

**Town of Kittery
Planning Board Meeting
October 27, 2016**

Town Code Amendment 16.10.5.2 Planner Review and Confirmation of Submittal Content – Preliminary Plan.

Action: Hold a public hearing. Recommend to Town Council. The proposed amendment addresses requirements for a preliminary plan application submittal.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Initial Planning Board Meeting	9/29/2016	HELD
NO	Secondary Planning Board Meeting		
YES	Public Hearing (special notice requirements)	Scheduled for 10/27/2016	PENDING
YES	Review/Approval/ Recommendation to Town Council		TBD

Review

The proposed amendment reduces the minimum number of application and application materials required for preliminary plan submission. In addition, lines 130 – 137 are incorrectly classified as subsections of 16.10.5.2.C.12. The proposed amendment addresses this, and reclassifies the items as 16.10.5.2.D – F.

In response to comments from the Board during an initial review, the amendment was revised to include indentations to emphasize hierarchy within the section. In addition, lines 217-218 include a revision to change what currently reads as items to include with a wireless communication service facility (WCSF) “analysis”, to submission requirements for the review of a WCSF. This is consistent with the intent of the 2009 Title 16 (attached), and avoids confusion in regards to the final three items (requiring payment of all fees and performance guarantees for an analysis vs an application review).

Recommendation

If the Planning Board is amenable to the proposed amendments and/or along with any revisions they find is warranted, the Board can...

...move to recommend to Town Council Town Code Amendments, *Title 16.10.5.2 Planner Review and Confirmation of Submittal Content – Preliminary Plan.*

1 **16.10.5.2 Planner Review and Confirmation of Submittal Content - Preliminary Plan.**

2 A completed application must be submitted to the Town Planner no later than 21 days prior to the
3 meeting date for the item to be included on the agenda. The submission must include on the plan or
4 attached thereto, the following items, unless upon the applicant's written request, the Planning Board, by
5 formal action, waives or defers any requirement(s) for submission.

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

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8 A. A minimum of ~~fifteen (15)~~ **twelve (12)** paper copies of the application form, plan and all attachments
9 thereto plus, if applicable, **an additional five (5) three (3)** paper copies of the 24 x 36 inches size plan
10 sheets.

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12 B. Plan must include:

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14 1. Plan sheets drawn on a reproducible medium and must measure no less than eleven (11) inches
15 by seventeen (17) inches and no larger than twenty-four (24) inches by thirty-six (36) inches; with a:

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17 2. Scale of the drawings no greater than one inch equals thirty (30) feet for developments less than
18 ten (10) acres, and one inch equals fifty (50) feet for all others;

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20 3. Code block in the lower right-hand corner. The block must contain:

- 21
22 a. Name(s) and address(es) of the applicant and owner,
23 b. Name of the project.
24 c. Name and address of the preparer of the plan, with professional seal, if applicable,
25 d. Date of plan preparation/revision, and a unique ID number for the plan and any revisions;

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27 4. Standard boundary survey conducted by a surveyor licensed in the state of Maine, in the manner
28 recommended by the State Board of Registration for Land Surveyors;

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30 5. An arrow showing true north and the magnetic declination, a graphic scale, and signature blocks
31 for the owner(s) and members of the Planning Board;

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33 6. Locus map showing the property in relation to surrounding roads, within two thousand (2,000)
34 feet of any property line of the development,

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36 7. Surveyed acreage of the total parcel, of rights-of-way, wetlands, and area to be disturbed and
37 amount of street frontage;

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39 8. Names and addresses of all owners of record of property abutting the development, including
40 those across a street;

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42 9. Locations of essential physical features such as watercourses, forest cover, and outcroppings

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44 10. Proposed development area conditions including, but not limited to:

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46 a. Structures; their location and description including signs, to be placed on the site, floor plan
47 of exterior walls and accesses located within one hundred (100) feet of the property line;

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49 b. Utilities proposed including power, water, sewer, holding tanks, bridges, culverts and

