TOWN OF KITTERY, ME
PLANNING BOARD MEETING
Council Chambers

UNAPPROVED
AUGUST 11, 2016

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

Pledge of Allegiance

Roll Call:
Board Members Present: Chair Ann Grinnell, Vice Chair Karen Kalmar, Robert Harris, Deborah Driscoll-Davis, Mark Alesse, Dutch Dunkelberger, Robert Harris
Board Members Absent: Brett Costa
Staff Present: Rebecca Spitko, Assistant Town Planner

Minutes: July 28, 2016
Ms. Kalmar made a request to move the July 28, 2016 Minutes to the next Planning Board Meeting. The Board was in consensus.

Public Comment: Ms. Grinnell opened the floor for public comment.

Bill Cullen explained he was recently before the Town Council and submitted a proposal regarding development of part of the business park. He explained the report had an ongoing line item regarding a proposed amendment change to the to the Town's Bylaws, and, therefore, needed to include the Planning Board and the Conservation Commission. The proposal did not have the attachment and he requested to pass it out tonight. Chair Grinnell agreed. Mr. Cullen also requested a workshop to be scheduled before the next Planning Board meeting on August 25th. Chair Grinnell explained agendas are built beforehand and a workshop on the 25th would be unlikely, but she would talk with the Town Planner and let Mr. Cullen know.

ITEM 1 – 91 Route 236 – Major Modification to an Approved Plan
Action: Hold a Public Hearing approve or deny site plan. Owner, Synergy Storage Structures, LLC, and applicant, Camall, LLC. requests approval for a plan modification to the 2014 approved plans to construct a single, 25,200 square foot building containing a self-storage business office and storage area located at 91 Route 236 (Tax Map 28, Lot 14-1) in the Commercial (C-2) Zone. Agent is Lew Chamberlain, Attar Engineering.

Jonathan Hall, with Camall, LLC, explained the history of his company and gave a description of the project he is proposing. Mr. Hall explained the building is a climate-controlled, self-storage facility. He described the design of the building. Chair Grinnell requested the plan modification documentation.

Ken Wood, from Attar Engineering, summarized the plan for storm and waste water requirements per the C2 Zone. Mr. Wood explained the revised plan has a change from 8 to 12 parking spaces. The Board reviewed the staff review comments. The following points were highlighted:

- The Board was in consensus of the proposed 12 parking spaces.

- Wetlands – Mr. Wood explained the site was examined by a wetland scientist from New Hampshire to determine the size and setbacks. Earldean Wells from the Conservation Commission requested the applicant appoint a wetland specialist to review the drainage ditch definition with no input from the applicant or their representatives. The specialist will report to the Town.

The Board voted 5-1-0 to have an independent wetland specialist look at the site per the Conservation Commission's request.

- Building height – Mr. Wood explained he based the building on the grade approved from the 2013 plan. Discussion ensued regarding the choice of using the original plan or the plan that was approved in 2013 which had a higher grade from being filled by the previous owner. After further discussion, the Board agreed to use the plan from the 2013 plan with the addition of a planter strip and front yard setback.

- The applicant agreed to add shading trees in the parking area and explained most of the current trees will remain.

- The Board agreed with the placement of the storm water treatment within the setback. The applicant agreed to add an explanation in the subdivision plan regarding the means of dealing with the storm water.

- The building will have an elevator.

Mr. Dunkelberger made a motion to grant conditional preliminary site approval for owner Synergy Storage Structures, LLC, and applicant, Camall, LLC., located at 91 Route 236 (Tax Map 28, Lot 14-1) in the Commercial 2 Zone.
Ms. Kalmar seconded.

Mr. Harris expressed his concern of the traffic on Route 236 and Mr. Dunkelberger suggested the applicant look at the access of the business.

Motion passed 5-1-0.

NEW BUSINESS

ITEM 2 – 2 Bridge View Terrace – Special Exception Use Request
Action: Accept or deny application. Approve or deny request. Owner, Jim Higgins, and applicant, Jesse Marsh, requests special exception approval for a minor home occupation application dated 2-16-2016 for a property located at 2 Bridge View Terrace (Tax Map 2 Lot 42D) in the Residential-Suburban (R-S) and Shoreland Overlay (SH-OZ-250') Zones.

Ms. Marsh explained the use will be for a home office for her consulting practice. She is the only employee and there will be no signage.

Ms. Kalmar made a motion to grant the Special Exception Use Request dated July 13, 2016 from owner, Jim Higgins, and applicant, Jesse Marsh, for a minor home occupation at 2 Bridgeview Terrace (Tax Map 2 Lot 42D) in the Residential-Suburban and Shoreland Overlay Zones, upon the review and voting, in the affirmative, on the Findings of Fact.
Mr. Dunkelberger seconded.

