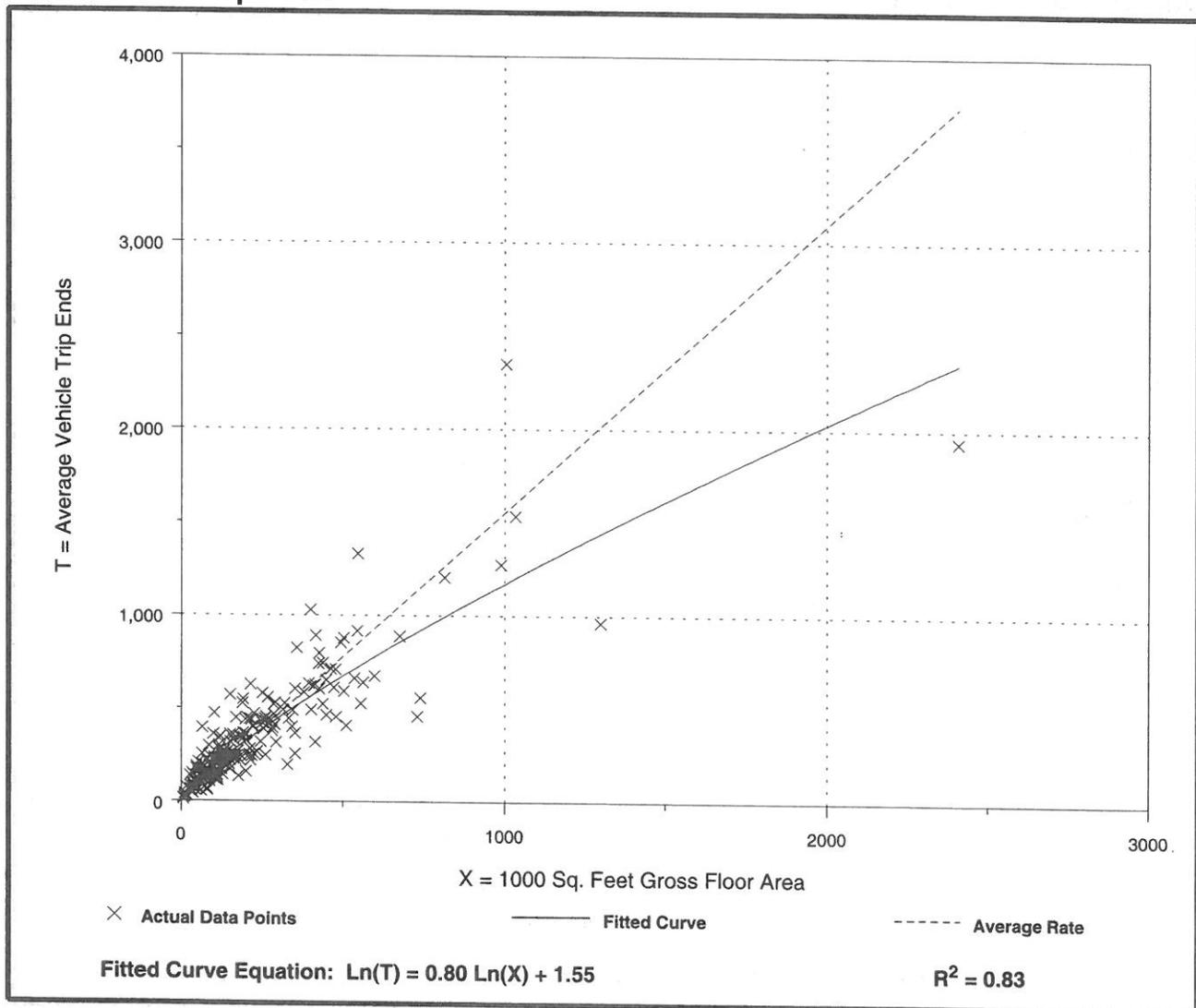
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
A.M. Peak Hour

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)

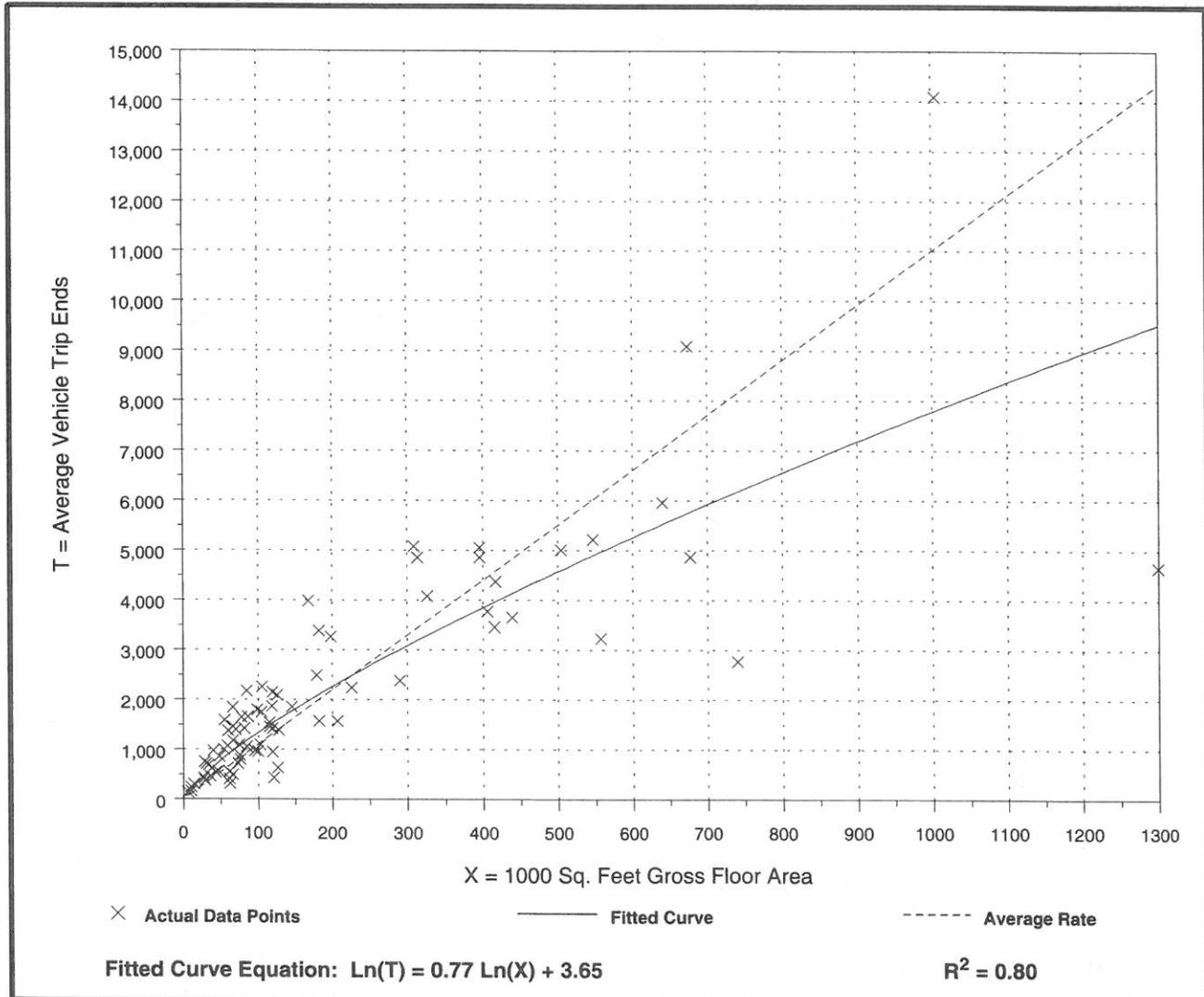
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: **Weekday**

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



Residential Condominium/Townhouse (230)

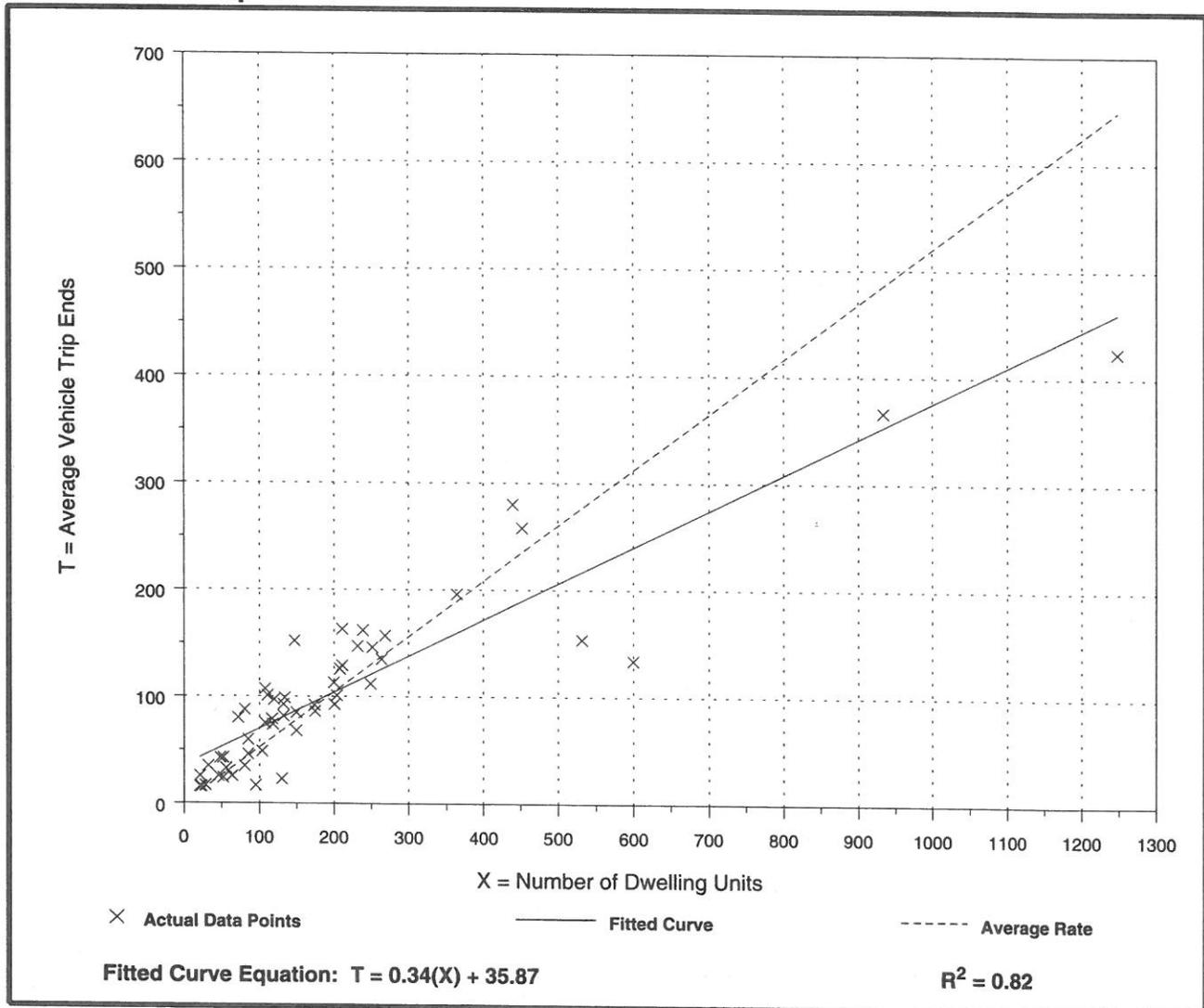
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
P.M. Peak Hour of Generator

Number of Studies: 52
 Avg. Number of Dwelling Units: 199
 Directional Distribution: 64% entering, 36% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.52	0.18 - 1.24	0.75

Data Plot and Equation



Residential Condominium/Townhouse (230)

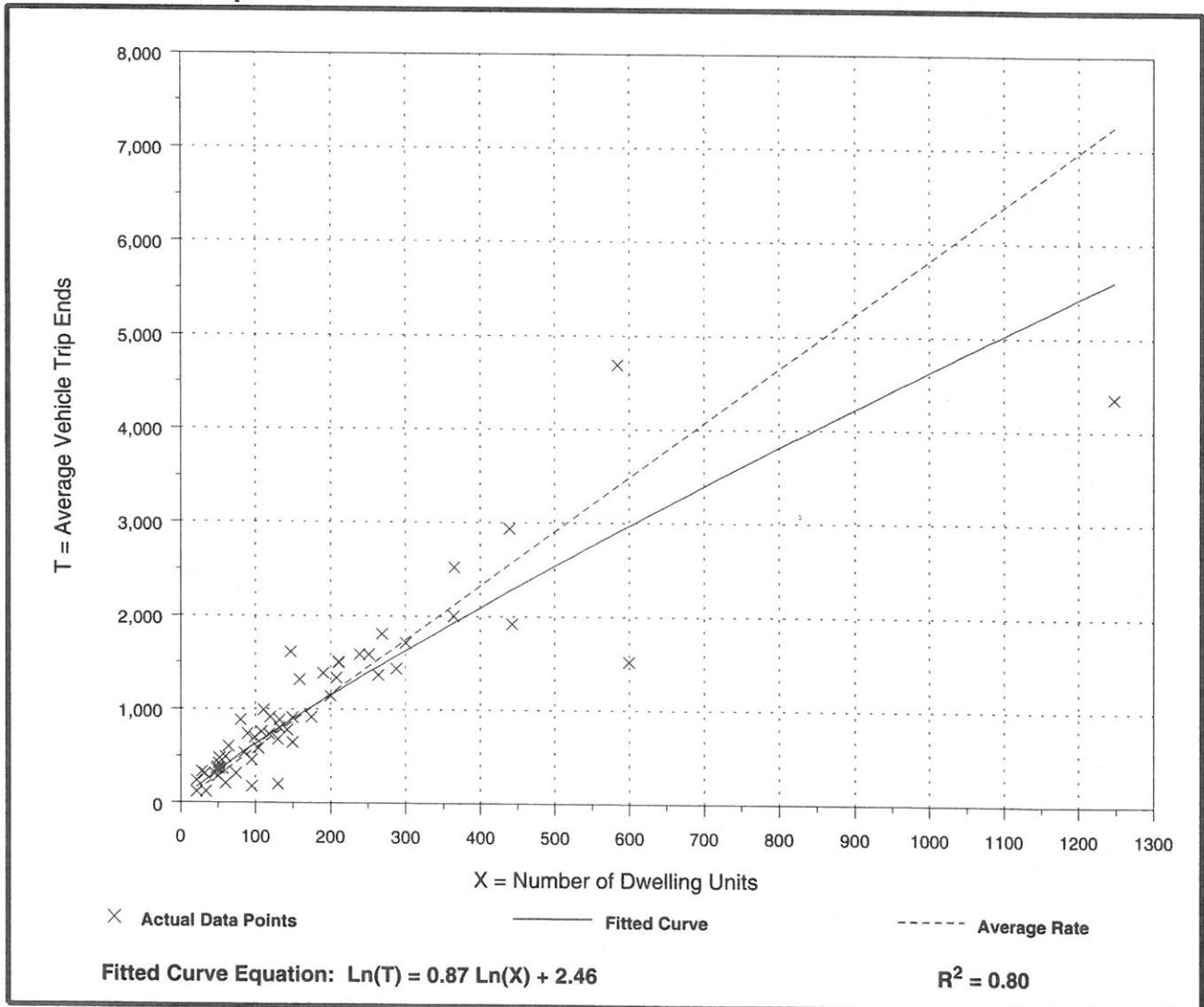
Average Vehicle Trip Ends vs: Dwelling Units
On a: **Weekday**

Number of Studies: 56
Avg. Number of Dwelling Units: 179
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Dwelling Unit

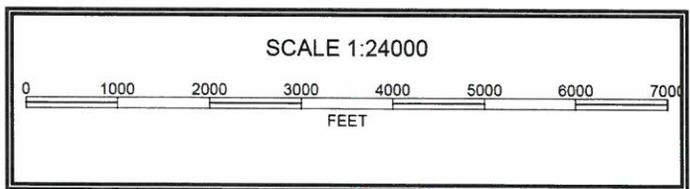
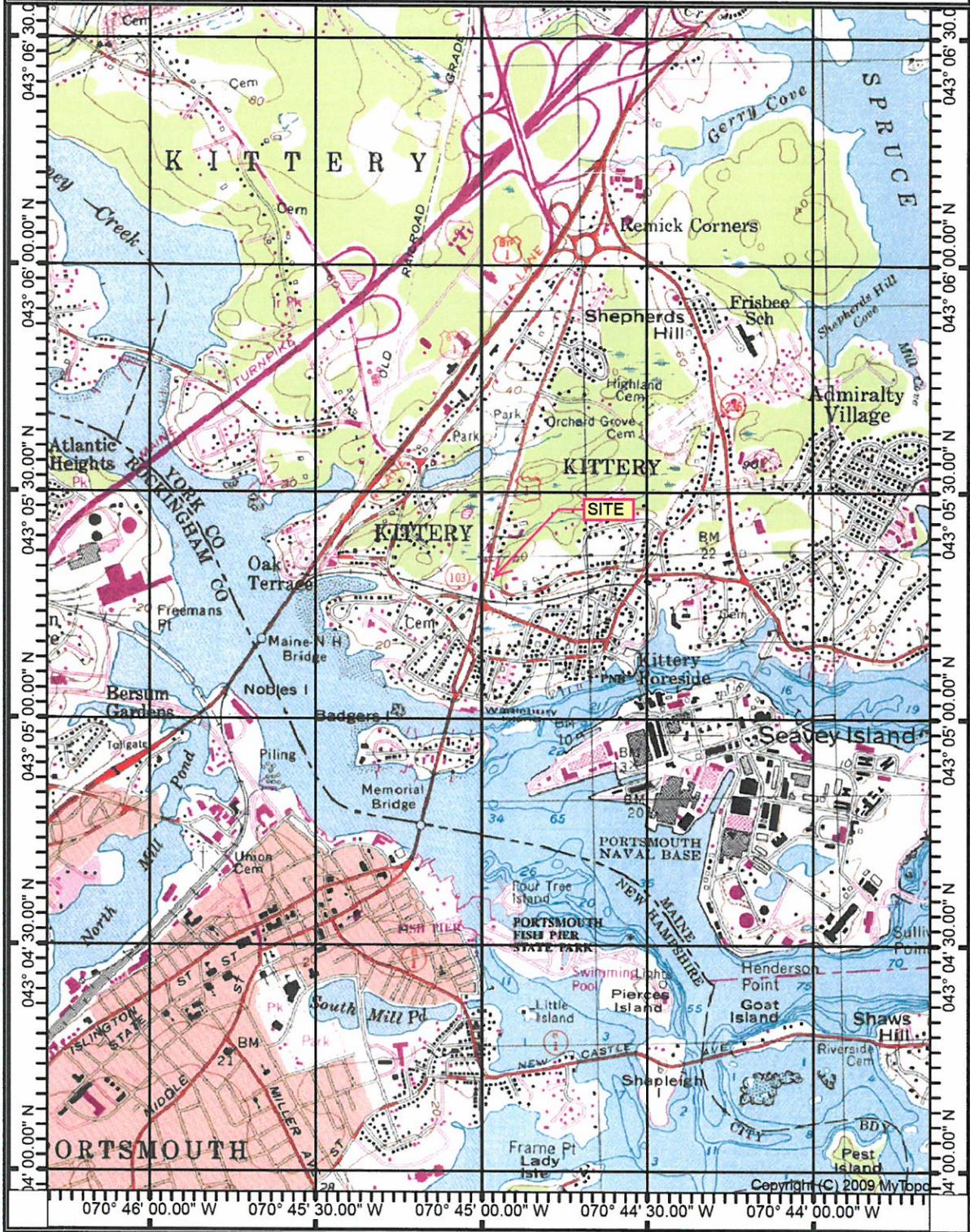
Average Rate	Range of Rates	Standard Deviation
5.81	1.53 - 11.79	3.11

Data Plot and Equation



Map Name: KITTERY (NH)
Scale: 1 inch = 2,000 ft.

Map Center: 043° 05' 17.78" N 070° 44' 58.64" W
Horizontal Datum: NAD27



Vicinity Plan

42 State Rd



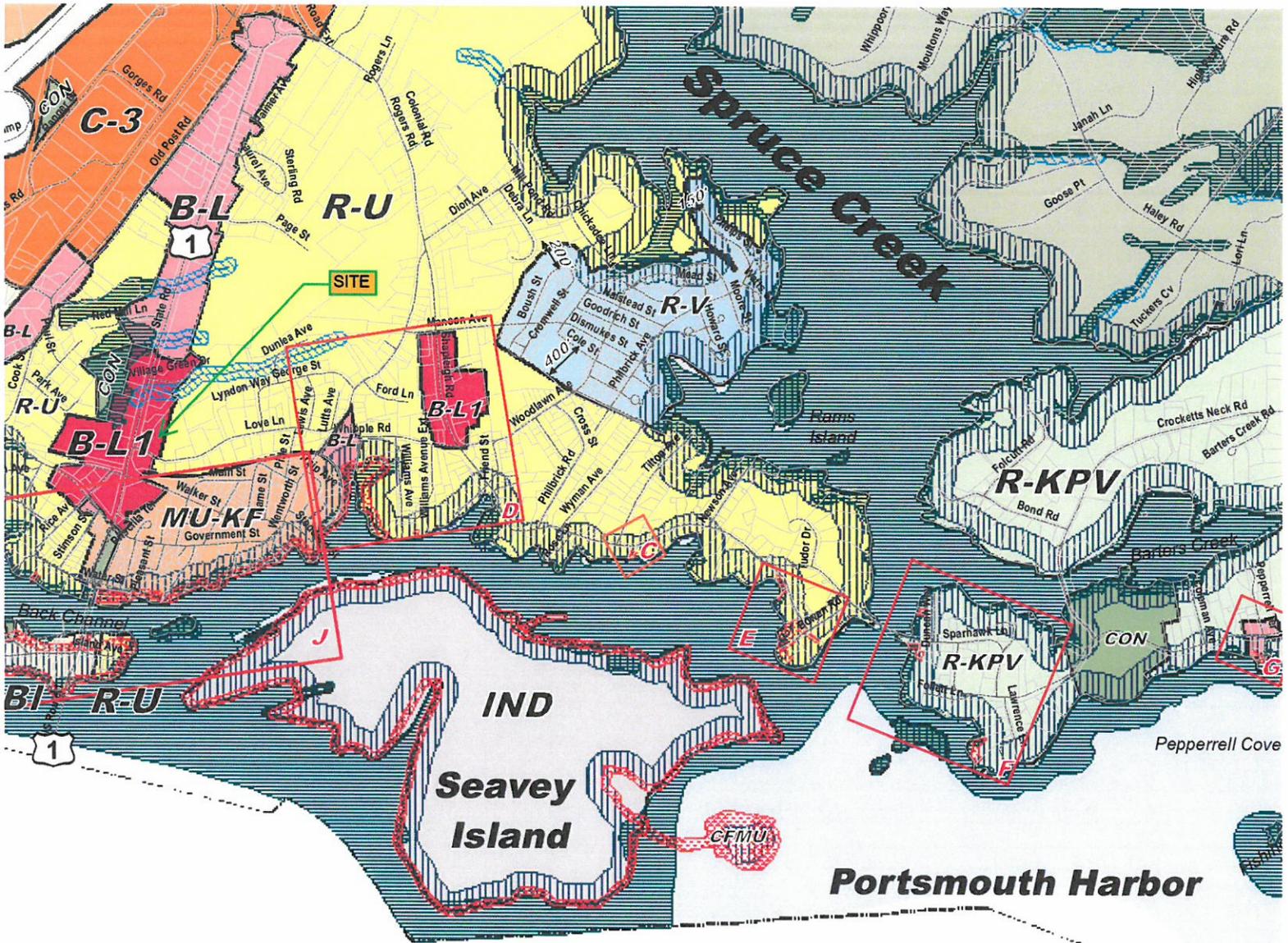
Google earth

feet
meters

2000
700



Portion of Kittery Land Use Zoning Map



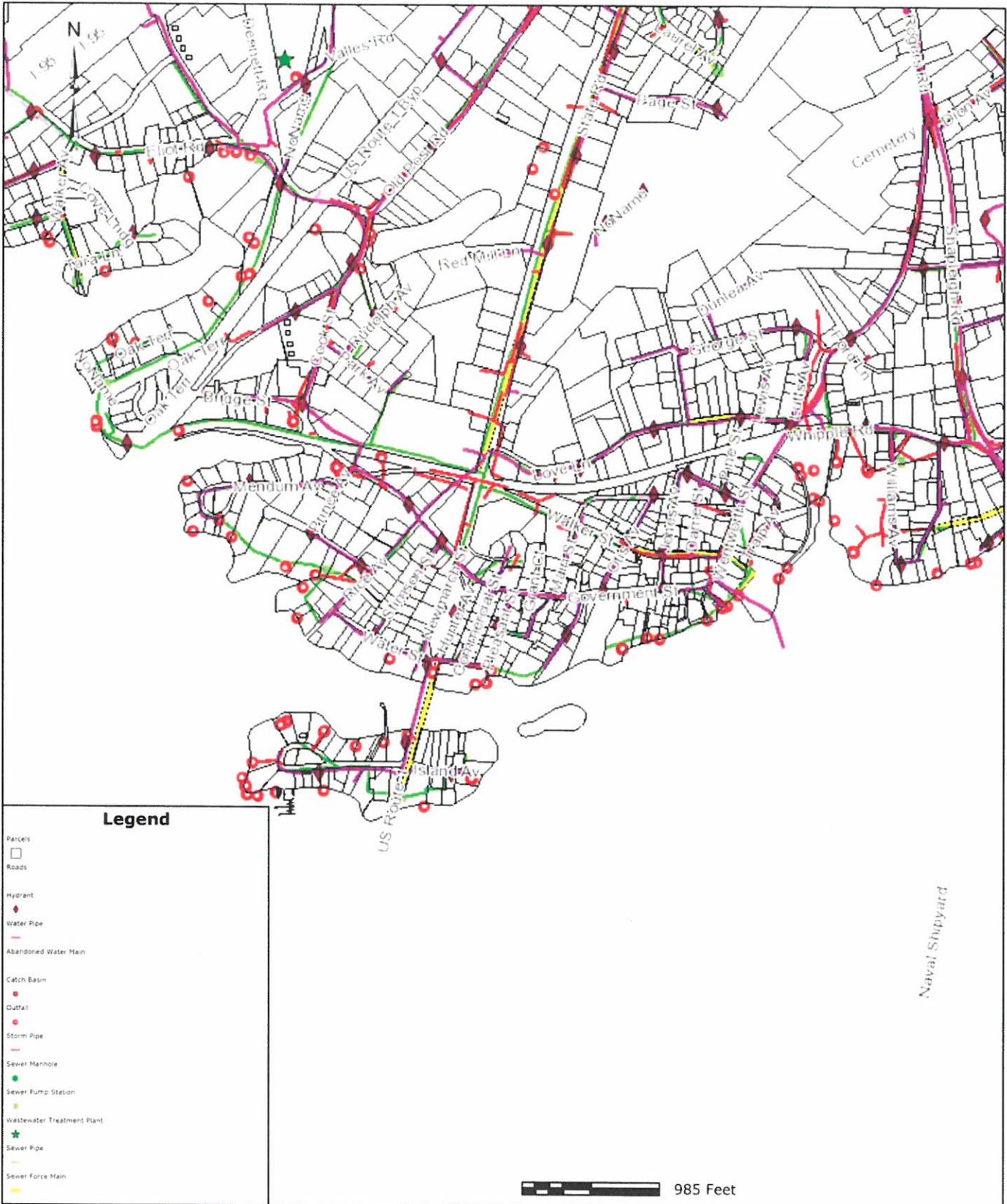
Overlay Zones

- Commercial 1 (C-1)  Mixed Use - Kittery Foreside (MU-KF)
- Commercial 2 (C-2)  Mixed Use (MU)
- Commercial 3 (C-3)  Mixed Use - Badgers Island (MU-BI)
- Industrial (IND)  Conservation (CON)
- Business - Main Street (B-L1)  Transportation - Maine Turnpike (T-MT)
- Business -

-  Resource Protection (OZ-RP)
-  Shoreland - Water Body / Wetland Protection Area (OZ-SL-250')
-  Shoreland - Stream Protection Area (OZ-SL-75')
-  Commercial Fisheries / Maritime Uses (OZ-CFMU) are located within the upland area 75 feet of the normal high-water line or to the property boundary line as identified on the Zoning Map.

Portion of Significant Wetlands in Kittery Map



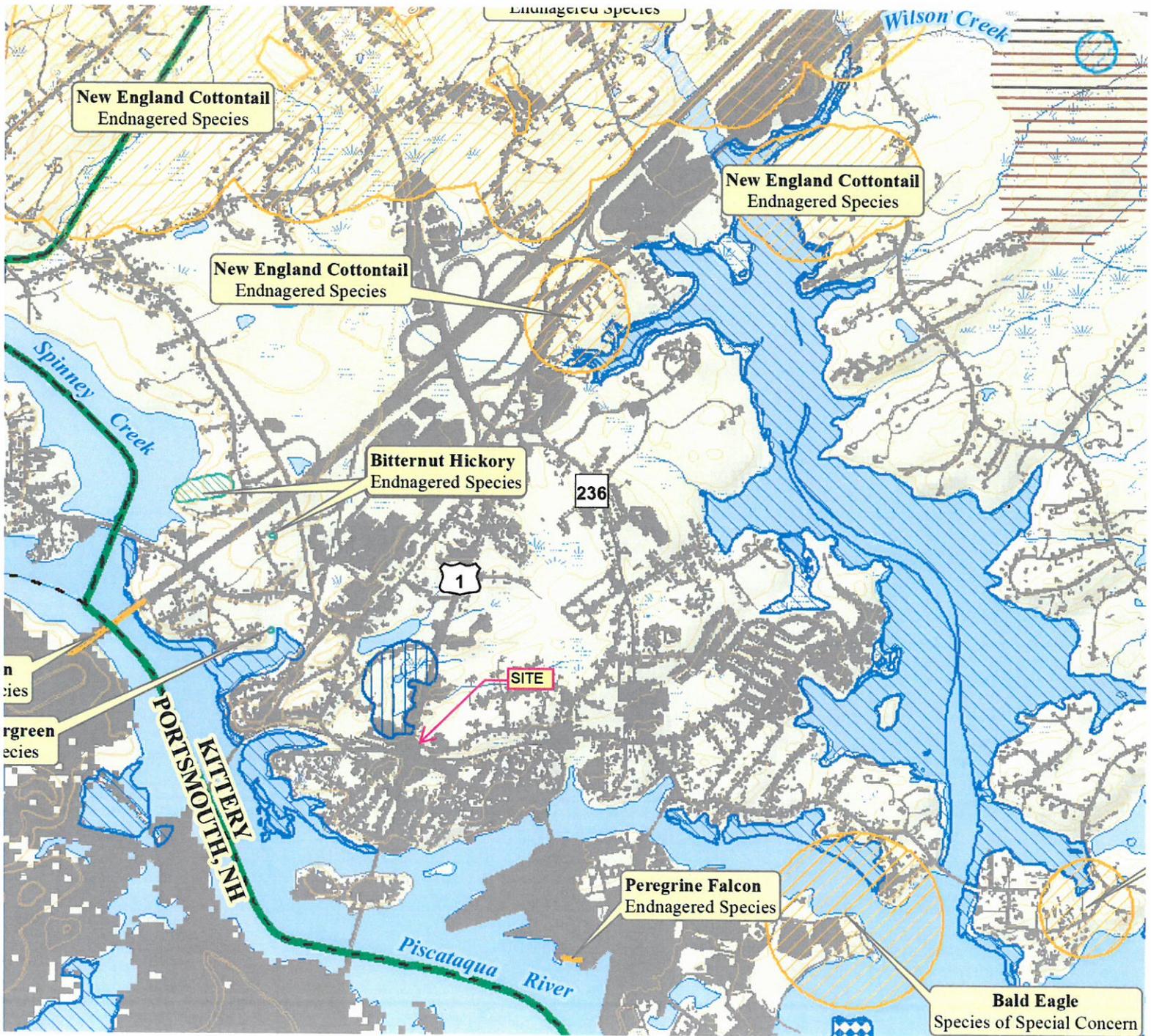


42 State Road - Water, Storm & Sewer System Map

Town of Kittery, Maine

This information has been compiled from various public and private sources. While every attempt has been made to provide accurate information, neither the municipality nor the service host guarantee the accuracy of information provided herein.

Beginning with Habitat High Value Plant & Animal Habitats



Significant Wildlife Habitats



Candidate Deer Wintering Area

Forested area possibly used by deer for shelter during periods of deep snow and cold temperatures. Assessing the current value of a deer wintering area requires on-site investigation and verification by IF&W staff. Locations depicted should be considered as approximate only.



Inland Waterfowl / Wading Bird

Freshwater breeding, migration/staging, and wintering habitats for inland waterfowl or breeding, feeding, loafing, migration, or roosting habitats for inland wading birds.



Seabird Nesting Island

An island, ledge, or portion thereof in tidal waters with documented, nesting seabirds or suitable nesting habitat for endangered seabirds.



Shorebird Areas

Coastal staging areas that provide feeding habitat like tidal mud flats or roosting habitat like gravel bars or sand spits for migrating shorebirds



Tidal Waterfowl / Wading Bird

Breeding, migrating/staging, or wintering areas for coastal waterfowl or breeding, feeding, loafing, migrating, or roosting areas for coastal wading birds. Tidal Waterfowl/Wading Bird habitats include aquatic beds, eelgrass, emergent wetlands, mudflats, seaweed communities, and reefs.



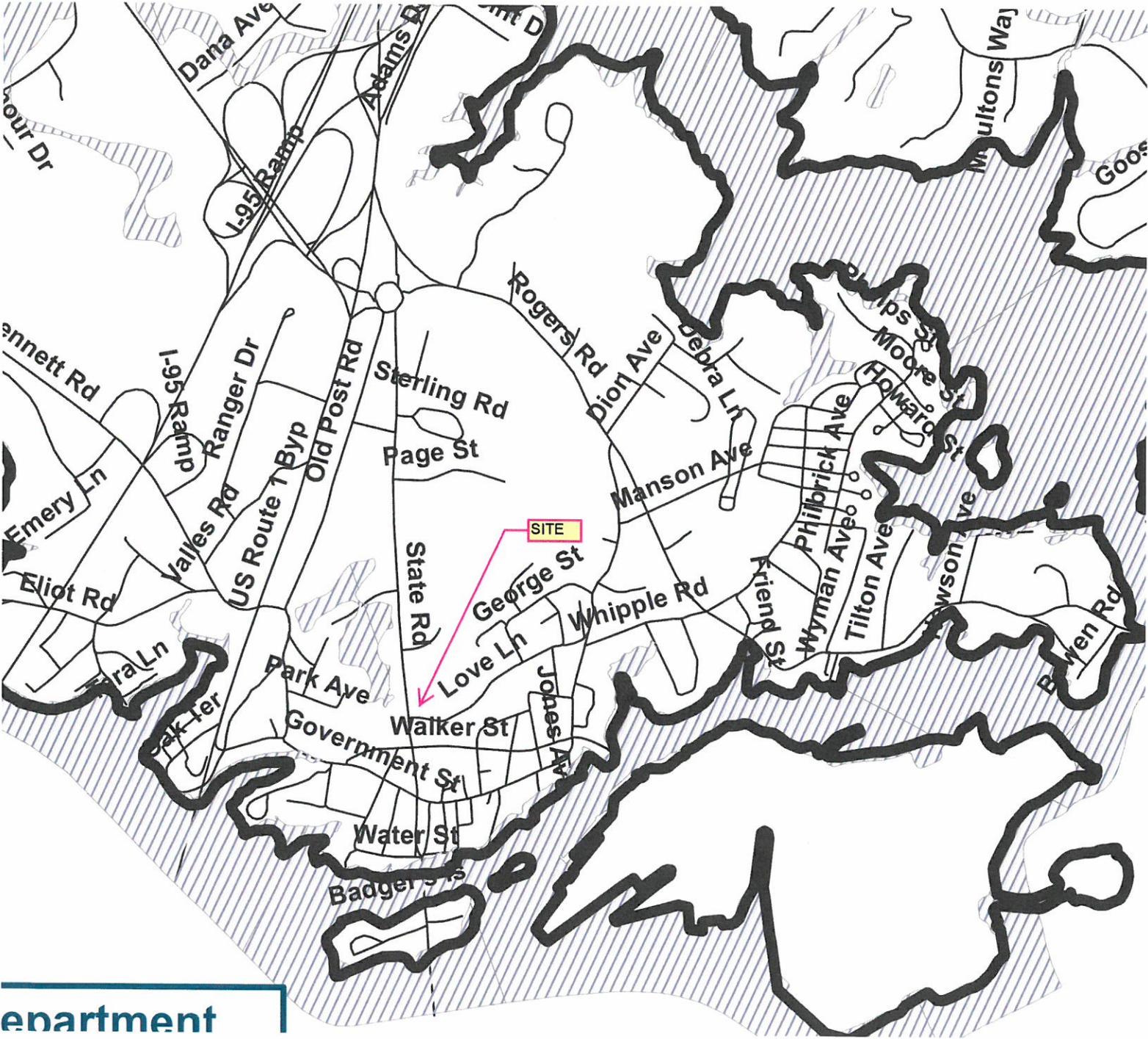
Significant Vernal Pools

A pool depression used for breeding by amphibians and other indicator species and that portion of the critical terrestrial habitat within 250 ft of the spring or fall high water mark. A vernal pool must have the following characteristics: natural origin, nonpermanent hydroperiod, lack permanently flowing inlet or outlet, and lack predatory fish.

