

**Town of Kittery
Planning Board Meeting
July 28, 2016**

Beatrice Lane –Major Subdivision; Final Plan Review.

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

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Review	Scheduled 6-12-14	APPROVED
NO	Site Visit		HELD
YES	Determination of Completeness/Acceptance	Scheduled 12-11-14	GRANTED
	Waiver Request:		TBD
YES	Public Hearing	Scheduled for 2-12-15	HELD
YES	Preliminary Plan Review and Approval	Scheduled for 2-12-15,3/12/2015	APPROVED
YES	Final Plan Review and Approval	Initiated on 6/9/2016	PENDING

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

PLEASE BRING PACKET INFO FROM 6/9 MTG

Background

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

Through numerous iterations that included an amended subdivision plan, a cluster Sketch Plan, and a Right-Of-Way plan, the Planning Board granted approval of the conventional subdivision concept June 12, 2014. Subsequently, on March 12, 2015, the Board approved with conditions a preliminary plan application for a conventional subdivision including a Request for Special Exception as required for non-clustered subdivision. For context the minutes and the plan review notes from 3/12/15 meeting are attached for your reference. The applicant, after several extensions, has submitted a somewhat complete final plan application for the Board's review. The Board initiated the final plan application at their June 9 meeting and continued the plan not to exceed 90 days.

Review to date

UPDATE: The Applicant has addressed the preliminary plan conditions of approval at the June 9 meeting. Below are some additional comments followed by review comments of the final plan application submitted June 30 and the street acceptance petition submitted June 9.

Preliminary Plan conditions of approval

The applicant's submission includes an organized address (see letter dated 5/19 and associated attachments) of how the preliminary plan conditions of approval have been met. The conditions include the following:

1. Resolution of open space issue

The subdivision plan submitted, (Attachment 1) has been revised to locate open space abutting both of the adjacent development's open space (Fuller Brook and Lewis Farm subdivisions). The entire parcel is 57.58 acres. Required open space is 15%, 8.63 acres. The open space shown totals 8.61 acres. UPDATE: The revised plan addresses this comment.

2. Include stone wall closure of 'woods road' on the plan

The subdivision plan now has a note and graphic that denotes a "Proposed Stonewall" on both ends of the old woods road adjacent to the parcel located at 11 Highpointe Circle. The Board may want to consider that the stonewall needs to be installed prior to the issuance of any building permits. UPDATE: There seemed to be a difference of opinion on what a "stonewall" meant at the last meeting, the applicant's agent referred to the area in question being treated with the placement of large boulders. The Board should require clarity on this so that the expectation is clear and it does not become an enforcement issue.

3. Receipt of boundary plan

A Standard Boundary Survey has been prepared and a signed and stamped plan was submitted June 1, 2015. UPDATE: The Standard Boundary Survey dated 1/16/2016 contains a note (#4) that states that the boundary in the vicinity of the Fuller Brook subdivision/Parsonage Way, is for "reference" purposes only and "shall not be relied upon as boundary information." This seems strange since the plan is a "boundary" survey, the purpose, presumably, is to certify the boundary. In addition the plan is not referenced as a plan on the proposed subdivision plan.

4. Road acceptance petition application {2008 approved street between Highpointe Circle and Kittree, Lane currently referenced on tax maps as Kittree Lane}

The applicant has made an effort to complete petition for public street acceptance and corresponding street naming application, however, no abutters having rights to the existing private street (created as part of the 2008 3-lot subdivision) have signed off as required.

Staff has made an effort to facilitate the applicant and the abutters to discuss the issues around this matter, meeting at town hall in January of this year and a follow-up meeting on site in March. The Commissioner of Public Works attended as well and has stated that his review and recommendation to the Town Council will include the addition of sidewalks that are consistent with the current Highpointe Circle public street. UPDATE: See comments below under *Acceptance of Streets and Ways*

5. Include net residential acreage and density calculations on plan

The subdivision plan submitted, (Attachment 1) has been revised to include the net residential acreage, however, it appears it still has the previously designed cul-de-sac square area. UPDATE: A question was raised with regard to the use of the term "net residential acreage" since the term has been redefined in the Title 16. A note should be added to the plan to clarify the date of the ordinance that is applicable (prior to 12/11/2014, when the application was accepted) for

the term so it is not confused with recent code amendment. In addition, perhaps a footnote tied to the term “net residential” should be added citing the previous definition and applicable code, **attached** for the Board’s reference.

6. Re-delineation of wetland area

The subdivision plan has been revised to include those portions of the wetland closest to proposed building envelope as required at the Board’s April 23, 2015 meeting.

7. Include plan note to state 'driveways no longer than 500 feet serving a maximum of two dwellings are permitted'

The subdivision plan submitted, (Attachment 1) has been revised to include a note to this effect.

Attached is an opinion from the Town Attorney in response to the applicant’s attorney’s opinion that staff had misinterpreted the driveway definition. The Town Attorney supports staff’s interpretation.

The applicant has made an attempt to address this issue (driveway proposed for Parcel A measures longer than 500 feet between the proposed location of the garage and the proposed street ROW) by revising the shape of the cul-de-sac as shown in the recently submitted subdivision plan (attachment 1) The Staff had suggested the applicant simply extend the street and ROW to a point that still limited impact to the existing stream. The applicant was not agreeable due to incurring increased engineering costs. Staff suggested that possibly elongating the cul-de-sac property line alone might work, however, it appears to be a very unconventional solution. It is evident with this latest revision that a large amount of land is being encumbered by the street ROW that would never be intended for use towards constructing a street. Two thirds of the proposed cul-de-sac is taken up by a shared driveway to benefit two dwellings rather than the terminus of the proposed private street.

Staff recommends the applicant engage the engineer to re-design the roadway to fit in a more conventionally shaped cul-de-sac. (See attached ASHTO standards for cul-de-sacs and dead end streets) **UPDATE:** See comment #1 below under Final Plan Review Comments)

8. Road association and back parcel covenant for open space maintenance

The applicant has submitted draft documents that attempt to address the matter of having an accountable party identified for not only the maintenance of the private street but for the maintenance and protection of the open space. The documents (attachments 4 and 5) appear to fall short of what needs to be addressed.

The “Common Roadway Agreement” appears not to include the related stormwater structures. In addition, if the stream crossing is to be included in the ROW, their maintenance should be identified. The “Back Parcel Covenant for Reserved Open Space Maintenance” includes items that don’t seem appropriate for the presumable goal of protecting vernal pool habitat. Permitted activities include agriculture, out-door recreation and timber harvesting. Staff recommends the deeded restrictions should simply be a no-cut and no disturb area with procedures on how to address encroachment issues, removal of dangerous trees, the manner of how the boundaries are marked, etc...It is also not clear who is the accountable party and owner, is it the lot owner of Parcel A or is it held in common by the lot owners of the development. The latter is what is typical and likely to make most sense.

Staff recommends the Board request review of these documents by the Town Attorney. The Board has required this in similar situations. UPDATE: The Board decided to review the documents again prior to requesting a review from the Town Attorney. See item #2 below, Final Plan Review Comments, for additional comments on what has recently been submitted.

9. Wetland alteration application

Attar Engineering has prepared a wetland alteration application. CMA, peer-review engineer, has not completed their review. UPDATE: CMA has reviewed the application and has no objection.

Acceptance of Streets and Ways

PLEASE BRING PACKET INFORMATION FROM 6/9 MEETING FOR THIS ITEM.

Attached is a copy of Title 16.8.5 and a GIS map for context and reference to guide the Board's discussion and ultimate recommendation to Town Council as to the town acceptance of the street section between the public street Highpointe Circle and the private street Kittree Lane as a public street and including it as part of the existing Highpointe Circle. Staff has not received a formal recommendation from the Commissioner of Public Works yet, but understands that he plans to recommend to Town Council that acceptance should be conditioned on having the subject area built to the same standards as Highpointe Circle, including a curb and sidewalk.

Staff has consulted with the town's peer review engineer, CMA and have confirmed that the subject area was constructed per the planning approved plan and the only deviation in design standards was to accommodate ledge that was encountered, which did not amount to a significant change.

Ideally the change in street name would be at the proposed new intersection with Beatrice/Quiet Pine, however, the applicant, also owner of the street ROW for Kittree Lane, feels it is not possible due to the additional dwelling units that would then use Kittree Lane, which is a very long gravel road with only three dwelling units fronting on it.

Final Plan Review Comments

Staff had met with the applicant and agent, North Easterly Surveying, shortly after the June 9 planning board meeting to discuss the very large and atypical cul-de-sac along with the open space restrictions and the performance guaranty. Staff suggested an ellipse form cul-de-sac that would be narrower than what was currently proposed. Due to staffing resources, Ken Markley had asked Attar Engineering to address making the cul-de-sac smaller as suggested by staff and North Easterly Surveying would subsequently add it to the subdivision plan. Though Attar drafted a smaller cul-de-sac solution North Easterly Surveying determined they would not revise the plan based on a variety of reasons without any elaboration, as stated in their 6/30 letter. The "restraints" included: practical, financial, mathematical, environmental and graphical. From a subsequent email it appears that the primary issue is the use of the narrower and more elliptical-shape cul-de-sac, being too unconventional and citing major issues with using non-tangent curves.

Staff discussed this with reputable surveyors in the area and all confirmed that this is not an issue in this instance, especially where there is not a need for off-setting roadway improvements and as long as all five elements of the curve is provided (which is standard practice for many surveyors, however, it appears not

practiced by North Easterly) and identifying the curve as “non-tangent”, any professional land surveyor should be able to locate the boundary in the field and draft a legal description.

Staff has the following comments on the 6/30/2016 submission:

1. Cul-de-sac Alternative:

After further review of the extent of the proposed cul-de-sac staff concludes that regardless of the final shape the design appears gerrymandered. This may or may not have significant implications in the future, however, this is typically not clear at the time of the decision. Past development in this locale alone has several examples of this being true. Exhibit A depicts the evolution of the cul-de-sac (sketched on a previous submitted plan) for the proposed development and illustrates that at this point in time the current cul-de-sac design includes almost 70k s.f. of land where the Code anticipates only slightly more than 11k (60-foot radius). That’s 613% increase. The past increase to a 105-foot radius seemed to be more palatable when considering stormwater improvements were included and providing frontage for the lots is made easier. However, when considering the expanded extent and the perception of most property owners in that their property lines are out towards the “road”, the extent of the current cul-de-sac seems to be problematic. And adding the “driveway” for two lots within the private street ROW in this manner may be confusing.

Staff recommends an atypical solution but clearer in its intention. As depicted on exhibit B, in lieu of a “paper cul-de-sac” the proposed 60-foot wide street ROW (Class III) terminates in a “turn-tee” with the stormwater improvements in a typical drainage easement on the adjacent lot. The access to the two lots (building envelopes) located further to the rear of the parcel is provided by a 40-foot wide street ROW (Class I), which also provides frontage to the lots. The “driveway” in this instance, with an overall length in excess of 600 feet from the proposed paved hammer-head, should be treated as a “private way” low volume street. The Planning Board would only be approving this portion of the proposed street as a Class I, however, it is presumed that the owner would want to reserve the ability to expand in the future. The final plan should be clear in this respect, and that no additional dwelling units, including ADU’s, are permitted without prior review and approval by the Planning Board.

Waivers/modifications that would be necessary include: 1) sidewalk (board previously discussed this); 2) shoulder width (not listed on the plan) of variation from gravel shoulders per Table 1. Grass shoulders are currently proposed. Staff supports no shoulders for the Class I portion; and 3) 12-foot wide travel pavement (gravel) vs. 18 feet per Table 1. The latter can be phased/conditioned to allow the construction to take place not until a building permit is requested. The Class I portion of the street would need to be in place prior to a building permit is issued.

2. Open Space Restrictions

A revised “protective covenants” document was submitted and describes somewhat the intent suggested by staff and some board members to have the open space to be a ‘no-cut and no disturb’ area. The document states that only land areas identified on the plan as “RESERVED OPEN SPACE land with NO CUT NO DISTURB areas” is to “remain undeveloped in perpetuity.” The plan, however, does not identify the open space as “No Cut No Disturb areas.” Staff recommends re-writing the statement to plainly describe the restriction, open space is to be maintained as a no-cut no-disturb area.

Staff still maintains that all the lot owners, not just one where the open space is located, should be accountable for development’s required open space. A Homeowner’s Association rather than simply a Road Association, should be required and include the responsibility of maintaining the open space in

perpetuity. Furthermore there needs to be language in the restrictions that describes a process to properly deal with issues such as encroachments and other challenges. The current draft lacks specificity in this area and Staff recommends the Town Attorney review and approves the final documents.

3. Performance Guaranty

Staff spoke to the applicant as to the need to demonstrate financial capability (part of the findings of fact 16.10.8.3.4.P) and though the requirement of a performance guaranty helps with this, it seems evident in the Code that the expectation is it is demonstrated prior to Planning Board approval. As a compromise I suggested providing a letter of intent by a bank or other lending institution, however, the applicant's plan is to fund the road through revenue generated directly by the sale of the lots. This is the type of circumstances the Code tries to protect prospective lot owners from, where a developer sells lots without assurances are in place to construct the street to the lots. In fact, 16.4.4.9. Subdivision Land Conveyance, indicates that no lots are allowed to be conveyed or offered, including an agreement to convey, prior to planning board approval and a recorded final subdivision plan. This does not seem to have been the case when considering the involvement of Mr. Brett Taylor who has been identified as the prospective buyer for the largest lot proposed.

Staff recommends the applicant provides indication that a financial institution/lender has reviewed the plans and is willing to be involved in the financing prior to the Board's final approval, which will still be conditioned for the establishment of a performance guaranty per Title 16. In addition, prior to any earthwork or clearing of vegetation, a cost estimate must be prepared and submitted to the Town for the town's peer review engineer's approval. The estimate is the basis for the amount required for the performance guaranty per 16.10.8.2.2.

4. Street Naming

Per Title 16.8.3.1 street names are subject to the approval by the Planning Board. The applicant submitted an application July 11 for *Beatrice Way* which was reviewed by Police, Fire and Assessing. The applicant submitted another application on July 14 *Quite Pine Lane*, and that too has been reviewed by all pertinent town departments. The latter will require a concerted and deliberate effort to remove any references to 'Beatrice Lane' in legal and official documents. Both applications are included in your packets.

5. Wetland Impact.

Title 16.9.3.9 Mitigation Plan activities that alter more than 501 square feet in area and less than 20k square feet "must include the preservation of undisturbed upland buffer zone adjacent to the wetland boundary equal in size to the area" altered and "located and configured in a manner acceptable by the Planning Board." It may be difficult in finding an "undisturbed" area in close proximity of the wetland being impacted and for simplicity staff recommends adding it to the reserved open space.

6. Plan revisions and conditions recommended

- a. Add recent Standard Boundary Survey to plan references on Subdivision Plan
- b. Add a legend to the Subdivision Plan
- c. Add all curve information per 16.10.7.2.D
- d. Clarify if proposed monumentation is to conform to the Code
- e. Add a note and depiction on the Subdivision Plan to indicate a sign at the end of the Class III street with the house addresses to be installed.
- f. Add a note that states per Title 16 Kittery Land Use & Development Code timber harvesting is not allowed in the Residential Rural Zone.

- g. Remove the reference to “Highpointe Circle Ext.” on Subdivision Plan since it never formally had this name.
- h. Update N/F information for Map 61 Lot 8E.
- i. Update the Net Residential Calculations on the subdivision plan to conform with 16.2.2 Definitions “Net Residential Acreage”, including 16.7.8.1 Land Not Suitable for Development as part of the Land Use & Development Code dated prior to 9/28/2015.
- j. Net Residential Density calculations seem confusing and hard to follow, should be re-written.
- k. Add a note that depicts the final wetland impact location and square area on Subdivision Plan
- l. Stonewalls as indicated on plan to be installed prior to the issuance of any building permits and is not to be used by motor vehicles during construction.
- m. A wetland Preservation Fee per 16.9.3.9 Mitigation Plan to be paid to the Town prior to the start of construction or any earthmoving activities or clearing of vegetation related to the Class I street construction.
- n. Under no circumstances will Kittree Lane be closed to through-traffic by emergency vehicles since the proposed private street’s approval as a dead-end, *Street Length to Radius* distance, is based on this through access.
- o. No more than eight (8) dwelling units is allowed to use the approved private street without prior review and approval by the Planning Board. Old Farm Road cannot be used to deviate from this restriction.
- p. The private street depicted herein and approved as part of the subdivision will not be accepted by the Town as a public street.
- q. Final subdivision plan is subject to Tax Assessors review of lot designations to be depicted on the final mylar.
- r. Prior to the issuance of a building permit for either lot associated with the Class I portion of the street, a sign must be installed at the end of the Class III portion of the street with the house #/addresses indicated along with “no parking”.
- s. Prior to any earthwork and clearing written confirmation from the Maine Historic Preservation Commission and the Maine Department of Inland Fisheries and Wildlife that no historic, archeological and natural resources are located on the parcel.
- t. Prior to any earthwork and clearing written confirmation that the US Army Corps of Engineers and the Maine Department of Environmental Protection have been properly notified of the wetland impact and any other applicable activity.

Recommendation / Board Action

As previously mentioned the applicant has submitted information in a peace-meal fashion making it difficult for staff to do a thorough and comprehensive review in a timely manner. Staff has not completed a draft Findings of Fact. The application remains to have outstanding items that need to be addressed prior to final plan approval. Staff recommends the Board determine the recommendation related to the street acceptance and proposed street terminus for Beatrice/Quiet Pines, and review other staff comments and recommended conditions.