Mr. Dunkelberger explained this item was passed on to the Planning Board not denied by Code Enforcement.

Motion passed 6-0-0.

Findings of Fact
2 Bridgeview Terrace

Special Exception Use Request

WHEREAS: Owner, Jim Higgins, and applicant, Jesse Marsh, requests special exception use for a minor home occupation located at 2 Bridge View Terrace in the Residential-Suburban and Shoreland Overlay Zones hereinafter the "Development" and

Pursuant to the review meeting conducted by the Town Planning Board as noted {in the plan review notes prepared for 8/11/2016}

Special Exception Use Request Review	8/11/2016	HELD
Special Exception Use Request Approval	8/11/2016	GRANTED

And pursuant to the application and plan and other documents considered to be a part of the decision by the Planning Board in this Finding of Fact consisting of the following: {as noted in the plan review notes prepared for 8/11/2016}

1. Home occupation application, dated 2/16/2016
2. Letter of decision, Town of Kittery Code Enforcement Office, dated February 25, 2016
3. Confirmatory Quitclaim Deed, dated 12/14/2016

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

FINDINGS OF FACT

Chapter 6 DECISION APPEAL, VARIANCE and OTHER REQUESTS
Article 4 Appeals/requests to Board of Appeals

16.6.4.4 Special Exception Use Request
B. The Planning Board will review, decide and may approve an applicant's Special Exception Use request where the proposed project requires Planning Board review as defined in Section 16.10.3.2 or is located in a shoreland or Resource Protection Overlay Zone. The Planning Board must find the proposed project and use meets the criteria set forth in Section 16.10.8.3.4 and 16.6.6.

16.6.6 Basis for decision
16.6.6.1 Conditions
B. In hearing appeals/requests under this Section, the Board of Appeals {or Planning Board if located within the Shoreland or Resource Protection Overlay Zone} must use the following criteria as the basis of a decision:

1. The proposed use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use zones;

Finding: The proposed use is a single employee-operation and will not generate any additional traffic; has operating hours consistent with traditional business hours; and does not require on-site purchase or sale of any retail materials.

There appears to be no adverse impact on the use of adjacent properties, or of properties in adjacent zones.

Conclusion: This requirement appears to be met

Vote: _6__ in favor _0__ against _0__ abstaining

2. The 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.

Finding: The proposed use is a single employee-operation and will not generate any additional traffic; has operating hours consistent with traditional business hours; and does not require on-site purchase or sale of any retail materials.

There appears to be no adverse impact on the permitted or legal use in the zone, or of uses in adjacent zones.

Conclusion: This requirement appears to be met

Vote: _6__ in favor _0__ against _0__ abstaining

3. The safety, the health, and the welfare of the Town will not be adversely affected by the proposed use or its location;

Finding: The proposed use appears not to have an adverse impact on the safety, health or welfare of the Town.

Conclusion: This requirement appears to be met.

Vote: _6__ in favor _0__ against _0__ abstaining

4. Use will be in harmony with and promote the general purposes and intent of this code.

Finding: The proposed use appears to be in harmony with the general purposes and intent of Title 16.

Conclusion: This requirement appears to be met.

Vote: _6__ in favor _0__ against _0__ abstaining

16.6.6.2 Factors of Consideration
In making such determination, the Board of Appeals {or Planning Board if located within the Shoreland or Resource Protection Zone} must also give consideration, among other things, to:

A. The character of the existing and probable development of uses in the zone and the peculiar suitability of such zone of the location of any such uses;
B. The conservation of property values and the encouragement of the most appropriate uses of land;

C. The effect that the location of the proposed use may have upon the congestion of undue increase of vehicular traffic congestion on public streets or highways;
D. The availability of adequate and proper public or private facilities for the treatment, removal or discharge of sewage, refuse or other effluent (whether liquid, solid, gaseous or otherwise) that may be caused or created by or as a result of the use);
E. Whether the use, or materials incidental thereto, or produced thereby, may give off obnoxious gases, odors, smoke or soot;
F. Whether the use will cause disturbing emission of electrical discharges, dust, light, vibration or noise;
G. Whether the operations in pursuance of the use will cause undue interference with the orderly enjoyment by the public of parking or of recreational facilities, if existing, or if proposed by the Town or by other competent governmental agency;
H. The necessity for paved off-street parking;
I. Whether a hazard to life, limb or property because of fire, erosion or panic may be created by reason or as a result of the use, or by the structures to be used, or by the inaccessibility of the property or structures thereon for the convenient entry and operation of fire and other emergency apparatus, or by the undue concentration or assemblage of person upon such plot;
J. Whether the sue, or the structures to be used, will cause an overcrowding of land or undue concentration of population; or unsightly storage of equipment, vehicles or other materials;
K. Whether the plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof
L. Whether the proposed use will be adequately screened and buffered from contiguous properties;
M. The assurance of adequate landscaping, grading and provision for natural drainage;
N. Whether the proposed use will provide for adequate pedestrian circulation;
O. Whether the proposed use anticipates and eliminates potential nuisances created by its location;
P. The satisfactory compliance with all applicable performance standard criteria contained in Chapter 16.8 and 16.9