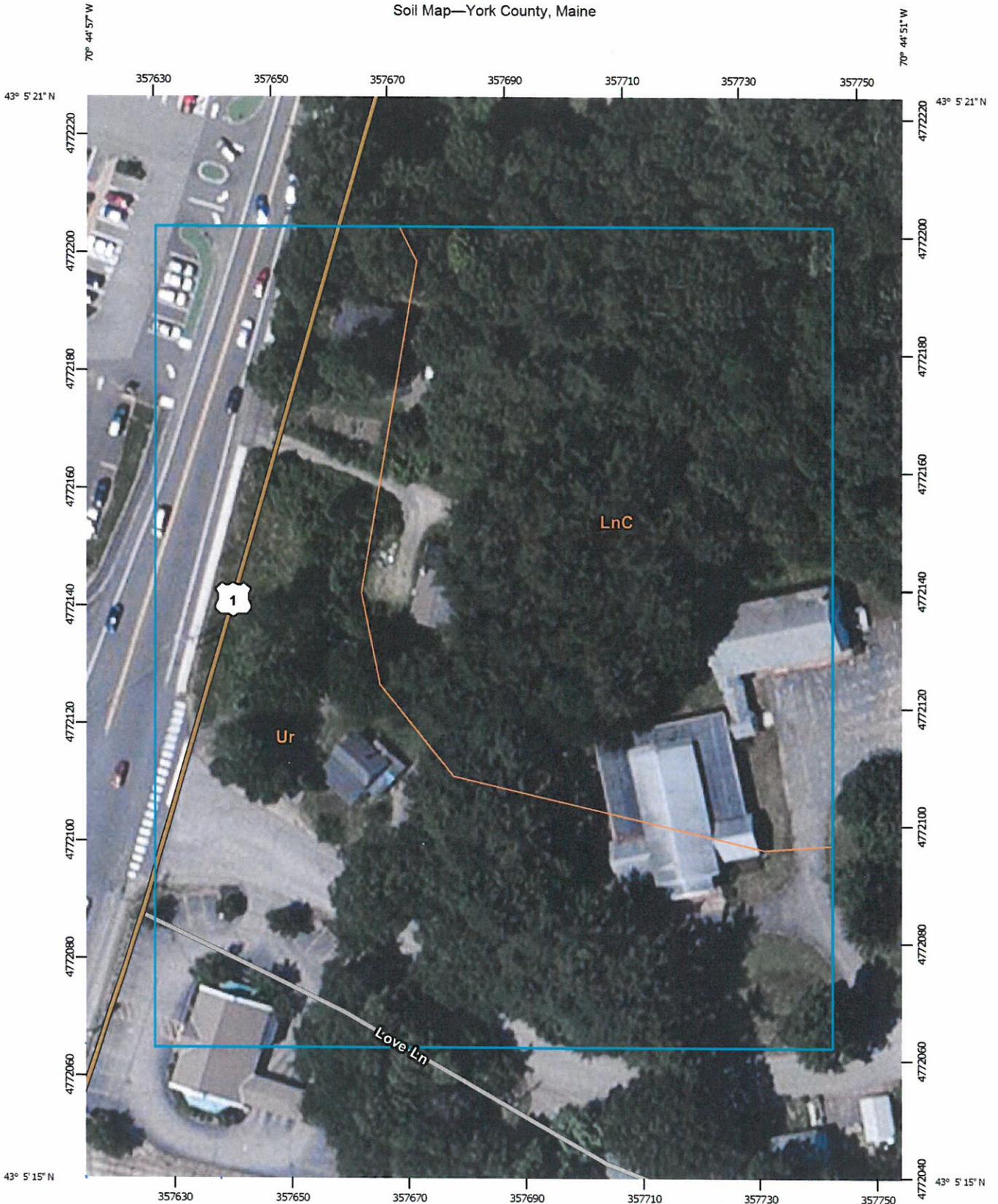
Maine's Natural Resources Protection Act

Maine's Natural Resources Protection Act (NRPA, 1988) is administered by the Maine Department of Environmental Protection (MDEP; <http://www.maine.gov/dep/blwq/docstand/nrpapage.htm>) and is intended to prevent further degradation and loss of natural resources in the state, including the above Significant Wildlife Habitats that have been mapped by MDIFW. MDEP has regulatory authority over most Significant Wildlife Habitat types. The regional MDEP office should be consulted when considering a project in these areas.

Portion of Kittery 100 year Floodplain



Soil Map—York County, Maine



Map Scale: 1:896 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge ticks: UTM Zone 19N WGS84



MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: York County, Maine
 Survey Area Data: Version 13, Sep 12, 2014

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 20, 2010—Jul 18, 2010

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

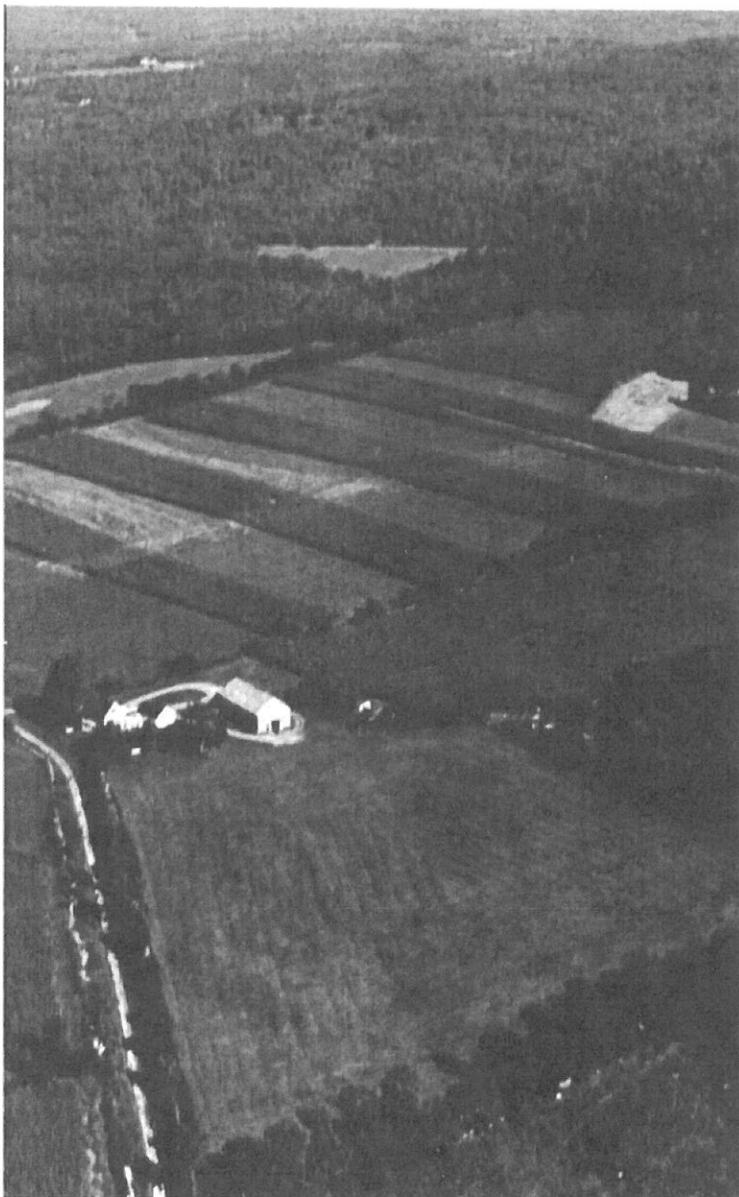
MAP LEGEND

 Area of Interest (AOI)	 Water Features
 Soil Map Unit Polygons	 Streams and Canals
 Soil Map Unit Lines	 Railroads
 Soil Map Unit Points	 Interstate Highways
 Special Point Features	 US Routes
 Blowout	 Major Roads
 Borrow Pit	 Local Roads
 Clay Spot	 Background
 Closed Depression	 Aerial Photography
 Gravel Pit	
 Gravelly Spot	
 Landfill	
 Lava Flow	
 Marsh or swamp	
 Mine or Quarry	
 Miscellaneous Water	
 Perennial Water	
 Rock Outcrop	
 Saline Spot	
 Sandy Spot	
 Severely Eroded Spot	
 Sinkhole	
 Slide or Slip	
 Sodic Spot	

Map Unit Legend

York County, Maine (ME031)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
LnC	Lyman fine sandy loam, 8 to 15 percent slopes	1.9	46.4%
Ur	Urban land	2.1	53.6%
Totals for Area of Interest		4.0	100.0%

SOIL SURVEY OF



York County Maine

United States Department of Agriculture, Soil Conservation Service
in cooperation with the Maine Agricultural Experiment Station
and the Maine Soil and Water Conservation Commission

TABLE 16.--SOIL AND WATER FEATURES--Continued

Soil name and map symbol	Hydrologic group	Flooding			High water table			Bedrock		Risk of corrosion	
		Frequency	Duration	Months	Depth	Kind	Months	Depth	Potential frost action	Uncoated steel	Concrete
Dm* Dumps								In			
EmB, EmC, Elmwood	C	None	---	---	1.0-3.0	Perched	Nov-May	>60	High	Moderate	Moderate.
HeB, HeC, HeD, HmB, HmC, HmD, HnC, HnE, Hermon	A	None	---	---	>6.0	---	---	>60	Low	Low	High.
LnB, LnC, LnD, Lyman	C	None	---	---	>6.0	---	---	10-20	Moderate	Low	High.
LyB*, LyC*, LyE*; Lyman	C	None	---	---	>6.0	---	---	10-20	Moderate	Low	High.
Rock outcrop.											
MaB, Madawska	B	None	---	---	1.0-3.0	Apparent	Nov-May	>60	Moderate	Moderate	High.
MrB, MrC2, MrD2, MvB, MvC, MvD, Marlow	C	None	---	---	2.0-3.0	Perched	Nov-Mar	>60	Moderate	Low	Moderate.
Na Naumburg	C	None	---	---	0-1.5	Apparent	Nov-May	>60	Moderate	High	High.
On Ondawa	B	Common	Brief	Nov-Apr	3.0-6.0	Apparent	Nov-May	>60	Moderate	Low	Moderate.
PeB, Peru	C	None	---	---	1.5-3.0	Perched	Nov-Mar	>60	High	Moderate	Moderate.
Pg* Pits											
Po*; Podunk	B	Occasional	Brief	Oct-Apr	1.5-3.0	Apparent	Oct-Apr	>60	Moderate	Moderate	Moderate.
Winooski	B	Occasional	Brief	Nov-May	1.0-3.0	Apparent	Oct-Apr	>60	High	Moderate	Moderate.
Ra Raynham	C	None	---	---	0.5-2.0	Apparent	Nov-Jun	>60	High	High	Moderate.
RoC*, RoE*; Rock outcrop.											
Lyman	C	None	---	---	>6.0	---	---	10-20	Moderate	Low	High.
Ru Rumney	C	Frequent	Brief	Nov-May	0-1.5	Apparent	Nov-Jun	>60	High	High	High.

See footnote at end of table.



**Civil
Site Planning
Environmental
Engineering**

133 Court Street
Portsmouth, NH
03801-4413

May 20, 2015

Mr. Michael S. Rogers, Superintendent
Kittery Water District
17 State Road
Kittery, Maine 03904-1565

**Re: Office / Residential Building
Map 3 Lots 5, 6 & 7
42 State Road
Kittery, Maine**

Dear Mr. Rogers:

Per the requirements of the Town of Kittery Land Use and Development 16.10.5.2.C.5, this letter is to inform you of the pending Site Plan Review Application before the Planning Board and to verify the Town's capacity to supply water to the proposed project. The applicant, HGC, LLC, proposes to merge the three lots, Map 3 Lots 5,6&7, into a single 0.60-acre lot, raze the three (3) buildings that are in disrepair and construct a three story building. The building will have three (3) commercial office units on the lower level and five (5) single-family units in the upper level. Enclosed for your review is a partial set of the engineered drawings submitted to the Planning Board for preliminary approval. The existing water services to the site will be abandoned and capped. New water service connection is proposed off the existing water main located in Love Lane.

Please review and provide a letter of evaluation to Chris DiMatteo, Town Planner. Please call if you have any questions, need additional information, or would like to meet to discuss the project.

Sincerely,

A handwritten signature in black ink that reads "RMB FOR".

Jeffrey K. Clifford, P.E.
Vice President

4639-19.KWD.ltr.doc

Enclosure

cc: Chris DiMatteo, Town Planner
Aaron Henderson



**Civil
Site Planning
Environmental
Engineering**

133 Court Street
Portsmouth, NH
03801-4413

May 20, 2015

Mr. George Kathios, Superintendent
Kittery Wastewater Treatment Department
200 Rogers Road
Kittery, Maine 03904-1565

**Re: Office / Residential Building
Map 3 Lots 5, 6 & 7
42 State Road
Kittery, Maine**

Dear Mr. Kathios:

Per the requirements of the Town of Kittery Land Use and Development 16.10.5.2.C.5, this letter is to inform you of the pending Site Plan Review Application before the Planning Board and to verify the Town's capacity to supply water to the proposed project. The applicant, HGC, LLC, proposes to merge the three lots, Map 3 Lots 5,6&7, into a single 0.60-acre lot, raze the three (3) buildings that are in disrepair and construct a three story building. The building will have three (3) commercial office units on the lower level and five (5) single-family units in the upper level. Enclosed for your review is a partial set of the engineered drawings submitted to the Planning Board for preliminary approval. The existing sewer services to the site will be abandoned and capped. New sewer service connection is proposed off the existing water line located in Love Lane.

Please review and provide a letter of evaluation to Chris DiMatteo, Town Planner. Please call if you have any questions, need additional information, or would like to meet to discuss the project.

Sincerely,

A handwritten signature in black ink that reads "RMB FOR".

Jeffrey K. Clifford, P.E.
Vice President

4639-19.KSD.ltr.doc

Enclosure

cc: Chris DiMatteo, Town Planner
Aaron Henderson



**Civil
Site Planning
Environmental
Engineering**

133 Court Street
Portsmouth, NH
03801-4413

May 20, 2015

Chief David O'Brien
Kittery Fire Department
3 Gorges Road
Kittery, Maine 03904

**Re: Office / Residential Building
Map 3 Lots 5, 6 & 7
42 State Road
Kittery, Maine**

Dear Chief O'Brien:

Per the requirements of the Town of Kittery Land Use and Development 16.10.5.2.C.12.b, this letter is to inform you of the pending Site Plan Review Application before the Planning Board. The applicant, HGC, LLC, proposes to merge the three lots, Map 3 Lots 5,6&7, into a single 0.60-acre lot, raze the three (3) buildings that are in disrepair and construct a three story building. The building will have three (3) commercial units on the lower level and five (5) single-family units in the upper level. Enclosed for your review is a partial set of the engineered drawings submitted to the Planning Board for preliminary approval.

Please review and provide a letter of evaluation to Chris DiMatteo, Town Planner. Please call if you have any questions, need additional information, or would like to meet to discuss the project.

Sincerely,

A handwritten signature in black ink that reads "Ron B. Clifford" followed by the initials "FR".

Jeffrey K. Clifford, P.E.
Vice President

4639-19.Dept.FD.ltr.doc

Enclosure

cc: Chris DiMatteo, Town Planner
Aaron Henderson



**Civil
Site Planning
Environmental
Engineering**

133 Court Street
Portsmouth, NH
03801-4413

May 20, 2015

Chief Theodor G. Short
Kittery Police Department
200 Rogers Road
Kittery, Maine 03904

**Re: Office / Residential Building
Map 3 Lots 5, 6 & 7
42 State Road
Kittery, Maine**

Dear Chief Short:

Per the requirements of the Town of Kittery Land Use and Development 16.10.5.2.C.12.b, this letter is to inform you of the pending Site Plan Review Application before the Planning Board. The applicant, HGC, LLC, proposes to merge the three lots, Map 3 Lots 5,6&7, into a single 0.60-acre lot, raze the three (3) buildings that are in disrepair and construct a three story building. The building will have three (3) commercial units on the lower level and five (5) single-family units in the upper level. Enclosed for your review is a partial set of the engineered drawings submitted to the Planning Board for preliminary approval.

Please review and provide a letter of evaluation to Chris DiMatteo, Town Planner. Please call if you have any questions, need additional information, or would like to meet to discuss the project.

Sincerely,

Rmb For

Jeffrey K. Clifford, P.E.
Vice President

4639-19.Dept.PD.ltr.doc

Enclosure

cc: Chris DiMatteo, Town Planner
Aaron Henderson



**Civil
Site Planning
Environmental
Engineering**

133 Court Street
Portsmouth, NH
03801-4413

May 20, 2015

Mr. Norman Albert
Commissioner of Public Works
200 Rogers Road
Kittery, Maine 03904

**Re: Office / Residential Building
Map 3 Lots 5, 6 & 7
42 State Road
Kittery, Maine**

Dear Mr. Albert:

Per the requirements of the Town of Kittery Land Use and Development 16.10.5.2.C.12.b, this letter is to inform you of the pending Site Plan Review Application before the Planning Board. The applicant, HGC, LLC, proposes to merge the three lots, Map 3 Lots 5,6&7, into a single 0.60-acre lot, raze the three (3) buildings that are in disrepair and construct a three story building. The building will have three (3) commercial units on the lower level and five (5) single-family units in the upper level. Enclosed for your review is a partial set of the engineered drawings submitted to the Planning Board for preliminary approval.

Please review and provide a letter of evaluation to Chris DiMatteo, Town Planner. Please call if you have any questions, need additional information, or would like to meet to discuss the project.

Sincerely,

RMB For

Jeffrey K. Clifford, P.E.
Vice President

4639-19.dept.pw.ltr.doc

Enclosure

cc: Chris DiMatteo, Town Planner
Aaron Henderson

42 State Road

Map 3 Lots 5, 6 & 7

Kittery, Maine

Engineer's Opinion of Costs - Site Work

BASIS: Preliminary Site Plans dated May 21, 2015

DATE: 20-May-15

PROJECT: 4547

ITEM DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL COST
STRIP LOAM AND STOCKPILE	0.50	AC	\$1,500.00	\$750
TEMPORARY EROSION CONTROL				
SILT BARRIER	460	LF	\$2.50	\$1,150
ALLOWANCE FOR E&SC INSPECTIONS	1	LS	\$2,000.00	\$2,000
AGGREGATE BASE COURSES				
12" BANK RUN GRAVEL	440	CY	\$16.00	\$7,040
6" CRUSHED GRAVEL	220	CY	\$22.00	\$4,840
HOT BITUMINOUS PAVEMENT				
BINDER AND WEARING COURSE	200	TONS	\$80.00	\$16,000
STORM DRAINAGE				
CATCH BASINS/DMH	7	LS	\$2,500.00	\$17,500
4" - 10" CPE PIPE	206	LF	\$15.00	\$3,090
12" - 15" CPE PIPE	80	LF	\$30.00	\$2,400
36" CPE PIPE	100	LF	\$40.00	\$4,000
PERVIOUS PAVERS	1380	SF	\$15.00	\$20,700
18" CRUSHED STONE	150	CY	\$25.00	\$3,750
CURBING				
VERTICAL GRANITE CURB	150	LF	\$28.00	\$4,200
SLOPE GRANITE CURB	350	LF	\$15.00	\$5,250
CONCRETE WALKWAYS	315	LF	\$35.00	\$11,025
LANDSCAPING				
PLANTING ALLOWANCE	1	LS	\$20,000.00	\$20,000
SITE LIGHTING	5	EA	\$2,500.00	\$12,500
SIGNS/STRIPING	1	LS	\$2,000.00	\$2,000

TOTAL: \$138,195

DRAFT

**Plan Findings of Fact
Planning Board, Town of Kittery, Maine**

Date of Draft: May 21, 2015

Office / residential Building

Regarding Site Plan application by HGC, LLC

Tax Map 3 Lots 5, 6 & 7

42 State Road

Kittery, Maine

A. Development Conforms to Local Ordinances.

This plan set conforms to the Kittery Land Use and Development Code (LUDC), Article XI, Section 16.3.2.9, Business - Local 1 and Chapter 16.8, Design and Performance Standards.

B. Freshwater Wetlands Identified.

None on site.

C. River, Streams or Brooks Identified.

None on site.

D. Water Supply Sufficient.

The lot is currently is serviced by municipal water along Love Lane and State Road. The project will raze three (3) buildings and construct a three-story building. The proposed structure will have three (3) commercial units on the lower level and five (5) single-family units in the upper level. Domestic water use is conservatively estimated to be 270 gallons per day per dwelling (5 proposed – 3 existing) plus 12 GPD x number of office employees. We estimate that the total water consumption will increase approximately 650 GPD by the development and is available by the Kittery Water District.

E. Municipal Water Supply Available.

The lot is currently is serviced by municipal water along Love Lane and State Road.

F. Sewage Disposal Adequate.

The lot is currently is serviced by municipal sewer along Love Lane and State Road. The proposed structure will have three (3) commercial units on the lower level and five (5) single-family units in the upper level. We estimate that the total wastewater will increase approximately 650 GPD by the development and the Kittery Wastewater Treatment facility has capacity to treat.

G. Municipal Solid Waste Disposal Available.

The development does not require any changes to municipal solid waste services.

H. Water Body Quality and Shoreline Protected.

The project is not within any Overlay Zones.

I. Groundwater Protected.

The proposed development should not adversely affect the quality of quantity of groundwater.

J. Flood Areas Identified and Development Conditioned.

Per FIRM Map #23031C0728G, preliminary dated November 5, 2013, the parcel is not within the 100-year flood zone.

K. Stormwater Management.

Stormwater from impervious and disturbed areas on the site will be treated by the use of a pervious pavers, landscape islands within the front yard and a stormwater gallery. The stormwater BMP is designed and sized to remove fine particulates and suspended sediments from the proposed disturbed area.

L. Erosion Controlled.

Runoff is primarily maintained as sheet flow and minimized concentrated flow. The flow is directed to pervious pavers and grass islands will treat runoff from the site, while the pervious pavers and stormwater gallery will attenuate flow from the site. Other best management practices include the use of stabilized construction entrance and site barriers.

M. Traffic Managed.

The applicant has provided a Traffic Generator Summary for the development.

N. Water and Air Pollution Minimized.

1. No filling or development is proposed with the 100 year floodplain.
2. No leach field proposed. Not applicable
3. No leach field proposed. Not applicable
4. There are no streams on site. Not applicable.
5. The project does not trigger MDEP review.
6. Handling of hazardous materials is not applicable.

O. Aesthetic, Cultural and Natural Values Protected.

The proposed development will not impact any wetlands; it will remove existing dilapidated structure and provide new business opportunities to the area.

P. Developer is Financially and Technically Capable.

The standard appears to be met.

Q. Wireless Communication Facility Development.

Not applicable.

R. Shoreland, Resource Protection or Commercial Fisheries/Maritime Use Overlay Zone Development.

Not applicable.

S. Right-of-Way Plan.

The proposed right-of-way is delineated on the existing conditions plan.

T. Special Exception Use.

Not applicable.

OFFICE / RESIDENTIAL BUILDING

MAP 3 LOTS 5, 6 & 7

42 STATE ROAD

KITTERY, MAINE

Owner/Applicant:

HGC, LLC
37 CHAUNCEY CREEK ROAD
KITTERY POINT, MAINE 03905

Issued:

May 21, 2015

Preliminary Submission

Civil Engineer:



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

Landscape Architect:

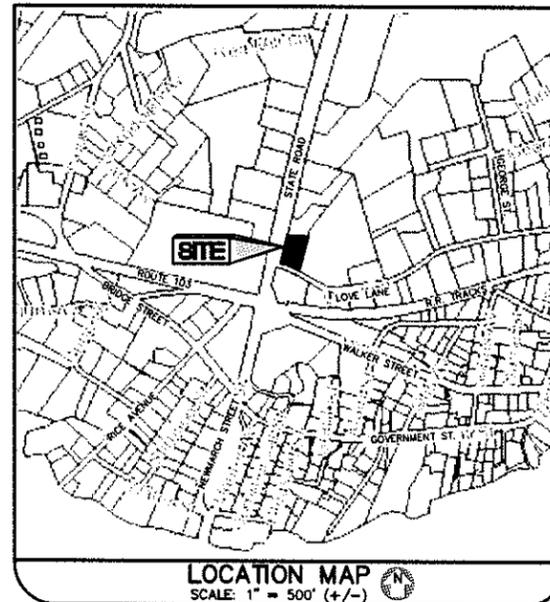


WOODBURN
COMPANY
Landscape Architecture, LLC

Surveyor:

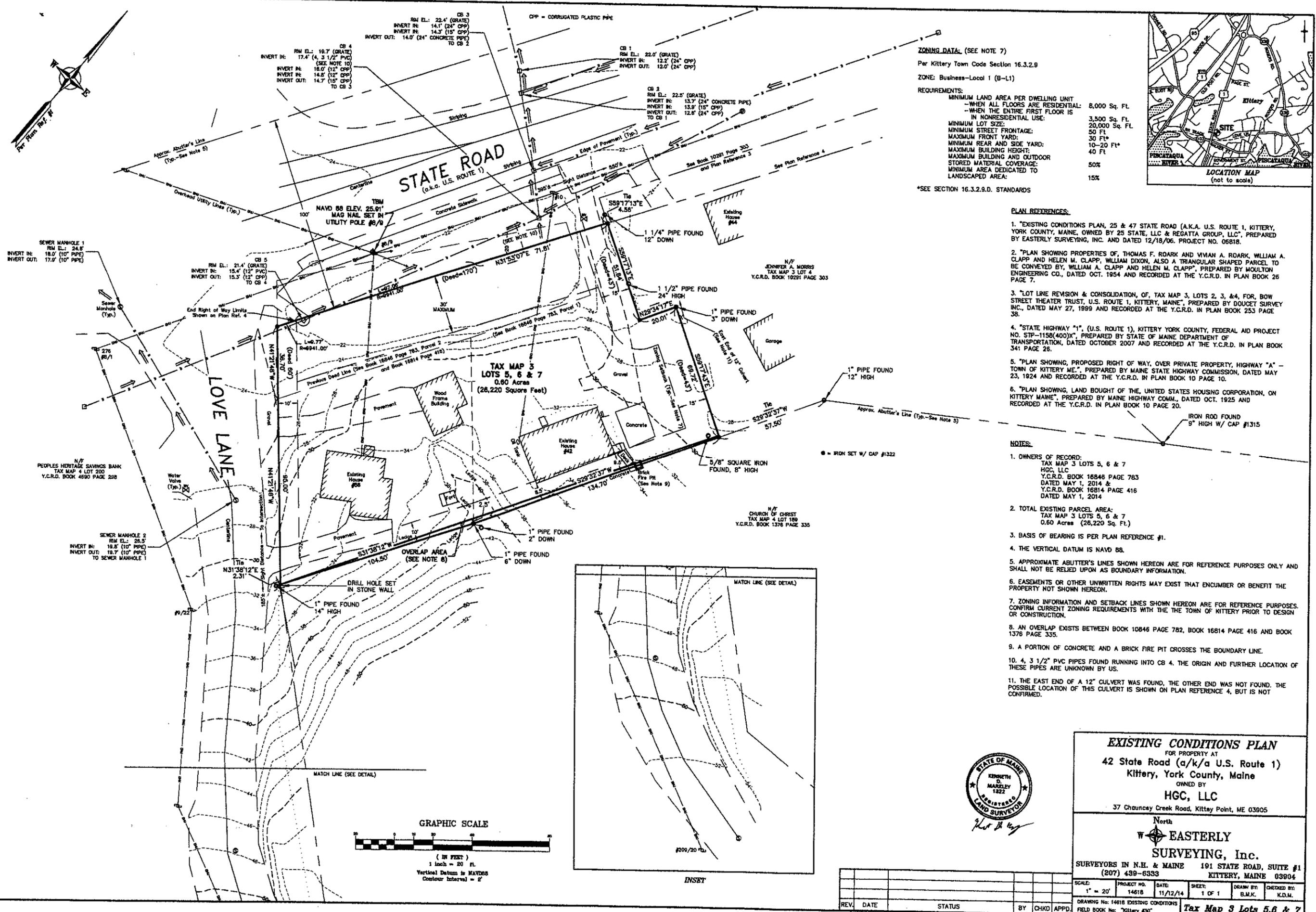


191 STATE ROAD, SUITE #1
KITTERY, MAINE 03904
(207) 439-8333

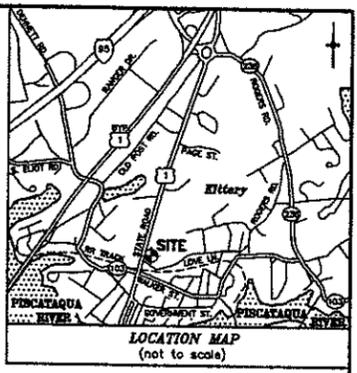


Sheet Index

Title	Sheet No.:	Rev.
Existing Conditions Plan (North Easterly Survey, Inc.)	1 of 1	0
General Notes & Legend	C-1	0
Site Preparation Plan	C-1	1
Site Plan	C-2	2
Grading Plan	C-3	0
Utility Plan	C-4	0
Landscape Plan	L-1	0
Site Lighting Photometric Analysis	1 of 1	0
Erosion Control Notes	C-5	0
Detail Sheet	C-6	0
Detail Sheet	C-7	0
Detail Sheet	C-8	0
Architectural Drawings	1-5 of 5	1



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



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

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



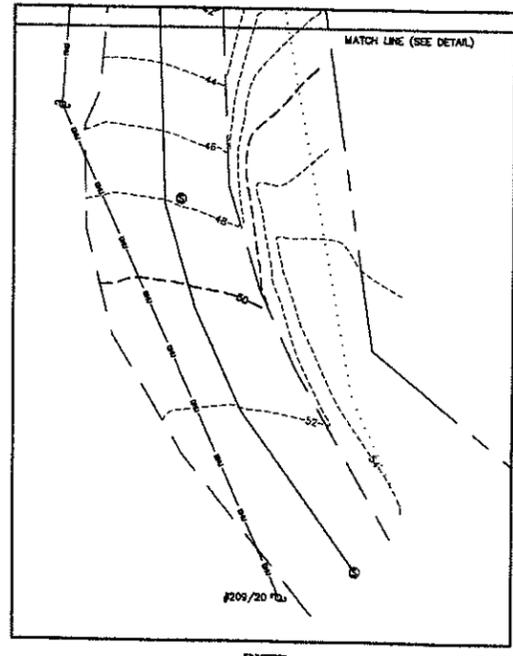
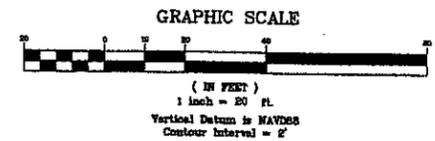
EXISTING CONDITIONS PLAN
 FOR PROPERTY AT
 42 State Road (a/k/a U.S. Route 1)
 Kittery, York County, Maine
 OWNED BY
HGC, LLC
 37 Chauncey Creek Road, Kittery Point, ME 03905

North

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

SCALE:	PROJECT NO.:	DATE:	SHEET:	DRAWN BY:	CHECKED BY:
1" = 20'	14618	11/12/14	1 OF 1	B.M.K.	K.D.M.

DRAWING No: 14618 EXISTING CONDITIONS
 FIELD BOOK No: "Kittery #50" **Tax Map 3 Lots 5, 6 & 7**



REV.	DATE	STATUS	BY	CHKD	APPD.

LEGEND:

TBR	TO BE REMOVED
--- 0# --- 0# ---	EXIST. UTILITY POLE
--- 1 --- 3 ---	EXIST. DRAIN
--- 1 --- 3 ---	EXIST. SEWER
--- V --- V ---	EXIST. WATER
--- 4B ---	EXIST. 1-FT CONTOUR
--- 50 ---	EXIST. 5-FT CONTOUR
--- 17.5 ---	EXIST. SPOT GRADE
--- 22.50 ---	PROP. SPOT GRADE
--- (ST) ---	PROP. CONTOUR
--- (C) ---	PROP. CATCH BASIN, DROP INLET STRUCTURE
--- (M) ---	PROP. DRAIN MANHOLE
--- (DL) ---	PROP. DRAIN LINE
--- (UD) ---	PROP. UNDERDRAIN
--- (UTC) ---	PROP. ELECTRIC, TELEPHONE & COMMUNICATIONS
--- (PS) ---	PROP. SEWER
--- (PW) ---	PROP. WATER
--- (VGC) ---	VERTICAL GRANITE CURB
--- (SOC) ---	SLOPE GRANITE CURB
--- (L) ---	PROP. LIGHT POLE
--- (DS) ---	PROP. DOWN SPOUT
--- (T.O.W.) ---	TOP OF WALL

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 "DIGGER" 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 BUILDING 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) 777-7845 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.
- ALL WATER RELATED WORK SHALL CONFORM TO THE MINIMUM REQUIREMENTS OF THE KITTERY WATER DEPARTMENT.
- VERIFY LOCATION OF NEW UTILITY BOXES WITH OWNER AND UTILITY COMPANIES.
- ALL UTILITY STRUCTURES SHALL BE SET FLUSH WITH PROPOSED GRADE.

STORMWATER MANAGEMENT / BMP FACILITIES MAINTENANCE PLAN

CONSTRUCTION PHASE

GENERAL CLEAN UP

UPON COMPLETION OF THE PROJECT, THE CONTRACTOR SHALL 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 CONSTRUCTION

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 SLUMPS SERVE TO TRAP SEDIMENT, TRACE METALS, NUTRIENTS AND DEBRIS. MOODED CATCH BASINS TRAP HYDROCARBONS AND FLOATING DEBRIS.

- MAINTENANCE**
- REMOVE LEAVES AND DEBRIS FROM CATCH BASIN GRATES ON AN AS-NEEDED BASIS.
 - SLUMPS 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.



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



ISSUED FOR: **PRELIMINARY SUBMISSION**

ISSUE DATE: **MAY 21, 2015**

REVISIONS:
NO. DESCRIPTION BY DATE
0 PRELIMINARY SUBMISSION JKC 5/21/15

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

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

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

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

TITLE:
GENERAL NOTES AND LEGEND

SHEET NUMBER:
G - 1

THIS DRAWING HAS NOT BEEN RELEASED FOR CONSTRUCTION

N/F
KITTERY WATER DISTRICT
MAP 3 LOT 145
Y.C.R.D. BOOK 3224 PAGE 279

N/F
25 STATE, LLC
MAP 3 LOT 147B
Y.C.R.D. BOOK 14826 PAGE 63

N/F
GRANITE STATE
PIONEER GROUP, LLC
MAP 3 LOT 2
Y.C.R.D. BOOK 15981
PAGE 550

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

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

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

ALTUS
ENGINEERING, INC.

133 COURT STREET PORTSMOUTH, NH 03801
(603) 433-2333 www.ALTUS-ENG.com



ISSUED FOR:
PRELIMINARY SUBMISSION

ISSUE DATE:
MAY 21, 2015

NO.	DESCRIPTION	BY	DATE
0	SKETCH PLAN SUBMISSION	JKC	12/16/14
1	SKETCH PLAN RE-SUBMIT	JKC	1/28/15
2	PRELIMINARY SUBMISSION	JKC	5/21/15

DRAWN BY: _____ RMB
APPROVED BY: _____ JKC
DRAWING FILE: 4638SITE.DWG

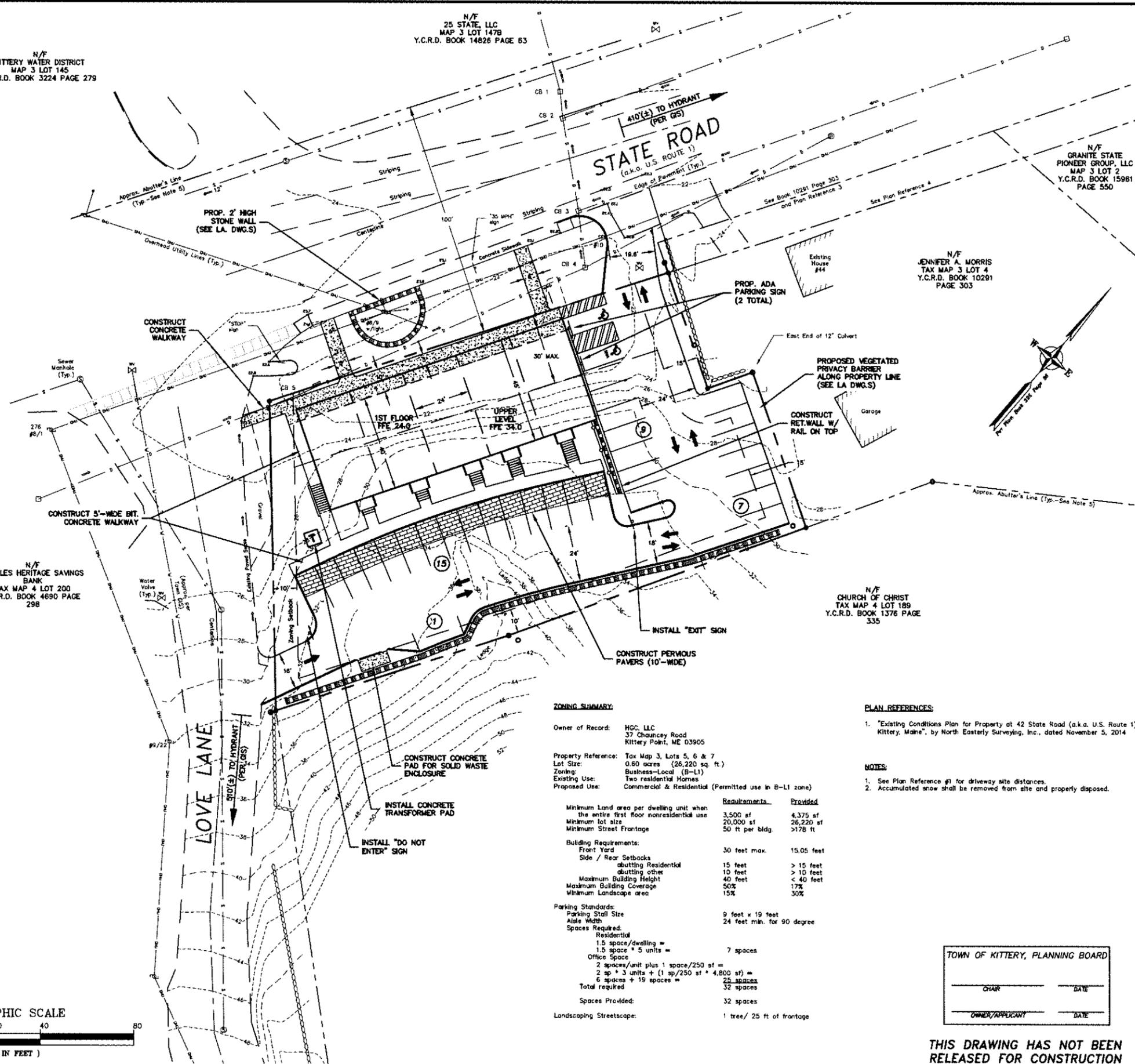
SCALE: 1" = 20'

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

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

TITLE:
_____ DATE _____
OWNER/APPLICANT _____ DATE _____

SITE PLAN
SHEET NUMBER:
C - 2



ZONING SUMMARY:

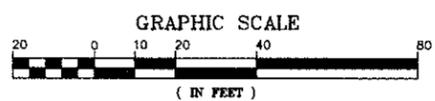
Owner of Record: HGC, LLC
37 Chauncey Road
Kittery Point, ME 03905

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

Requirements	Provided
Minimum Land area per dwelling unit when the entire first floor nonresidential use	3,500 sf
Minimum lot size	20,000 sf
Minimum Street Frontage	50 ft per bldg
Building Requirements:	
Front Yard	30 feet max.
Side / Rear Setbacks	15.05 feet
abutting Residential	15 feet
abutting other	> 15 feet
Maximum Building Height	10 feet
	> 10 feet
Maximum Building Coverage	40 feet
	< 40 feet
Minimum Landscape area	50%
	17%
	30%
Parking Standards:	
Parking Stall Size	9 feet x 19 feet
Aisle Width	24 feet min. for 90 degree
Spaces Required:	
Residential	
1.5 space/dwelling =	
1.5 space * 5 units =	7 spaces
Office Space	
2 spaces/unit plus 1 space/250 sf =	
2 sp * 3 units + (1 sp/250 sf * 4,800 sf) =	25 spaces
6 spaces + 19 spaces =	32 spaces
Total required	32 spaces
Spaces Provided:	32 spaces
Landscaping Streetscape:	1 tree/ 25 ft of frontage

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

- NOTES:**
- See Plan Reference #1 for driveway site distances.
 - Accumulated snow shall be removed from site and properly disposed.