- 50 drainage ways;
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- 52 c. Sewage facilities type and placement. Test pit locations, at least two of which must meet the
- 53 State of Maine Plumbing Code requirements, must be shown;
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- 55 d. Domestic water source;
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- 57 e. Parks, open space, or conservation easement locations;
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- 59 f. Lot lines, interior and exterior, right-of-way, and street alignments;
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- 61 g. Road and other paved ways plans, profiles and typical sections including all relevant data;
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- 63 h. Setbacks Existing and proposed;
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- 65 i. Machinery permanently installed locations likely to cause appreciable noise at the lot lines;
- 66
- 67 j. Raw, finished or waste materials to be stored outside the buildings, and any stored material
- 68 of a toxic or hazardous nature;
- 69
- 70 k. Topographic contours of existing contours and finished grade elevations within the
- 71 development;
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- 73 l. Pedestrian ways/sidewalks, curbs, driveways, fences, retaining walls and other artificial
- 74 features locations and dimensions proposed;;
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- 76 m. Temporary markers locations adequate to enable the Planning Board to readily locate and
- 77 appraise the layout of the development;
- 78
- 79 n. Land proposed to be dedicated to public use and the conditions of such dedication;
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- 81 o. Natural features or site elements to be preserved.
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- 83 C. Supporting documentation must include:
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- 85 1. Vicinity map and aerial photograph showing the property in relation to surrounding properties,
- 86 roads, geographic, natural resource (wetland, etc.), historic sites, applicable comprehensive plan
- 87 features such as proposed park locations, land uses, zones, and other features within five hundred
- 88 (500) feet from any boundary of the proposed development;
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- 90 2. Existing Development Area Conditions including but not limited to:
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- 92 a. Location and description of all structures, including signs, existing on the site, together with
- 93 accesses located within one hundred (100) feet of the property line;
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- 95 b. Essential physical features such as watercourses, wetlands, flood plains, wildlife habitat
- 96 areas, forest cover, and outcroppings;
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- 98 c. Utilities existing, including power, water, sewer, holding tanks, bridges, culverts and drainage

99 ways;

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3. Legal interest documents showing legal interest of the applicant in the property to be developed. Such documents must contain the description upon which the survey was based;

4. Property encumbrances currently affecting the property, as well as any proposed encumbrances;

5. Water District approval letter, if public water is used, indicating there is adequate supply and pressure to be provided to the development;

6. Erosion and sedimentation control plan endorsed by the York County Soil and Water Conservation District or the Town's engineering consultant;
(Ordained 9/26/11; effective 10/27/11)

7. Stormwater management preliminary plan for stormwater and other surface water drainage prepared by a registered professional engineer including the general location of stormwater and other surface water drainage areas.
(Ordained 9/26/11; effective 10/27/11)

8. Soil survey for York County covering the development. Where the soil survey shows soils with severe restrictions for development, a high intensity Class "A" soil survey must be provided;

9. Vehicular traffic report estimating the amount and type of vehicular traffic that will be generated by the development on a daily basis and for peak hours.

10. Traffic impact analysis in accordance with Section 16.10.5.2D.1 for developments involving forty (40) or more parking spaces or which are projected to generate more than four hundred (400) vehicle trips per day;

11. Test pit(s) analysis prepared by a licensed site evaluator when sewage disposal is to be accomplished by subsurface disposal, pits, prepared by a licensed site evaluator;

12. Town Sewage Department or community system authority letter, when sewage disposal is to be through a public or community system, approving the connection and its location;

~~a.~~ D. Additional submissions as may be required by other sections of this Code such as for clustered development, mobile home parks, or junkyards must be provided.

~~b.~~ E. Letters of evaluation of the development by the Chief of Police, Fire Chief, Commissioner of Public Works, and, for residential applications, the superintendent of schools, must be collected and provided by the Town Planner.

~~c.~~ F. Additional Requirements. In its consideration of an application/plan, the Planning Board may at any point in the review, require the applicant to submit additional materials, studies, analyses, and agreement proposals as it may deem necessary for complete understanding of the application.

Such materials may include:

1. Traffic impact analysis, including the following data:

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- 149 a. An executive summary outlining the study findings and recommendations.
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- 151 b. A physical description of the project site and study area encompassed by the report with a
- 152 diagram of the site and its relationship to existing and proposed development sites within the
- 153 study area.
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- 155 c. A complete description of the proposed uses for the project site (in cases where specific uses
- 156 have not been identified, the highest traffic generators within the category best fitting the
- 157 proposed development must be used to estimate traffic generators).
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- 159 d. Existing land uses and zone(s) in the vicinity of the site must be described. Any proposals for
- 160 the development of vacant parcels or redevelopment of parcels within the study area of which the
- 161 municipality makes the applicant aware, must be included in the description.
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- 163 e. Street geometry and existing traffic control devices on all major streets and intersections
- 164 affected by the anticipated traffic generated.
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- 166 f. Trip generation must be calculated for the proposed project and other proposed new projects
- 167 and redevelopment projects within the study area using the most recent data available from the
- 168 Institute of Transportation Engineers' (ITE) Trip Generation Guide, and/or actual field data
- 169 collected from a comparable trip generator (i.e., comparable in size, location and setting). This
- 170 data will be presented in a summary table such that assumptions on trip generation and rates
- 171 arrived at by the engineer are fully understandable to the Planning Board.
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- 173 g. The anticipated trip distribution of vehicles entering and exiting the proposed site during the
- 174 appropriate peak hour(s) must be described and diagrammed.
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- 176 h. Trip assignment, the anticipated utilization of study area streets by traffic generated by the
- 177 proposed project, must be described and diagrammed.
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- 179 i. Existing traffic conditions in the study area will be identified and analyzed based upon actual
- 180 field counts and/or recent available machine counts.
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- 182 j. Existing traffic conditions in the study area will be described and diagrammed, specifically
- 183 AADT, appropriate peak design hour(s), traffic volumes, street and intersection capacities, and
- 184 levels of service.
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- 186 k. Existing safety conditions must be evaluated based upon the traffic accident data available
- 187 for the most current three years and described including link and node critical rate factors (CRF).
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- 189 l. Future traffic conditions on the street system will be estimated based on existing volumes,
- 190 projected traffic growth in the general study area, projected traffic from approved development,
- 191 and traffic generated by the proposed project, specifically AADT traffic, appropriate peak hour(s)
- 192 traffic volumes, street and intersection capacity, street and intersection levels of service will be
- 193 analyzed. When other projects are being proposed within the impact area of the project, the
- 194 Planning Board may require these projects to be incorporated into the analysis.
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- 196 m. When the analysis of the proposed project's impact on traffic indicates unsatisfactory CRF,

197 levels of service or operating capacity on study area streets and intersections, a description of
198 proposed improvements to remedy identified deficiencies must be included.

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200 n. The base data collected and analyzed during the course of the traffic impact study must be
201 made available upon request of the Planning Board.

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203 o. If a development that requires a traffic impact study is within five hundred (500) feet of York
204 or Eliot, Maine or if the study identifies impacts on segments of Route 1 or Route 236 or on their
205 intersections located in York or Eliot, Maine, the applicant must provide evidence that a copy of
206 the impact study has been given to the impacted municipality's chief administrative officer;

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208 2. Environmental Analysis. An analysis of the effects that the development may have upon
209 surrounding lands and resources, including intensive study of groundwater, ecosystems, or pollution
210 control systems, as the Planning Board, upon review and recommendation by the Conservation
211 Commission, may deem necessary;

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213 3. Hydrologic Analysis. When required, an analysis of the effects that the development may have on
214 groundwater must be conducted in accordance with Section 16.8.6.9. This analysis is always required
215 for mobile home park proposals.

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217 **4. Additional Submissions Required for Review of Wireless Communication Services Facilities**
218 **(WCSF) Analysis.**

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220 a. A visual impact analysis prepared by a landscape architect or other qualified professional
221 acceptable to the Town that quantifies the amount of visual impact on properties located within
222 five hundred (500) feet, within two thousand five hundred (2,500) feet and within two miles of the
223 WCSF. This analysis will include recommendations to mitigate adverse visual impacts on such
224 properties;

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226 b. An analysis prepared by a qualified professional acceptable to the Town that describes why
227 this site and structure is critical to the operation for which it is proposed. The analysis must
228 address, at a minimum: existing and proposed service area; how this WCSF is integrated with
229 other company operations, particularly other structures in Kittery and surrounding communities;
230 future expansion needs in the area; the effect on company operations if this structure is not
231 constructed in this location; other sites evaluated for location of this structure and how such sites
232 compare to the proposed site; other options, if any, which could be used to deliver similar
233 services, particularly if the proposed equipment can be co-located (shared use) on an existing
234 structure; and an analysis to the projected life cycle of this structure and location;

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236 c. Certification by a structural engineer that construction of the structure satisfies all federal,
237 state and local building code requirements as well as the requirement of maximum permitted co-
238 location at the site as approved by the Planning Board / Town Planner;

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240 d. Payment of all required performance guarantees as a condition of plan approval, with a note
241 on the plan so stating;

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243 e. Payment of the Planning Board application fees;

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245 f. And all other requirements per Section 16.10.