Afterwards, staff suggests the Board move to continue final subdivision plan application not to exceed 90 days from the accepting the final plan application.

Move to continue the final subdivision plan application prepared for Operation Blessing LP. not to exceed 90 days from June 9, 2016

**KITTERY PLANNING BOARD
FINDINGS OF FACT**

APPROVED

for

Beatrice Way Subdivision, a Major Subdivision

 ORIGINAL

WHEREAS Operation Blessing Limited Partnership, Owner/Developer, submitted a proposal for the subdivision of a ± 65.29 acre parcel situated between Kittree Lane and Highpoint Circle, at 22-24 Old Farm Road on Tax Map 61 Lot 8 in the Rural Residential (**RR**) District.

WHEREAS a Sketch Plan Review was conducted on April 27, 2006;
WHEREAS a Determination of Completion was made on February 28, 2008 and May 08, 2008;
WHEREAS a Site Walk was conducted on May 13, 2008;
WHEREAS Preliminary Review was conducted on February 28, 2008, May 08, 2008 and July 10, 2008;
WHEREAS a Public Hearing was conducted on July 10, 2008;
WHEREAS Preliminary Approval with Conditions was granted on July 24, 2008;
WHEREAS Final Approval was granted on August 14, 2008

Project Description

The subdivision, consisting of three lots and a 50-foot right-of-way on ± 4.1 acres, will be extracted from a larger ± 65.29 acre parcel leaving a ± 61.19 acre lot of undeveloped land area, and is by Ordinance a major subdivision. This review and approval by the Planning Board is specific to the ± 4.1 acres shown on the development plans and referenced in related documents.

The Record Plans and other documents considered to be a part of the approval by the Planning Board and the Maine DEP in this ruling consists of the following:

- Development Plans, prepared by Civil Consultants, dated January 07, 2008:
 - Preliminary Subdivision Plan, sheet 1
 - Existing Conditions Plan, sheet C1
 - Lot Development Plan, sheet C2
 - Fire and Emergency Route Plan, sheet C2B
 - Road Plan and Profile, sheet R1
 - Construction Details, sheet R2
 - Maintenance Notes, sheet R3
- Development Plans, prepared by Civil Consultants, dated December 18, 2006:
 - Post-Drain Stormwater Management, sheet D2B
- Stormwater Management report entitled *Stormwater Permit Application Operation Blessing Subdivision*, prepared by Civil Consultants dated November 2006;
- Letter from abutter regarding stormwater runoff dated November 2006;
- Right of way Deed book 14129 page 758, recorded June 09, 2004;
- Warranty Deed book 14125 pages 908 and 909, recorded June 16, 2004;
- Wetlands delineation map prepared by Woodlot Alternatives, dated November 02, 2006
- Subsurface Waste Disposal System Application, prepared by Pete Drummond, dated May 26, 2004;
- Request for Waiver form to waive Class A High Intensity Soil Survey, dated January 03, 2008;
- Request for Waiver form to waive erosion control plan approval from the York County Soil and Water Conservation District, dated March 31, 2008;
- Letters from Kittery Public Works, dated July 26, 2006 and March 18, 2008;
- Letter from Kittery Fire Department, dated March 18, 2008;
- Letter from Kittery Superintendent of Schools, dated March 31, 2008;

- Letters from Maine Department of Conservation , dated November 29, 2006;
- Letters from Department of Inland Fisheries, dated November 17, 2005 and December 08, 2005;
- Copy of unrecorded *Common Right of Way Agreement*.

NOW THEREFORE, based on the entire record before the Board and pursuant to the applicable standards set out in the Land Use and Development Code Zoning Ordinance, the Board makes the following factual findings as required by Sec. **16.36.070.C**.

Findings of Fact

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

a. **Pollution.** The proposed development will not result in undue water or air pollution. In making this determination, it shall at least consider:

i. The elevation of the land above sea level and its relation to the floodplains;

On 03/31/08 the applicant submitted a copy of the approved LOMR of Hill Creek, prepared by CLD Consulting Engineers. The revised LOMR, effective July 19, 2007 indicates the land area lies mostly in Zone C and shows limits of 100year floods along streams.

ii. The nature of soils and subsoils and their ability to adequately support waste disposal;

Test pit locations for Map 61 Lot 8D were evaluated by Pete Drummond, a licensed site evaluator. See data sheet dated 26 May 04. Mr. Drummond has determined that the proposed Lot 8D will be adequately served by an individual septic system. A letter from Joseph Noel, Maine Certified Soil Scientists, dated March 12, 2008, indicates soils are suitable for individual septic systems on Lot 61-8E and Lot 61-8F.

iii. The slope of the land and its effect on effluents;

Steeper slopes (10 to 15%) and slopes that end at the wetland edges are to remain undisturbed. Building envelopes are shown in areas with relatively no slope. See sheet C-2.

iv. The availability of streams for disposal of effluents;

The Applicant's engineer has shown rivers, streams and brooks within and abutting the project site.

v. The applicable state and local health and water resource rules and regulations; and

The area of disturbance is less than one acre, DEP approval is not be required.

vi. The safe transportation, disposal and storage of hazardous materials;

This standard does not apply; the proposed use is residential.

Vote of 6 in favor 0 against 0 abstaining

b. **Sufficient Water.** The proposed development has sufficient water available for the reasonably foreseeable needs of the development;

DOMESTIC: The Applicant proposes to establish a private well on each lot sufficient for domestic services.

Plans indicate that the minimum distance between wells and septic systems will be met.

Vote of 6 in favor 0 against 0 abstaining

c. **Municipal Water Supply.** The proposed development will not cause an unreasonable burden on an existing water supply, if one is to be used;

FIRE: The nearest water main is located in Norton Road – fire services will be provided using tanker trucks.

Vote of 6 in favor 0 against 0 abstaining

d. **Erosion.** 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;

Sheet R-2 of the civil plans has detail for silt fencing. Sheet R-3 of the civil plans has notes regarding erosion control and stabilization.

On May 8, 08 the PB granted a waiver of Title 16.32.500 B. since CMA, Inc. will review the stormwater management and erosion control plans.

On May 08, 08 the PB granted a waiver of Title 16.32.550 B. since CMA says such a survey would not add information of value for the technical review.

Vote of 6 in favor 0 against 0 abstaining

e. **Traffic.** The proposed development will 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. Furthermore, the proposed development will provide adequate traffic circulation, both on-site and off-site;

This proposal completes the roadway as a paved roadway. The applicant proposes to pave the street per minor street standards with 20-feet of pavement width and 3-foot shoulders on both sides.

See letter from Rick Rossiter, dated July 26, 2006 regarding traffic flow, High Pointe Road future dedication as a public road and a conceptual traffic movement plan prepared by Civil Consultants.

An Easement Deed is provided which appears to provide access over Highpointe Circle for Operation Blessing. The applicant has referred to the approved Highpointe Estates Subdivision Plan, which further documents this easement.

Vote of 6 in favor 0 against 0 abstaining

f. ***Sewage Disposal.*** The proposed development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;

Individual subsurface waste disposal is proposed. Sheet C2 shows test pits and proposed locations for the proposed septic systems. Test pit data and analysis indicates sub-surface waste disposal is suitable for all three lots.

Vote of 6 in favor 0 against 0 abstaining

g. ***Municipal Solid Waste Disposal.*** 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 utilized;

This standard does not apply. Proposed solid waste disposal services are privately owned and operated.

Vote of 6 in favor 0 against 0 abstaining

h. ***Aesthetic, Cultural and Natural Values.*** 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;

A letter from Maine Department of Inland Fisheries and Wildlife, dated 12/08/05 says there are no essential or significant wildlife habitats and no vernal pools.

A letter from Woodlot Alternatives dated 05/07/07 indicates, of the three wetlands investigated, two have significant vernal pools. Woodlot Alternatives report says "... these vernal pools lie within wetlands protected by Kittery Land Use Ordinances, as well as MDEP ...the proposed plan will not invade these vernal pools."

A letter from Maine Department of Inland Fisheries and Wildlife, dated 11/17/05 says there are no known threatened or endangered fish species or habitat in the vicinity of the proposed project.

A letter from the Maine Department of Conservation dated 11/29/05 says according to information currently in files, there are no rare botanical features documented specially in the project area.

Vote of 6 in favor 0 against 0 abstaining

i. ***Conformity with Local Ordinances and Plans.*** The proposed development conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

Lot size, width, frontage and side yard setbacks for the Rural Residential zoning district are met.

Vote of 6 in favor 0 against 0 abstaining

j. ***Financial and Technical Capacity.*** The developer has adequate financial and technical capacity to meet the standards of this section;

See Conditions of Approval, page 6, items 2 and 3, of this Findings of Fact.

Vote of 6 in favor 0 against 0 abstaining

k. **Surface Waters—Outstanding River Segments.** Whenever situated entirely or partially within the watershed of any pond or lake or within two hundred fifty (250) feet of any wetland, great pond or river as defined in MRSA Title 38, Chapter 3, Subchapter I, Article 2-B, the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water;

The proposed site is not situated entirely or partially within the watershed of any pond or lake.

The proposed site is situated or within two hundred fifty (250) feet of three significant wetlands.

Per CMA, Inc: 16.32 Design and Performance Standards, Article IX. Surface Drainage 16.32.390.A3. The very slight increases in modeled stormwater runoff are not significant in magnitude, and given the setting, would be inconsequential. The Planning Board can accept this as meeting the technical requirements of the ordinance.

Vote of 6 in favor 0 against 0 abstaining

l. **Groundwater.** The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;

Sheet C2 shows test pit locations and proposed septic system locations. Test pit data and analysis indicates sub-surface waste disposal is suitable for all three lots.

Vote of 6 in favor 0 against 0 abstaining

m. **Flood Areas.** 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 developer shall 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;

On 03/31/08 the applicant submitted a copy of the approved LOMR of Hill Creek, prepared by CLD Consulting Engineers. The revised LOMR, effective July 19, 2007 indicates the land area lies mostly in Zone C and shows limits of 100year floods along streams.

Vote of 6 in favor 0 against 0 abstaining

n. **Freshwater Wetlands.** 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. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;

Wetland delineations shown on the plans were determined by Woodlot Alternatives.

The 100-foot minimum distance lines, from the upland edge of the wetlands to the building envelopes, are shown on the plans.

Vote of 6 in favor 0 against 0 abstaining

o. **River, Stream or Brook.** 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 MRSA Title 38, Section 480-B, Subsection 9; and

Rivers, streams and brooks within and abutting the project site are shown on the development plans.

Vote of 6 in favor 0 against 0 abstaining

p. **Stormwater.** The proposed development will provide for adequate stormwater management;

Per CMA, Inc: *Article IX. Surface Drainage.* 16.32.390.A3.3.- “...When development discharges directly to a major water body, the peak discharge may be increased from pre-development levels provided downstream drainage structures are suitably sized.

Stormwater runoff from this drainage basin ultimately flows to Hill Creek.

Per CMA, Inc.: *Article IX. Surface Drainage.* 16.32.390.A3 - Post-development flows for the 2, 10 and 25 year storms are higher than pre-development flows. These increases are not significant in comparison to the total flows, particularly considering the accuracy of the estimation method. In addition, a letter has been provided from the existing downstream abutter, (inserted in the November 2006 Stormwater Study), accepting the increase in stormwater run-off from Lot 8D.

Vote of 6 in favor 0 against 0 abstaining

NOW THEREFORE the Kittery Planning Board has in its Findings of Fact determined that the proposed project will have no significant detrimental impact, and the Kittery Planning Board hereby resolves to grant **Final Approval** to Operation Blessing Limited Partnership for three (3) lots with right of way on ±4.1 acres at the above reference property contingent upon the following conditions:

Conditions of Approval

1. Approval of the three lots and the associated right of way is an agreement between the Town and the Developer, incorporating as elements the application, the Board's findings of fact, and such conditions as the board imposes herein.

2. **PRIOR TO THE COMMENCEMENT OF WORK:** Tree removal, grading of the site, construction work in the right of way and onsite is not permitted until all Performance Guarantees are complete and building envelopes are taped off to identify areas of non-disturbance.

3. The Developer must submit to the Town Planner a Performance Guarantee in the form of a bond or escrow account to cover the full costs of the required improvements for the general public. The performance guarantee must be acceptable to the Town Manager and filed with the Town Treasurer.

4. The use of Kittree Lane for construction traffic is not permitted until the developer has notified the Town Planner, in writing and in photographs taken at 100-foot intervals, of the preconstruction condition of Kittree Lane. Prior to completion of the new roadway for this project, and prior to the issuance of building permits, the developer must demonstrate to the satisfaction of the Town Planner and Code Enforcement Officer that any damages incurred due to the use of Kittree Lane for construction are repaired.

5. Prior to the issuance of building permits by the Town's Code Enforcement Officer, the Developer must submit copies of the recorded deeds for Map 61 Lots 8D, 8E and 8F referencing the rider for the *Common Right of Way Agreement* and the recorded book and page for that instrument.

6. Performance guarantees are for improvements that are for the common use of lessees and/or the general public, and must be monetarily sufficient to pay for said improvements and the associated field inspections by the Town's engineer.
7. The Code Enforcement Officer will issue no occupancy permit until all conditions of this agreement are satisfied.
8. Signing of this instrument by the Planning Board constitutes approval. Construction of improvements must commence within one (1) year of planning board approval and be completed within three (3) years of such approval..
9. By vote of the Planning Board herein, the Chairman is authorized to sign the Final Plan and this Findings of Fact on behalf of the Planning Board.

Vote of 6 in favor 0 against 0 abstaining

SO APPROVED BY THE KITTELY PLANNING BOARD ON THE 20th day of August, 2008.



Russell B. White, Chair

Ms. Kline made the motion to approve the preliminary plan for the 8-lot subdivision located at Map 12, Lot 1 within the Rural Residential Zone with conditions. The first condition is the submittal of the Water District letter; and secondly, the addition of a note on the plans regarding placement of the CMP transformers. In the 2/28/08 memo from Mike Livingston to Planner Mowery, the addition of note #5 prior to the acceptance. Notes #15, #16 and #17 will be deleted. The motion was seconded by **Mr. Carleton**.

VOTE: 6/0 Motion passes. Preliminary plan approved with conditions.

ITEM 4 Major Subdivision – Sketch Plan Review: Beli-Nari Properties, LLC proposes to construct a cluster residential development consisting of 4 duplex structures and 2 single-family houses on ±15.2 acres to be known as Beli-Nari Town Houses on Tax Map 38, Lots 13B through 13F situated in the Rural Residential (**RR**) Zoning District. The owner’s agent is Northeast Civil Solutions.

Vice-Chairman Mangiafico recognized Denise Cameron, Northeast Civil Solutions
Ms. Cameron presented the sketch plan describing its design and layout.

Board Discussion

Applicant to coordinate with Planner Mowery for site walk.

ITEM 5 Minor Subdivision – Determination of Completeness/Preliminary Review: Operation Blessing Limited Partnership, owner, proposes to create a 3-lot subdivision on Beatrice Way, an existing 50-foot right-of-way; the proposed site located on Map 61, Lot 8 consists of ±3.2 acres situated in the Rural Residential (**RR**) Zoning District. The owner’s agent is Civil Consultants.

Vice-Chairman Mangiafico recognized Carl Beal, an engineer with Civil Consultants.
Mr. Beal said: we are here before the Board seeking preliminary subdivision approval for this 3-lot subdivision owned by Operation Blessing Limited Partnership, in which access will be provided to this area from High Point Estates via High Point Circle which runs off Norton Road. We have done additional design work and studies and are back before the Board for Preliminary Approval. After meeting with Town staff, we are proposing to pave the first section of the proposed access off of High Point Circle. The pavement would be twenty (20) feet wide with 3-foot gravel shoulders. This meets Town standards for a minor street. This plan will provide access to a future right-of-way and future street that would be developed in a later phase. The planning has started on that, but is not part of this project.

Ms. Wells said: Last February when the applicant was before the Board, the Board discussed having a full plan of this property when they returned.

Vice-Chairman Mangiafico responded: That was a request regarding potential development. Potentially, we would be approving a road. We see three (3) lots. We have requests from people on Kittree Lane not to make any changes there. It would be helpful to see, as we have asked the developer on the other side to see what a full development plan would show.

The Board deliberated in length.

Vice-Chairman Mangiafico recognized Richard Sparkowich, Operation Blessing

Mr. Sparkowich approached the podium and said: There is something I don't quite understand regarding the plan you have before you. Coming out of High Point Circle, there is a 50 foot right-of-way and that is intended by us to be paved up until you have a fire truck turn around to the left and if that section of road is filled and developed to Town standards; I don't see that it matters what else takes place to the left on that futuristic right-of-way, which may or may not take place as long as that road and road base is there. And it is to be paved; it seems like it should be sufficient for those three lots that we have before us.

Vice-Chairman Mangiafico said: It (*the road*) would meet the standards for those three lots, but the issue is that you have been before this Board, and have discussed the potential for future build-out. Are you setting yourself up for failure by putting that turn around where it is, which the Board may not approve down the road.

Planner Mowery commented: My suggestion is that they look ahead. They don't have to (*look ahead*). They can do just the three lots.

Mr. Carleton said: They could do the three lots. I don't think we can consider 'future development' that is not part of this application. That is not our problem. It is your (*Mr. Sparkowich*) problem and you may want to think about what the Planning Board's reaction would be to future development. Let's say a proposed future right-of-way or an extension; however, I don't think we, as a Board, should consider it now.