Finding: Factors A through P have been considered and are not applicable or are adequately addressed by the development.

Conclusion: This requirement appears to be met.

Vote: _6__ in favor _0__ against _0__ 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 Special Exception Use Request subject to any conditions or waivers, as follows:

Waivers: None

Conditions of Approval: None

The Planning Board authorizes the Planning Board Chair, or Vice Chair, to sign the Findings of Fact.

Vote of 6 in favor 0 against 0 abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON August 11, 2016

Ann Grinnell, Planning Board Chair
Karen Kalmar, Planning Board Vice Chair

Notices to Applicant:

1. Incorporate any revisions as required by Planning Board 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. 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.

ITEM 3 – 31 Badgers Island West – Business Use Change

Action: Accept or deny application. Approve or deny application. Owner, 31 Badgers, LLC, and applicant, Kevin Adams, requests consideration to change the on-site restaurant from the previously approved seasonal operation to year round. The restaurant is located at 31 Badgers Island West (Tax Map 1 Lot 31) in the Mixed Use – Badgers Island (MU-BI), Resource Protection (OZ-RP) and Commercial Fisheries / Maritime Use (OZ-CFMU) Zones.

This item was withdrawn.

ITEM 4 – 156 Haley Road – Shoreland Development Plan Review

Action: Accept or deny application. Approve or deny plan. Owner, Lifetime Homes, Inc., and applicant, Dorothy Ahlgren, requests approval to demolish a one-car garage and construct an attached two-car garage to an existing single family dwelling located at 156 Haley Road (Tax Map 39 Lot 4) in the Residential-Rural (R-RL) and Shoreland Overlay (SH-OZ-250') Zones. Agent is Ken Markley, North Easterly Surveying.

Ken Markley described the proposed property plans to construct an attached two-car garage to a home. He also explained the actual title is in Dorothy Ahlgren's name not Lifetime Homes, Inc. Mr. Markley gave the incorrect warranty deed. Mr. Markley agrees with Staff comments. The set back is 100 feet. It is within

the 250 shoreline zone of the creek. Mr. Markley explained most of the proposed garage is will be sitting on non-vegetative land. Mr. Markley also explained why a breezeway is added which is due to the root structure of a large tree on the property. Mr. Markley does not believe they will placing living space over the garage. Ms. Kalmar asked if there was a protected stream on the property and the plan was unclear about the maximum expansion within the setback. Ms. Spitko did not believe the stream triggered the 30 percent rule, but the Board can ask the applicant to include the stream on the plan to verify setback location. Ms. Kalmar asked Mr. Markley whether he believed the proposed garage is within the 75' setback. Mr. Markley stated the believed a portion of the proposed garage is likely within 75' of the wetland, however, no more than currently exists.

Mr. Dunkelberger made a motion to accept the Shoreline Development Plan dated July 21 2016 from owner/applicant Dorothy Ahlgren for 156 Haley Road (Tax Map 39 Lot 4) in the Residential-Rural (R-RL) and Shoreland Overlay Zones.
Ms. Driscoll-Davis seconded.

Motion passed 6-0-0.

Ms. Kalmar made a motion to approve with conditions the Shoreland Development Plan dated July 21, 2016 from owner/applicant, Dorothy Ahlgren, for 156 Haley Road (Tax Map 39 Lot 4) in the Residential-Rural and Shoreland Overlay Zones, upon the review and voting, in the affirmative, on the Findings of Fact.
Mr. Dunkelberger seconded.

Motion passed 6-0-0.