TOWN OF KITTERY, PLANNING BOARD

_____ DATE _____
OWNER/APPLICANT _____ DATE _____

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

N/F
KITTERY WATER DISTRICT
MAP 3 LOT 145
Y.C.R.D. BOOK 3224 PAGE 279

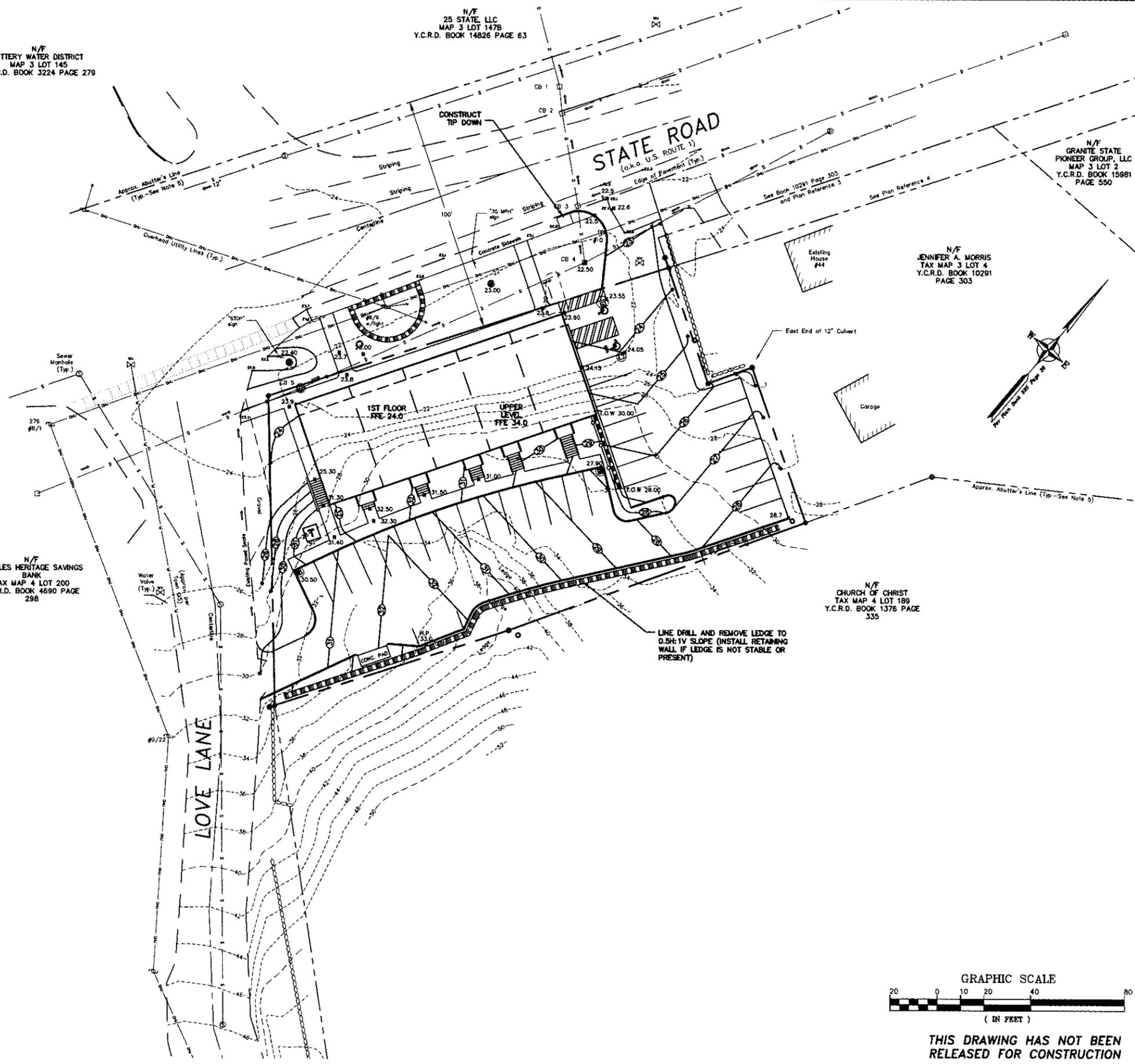
N/F
25 STATE, LLC
MAP 3 LOT 147B
Y.C.R.D. BOOK 14826 PAGE 63

N/F
GRANITE STATE
PIONEER GROUP, LLC
MAP 3 LOT 2
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JENNIFER A. MORRIS
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TAX MAP 4 LOT 189
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N/F
PEOPLES HERITAGE SAVINGS
BANK
TAX MAP 4 LOT 200
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298



133 COURT STREET PORTSMOUTH, NH 03801
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ISSUED FOR:
PRELIMINARY SUBMISSION

ISSUE DATE:
MAY 21, 2015

REVISIONS	NO.	DESCRIPTION	BY	DATE
0	PRELIMINARY SUBMISSION		JKC	5/21/15

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

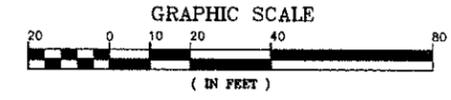
SCALE:
1" = 20'

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

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

TITLE:
GRADING PLAN

SHEET NUMBER:
C - 3



THIS DRAWING HAS NOT BEEN
RELEASED FOR CONSTRUCTION

P.4639



ISSUED FOR:
PRELIMINARY SUBMISSION

ISSUE DATE:
MAY 21, 2015

NO.	DESCRIPTION	BY	DATE
0	PRELIMINARY SUBMISSION	J.K.C.	5/21/15

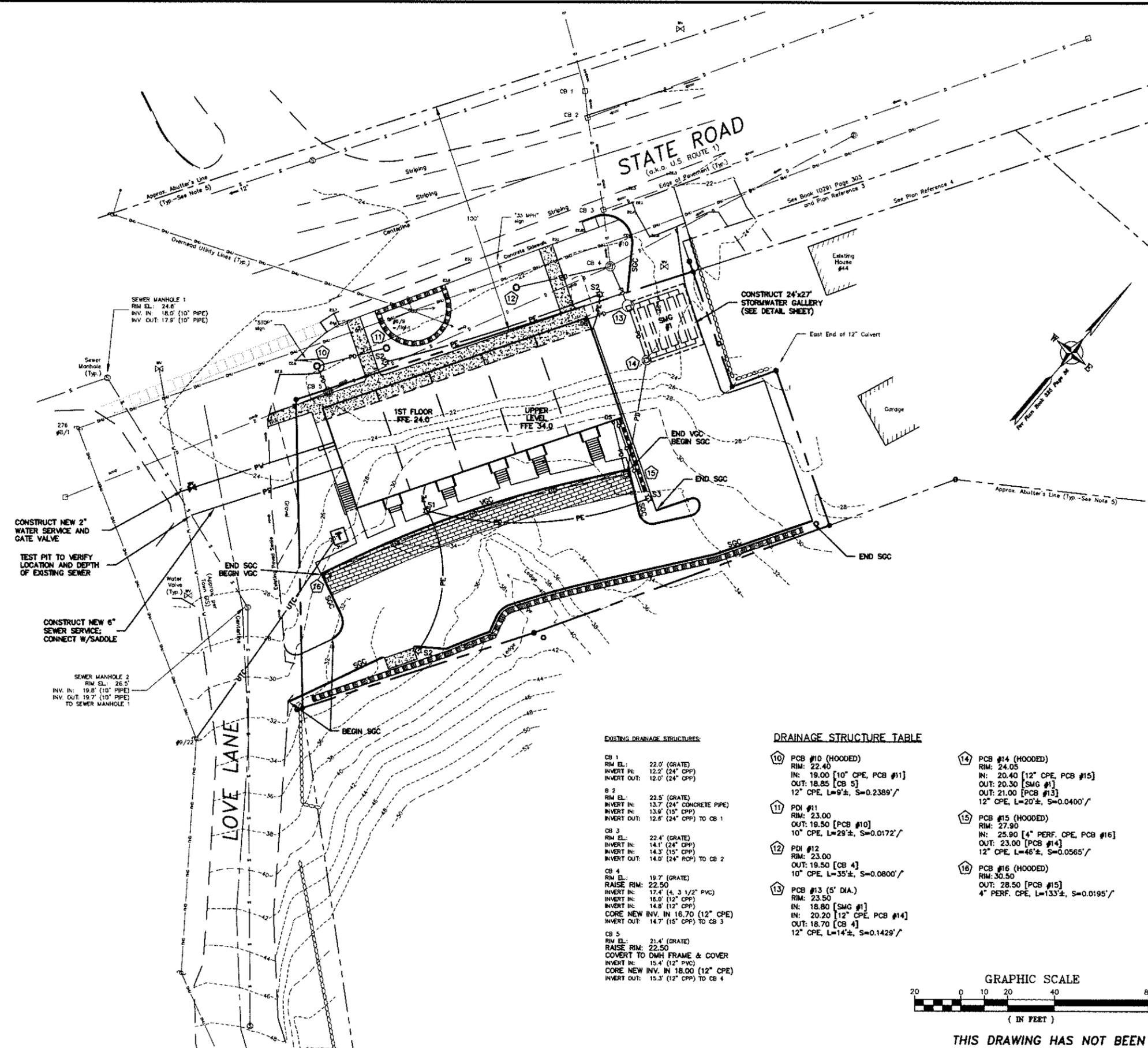
DRAWN BY: _____ RMB
APPROVED BY: _____ J.K.C.
DRAWING FILE: 4639SITE.DWG

SCALE:
1" = 20'

OWNER/APPLICANT:
HGC, LLC
37 CHAUNCRY CREEK ROAD
KITTERY POINT, MAINE 03906

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

TITLE:
UTILITY PLAN
SHEET NUMBER:
C - 4

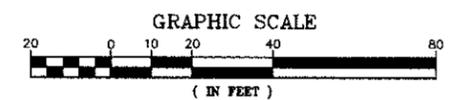


EXISTING DRAINAGE STRUCTURES:

CB 1	RIM EL.: 22.0' (GRATE)
	INVERT IN: 12.2' (24" CPP)
	INVERT OUT: 12.0' (24" CPP)
B 2	RIM EL.: 22.5' (GRATE)
	INVERT IN: 13.7' (24" CONCRETE PIPE)
	INVERT IN: 13.0' (15" CPP)
	INVERT OUT: 12.8' (24" CPP) TO CB 1
CB 3	RIM EL.: 22.4' (GRATE)
	INVERT IN: 14.1' (24" CPP)
	INVERT IN: 14.3' (15" CPP)
	INVERT OUT: 14.0' (24" CPP) TO CB 2
CB 4	RIM EL.: 19.7' (GRATE)
	RAISE RIM: 22.50
	INVERT IN: 17.4' (4, 3 1/2" PVC)
	INVERT IN: 18.0' (12" CPP)
	INVERT IN: 14.8' (12" CPP)
	CORE NEW INV. IN 18.70 (12" CPE)
	INVERT OUT: 14.7' (15" CPP) TO CB 3
CB 5	RIM EL.: 21.4' (GRATE)
	RAISE RIM: 22.50
	CONVERT TO DMH FRAME & COVER
	INVERT IN: 15.4' (12" PVC)
	CORE NEW INV. IN 18.00 (12" CPE)
	INVERT OUT: 15.3' (12" CPP) TO CB 4

DRAINAGE STRUCTURE TABLE

10	PCB #10 (HOODED)	RIM: 22.40
	IN: 19.00 [10" CPE, PCB #11]	
	OUT: 18.85 [CB 5]	
	12" CPE, L=9'±, S=0.2389'/'	
11	PDI #11	RIM: 23.00
	OUT: 19.50 [PCB #10]	
	10" CPE, L=29'±, S=0.0172'/'	
12	PDI #12	RIM: 23.00
	OUT: 19.50 [CB 4]	
	10" CPE, L=35'±, S=0.0800'/'	
13	PCB #13 (5" DIA.)	RIM: 23.50
	IN: 18.80 [SMG #1]	
	IN: 20.20 [12" CPE, PCB #14]	
	OUT: 18.70 [CB 4]	
	12" CPE, L=14'±, S=0.1429'/'	
14	PCB #14 (HOODED)	RIM: 24.05
	IN: 20.40 [12" CPE, PCB #15]	
	OUT: 20.30 [SMG #1]	
	OUT: 21.00 [PCB #13]	
	12" CPE, L=20'±, S=0.0400'/'	
15	PCB #15 (HOODED)	RIM: 27.90
	IN: 25.90 [4" PERF. CPE, PCB #16]	
	OUT: 23.00 [PCB #14]	
	12" CPE, L=46'±, S=0.0565'/'	
16	PCB #16 (HOODED)	RIM: 30.50
	OUT: 28.50 [PCB #15]	
	4" PERF. CPE, L=133'±, S=0.0195'/'	



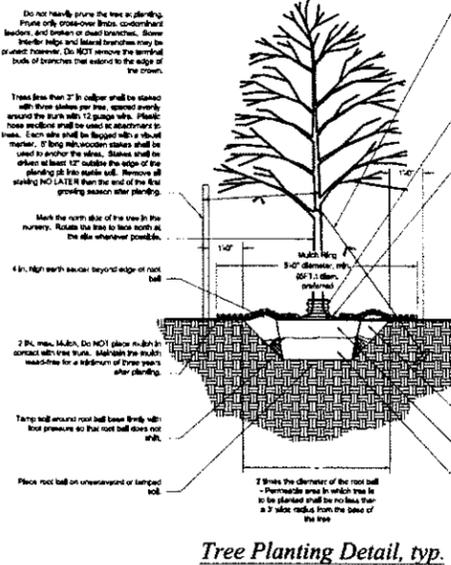
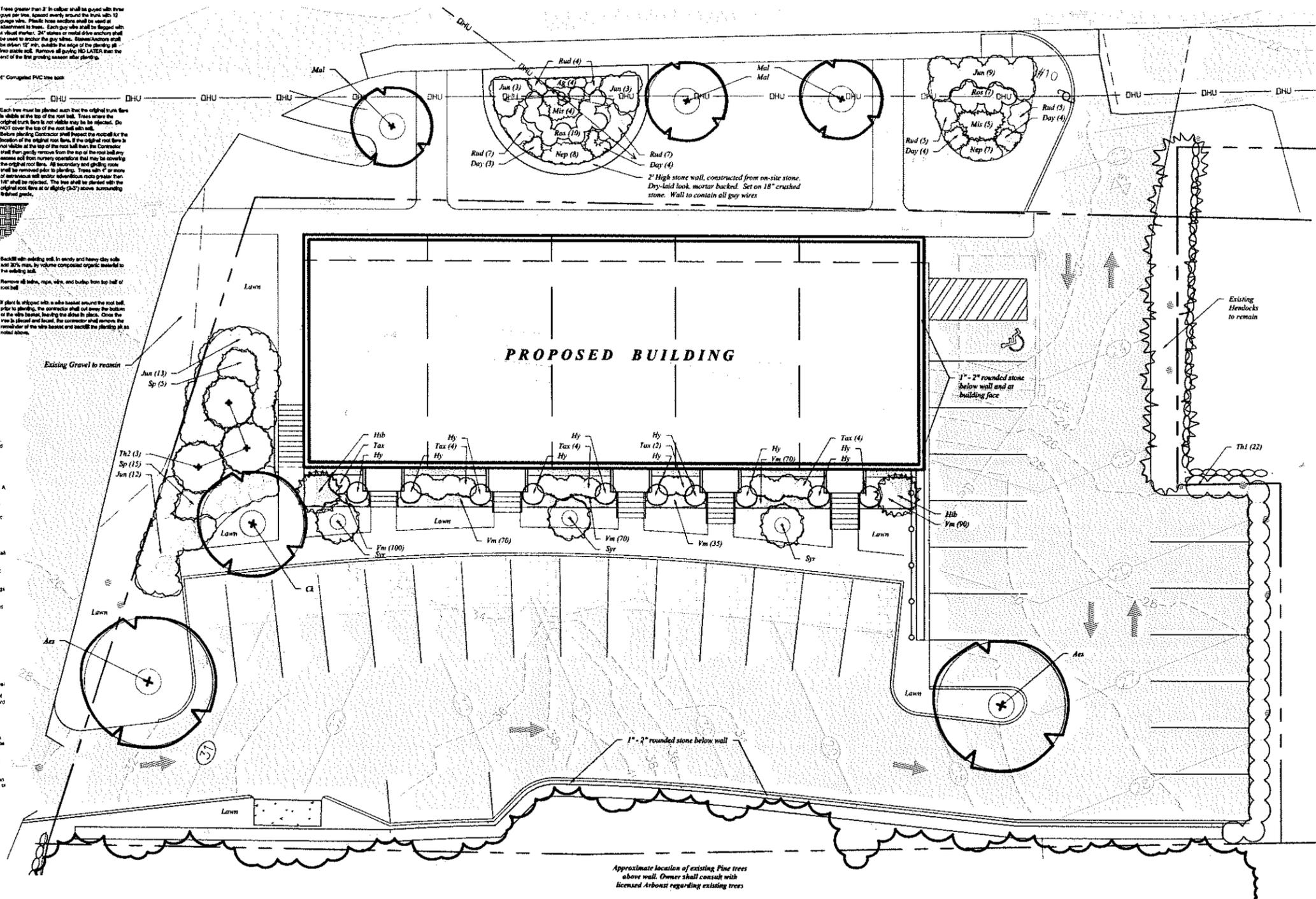
**THIS DRAWING HAS NOT BEEN
RELEASED FOR CONSTRUCTION**

42 State Road
Landscape Plan
Kittery, Maine

Drawn By: TD
Checked By: VM
Scale: 1" = 10' - 0"
Date: May 20, 2015

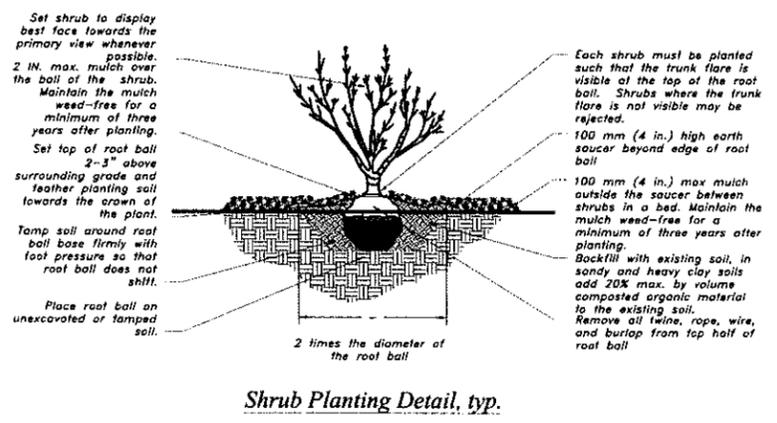
Revisions:

L-1



Landscape Notes

1. Design is based on drawings by Atlas Engineering dated 1/28/2015 and they require equipment due to actual field conditions.
2. The contractor shall follow best management practices during construction and shall take all measures necessary to establish and protect the site from erosion.
3. Erosion Control: Contractor shall place silt fence prior to construction.
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Shrub Planting Detail, typ.

PROJECT NAME AND LOCATION

OFFICE / RESIDENTIAL BUILDING
 TAX MAP 3 LOT 5, 6 & 7
 42 STATE ROAD
 KITTEERY, MAINE

LATITUDE: 043° 05' 19" N
 LONGITUDE: 070° 44' 58" W

APPLICANT:

HGC, LLC
 37 CHAUNCEY CREEK ROAD
 KITTEERY POINT, MAINE 03905

DESCRIPTION

The project consists of a proposed retail/residential 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 frame, 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 final elevations.
7. Stabilize disturbed areas.
8. When all construction activity is complete and site is stabilized, remove all hay bales, storm check dams, silt fences and sediment that has been trapped by these devices.

NAME OF RECEIVING WATER

Closed drainage system draining into unnamed wetlands.

TEMPORARY EROSION AND SEDIMENT CONTROLS AND STABILIZATION PRACTICES

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

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

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

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

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

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

A. GENERAL

1. These are the general inspection and maintenance practices that will be used to implement the plan.
2. 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.
3. 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.
4. The Contractor's site superintendent will be responsible for inspections, maintenance and repair activities, and filling out the inspection and maintenance report.
5. Built up sediment will be removed from silt fences, 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.
6. All diversion dikes will be inspected and any breaches promptly repaired.
7. Temporary seeding and planting will be inspected for bare spots, washouts, and unhealthy growth.
8. All measures will be maintained in good working order; if a repair is necessary, it will be initiated within 24 hours and completed within 72 hours.

B. MULCHING

Application

- * In sensitive areas (within 100 ft of streams, wetlands and in lake watersheds) temporary mulch shall be applied within 7 days of exposing soil or prior to any storm event.
- * Areas which have been temporarily 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 (past 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 silt, 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:
- | | | |
|-----------------|----------|----------------------------|
| < 20' of slope | 2" slope | slopes between 3:1 and 2:1 |
| < 60' of slope | 1.0" | 4.0" |
| < 100' of slope | 4.0" | 6.0" |
- * It shall be placed evenly and must provide 100% soil coverage, with the soil totally invisible.

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

Maintenance

All mulches must be inspected periodically, in particular after rainstorms, to check for rill erosion. If less than 90% of the soil surface is covered by mulch, additional mulch shall be immediately applied. Nets shall be inspected after rain events for dislocation or failure. If washouts or breakage occur, re-install the nets as necessary after repairing damage to the slope. Inspections shall take place until grasses are firmly established (80% 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 fall 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-P205-K20) 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 hydrosower (slurry including seed and fertilizer). Hydrosowing that includes mulch may be left on soil surface. Seeding rates must be increased 10% when hydrosowing.

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 any evidence of erosion or sedimentation is apparent, repairs shall be made and other temporary measures used in the interim (mulch, filter barriers, check dams, etc.).

Seed	Temporary Seeding Rates and Dates		Recommended Seeding Dates	Remarks
	Depth	Rate		
Winter Rye	1-1.5 in	112 (2.0 bu)	8/15-10/1	Good for fall seeding. Select a hardy species, such as Arctostaphylos.
Oats	1-1.5 in	80 (2.5 bu)	4/1-7/1 8/15-9/15	Best for spring seeding. Early fall seeding will die when winter weather moved in, but mulch will provide protection.
Annual Ryegrass	.25 in	40	4/1-7/1	Grows quickly but is of short duration. Use where appearance is important. With mulch, seeding may be done throughout growing season.
Sudangrass	4 (1.0 bu)	40	5/15-8/15	Good growth during hot summer periods.
Paragrass	40 (2.0 bu)	40	6/15-9/15	Good cover, longer lasting than Annual Ryegrass. Mulching will allow seeding throughout growing season.
Temporary mulch with or without dormant seeding			10/1-4/1	Refer to TEMPORARY MULCHING BMP and/or PERMANENT VEGETATION BMP.

D. FILTERS

Silt Fences

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

Physical Property	Test	Requirements
Filtering Efficiency	VIM-51	75% minimum
Tensile Strength at 20% Maximum Elongation **	VIM-52	Extra Strength - 50 lb/in (min.) Standard Strength - 30 lb/in (min.)
Flow Rate	VIM-51	0.3 gal/ft/min

** Requirements reduced by 50% after 8 months on installations.

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

- b. Posts shall be spaced a maximum of ten (10) feet apart at the barrier location or as recommended by the manufacturer and driven securely into the ground (minimum of 18 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, the wire or hog rings. The wire shall extend no more than 36 inches above the original ground surface.
- e. The "standard strength" filter fabric shall be stapled or wired to the fence, and eight (8) inches of the fabric shall be extended into the trench. The fabric shall not extend more than 36 inches above the original ground surface. Filter fabric shall not be stapled to existing trees.
- f. When extra strength filter fabric and closer post spacing are used, the wire mesh support fence may be eliminated.
- g. In such a case, the filter fabric is stapled or wired directly to the posts with all other provisions of Item (e) applying. 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.

Stake/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 stacked and chinked, the excavated soil shall be backfilled against the barrier. Backfill soil shall conform to the ground level on the downhill side and shall be built up to 4 inches against the uphill side of the barrier.
- * At least two stakes or rebars driven through the 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 rebars 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 barriers 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 of filter barrier decompose or become ineffective prior to the end of the expected useful life and the barrier still is necessary, the fabric shall be replaced promptly.
- * Sediment deposits should be replaced when deposits reach approximately one third (1/3) the height of the barrier.
- * Filter barriers should be reshaped as needed.
- * Any sediment deposits remaining in place after the silt fence or filter barrier is no longer required shall be deeded or removed to conform to the existing grade, prepared and seeded.
- * Additional stones may have to be added to the construction stabilized entrance, rock barrier, stone lined swales, etc., periodically to maintain proper function of the erosion control structures.

E. PERMANENT SEEDING

- * Seeding shall be performed in accordance with USDA, Soil Conservation Service guidelines.
- * Seeding - stones larger than 1 1/2" (1.5") (stems, 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. The kind and amount of lime or 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-P205-K20) @ 800 lbs per acre
- * Seed Mixture (recommended): See Specifications

F. OVER WINTER STABILIZATION

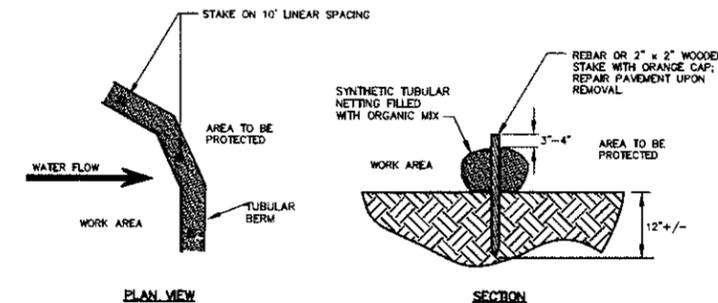
- a. If a construction site is not stabilized with pavement, a road gravel base, 75 % mature vegetation cover or riprap by November 15 then the site shall be protected with over-winter stabilization. An area considered open is any area not stabilized with pavement, vegetation, mulching, erosion control mix, 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 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 or straw mulch shall be applied at a rate of 150 lb. per 1,000 square feet or 3 tons/acre (twice the normal accepted rate of 75-lb./1,000 s.f. or 1.5 tons/acre) and shall be properly anchored. Erosion control mix shall be applied with a minimum 4 inch thickness. Mulch shall not be spread on top of snow.
- f. Between the dates of November 1 and April 15, all mulch shall be anchored by either mulch netting, asphalt emulsion chemical, tracking or wood cellulose fiber. After November 1st, mulch and anchoring of all exposed soil shall occur at the end of each final grading workout.
- 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 5 lbs./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 by October 1:
 1. Install a sod lining in the ditch: A ditch must be lined with sod by October 1.
 2. Install a stone lining in the ditch: A ditch must be lined with stone riprap by November 15.
 3. Stabilize the ditch with temporary vegetation and erosion control mix: Erosion control mix shall be properly installed 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:
 1. Stabilize the soil with temporary vegetation and erosion control mix: 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 mix or anchored mulch over the seeding. If the rye fails to grow to 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.
 2. 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.
 3. 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.
 4. Stabilize the soil with stone riprap: Place a layer of stone riprap on the slope by November 15.
 5. 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:
 1. 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 to 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.
 2. Stabilize the soil with sod: Stabilize the disturbed soil with properly installed sod by October 1. Proper installation includes pinning the sod onto the slope with wire pins, rolling the sod to guarantee contact between the sod and underlying soil, and watering the sod to promote root growth into the disturbed soil.
 3. 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 the 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 period. 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 leave the contiguous undisturbed area 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.
- October 1: All grass-lined ditches and channels shall be stabilized with mulch or an erosion control blanket. If the slope is stabilized with an erosion control blanket and seeded, all disturbed areas to be protected with an annual grass shall be seeded at a seeding rate of 3 pounds per 1000 square feet and mulched.
- November 15: All stone-lined ditches and channels shall be constructed and stabilized. Slopes that are covered with riprap shall be constructed by this 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.



FILTER SOCK DETAIL
 NOT TO SCALE

NOTES:

1. ALL MATERIAL TO MEET MANUFACTURER'S SPECIFICATIONS.
2. FILL SHALL MEET APPLICATION REQUIREMENTS.
3. COMPOST MATERIAL TO BE DISPOSED OFF SITE.

THIS DRAWING HAS NOT BEEN
 RELEASED FOR CONSTRUCTION

ALTUS ENGINEERING, INC.
 133 COURT STREET PORTSMOUTH, NH 03801
 (603) 433-2355 www.ALTUS-ENG.com



ISSUED FOR: APPROVAL

ISSUE DATE: MAY 21, 2015

REVISIONS: NO. DESCRIPTION BY DATE
 0 PRELIMINARY SUBMISSION JKC 5/21/15

DRAWN BY: RMB
 APPROVED BY: JKC
 DRAWING FILE: 4839SITE.DWG

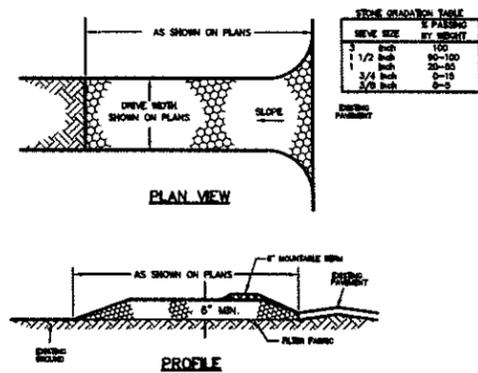
SCALE: N.T.S.

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

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

TITLE:
EROSION CONTROL NOTES

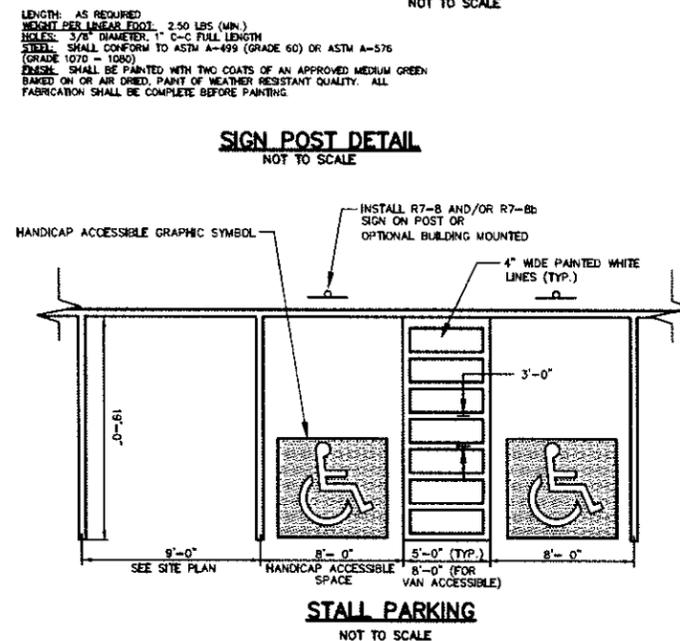
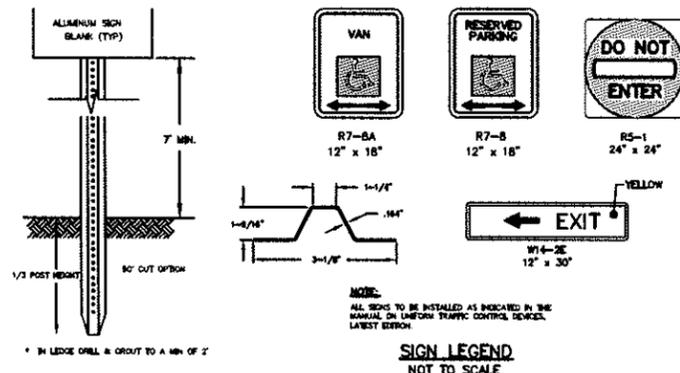
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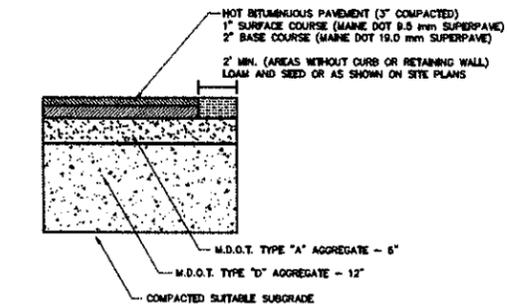
CONSTRUCTION SPECIFICATIONS

- STONE SIZE - MHDOT STANDARD STONE SIZE #4 - SECTION 703 OF MHDOT 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 2:1 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 EDITS 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



BITUMINOUS CONCRETE PAVEMENT DETAIL
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 8 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 MHDOT REQUIREMENTS.
 - STAKEWORK 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 82 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.

STORM DRAIN INLET PROTECTION
NOT TO SCALE

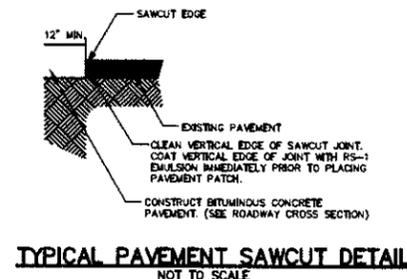
INSTALLATION AND MAINTENANCE:

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

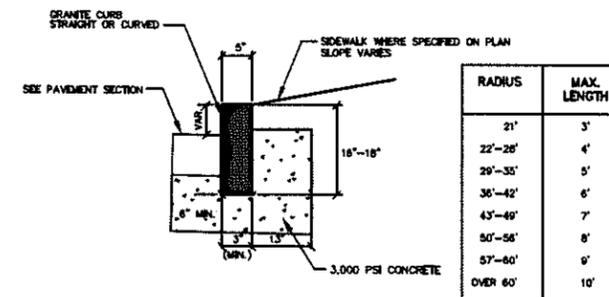
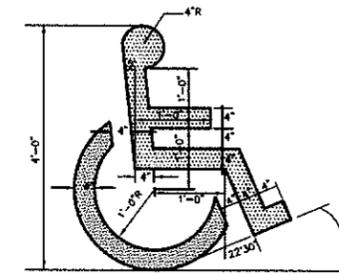
MAINTENANCE: REMOVE ALL ACCUMULATED DEBRIS AND DEBRIS FROM VICINITY OF THE INLET AFTER EACH STORM EVENT. AFTER EACH STORM EVENT AND AT REGULAR INTERVALS, LOOK INTO THE CATCH BASIN INSIDE. IF THE CONTAMINANT AREA IS MORE THAN 1/2 FULL OF SEDIMENT, THE INLET MUST BE DEPLETED TO EMPTY THE INLET. LIFT THE INLET USING THE LIFTING STRAPS AND REMOVE THE GRATE. IF USING OPTIONAL ABSORBENTS, REPLACE ABSORBENT WHEN NEAR SATURATION.

ACCEPTABLE RAIN PROTECTION METHOD:

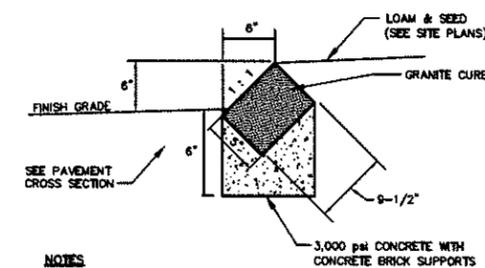
A SIMPLE SHEET OF GEOTEXTILE UNDER THE GRATE IS NOT ACCEPTABLE.



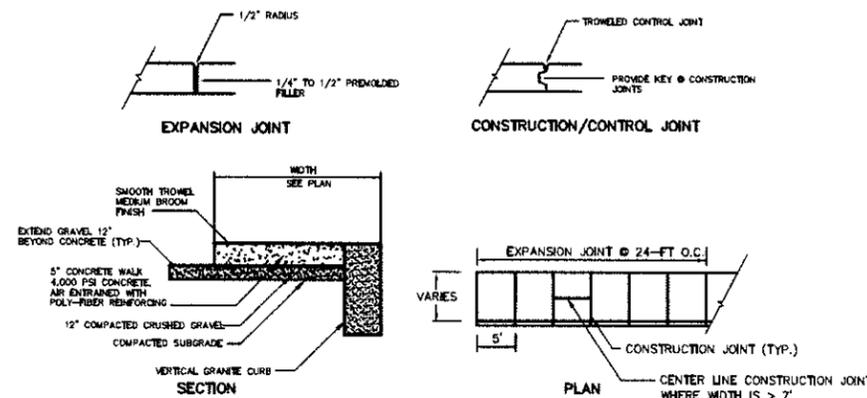
HANDICAP SYMBOL
NOT TO SCALE



- 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.



- NOTES:**
- SEE SITE PLAN FOR UNITS 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 = 10'
 - MAXIMUM LENGTH OF STRAIGHT CURB STONES = 8'
 - MAXIMUM LENGTH OF STRAIGHT CURB STONES LAID ON CURVES - SEE CHART



CONCRETE SIDEWALK DETAIL
NOT TO SCALE

THIS DRAWING HAS NOT BEEN RELEASED FOR CONSTRUCTION

ALTUS ENGINEERING, INC.
133 COURT STREET PORTSMOUTH, NH 03801
(603) 433-2333 www.ALTUS-ENG.com



ISSUED FOR: APPROVAL
ISSUE DATE: MAY 21, 2015

REVISIONS:

NO.	DESCRIPTION	BY	DATE
0	PRELIMINARY SUBMISSION	JKC	5/21/15

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

SCALE: N.T.S.

OWNER/APPLICANT:

HGC, LLC
37 CHAUNCEY CREEK ROAD
KITTERY POINT, MAINE 03906

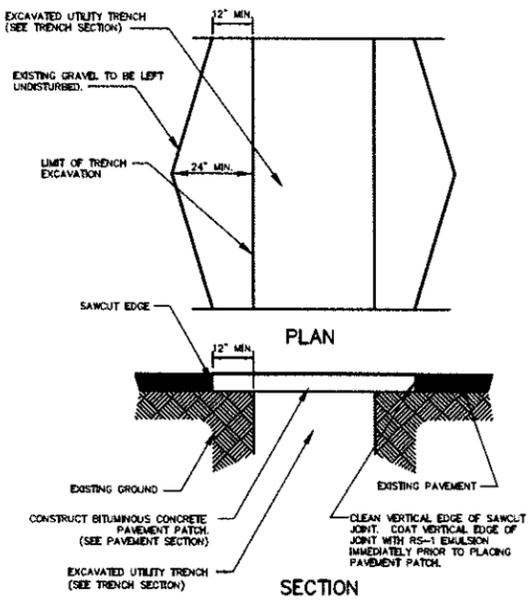
PROJECT:

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

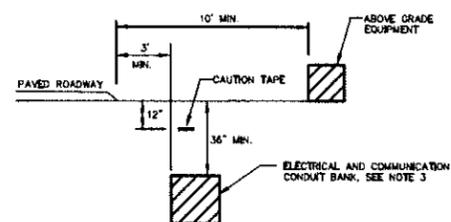
TITLE:

DETAIL SHEET

SHEET NUMBER: C - 6



TYPICAL TRENCH PATCH
NOT TO SCALE



- NOTES:**
- ELECTRICAL AND COMMUNICATION CONDUIT SIZE, MATERIALS AND SPACING SHALL BE IN ACCORDANCE WITH THE APPLICABLE UTILITY COMPANY STANDARDS.
 - CONDUIT SHALL CROSS PAVED AREAS AT 90°.
 - BACKFILL NOTES:
 - SELECTED SAND BACKFILL SHALL CONSIST OF A FINE GRANULAR MATERIAL OF WHICH 100% SHALL PASS THROUGH A 1/4" SEIVE.
 - EXCEPTION: NATURALLY OCCURRING SMOOTH ROUND PEBBLES NO GREATER THAN 3/8" IN DIAMETER ARE PERMITTED AS LONG AS THEIR TOTAL VOLUME PER CUBIC FOOT OF SAND DOES NOT EXCEED 1%.
 - THE SAND SHALL BE COMPLETELY FREE OF FROZEN LUMPS, ROCKS, STONES, DEBRIS AND RUBBER.