Mr. Luekens motioned to extend the meeting to 10:10 p.m.

Ms. Kline seconded the motion.

VOTE: 5/1; Mr. Muir was opposed.

More deliberation continued.

Mr. Carleton motioned to extend meeting to 10:15 p.m.

Ms. Kline seconded the motion.

VOTE: 4/2, Mr. Evancic and Mr. Muir was opposed.

Kittery Planning Board
February 28, 2008

APPROVED

Deliberations continued.

Vice-Chairman Mangiafico suggested that the applicant coordinate project issues with the Town Planner and the Fire Chief.

ADJOURNMENT:

Meeting adjourned at 10:15 p.m.

Planner Mowery responded that this was the first look at this project and yes the will be addressed.

A Site walk is scheduled for Tuesday, May 13th at 4:30pm

Chairman White closed the Public Hearing portion of the meeting.

There was much deliberation regarding the waiver request.

Mr. Mangiafico made the following motion. I would move that we (*the Board*) approve the waiver requests for Beli-Nari Properties, LLC. Map 38, Lots 13B through 13F located within the Rural Residential (**RR**) and partially in the Commercial (**C**) zones. The first is a waiver of Section 16.32.470 York County Soil & Water Conservation District review ,since, as that the applicant states, both CMA Engineers and the DEP are reviewing the project. I also move that we (*the Board*) approve the waiver of Section 16.36.060 (B)(3)(D. - Submission contents. The motion was seconded by **Ms. Kline**.

VOTE: 6/0 in favor of accepting the waiver request.

A Public Hearing is scheduled for June 26, 2008 Planning Board meeting.

Break (5 minutes)

ITEM 4 **Beatrice Way Subdivision – Minor Subdivision – Preliminary Review/Scheduling of a Public Hearing:** Operation Blessing Limited Partnership. Owner, proposes to create a 3-lot subdivision on Beatrice Way, an existing 50-foot right-of-way. The proposed site located on Map 61, Lot 8 consists of ±3.2 acres situated in the Rural Residential (**RR**) Zoning District. The owner’s agent is Civil Consultants.

Chairman White recognized Carl Beal, Civil Consultants.

Mr. Beal approached the podium and identified revisions made to the plans at the request of the planning board. Mr. Beal said: we are again before the Board seeking preliminary approval for this 3-lot subdivision which is to be carved out of the 65 acre parcel owned by Operation Blessing, adjacent to Highpointe Estates. The last time we were before the board there was considerable discussion regarding the proposed roadway and the applicable roadway standards. Following that meeting I communicated with the Kittery Fire Chief and the Director of Public Works. The Fire Chief’s requested a 20-foot wide paved road with 3-foot shoulders on both sides in accordance with the road standards. We have revised the plans accordingly. **Mr. Beal** continued the presentation.

Board Discussion

Request for waivers were discussed.

Ms. Kline said there should be one name only for the street, as required by 911, for safety issues.

Planner Mowery instructed the applicant to complete an application for street naming.

Chairman White asked for a completeness motion.

Mr. Mangiafico made the following motion: I move that, after reviewing Title 16.36.060 Development Application and Review - Submission of Contents, we (*the Board*) find the application substantially complete for Item 4 Beatrice Way Subdivision a minor subdivision. Operation Blessing Limited Partnership, the Owner, proposes to create a 3-lot subdivision on Beatrice Way, an existing 50-foot right-of-way. The proposed site located on Map 61, Lot 8 consists of ±3.2 acres situated in the Rural Residential (**RR**) Zoning District. The owner's agent is Civil Consultants, and that we approve the following waiver requests: Section 16.32.470 York County Soil & Water Conservation District review, since, CMA, Inc. is reviewing the drainage and erosion control plans for the project. Section 16.32.550.B. since CMA, Inc will review the stormwater management and erosion control plans and Section 16.32.550 since CMA, Inc. says such a survey would not add information of value to the technical review.

The motion was seconded by **Mr. Carleton**.

VOTE: 6/0 Motion passes.

Having found the application substantially complete the board asked the Town Planner schedule a Public Hearing.

Chairman White asked if there was anyone present who had any comments.

Ms. Wells commented on a letter written by Rick Rossiter, dated March 7, 2008, which says the existing culverts crossing Haley Road in this location can not manage an increase in stormwater runoff. I just want this information to be considered.

A site walk was scheduled for May 13th, 2008 at 3:30 pm.

ITEM 5 **Amendment to Title 16 Land Use and Development Code Zoning Ordinance**
Discussion with Action/Scheduling of a Public Hearing: Howard Patten, applicant, requests an amendment to Title 16.08.020 – Definitions – “Corner Lot”. The applicant's agent is Dean K. Bouffard, PC.

Chairman White recognized Dean Bouffard.

Mr. Bouffard approached the podium and stated: I think the issue before the Board tonight is whether or not to have a Public Hearing on the proposed ordinance change. Mr. Bouffard brought attention to Section 16.28.080.

Board Discussion

Town Planner will re-word the Public Comment description included in the Planning Board agenda and share with the Board members via email before the next agenda is published.

William Pierce, a resident residing on Rogers Road requested to speak to Item 5, *Workforce Housing*, appearing later on the agenda. **Chairman White** said his comments would be heard at that time.

ITEM 1– Amendment to Title 16 Land Use and Development Code Zoning Ordinance – Workshop - The Town administration, endeavoring to establish the size, location and type of perimeter fences, freestanding walls, and retaining walls proposes to amend Title 16 *Land Use and Development Code*.

Michael Asciola, Planning Department, presented the proposed new ordinance. Board discussion followed with suggestion for revision to the proposed ordinance draft. Members concluded the workshop discussion and deferred action for further discussion and a joint Planning Board/Council review on July 24, 2008.

ITEM 2 – Amendment to Title 16 Land Use and Development Code Zoning Ordinance – Discussion/Schedule a Public Hearing – An ordinance to amend Section 16.16.050 - Violations and Enforcement of the Land Use and Development Code Zoning Ordinance for the Town of Kittery by Amending sub-Section 16.16.050 (D) – Notice of Violation and Order and sub-Section 16.16.050(I) – Penalties.

Background: The State requires that the Town of Kittery implement an illicit discharge ordinance as part of the State’s MS-4 program. The Kittery illicit discharge ordinance will be located in Title 8, Health and Safety; however enforcement of Title 8 will remain in Title 16, Land Use, and therefore requires Planning Board review and recommendation to Council to approve. Duncan McEachern, the town’s legal counsel, has worked with Mike Asciola, Planning Department, Heather Ross, CEO, Rick Rossiter, Director of Public Works, and Kristine Rabaska, an outside consultant with Sevee & Maher Engineers, Inc., to amend the violations and enforcement section of Title 16. **Micheal Asciola** said Mr. McEachern advises that the amendment of Title 16 be approved by council before the amendment to Title 8 is approved by Council.

Michael Asciola presented the proposed ordinance to Board members. Discussion

Mr. Carleton motioned to forward the amendment of Section 16.16.050 as presented to Council for approval, the draft of Section 16.16.050 as presented and amended

Megan Kline seconded

Motion was approved unanimously

Break – 5 minutes

ITEM 3 - Beatrice Way Subdivision – a Minor Subdivision –Public Hearing/Preliminary Review - Operation Blessing Limited Partnership, Owner, proposes to create a 3-lot subdivision on Beatrice Way, an existing 50-foot right-of-way; the proposed site located on Map 61 Lot 08 consists of ±3.2 acres situated in the Rural Residential (RR) zoning district. The Owner's agent is Civil Consultants.

Carl Beal, Civil Consultants summarized the proposal as previously presented to the Board. It was noted that a draft maintenance agreement was submitted to planning staff.

Public Comment:

Joe Gasbarro, 11 Highpointe Circle, Highpointe Estates, voiced concerns about the impact of the proposed road, and asked if the Town would be accepting both the new road extension and existing road (*Highpointe Circle*). The **Town Planner** explained that construction of Highpoint Circle is ongoing and the roads is not ready for acceptance (*as a public road*) which must meet 911 compliance requirements and town road standards. **Mr. Gasbarro** continued: Additionally, there is concern over the impact of three additional lots proposed in a poor economy, considering the existing vacant lots are currently being used for dumping and there are unfinished foundations. The **Town Planner** explained that developer is required to provide performance assurances that assure the project will be built to plan and town standards. **Mr. Gasbarro** continued: What will be the impact of new lots on the existing covenants of Highpointe Estates (i.e. minimum lot/house size/cost)? **Chairman White** said the existing covenants for Highpointe Estates are separate from this development and do not apply. **Mr. Gasbarro** requested that the Town consider the abandonment of the existing woods road and to note such on the plans. There was discussion as to how the woods road is used and the amount and type of vehicular traffic on that road.

Board members noted that if an owner has existing deeded rights to that road it cannot be abandoned by the Town.

Deborah Belanger, Highpointe Estates inquired as to what determines an abutter, voiced concern about increased traffic and the impact of construction vehicles on Highpointe Circle. Who will be responsible for repairing the existing roadway (*Highpointe Circle*) following construction of the new parcels?

Richard Sparkowich, applicant, representing Operation Blessing Limited Partnership, spoke to the woods road issues previously discussed. This road has been in existence for many years and used infrequently, but provides emergency egress when needed, is used to remove firewood, and as a cross-country ski trail. **Mr. Sparkowich** spoke about the process of this development with the Town over the past five years.

Public Hearing closed at 8:43 p.m.

Board discussion followed regarding the ownership of the woods road, continued vehicular usage over the remaining portion, and non-vehicular use of the woods road. **Town Planner** inquired if a rider could be placed on the deed of the new lot (*Lot 61 – 8F*) that would allow the crossing of the lot in perpetuity, and if so, what affect would a future driveway into the lot have over such access to the woods road? **Carl Beal** noted that a portion of the woods road would be discontinued since there would someday be a house on the lot; but as it is now, it could continue. Regarding the covenants of the subdivision, this is a separate subdivision from Highpointe Estates, with separate covenants and deed restrictions. That (*development*) would not impact this development. **Town Planner** stated that the Maintenance Agreement received from the developer is not complete.

Ms. Kline said Operation Blessing needs to clarify how the woods road is to be used in the future considering the 3 new lots and the relationship of the remaining portion of the woods road to the other lots. **Town Planner** stated that the applicant had done most of what has been asked

and she would work with the applicant to address the issues discussed this evening to prepare them for final approval at the next Planning Board meeting.

Mr. Muir motioned to table this item and continue discussion at the July 24, 2008 regularly scheduled meeting.

Ms. Kline seconded.

Motion carried unanimously.

ITEM 4 – Amendment to an Approved Site Plan – *Public Hearing/Discussion with Action* – Kittery Commons, LLC, proposes to split a parcel of land so that the nursing home and associated improvements are situated entirely on one parcel of land in the Mixed Use (MU) zoning district and the second parcel is comprised entirely of undeveloped land situated in both the Mixed Used (MU) and the Rural Residential (RR) zoning districts on Map 61 Lot 27. The owner’s agent is William Gillis.

Brad Mezquita, Appledore Engineering, summarized the proposal as previously presented and the location of the parcel split. The developable portion of the split parcel to the front can be accessed, but the larger portion to the rear would require a wetland crossing or through the existing, developed parcel.

Board members discussed the intended use of the rear parcel and noted that the Board can place a deed restriction stipulating that development of the rear parcel would require Board review and an access easement would need to be provided, other than over the wetland.

Chairman White asked if there were any public present wishing to speak. There being none, the Board further discussed the issue of access, easements, and the crossing of the wetlands.

Mr. Carleton motioned to table this item to the July 24, 2008 meeting.

Ms. Kline seconded.

Motion carries unanimously.

ITEM 5 –*Workshop* –Discuss notes, comments and drafts to develop an ordinance for Workforce Housing in Kittery.

Following a presentation by Diane Hartley, Workforce Housing Coalition, and Stephen Hynes, Yankee Mobile Home Parks, regarding the workforce housing concept (versus affordable housing) and its use in other communities, questions and discussion continued between the board members, D. Hartley and G. Beers. Chairman White recommended that the draft be discussed at a joint Council/Planning Board workshop so the board would know if or how council may want them to proceed.

ADJOURNMENT:

Meeting adjourned at **10:02 pm**

definitions (eg. 'development'), how would these changes affect the remaining ordinance sections where that definition is used? Additionally, the Town Planner will check with the state to confirm the use of various state definitions proposed to be used (eg. *wetlands of special significance*) and whether they would be necessary if already defined in the NRPA. Members recommended removal of "assistance to the Kittery Land Trust" under Mitigation Plan, Required Compensation.

The ordinance is not ready to proceed, requiring additional work and clarification. Members requested that the Town Planner re-visit definitions and sections that may be confusing or vague.

Item #2 closed at 8:50 pm

Break – 10 minutes

ITEM 3 - Beatrice Way Subdivision – a Minor Subdivision – Final Review - Operation Blessing Limited Partnership, owner, proposes to create a 3-lot subdivision on Beatrice Way, an existing 50-foot right-of-way; the proposed site located on Map 61 Lot 08 consists of ±3.2 acres situated in the Rural Residential (RR) zoning district. The Owner's agent is Carl Beal, Civil Consultants.

Carl Beal, Civil Consultants summarized the proposed subdivision. Note #8 was added indicating that Operation Blessing would relinquish their rights to the woods road where it traverses part of a proposed lot. The remaining woods road will remain as is to be held and managed by Operation Blessing. The proposed road will be a private roadway built to town standards. The name of the road has been removed pending determination by the town. Mr. Beal acknowledged that 4-5 truckloads of fill brought into the project area was type-D base gravel material for use on the proposed roadway.

Linda Gasbarro, 11 Highpointe Circle, requested clarification of the location of the second hammerhead.

Mary Ellen Sealley 10 Kittree Lane, requested clarification of what road will be used for construction of the development as she is concerned that Kittree Lane is not currently paved and is privately maintained, and believes that construction vehicles would negatively impact the Lane. She also asked if the three homes on Kittree Lane would be included in the agreements for the proposed subdivision.

Carl Beal stated the maintenance agreement would only include the three lot owners and Operation Blessing as shown on the plan. The two lots in Highpointe Estates could be included, but that has not been confirmed. It is possible that both roads, Highpointe Circle and Kittree Lane, would be used by construction vehicles.

Town Planner stated that the applicant has supplied a road maintenance agreement but it is not recorded. This could be a condition of approval.

Michael Luekens noted that it was previously agreed that traffic to the new development would be via Highpointe Circle and not Kittree Lane and questioned why construction vehicles would be allowed on Kittree Lane.

Carl Beal stated that Operation Blessing would maintain Kittree Lane following construction and Highpointe Circle does not yet have the final road layer.

Scott Mangiafico noted that Operation Blessing does own the portion of Kittree Lane and use by smaller vehicles could legitimately occur.

Discussion Continued discussion regarding use of Kittree Lane and/or Highpointe Circle by construction vehicles.

Richard Sparkowich-Operation Blessing, agreed to maintain and return Kittree Lane to prior condition following construction.

Joe Gasbarro, 11 Highpointe Circle would like to see some of the construction traffic be shared by all parties, not just Highpointe Circle and the extension.

Town Planner proposed a condition: Prior to the use of Kittree Lane for construction traffic, the developer must verify in writing and photograph the condition of the improved roadway and must, prior to the completion of the new roadway in the right-of-way, repair any damage that occurred to Kittree Lane, through use or abuse.

Public comment closed at 8:45 pm

Megan Kline asked if the Board should review the July 10, 2008 minutes regarding this agenda item prior to making any motions.

Members agreed to review the minutes for this item. Miscellaneous spelling and grammatical errors were noted.

The issue of sidewalks was discussed; however the Board had not required sidewalks up to this time. **Carl Beal** noted that this could be done at a later time as there are swales that could be filled in for sidewalks with a curb line should additional development be done in the future.

Megan Kline made a motion to approve Beatrice Way, a 3-lot, minor subdivision by Operation Blessing Limited Partnership, located on Map 61 Lot 08 consisting of ±3.2 acres situated in the Rural Residential (RR) zoning district with the following conditions:

1. The use of Kittree Lane for construction traffic is not permitted until the developer has notified the Town Planner, in writing and in photographs taken at 100-foot intervals, of the preconstruction condition of Kittree Lane. Prior to completion of the new roadway for this project, and prior to the issuance of building permits, the developer must demonstrate to the satisfaction of the Town Planner and Code Enforcement Officer that any damages incurred due to the use of Kittree Lane for construction are repaired.
2. Prior to the issuance of building permits by the Town's Code Enforcement Officer, the Developer must submit copies of the recorded deeds for Map 61 Lots 8D, 8E and 8F referencing the rider for the *Common Right of Way Agreement* and the recorded book and page for that instrument.

Joe Carleton seconded

Michael Luekens inquired if this motion for approval is to grant preliminary approval with final approval granted at the reading of the findings of fact. Easements will be shown as part of the final plan drawing. Mr. Mangiafico confirmed that the motion is for preliminary approval with conditions.

Motion for Preliminary Approval with Conditions carries unanimously

The Findings of Fact will be read on August 14, 2008 for final approval.

8/14/08

ITEM 3 – Amendment to an Approved Site Plan – *Final Review* – Kittery Commons, LLC, proposes to split a parcel of land located at 9 Lewis Road so that the nursing home and associated improvements are situated entirely on one parcel of land in the Mixed Use (MU) zoning district and the second parcel is comprised entirely of undeveloped land situated in both the Mixed Used (MU) and the Rural Residential (RR) zoning districts on Map 61 Lot 27. The owner’s agent is William Gillis.