Findings of Fact

For 156 Haley Road

Shoreland Development Plan Review

WHEREAS: Owner, Dorothy Ahlgren, requests approval to demolish a nonconforming one-car garage and construct an attached two-car garage to an existing single family dwelling located at 156 Haley Road (Tax Map 39 Lot 4) in the Residential-Rural (R-RL) and Shoreland Overlay (SH-OZ-250') Zones., hereinafter the "Development" and

Pursuant to the Plan Review meetings conducted by the Town Planning Board as noted {in the plan review notes prepared for 8/11/2016}

Shoreland Development Plan Review	8/11/2016	HELD
Shoreland Development Plan Approval	8/11/2016	GRANTED

And pursuant to the application and plan and other documents considered to be a part of a plan review decision by the Planning Board in this Finding of Fact consisting of the following (hereinafter the "Plan"): {as noted in the plan review notes prepared for 8/11/2016}

1. Shoreland Development Plan Application, received 7/21/2016

2. Shoreland Development Plan, North Easterly surveying, dated 7/21/2016

3. Warranty Deed, received 7/21/2016

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

FINDINGS OF FACT

Chapter 16.3 LAND USE ZONE REGULATIONS

16.3.2.17.D Shoreland Overlay Zone
1.d The total footprints of the 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: The existing devegetated area is 16.3%. The proposed devegetated area is reduced to 13%, due to the removal of a gravel area next to the existing garage that the applicant proposes to revegetate. Conclusion: The requirement appears to be met.
Vote: __6_ in favor _0__ against _0__ 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 conditions must not be permitted to become more nonconforming Finding: The existing garage is located 37-feet from the wetland. The wetland setback for buildings or structures is 100-feet when the wetland is greater than 1-acre in size. The proposed garage is located 63-feet from the wetland setback. Although this continues to be nonconforming to the wetland setback, the proposed development does not increase nonconformity to any structure on the property. Conclusion: The requirement appears to be met.
Vote: __6_ in favor _0__ against _0__ abstaining

16.7.3.5.6 Nonconforming structure reconstruction

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

Finding: The location of the proposed garage does not conform with the required wetland setback. However, the Board has determined no other location on the property exists that is more conforming than the proposed location and the proposed development is in compliance with the required setback to the greatest practical extent.

Conclusion: The requirement appears to be met.

Vote: __6_ in favor _0__ against _0__ 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: Title 16.3.2.17.A.2 defines the following as protected wetlands requiring Shoreland Overlay zone restrictions: a coastal wetland, including all areas affected by tidal action; and a freshwater wetland connecting to a protected stream, as identified on the zoning map. The wetland setback in which the garage is associated with is neither a coastal, tidal nor freshwater wetland. Therefore, the no greater than 30% volume and floor area limitations do not apply.

Conclusion: This requirement is not applicable.

Vote: __6_ in favor _0__ against _0__ 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, as represented in the plan and application, does not appear to have an adverse impact on safe and healthful conditions.

Conclusion: This requirement appears to be met

Vote: __6_ in favor _0__ against _0__ abstaining

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

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

Conclusion: This requirement appears to be met

Vote: __6_ in favor _0__ against _0__ abstaining

3. Adequately provide for the disposal of all wastewater;

Finding: The proposed development does not have an impact on the existing wastewater disposal system.

Conclusion: This requirement is not applicable.

Vote: __6_ in favor _0__ against _0__ abstaining

4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat; Finding: The proposed development does not appear to have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat. Conclusion: This requirement appears to be met.
Vote: __6_ in favor _0__ against _0__ abstaining
5. Conserve shore cover and visual, as well as actual points of access to inland and coastal waters; Finding: Shore cover is not adversely impacted. Conclusion: This requirement appears to be met.
Vote: __6_ in favor _0__ against _0__ abstaining
6. Protect archaeological and historic resources; Finding: There does not appear to be any archaeological or historic resources on the property. Conclusion: This requirement appears to be met.
Vote: __6_ in favor _0__ against _0__ abstaining
7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district; Finding: The proposed development is not located in the commercial fisheries/maritime activities district. Conclusion: This requirement is not applicable.
Vote: __6_ in favor _0__ against _0__ abstaining
8. Avoid problems associated with floodplain development and use; Finding: The proposed development is not located within a floodplain. Conclusion: This requirement is not applicable.
Vote: __6_ in favor _0__ against _0__ abstaining
9. Is in conformance with the provisions of this code; Finding: The proposed development complies with the zoning and design/performance standards of Title 16.

Conclusion: This requirement appears to be met.
Vote: __6_ in favor _0__ against _0__ abstaining
10. Be recorded with the York county Registry of Deeds. Finding: With consideration of condition #5, a plan suitable for recording has been prepared. 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. Conclusion: This requirement appears to be met.
Vote: __6_ in favor _0__ against _0__ 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 and subject to any conditions or waivers, as follows:

Waivers: None

Conditions of Approval (to be depicted 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. No trees are to be removed without prior approval by the Code Enforcement Officer or the Shoreland Resource Officer. Efforts to protect existing trees must be in place prior to construction.
4. All Notices to Applicant contained herein (Findings of Fact dated 8/11/2016).