UNDERGROUND CONDUIT BANK DETAIL
NOT TO SCALE

POST CAP STYLE
NEW ENGLAND - VSSKE

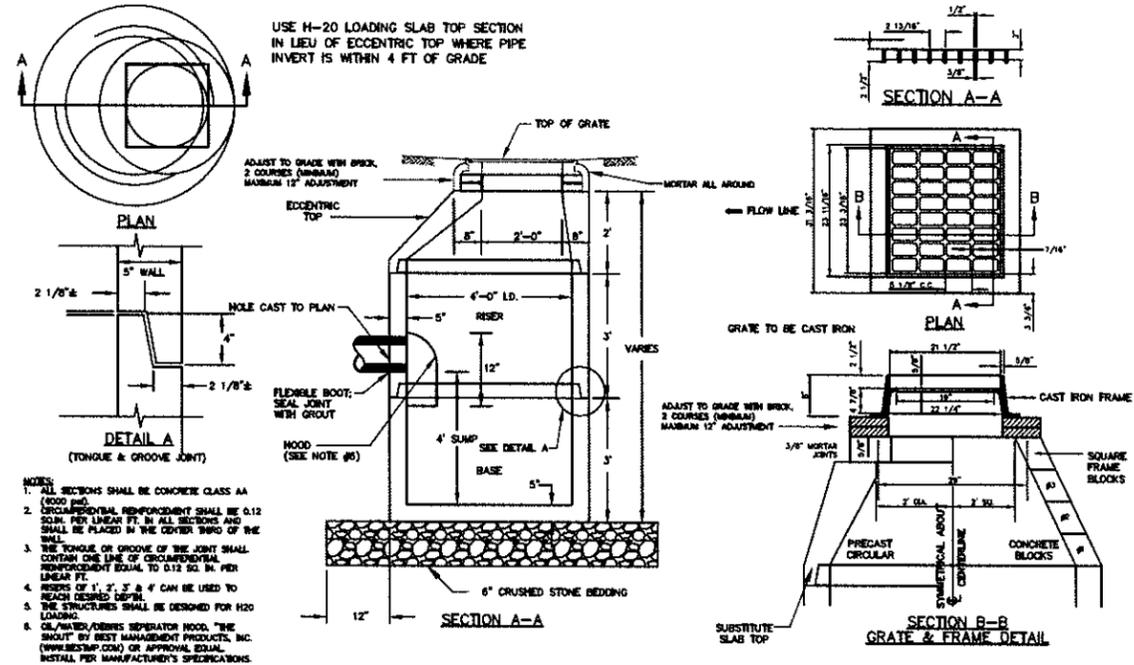
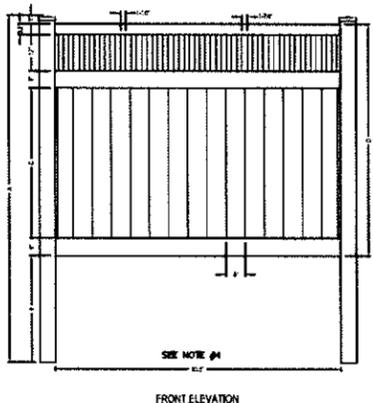
POST OPTION
5" X 5" - 140 Wall
Post set in concrete

FENCE HEIGHT
6'-0" see height schedule below

A	B	C	D
HEIGHT INCHES	HEIGHT INCHES	HEIGHT INCHES	HEIGHT INCHES
3	30	3	36
4	34	4	40
5	38	5	44
6	42	6	48
8	54	8	60
10	66	10	72

- NOTE:**
- FENCE SHALL BE ILLUSION VINYL FENCE PRODUCT OR APPROVED EQUAL.
 - COLOR SHALL BE DETERMINE BY LANDSCAPE ARCHITECT OR APPLICANT.
 - POST SHALL BE SET IN CONCRETE.
 - OPENING CLEARANCE DIMENSIONS PER OWNER REQUIREMENT.

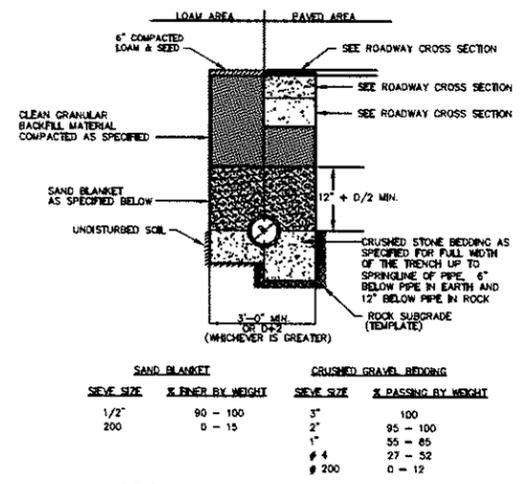
SOLID WASTE SCREENING DETAIL
NOT TO SCALE



- NOTES:**
- ALL SECTIONS SHALL BE CONCRETE CLASS AA (4000 PSI).
 - CIRCUMFERENTIAL REINFORCEMENT SHALL BE 0.12 SQ. IN. PER LINEAR FT. IN ALL SECTIONS AND SHALL BE PLACED IN THE CENTER THIRD OF THE WALL.
 - THE TONGUE OR GROOVE OF THE JOINT SHALL CONTAIN ONE LINE OF CIRCUMFERENTIAL REINFORCEMENT EQUAL TO 0.12 SQ. IN. PER LINEAR FT.
 - RESERS OF 1", 2", 3" & 4" CAN BE USED TO REACH DESIRED DEPTH.
 - THE STRUCTURES SHALL BE DESIGNED FOR H20 LOADING.
 - ALL WATER/OILS SEPARATOR MOOD, "THE SMOOT" BY BEST MANAGEMENT PRODUCTS, INC. (WWW.BESTMAP.COM) OR APPROVAL EQUAL. INSTALL PER MANUFACTURER'S SPECIFICATIONS.

CATCH BASIN
NOT TO SCALE

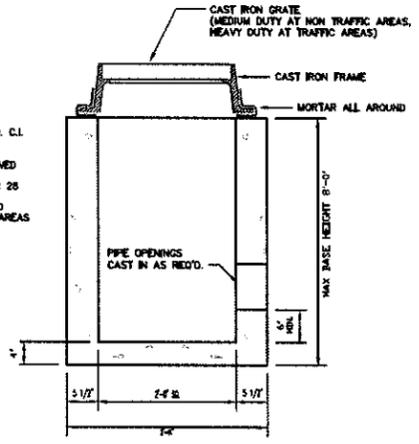
CATCH BASIN FRAME & GRATE
NOT TO SCALE



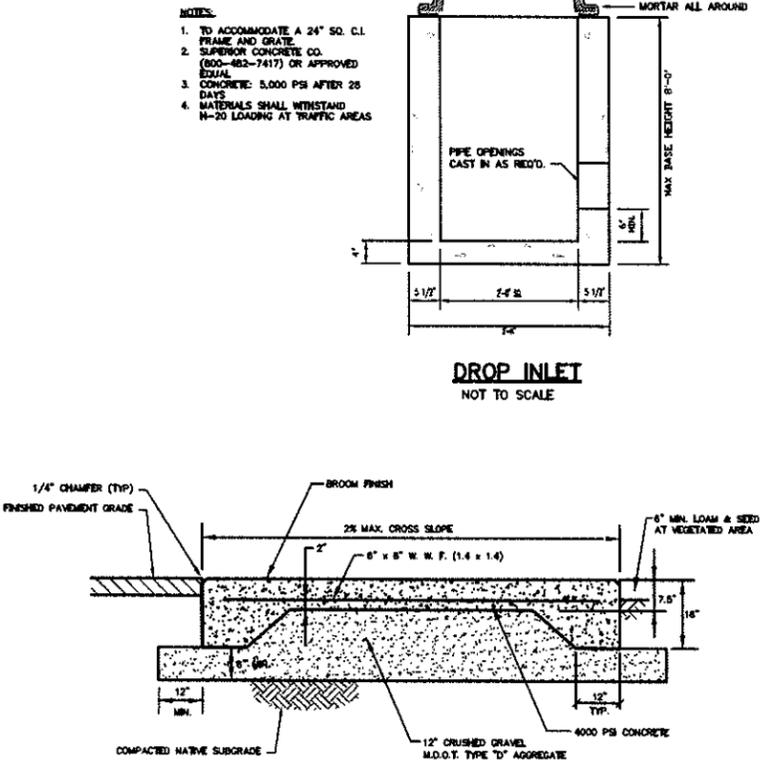
SAND BLANKET		CRUSHED GRAVEL BEDDING	
SEIVE SIZE	% FINER BY WEIGHT	SEIVE SIZE	% PASSING BY WEIGHT
1/2"	90 - 100	3"	100
200	0 - 15	2"	95 - 100
		1"	55 - 85
		# 4	27 - 52
		# 200	0 - 12

MOOD TYPE A: CRUSHED GRAVEL.
*(IN SAND PORTION) FRACTION PASSING THE #4 SEIVE.
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. SUSTAINABLE BACKFILL MATERIAL BELOW LOAM AREAS SHALL BE COMPACTED TO NOT LESS THAN 90% OF AASHTO T 99, METHOD C.

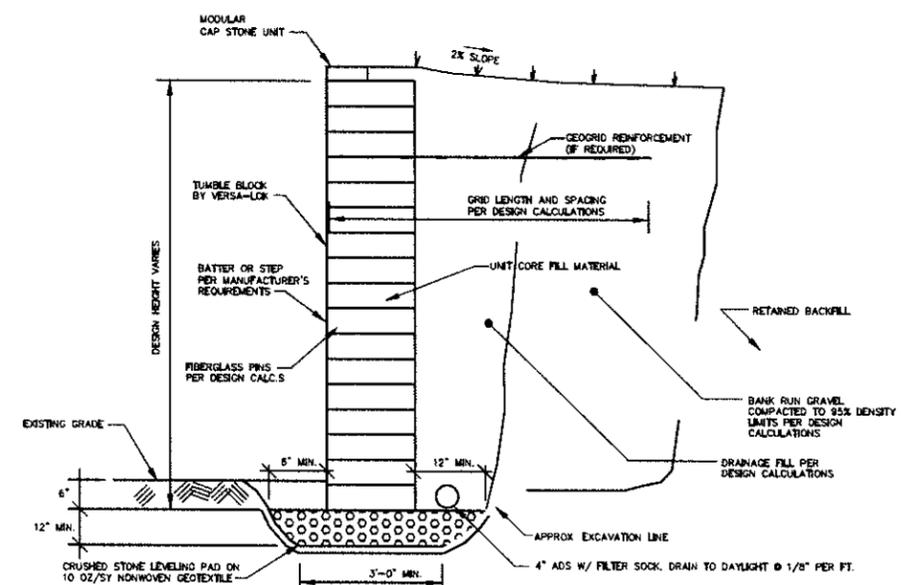
UTILITY TRENCH SECTION
NOT TO SCALE



DROP INLET
NOT TO SCALE



SOLID WASTE ENCLOSURE SLAB DETAILS
NOT TO SCALE



- NOTES:**
- MCR WALL COMPONENTS TO BE MANUFACTURED BY VERSA-LOK(803) 803-3042, OR APPROVED EQUAL.
 - CONSTRUCTION DRAWINGS AND DESIGN CALCULATIONS SHALL BE PREPARED AND STAMPED BY A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF MAINE. THE CONTRACTOR SHALL SUBMIT THE CONSTRUCTION DRAWINGS AND DESIGN CALCULATIONS TO THE ENGINEER FOR APPROVAL PRIOR TO BEGINNING CONSTRUCTION.
 - ALL RETAINING WALL SYSTEM COMPONENTS, EARTHEN MATERIALS AND METHODS OF CONSTRUCTION SHALL CONFORM TO THE MANUFACTURER REQUIREMENTS.
 - CONCRETE BLOCKS COLOR TO BE SELECTED BY OWNER.
 - CHANGES IN GRADE SHALL BE AT EQUAL INTERVALS FOR THE ENTIRE LENGTH OF WALL.

MODULAR CONCRETE RETAINING (MCR) WALL
NOT TO SCALE

THIS DRAWING HAS NOT BEEN
RELEASED FOR CONSTRUCTION

ISSUED FOR: APPROVAL

ISSUE DATE: MAY 21, 2015

REVISIONS:
NO. DESCRIPTION BY DATE
0 PRELIMINARY SUBMISSION JKC 5/21/15

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

SCALE: N.T.S.

OWNER/APPLICANT:
HGC, LLC
37 CHAUNCEY CREEK ROAD
KITTEERY POINT, MAINE 03906

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

TITLE:
DETAIL SHEET
SHEET NUMBER:
C - 7



ISSUED FOR: APPROVAL
ISSUE DATE: MAY 21, 2015

REVISIONS:
NO. DESCRIPTION BY DATE
0 PRELIMINARY SUBMISSION JKC 5/21/15

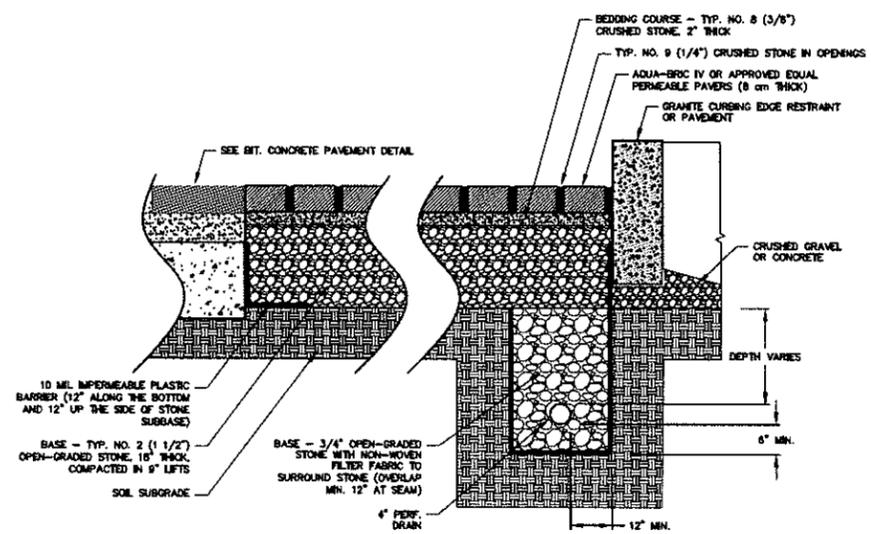
DRAWN BY: RMB
APPROVED BY: JKC
DRAWING FILE: 4639SITE.DWG

SCALE: N.T.S.

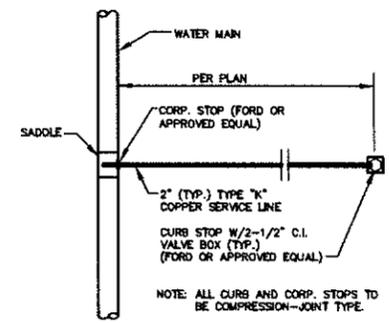
OWNER/APPLICANT:
HGC, LLC
37 CHAUNCEY CREEK ROAD
KITTSBY POINT, MAINE 03905

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

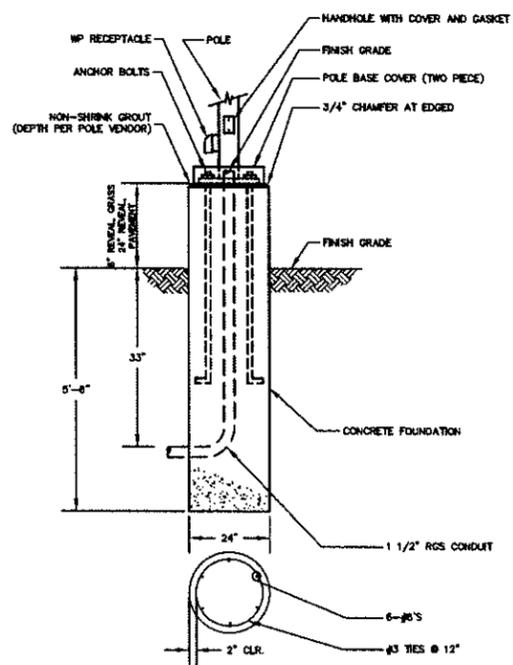
TITLE:
DETAIL SHEET
SHEET NUMBER:
C - 8



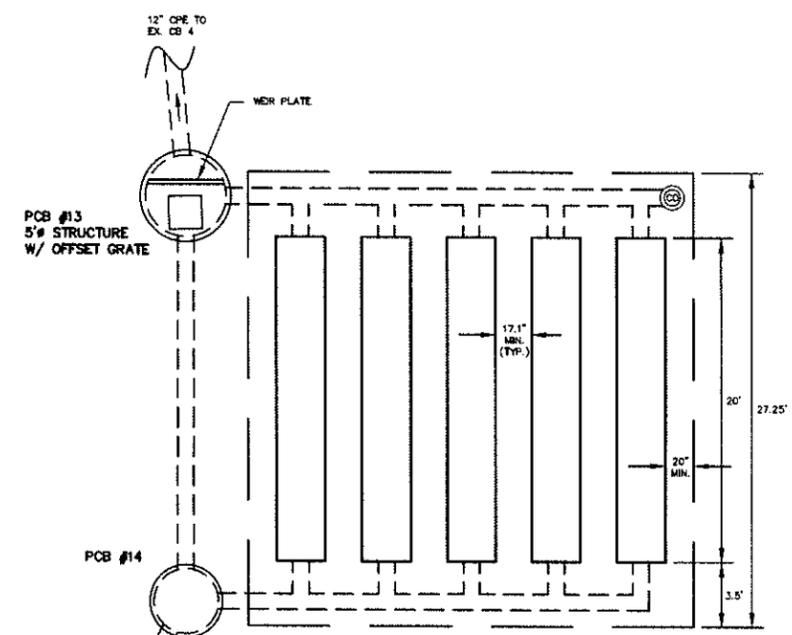
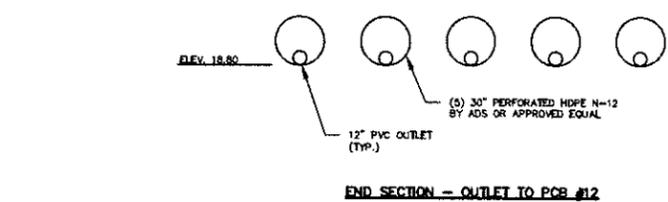
PERMEABLE PAVERS DETAIL
NOT TO SCALE



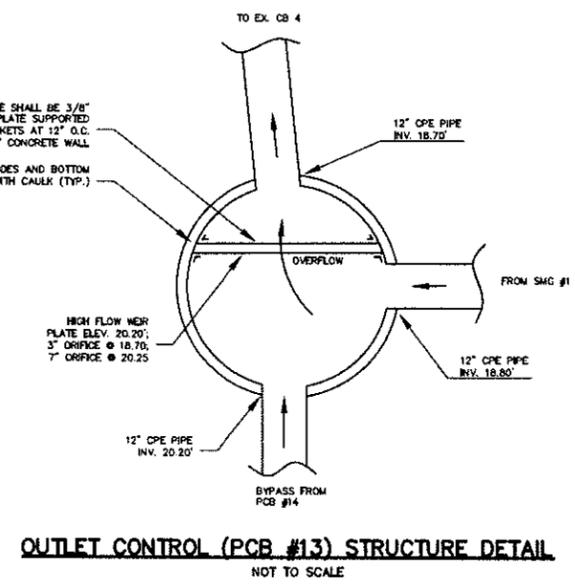
WATER SERVICE CONNECTION
NOT TO SCALE



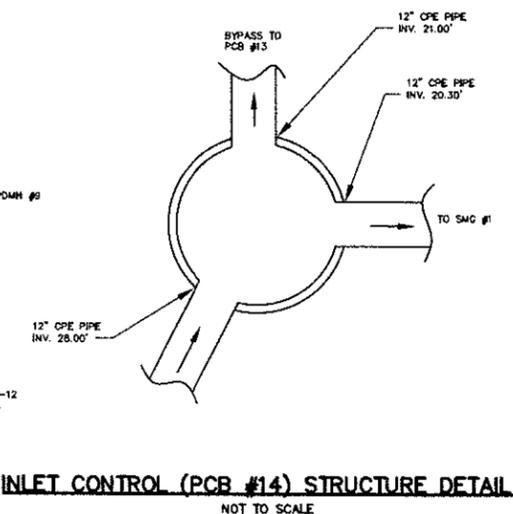
LIGHT POLE BASE DETAIL
NOT TO SCALE



STORMWATER MANAGEMENT GALLERY #2
NOT TO SCALE



OUTLET CONTROL (PCB #13) STRUCTURE DETAIL
NOT TO SCALE



INLET CONTROL (PCB #14) STRUCTURE DETAIL
NOT TO SCALE

THIS DRAWING HAS NOT BEEN RELEASED FOR CONSTRUCTION

P4639

Client:
 HGC, LLC
 Kittery, Maine

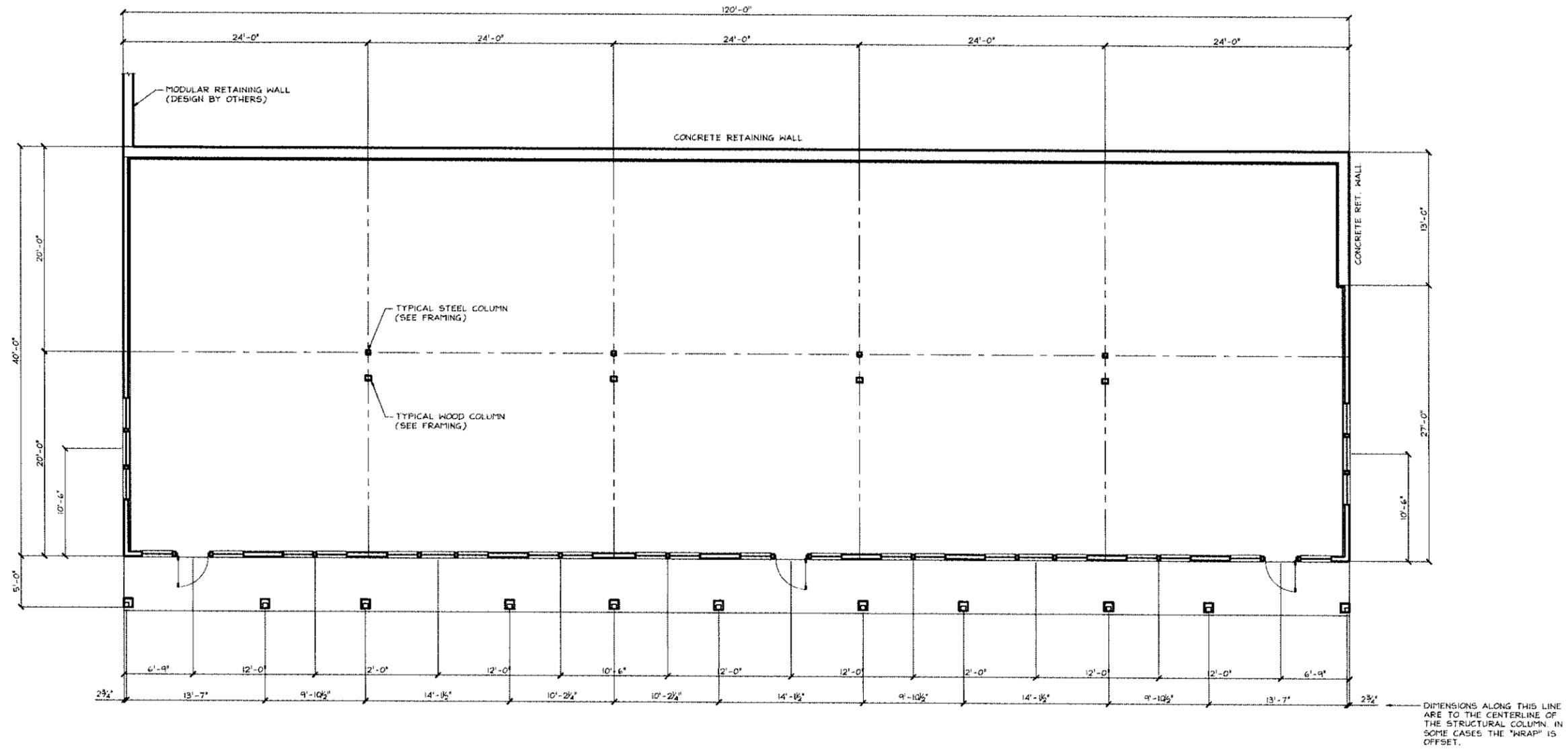
Mixed Use Building
 42 State Road
 Kittery, Maine

-Preliminary-
 Not for Construction
 3-31-15

Date: X
 Scale: As Noted
 Design By: RB
 Approved By: -

Revisions

First
 Floor Plan
A1.0
 Project No: 150117



1 FIRST FLOOR PLAN
 A1.0 Scale: 3/16" = 1'

Client:
HGC, LLC
 Kittery, Maine

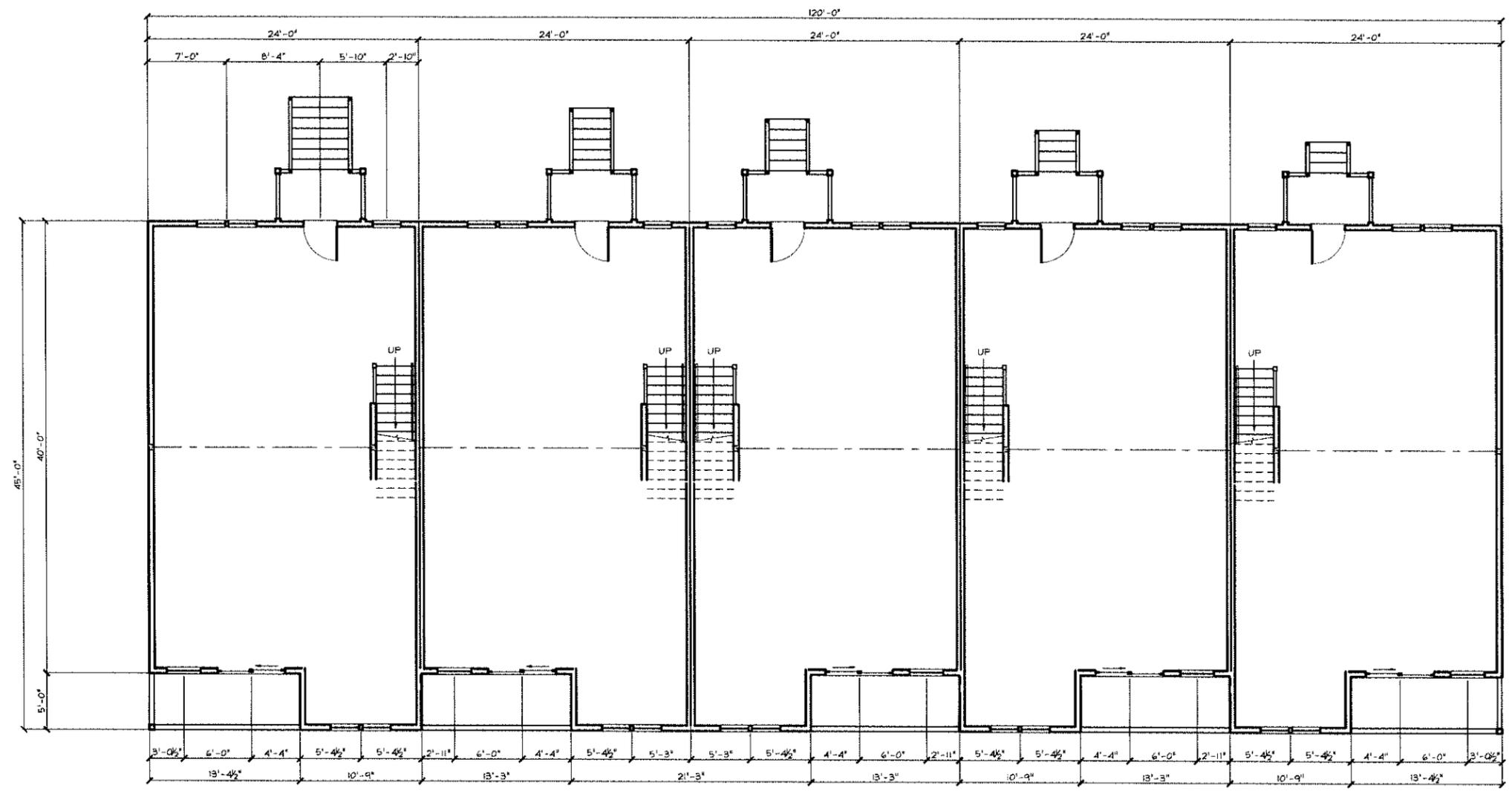
Mixed Use Building
 42 State Road
 Kittery, Maine

-Preliminary-
 Not for Construction
 3-31-15

Date: x
 Scale: As Noted
 Design By: RB
 Approved By: -

Revisions

Second
 Floor Plan
A1.1
 Project No: 15011*



1 SECOND FLOOR PLAN
 A1.1 Scale: 3/16" = 1'

Client:
 HGC, LLC
 Kittery, Maine

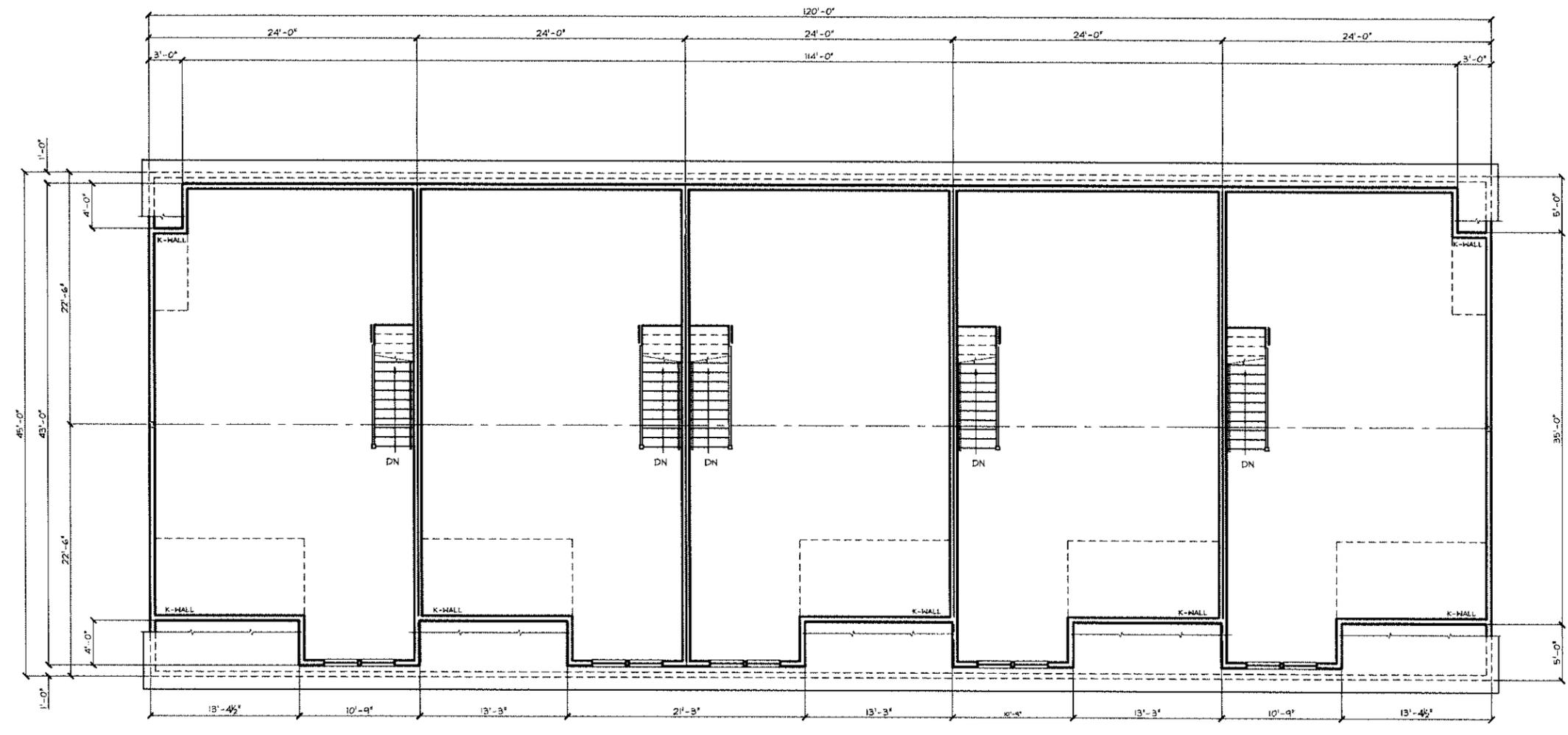
Mixed Use Building
 42 State Road
 Kittery, Maine

-Preliminary-
 Not for Construction
 9-31-15

Date: X
 Scale: As Noted
 Design By: RB
 Approved By: -

Revisions

Third Floor Plan
A1.2
 Project No: 150117



1 THIRD FLOOR PLAN
 A1.1 Scale: 3/16" = 1'

Client:
HGC, LLC
 Kittery, Maine

Mixed Use Building
 42 State Road
 Kittery, Maine

-Preliminary-
 Not for Construction
 4-1-15

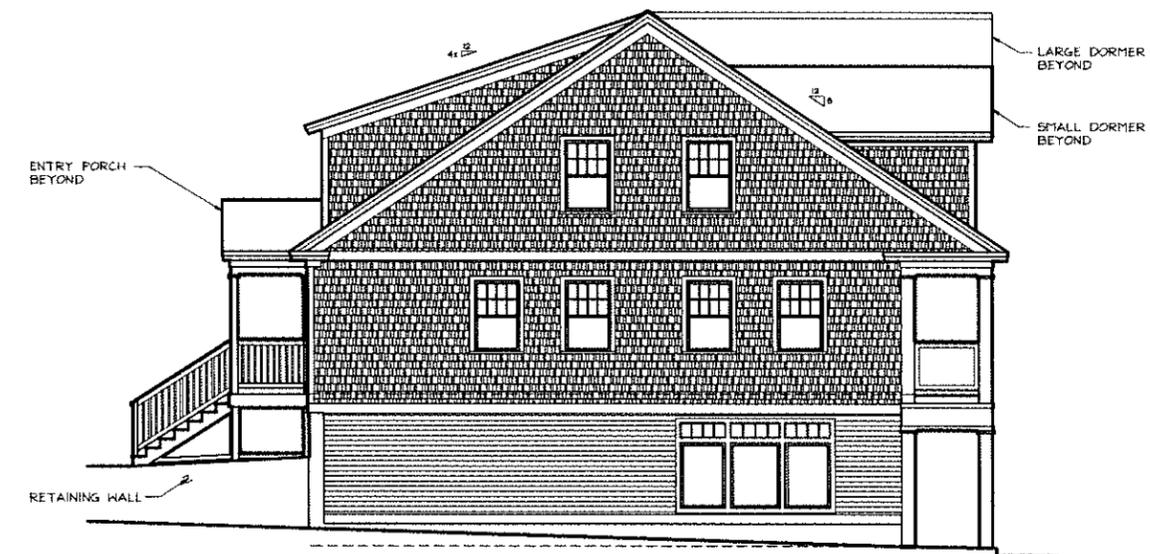
Date: x
 Scale: As Noted
 Design By: RB
 Approved By: -

Revisions

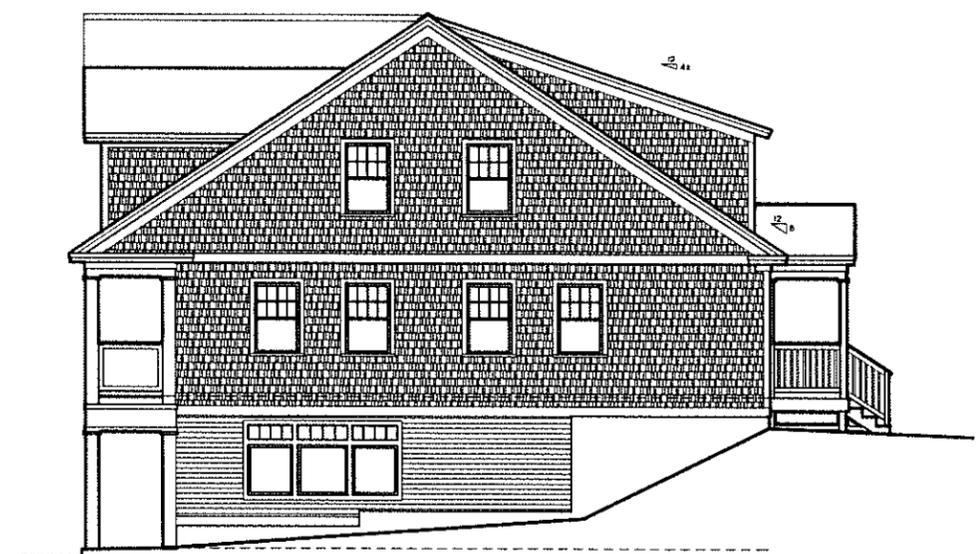
Elevations
A2.0
 Project No. 150117



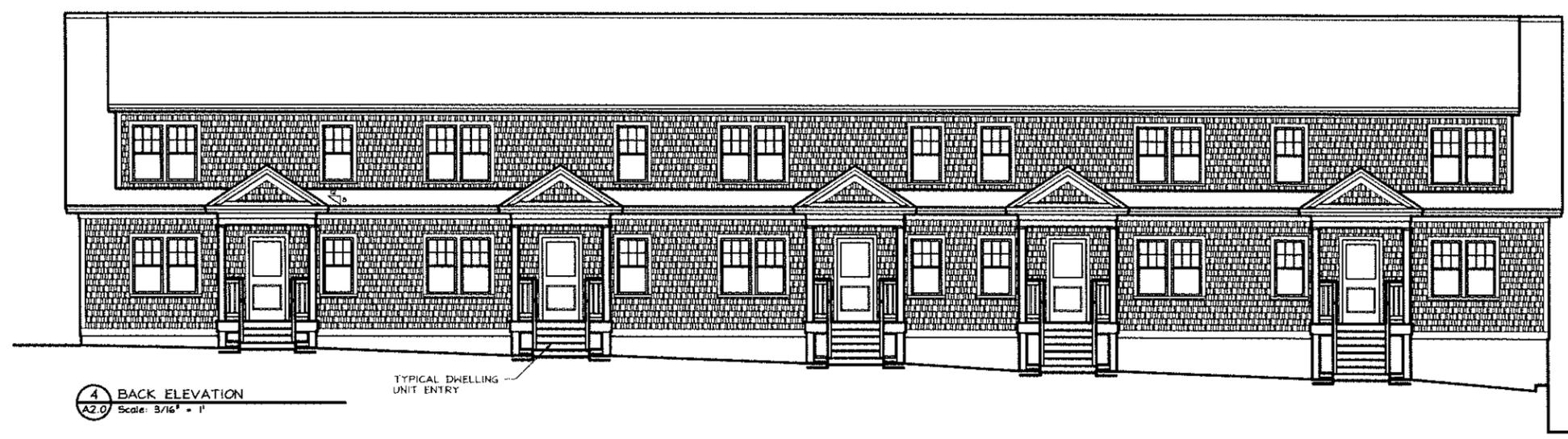
1 FRONT ELEVATION
 A2.0 Scale: 3/16" = 1'