Mr. Carleton recommended that the applicant remove “proposed” from the easement on the final plan, add a signature block and submit to the Town Planner for Board signatures.

Chairman White read the Findings of Fact:

1.i. Conformity with Local Ordinances and Plans. Vote 6 in favor 0 opposed

Conditions of Approval

1. Approval of this Division of Land is an agreement between the town and the owner, incorporating as elements the application, the board’s findings of fact, and such conditions as the board imposes herein.
2. A copy of this Division of Land map and all deeds must be submitted to the Kittery Assessor within six months of this approval. Should the owner fail to comply the Board will rescind this approval.
3. The developer must submit a mylar copy of the Division of Land map that provides a signature block for planning board approval, and with the word ‘*proposed*’ removed from the description of the 50-foot right-of-way easement.
4. The Code Enforcement Officer will issue no building permits for the undeveloped lot before the owner submits development plans and all applicable local, state and federal documents to the Planning Board for review and approval.
5. Signing of this instrument by the Planning Board constitutes approval.
6. By vote of the Planning Board herein, the Chairman is authorized to sign the Final Plan and this Findings of Fact on behalf of the Planning Board.

Vote of 6 in favor 0 opposed

ITEM 2 – Beatrice Way Subdivision – a Major Subdivision – *Final Review* - Operation Blessing Limited Partnership, Owner, proposes to create 3 lots and a 50-foot right of-way on ±4.1 acres between Kittree Lane and Highpointe Circle, at 22-24 Old Farm Road, the proposed site located on Map 61 Lot 08 consists of ±65.3 total acres situated in the Rural Residential (RR) zoning district. The Owner’s agent is Civil Consultants.

Mr. Sparkowich, applicant, requested that Item #8 in the Findings of Fact Conditions regarding construction start and completion be amended.

Mr. Carleton recommended including: Construction of improvements shall be started within one year and completed within three years of approval, and the Board agreed to include in the conditions.

Mr. Carleton read the Findings of Fact for board vote.

(Mr. Mangiafico joined the Board for the vote. Vote now includes all seven (7) Board members.)

FINDINGS OF FACT

1.a. Pollution. i.; ii.; iii.; iv.; v.; and vi. Vote 7 in favor 0 opposed

1.b. Sufficient Water Supply. Vote 7 in favor 0 opposed

1.c. Municipal Water Supply. Vote 7 in favor 0 opposed

1.d. Erosion. Vote 7 in favor 0 opposed

1.e. Traffic. Vote 7 in favor 0 opposed

First statement included in the complete Findings of Fact for Board signature will be removed
(At 02/12/04 Planning Board meeting, Russell White did stipulate, "...that after the approval of the lot 61-81C, no further construction would be allowed without finishing the road to town standards from Highpointe Estates through Kittree Lane.)

1.f. Sewage Disposal. Vote 7 in favor 0 opposed

1.g. Municipal Solid Waste Disposal. Vote 7 in favor 0 opposed

1.h. Aesthetic, Cultural and Natural Values. Vote 7 in favor 0 opposed

1.i. Conformity with Local Ordinances and Plans. Vote 7 in favor 0 opposed

1.j. Financial and Technical Capacity Vote 7 in favor 0 opposed

1.k. Surface Waters – Outstanding River Segments Vote 7 in favor 0 opposed

1.l. Ground Water. Vote 7 in favor 0 opposed

1.m. Flood Areas Vote 7 in favor 0 opposed

1.n. Freshwater Wetlands. Vote 7 in favor 0 opposed

1.o. River, Stream or Brook. Vote 7 in favor 0 opposed

1.p. Stormwater. Vote 7 in favor 0 opposed

Conditions of Approval

1. Approval of the three lots and the associated right of way is an agreement between the Town and the Developer, incorporating as elements the application, the Board's findings of fact, and such conditions as the board imposes herein.

2. PRIOR TO THE COMMENCEMENT OF WORK: Tree removal, grading of the site, construction work in the right of way and onsite is not permitted until all Performance Guarantees are complete and building envelopes are taped off to identify areas of non-disturbance.

3. The Developer must submit to the Town Planner a Performance Guarantee in the form of a bond or escrow account to cover the full costs of the required improvements for the general public. The performance guarantee must be acceptable to the Town Manager and filed with the Town Treasurer.

4. The use of Kittree Lane for construction traffic is not permitted until the developer has notified the Town Planner, in writing and in photographs taken at 100-foot intervals, of the preconstruction condition of Kittree Lane. Prior to completion of the new roadway for this project, and prior to the issuance of building permits, the developer must demonstrate to the satisfaction of the Town Planner and Code Enforcement Officer that any damages incurred due to the use of Kittree Lane for construction are repaired.
5. Prior to the issuance of building permits by the Town's Code Enforcement Officer, the Developer must submit copies of the recorded deeds for Map 61 Lots 8D, 8E and 8F referencing the rider for the *Common Right of Way Agreement* and the recorded book and page for that instrument.
6. Performance guarantees are for improvements that are for the common use of lessees and/or the general public, and must be monetarily sufficient to pay for said improvements and the associated field inspections by the Town's engineer.
7. The Code Enforcement Officer will issue no occupancy permit until all conditions of this agreement are satisfied.
8. Signing of this instrument by the Planning Board constitutes approval. Construction of improvements must commence within one (1) year of planning board approval and be completed within three (3) years of such approval.
9. By vote of the Planning Board herein, the Chairman is authorized to sign the Final Plan and this Findings of Fact on behalf of the Planning Board.

Vote of 7 in favor 0 opposed

ITEM 4 – Plenary Site Plan - Sketch Plan Review – Kittery Hotels, Inc., Owner, proposes to remodel and expand the existing hotel and hotel parcel located at 2 Gorges Road, Tax Map 13 Lot 8, situated in the Commercial 3 (C3) zoning district. The Owner's agent is Wayne Morrill, Jones and Beach Engineers, Inc.

Wayne Morrill summarized the proposed sketch plan and requested the Board's direction regarding the 15' landscaping buffer and 4:12 roof slope as required by ordinance. The buffer would reduce the available parking area by 24 spaces. The relaxation of the slope would allow the developer to add more lodging floors and not exceeding the height limitation in the zone.

General discussion followed regarding the building design and layout, parking lot separation with vegetation, location of driveway entrances and exits in relation to the fire department and proximity to the intersection. **Ms. Kline** noted that landscaping should be located on Gorges Road where it would be more visual, not on Ranger Drive which is more to the rear of the project. Also, what will be done with existing building along Rt. 1? **Chairman White** asked how stringent does the Board need to be regarding flat roof lines in the Commercial zone. **Town Planner** reminded the Board that the existing building at Route 1 will require parking spaces as long as it exists on the parcel. **Chairman White**

RECODIFICATION - ORDAINMENT – 07/26/2010

(With amendments Ordained 9/26/11; 1/23/12; 5/30/12; 9/24/12; 3/25/13; 6/10/13; 1/27/14)

16.7.5.3 Site Inspection.

A. So the Planning Board may be fully informed about the site and in a knowledgeable position to prescribe contour intervals to be employed on topographic maps and grading plans for the development, the applicant must arrange a joint inspection of the site with the Planning Board, or a committee, or member, or individual appointed by the chairperson to act as the Planning Board's representative for such inspection or other Town committee as appropriate.

B. At any time between the initial Planner confirmation of submission contents of an application and final approval or denial of the plan by the Board, the Planner or Board members must have access to the subject property not including building interiors, without obtaining prior permission, written or oral, from the property owner or applicant.

16.7.5.4 Safe Use.

The land/water area to be developed must be of such character that it can be used without danger to health, or peril from fire, flood, soil failure or other hazard.

Article VI. Recreational Land Allocation

16.7.6.1 Size. Reserved for future use.

16.7.6.2 Character and Configuration. Reserved for future use.

16.7.6.3 Waterfront Inclusion. Reserved for future use.

Article VII. Development Exaction

16.7.7.1 Municipal Space.

The Planning Board may require the developer provide space for future municipal uses, in accordance with a Council approved plan, on a reimbursable basis with a five-year option after which the space may be sold for other development.

16.7.7.2 Impact Fees.

Impact fees, and other like development exactions must be required by the Planning Board, when all legal requirements have been fulfilled in accordance with 30-A M.R.S. §4961-A (e.g., Sewer Connection Fees).

Article VIII. Land Not Suitable for Development

16.7.8.1 Locations and Sewage.

The Planning Board may not approve portions of any proposed development that:

1. Are situated below sea level;
2. Are located within the one hundred (100) year frequency floodplain as found in the definition;
3. Are located on land which must be filled or drained, or on land created by diverting a watercourse, except the Planning Board may grant approval if central sewage collection and disposal system is provided.
4. Has any part of the development located on filled tidal wetlands.
5. Employs septic sewage disposal and is located on soils rated poor or very poor by the Soil Suitability Guide for Land Use Planning in the State of Maine.

RECODIFICATION - ORDAINMENT – 07/26/2010

(With amendments Ordained 9/26/11; 1/23/12; 5/30/12; 9/24/12; 3/25/13; 6/10/13; 1/27/14)

Mobile homes means those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development (HUD) standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are fourteen (14) body feet or more in width and are seven hundred fifty (750) or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundation, when connected to the required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein; except that the terms include any structure which meets all the requirements of this paragraph, except the size requirements, and with respect to which the manufacturer voluntarily files a certification required by the HUD Secretary and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.

Modular home means a unit commonly called a “modular home,” which the manufacturer certifies is constructed in compliance with the state of Maine’s Manufactured Housing Act and Regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning, or electrical systems contained therein.

Motel means a building or group of detached or connected buildings designed, intended, or used primarily to provide sleeping accommodations without cooking facilities for travelers for compensation and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge is deemed to be a motel.

Multiunit residential means a residential structure containing three or more residential dwelling units.

Municipal Separate Storm Sewer System, or MS4, means conveyances for storm water, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined sewers) owned or operated by any municipality, sewer or sewage district, fire district, State agency or Federal agency or other public entity that discharges directly to surface waters of the State.

Municipality means Town of Kittery, Maine.

Navigable waters means the “waters of the United States including territorial seas” as defined in the Federal Clean Water Act and 33 CFR Part 328, as amended.

Net residential acreage means the gross available acreage less the area required for streets or access and less the areas of any portions of the site which are unsuitable for development as outlined in Article VIII of Chapter 16.7.

Net residential density means the number of dwelling units per net residential acre.

New construction means structures for which the “start of construction” commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

(Ordained 9/26/11; effective 10/27/11)

CURRENTLY PROPOSED CUL-DE-SAC
 210' WIDE AT MID-POINT
 BY 360' LONG, ~69,326 s.f. (1.59 AC)

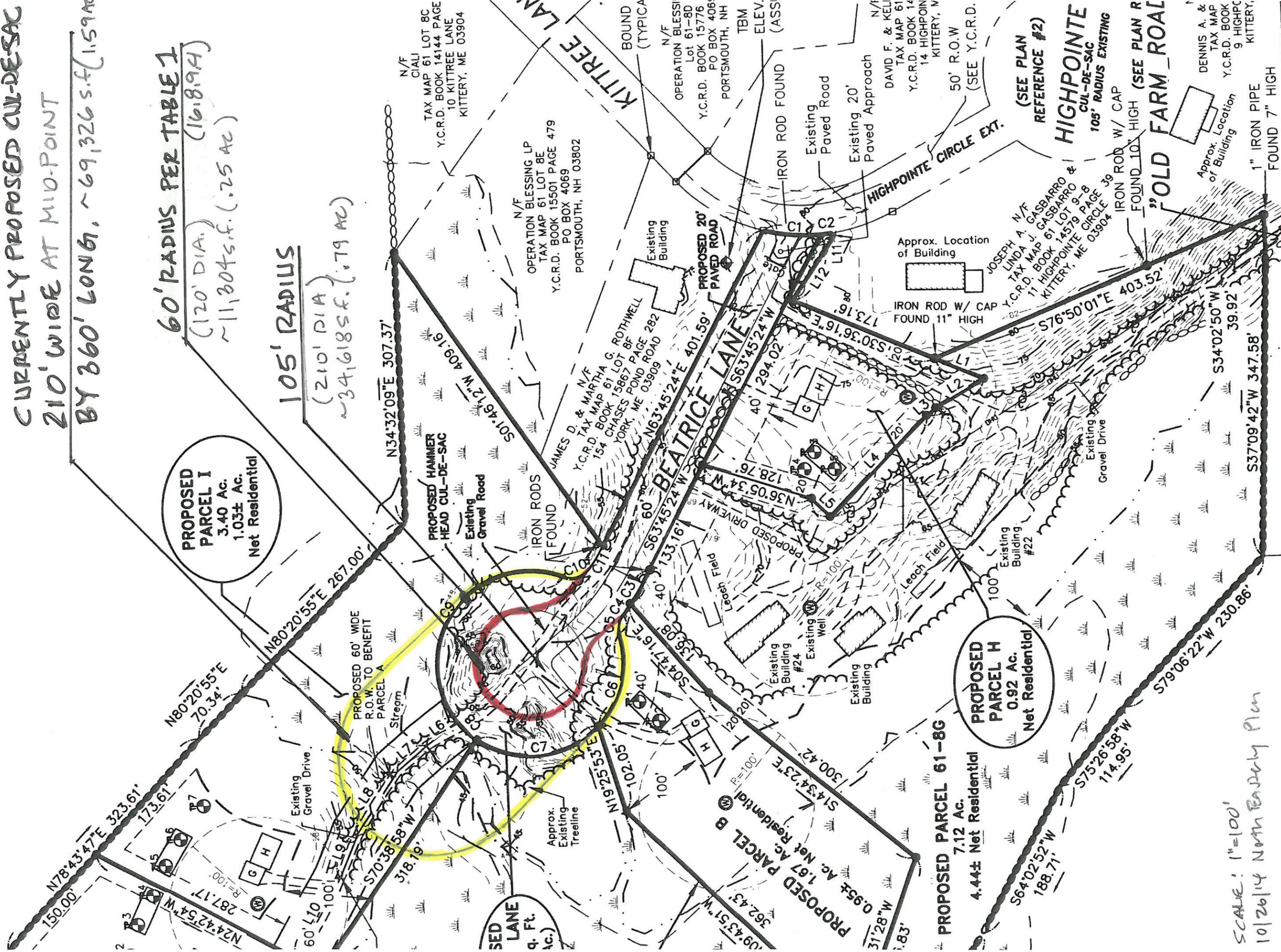
60' RADIUS PER TABLE 1
 (120' DIA.) (16,894)
 ~11,304 s.f. (.25 AC)

105' RADIUS
 (210' DIA.)
 ~34,618 s.f. (.79 AC)

PROPOSED PARCEL I
 3.40 AC.
 1.03± AC.
 Net Residential

PROPOSED PARCEL H
 0.92 AC.
 Net Residential

PROPOSED PARCEL 61-8G
 7.12 AC.
 4.44± Net Residential



SCALE: 1"=100'
 10/26/14 North Boundary Plan

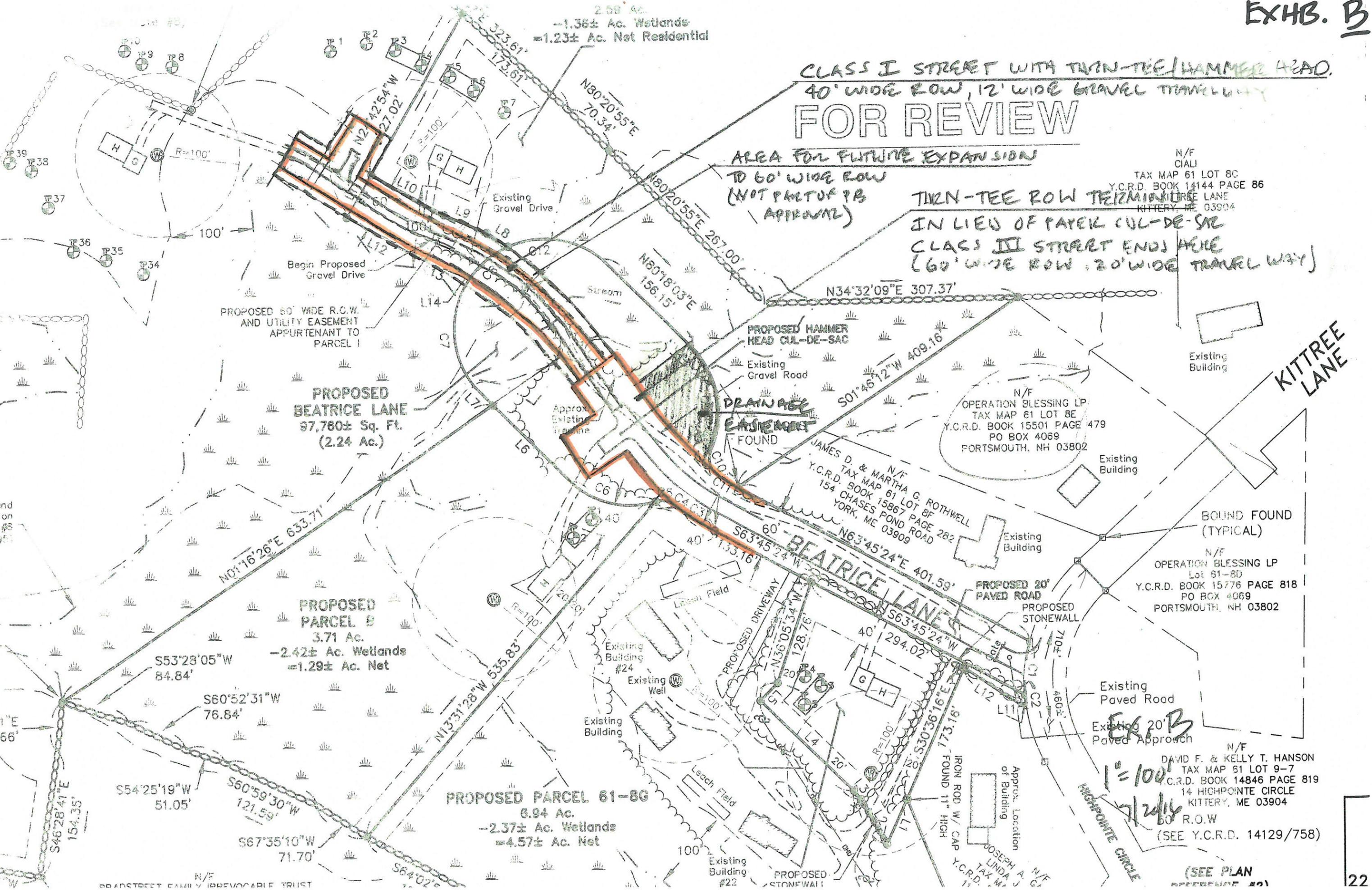
PD. REV.	DATE	BY	CHKD	APPD.	REV.	DATE	STATUS
F	9/19/14	ADDED TEST PITS 1-5 PER JN. 7/1/14	B.M.K.	K.D.M.	C	5/21/14	REVISIONS AS PER REVIEW BY PLANNER
E	6/11/14	REVISE SETBACKS / AREAS	A.M.P.	K.D.M.	B	5/9/14	ADD SURVEYED WETLANDS
M. D	5/27/14	REVISION OF PROPOSED LOT LINES	A.M.P.	K.D.M.	A	2/27/14	REVISIONS AS PER REVIEW BY PLANNER
							STATUS