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

5. 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 on final Mylar.

The Planning Board authorizes the Planning Board Chair, or Vice Chair, to sign the Final Plan and the Findings of Fact upon confirmation of required plan changes.

Vote of _6__ in favor_0__ against _0__ abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON _____August 11, 2016

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Ann Grinnell, Planning Board Chair

Karen Kalmar, Planning Board Vice Chair

Notices to Applicant:

4. Incorporate any plan revisions on the final plan as required by Planning Board and submit for Staff review prior to presentation of final mylar.

5. 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.

6. 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.

7. 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.

ITEM 5 – 412 Haley Road – Sketch Plan Review

Action: Accept or deny application. Approve or deny plan. Owner/Applicant Marilyn Mann & James Smith requests consideration of a 11-lot subdivision located at 412 Haley Road (Tax Map 34 Lot 3) in the Residential – Rural (R-RL) and Shoreland Overlay (SH-OZ-250') Zones. Agent is Richard Green, Green & Company.

Joe Coronati, from Jones & Beach Engineers, Inc., gave an overview of the proposed plan. The land consists of 27.5 acres and has an existing common drive. Mr. Coronati explained the development is a cluster subdivision and they are proposing three areas for development and the design meets the requirements for open space. They are proposing to use the existing driveway. Mr. Coronati explained there will be eleven house lots in all. The driveway will become a paved town road. They propose each lot has its own septic system. They have checked with the water district and will be improving site bringing down water line and providing fire hydrants.

The Board reviewed the staff comments. The following points were highlighted:

- Mr. Coronati explained the land area was based on 40,000 square feet per dwelling not 20,000 square feet as stated in the cover letter. That was an error.

- The current gravel driveway will be improved. Ms. Grinnell stated the driveway can only be 500 feet. Ms. Kalmar stated the requirement is one driveway can only serve two dwellings.

- Two of the proposed lots are flag shaped, which is prohibited per the Town's ordinance. Mr. Coronati requested leaving as designed to prevent the impact to the wetland buffer. Ms. Driscoll-Davis suggested making a slight change to the design so it looks less flag shaped to comply with the ordinance. Mr. Dunkelberger read Ordinance Code 16.8.16.2, Page 222 and mentioned he is not sure the Board has waiver authority.

- Tests have come back and the lots can have individual septic systems.

- Waterfront is for the residents. It will not be public.

- Open spaces will be divided into three segments.

- The name of the road on the plan will be revised from the plan as "Goose Point".

Ms. Spitko commented that there have been requests from abutters in the past to be involved with any proposed development on this site.

Mr. Dunkelberger made a motion to accept the sketch plan application dated July 20, 2016 from owner/applicant Marilyn Mann &James Smith for an 11-lot subdivision located at 412 Haley Road (Tax Map 34, Lot 3) in the Residential Rural Zones and Shoreland Overlay Zones.
Ms. Kalmar seconded.

Ms. Kalmar requested a copy of the protective covenants at the next presentation. The applicant agreed.

Motion passed 5-1-0.

Ms. Kalmar made a motion to schedule a site walk and continue the application for owner/applicant Marilyn Mann & James Smith for an 11-lot subdivision located at 412 Haley Road (Tax Map 34, Lot 3) in the Residential – Rural (R-RL) and Shoreland Overlay (OZ-SL-250) Zones not to exceed 90 days.
Mr. Dunkelberger seconded.

Site walk date will be September 1, 2016 at 1:00 p.m. and the protective covenants will be available at that time.

Motion passed 6-0-0.

ITEM 6 – Board Member Items / Discussion
No discussion.

ITEM 7 – Town Planner Items
Request to continue Operation Blessing LP to 9/8/2016

Ms. Kalmar made motion to continue the review of Operation Blessing's application to September 8, 2016.
Mr. Alesse seconded.

The motion passed 6-0-0.

Mr. Alesse made a motion to adjourn.
Mr. Dunkelberger seconded.
The motion carried 6-0-0.

The Kittery Planning Board meeting of August 11, 2016 adjourned at 7:45 p.m.

Submitted by Mary Mancini, Minute Recorder, on August 17, 2016.

Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst every effort has been made to ensure the accuracy of the information, the minutes are not intended as a verbatim transcript of comments at the meeting, but a summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website at http://www.townhallstreams.com/locations/kittery-maine.