2 LEFT SIDE ELEVATION
 A2.0 Scale: 3/16" = 1'



3 RIGHT SIDE ELEVATION
 A2.0 Scale: 3/16" = 1'



4 BACK ELEVATION
 A2.0 Scale: 3/16" = 1'

Client:
HGC, LLC
 Kittery, Maine

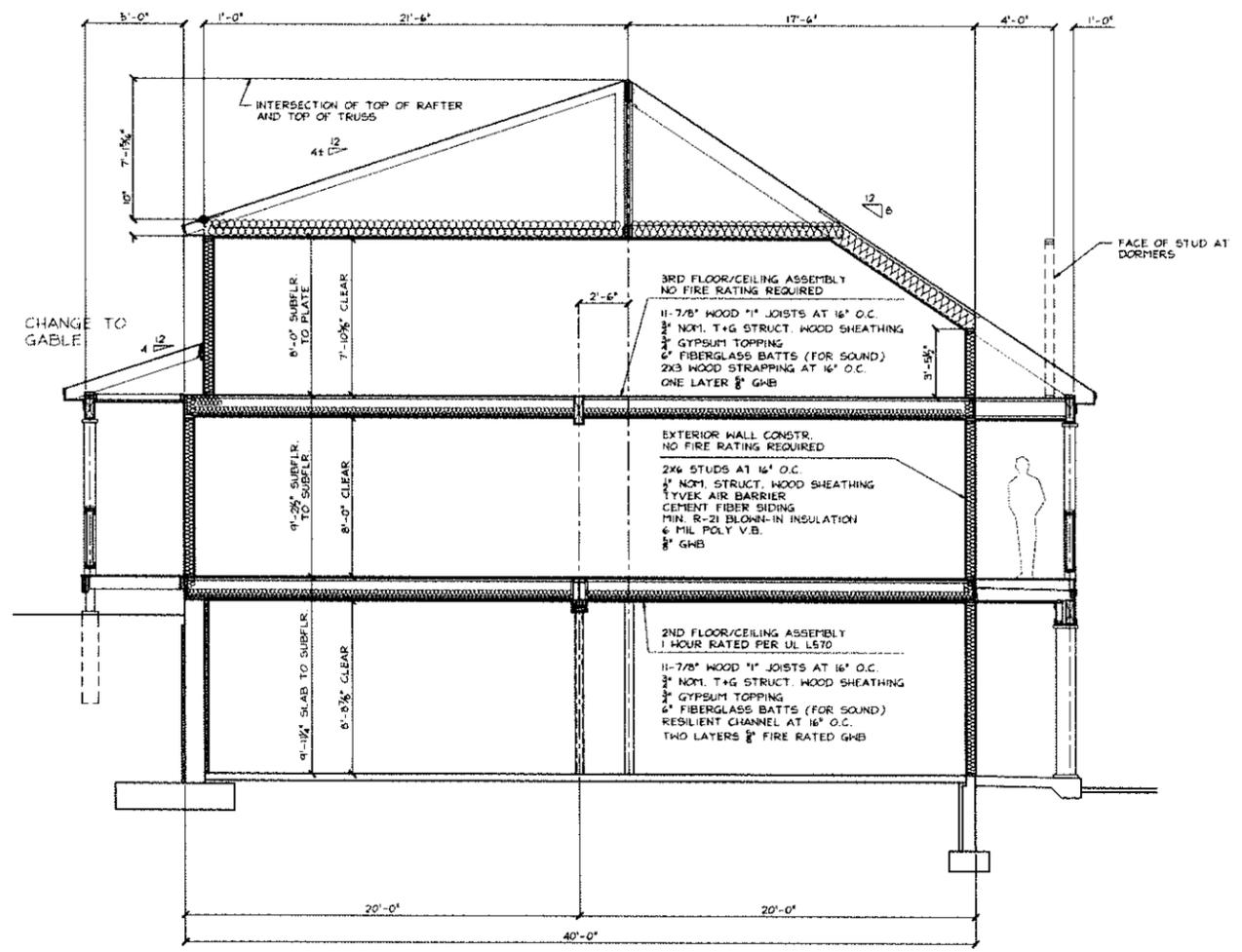
Mixed Use Building
 42 State Road
 Kittery, Maine

-Preliminary-
 Not for Construction
 3-31-15

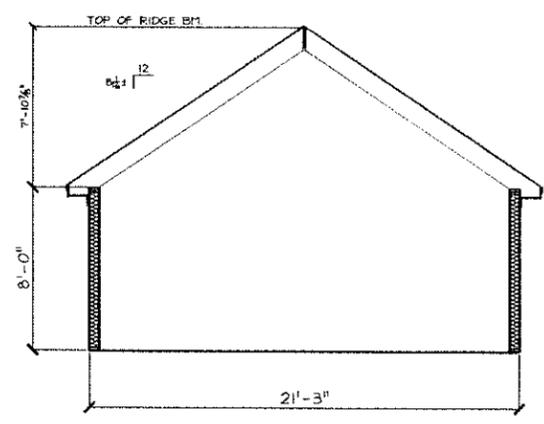
Date: X
 Scale: As Noted
 Design By: RB
 Approved By: -

Revisions

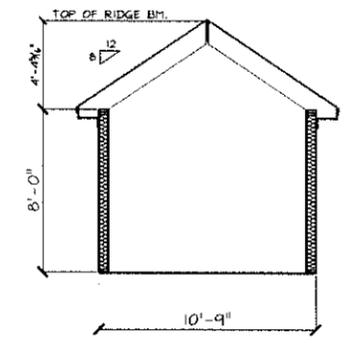
Sections
A3.0
 Project No: 150117



1 BUILDING SECTION
 A3.0 Scale: 1/4" = 1'



2 LARGE DORMER
 A3.0 Scale: 1/4" = 1'



3 SMALL DORMER
 A3.0 Scale: 1/4" = 1'

**Town of Kittery Maine
 Town Planning Board Meeting
 June 11, 2015**

ITEM 4 – 28 Island Avenue – Shoreland Development Plan Review

Action: accept or deny plan application; approve or deny plan. Owner/applicant Diane Knight requests consideration of a shoreland development plan for a second story expansion of an existing, nonconforming single-family dwelling located at 28 Island Avenue, Tax Map 1, Lot 9 in the Residential – Urban (R-U) and Shoreland Overlay (OZ-SL-250’) Zones. Agent is Anne Whitney, Architect.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Review		NA
NO	Site Visit		NA
YES	Determination of Completeness/Acceptance		Scheduled for 6/11
NO	Public Hearing		NA
YES	Final Plan Review and Decision		Feasible for 6/11

Plan Review Notes reflect comments and recommendations regarding applicability of Town Land Use Development Code, and standard planning and development practices. Only the PB makes final decisions on code compliance and approves, approves with conditions or denies final plans. Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4” HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

Background

Planning Board review of this project is required by 16.10.3.2. Other Development Review because it is located in the Shoreland Overlay Zone. The existing use is a nonconforming single family dwelling on a nonconforming lot within the Residential Urban Zone (R-U). It appears that the entire house is located within the required 100-foot setback from Highest Annual Tide. Expansion is limited to less than 30% in floor area or volume by 16.7.3.6.1 Nonconforming Structure Expansion. Specific to the R-U Zone development on the lot is also limited to no more than 50% devegetated area per 16.3.2.17.D.1.d.iii. The existing condition appears to be less than this, approximately 30-35% using GIS mapping, however, the proposed development does not include any new devegetated coverage. The same seems to be true for the 20% maximum building coverage for the R-U zone where the existing condition is approximately 25% , but again, no expansion to the building coverage is proposed.

The proposal is to add a two new dormers, a total of 56 s.f. and 1,456 c.f. all of which will lie within the existing limits of the house and within the 100-foot setback. The proposed expansion equals a 8.8% increase in volume and no increase to floor area, building coverage or devegetated area.

Staff Review

Percentages of expansion are minimal and are well within what is allowed by 16.7.3.6.1 and building coverage, and devegetated area are not increased.

A check of Town records confirms that there was no previous expansion after 1989. The applicant needs to add a note to the plan stating this.

Considering the limited development and increase Staff recommends the applicant not updating the survey at this point in time where it is evident that the entire house is within the 100-foot setback and there are no expansions proposed to the existing footprint. The Board can consider requiring an updated survey on any future expansions to the building as a condition of approval.

The plan needs to be revised to include some minor changes that could be a condition of approval. Changes include:

- 1) Title needs to include "Shoreland Development Plan" and prepared to be suitable for recording
- 2) A table that lists the three primary standards and the existing and proposed associated areas and % increase (i.e. Floor Area, Volume and Devegetated Area)
- 3) A note that states there have been no expansions after January 1, 1989
- 4) Denote the 100 foot setback line
- 5) Provide a plan reference for the survey information shown on the plan

Recommendations

Staff finds that the request appears to be substantially in conformance with the applicable provisions of Title 16. The proposed development is limited to the existing building footprint and may not warrant a public hearing or site visit. The needed changes to the plan are fairly minor and could be made conditions of approval. If the Board determines a public hearing is not necessary, Staff recommends that the Board accept the application and grant conditional approval.

Move to accept the application and grant conditional approval for the Shoreland Development Plan Application dated May 7, 2015 from Diane Knight for 28 Island Avenue (Tax Map 1, Lot 9) in the Residential – Urban and Shoreland Overlay Zones

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

KITTERY PLANNING BOARD

FINDINGS OF FACT

UNAPPROVED

**For 28 Island Ave
Shoreland Development Plan Review**

WHEREAS: Diane Knight requests approval of a shoreland development plan for the addition of two second story dormers to an existing, nonconforming structure located at 28 Island Avenue, Tax Map 1, Lot 9 in the Residential – Urban (R-U) and Shoreland Overlay (OZ-SL-250’) Zones, hereinafter the “Development,” and

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

Planning Board Review	June 11, 2015
Approval	

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

1. Shoreland Overlay Zone Project Plan Application, May 7, 2015.
2. Shoreland Development Plan, Anne Whitney Architect, May 6, 2015
3. Dormer Addition, Knight Stone Residence, Anne Whitney Architect, May 6, 2015

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

FINDINGS OF FACT

Chapter 16.3 LAND USE ZONE REGULATIONS

16.3.2.17. D Shoreland Overlay Zone
<i>1.d The total footprint of areas devegetated for structures, parking lots and other impervious surfaces, must not exceed twenty (20) percent of the lot area, including existing development, except in the following zones...</i>
Findings: The proposed development does not increase devegetated areas on the lot.
Conclusion: This standard appears to have been met.
Vote: __ in favor __ against __ abstaining

Chapter 16.7 GENERAL DEVELOPMENT REQUIREMENTS
Article III Nonconformance

16.7.3.1 Prohibitions and Allowances

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

Finding: This is an existing, nonconforming lot with an existing single family dwelling structure that is nonconforming to the 100-foot setback from the protected resource. The proposed development increases nonconformity as permitted in 16.7.3.6.1 Nonconforming Structure Expansion.

Conclusion: The requirement appears to be met.

Vote: __ in favor __ against __ abstaining

16.7.3.5 Types of Nonconformance

16.7.3.5.5 Nonconforming Structure Repair and/or Expansion

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

See 16.6.6.1 and its reference to 16.6.6.2 below.

Finding: The proposed development increases nonconformity as permitted in 16.7.3.6.1 Nonconforming Structure Expansion.

Conclusion: The requirement appears to be met.

Vote: __ in favor __ against __ abstaining

16.6.6 Basis for Decision

16.6.6.1.B *In hearing appeals/requests under this Section, the Board of Appeals [note: Planning Board is also subject to this section per 16.7.3.5.5 above] must use the following criteria as the basis of a decision:*

- 1. Proposed use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use zones;*
- 2. Use will not prevent the orderly and reasonable use of permitted or legally established uses in the zone wherein the proposed use is to be located, or of permitted or legally established uses in adjacent use zones;*
- 3. Safety, the health, and the welfare of the Town will not be adversely affected by the proposed use or its location; and*
- 4. Use will be in harmony with and promote the general purposes and intent of this Code.*

The Board must also give consideration to the factors listed in 16.6.6.2.

Finding: The proposed development does not pose a concern.

Conclusion: The requirement appears to be met.

Vote: __ in favor __ against __ abstaining

16.7.3.6 Nonconforming Structures in Shoreland and Resource Protection Overlay Zones

16.7.3.6.1 Nonconforming Structure Expansion

A nonconforming structure may be added to, or expanded, after obtaining Planning Board approval and

a permit from the Code Enforcement Officer. Such addition or expansion must not increase the non-conformity of the structure and must be in accordance with the subparagraphs 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 of 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 decisions 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.

Finding: A. Staff confirmed that there are no recorded expansions of the portion of the structure within the setback since 1989. The proposed expansion represents a 8.8% increase in volume. B & C. Does not apply.

Conclusion: The requirement appears to be met.

Vote: in favor against abstaining

Chapter 10 DEVELOPMENT PLAN APPLICATION AND REVIEW
Article 10 Shoreland Development Review

16.10.10.2 Procedure for Administering Permits

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

1. Maintain safe and healthful conditions;

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

Conclusion: This requirement appears to be met.

Vote: in favor against abstaining

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

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

Conclusion: This requirement appears to be met.

Vote: in favor against abstaining

<p>3. Adequately provide for the disposal of all wastewater; <u>Finding:</u> The proposed development does not appear to have an adverse impact. <u>Conclusion:</u> This requirement appears to be met.</p>
Vote: __ in favor __ against __ abstaining
<p>4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat; <u>Finding:</u> Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction to avoid impact on adjacent surface waters. <u>Conclusion:</u> This requirement appears to be met.</p>
Vote: __ in favor __ against __ abstaining
<p>5. Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters; <u>Finding:</u> Shore cover is conserved in accordance with this Code. There are no points of access. <u>Conclusion:</u> This requirement appears to be met.</p>
Vote: __ in favor __ against __ abstaining
<p>6. Protect archaeological and historic resources; <u>Finding:</u> The proposed development does not appear to have an adverse impact. <u>Conclusion:</u> This requirement appears to be met.</p>
Vote: __ in favor __ against __ abstaining
<p>7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district; <u>Finding:</u> The proposed development does not appear to have an adverse impact. <u>Conclusion:</u> This requirement appears to be met.</p>
Vote: __ in favor __ against __ abstaining
<p>8. Avoid problems associated with floodplain development and use; <u>Finding:</u> The proposed development is not within the floodplain. <u>Conclusion:</u> This requirement appears to be met.</p>
Vote: __ in favor __ against __ abstaining
<p>9. Is in conformance with the provisions of this Code; <u>Finding:</u> The proposed development appears to be in conformance with the provisions of this Code. <u>Conclusion:</u> This requirement appears to be met.</p>
Vote: __ in favor __ against __ abstaining
<p>10. Be recorded with the York County Registry of Deeds. <u>Conclusion:</u> As stated in the Notices to Applicant contained herein, Shoreland Development plans must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.</p>
Vote: __ in favor __ against __ abstaining

Based on the foregoing Findings, the Planning Board finds the applicant has satisfied each of the review standards for approval and, therefore, the Planning Board approves the Shoreland Development Plan Application of Diane Knight requests approval of a shoreland development plan for the addition of two second story dormers to an existing, nonconforming structure located at 28 Island Avenue, Tax Map 1, Lot 9 in the Residential – Urban (R-U) and Shoreland Overlay (OZ-SL-250') Zones subject to an conditions or waivers, as follow:

Waivers: None

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

1. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated with site and building construction to ensure adequate erosion control and slope stabilization.
3. All Notices to Applicant contained herein (Findings of Fact dated June 11, 2015).
4. Future expansions will require the applicant to obtain a new Boundary Survey with Highest Annual Tide Information for Staff review.

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

5. Revise plan per staff comments

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

Vote of ___ in favor ___ against ___ abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON _____

Ann Grinnell, Planning Board Chair

Notices to Applicant:

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

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.



TOWN OF KITTERY MAINE
TOWN PLANNING AND DEVELOPMENT DEPARTMENT

200 Rogers Road, Kittery, Maine 03904

Phone: (207) 475-1307

Fax: (207) 439-6806

www.kittery.org

RECEIVED
MAY 07 2015

BY: _____

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

FEE FOR REVIEW	<input type="checkbox"/> \$200.00	Amount Paid: \$ _____
		Date: _____

PROPERTY DESCRIPTION	Parcel ID	Map	1	Base Zone	R-U	Total Land Area	0.1 AC 1/4 7356 SF
		Lot	9	Overlay Zone	SHORELAND		
Physical Address		28 ISLAND AVE					

PROPERTY OWNER'S INFORMATION	Name	DIANE KNIGHT	Mailing Address	28 ISLAND AVE KITTERY, ME 03904
	Phone	207-752-2909		
	Fax			
	Email	DIANEK2828@gmail.com		

APPLICANT'S AGENT INFORMATION	Name	ANNE WHITNEY	Name of Business	ANNE WHITNEY ARCHITECT
	Phone	603-727-2032	Mailing Address	9 STRAFF ST. PORTSMOUTH, NH 03801
	Fax	SAME		
	Email	ARCHWHITC@aol.com		

PROJECT DESCRIPTION	See reverse side regarding information to be provided.	
	Existing Land Use:	
	SINGLE FAMILY RESIDENCE	
	Proposed Land Use and Development:	
SINGLE FAMILY RESIDENCE		

PROJECT DESCRIPTION	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)
	Proposed Downer Addition on Existing Non-Conforming Building & Lot within the 75' setback of the Shoreland Zone.

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

Applicant's Signature: <u>[Signature]</u>	Owner's Signature: <u>[Signature]</u>
Date: <u>5/7/15</u>	Date: <u>5/7/15</u>

MINIMUM PLAN SUBMITTAL REQUIREMENTS

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

Shoreland Overlay Zone Project Plan format and content:

- A) Paper Size; no less than 11" X 17" or greater than 24" X 36"
- B) Plan Scale
 - Under 10 acres: no greater than 1" = 30'
 - 10 + acres: 1" = 50'

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

- C) Title Block
 - Applicant's name and address
 - Name of preparer of plan with professional information
 - Parcel's Kittery tax map identification (map - lot) in bottom right corner

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

Project Plan must include the following existing and proposed information:

<p>Existing:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Land Use Zone and boundary <input type="checkbox"/> Topographic map (optional) <input type="checkbox"/> Wetlands and flood plains <input checked="" type="checkbox"/> Water bodies and water courses <input checked="" type="checkbox"/> Parcel area <input checked="" type="checkbox"/> Lot dimensions <input type="checkbox"/> Utilities (Sewer/septic, water, electric, phone) <input checked="" type="checkbox"/> Streets, driveways and rights-of-way <input checked="" type="checkbox"/> Structures 	<p>Proposed: (Plan must show the lightened existing topography under the proposed project plan for comparison.)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Recreation areas and open space <input checked="" type="checkbox"/> Setback lines and building envelopes <input checked="" type="checkbox"/> Lot dimensions <input type="checkbox"/> Utilities (Sewer/septic, water, electric, phone) <input type="checkbox"/> Streets, driveways and rights-of-way <input type="checkbox"/> Structures <input checked="" type="checkbox"/> Shoreland Project Expansion Analysis (see attached) <p>Distance to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Nearest driveways and intersections <input type="checkbox"/> Nearest fire hydrant <input checked="" type="checkbox"/> Nearest significant water body; ocean, wetland, stream.
--	--

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

EXPANSION ANALYSIS OF CONSTRUCTION ONLY WITHIN THE SHORELAND OVERLAY ZONE

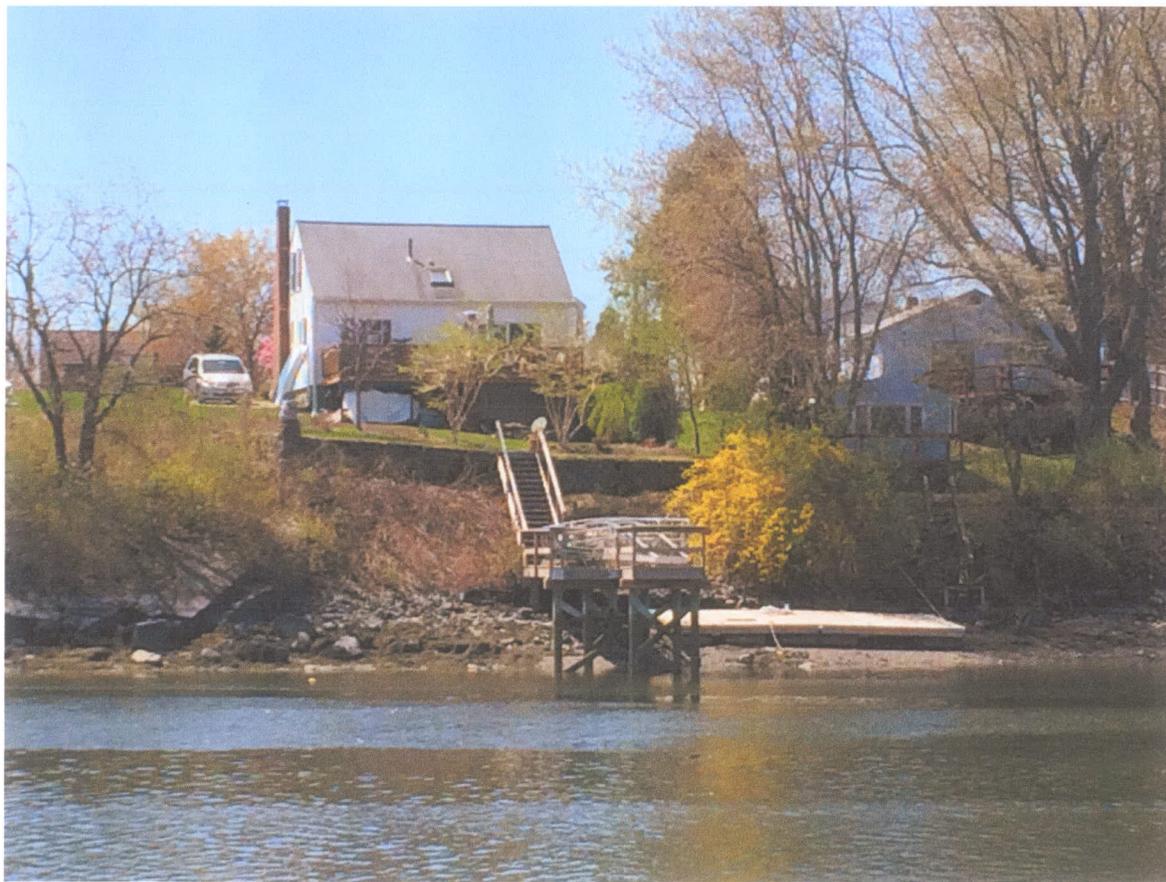
	AREA - SQUARE FEET	VOLUME - CUBIC FEET	CONSTRUCTION TYPE * (DR or MR)	VALUE \$
PROPOSED ADDITION				
CHANGE – TOTAL	<u>0</u> SF	<u>1756</u> CF	<u>DR</u>	NA
CHANGE – PERCENT	<u>0</u> %	<u>8.8</u> %	NA	NA
CONSTRUCTION VALUE	NA	NA		\$ _____
EXISTING –				
PRIOR TO SHORELAND LAW – 1987	<u>890</u> SF	<u>16,770</u> CF	NA	NA
ADDITION(S) –AFTER INITIAL SHORELAND LAW ADOPTION				
CHANGE - TOTAL	_____ SF	_____ CF	NA	NA
CHANGE – PERCENT	_____ %	_____ CF	NA	NA
VALUE OF CONSTRUCTION	NA	NA	NA	\$ _____
VALUE OF INCREASE – PERCENT	NA	NA	NA	_____ %
TOTAL – EXISTING PLUS PROPOSED				
CHANGE – AMOUNT	<u>0</u> SF	<u>1756</u> CF	NA	NA
CHANGE – PERCENT	<u>0</u> % **	<u>8.8</u> CF**	NA	NA
**(Note: May not exceed 30%)				
VALUE OF CONSTRUCTION - \$	NA	NA	NA	\$ _____
VALUE OF INCREASE – PERCENT	NA	NA	BA	_____ %

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

END



View from Bridge



River, View, Rear Elevation

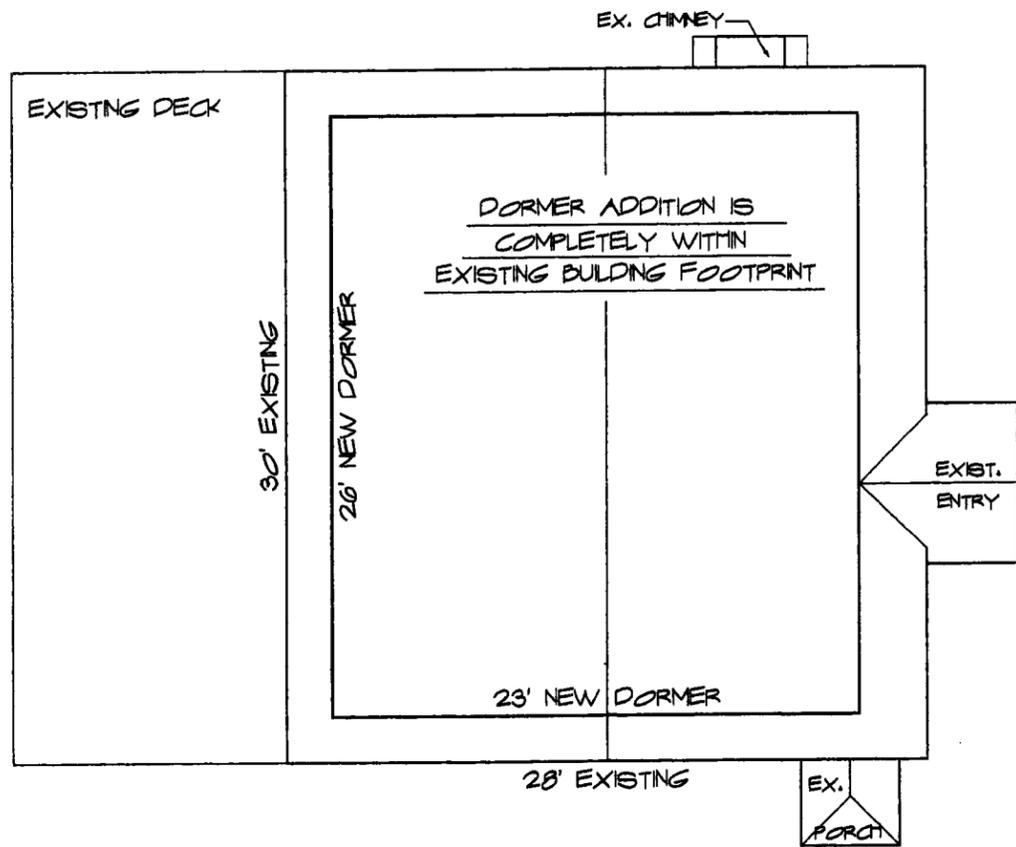
RECEIVED
MAY 07 2015
BY: _____

28 Island Ave.



Google earth





AREA & VOLUME CALCULATION
SCALE 1/16" = 1'-0"

DORMER ADDITION VOLUME
 $(26 \text{ SF} + 30 \text{ SF}) \times 26' = 1,456 \text{ CU FT}$

EX. CHIMNEY VOLUME
 $98 \text{ SF} \times 1.33' = 130 \text{ CU FT}$

EX. ENTRY VOLUME
 $78 \text{ SF} \times 4' = 312 \text{ CU FT}$

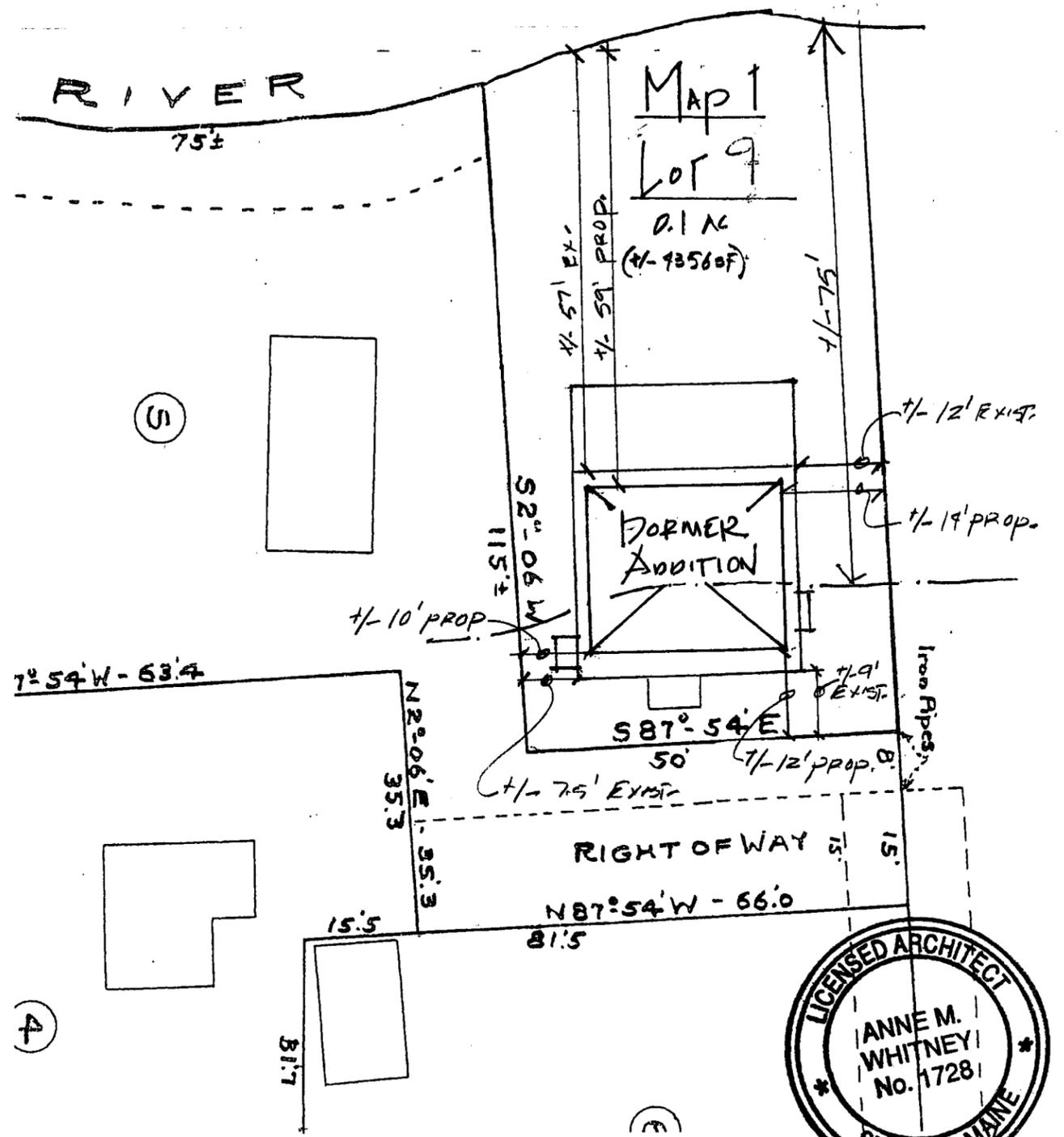
MAIN HOUSE VOLUME
 $528 \text{ SF} \times 30' = 15,840 \text{ CU FT}$

50 SF EXIST. PORCH

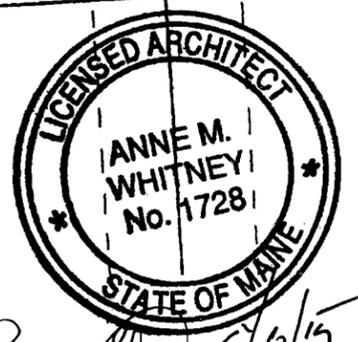
78 SF EX. ENTRY

EX. SIDE PORCH VOLUME
 $50 \text{ SF} \times 3.75' = 188 \text{ CU FT}$

TOTAL EXIST. VOLUME
 $15,840 + 312 + 188 + 130 = 16,470 \text{ CU FT}$
DORMER ADDITION VOLUME
 $1,456 \text{ CU FT} = 8.8\% \text{ INCREASE}$

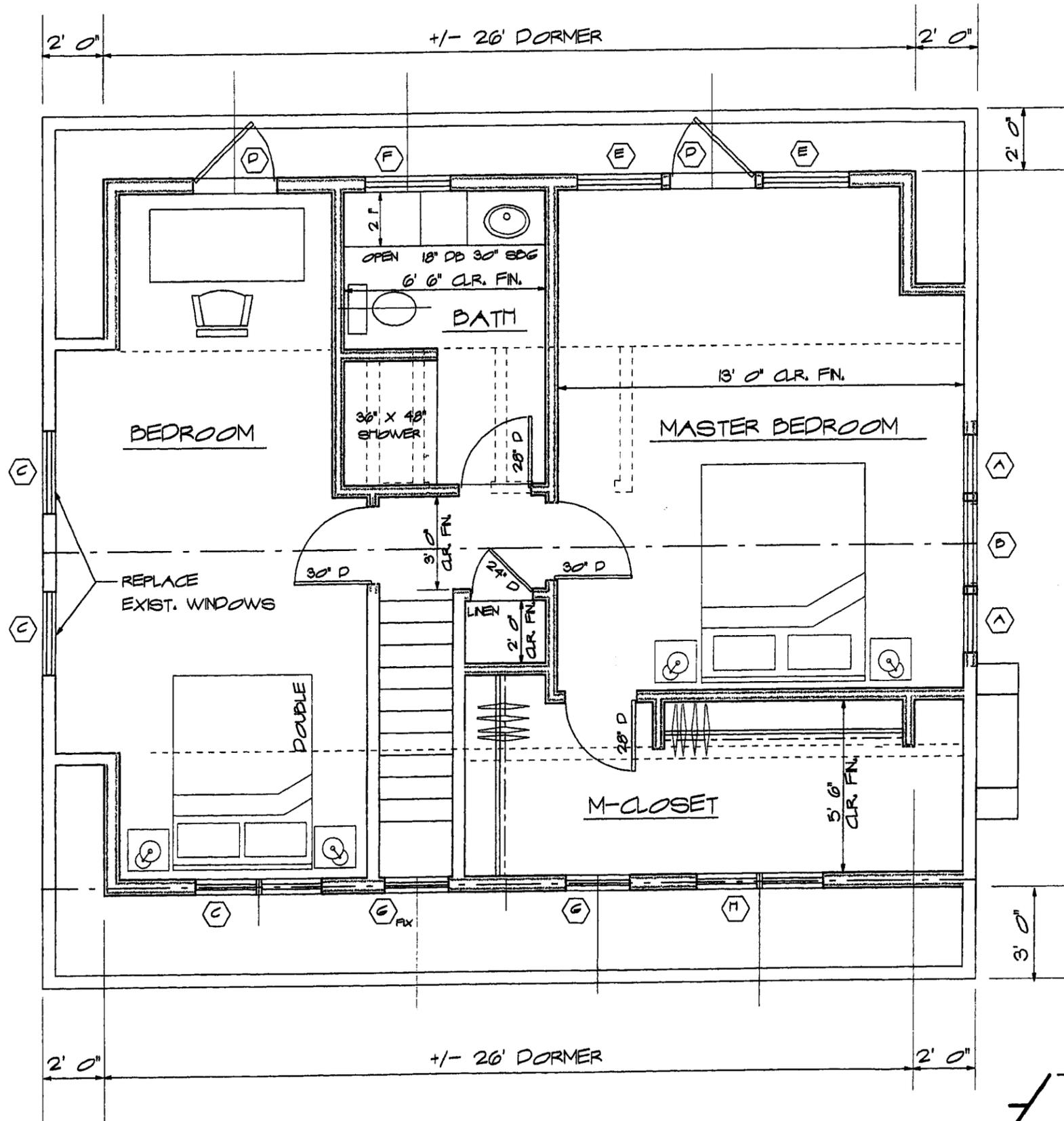


LOT LAYOUT PLAN
SCALE 1" = +/- 20'



LOT PLAN & AREA / VOLUME CALCULATIONS DORMER ADDITION, KNIGHT STONE RESIDENCE 28 ISLAND AVE.	9 Shafee Street Portsmouth NH 03301 603-427-2832	ANNE WHITNEY ARCHITECT	Project: 01422	Date: 4/24/15
			Revisions:	L-1

Map 1 Lot 9



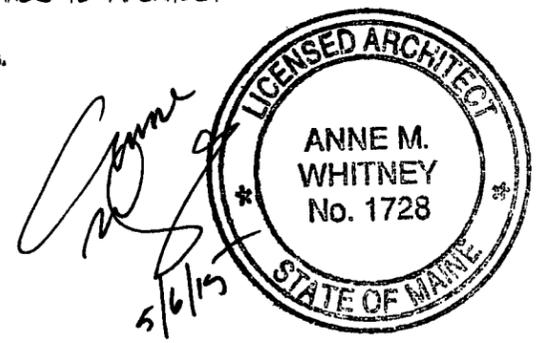
SECOND FLOOR PLAN
SCALE 1/4" = 1'-0"

WINDOW SCHEDULE

SYM.	UNIT	LITES	ROUGH OPENING	REMARKS	QUAN.
A	ITDH 2652	4/1	2'-2 1/2" X 4'-4 1/4"	MARVIN INC., INTERGRITY, Doublehung Window Low E Glazing, SDL with spacer bar, Hardware, Cladding & Screen Color - to be chosen by owner, in exist. wall.	2
B	ITDH 3252	6/1	2'-8 1/2" X 4'-4 1/4"	DITTO, in existing wall.	1
C	Replacement	6/1	field measure	DITTO, Replacement window in existing wall.	2
D	ICA 3343	short frac. 11" see elev.	2'-8 1/2" X 3'-7 3/4"	MARVIN INC., INTERGRITY, Awning or Casement Window, Low E Glazing, SDL with spacer bar, Hardware, Cladding & Screen Color - to be chosen by owner, in new 2x6 wall.	1L 1R
E	IAWN 3343	ditto	2'-8 1/2" X 3'-7 3/4"	DITTO	2
F	IAWN 3331	ditto	2'-8 1/2" X 2'-7 5/8"	DITTO	1
G	IAWN 2531	4	2'-1" X 2'-7 5/8"	DITTO, one operable & 1 fixed.	1 opp. 1 fix
H	IAWN 2531 2 wide	4	4'-1" X 2'-7 5/8"	DITTO, 2 wide	2
I	IAWN 4919	4	4'-1" X 1'-7 5/8"	DITTO, in existing wall.	1

WINDOW NOTES:

- SUBMIT FINAL WINDOW ORDER & SHOP DRAWINGS TO ARCHITECT FOR APPROVAL BEFORE ORDERING
- BUILDER TO VERIFY RO'S & WALL THICKNESS.