EXHIB. A

CLASS I STREET WITH TWIN-TEE/HAMMER HEAD.
40' WIDE ROW, 12' WIDE GRAVEL TRAVELWAY
FOR REVIEW

AREA FOR FUTURE EXPANSION
TO 60' WIDE ROW
(NOT PART OF THIS
APPROVAL)

TWIN-TEE ROW TERMINATES
IN LIEU OF PAVED CUL-DE-SAC
CLASS III STREET ENDS HERE
(60' WIDE ROW, 20' WIDE TRAVEL WAY)



N/F
CIALI
TAX MAP 61 LOT 8C
Y.C.R.D. BOOK 14144 PAGE 86
KITTREE LANE
KITTEERY, ME 03904

N/F
OPERATION BLESSING LP
TAX MAP 61 LOT 8E
Y.C.R.D. BOOK 15501 PAGE 479
PO BOX 4069
PORTSMOUTH, NH 03802

N/F
JAMES D. & MARTHA G. ROTHWELL
TAX MAP 61 LOT 8F
Y.C.R.D. BOOK 15867 PAGE 86
154 CHASES POND ROAD
YORK, ME 03909

N/F
OPERATION BLESSING LP
Lot 61-8D
Y.C.R.D. BOOK 15776 PAGE 818
PO BOX 4069
PORTSMOUTH, NH 03802

N/F
DAVID F. & KELLY T. HANSON
TAX MAP 61 LOT 9-7
Y.C.R.D. BOOK 14846 PAGE 819
14 HIGHPOINTE CIRCLE
KITTEERY, ME 03904
60' R.O.W.
(SEE Y.C.R.D. 14129/758)

(SEE PLAN
SHEET #2)



June 3, 2016

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

**RE: Town of Kittery, Planning Board Services
Beatrice Lane 5 Lot Subdivision; Tax Map 61, Lot 8
CMA #591.82**

Dear Chris:

CMA Engineers has received the following information for Assignment #82 regarding the proposed subdivision Beatrice Lane (Tax Map 61, Lot 8).

- 1) Beatrice Way Major Subdivision Final Application and supporting documentation – dated May 19, 2016.

We have reviewed the information submitted for conformance with the Kittery Land Use and Development Code (LUDC) and general engineering practices, and offer the comments below that correspond directly to the Town's Ordinances.

16.8 Design and Performance Standards-Built Environment

Article IV. Streets and Pedestrian Ways

In order to meet the Planning Board's requirement that a note be added to state "driveways no longer than 500 feet serving a maximum of two dwellings are permitted", the applicant has extended the ROW to a distance that the driveway beyond that point is less than 500 feet long.

16.8.4.3 Street Classification

The private street would be classified as a Class II Private Street under Table 1.

Comments: There is no indication of improvements to the section of roadway beyond the hammerhead turnaround tee to the extended edge of the ROW. The applicant should improve this section of roadway to either match the existing roadway to the hammerhead (Class II Private Street) or to Class I Private Street standards as supported by the average daily trips.

Construction of any improvements to this access would involve additional impacts to the wetland crossing per of Section 16.9.3

Cul-de-sac: The roadway has a hammerhead turn tee. The hammerhead tee should be moved to the end of the extended right of way.

Construction of any improvements to this access would involve additional impacts to the wetland crossing per of Section 16.9.3. The wetland alteration application needs to be modified.

The shape of the extended ROW is not conventional and should be reconfigured as a typical cul-de-sac with a 50' boundary radius.

16.9 Design and Performance Standards-Natural Environment

16.9.3.12

The applicant has provided information for a wetland alteration application. The changes to the roadway described above will require additional wetlands impacts. The applicant should modify the wetland alteration application.

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

Very truly yours,

CMA ENGINEERS, INC.



Jodie Bray Strickland, P.E.
Project Engineer

June 30, 2016

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

Operation Blessing Limited Partnership would like to continue their timeless quest to subdivide the above mentioned property into 5 lots. Attached you will find the final subdivision packets for your review. We have addressed the three outstanding items that were not completed at our last meeting:

- 1) Reserved Open Space has been enlarged by 0.02 acres.
- 2) The shape of the cul-de-sac has remained the same since our last meeting. OBLP attempted to redesign the cul-de-sac with input from Staff, but was unsuccessful due to practical, financial, mathematical, environmental and graphical restraints.
- 3) The Protective Covenants for the reserve open space maintenance on Parcel A have been clarified as No Cut/No Disturb areas, as well as other restrictions. This document has been titled as: Beatrice Lane Major Subdivision Parcel A Reserved Open Space Documents and Protective Covenants.(attached)

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.

**BEATRICE LANE MAJOR SUBDIVISION
PARCEL A RESERVED OPEN SPACE DOCUMENTS
AND PROTECTIVE COVENANTS**

I. Introduction

The RESERVED OPEN SPACE as depicted on PARCEL A of the BEATRICE LANE MAJOR SUBDIVISION FINAL PLAN consists of a total of 8.63 acres of mature woodland and lowland areas.

II. Background

Lot 61-8, a 72-acre Parcel, was previously owned by Richard and Rachel Sparkowich. In 2004 the Lot was conveyed to Operation Blessing Limited Partnership. In 2008 Lot 61-8 was subdivided into 3 lots, and the **remaining land** has now become Beatrice Lane Subdivision.

III. Reserved Site Characteristics

Property is a mix of upland and lowland areas. There is a 20-foot-wide passage (containing the old Parsonage Way Trail) that divides the RESERVED OPEN SPACE into two sections, each containing a vernal pool. The Northwest section of RESERVED OPEN SPACE abuts open space on two large parcels, Lewis Farm II subdivision (to the North) and Fuller Brook Estates Subdivision (to the West).

IV. Protective Covenants

- All land areas identified on the BEATRICE LANE MAJOR SUBDIVISION FINAL PLAN as RESERVED OPEN SPACE land with NO CUT NO DISTURB areas, must remain undeveloped in perpetuity.
- The RESERVED OPEN SPACE areas will remain as is, with no timber cutting, for the protection of plant and wildlife habitat, with no future development. The owners of PARCEL A retain the ability to remove hazardous/diseased trees with notification to the Code Enforcement Officer.
- RESERVED OPEN SPACE is not COMMON OPEN SPACE, for the use of others.
- The owners of PARCEL A will manage this property. Management will include boundary marker maintenance and annual inspection of the perimeter of the property, to ensure that the space is not threatened in any way.
- The owners of PARCEL A will file any required reports to governing authorities.

- These covenants cannot be altered or modified from such use by the actions of the owners of PARCEL A.

Rebecca Spitko

From: G Lee <gnjam87@gmail.com>
Sent: Monday, July 18, 2016 8:01 PM
To: Rebecca Spitko
Subject: Beatrice Lane

Hi Rebecca - My wife and I met you at town hall a couple of weeks ago, requesting some clarification on two topics: Kittree Lane becoming a public road and the proposed development on Beatrice Lane. We would support the private road, Kittree Lane being turned over to the state, as long as we would have no financial responsibility for construction of sidewalks, etc., if this were a requirement of the town. The developer should be responsible for any changes as required by town officials.

Our property at 14 Kittree Lane abutts the proposed Beatrice Lane. We understand the plan calls for 5 lots to be built, with construction of Beatrice Lane to the brook, with a right of way driveway continuing to the lots further into the development. One proposed lot is directly opposite our home and if this would be developed we request a 60 foot tree buffer be included in the plan. Our privacy is important to us and we want to protect our investment.

Please bring these comments to the next planning meeting.

Respectfully,

Nancy and Gary Lee
14 Kittree Lane
Kittery, ME



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: STREET NAMING

FOR YOUR SAFETY AND SERVICE, MUNICIPAL DEPARTMENT REVIEW AND TOWN PLANNING BOARD APPROVAL IS REQUIRED.		Fee for Review <input checked="" type="checkbox"/> \$20.00	Amount Paid: \$ <u>20.00</u> Date: <u>7/6/16</u>	
APPLICANT/S PROPERTY OWNER'S INFORMATION	Name	operation Blessing Ltd. Partnership	Mailing Address	22B Old Farm Road Kittery, ME 03904
	Phone	207-439-6141		
	Email	ricksparrowich@gmail.com		
APPLICANT'S AGENT'S INFORMATION	Name	Richard Sparkowich	Name of Business	operation Blessing Limited Partnership
	Phone	207-439-6141	Mailing Address	22B Old Farm Road Kittery, ME 03904
	Fax	same (call first)		
	Email	ricksparrowich@gmail.com		
DESCRIPTION	EXISTING STREET NAME:	AFTER KPB approval and Subdivision construction, this will be a new street.		
	PROPOSED STREET NAME:	Beatrice Lane		
	STREET LOCATION (e.g. off Haley Road, after # 157 between Norton and Bartlett Road “):	From Norton Road, take Highpointe Circle. Proposed Beatrice Lane is on left, after # 11 Highpointe Circle.		

A Street Name application and departmental review and acceptance is required prior to Planning Board approval.
 In the case of active developments before the Planning Board, this application fee is waived.

FOR YOUR INFORMATION – TOWN CODE TITLE 16.8 ARTICLE III. STREET SIGNS.

16.8.3.1 Names – Streets which join or are in alignment with streets of abutting or neighboring properties must bear the same name. Names of new streets may not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality and are subject to the approval of the Planning Board.

16.8.3.2 Signs Provided – Street name signs are to be furnished and installed by the developer; the type, size and location to be approved by the Commissioner of Public Works.

INSTRUCTIONS FOR SUBMITTING A COMPLETE STREET NAME APPLICATION

The following information must be provided when submitting a request for Planning Board review:

- A copy of the Town Tax Map indicating the location of the proposed private drive or right-of-way and the Tax Map Lots affected (abutters).
- A specific written description of where the private drive or right-of-way is located (i.e. “off Haley Road, after # 157 between Norton and Bartlett Road”).
- A list of the Town Tax Map/Lot numbers and names of all abutters to the right-of-way and obtain their signatures on the street name application.

WE THE UNDERSIGNED PROPERTY OWNERS DO HEREBY REQUEST APPROVAL OF THE NAME Beatrice Lane FOR A STREET LOCATED OFF OF Highpointe Circle (STREET RD/LN). UPON APPROVAL BY THE PLANNING BOARD, WE HEREIN ACKNOWLEDGE RESPONSIBILITY FOR EXPENSES INCURRED TO CHANGE OUR MAILING ADDRESS AS WELL AS TO PURCHASE AND INSTALL THE STREET SIGN(S).

APPLICANT MUST ACQUIRE SIGNATURES OF PROPERTY OWNERS ABUTTING THE STREET TO BE NAMED*

PRINTED NAME	SIGNATURE OF PROPERTY OWNER	MAILING ADDRESS	MAP & LOT NUMBER	TELEPHONE NUMBER
Richard D. Sparkowich dba operation Blessing Ltd. Partnership	<i>Richard D. Sparkowich</i>	228 Old Farm Road Kittery, ME. 03904	MAP 61 LOT 8	207-439-6141

*If applicable. If undeveloped, current property owner's name. Please attach additional pages if necessary.

THIS SECTION FOR OFFICE USE ONLY:

DEPARTMENT	COMMENTS	APPROVED (A) OR DENIED (D)	SIGNATURE	DATE
FIRE DEPARTMENT		<input checked="" type="radio"/> A <input type="radio"/> D	<i>[Signature]</i>	7/12/16
POLICE DEPARTMENT		<input checked="" type="radio"/> A <input type="radio"/> D	<i>[Signature]</i>	7-12-16
PUBLIC WORKS		<input checked="" type="radio"/> A <input type="radio"/> D	<i>[Signature]</i>	7-12-16
CODE ENFORCEMENT		<input checked="" type="radio"/> A <input type="radio"/> D	<i>[Signature]</i>	7/12/16
PLANNING		<input checked="" type="radio"/> A <input type="radio"/> D	<i>[Signature]</i>	7/12/16
ASSESSING		<input checked="" type="radio"/> A <input type="radio"/> D	<i>[Signature]</i>	7/12/16
TOWN CLERK		<input type="radio"/> A <input type="radio"/> D		
VOTER REGISTRAR		<input type="radio"/> A <input type="radio"/> D		
PLANNING BOARD		<input type="radio"/> A <input type="radio"/> D		



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

JUL 14 2016 PM 1:08

APPLICATION: STREET NAMING

<p style="color: red; font-weight: bold; margin: 0;">FOR YOUR SAFETY AND SERVICE, MUNICIPAL DEPARTMENT REVIEW AND TOWN PLANNING BOARD APPROVAL IS REQUIRED.</p>	Fee for Review <input checked="" type="checkbox"/> \$20.00	Amount Paid: \$ <u>20.00</u> Date: <u>7/14/16</u>
---	--	--

APPLICANT/S PROPERTY OWNER'S INFORMATION	Name	<u>operation Blessing LTD. Partnership</u>	Mailing Address	<u>22B Old Farm Road Kittery, ME. 03904</u>
	Phone	<u>207-439-6141</u>		
	Email	<u>ricksparrowich@gmail.com</u>		
APPLICANT'S AGENT'S INFORMATION	Name	<u>Richard Sparrowich</u>	Name of Business	<u>operation Blessing Limited Partnership</u>
	Phone	<u>207-439-6141</u>	Mailing Address	<u>22B Old Farm Road Kittery, ME. 03904</u>
	Fax	<u>same (call first)</u>		
	Email	<u>ricksparrowich@gmail.com</u>		

DESCRIPTION	EXISTING STREET NAME:	<u>After KPB approval and subdivision construction, this will be a new street.</u>
	PROPOSED STREET NAME:	<u>Quiet Pine Lane</u>
	STREET LOCATION (e.g. off Haley Road, after # 157 between Norton and Bartlett Road "):	<u>From Norton Road, take Highpointe Circle. Proposed Quiet Pine Lane is on left, after number 11 Highpointe Circle.</u>

A Street Name application and departmental review and acceptance is required prior to Planning Board approval. In the case of active developments before the Planning Board, this application fee is waived.

FOR YOUR INFORMATION – TOWN CODE TITLE 16.8 ARTICLE III. STREET SIGNS.

16.8.3.1 Names – Streets which join or are in alignment with streets of abutting or neighboring properties must bear the same name. Names of new streets may not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality and are subject to the approval of the Planning Board.

16.8.3.2 Signs Provided – Street name signs are to be furnished and installed by the developer; the type, size and location to be approved by the Commissioner of Public Works.

INSTRUCTIONS FOR SUBMITTING A COMPLETE STREET NAME APPLICATION

The following information must be provided when submitting a request for Planning Board review:

- A copy of the Town Tax Map indicating the location of the proposed private drive or right-of-way and the Tax Map Lots affected (abutters).
- A specific written description of where the private drive or right-of-way is located (i.e. "off Haley Road, after # 157 between Norton and Bartlett Road").
- A list of the Town Tax Map/Lot numbers and names of all abutters to the right-of-way and obtain their signatures on the street name application.