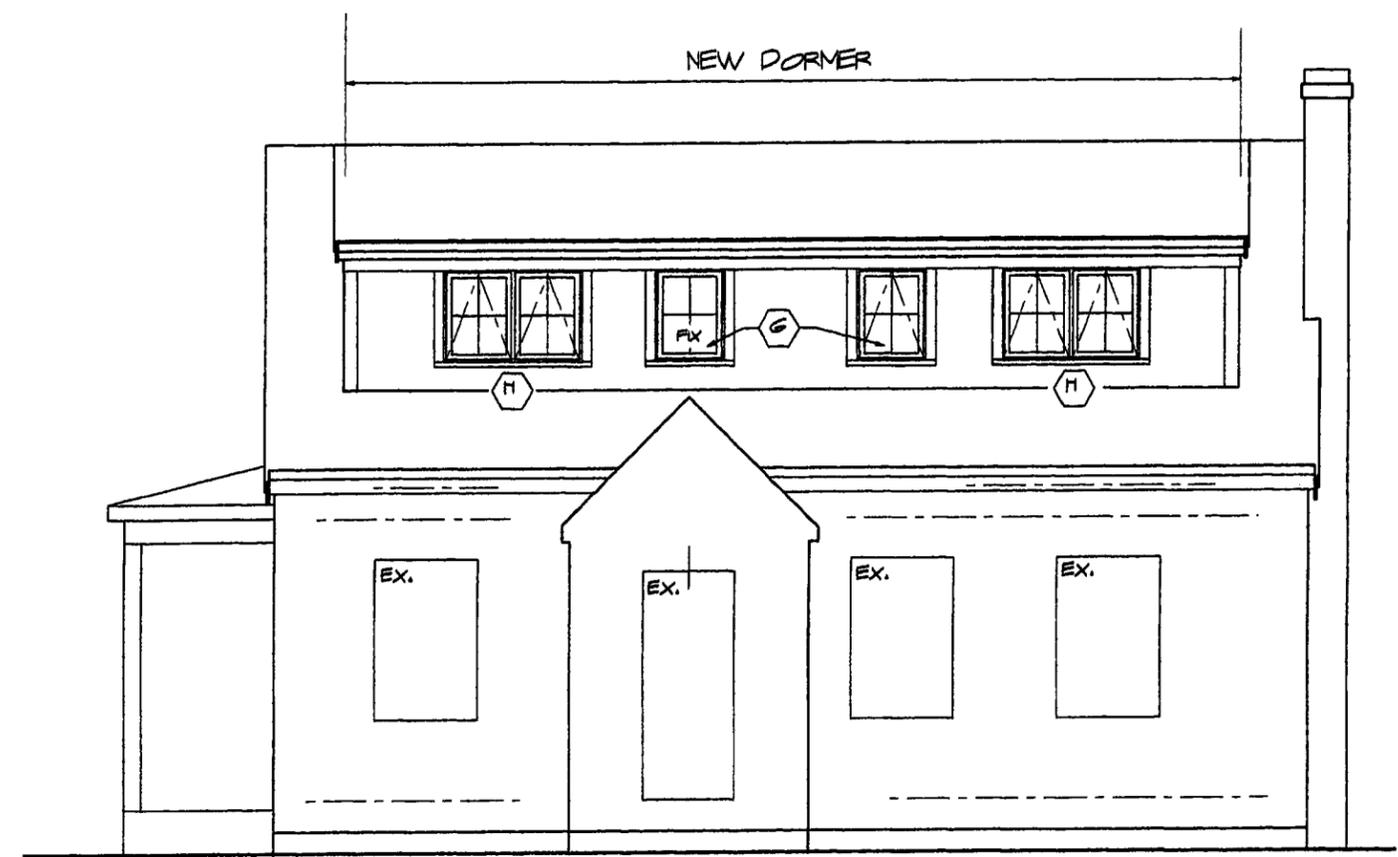
DRAWING LIST

- L - 1 LOT PLAN & AREA / VOLUME CALCULATIONS
- A - 1 2ND FLOOR PLAN & WINDOW SCHEDULE
- A - 2 FRONT & LEFT SIDE ELEVATIONS
- A - 3 REAR & RIGHT SIDE ELEVATIONS
- A - 4 SECTION (A) & NOTES

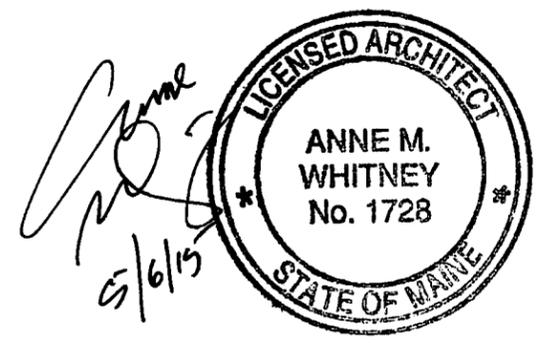
2ND FLOOR PLAN & WINDOW SCHEDULE DORMER ADDITION, KNIGHT STONE RESIDENCE 28 ISLAND AVE.	 ANNE WHITNEY ARCHITECT	Project: #1422	Date: 4/24/15
		Revisions:	A-1



LEFT SIDE ELEVATION
SCALE: 3/16" = 1'-0"



FRONT ELEVATION
SCALE: 3/16" = 1'-0"



ELEVATION NOTE:
DO NOT SCALE ELEVATIONS. FOR DIMENSIONS, DETAILS & MATERIALS, SEE FLOOR PLAN & SECTION DRAWINGS

FRONT & LEFT SIDE ELEVATIONS	9 Granite Street Portsmouth ME 03801 603-427-3332	Project: #1422	Date: 5/6/15
		ANNE WHITNEY ARCHITECT DORMER ADDITION, KNIGHT STONE RESIDENCE 28 ISLAND AVE. KITTERY, MAINE	Revisions: A - 2

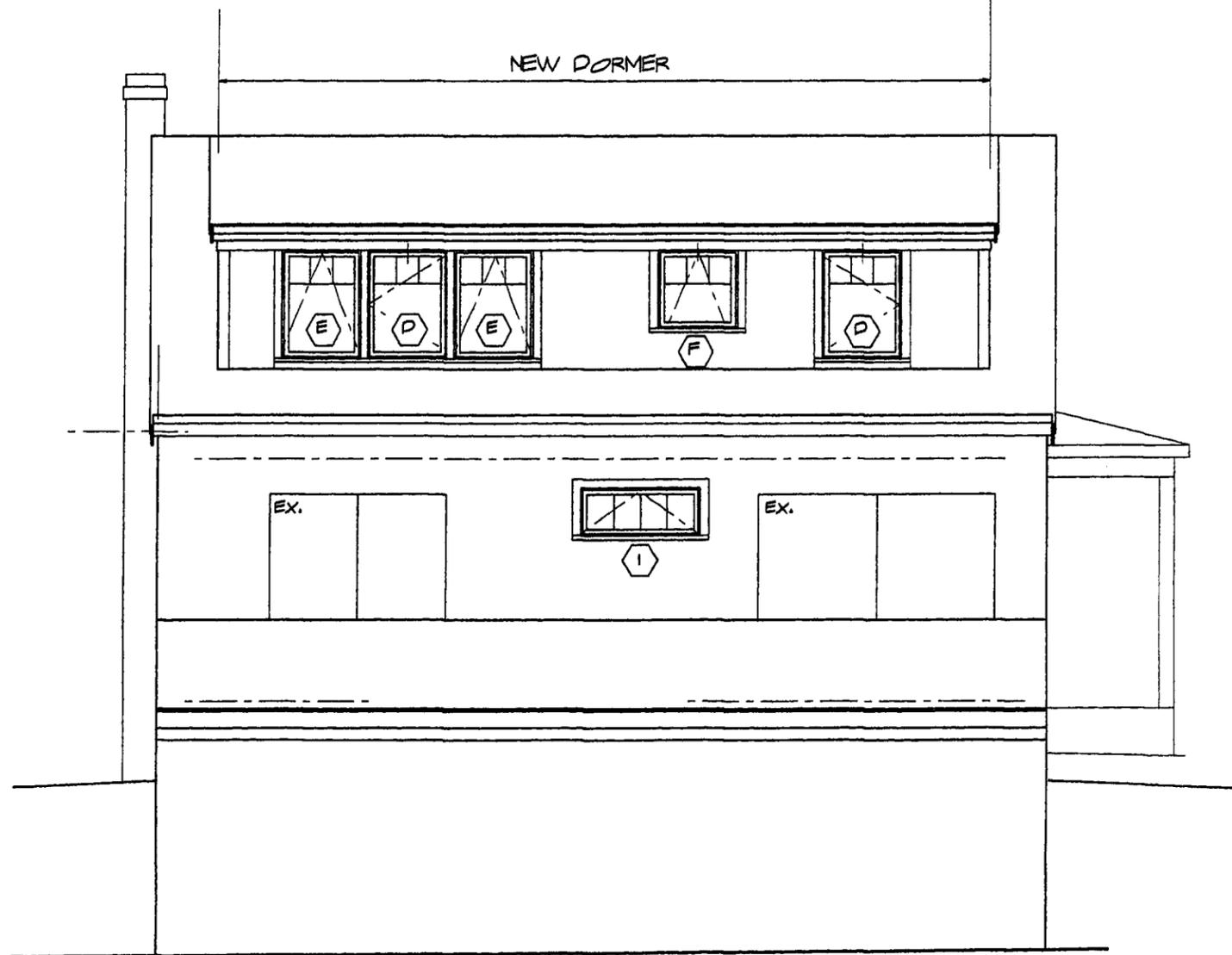
NEW EVE & RAKE TRIM DETAILS
TO BE DETERMINED

NEW DORMERS



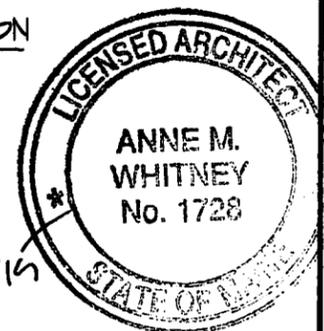
RIGHT SIDE ELEVATION
SCALE: 3/16" = 1'-0"

NEW DORMER



RIVER, REAR ELEVATION
SCALE: 3/16" = 1'-0"

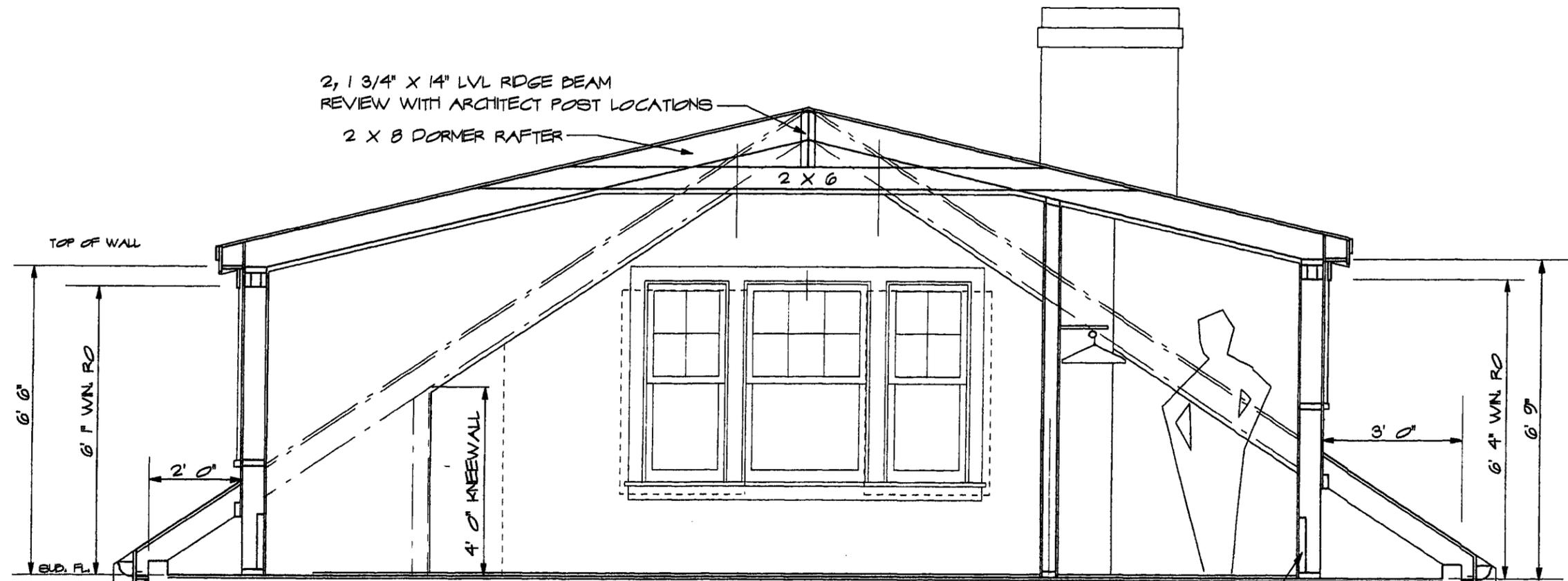
Handwritten signature and date:
5/6/15



ELEVATION NOTE:

DO NOT SCALE ELEVATIONS. FOR DIMENSIONS, DETAILS & MATERIALS,
SEE FLOOR PLAN & SECTION DRAWINGS

REAR & RIGHT SIDE ELEVATIONS DORMER ADDITION, KNIGHT STONE RESIDENCE 28 ISLAND AVE.	 ANNE WHITNEY ARCHITECT 9 Shaws Street Portsmouth NH 03801 603-437-2832	Project: #1422	Date: 5/6/15
		Revisions:	A-3



2, 1 3/4" X 14" LVL RIDGE BEAM
 REVIEW WITH ARCHITECT POST LOCATIONS
 2 X 8 DORMER RAFTER

2 X 6

TOP OF WALL
 6' 6"
 6' W.N. RO
 SUB. FL.

2' 0"

4' 0" KNEEWALL

3' 0"

6' 4" W.N. RO
 6' 9"

EXIST. FLOOR FRAMING

NEW AWNING WINDOW IN EXIST. BATH



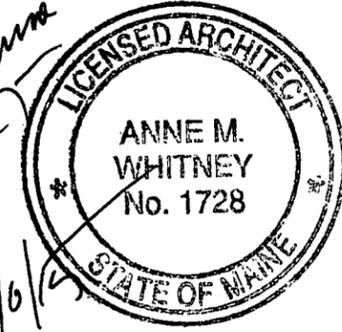
+1-6' 0"

1 3/4" X 14" LVL, NOTCH IN TO 2 X 6 WALL
 REVIEW WITH ARCHITECT POST LOCATIONS

SECOND FLOOR INSULATION

EXTERIOR WALLS - 2 X 6 W/ 3" SPRAY IN PLACE POLYURETHANE INSULATION	R-21
ROOF RAFTERS 6' SPRAY IN PLACE POLYURETHANE INSULATION (RAFTERS ARE INSULATED TO RIDGE)	R-42

Handwritten signature and date:
 5/6/13



○ DORMER ADDITION SCHEMATIC SECTION
 SCALE: 3/8" = 1'-0"

DORMER SECTION ELEVATIONS DORMER ADDITION, KNIGHT STONE RESIDENCE 28 ISLAND AVE.	8 Greafe Street Portsmouth NH 03801 603-427-2832	ANNE WHITNEY ARCHITECT	Project: 01422 Revisions:	Date: 5/6/13
	ANNE WHITNEY ARCHITECT 28 ISLAND AVE. KITTERY, MAINE		A-4	

**Town of Kittery Maine
Town Planning Board Meeting
June 11, 2015**

ITEM 5 – 89 Route 236 – Sketch Site Plan Review

Action: approve or deny sketch plan. Owner/applicant Rockwell Homes, LLC requests consideration of a sketch site plan for a single, 2,520-square-foot building containing business and professional offices and a drive-through-only restaurant at 89 Route 236 (Tax Map 28, Lot 14-2) in the Commercial 2 (C-2) Zone. Agent is Ryan McCarthy, Tidewater Engineering & Surveying, LLC.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Review		6/11
NO	Site Visit		
YES	Determination of Completeness/Acceptance		
YES	Public Hearing		
YES	Final Plan Review and Decision		

Plan Review Notes reflect comments and recommendations regarding applicability of Town Land Use Development Code, and standard planning and development practices. Only the PB makes final decisions on code compliance and approves, approves with conditions or denies final plans. Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

Background

This is the first, conceptual review of a plan to develop a professional office (Rockwell Homes, LLC) and a drive-through-only restaurant (Aroma Joe's) on one of the lots divided from Map 28, Lot 14 (the mother lot being currently under review for a cluster residential subdivision entitled Bartlett Hill).

Some of the forethought and conditions made during that division last year will have a bearing on this project, as well as on lot 14-1 next door. An easement along the property line between the two provides a shared access.

Staff Comments

At this stage in the review, our comments mostly concern aspects of the plan that are yet to be developed. Items for consideration and future determination include:

- **Parking and circulation.** With no restaurant seating, the plan appears to provide just enough parking for employees. The relationship between parking spaces, the drive-thru/parking aisle, and pedestrian connections to the building raises some safety concerns and should be looked at more closely.
- **Landscaping.** A landscaping plan will be submitted by the final plan review phase. The applicant has indicated their desire to perform some selective cutting in the front setback to increase visibility of the businesses. We would like to ensure that the landscape plan balances the need for visibility and sight distance with the preservation of mature trees and new plantings.
- **Streetscape.** A condition of approval for the subdivision of this lot was to ensure an easement to the Town for a paved walkway and associated street trees. The Board, the applicant, and the Public Works Director should begin to consider how this condition affects this project.

- **Building Design.** The drawings provided indicate that the proposed design appears to meet the standards for C-2.

Recommendation

This is the Board's opportunity to provide guidance and provide specific suggestions to the applicant.

We recommend the Board approve the sketch plan.

Move to approve the sketch plan application dated May 21, 2015 from Rockwell Homes, LLC for 89 Route 236 (May 28, Lot 14-2) in the Commercial – 2 Zone.



RECEIVED
MAY 21 2015

May 21, 2015

BY: _____

Mr. Chris Di Matteo
Kittery Town Planner
200 Rogers Road
Kittery, Maine 03904

Re: Sketch Plan Review Application
89 U.S. Route 236
Tax Map 28, Lot 14

Dear Mr. Di Matteo:

On behalf of Rockwell Homes LLC, Tidewater Engineering & Surveying LLC is submitting an application for a sketch plan review associated with a proposed development located at 89 Route 236.

The prior owner brought the subject parcel before the Kittery Planning Board in 2014 as a subdivision and a site plan. The subdivision created two commercial lots on Route 236 adjacent to the intersection with Fernald Road. A site plan was subsequently approved to allow timber harvesting within the clearing limits and for the retail/wholesale of the firewood generated from the site. The permitted use to clear and sell firewood has since completed and the property was sold to Rockwell Homes LLC in March 2015.

Rockwell Homes LLC is proposing to develop the parcel to accommodate a 42' by 60' multi-use building with associated parking and site improvements. The multi-use building will primarily be occupied by "business and professional office" use with a secondary "restaurant" use in a portion of the first floor. The majority of the office space will be the future home of Rockwell Homes LLC and will include a builder's show room, conference room, reception area and three offices. Two separate small office spaces will be available for lease by other business professionals. The "restaurant" use will be for an Aroma Joe's Coffee business which provides drive through service only, as no seating is provided for customers.

The property is located with the C-2 (Commercial) zone and is not subject to any overlay districts. Both the Kittery LUDC and the Kittery Design Handbook will be used to ensure that the building and site meets the goals and vision of the Town and fits harmoniously into the surrounding by providing a functional, safe and welcoming character. The landscaping will be carefully designed with various planting beds to reduce impervious surfaces, accentuate the building's architecture, screen parking areas and provide attractive green space around the site.

The number of parking spaces required will be determined by Section 16.8.9.4 of the LUDC. As defined, two spaces per office unit plus one space per 250 square feet of gross area are required for business and professional offices. Parking spaces for a restaurant use is based upon the number of seats, calculated by dividing the total floor area with customer access by 15. Since Aroma Joe's Coffee does not provide customer access or floor space within the building, does not provide seating and is drive through access only, parking spaces are proposed to be provided for the maximum number of employees for the busiest shift only.



TOWN OF KITTERY MAINE

TOWN PLANNING AND DEVELOPMENT DEPARTMENT

200 Rogers Road, Kittery, Maine 03904

Phone: (207) 475-1323

Fax: (207) 439-6806

www.kittery.org

APPLICATION: SITE OR SUBDIVISION-SKETCH PLAN REVIEW

Application Fee:		<input checked="" type="checkbox"/> \$200.00 \$300.00		Amount Paid:\$		Date:	
PROPERTY DESCRIPTION	Parcel ID	Map	28	Zone(s)-Base:	C-2	Total Land Area	1.4 AC
		Lot	14-2	Overlay:	NONE	MS4	___ YES ___ NO
	Physical Address	89 ROUTE 236, KITTERY, ME					
PROPERTY OWNER'S INFORMATION	Name	Rockwell Homes LLC		Mailing Address	1021 GOODWIN RD ELIOT, ME 03903		
	Phone	(207) 457-1600					
	Fax	—					
	Email	aaron@homesbyrockwell.com					
APPLICANT'S AGENT INFORMATION	Name	Ryan McCarthy		Mailing Address	Tidewater Engineering & Surveying LLC 37 ROUTE 236, Suite 201 KITTERY, ME 03904		
	Phone	(508) 887-5644					
	Fax	—					
	Email	ryan@tidewatercivil.com					
PROJECT DESCRIPTION	See reverse side regarding information to be provided.						
	Existing Land Use(s):						
	Previous Owner: Retail / Wholesale Firewood Sales						
	Proposed Land Use(s) and Development:						
	Mixed Use Building: Business & Professional Offices Restaurant						
Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)							
The parcel was created in 2014 and is subject to the conditions of approval set forth in previous subdivision and site plan approval from the Kittery Planning Board. The parcel is a conforming lot of record and is not in a flood zone or shoreland zone. A small wetland is located in the front of the lot with a 25' setback. An access and utility easement is located along the northerly sideline of the parcel.							
I certify, to the best of my knowledge, this application information is true and correct and I will not deviate from the Plan submitted without notifying the Town Planning and Development Department of any changes.							
Applicant's Signature:				Owner's Signature:			
Date:	5/21/15			Date:	5/21/15		

MINIMUM PLAN SUBMITTAL REQUIREMENTS

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

Sketch Plan format and content:

A) Paper Size; no less than 11" X 17" or greater than 24" X 36"

B) Plan Scale

Under 10 acres: no greater than 1" = 30'

10 + acres: 1" = 50'

C) Title Block

Applicant's name and address

Name of preparer of plan with professional information

Parcel's Kittery tax map identification (map - lot) in bottom right corner

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

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

Sketch Plan must include the following existing and proposed information:

Existing:

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

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

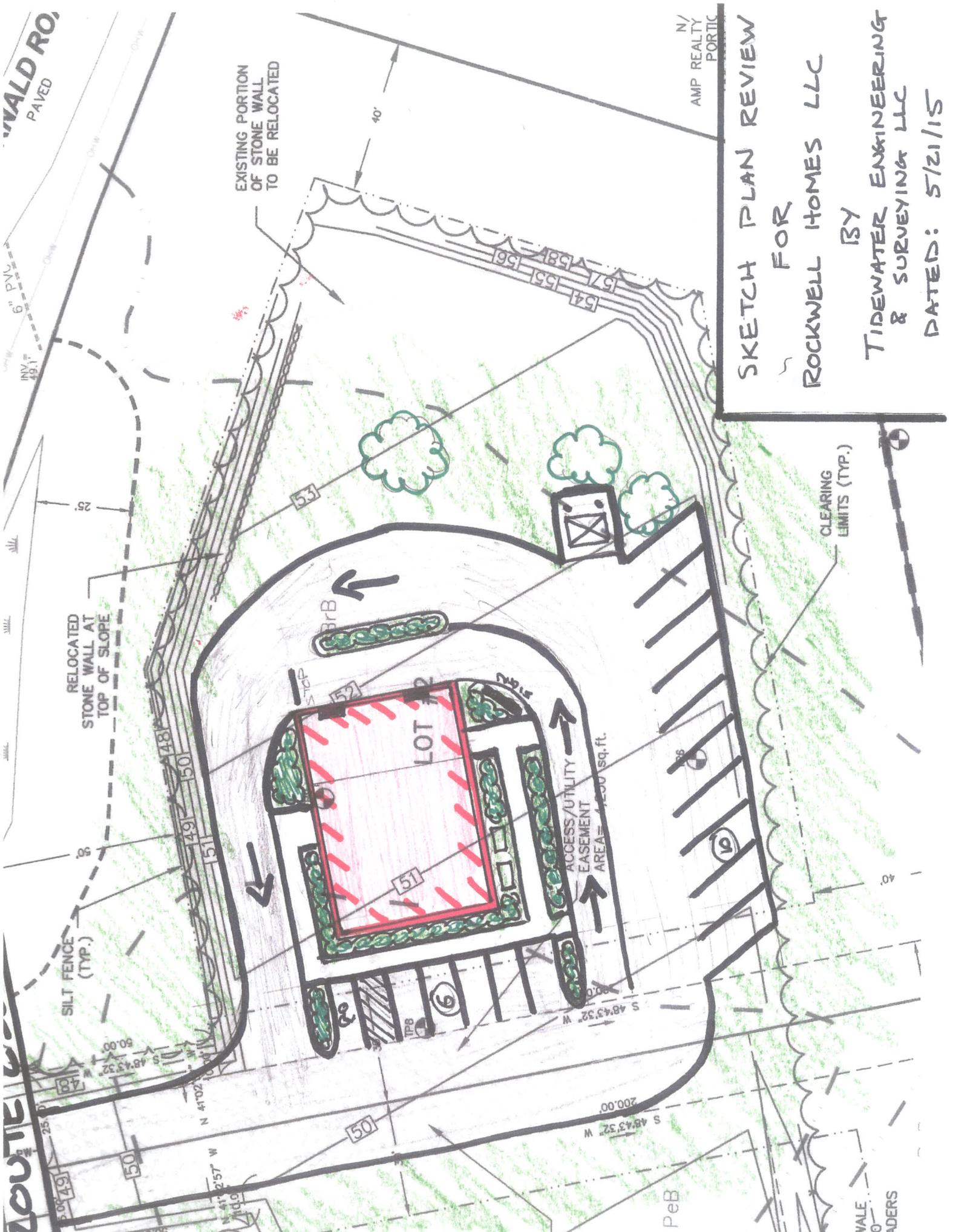
- Recreation areas and open space
- Number of lots and lot areas
- Setback lines and building envelopes
- Lot dimensions
- Utilities (Sewer/septic, water, electric, phone)
- Streets, driveways and rights-of-way
- Structures

Distance to:

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

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

WALD RO,
PAVED



AMP REALTY
PORTIC

SKETCH PLAN REVIEW
FOR
ROCKWELL HOMES LLC

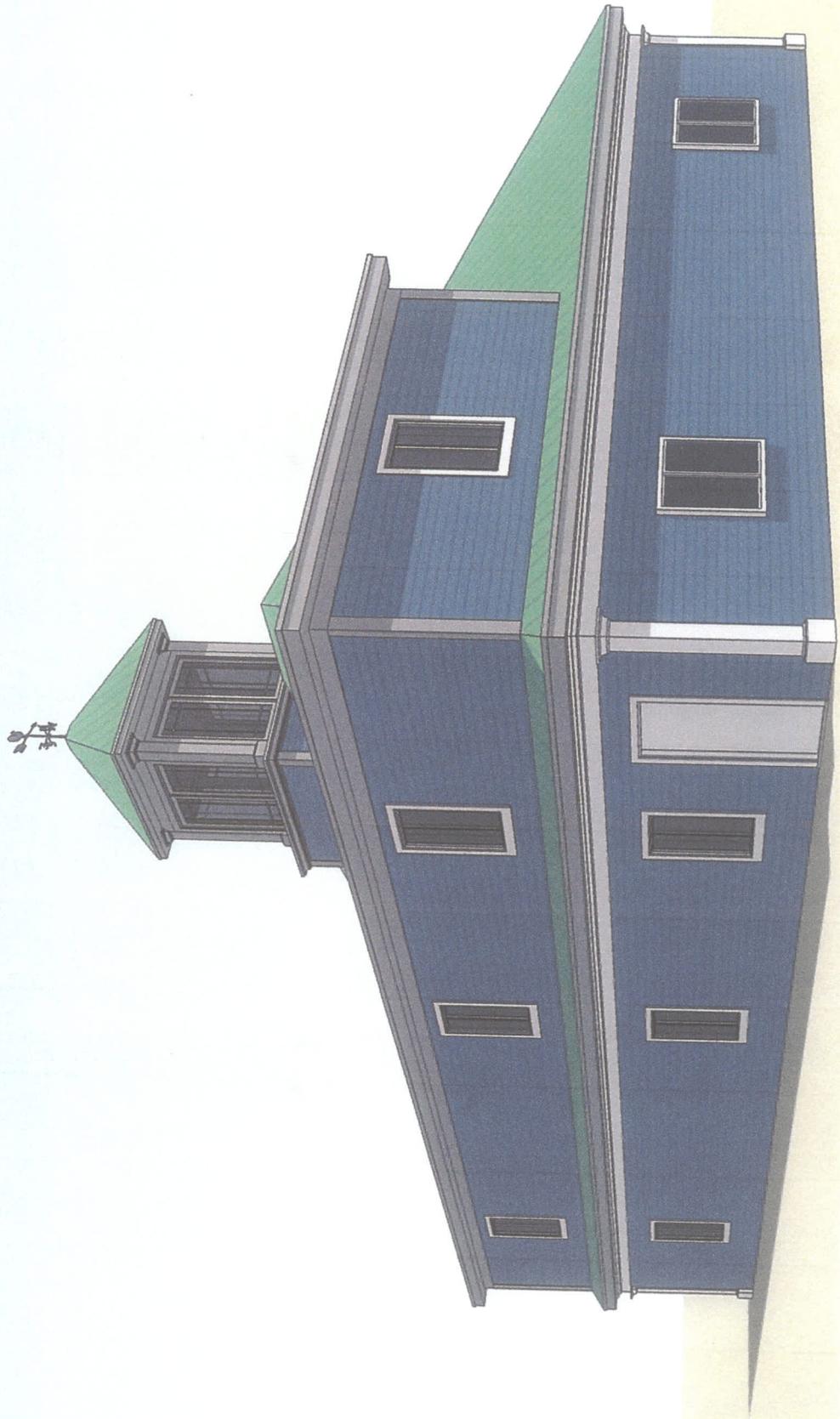
BY
**TIDEWATER ENGINEERING
& SURVEYING LLC**

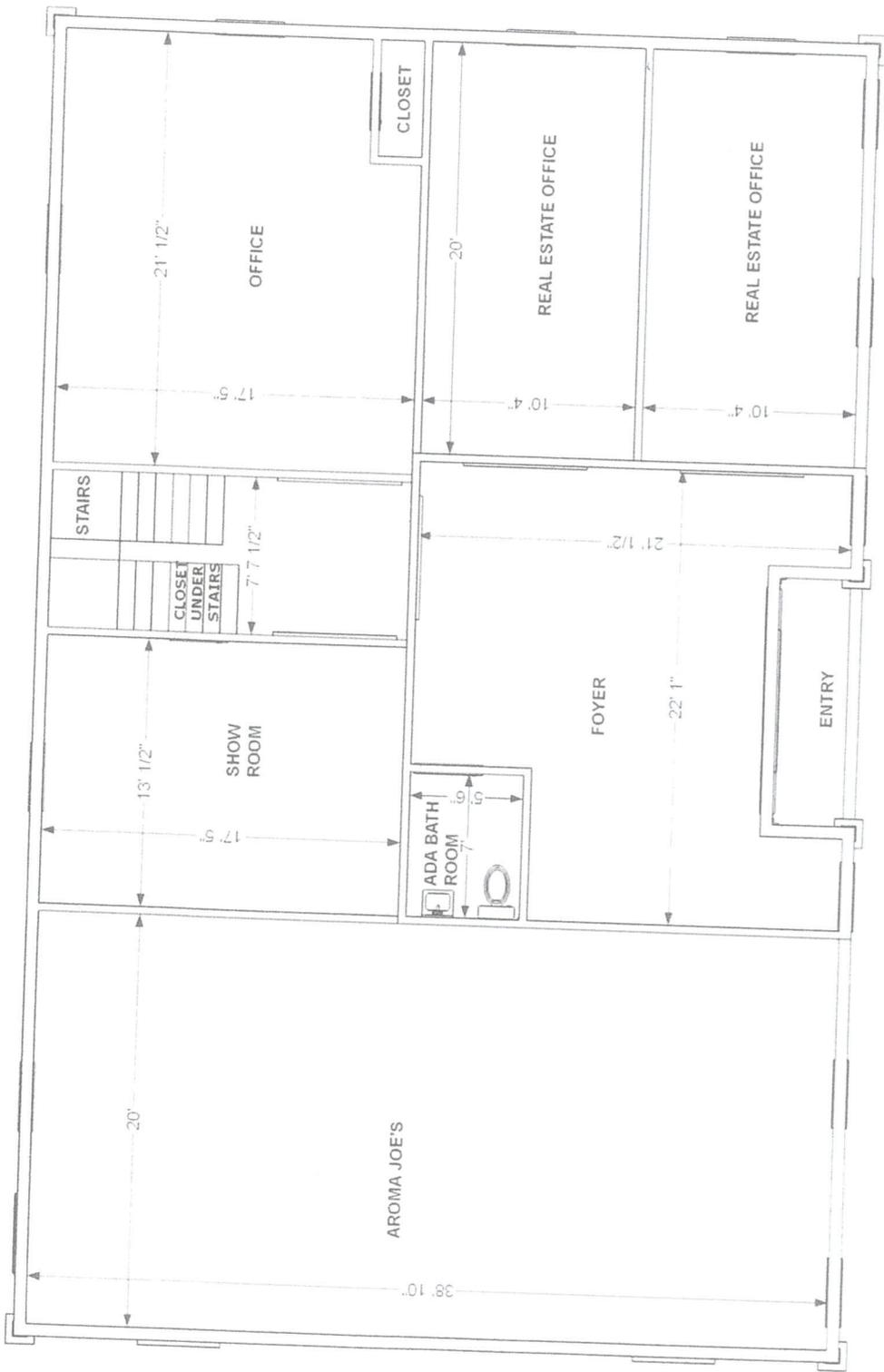
DATED: 5/21/15

CLEARING LIMITS (TYP.)

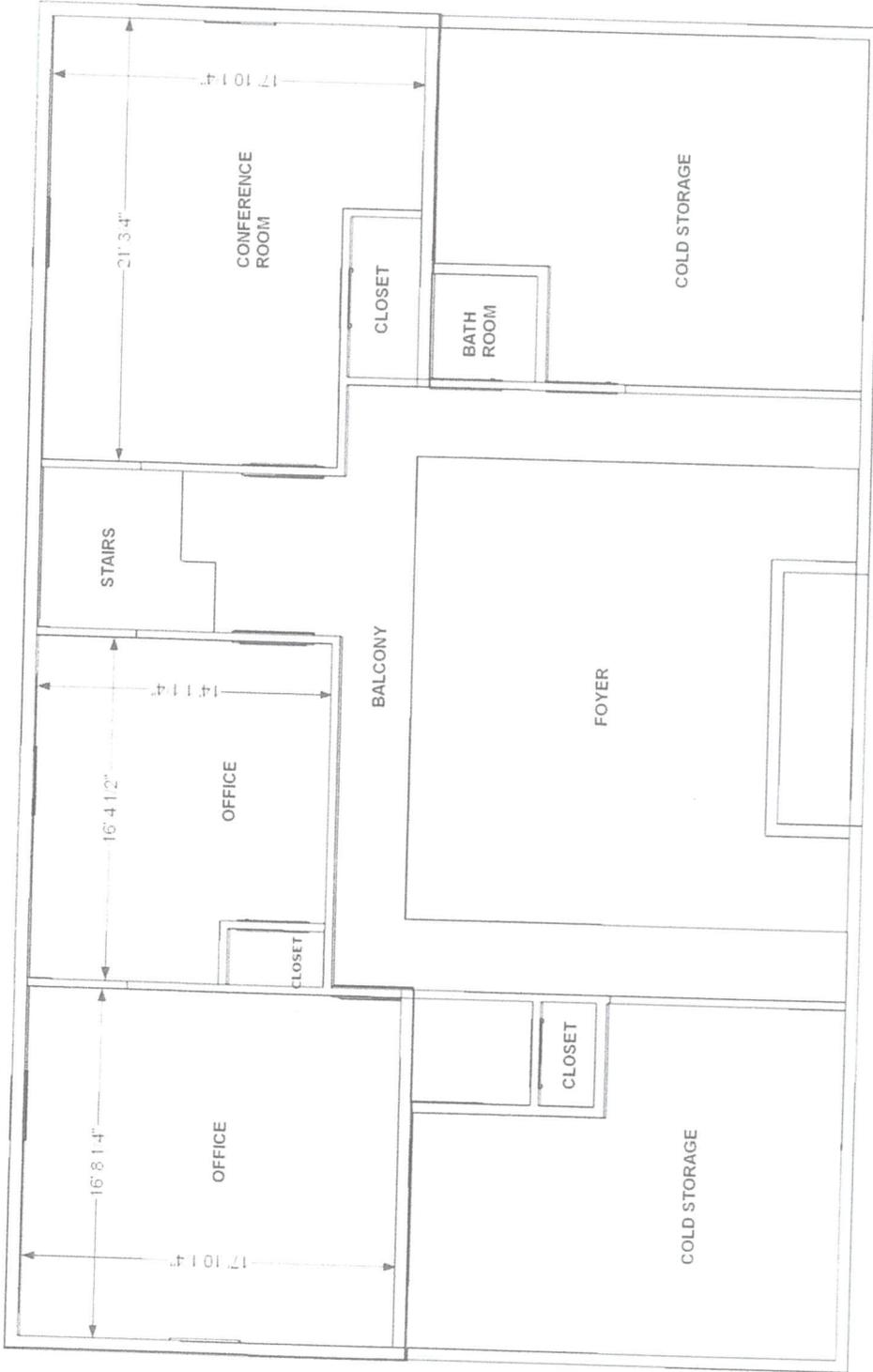
WALE
TO
ADERS



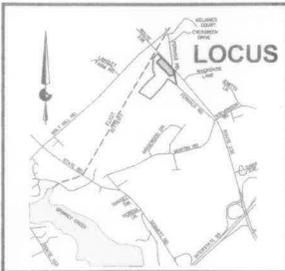




FIRST FLOOR



SECOND FLOOR



NOTES:

- ASSESSOR'S INFORMATION: TOWN OF KITTERY, PORTION OF ASSESSOR'S MAP 28 LOT 14
- RECORDED OWNER: PETER J. PAUL, TRUSTEE OF THE PAULucci REALTY TRUST 291 HAROLD L. DOW HIGHWAY ELLIOT, MAINE 03903
- DEED REFERENCE: Y.C.R.D. 16573/262 Y.C.R.D. 16550/598
- ZONING INFORMATION: COMMERCIAL (C2) ZONE
 LOT SIZES: 40,000 sq ft
 MINIMUM FRONTAGE: 150'
 SETBACKS: FRONT YARD: 50' SIDE YARD: 30' REAR YARD: 40' (ABUTTING RESIDENTIAL ZONE)
 MAXIMUM BUILDING HEIGHT: 40'
 MAXIMUM BUILDING COVERAGE: 40%
 5. THE PARCEL IS LOCATED IN FLOOD HAZARD ZONE C AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE TOWN OF KITTERY, COMMUNITY PANEL NO. 23017, BOOK 0, EFFECTIVE DATE: JULY 5, 1984. FLOOD ZONE C IS DEFINED AS AREAS OF MINIMAL FLOODING.
 6. TOTAL PARCEL AREA= 4.18 ACRES.

PLAN REFERENCE:

"BOUNDARY AND EXISTING CONDITIONS LAND OF AMP REALTY HOLDINGS, LLC AND PETER J. PAUL, TRUSTEE - ROUTE 236 TAX MAP 28 LOT 14 KITTERY YORK COUNTY MAINE", BY CIVIL CONSULTANTS, DATED: 4/24/2014, REVISION 2, DATED: 2/11/14. PLAN RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 369 PAGE 10.

DEVELOPMENT CONDITIONS:

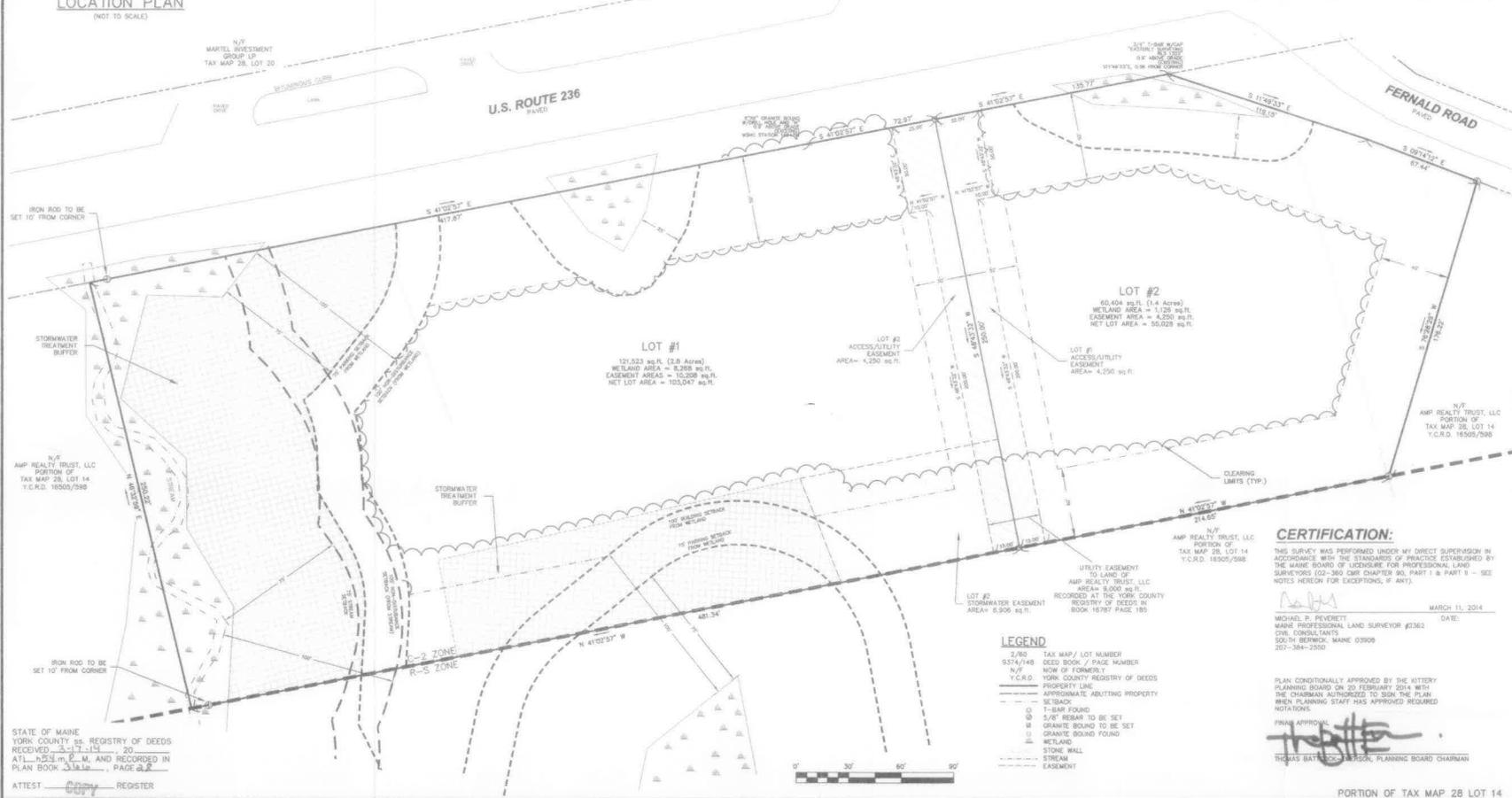
- THE STORMWATER TREATMENT AREAS SHALL BE MAINTAINED PER MOEP CHAPTER 500 TREATMENT STANDARDS.
- ANY FUTURE STORMWATER FROM FUTURE IMPERVIOUS AREA ON LOT 2 SHALL BE DIRECTED TO THE STORMWATER EASEMENT AREA.
- THE 50' FRONT SETBACK/YARD AREA SHOWN ON LOTS 1 AND 2 IS SUBJECT TO A PUBLIC EASEMENT TO THE TOWN OF KITTERY FOR THE CONSTRUCTION OF A PAVED SIDEWALK AND ASSOCIATED STREET TREES. THE INSTALLATION OF THE SIDEWALK SHALL BE DONE BY THE OWNER/DEVELOPER IN ACCORDANCE WITH DETAILS APPROVED BY THE PLANNING BOARD AT THE TIME DEVELOPMENT IS PROPOSED. REVISION THAT REPRESENTED ON PLAN SHEET C2 (SITE PLAN, REVISION 3, DATED: 2/20/14).
- REAR/SIDE SETBACK AREA SHOWN ADJACENT TO LAND OF AMP REALTY TRUST, LLC SERVES AS THE BUFFER REQUIRED BY CODE SECTIONS 16.9.1.7 & 16.3.2.11.3.2.

PLANNING BOARD CONDITIONS OF APPROVAL:

- NO CHANGES, EMBASURES, MODIFICATIONS OR REVISIONS MAY BE MADE TO ANY PLANNING BOARD APPROVED FINAL PLAN - TITLE 16.05.11.2
- MAINE DEP BEST MANAGEMENT PRACTICES NOTES ALL WORK ASSOCIATED WITH THE SITE AND BUILDING RENOVATIONS TO ENSURE ADEQUATE EROSION CONTROL AND SLOPE STABILIZATION SHALL BE INCLUDED ON THE PLAN PRIOR TO SIGNATURE AND RECORDING.
- 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 (CEO) DETERMINES CONSTRUCTION IS COMPLETED AND THERE IS NO DANGER OF DAMAGE TO AREAS THAT ARE NOT PLANNED TO REMAIN UNDISTURBED. TOWN PLANNING STAFF WILL REVIEW WITH THE OWNER'S REPRESENTATIVE THOSE TREES TO BE REMOVED ALONG THE SETBACK LINE. IDENTIFY ANY TREES DUE TO THEIR PROXIMITY MAY WARRANT A CHANGE TO THE PROPOSED SITE GRADING.
- THE FRONT YARD OF LOTS 1 AND 2 IS SUBJECT TO A PUBLIC EASEMENT TO THE TOWN OF KITTERY FOR THE CONSTRUCTION OF A PAVED SIDEWALK AND ASSOCIATED STREET TREES, FURNISHED AND INSTALLED BY THE OWNER AND/OR DEVELOPER.
- ANY AND ALL DEVELOPMENT OF THE LOTS IS PROHIBITED PRIOR TO THE APPROVAL OF THE PLANNING BOARD. WITH THE EXCEPTION OF THAT DEVELOPMENT WHICH HAS ALREADY BEEN APPROVED ON FEBRUARY 03, 2014. BEFORE OPERATION COMMENCES, ALL NEW BUSINESSES ARE REQUIRED TO SUBMIT A BUSINESS USE APPLICATION FOR REVIEW AND APPROVAL BY THE CODE ENFORCEMENT OFFICER AND TOWN PLANNER.
- ANY PROPOSED DEVELOPMENT OTHER THAN THAT IS DEPICTED ON THE PLAN MUST RECEIVE PRIOR PLANNING BOARD APPROVAL.
- PLAN REVIEW STAFF COMMENTS #1-4 DATED FEBRUARY 13, 2014 (AS NOTED IN INSTRUCTIONS/NOTICE TO APPLICANT, #7 IN PROVISIONS OF FACT, FEBRUARY 20, 2014).



CIVIL CONSULTANTS
 Engineers
 Planners
 Surveyors
 P.O. Box 100
 South Berwick
 Maine
 03906
 207.384.2500
 mson@mcson.com



NO.	DATE	REVISIONS	INT.
1	02/20/14	ISSUE FOR TOWN OF KITTERY REVIEW	JAA
2	02/20/14	UPDATE PER TOWN OF KITTERY COMMENTS	JAA
3	02/20/14	UPDATE SUBMITTED TO TOWN OF KITTERY	JAA
4	02/20/14	UPDATE PER TOWN OF KITTERY COMMENTS	JAA
5	02/20/14	UPDATE PER TOWN OF KITTERY COMMENTS	JAA

CIVIL CONSULTANTS
 DRAWN: JAA
 CALC: JAA
 DATE: 18 APRIL 2013
 CHECKED: JAA
 APPROVED: JAA
 SCALE: 1"=30'
 SHEET TITLE: SUBDIVISION PLAN
 SHEET NUMBER: 1
 SHEET 1 of 1
 PROJECT # 12-198.00

STATE OF MAINE
 YORK COUNTY REGISTRY OF DEEDS
 RECEIVED 3/11/14 20
 ATL 12:51 p.m. 2/11/14 AND RECORDED IN
 PLAN BOOK 369 PAGE 10
 ATTEST: REGISTER

CERTIFICATION:
 THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE STANDARDS OF PRACTICE ESTABLISHED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS (22-CMR CHAPTER 90, PART 1 & PART 2 - SEE NOTES HEREIN FOR EXCEPTIONS, IF ANY).
 MARCH 11, 2014
 DATE:
 MICHAEL B. FENWICK
 MAINE PROFESSIONAL LAND SURVEYOR #2362
 CIVIL CONSULTANTS
 SOUTH BERWICK, MAINE 03906
 207-384-2500
 PLAN CONDITIONALLY APPROVED BY THE KITTERY PLANNING BOARD ON 20 FEBRUARY 2014 WITH THE CHAIRMAN AUTHORIZED TO SIGN THE PLAN WHEN PLANNING STAFF HAS APPROVED REQUIRED NOTATIONS.
 PLAN APPROVAL:
 THOMAS BATTAGLIA, PLANNING BOARD CHAIRMAN

**Town of Kittery Maine
Town Planning Board Meeting
June 11, 2015**

ITEM 6 – 43 Tower Road – Shoreland Development Plan Review

Action: accept or deny plan application; approve or deny plan. Owner/applicant Theodore H. Curtis Trust requests consideration of a shoreland development plan for a 396-square-foot garage addition to an existing, nonconforming single-family dwelling located at 43 Tower Road (Tax Map 58, Lot 34) in the Residential – Rural Conservation (R-RLC) and Shoreland Overlay (OZ-RP) Zones. Agent is Ken Markley, North Easterly Surveying, Inc.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Review		NA
NO	Site Visit	At the Board's discretion	
YES	Determination of Completeness/Acceptance		Scheduled for 6/11
NO	Public Hearing	At the Board's discretion	
YES	Final Plan Review and Decision		Feasible for 6/11

Plan Review Notes reflect comments and recommendations regarding applicability of Town Land Use Development Code, and standard planning and development practices. Only the PB makes final decisions on code compliance and approves, approves with conditions or denies final plans. Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

Background

Planning Board review of this project is required by 16.10.3.2 Other Development Review because it is located in the Shoreland Overlay Zone. The existing use is a nonconforming single family dwelling on a nonconforming lot. The entire house and nearly the entire lot are located within the 100-foot setback from the water. The house also encroaches slightly into the front yard setback.

The applicant proposes to expand the structure with the addition of an attached garage measuring 18 feet by 22 feet. It is less nonconforming to the front setback and Chauncey Creek setback than the existing house. The new garage would be set back from the side property line 19.1 feet—20 feet is required.

Maximum building coverage in the zone is 6%; the existing condition is 4.5% and the proposed is 6%. Maximum devegetated area is 20%; The existing conditions plan shows 7.2% is currently devegetated. The proposed conditions plan needs to include a percentage that includes the garage and any other new devegetated area.

Staff Comments

It's reasonable to say that the proposed structure is no more nonconforming than the existing one because it is set back from the road six more inches. However, it is not the intent of these standards to allow *new* nonconformities, as is proposed by locating the corner of the garage within the side setback.

See 16.7.3.5.5—the Board can approve proposals that *can't* meet the dimensional requirements, but it has not been demonstrated why the garage cannot meet the side setback. Similarly, 16.7.3.6.1.C should be considered regarding the front setback to determine *“that the setback requirement is met to the greatest practical extent.”*

A few minor plan changes for clarity should be made a condition of approval:

- Clarify existing vs. proposed devegetated area
- Clarify in the Expansion Analysis table that “area” is specifically floor area. Remove the “Change – Percent” lines under “Total – Existing Plus Proposed Conditions” section which can be confused with the expansion percentages. Change “Prior to Shoreland Zoning Law – 1987” to 1989. These are flaws carried from the Town’s application form and we will be revising the form.

Recommendations

Staff opinion is that the application is complete and the proposal appears to meet the requirements of Title 16, as described in the draft findings of fact and with the proposed conditions below.

The Board should first accept the plan application.

Move to accept the Shoreland Development Plan application dated May 21, 2015 from Theodore H. Curtis Trust for 43 Tower Road (Tax Map 58, Lot 34) in the Residential – Rural Conservation and Shoreland Overlay Zones...

The Board may move to approve with conditions (suggestions provided below) and proceed to reading and voting on the Findings of Fact. **The Findings have been drafted on the assumption that condition of approval #2 will ensure the side setback is met.**

Move to grant conditional approval for t the Shoreland Development Plan application dated May 21, 2015 from Theodore H. Curtis Trust for 43 Tower Road (Tax Map 58, Lot 34) in the Residential – Rural Conservation and Shoreland Overlay Zones...

KITTERY PLANNING BOARD

FINDINGS OF FACT
For 43 Tower Road
Shoreland Development Plan Review

UNAPPROVED

WHEREAS: Theodore H. Curtis Trust requests approval of their Shoreland Development Plan for an attached garage expansion of an existing, nonconforming structure located at 43 Tower Road (Tax Map 58, Lot 34) in the Residential – Rural Conservation and Shoreland Overlay Zones, hereinafter the “Development,” and

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

Shoreland Development Plan Review	6/11
Site Walk	
Public Hearing	

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

1. Shoreland Development Plan Application, May 21, 2015.
2. Existing Conditions Plan and Shoreland Development Plan, Easterly Surveying, May 21, 2015.

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

FINDINGS OF FACT

Chapter 16.3 LAND USE ZONE REGULATIONS

16.3.2.17. D Shoreland Overlay Zone

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

Findings: Existing conditions on the 27,205-square-foot lot include 1,955 square feet of devegetated area (7.2%). **The plan will be revised to include the proposed condition.**

Conclusion: With the proposed condition, #1 this standard appears to be met.

Vote: in favor against abstaining

**Chapter 16.7 GENERAL DEVELOPMENT REQUIREMENTS
Article III Nonconformance**

16.7.3.1 Prohibitions and Allowances

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

Finding: This is an existing, nonconforming lot with an existing single-family dwelling structure located entirely within 100 feet Chauncey Creek. It is nonconforming to the front setback.

The proposed development does not increase nonconformity.

Conclusion: With the proposed condition #2 the requirement appears to be met.

Vote: in favor against abstaining

16.7.3.5 Types of Nonconformance

16.7.3.5.5 Nonconforming Structure Repair and/or Expansion

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

Finding: The proposed development is no more nonconforming than the existing condition.

Conclusion: With the proposed condition #2, The requirement appears to be met

Vote: in favor against abstaining

16.7.3.6 Nonconforming Structures in Shoreland and Resource Protection Zones

16.7.3.6.1 Nonconforming Structure Expansion

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

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

B. If a replacement structure conforms to the requirements of Section 16.7.3.6.1.A and is less than the required setback from a water body, tributary stream or wetland, the replacement structure will not be permitted to expand if the original structure existing on January 1, 1989, has been expanded by 30% in floor area and volume since that date.

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

Finding:

A. This proposal is the only expansion of the structure since January 1, 1989. The proposed increase in floor area is 14.7%. The proposed increase in volume is 24.4%.

Conclusion: 16.7.3.6.1.A appears to be met. B is not applicable. With the proposed condition #2, C appears to be met.

Vote: __ in favor __ against __ abstaining

Chapter 10 DEVELOPMENT PLAN APPLICATION AND REVIEW

Article 10 Shoreland Development Review

16.10.10.2 Procedure for Administering Permits

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

1. Maintain safe and healthful conditions;

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

Conclusion: This requirement appears to be met.

Vote: __ in favor __ against __ abstaining

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

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

Conclusion: The proposed development does not appear to have an adverse impact. This requirement appears to be met.

Vote: __ in favor __ against __ abstaining
3. Adequately provide for the disposal of all wastewater; <u>Finding:</u> The applicant provided a copy of HHE200, their application for a new subsurface wastewater treatment system. <u>Conclusion:</u> The requirement appears to be met.
Vote: __ in favor __ against __ abstaining
4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat; <u>Finding:</u> Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction to avoid impact on adjacent surface waters. <u>Conclusion:</u> The proposed development does not appear to have an adverse impact. This requirement appears to be met.
Vote: __ in favor __ against __ abstaining
5. Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters; <u>Finding:</u> Shore cover does not appear to be affected by this development. There are no points of access. <u>Conclusion:</u> The requirement appears to be met.
Vote: __ in favor __ against __ abstaining
6. Protect archaeological and historic resources; <u>Finding:</u> The proposed development does not appear to have an adverse impact. <u>Conclusion:</u> The requirement appears to be met.
Vote: __ in favor __ against __ abstaining
7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district; <u>Finding:</u> The proposed development does not appear to have an adverse impact. <u>Conclusion:</u> This requirement appears to be met.
Vote: __ in favor __ against __ abstaining
8. Avoid problems associated with floodplain development and use; <u>Finding:</u> The proposed development is not within the floodplain. <u>Conclusion:</u> This requirement appears to be met.
Vote: __ in favor __ against __ abstaining
9. Is in conformance with the provisions of this Code; <u>Finding:</u> The proposed development appears to be in conformance with the provisions of this Code. <u>Conclusion:</u> This requirement appears to be met.
Vote: __ in favor __ against __ abstaining
10. Be recorded with the York County Registry of Deeds. <u>Conclusion:</u> As stated in the Notices to Applicant contained herein, Shoreland Development plans must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.

Vote: __ in favor __ against __ abstaining

Based on the foregoing Findings, the Planning Boards finds the applicant has satisfied each of the review standards for approval and, therefore, the Planning Board approves the Shoreland Development Plan Application for Eric Stites and Katherine Peternell, owners and applicants, for an additional to and second story expansion of an existing, nonconforming single family dwelling located at 9 Mill Pond Road (Tax Map 23, Lot 6A) subject to any conditions or waivers, as follows:

Waivers: None

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

1. Minor plan revisions as described in staff review notes will be made prior to signing.
2. The plan will be revised to show that the proposed expansion meets the side setback.

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

3. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
4. 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.
5. All Notices to Applicant contained herein (Findings of Fact dated 6/11/15).

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

Vote of __ in favor __ against __ abstaining

APPROVED BY THE KITTELY PLANNING BOARD ON 6/11/15

Ann Grinnell, Planning Board Chair

Notices to Applicant:

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

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

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.



TOWN OF KITTEERY MAINE
TOWN PLANNING AND DEVELOPMENT DEPARTMENT

200 Rogers Road, Kittery, Maine 03904

Phone: (207) 475-1307

Fax: (207) 439-6806

www.kittery.org

APPLICATION: SHORELAND OVERLAY ZONE
PROJECT PLAN REVIEW

FEE FOR REVIEW	<input checked="" type="checkbox"/> \$200.00	Amount Paid: \$ <u>260.00</u> Date: <u>5/21/15</u>
-----------------------	--	--

PROPERTY DESCRIPTION	Parcel ID	Map	58	Base Zone	R-RLC	Total Land Area	0.62 Acres
	Lot	34	Overlay Zone	OZ-RP & OZ-SL-250'			
	Physical Address	43 Tower Road, Kittery Point, ME 03904					

PROPERTY OWNER'S INFORMATION	Name	Theodore H. Curtis Trust		Mailing Address	P.O. Box 222 Hubbardston, MA 01452
	Phone	978-928-4413			
	Fax				
	Email	bbouchercas621@gmail.com			
APPLICANT'S AGENT INFORMATION	Name	Kenneth Markley		Name of Business	North Easterly Surveying, Inc.
	Phone	207-439-6333			
	Fax	207-439-1354		Mailing Address	191 State Road Kittery, ME 03904
	Email	ken@easterlysurveying.com			

PROJECT DESCRIPTION	<i>See reverse side regarding information to be provided.</i>	
	Existing Land Use:	Residential
	Proposed Land Use and Development:	Residential, Proposed Garage

PROJECT DESCRIPTION	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)
	Land within Resource Protection and Shoreland Overlay Zones
	Portion of Property within Special Flood Hazard Area Zone A2
	Property Abuts a Coastal Wetland (Chauncey Creek)
	Existing Building is 39.9' from Edge of Coastal Wetland
	Existing Building Crosses the Front Yard Setback 1.7'

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

Applicant's Signature:		Owner's Signature:	<i>Carol L. Curtis Trustee</i>
Date:	5/21/15	Date:	5-20-2015

MINIMUM PLAN SUBMITTAL REQUIREMENTS

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

Shoreland Overlay Zone Project Plan format and content:

A) Paper Size; no less than 11" X 17" or greater than 24" X 36"

B) Plan Scale

- Under 10 acres: no greater than 1" = 30'
- 10 + acres: 1" = 50'

C) Title Block

- Applicant's name and address
- Name of preparer of plan with professional information
- Parcel's Kittery tax map identification (map -- lot) in bottom right corner

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

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

Project Plan must include the following existing and proposed information:

Existing:

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

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

- Recreation areas and open space
- Setback lines and building envelopes
- Lot dimensions
- Utilities (Sewer/septic, water, electric, phone)
- Streets, driveways and rights-of-way
- Structures
- Shoreland Project Expansion Analysis (see attached)

Distance to:

- Nearest driveways and intersections
- Nearest fire hydrant
- Nearest significant water body; ocean, wetland, stream.

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

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

EXPANSION ANALYSIS OF CONSTRUCTION ONLY WITHIN THE SETBACK (100 FT/75 FT) IN THE SHORELAND OVERLAY ZONE

	AREA - SQUARE FEET	VOLUME - CUBIC FEET	CONSTRUCTION TYPE * (DR or MR)	VALUE \$
PROPOSED ADDITION				
CHANGE – TOTAL	<u>400</u> SF	<u>5,260</u> CF	<u>NEW</u>	NA
CHANGE – PERCENT	<u>14.7</u> %	<u>24.4</u> %	NA	NA
CONSTRUCTION VALUE	NA	NA		\$ _____
EXISTING –				
PRIOR TO SHORELAND LAW – 1987	<u>2,715</u> SF	<u>21,600</u> CF	NA	NA
ADDITION(S) –AFTER INITIAL SHORELAND LAW ADOPTION				
CHANGE - TOTAL	<u>0</u> SF	<u>0</u> CF	NA	NA
CHANGE – PERCENT	<u>0</u> %	<u>0</u> CF	NA	NA
VALUE OF CONSTRUCTION	NA	NA	NA	\$ _____
VALUE OF INCREASE – PERCENT	NA	NA	NA	<u>0</u> %
TOTAL – EXISTING PLUS PROPOSED				
CHANGE – AMOUNT	<u>3,115</u> SF	<u>26,860</u> CF	NA	NA
CHANGE – PERCENT	<u>12.8</u> % **	<u>19.6%</u> CF**	NA	NA
**(Note: May not exceed 30%)				
VALUE OF CONSTRUCTION - \$	NA	NA	NA	\$ _____
VALUE OF INCREASE – PERCENT	NA	NA	BA	_____ %

* KEY - TYPE OF ADDTION

-DEMOLITION AND RE-BUILD - DR

-MAINTENCE OR REPAIR - MR

END

Issued March 18, 2013

North
W  Easterly
SURVEYING, Inc.

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

May 21, 2015

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

Planning Board Review – Application for Garage– Shoreland Overlay Zone – Theodore H. Curtis Trust - 43 Tower Road, Kittery Point - Tax Map 58 Lot 34 - Job# 14741

Dear Chairman and Planning Board Members,

The Theodore H. Curtis Trust would like to add a small 18' by 22' garage to the west side of their single family residence on Tower Road. The lot is nonconforming in size. The existing single family residence is nonconforming in it's setback from Chauncey Creek which is 39.9 feet and it's setback from Tower Road which is 38.3 feet. The proposed attached garage would be 41.3 feet from Chauncey Creek at its closest point and 38.8 feet from Tower Road, making it less nonconforming than the existing house. Note: almost the entire lot is within the 100 foot setback from Chauncey Creek.

A silt fence has been added for erosion control and Soil Conservation Service best management practices will be utilized during construction.

Attached you will find the following:

- 1.) Letters and supporting documentation
 - a.) Application: Shoreland Overlay Zone Project Plan Review

- 2.) Set of drawings including:
 - a.) Existing Conditions Plan
 - b.) Shoreland Development Plan

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.



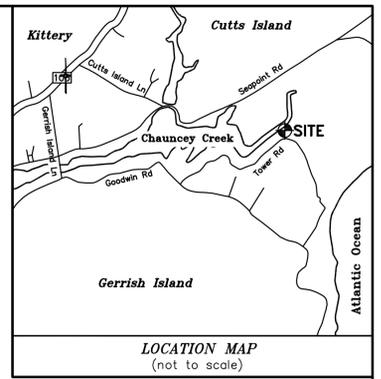
ZONING INFORMATION: (SEE NOTE 6)
 BASE ZONE: RESIDENTIAL-RURAL CONSERVATION (R-RC)
 REQUIREMENTS:
 MINIMUM LAND AREA 80,000 Sq Ft
 PER DWELLING UNIT: 80,000 Sq Ft
 MINIMUM LOT SIZE: 250'
 MINIMUM STREET FRONTAGE: 200'
 MINIMUM FRONT YARD: 40'
 MAXIMUM BUILDING COVERAGE: 6%
 MINIMUM REAR AND SIDE YARDS: 20'
 MAXIMUM BUILDING HEIGHT: 35'
 MINIMUM SETBACK FROM WATER BODY AND WETLAND DEPENDENT USES: 0'
 MINIMUM SETBACK FROM STREAMS, WATER BODIES AND WETLANDS: 100'

*See Section 16.3.2.6
 Per Kittery Town Code, Title 16 Section 16.3.2.6,
 Table 16.9 and Section 16.3.2.17

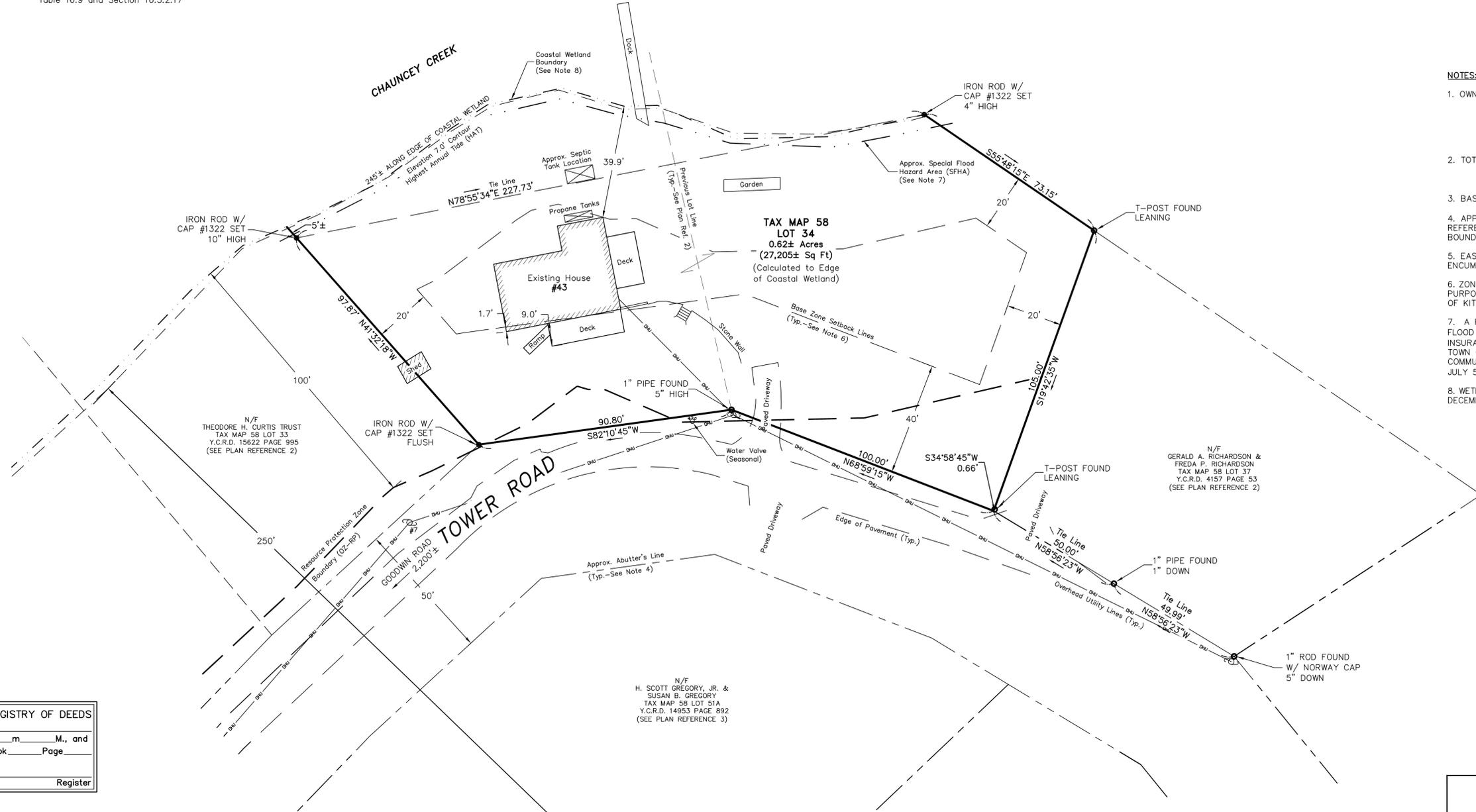
ZONING INFORMATION CONT.: (SEE NOTE 6)
 OVERLAY ZONE: SHORELAND (OZ-SL) &
 RESOURCE PROTECTION (OZ-RP)
 REQUIREMENTS:
 MINIMUM LOT SIZE: 80,000 Sq Ft
 MINIMUM LAND AREA 250'
 PER UNIT DWELLING: 80,000 Sq Ft
 MINIMUM SHORE FRONTAGE: 250'
 MAXIMUM IMPERVIOUS SURFACE: 20%
 Per Kittery Town Code Title 16, Section 16.3.2.17

NON-VEGETATED COVERAGE:
 EXISTING LOT AREA: 27,205± Sq Ft
 NON-VEGETATED AREA: 1,955 Sq Ft
 NON-VEGETATED COVERAGE: 7.2%
BUILDING COVERAGE:
 EXISTING BUILDING COVERAGE: 4.5%
VOLUME:
 EXISTING BUILDING VOLUME: 21,600 CFT
 (Not Including Decks)
FLOOR AREA:
 EXISTING FLOOR AREA: 2,715 Sq Ft
 (Includes Decks)

- PLAN REFERENCES:**
- "PROPOSED SITE PLAN FOR PROPERTY AT 9 TOWER ROAD, KITTERY POINT, YORK COUNTY, MAINE, OWNED BY DAVID B. HILL", PREPARED BY EASTERLY SURVEYING, INC., DATED 10/1/08. PROJECT No. 02718.
 - "PLAN 'B' OF CREEK SHORE AREA OF ISLAND ACRES, INC., GERRISH ISLAND, KITTERY, ME", PREPARED BY JOHN W. DURGIN, DATED JUNE 1950 AND RECORDED AT THE Y.C.R.D. IN PLAN BOOK 17 PAGE 55.
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 - "PLAN OF LAND LOCATED IN KITTERY, MAINE, PREPARED FOR ROBERT GRANT OF KITTERY, MAINE", PREPARED BY KIMBALL CHASE COMPANY, INC., DATED MAN. 13, 1987 AND RECORDED AT THE Y.C.R.D. IN PLAN BOOK 160 PAGE 18.
 - "LOT LINE RELOCATION PLAN OF LAND OF JESSE P. WARE, TOWER ROAD, COUNTY OF YORK, GERRISH ISLAND, KITTERY, MAINE", PREPARED BY RICHARD P. MILLETTE AND ASSOCIATES, DATED JAN. 1982 AND RECORDED AT THE Y.C.R.D. IN PLAN BOOK 117 PAGE 33.
 - "LOT LINE ADJUSTMENT FOR TAX MAP NO. 58 LOTS NO. 51A & 51E, TOWER ROAD, GERRISH ISLAND, KITTERY POINT, MAINE, PREPARED FOR JON SCHROEDER", PREPARED BY J.A. DAVIS & ASSOCIATES, DATED 10/18/99 AND RECORDED AT THE Y.C.R.D. IN PLAN BOOK 259 PAGE 6.



- NOTES:**
- OWNERS OF RECORD:
 TAX MAP 58 LOT 34
 THEODORE H. CURTIS, TRUSTEE OF
 THE THEODORE H. CURTIS TRUST
 Y.C.R.D. BOOK 15622 PAGE 995
 DATED DECEMBER 9, 2013
 - TOTAL EXISTING PARCEL AREA:
 TAX MAP 58 LOT 34
 0.62± Acres (27,205± Sq Ft)
 - BASIS OF BEARING IS PER PLAN REFERENCE 1.
 - 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 SHOWN HEREON IS FOR REFERENCE PURPOSES ONLY. CONFIRM CURRENT REQUIREMENTS WITH THE TOWN OF KITTERY PRIOR TO DESIGN OF CONSTRUCTION.
 - A PORTION OF THIS PROPERTY IS LOCATED WITHIN SPECIAL FLOOD HAZARD AREA (SFHA) ZONE A2 PER NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM) TOWN OF KITTERY, MAINE, YORK COUNTY, PANEL 3 OF 10, COMMUNITY-PANEL NUMBER: 230 171 0003 C, EFFECTIVE DATE: JULY 5, 1984. BASE FLOOD ELEVATION (BFE)= 9' NGVD 29.
 - WETLANDS WERE DELINEATED BY JOE NOEL, SOIL SCIENTIST DECEMBER 2014.

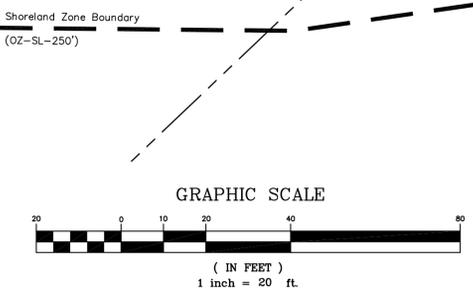


YORK,ss REGISTRY OF DEEDS
 Received _____
 at _____ h _____ m _____ M., and
 Filed in Plan Book _____ Page _____
 ATTEST:

 Register

APPROVED: TOWN OF KITTERY

 DATE OF APPROVAL: _____



CERTIFICATION

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

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

FOR REVIEW

EXISTING CONDITIONS PLAN
 FOR PROPERTY AT
43 Tower Road
 Kittery Point, York County, Maine
 OWNED BY THE
Theodore H. Curtis Trust
 P.O. Box 222, Hubbardston, MA 01452

North

EASTERLY SURVEYING, Inc.

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

SCALE: 1" = 20'	PROJECT NO. 14741	DATE: 5/21/15	SHEET: 1 OF 1	DRAWN BY: B.M.K.	CHECKED BY: K.D.M.
DRAWING No: 14741 SITE			Tax Map 58 Lot 34		
FIELD BOOK No: "Kittery #11"					

REV.	DATE	STATUS	BY	CHKD	APPD.