Street Grid Location

Road Name	Grid Location	Road Name	Grid Location	Road Name	Grid Location	Road Name	Grid Location
Abby Dr	F3	Fernald Rd	A5-6, B6	MacDougal St	E-F7	Salt Creek Way	A8
Abes Way	G4, H4	Folcott Rd	G6-7	MacKenzie Ln	A5-6	Salt Marsh Ln	I2
Adams Dr	C6	Follett Ln	H8	Main St	E9	Sandpiper Ln	D6
Adams Ln	C9	Ford Ln	E8	Manson Ave	E7-8, F7	School Ln	I6
Adams Rd	D2-3	Foyes Ln	H5, I5-6	Manson Rd	C5-6	School St	E7
Applegate Ln	C6	Friend St	E8	Maple Ave	D8	Sea Oaks Ln	K5
Amour Dr	B7	Frog Hollow Ln	I-J5	Martin Rd	B6-7, A7	Seapoint Rd	K3-4
Ash Ln	E4			Mead St	F7	Seward Farm Ln	B4, C4
Autumn Way	E5	Gailey Farm Ln	H-I2	Meadow Ln	B6	Shade Tree Ln	B5-6
		Gee Rd	A-B1, B-C2	Meadow View Ln	H1	Shapleigh Rd	E8
Badger's Island W	D10	George St	D-E9	Melanie's Ct	A5	Shaydon Ln	G-H3
Barbers Creek Rd	H6	Gerrish Ct	E9	Mendum Ave	D9	Shepards Cove Rd	D6-7
Bartlett Rd	H1-2, G3-6	Gerrish Island Ln	J5	Mill Pond Rd	E7	Shepherds Way	J3
Bayview Ln	C-D9	Goodrich St	E-F7	Miller Rd	F4, G4	Short Farm Rd	I-J3
Bellamy Ln	I7	Goodsoe Rd	D7	Moore St	F7	Silver Lake Dr	B8
Betty Welch Rd	B1-2, C1-2	Goodwin Rd	J-L5	Moore's Ct	D9	Sparhawk Ln	H7-8
Bicknell St	F7	Goose Pt	G5-6, F6	Moore's Island Ln	I6-7	Spencers Way	D4-5
Blueberry Ln	E3	Gorges Rd	C8	Moultons Way	F5-6	Spinney Cove Dr	B9
Bond Rd	G-H7	Government St	C-D9			Spinney Way	C8
Boush St	E7	Grant Ct	D-E9	Newmarch St	D9	Spruce Point Rd	E5-6
Bowen Rd	G8	Gray Lodge Rd	C9	Newson Ave	F7-8, G7	State Rd	D7-9
Brave Boat Harbor Rd	I1-3, J3-5	Greenfield Dr	B6	Nordia Ln	B8	Sterling Rd	D8
Bridge St	C-D9			Norton Rd	F2-5	Stevenson Rd	B-C6
Bridge View Ter	C9	Haley Rd	D4, E-G5, G6, H5-6, I6			Stimson St	D9
Busdick Dr	E8	Halstead St	E-F7	Oak Ter	C9	Stoddard St	E9
		Happy Ave	A8	Old Armory Way	E9	Stoneridge Ln	A2
Captains Way	J6	Harris Ave	C9	Old Cart Path Rd	K3	Sunset Dr	A8
Cardinal Way	E2	Hartley Farm Ln	E5-6	Old Cutts Rd	C3		
Cedar Dr	E4-5	Heritage Ln	A2	Old Dennett Rd	B8-9	Tara Ln	C9
Central Ave	E9	High Pasture Rd	G4-5	Old Dennett Rd S	C8-9	Tenney Hill Rd	I4-5, J5
Charles Hill Rd	G-H4, H3	Highpointe Cir	F3	Old Farm Rd	F3	Thaxter Ln	K3
Chauncey Creek Rd	I-6, J6-5	Hill Creek Dr	F3	Old Ferry Ln	G8	Tilton Ave	F7-8
Chickadee Ln	E7	Hillcrest Ave	E8	Old Post Rd	D7-9, C9	Tower Rd	K4-5, L4-5
Church St	E9	Howard St	F7	Oreilly Ln	F-G3	Town Lndg	E9
Coastal Woods Cir	E8	Hoyts Island Ln	I6	Otis Ave	E9	Traffon Ln	E5
Cole St	E-F7	Hunter Ave	D9	Ox Point Dr	D6	Traip Ave	E9
Coleman Ave	H7	Hutchins Cove Dr	E5			Trefethen Ave	E8
Colonial Rd	D7			Page St	D8	Tuckers Cv	G6
Commanders Way	B7	I-95	B9, C2-8, D1	Palmer Ave	D7	Tudor Dr	G7-8
Commercial St	D9	Idlewood Ln	D2	Park Ave	D9		
Cook St	D9	Irwin St	F7	Parsonage Way	E4-5	US Route 1	E1, D1-5, C5-7, D7-10, E10
Cottle Ln	E9	Island Ave	E10	Parsons Ln	D1	US Route 1 Byp	C7-10
Cove Lndg	C9	Izzy Ln	F3	Patten Pl	C6		
Cranberry Ln	H2			Paul St	D9	Valles Rd	C8
Creek Xing	D4	Jackson Ridge Ter	E2-3	Penhallow Ln	C9	Village Green Dr	D8-9
Crocketts Neck Rd	H6-7	Janah Ln	G5	Pepperrell Rd	G-H8, H-17, I6		
Cromwell St	E7	Jean St	E7	Pepperrell Ter	H6-7, I7	Wainwright Ave	F8
Cross St	F8	Jefferson Ln	E2-3	Pettigrew Rd	B5	Walker Ave	C9
Cutts Island Ln	J4	Jewett Ln	B6	PHELPS St	F7	Walker St	D-E9
Cutts Rd	C2-3, D3	Johnson Ct	E8	Philbrick Ave	F7	Wallingford Sq	E9
Cutts Ridge Ln	B2	Jones Ave	E9	Philbrick Ln	F8	Water St	D9
		Juniper Pt	D9	Philbrick Rd	F8	Watts St	F7
Dahlia Dr	E3			Pickernell Ln	A4	Wentworth St	E8-9
Dame St	E9	Keene Ave	I6	Picott Rd	C3-5	Whaleback Dr	K7
Dana Ave	C6	Keene Cir	F8	Pine St	E8-9	Wheelhouse Way	J6
Deacon Dr	H1	Keene Ter	F8	Pinkham Ave	C9	Whipple Rd	E-G8
Debra Ln	E7	Kelsey Ln	C4	Pinkhams Ln	F-G3	Whippoorwill Ln	F5-6
Deer Ridge Ln	B2-3	Kempf St	F7	Pleasant St	D-E9	White Birch Ln	A6
Dennett Rd	A-C8, C9	Kings Ct	B4	Pocahontas Rd	J5-7, K7	Whitetail Ln	D-E5
Dennett Road Ext	A8	Kittree Ln	E3	Powell Ln	H6	Wildwood Ln	E3
Devon Woods Dr	B4	Knight Ave	E9	Prince Ave	D9	Williams Ave	E8
Dexter Ln	D4			Priscilla Ter	D9	Wilner St	F7
Dion Ave	E7	Langton St	D9			Wilson Rd	A3-4, B4-5, C5
Dismukes St	E-F7	Laurel Ave	D8	Ranger Dr	C7-8	Woodlawn Ave	E8, F7-8
Duncan Way	G7-8	Lawrence Ln	H8	Red Mill Ln	D8	Wyman Ave	F8
Dunlea Ave	D8	Leach Rd	A8	Remicks Ln	A-C2		
		Ledgewood Dr	D-E2	Rice Ave	D9	Yankee Commons	D2
E St	E9	Lemont Ln	F8	Ridgewood Dr	A6-7, B6-7		
Eliot Rd	B-C9	Lewis Ave	E8	Ripley Rd	C-D5	Zakayla Ln	E3
Elizabeth Ln	G5	Lewis Rd	D-F3	Rogers Ln	D7		
Ella Woods Dr	C3-4	Liberty Ln	A2	Rogers Rd	D7, E7-8		
Emery Ln	B-C8, B9	Litchfield Rd	C4	Rogers Road Ext	D7		
Estuary Dr	A8	Lori Ln	G-H5	Rose Ln	F8		
Evergreen Dr	A5-6	Love Lane Ext	D9	Roseberry Ln	B7-8		
		Love Ln	D-E9, E8	Rosellen Dr	H6		
		Lutts Ave	E8	Route 236	A-B6, C-E7, E8		
		Lynch Ln	G-H2	Rowans Way	A4		
		Lyndon Way	D8	Rndolph Ave	D9		
				Ryle Way	C5		



TOWN OF KITTEERY MAINE

TOWN PLANNING DEPARTMENT

200 Rogers Road, Kittery, Maine 03904

PHONE: (207) 475-1323

Fax: (207) 439-6806

www.kittery.com

APPLICATION: WAIVER REQUEST WAIVER

PROPERTY DESCRIPTION	Parcel ID	Map	61	Lot	8	Zone(s) Base: Overlay: MS4	R-RL YES ___ NO ___	Total Land Area	57.6 AC
	Physical Address: 22/24 OLD FARM ROAD								
PROPERTY OWNER'S INFORMATION	Name	OPERATION BLESSING				Mailing Address	PO BOX 4069 PORTSMOUTH, NH 03802		
	Phone	439-6141							
	Fax								
	Email	RICKSPARKOWICH@GMAIL.COM							
APPLICANT'S AGENT INFORMATION	Name	RICK SPARKOWICH				Name of Business			
	Phone	439-6141				Mailing Address	SAME		
	Fax								
	Email	SAME							

	Ordinance Section	Describe why this request is being made.
DESCRIPTION	***EXAMPLE*** 16.32.560 (B)- OFFSTREET PARKING.	***EXAMPLE*** Requesting a waiver of this ordinance since the proposed professional offices have a written agreement with the abutting Church owned property to share parking.
	16.10.7.2.M MUNICIPAL IMPACT ANALYSIS	WE ARE REQUESTING A WAIVER BECAUSE IT IS A SMALL SUBDIVISION IN A REMOTE AREA OF TOWN WITHOUT MUNICIPAL SEWER OR WATER. THESE LOTS WILL BE BUILT UPON BY INDIVIDUAL OWNERS (WITH A BUILDER) OVER A SPAN OF YEARS SPREADING ANY SMALL IMPACT OVER TIME. THE AVERAGE LOT SIZE IS 117 ACRES IN SIZE.

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

Applicant's Signature:	<u>Rick Sparkowich</u>	Owner's Signature:	<u>Rick Sparkowich</u>
Date:	<u>4/2/16</u>	Date:	<u>4/2/16</u>



TOWN OF KITTERY, MAINE TOWN PLANNING DEPARTMENT

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

APPLICATION: WETLAND ALTERATION PLAN REVIEW

MITIGATION FEE TO BE DETERMINED BY THE PLANNING BOARD DURING THE REVIEW PROCESS AND PAID WITH PERFORMANCE GUARANTY.	Application Fee Paid: \$ _____ Date: _____ Escrow Fee Paid: \$ _____ Date: _____
--	---

PROPERTY DESCRIPTION	Parcel ID	Map	61	Lot	8	Zone(s): <u>RR</u> Base _____ Overlay _____ MS4 <input type="checkbox"/> YES <input type="checkbox"/> NO	Total Land Area	58 Acres
	Physical Address: Access via a private way off Highpointe Circle							

PROPERTY OWNER'S INFORMATION	Name	Operation Blessing Ltd.	Mailing Address	600A Lafayette Rd. Portsmouth, NH 03801	
	Phone	207-439-6141			
	Fax	same (call first)			
	Email	ricksparkowich@gmail.com			

APPLICANT'S AGENT INFORMATION	Name	Richard Sparkowich	Mailing Address	Operation Blessing Ltd. Partnership 22B Old Farm Road Kittery, ME 03904	
	Phone	207-439-6141			
	Fax	same (call first)			
	Email	ricksparkowich@gmail.com			

PROJECT DESCRIPTION	Existing parcel and wetlands: 7 acres occupied by 2 duplexes and a 3 bay garage that serves as Operation Blessing staff housing. The remaining 51 acres have been used for recreational use of Operation Blessing, some neighbors and as a source of firewood from fallen and damaged trees.	
	Project Name	Beatrice Lane
	Provide a brief summary of the proposed development, its impact on the existing wetlands and the proposed mitigation plan:	
	The existing cul - de - sac is to be revised and a 12' driveway extended to accommodate buildings at points A & I. This extension requires a 2153 S.F. wetland fill. This driveway will be built over an existing logging road.	

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

Applicant's Signature:	<i>Richard D. Sparkowich</i>	Owner's Signature:	<i>Richard D. Sparkowich</i>
Date:	5/16/16	Date:	5/16/16

Minimum Application Submission Requirements

- 15 COPIES OF THIS APPLICATION
- 1 PDF OF THE SITE PLAN SHOWING GPS COORDINATES

- 15 COPIES OF THE PLAN – 5 OF WHICH MUST BE 24"X 36"

IT IS THE RESPONSIBILITY OF THE APPLICANT TO PRESENT A CLEAR UNDERSTANDING OF THE PROJECT.

16.28.500 Submission requirements for a Request to Alter a Wetland.

Unless specifically waived by the planning board, all applications must contain the following information:

- A copy of the official documents showing legal interest of the applicant in the property to be affected;

A narrative describing:

- The purpose of the project,
- The type of alteration to the wetland (fill, culvert, dredge, etc.),
- Why there is no practicable alternative to impacting the wetland, and
- How the proposed activity has been designed to minimize the impact on the wetland

The block must contain:

- The name(s) and address(es) of the applicant or owner,
- The name and address of the preparer of the plan, with professional seal,
- name of plan, date of plan preparation,
- a revision number and date, if applicable,
- map and lot number(s) according to Kittery tax maps shown in the lower right-hand corner in bold lettering and 1/8 inches high;

Site plan:

- minimum scale is 1" = 100' indicate the proposed activity
- location and size of all existing and proposed, structures, roads, parking areas, and sewage treatment facilities
- existing and proposed rights-of way, easements and parcels
- 2-foot contours wetland boundaries proposed buffers
- protective measures such as sediment control methods
- proposed boundaries and characteristics of the mitigation site, including elevation, sources of water, and proposed vegetation

Show the location (tied by measurement to identifiable structures or boundary points) of all proposed:

- property boundaries on site wetland boundaries
- offsite wetland areas significantly impacted by the project
- Sq Ft of Wetland areas (onsite area and offsite area, if applicable)
- shorelines flood plains vegetation removal
- drainage structures filling grading dredging,
- include specification for quantity of materials to be added or removed and procedures to be used

Show the direction of natural overland flow in the wetland, and in the proposed alteration area

- 100-year FEMA flood plain boundaries
- number of CY, and type of material to be used as fill
- method of handling, and the location of fill and spoil disposal area, if dredge material is involved
- all owners of property within 150 feet of the proposed alteration together with their mailing addresses and map and lot designations from the assessor's records.
- a vicinity map utilizing a topographic map at a scale no smaller than one inch equals 600 feet showing the boundary of the proposed activity;

Submit:

- one set of photographs, taken during the growing season if possible, showing the wetland, adjacent water bodies if applicable, and the alteration area before development begins.

Drainage:

- Submit a hydrologic analysis in accordance with the requirements of Article IX of Chapter 16.32

Wetlands mitigation plan and report. A wetlands mitigation plan and report is required for activities which, in total, affect or fill more than 500 square feet of wetlands. Wetland Mitigation Plan And Report must contain the following:

- a plan at a scale of 1" = 100' with 2-foot contour intervals, existing wetland boundaries, the area of wetland to be altered, project dimensions and all offsite wetlands, being extensions of the wetland to be altered
- existing wetland characteristics including water depth, vegetation and fauna
- a functional Assessment conducted and prepared by a qualified wetlands scientist or a Maine Certified Soils Scientists

Maintenance Agreement:

- The agreement must be approved by the board and recorded in the York County Registry of deeds and must meet, or exceed, the criteria listed in subsection 16.28.500.C.3. parts d through i.

Conservation Easement:

- (for projects involving preservation of wetlands or adjacent uplands) a conservation easement must be conveyed or deed restriction imposed so that the parcel will remain undeveloped in perpetuity.

Material not submitted in accordance with the above MUST acquire planning board approval of a Request for Waiver of the material per Section 16.28.180.

Other materials the board may require are:

- cross-section drawings showing the nature of the construction, the depth of excavation or height of fill, if applicable, and surface water and groundwater elevations

The board may require a **narrative** describing:

- the specific goals in terms of particular wetland functions and values. These goals must be related to those of the original wetland;
- the available literature or experience to date (if any) for carrying out the mitigation work;
- the proposed implementation and management procedures for the wetlands work;
- the short-term and long-term sources of water for this wetland, including the water quality of these sources;
- plans for re-planting, including a description of plant species, sizes and sources of plant material, as well as how, when and where seeding or planting will take place;
- plans for monitoring the—wetlands work, showing capability for mid-course corrections
- plans, if applicable, for control of non-indigenous plant species.
- wetlands work involving creation, restoration and or enhancement of degraded wetlands,

Section 16.28.440-E. Abutter Notice. Owners of property within one hundred and fifty (150) feet, horizontal distance, of the proposed alteration must be notified by first class U.S. mail of any public hearing on the Request for Wetland Alteration.

The applicant must provide 2 sets of mailing labels with the submission of this request.

APPLICATION SUBMITTALS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE FORWARDED TO THE PLANNING BOARD.