NON-VEGETATED COVERAGE:

EXISTING LOT AREA: 27,205± Sq Ft
 NON-VEGETATED AREA: 1,955 Sq Ft
 NON-VEGETATED COVERAGE: 7.2%

BUILDING COVERAGE:
 EXISTING BUILDING COVERAGE: 4.5%
 PROPOSED BUILDING COVERAGE: 1.5%
 EXISTING PLUS PROPOSED BUILDING COVERAGE: 6%

VOLUME:
 EXISTING BUILDING VOLUME: 21,600 CFT
 (Not Including Decks)
 (x30% = 6,480 CFT)

FLOOR AREA:
 EXISTING FLOOR AREA: 2,715 Sq Ft
 (Includes Decks)

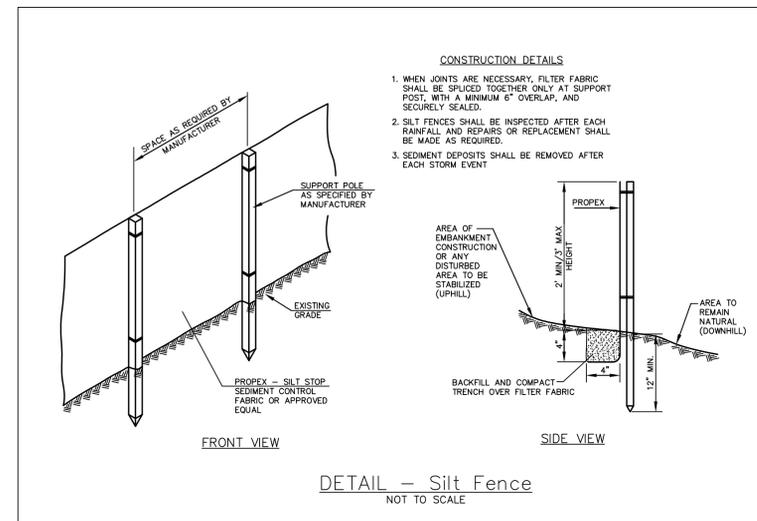
ZONING INFORMATION: (SEE NOTE 6)

BASE ZONE: RESIDENTIAL-RURAL CONSERVATION (R-RC)
 REQUIREMENTS:
 MINIMUM LAND AREA: 80,000 Sq Ft
 PER DWELLING UNIT: 80,000 Sq Ft
 MINIMUM LOT SIZE: 200'
 MINIMUM STREET FRONTAGE: 40'
 MAXIMUM BUILDING COVERAGE: 20%**
 MINIMUM REAR AND SIDE YARDS: * 20'
 MAXIMUM BUILDING HEIGHT: * 35'
 MINIMUM SETBACK FROM WATER BODY AND WETLAND DEPENDENT USES: 0'
 MINIMUM SETBACK FROM STREAMS, WATER BODIES AND WETLANDS: 100'

*See Section 16.3.2.6
 **See Section 16.3.2.17.d
 Per Kittery Town Code, Title 16 Section 16.3.2.6, Table 16.9 and Section 16.3.2.17

ZONING INFORMATION CON'T.: (SEE NOTE 6)

OVERLAY ZONE: SHORELAND (OZ-SL) & RESOURCE PROTECTION (OZ-RP)
 REQUIREMENTS:
 MINIMUM LOT SIZE: 80,000 Sq Ft
 MINIMUM LAND AREA: 250'
 PER UNIT DWELLING: 80,000 Sq Ft
 MINIMUM SHORE FRONTAGE: 250'
 MAXIMUM IMPERVIOUS SURFACE: 20%
 Per Kittery Town Code Title 16, Section 16.3.2.17



PLAN REFERENCES:

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- "LOT LINE RELOCATION PLAN OF LAND OF JESSE P. WARE, TOWER ROAD, COUNTY OF YORK, GERRISH ISLAND, KITTERY, MAINE", PREPARED BY RICHARD P. MILLETTE AND ASSOCIATES, DATED JAN. 1982 AND RECORDED AT THE Y.C.R.D. IN PLAN BOOK 117 PAGE 33.
- "LOT LINE ADJUSTMENT FOR TAX MAP NO. 58 LOTS NO. 51A & 51E, TOWER ROAD, GERRISH ISLAND, KITTERY POINT, MAINE, PREPARED FOR JON SCHROEDER", PREPARED BY J.A. DAVIS & ASSOCIATES, DATED 10/18/99 AND RECORDED AT THE Y.C.R.D. IN PLAN BOOK 259 PAGE 6.

NOTES:

- OWNERS OF RECORD:
 TAX MAP 58 LOT 34
 THEODORE H. CURTIS, TRUSTEE OF THE THEODORE H. CURTIS TRUST
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 DATED DECEMBER 9, 2013
- TOTAL EXISTING PARCEL AREA:
 TAX MAP 58 LOT 34
 0.62± Acres (27,205± Sq Ft)
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- WETLANDS WERE DELINEATED BY JOE NOEL, SOIL SCIENTIST DECEMBER 2014.
- APPLICANT/CONTRACTOR WILL FOLLOW MAINE D.E.P. BEST MANAGEMENT PRACTICES FOR ALL WORK ASSOCIATED WITH SITE AND BUILDING CONSTRUCTION TO ENSURE ADEQUATE EROSION CONTROL AND SLOPE STABILIZATION.

EXPANSION ANALYSIS:

PROPOSED ADDITION:

TYPE OF CONSTRUCTION:	NEW CONSTRUCTION
CHANGE-TOTAL AREA:	400 SF
CHANGE-PERCENT AREA:	14.7%
CHANGE-TOTAL VOLUME:	5,260 CFT
CHANGE-PERCENT VOLUME:	24.4%

EXISTING:

PRIOR TO SHORELAND LAW-1987

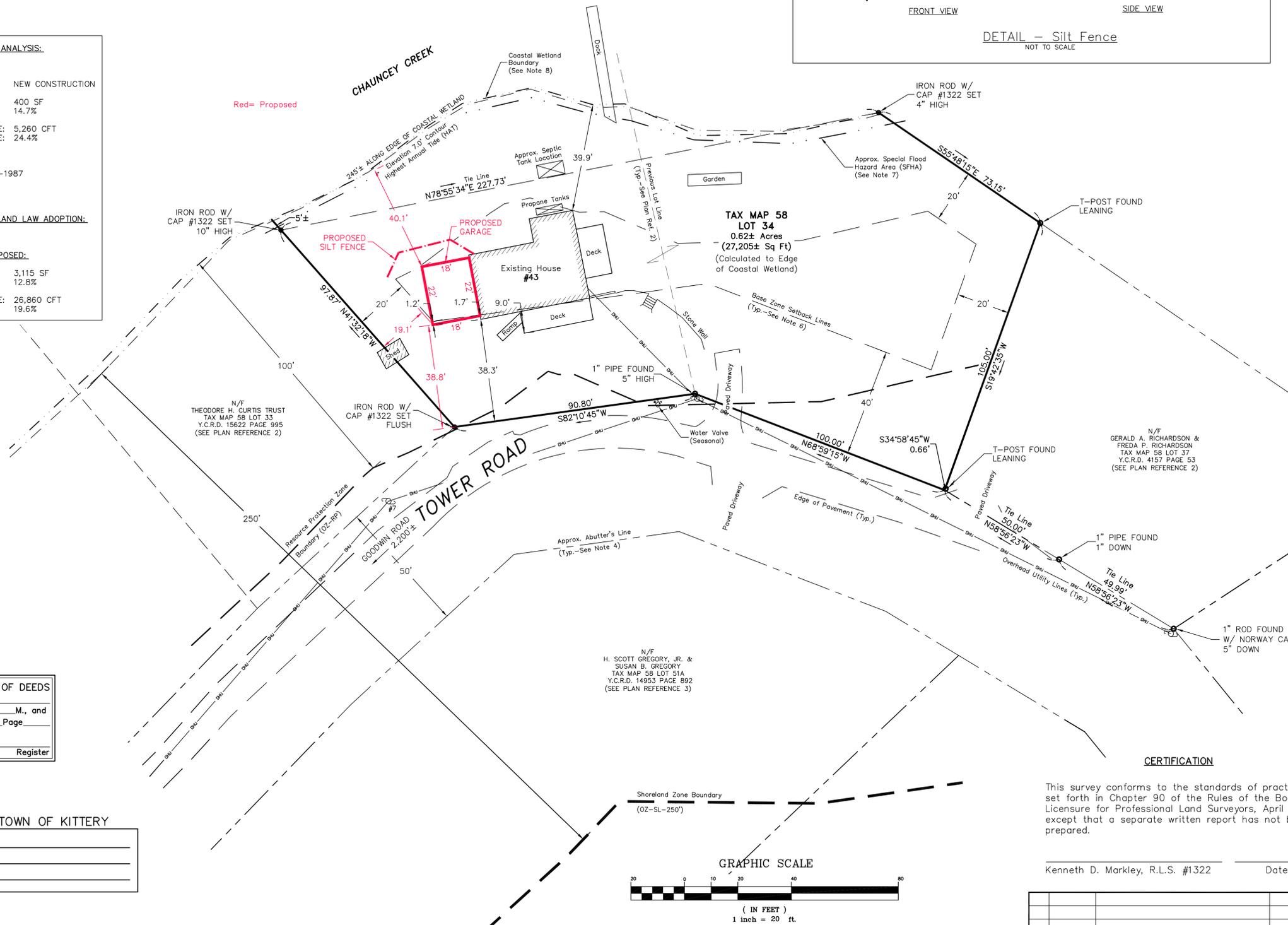
AREA:	2,715 SF
VOLUME:	21,600 CFT

ADDITION(S)-AFTER SHORELAND LAW ADOPTION:

NONE

TOTAL-EXISTING PLUS PROPOSED:

CHANGE-AMOUNT AREA:	3,115 SF
CHANGE-PERCENT AREA:	12.8%
CHANGE-AMOUNT VOLUME:	26,860 CFT
CHANGE-PERCENT VOLUME:	19.6%



FOR REVIEW

YORK, ss REGISTRY OF DEEDS
 Received _____
 at _____ h _____ m _____ M., and
 Filed in Plan Book _____ Page _____
 ATTEST:

 Register

APPROVED: TOWN OF KITTERY

 DATE OF APPROVAL: _____

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

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

SHORELAND DEVELOPMENT PLAN
 FOR PROPERTY AT
43 Tower Road
 Kittery Point, York County, Maine
 OWNED BY THE
Theodore H. Curtis Trust
 P.O. Box 222, Hubbardston, MA 01452

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

SCALE:	PROJECT NO.	DATE:	SHEET:	DRAWN BY:	CHECKED BY:
1" = 20'	14741	5/21/15	1 OF 1	B.M.K.	K.D.M.

DRAWING No: 14741 SITE
 FIELD BOOK No: "Kittery #11"

Tax Map 58 Lot 34

REV.	DATE	STATUS	BY	CHKD	APPD

**Town of Kittery Maine
Town Planning Board Meeting
June 11, 2015**

ITEM 7 – 73 Tower Road – Shoreland Development Plan Review

Action: accept or deny plan application, ~~approve or deny plan.~~ Owner/applicant Robert Ramos requests consideration of a shoreland development plan to demolish an existing, non-conforming single-family dwelling and construct a new, more conforming single-family dwelling at 73 Tower Road (Map 58, Lot 42) in the Residential – Rural Conservation (R-RLC), Shoreland Overlay (OZ-SL-250’) and Resource Protection Overlay (OZ-RP) Zones. Agent is Robert MacDonald, Detail Design Builders, LLC.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Review		NA
NO	Site Visit	At the Board’s discretion	
YES	Determination of Completeness/Acceptance		Scheduled for 6/11
NO	Public Hearing	At the Board’s discretion	Recommend for 7/9
YES	Final Plan Review and Decision		

Plan Review Notes reflect comments and recommendations regarding applicability of Town Land Use Development Code, and standard planning and development practices. Only the PB makes final decisions on code compliance and approves, approves with conditions or denies final plans. Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4” HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

Background

Planning Board review of this project is required by 16.10.3.2 Other Development Review because it is located in the Shoreland Overlay Zone. The existing use is a nonconforming single-family dwelling on a nonconforming lot. Part of the existing house is located within the 100-foot setback from the ocean, but front and side setbacks are met.

The proposal is to demolish the existing home and construct a new single-family dwelling with attached garage. The existing house contains 3,196 square feet of floor area and has a volume of 26,193 cubic feet. Of that, 1,766.16 square feet and 14,390.88 cubic feet are within the 100-foot setback.

The proposed home contains 6,662.7 square feet of floor area and has a volume of 55,902.86 cubic feet. Part of this proposed area and volume is located within the 100-foot setback, largely within the footprint of the existing building. Expansion of less than 30% in floor area and volume is permitted based *only* on the portion of the existing building that is within the 100-foot setback. For example, if half of a 2,000 sf home fell within the 100-foot setback (1,000 sf nonconforming), and was demolished for construction of a new structure, 1,333 square feet of the new structure could be located within the 100-foot setback.

Staff Comments

Firstly, the above numbers are not all present on the plan, but gathered from the application and several supplemental plans. They need to be added to the plan for the sake of today’s review and any review of development in the future. Relying on the figures from the expansion analysis portion of the application prepared by the agent, it appears that floor area within the 100-foot setback will increase by 27.83%, which is permitted. However, volume appears to increase by 37.89%, which is not permitted.

The plan details figures for lot coverage—these need to be separated into building coverage and devegetated area. The maximum building coverage in the Residential Rural Conservation Zone is 6% and this may not be increased if nonconforming (it appears this standard is met by decreasing the nonconforming condition from 8.4% to 7.6%). Devegetated area is limited to 20% in the Shoreland Overlay Zone—this also appears to be met at 12.9% but these numbers need to be addressed separately on the plan.

Additional plan changes needed:

- The “high water line” should be referred to as the “highest annual tide” and quantified by the NAVD88 elevation per the Maine DEP (<http://www.maine.gov/dep/land/slz/predictions.pdf>).
- Should be titled “Shoreland Development Plan” rather than “Site Plan.”
- Should include a signature block for the Planning Board Chair and be prepared for recording at the Registry of Deeds. The map and lot numbers should be included in the lower right block.
- Either revise to reflect the change in ownership or provide a copy of the new deed.
- Clarify that note 3 figures are the *existing* condition; add the proposed conditions.
- Add a table of zone requirements: setbacks, building coverage, devegetated area, etc. and what is proposed.
- A note stating that there were no expansions after January 1, 1989.

Finally, the applicant provided letters from the abutters on either side of the property expressing their support for the project. If a public hearing is held an additional six property owners within 150 feet would be notified.

Recommendations

Although staff met with the applicant’s agent prior to their application, the reconstruction/expansion proposed does not meet 16.7.3.6.1.A, specifically, the portion of the structure proposed within the 100-foot setback is not permitted to expand by 30% or more in volume over the volume existing in the 100-foot setback.

Staff recommends that the Board accept the application and schedule a public hearing for July 9, 2015 with the expectation that the applicant submit a revised application and plan by June 18. The Board may want to consider a site walk.

Move to accept the Shoreland Development Plan application dated May 21, 2015 from Robert and Megan Ramos for 73 Tower Road (Tax Map 58, Lot 42) in the Residential – Rural Conservation and Shoreland Overlay Zones and schedule a public hearing for July 9, 2015.



TOWN OF KITTERY MAINE
TOWN PLANNING AND DEVELOPMENT DEPARTMENT

200 Rogers Road, Kittery, Maine 03904

Phone: (207) 475-1307

Fax: (207) 439-6806

www.kittery.org

APPLICATION: SHORELAND OVERLAY ZONE
PROJECT PLAN REVIEW

FEE FOR REVIEW	<input checked="" type="checkbox"/> \$200.00	Amount Paid: \$ <u>200.00</u>
		Date: _____

PROPERTY DESCRIPTION	Parcel ID	Map	58	Base Zone	R-RLC	Total Land Area 30,469 sq ft
		Lot	42	Overlay Zone	Resource Protection	
	Physical Address	73 Tower Rd Kittery				

PROPERTY OWNER'S INFORMATION	Name	Robert Ramos	Mailing Address 37 Howethorne Dr Redford NH
	Phone	603-494-8948	
	Fax		
	Email	R.RAMOS@PRIME MOTOR GROUP.COM	

APPLICANT'S AGENT INFORMATION	Name	Robert L. MacDonald	Name of Business	Detail Design Builders, LLC
	Phone	603-809-8062	Mailing Address 13 Columbia, Unit 3 Amherst, NH 03031	
	Fax	603-554-1863		
	Email	bob@detaildesignbuilders.com		

PROJECT DESCRIPTION	<i>See reverse side regarding information to be provided.</i>	
	Existing Land Use:	Single Family Home
	Proposed Land Use and Development:	Single Family Home

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

EXPANSION ANALYSIS OF CONSTRUCTION ONLY WITHIN THE SETBACK (100 FT/75 FT) IN THE SHORELAND OVERLAY ZONE

	AREA - SQUARE FEET	VOLUME - CUBIC FEET	CONSTRUCTION TYPE * (DR or MR)	VALUE \$
PROPOSED ADDITION				
CHANGE – TOTAL	<u>540.11</u> SF	<u>5453.52</u> CF	<u>DR</u>	NA
CHANGE – PERCENT	<u>27.83</u> %	<u>37.89</u> %	NA	NA
CONSTRUCTION VALUE	NA	NA		<u>\$ 675,000</u>
EXISTING –				
PRIOR TO SHORELAND LAW – 1987	<u>1940.54</u> SF	<u>14,390.88</u> CF	NA	NA
ADDITION(S) –AFTER INITIAL SHORELAND LAW ADOPTION				
CHANGE - TOTAL	_____ SF	_____ CF	NA	NA
CHANGE – PERCENT	_____ %	_____ CF	NA	NA
VALUE OF CONSTRUCTION	NA	NA	NA	\$ _____
VALUE OF INCREASE – PERCENT	NA	NA	NA	_____ %
TOTAL – EXISTING PLUS PROPOSED				
CHANGE – AMOUNT	<u>2480.65</u> SF	<u>19844.4</u> CF	NA	NA
CHANGE – PERCENT	<u>27.83</u> % **	<u>8042.28</u> CF**	NA	NA
**(Note: May not exceed 30%)				
VALUE OF CONSTRUCTION - \$	NA	NA	NA	<u>\$ 675,000</u>
VALUE OF INCREASE – PERCENT	NA	NA	BA	_____ %

* KEY - TYPE OF ADDTION

-DEMOLITION AND RE-BUILD - DR

-MAINTENCE OR REPAIR - MR

END

Issued March 18, 2013

Table 1

	Sq. Ft. Total	Cubic Foot Total	% Increase
Existing Non-Conforming Size	<i>Frcin</i> <u>1940.54</u>	14,390.88	
Existing Conforming Size	1255.46	11,802.12	
New Home Non-Conforming Size	<i>Te</i> <u>2480.65</u>	19844.4	27.83
New Home Conforming Size	4182.05	35154.76	69.97

April 30, 2015

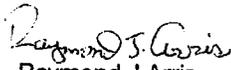
Planning Board
Town of Kittery
200 Rogers Rd Ext
Kittery ME 03904

Dear Kittery Planning Board:

As owners of 71 Tower Rd, we are abutters to 73 Tower Rd (and are in the process of selling that property to new owners Robert and Megan Ramos).

We have reviewed the proposed plan for renovations to 73 Tower Rd, and are wholeheartedly in support of this project.

Sincerely,


Raymond J Arris


Mary Thron

71 Tower Rd
PO Box 96
Kittery Point ME 03905

May 2, 2015

Planning Board
Town of Kittery
200 Rogers Rd Ext
Kittery ME 03904

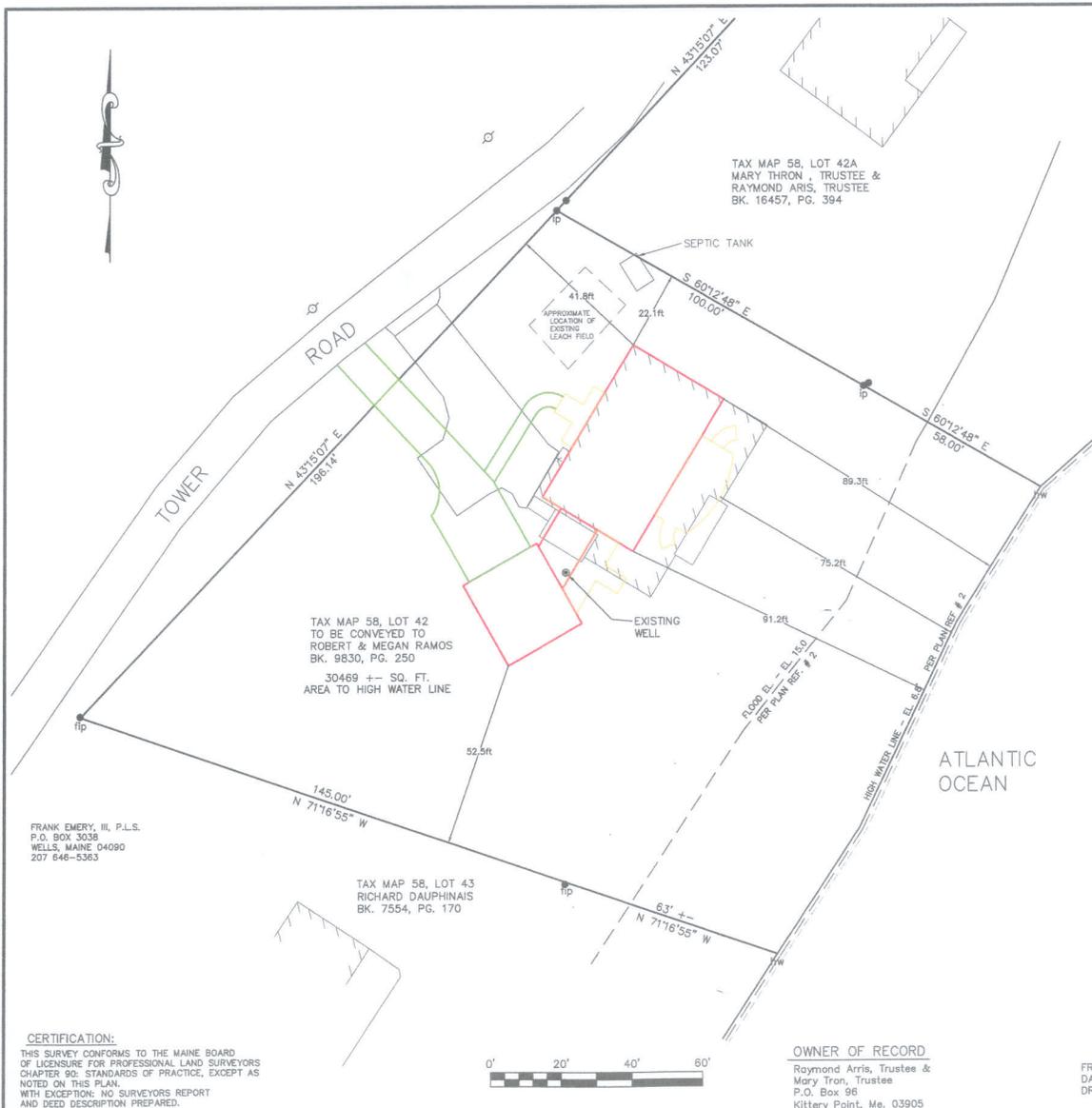
Dear Kittery Planning Board:

As owners of 77 Tower Rd, we are abutters to 73 Tower Rd.

We have reviewed the proposed plan for renovations to 73 Tower Rd, and are wholeheartedly in support of this project.

Sincerely,

Dick & Carole Dauphinais



LOCATION MAP

PLAN REFERENCES:

1. TOWN OF KITTERY TAX MAP 58, LOT 42.
2. RECONFIGURATION OF LOTS, FOR RAYMOND J. ARRIS & MARY THRON, TOWER ROAD, KITTERY, MAINE REVISED DATE: 04/03/15

NOTES:

1. ZONING DISTRICT - ZONE - R-RLC, RESOURCE PROTECTION
2. LOT COVERAGE- LOT AREA: 30,469 S.F.
 EXISTING LOT COVERAGE - BUILDING WITH OVERHANG 2554 S.F.
 PATIO AND STEPS 270 S.F.
 CONCRETE DRIVEWAY 1135 S.F.
 TOTAL 3959 / 30469 S.F. = 13%
 PROPOSED LOT COVERAGE -
 NEW HOUSE 2315 S.F.
 NEW DECKS & STEPS 659 S.F.
 NEW DRIVEWAY & WALKWAY 971 S.F.
 TOTAL 3945 S.F. / 30469. = 13%
 2. BUILDING CALCULATIONS:
 A. BASEMENT SF = 541, VOLUME = 3624 CF
 B. GARAGE SF = 286, VOLUME = 1919 CF
 C. SECOND FLOOR SF = 2389, VOLUME = 20,650 CF
 D. TOTAL SF = 3196, VOLUME = 26,193 CF

**SITE PLAN
FOR
ROBERT & MEGAN RAMOS
73 TOWER ROAD
KITTERY, MAINE**

FRANK EMERY, III, P.L.S.
P.O. BOX 3038
WELLS, MAINE 04090
207 646-5363

TAX MAP 58, LOT 42
TO BE CONVEYED TO
ROBERT & MEGAN RAMOS
BK. 9830, PG. 250
30469 +/- SQ. FT.
AREA TO HIGH WATER LINE

TAX MAP 58, LOT 42A
MARY THRON, TRUSTEE &
RAYMOND ARRIS, TRUSTEE
BK. 16457, PG. 394

TAX MAP 58, LOT 43
RICHARD DAUPHINAIS
BK. 7554, PG. 170

OWNER OF RECORD
Raymond Arris, Trustee &
Mary Tron, Trustee
P.O. Box 96
Kittery Point, Me. 03905

FRANK EMERY, III, P.L.S.
DATE: MAY 5, 2015
DRAWN BY: F.E. III

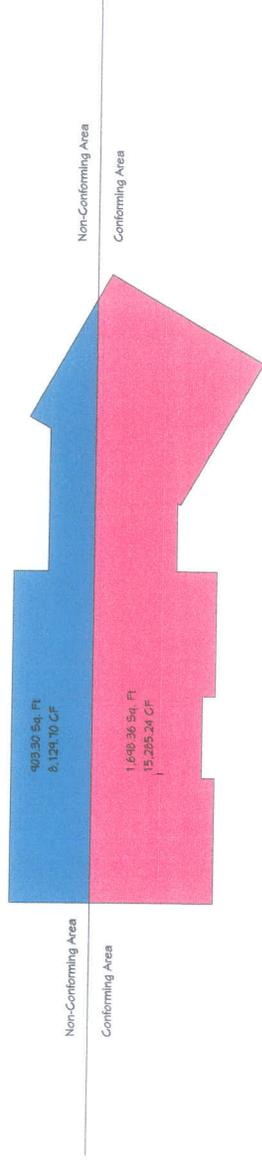
LAND SURVEYORS
SCALE: 1 IN. = 20 FT.
DRAWING No. 050515

CERTIFICATION:
THIS SURVEY CONFORMS TO THE MAINE BOARD
OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS
CHAPTER 90: STANDARDS OF PRACTICE, EXCEPT AS
NOTED ON THIS PLAN.
WITH EXCEPTION: NO SURVEYORS REPORT
AND DEED DESCRIPTION PREPARED.

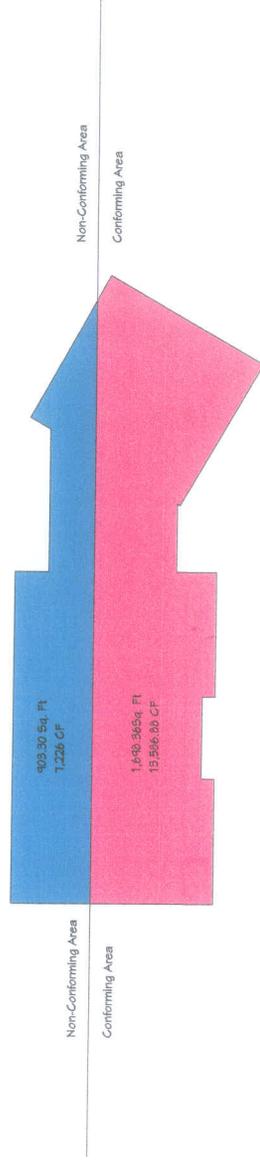




New Second Floor



New First Floor



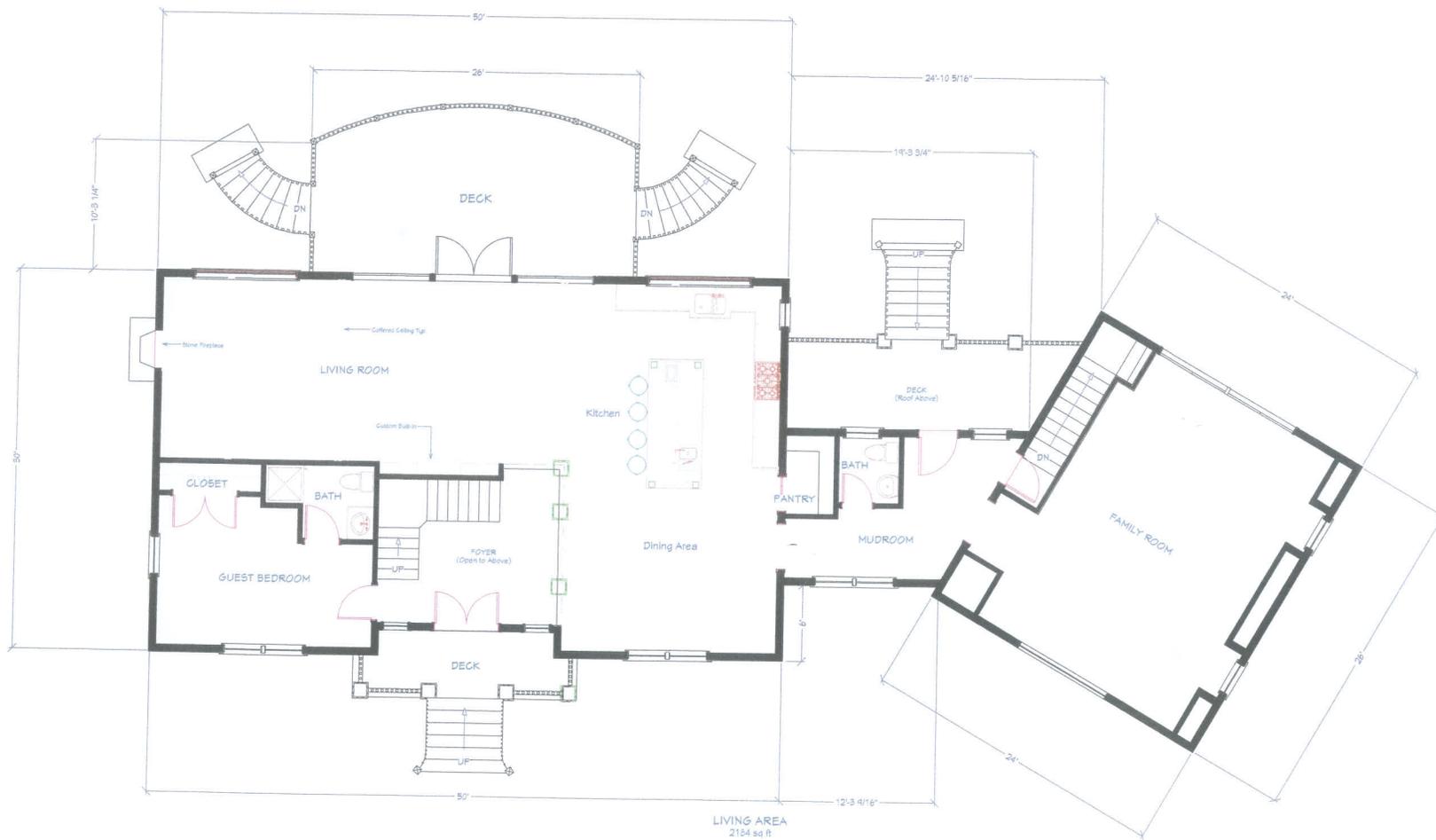
New Basement





K-7-





LIVING AREA
2154 sq ft

REVISION TABLE			
NUMBER	DATE	REVISION BY	DESCRIPTION



DRAWINGS PREPARED FOR:
Robert L. MacDonald Jr.
73 Tower Road
History Point, Maine

DRAWINGS PROVIDED BY:
Robert L. MacDonald Jr.
Detail Design Builders, LLC
23 Water Street
Amherst, NH 03031

DATE:
5/27/15

SCALE:
1/4" = 1'-0"

SHEET:
1



LIVING AREA
1146 sq ft

NO.	DATE	BY	DESCRIPTION



DRAWINGS PREPARED FOR:
Robert & Megan Rumos
72 Tower Road
Riverview, NH 03071

DRAWINGS PROVIDED BY:
Robert L. MacDonell Jr.
Detail Design Builders, LLC
137 Main Street
Amherst, NH 03071

DATE:
5/27/15

SCALE:
1/4" = 1'-0"

SHEET:
A-2



PROJECT FILE NUMBER	DATE	REVISION	DESCRIPTION

DETAIL DESIGN BUILDERS

DRAWINGS PREPARED FOR:
 Robert & Megan Ramon
 13 Columbia Drive, Unit #3
 Amherst, NH 03021

DRAWINGS PROVIDED BY:
 Robert L. MacDonell Jr.
 13 Columbia Drive, Unit #3
 Amherst, NH 03021

DATE:
 5/27/15

SCALE:
 1" = 1'-0"

SHEET:
 A-3

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
 Division of Health Engineering, Station 10 SHS
 (207) 287-5672 FAX (207) 287-4172

Town, City, Plantation
KITTERY

Street, Road, Subdivision
73 TOWER ROAD

Owner's Name
ROBERT RAMOS

SUBSURFACE WASTEWATER DISPOSAL PLAN

SCALE 1" = 100 FT.

NEW 1000 GALLON CONCRETE SEPTIC TANK LOCATE WHERE FEASIBLE, 8' MIN. FROM BUILDING STRUCTURE SET AT HIGH ENOUGH ELEVATION TO PROVIDE GRAVITY FLOW (RAISE BUILDING DRAIN IF NECESSARY) PROVIDE RISERS AND COVERS OVER SEPTIC TANK INLET AND OUTLET ACCESS PORTS (GROUT ALL SEAMS TO PREVENT SURFACE WATER INFILTRATION)

(SEE ALSO PRODUCT INSTALLATION INFORMATION)

APPROXIMATE PROPOSED MicroFAST .5 (OR EQUIVALENT)

4" DIA SDR 35 SOLID PVC

97' +/- TO HIGH WATER MARK

5'

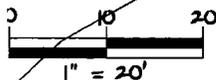
20.5'

2" DIA SOLID PVC

EXISTING DISPOSAL FIELD (SEE HHE-200 BY MARC GOWDY, LSE # 164 DATED 7-14-84)

EXISTING DWELLING

APPROX. FAST BLOWER UNIT



FILL REQUIREMENTS

Depth of Fill (Upslope) : N/A
 Depth of Fill (Downslope) : N/A
 DEPTHS AT CROSS-SECTION (shown below)

CONSTRUCTION ELEVATIONS

Finished Grade Elevation : N/A
 Top of Distribution Pipe or Proprietary Device : N/A
 Bottom of Disposal Area : N/A

ELEVATION REFERENCE POINT

Location & Description : N/A
 Reference Elevation is: 0.0" or -----

DISPOSAL AREA CROSS SECTION

SCALE:
 VERTICAL: 1" =
 HORIZONTAL: 1" =

N/A

Albert Frick
 Site Evaluator Signature

163
 SE *

4/29/2015
 Date



Albert Frick Associates, Inc.
Soil Scientists & Site Evaluators
 95A County Road Gorham, Maine 04038
 (207) 839-5563

KITTERY

73 TOWER ROAD

ROBERT RAMOS

TOWN

LOCATION

APPLICANT'S NAME

1) The Plumbing and Subsurface Wastewater Disposal Rules adopted by the State of Maine, Division of Health and Human Services pursuant to 22 M.R.S.A. § 42 (the "Rules") are incorporated herein by reference and made a part of this application and shall be consulted by the owner/applicant, the system installer and/or building contractor for further construction details and material specifications. The system Installer should contact Albert Frick Associates, Inc. 839-5563, if there are any questions concerning materials, procedures or designs. The system installer and/or building contractor installing the system shall be solely responsible for compliance with the Rules and with all state and municipal laws and ordinances pertaining to the permitting, inspection and construction of subsurface wastewater disposal systems.

2) This application is intended to represent facts pertinent to the Rules only. It shall be the responsibility of the owner/applicant, system Installer and/or building contractor to determine compliance with and to obtain permits under all applicable local, state and/or federal laws and regulations (including, without limitation, Natural Resources Protection Act, wetland regulations, zoning ordinances, subdivision regulations, Site Location of Development Act and Minimum Lot Size law) before installing this system or considering the property on which the system is to be installed a "buildable" lot. It is recommended that a wetland scientist be consulted regarding wetland regulations. Prior to the commencement of construction/installation, the local plumbing inspector or Code Enforcement Officer shall inform the owner/applicant and Albert Frick Associates, Inc of any local ordinances which are more restrictive than the Rules in order that the design may be amended. All designs are subject to review by local, state and/or federal authorities. Albert Frick Associates, Inc.'s liability shall be limited to revisions required by regulatory agencies pursuant to laws or regulations in effect at the time of preparation of this application.

3) All information shown on this application relating to property lines, well locations, subsurface structures and underground facilities (such as utility lines, drains, septic systems, water lines, etc.) are based upon information provided by the owner/applicant and has been relied upon by Albert Frick Associates, Inc. in preparing this application. The owner/applicant shall review this application prior to the start of construction and confirm this information. Well locations on abutting properties but not readily visible above grade should be confirmed by the owner/applicant prior to system installation to assure minimum setbacks.

4) Installation of a garbage (grinder) disposal is not recommended. If one is installed, an additional 1000 gallon septic tank or a septic tank filter shall be connected in series to the proposed septic tank. Risers and covers should be installed over the septic tank outlet per the "Rules" to allow for easy maintenance of filter.

5) The septic tank should be pumped within two years of installation and subsequently as recommended by the pump service, but in no event should the septic tank be pumped less often than every three years.

The system user shall avoid introducing kitchen grease or fats into this system. Chemicals such as septic tank cleaners and/or chlorine (such as from water treatment units) and controlled or hazardous substances shall not be disposed of in this system. Additives such as yeast or enzymes are discouraged, since they have not been proven to extend system life.

6) All septic tanks, pump stations and additional treatment tanks shall be installed to prevent ground water and surface water infiltration. Risers and covers should be properly installed to provide access while preventing surface water intrusion to within 6" of a finished ground surface.

Vehicular traffic over disposal system is prohibited unless specifically designed with H-20 rated components.

FAST Treatment Unit

Professional Disclosure

Professional ethics require disclosure that *Albert Frick Associates, Inc.* receives revenue from the sale of a FAST Wastewater Treatment Unit. Our company is authorized to sell the FAST products through J & R Sales & Service, Inc., who is an authorized reseller for Bio-Microbics, the manufacturer of FAST Wastewater Treatment Units.

It is the opinion of *Albert Frick Associates, Inc.*, that the FAST Treatment Units have advantages over other treatment units in some situations. Based on our review of the FAST products we believe that they have a proven track record and are quality products.

Albert Frick Associates Inc. is first and foremost an environmental consulting firm which strives to provide sound and objective advice regarding wastewater design, and permitting based on the site specific needs of our clients. To avoid the appearance of a conflict of interest, any FAST Treatment Unit that is specified on a HHE-200 Application provided by *Albert Frick Associates, Inc.* may be substituted with an equivalent advanced wastewater treatment unit produced by a different manufacturer, per the State of Maine Subsurface Wastewater Disposal Rules.