11/14/2013

DEPARTMENT OF ENVIRONMENTAL PROTECTION
NRPA PERMIT BY RULE NOTIFICATION FORM
 (For use with DEP Regulation, Natural Resources Protection Act—Permit by Rule Standards, Chapter 305)

PLEASE TYPE OR PRINT IN **BLACK INK ONLY**

Name of Applicant: (owner)	OPERATION BLESSING LTD. PARTNERSHIP (OBLP)	Name of Agent:	Richard D. Sparkowich		
Applicant Mailing Address:	P.O. Box 4069	Agent Phone # (include area code):	207-439-6141		
Town/City:	Portsmouth	PROJECT Information Name of Town/City:	Kittery, ME.		
State and Zip code:	N.H. 03802-4069	Name of Wetland or Waterbody:	Hill Creek Stream		
Daytime Phone # (include area code):	207-439-6141	Map #:	61	Lot #:	8
Detailed Directions to Site:	From Portland take Rte. 95 south - Take York Exit #1				
Proceed south on Rte. 1 (Approx. 3 miles) - Take left onto Lewis Rd. - Take right onto Norton Rd. - Go 3/10ths mile & take a right onto Highpoint Circle. Go passed #11 & take a left at the gated entrance. @ 800 feet to a stream crossing.					
Description of Project:	Installation of 3 eq. 24 inch diameter culverts, where Parsonage Way Woods Rd. crosses an intermittent stream known as Hill Creek. - Installation I.A.W. PBR standards, chapt. 305, Sec. 10. - Photos, maps, descriptions & a #74 check is attached.				
Part of a larger project? (check one) →	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	After the Fact? (check one) →	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Check one → This project	<input type="checkbox"/> does (or) <input checked="" type="checkbox"/> does not involve work below mean low water (average low water).

NRPA PERMIT BY RULE (PBR) SECTIONS: (Check at least one)

I am filing notice of my intent to carry out work which meets the requirements for Permit By Rule (PBR) under DEP Rules, Chapter 305. I and my agents, if any, **have read** and will comply with all of the standards in the Sections checked below.

- | | | |
|---|---|--|
| <input type="checkbox"/> Sec. (2) Act. Adj. to Protected Natural Res. | <input checked="" type="checkbox"/> Sec. (10) Stream Crossing | <input type="checkbox"/> Sec. (17) Transfers/Permit Extension |
| <input type="checkbox"/> Sec. (3) Intake Pipes | <input type="checkbox"/> Sec. (11) State Transportation Facil. | <input type="checkbox"/> Sec. (18) Maintenance Dredging |
| <input type="checkbox"/> Sec. (4) Replacement of Structures | <input type="checkbox"/> Sec. (12) Restoration of Natural Areas | <input type="checkbox"/> Sec. (19) Activities in/on/over significant vernal pool habitat |
| <input type="checkbox"/> Sec. (5) REPEALED | <input type="checkbox"/> Sec. (13) F&W Creation/Enhance/Water Quality Improvement | <input type="checkbox"/> Sec. (20) Activities located in/on/over high or moderate value inland water-fowl & wading bird habitat or shore-bird feeding & roosting areas |
| <input type="checkbox"/> Sec. (6) Movement of Rocks or Vegetation | <input type="checkbox"/> Sec. (14) REPEALED | |
| <input type="checkbox"/> Sec. (7) Outfall Pipes | <input type="checkbox"/> Sec. (15) Public Boat Ramps | |
| <input type="checkbox"/> Sec. (8) Shoreline stabilization | <input type="checkbox"/> Sec. (16) Coastal Sand Dune Projects | |
| <input type="checkbox"/> Sec. (9) Utility Crossing | | |

NOTIFICATION FORMS CANNOT BE ACCEPTED WITHOUT THE NECESSARY ATTACHMENTS:

- Attach** a check for the correct fee, payable to: "Treasurer, State of Maine". The current fee for NRPA PBR Notifications can be found at the Department's website: <http://www.maine.gov/dep/feesched.pdf>
- Attach** a U.S.G.S. topo map or Maine Atlas & Gazetteer map with the project site clearly marked.
- Attach** Proof of Legal Name if applicant is a corporation, LLC, or other legal entity. Provide a copy of Secretary of State's registration information (available at <http://icrs.informe.org/nei-sos-icrs/ICRS?MainPage=x>). Individuals and municipalities are **not** required to provide any proof of identity.
- Attach** photos of the proposed site where activity will take place as required in PBR Sections checked above.
- Attach** all other required submissions as outlined in the PBR Sections checked above.

I authorize staff of the Departments of Environmental Protection, Inland Fisheries & Wildlife, and Marine Resources to access the project site for the purpose of determining compliance with the rules. I also understand that **this permit is not valid until approved by the Department or 14 days after receipt by the Department, whichever is less.**

By signing this Notification Form, I represent that the project meets all applicability requirements and standards in the rule and that the applicant has sufficient title, right, or interest in the property where the activity takes place.

Signature of Agent or Applicant:	<i>Richard D. Sparkowich</i>	Date:	7/6/2016
----------------------------------	------------------------------	-------	----------

Keep a copy as a record of permit. Send the form with attachments via certified mail or hand deliver to the Maine Dept. of Environmental Protection at the appropriate regional office listed below. The DEP will send a copy to the Town Office as evidence of the DEP's receipt of notification. No further authorization by DEP will be issued after receipt of notice. Permits are valid for two years. **Work carried out in violation of any standard is subject to enforcement action.**

- | | | | |
|--|---|---|---|
| AUGUSTA DEP
17 STATE HOUSE STATION
AUGUSTA, ME 04333-0017
(207)287-3901 | PORTLAND DEP
312 CANCO ROAD
PORTLAND, ME 04103
(207)822-6300 | BANGOR DEP
106 HOGAN ROAD
BANGOR, ME 04401
(207)941-4570 | PRESQUE ISLE DEP
1235 CENTRAL DRIVE
PRESQUE ISLE, ME 04769
(207)764-0477 |
|--|---|---|---|

OFFICE USE ONLY	Ck.#	Date	Staff	Staff	After Photos
PBR #	FP		Acc. Date	Def. Date	

Johnson

U.S.G.S. TOPO MAP

OBLP
PROJECT SITE



T T E R Y

Fuller
Brook

Creek

NORTON
Creek

Hill

Hutchins
MILLER

Briggs
Corner

ROAD
33

CHARLES

ARTLETT

CUTTS

HIGHWAY

LINE

LEWIS

ROAD

ROAD

ELEPHONE

U.S. MAIL

U.S. MAIL

U.S. MAIL

U.S. MAIL

Cem

Cem

30

Cem

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2480

2490

2500

Maine Secretary of State



2016 Annual Report Electronic Filing Acknowledgment

For Nonprofit Corporations on file as of December 31, 2015

Charter Number: 19940000NF
DCN Number: 2160019019021
Legal Name: OPERATION BLESSING, INC.

Registered Agent's Name and Address:

GERALD SPARKOWICH
8 HILLSIDE DRIVE
KENNEBUNK, ME 04043

Home Office Address:

600A LAFAYETTE ROAD
PORTSMOUTH, NH 03801

Name and Address of Officers:

VICE PRESIDENT
BRIAN ALDRICH
6 SPRING ST., YORK BEACH ME 03910
PO BOX 1205, YORK BEACH, ME 03910

SECRETARY
MARGARET ALLARD
35 T.J. GAMESTER, PORTSMOUTH, NH 03801

TREASURER
DAVID TOWNER
5 RUNAWIT RD., EXETER, NH 03833

PRESIDENT
GARY HOLMES

100 VILLAGE GREEN DR., KITTERY, ME 03904

Name and Address of Directors:

RICHARD VOLTZ
50 DAVIS ROAD, PORTSMOUTH, NH 03801

DAVID JOHNSON
24 CUTTS ROAD, DURHAM, NH 03824

DIRK RODGERS
19 GROVE ST., GREENLAND, NH 03840

Date of Filing: April 7, 2016

Name and Capacity of Authorizing Party:

DAVID TOWNER, TREASURER

All 6 photos taken by Richard Sparkowich

Date 12/15/2015

Property owner: Operation Blessing Limited Partnership

#1 View of project site, looking west, directly toward the planned culvert installation area. Photo taken 9 feet north of Parsonage Way Trail edge and 70 feet from Hill Creek Stream.



#2- View of project site, from the distant side of the stream, looking east. Photo taken on the northern edge of Parsonage Way Trail, 84 feet from the stream and planned culvert installation.



#3- View from 24 feet east of stream, looking northwest, upstream, at area of planned culvert installation. See orange flagged, 6 inch diameter ash tree that is 4 feet from stream.



#4- View on east side of stream, looking southwest, downstream, at area of planned culvert installation. This view of stream is north of “impact area” and adjacent to Parsonage Way Trail. Note: Area appears to have been dredged many years ago, possibly for a farm pond.



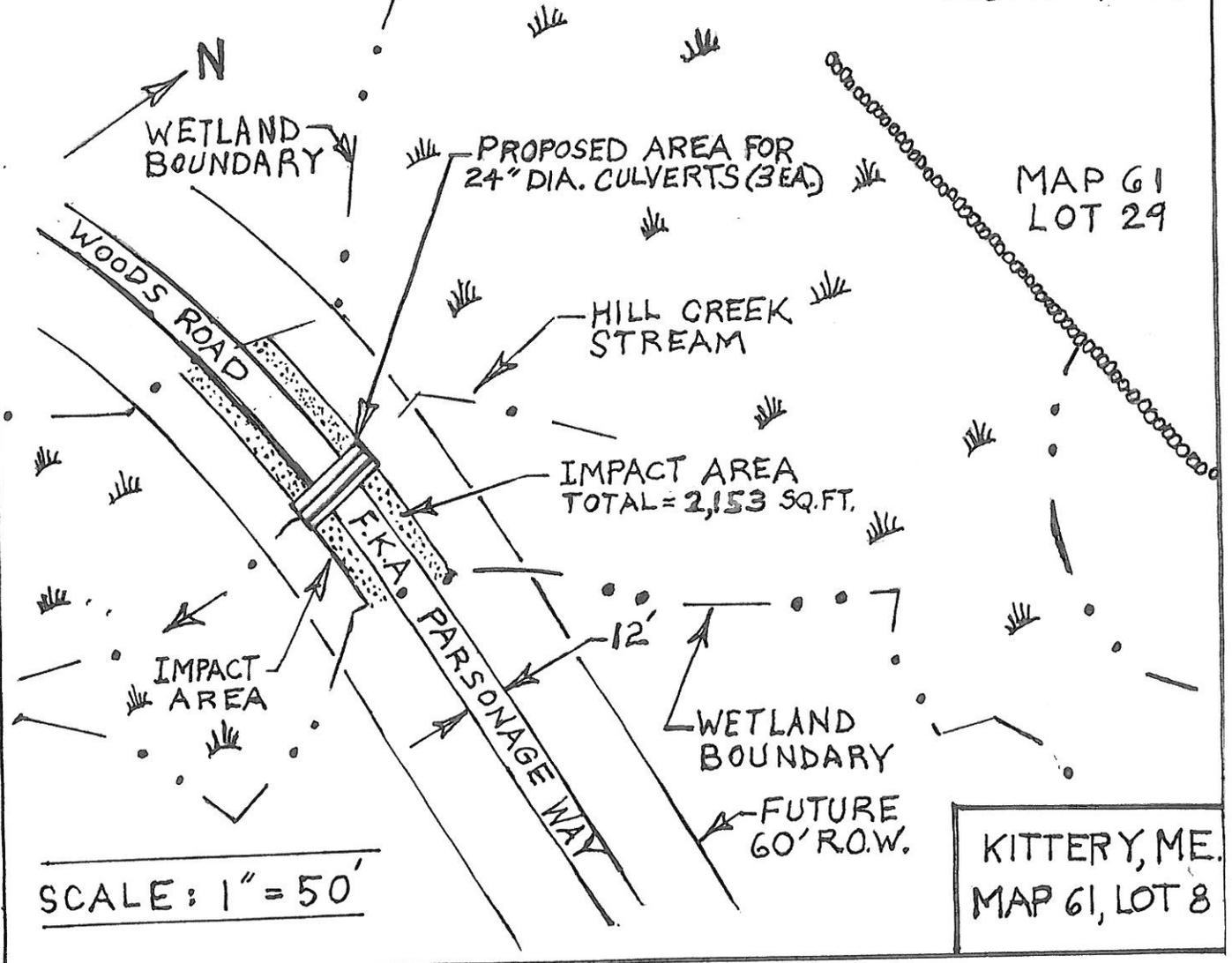
#5- View looking upstream, northeast, at the planned culvert installation area. Photo taken 8 feet west of stream and 30 feet from where Parsonage Way Trail crosses stream.



#6- View from west side of stream, with photo taken 22 feet from edge, looking southeast, down stream, at planned culvert installation area. See orange, flagged, 1 inch diameter sapling (center of photo) which is 8 feet from stream. Note: Area behind the orange flag was probably dredged many years ago, to possibly accomodate a farm pond.

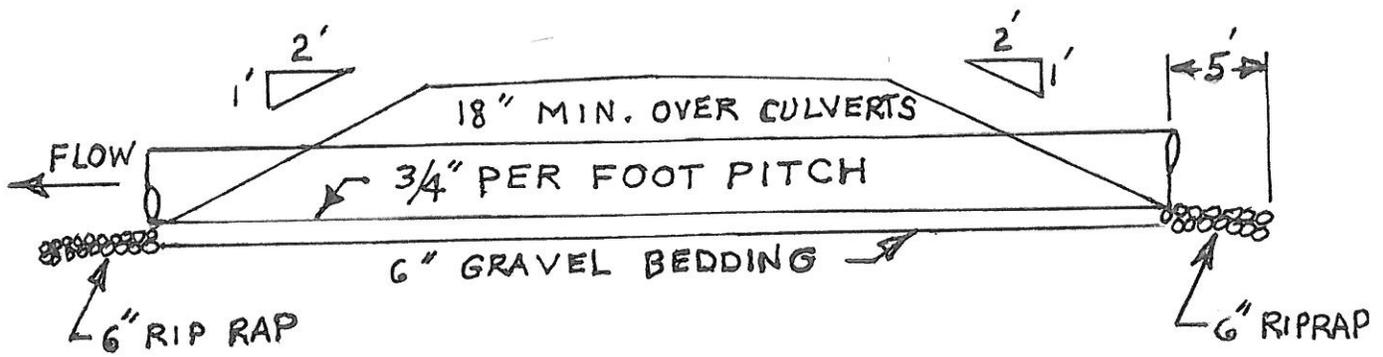


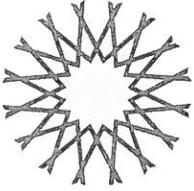
SKETCH MAP OF HILL CREEK STREAM CROSSING (IMPACT AREA)
 LAND OF OPERATION BLESSING LIMITED PARTNERSHIP
 APPLICANT: RICHARD SPARKOWICH, P.O. BOX 4069, PORTSMOUTH, NH
 03802-4069



CULVERT CROSS SECTION UNDER ROADWAY

SCALE: 1" = 5'





ATTAR

ENGINEERING, INC

CIVIL STRUCTURAL MARINE

Chris Di Matteo
Town of Kittery
Planning Department
200 Rogers Road
Kittery, ME 03904

June 30, 2016
Project No.: C085-16

**RE: Operation Blessing Ltd.
600A Lafayette Road
Portsmouth, NH 03801**

Dear Mr. Di Matteo:

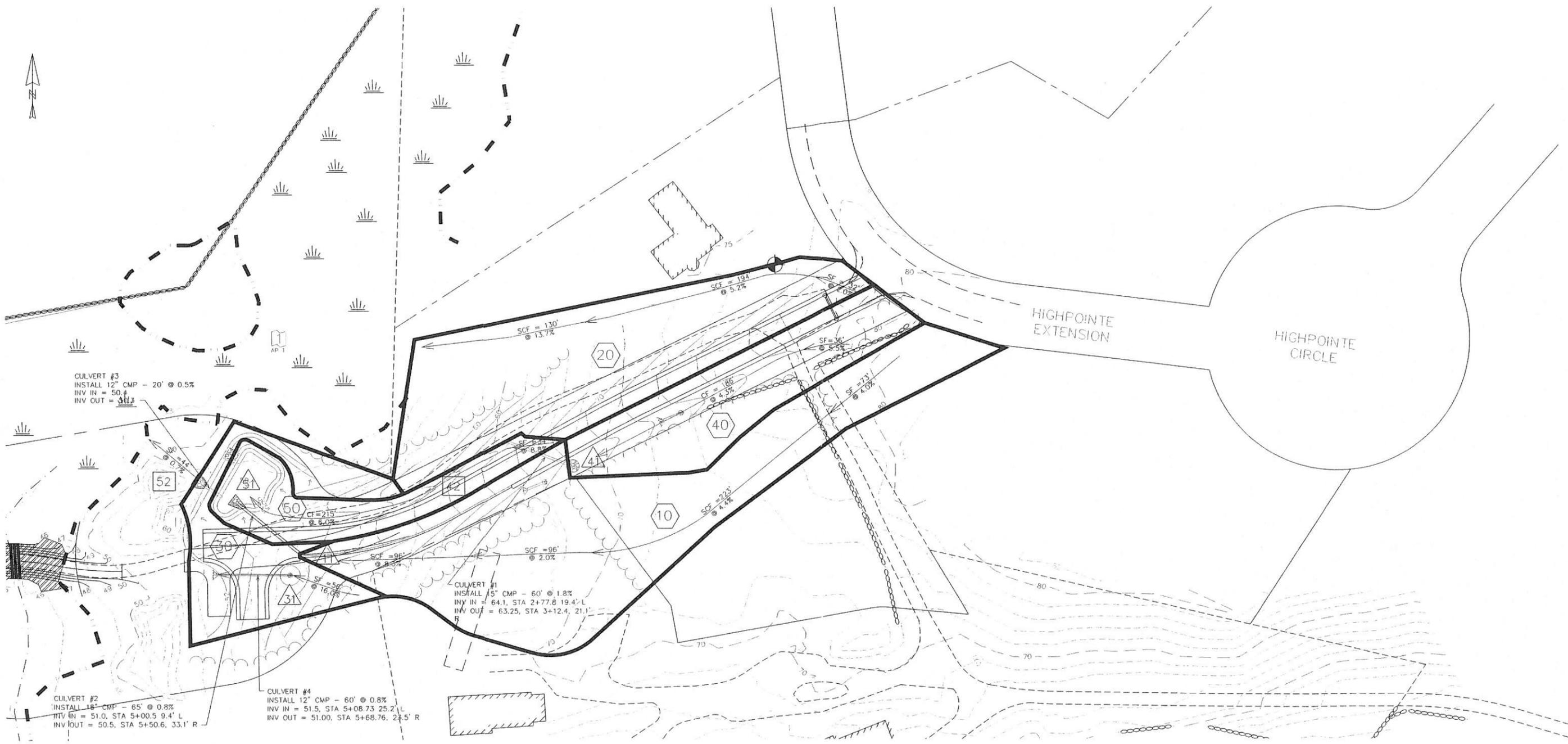
On behalf of Operation Blessing Ltd, I have enclosed, for your review and consideration, a set of plans showing a revision to the cul-de-sac and the addition of proposed signs for Map 61, Lot 8 for the above referenced project

Thank you for your consideration. Please contact me for any additional information.

Sincerely;

Kenneth A. Wood, P.E.
President

cc: Rick Sparkowich

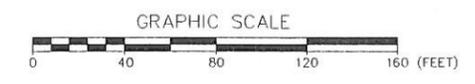


SOILS NOTES

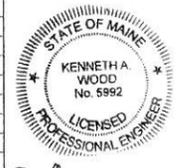
- SOILS DESIGNATIONS FOUND ON THE SITE WERE DELINEATED AS PART OF A HIGH INTENSITY SOIL SURVEY PREPARED, CLD CONSULTING ENGINEERS INC., DATED MARCH 2007.
- SOILS FOUND IN THE UPLAND AREAS OF THE ROAD CONSTRUCTION AREA ARE LYMAN - ROCK OUTCROP.
- SOILS FOUND IN THE WETLAND AREAS IS A MIX OF SCANTIC SILT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

LEGEND

- SUBCATCHMENT
- ANALYSIS POINT
- REACH
- POND
- SF = SHEET FLOW
- SCF = SHALLOW CONCENTRATED FLOW
- CF = CHANNEL FLOW
- Ln = Lyman ("C")
- Bm = BIDDEFORD MUCKY PEAT ("D")
- WETLAND BOUNDARY
- SUBCATCHMENT BORDER
- SOIL BORDER



NO.	DESCRIPTION	DATE
A	REVISED CUL-DE-SAC SHAPE	6/30/16
	REVISIONS	



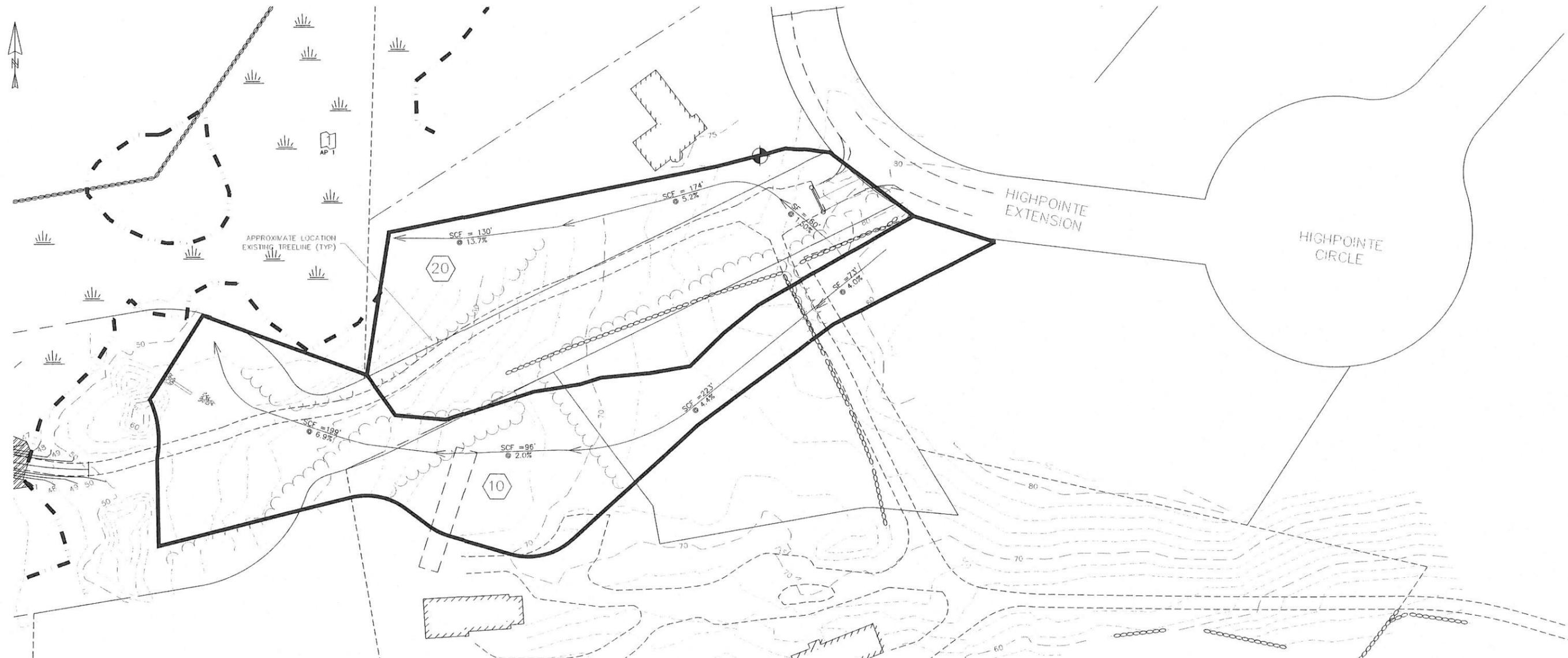
PROPOSED CONDITION
BEATRICE LANE
HIGHPOINTE CIRCLE AND
KITTERY, ME

FOR: RICHARD SPARK
OPERATION BLESING
P.O. BOX 41
PORTSMOUTH, NH

ATTAR ENGINEER
CIVIL • STRUCTURAL
1284 STATE ROAD - ELJO
PHONE: (207)439-6023 FA

SCALE: 1" = 40'
DATE: 10/20/14
APPROVED BY:

JOB NO: C085-14 CAD FILE: BEATRICE LANE



SOILS NOTES

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

LEGEND

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

GRAPHIC SCALE



NO.	DESCRIPTION	DATE
A	REVISED CUL-DE-SAC SHAPE	6/30/16



EXISTING CONDITION
BEATRICE I
HIGHPOINTE CIRCLE AND
KITTERY, ME

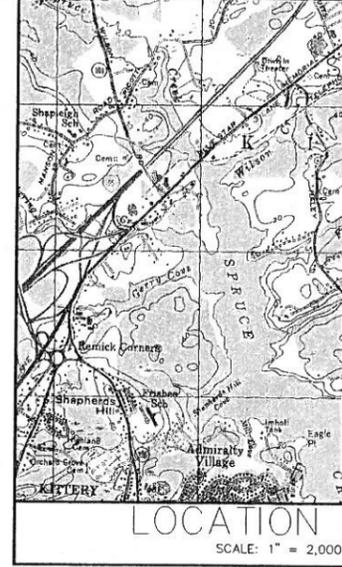
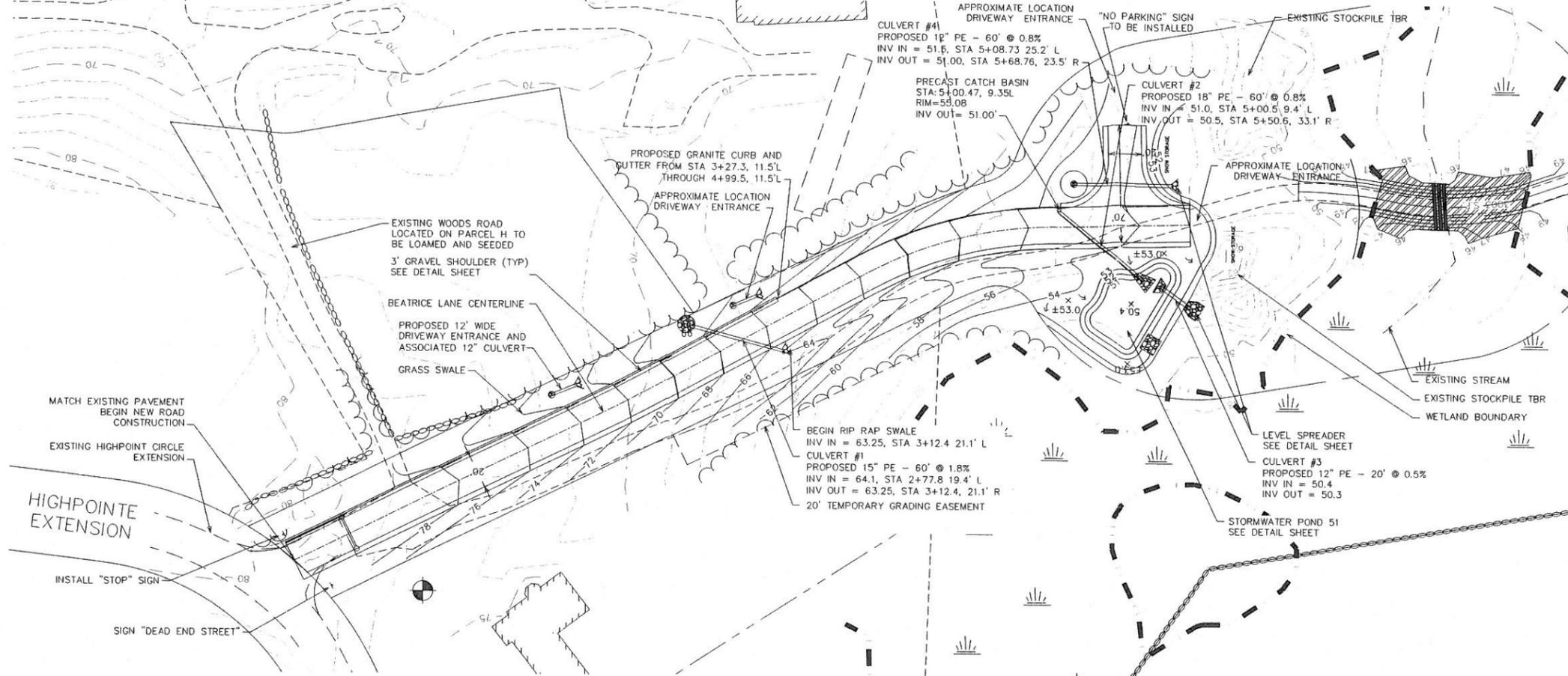
FOR: RICHARD SPAR
OPERATION BLES
P.O. BOX 4
PORTSMOUTH, ME

ATTAR ENGINEERING
CIVIL & STRUCTURAL
1284 STATE ROAD - ELI
PHONE: (207)439-6023

SCALE: 1" = 40'
DATE: 10/20/14

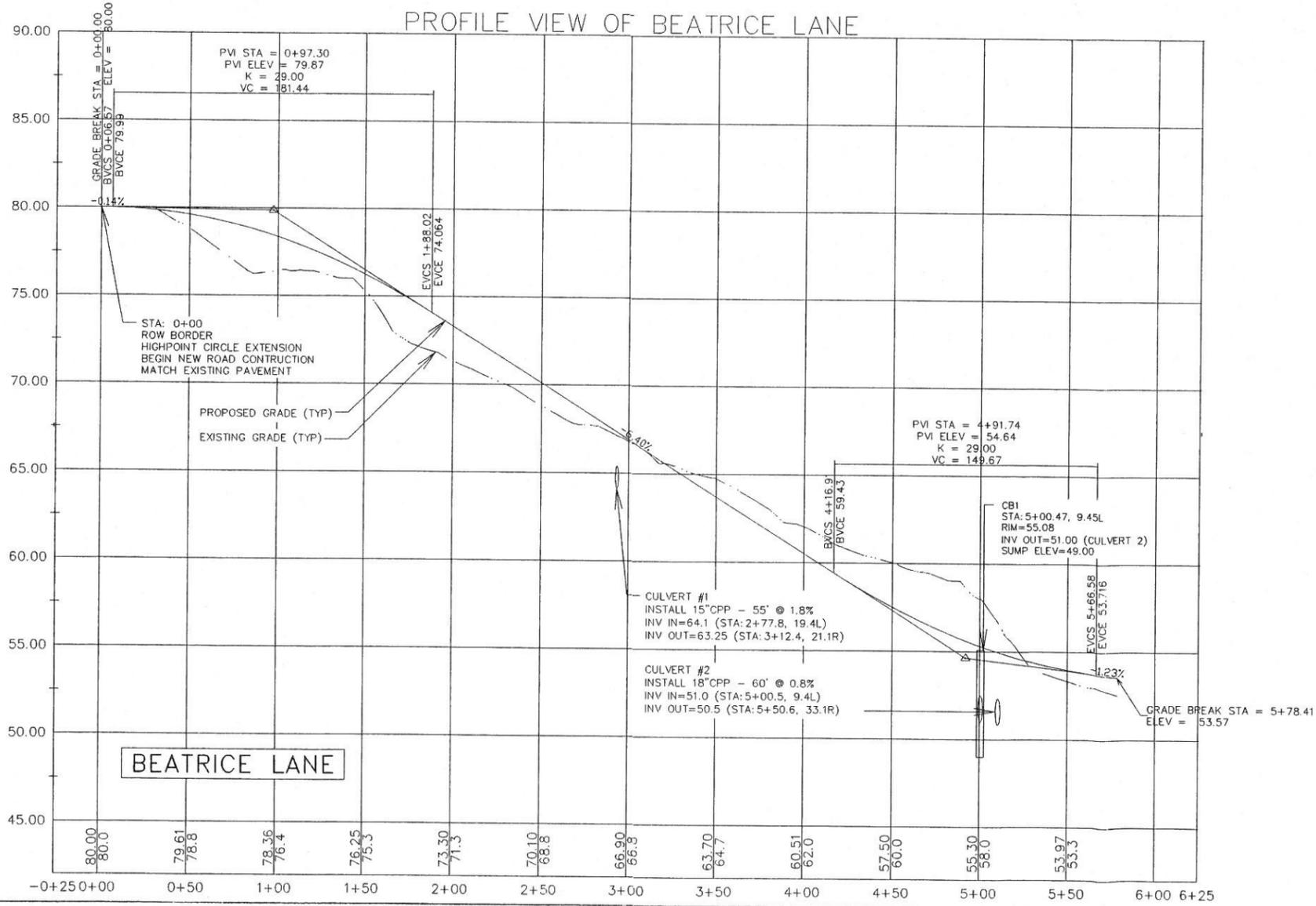
APPROVED


JOB NO: C085-14 CAD FILE: BEATRICE LA



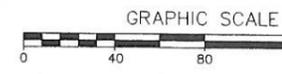
LEGEND	
PROP. LINE	---
WETLAND BOUNDARY	- - - - -
EXT. PAVEMENT	----
PRP. PAVEMENT	----
TREELINE	~~~~~
WETLAND	
STONEWALL	o-o-o-o-o

PROFILE VIEW OF BEATRICE LANE



ROAD CONSTRUCTION NOT

1. DRIVEWAYS TO BE CONSTRUCTED IN ACCORDANCE WITH THE APPROXIMATE DETAIL. GRAVEL FILL TO BE COMPACTED TO 95% MODIFIED PROCTOR (ASTM D 1557). LIFT THICKNESSES TO BE A MAXIMUM OF 6".
2. ALL STUMPS, ORGANIC MATERIAL, ROCKS AND BOULDERS TO BE REDEPTH OF 24" BELOW SUBBASE.
3. ALL STUMPS, LEDGE AND LARGE BOULDERS TO BE REMOVED FROM AREA. THE CONSTRUCTION AREA SHALL BE CLEARED AND ROUGH GR.
4. ALL CULVERTS TO BE ADS N-12 (HDPE) OR APPROVED EQUAL. CL OUTLETS TO BE PROTECTED IN ACCORDANCE WITH THE CULVERT INLET DETAIL.
5. THE CONTRACTOR MUST CONTACT DIG SAFE AND ALL LOCAL UTILITIES OF CONSTRUCTION TO VERIFY THE LOCATION OF EXISTING SUBSURFACE CONDITIONS. LOCATING AND PROTECTING ANY UNDERGROUND OR ABOVE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
6. A "DEAD END STREET" SIGN IS TO BE PLACED AT THE ENTRANCE.
7. A "NO PARKING" SIGN IS TO BE PLACED IN THE AREA OF THE HAM



NO.	DESCRIPTION	DATE
B	REVISED CUL-DE-SAC SHAPE, SIGNS (SEE NOTES 6,7)	6/30/16
A	REVIEW COMMENTS	1/23/15



PLAN AND PR
 BEATRICE LANE
 HIGHPOINT CIRCLE AND
 KITTERY, MA

FOR: RICHARD SPARK
 OPERATION BLESS
 P.O. BOX 4C
 PORTSMOUTH, NH

ATTAR ENGINEER
 CIVIL & STRUCTURAL
 1284 STATE ROAD - ELIOT
 PHONE: (207)439-6023 FAX

SCALE: 1" = 40'
 DATE: 10/20/14
 APPROVED BY: *[Signature]*

