



KITTERY TOWN PLANNING BOARD MEETING

Council Chambers – Kittery Town Hall 200 Rogers Road, Kittery, Maine 03904

Phone: 207-475-1323 - Fax: 207-439-6806 - www.kittery.org

WORKSHOP

AGENDA for Thursday, September 24, 2015

6:00 P.M. to 7:00 P.M.

ITEM 1 – Parking Exemptions in the Mixed-Use Kittery Foreside Zone

Members of the Economic Development Committee and Town Council and participants of the Foreside Forum were invited to participate in a discussion of the parking exemptions allowed in the Foreside zone and if it may need amending to protect against unintended consequences related to commercial parking within the residential areas of the zone.

REGULAR MEETING

AGENDA for Thursday, September 24, 2015

7:00 P.M. to 10:00 P.M.

CALL TO ORDER–ROLL CALL–PLEDGE OF ALLEGIANCE–APPROVAL OF MINUTES–8/27 & 9/10/2015

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

NEW BUSINESS

ITEM 1 – 73 Tower Road – Shoreland Development Plan Review-Modification to an Approved Plan

Action: approve or deny plan. Owners/applicants Robert & Megan Ramos request consideration of a modification to their recently approved shoreland development plan to construct a new, more conforming single-family dwelling at 73 Tower Road (Tax Map 58, Lot 42) in the Residential – Rural Conservation (R-RLC), Shoreland Overlay (OZ-SL-250'), and Resource Protection Overlay (OZ-RP) Zones. Agent is Robert MacDonald, Detail Design Builders, LLC.

ITEM 2– Board Member Items / Discussion

- A. Action List
- B. Committee Updates
- C. Other

ITEM 3 – Town Planner Items:

- A. Code Amendment update
- B. Other

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

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

**Town of Kittery
 Planning Board Workshop
 September 24, 2015**

ITEM 1 – Parking Exemptions in the Mixed-Use Kittery Foreside Zone

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PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Workshop	Scheduled 9/24/15	
YES	Initial Planning Board Meeting		
YES	Public Hearing (special notice requirements)		
YES	Review/Approval/ Recommendation to Town Council		

BRING PACKET INFORMATION FROM 8/27 MTG

Background

At the August 27th meeting (minutes attached) the Board discussed the subject of the 3 parking space exemptions available to nonresidential uses in the Mixed-Use Kittery Foreside zone. Minutes from that meeting are attached. It was determined that prior to preparing possible amendment(s) that a workshop be held to discuss the matter with interested parties.

In addition to the information provided at the August 27 meeting the following has been provided for context and clarity that may aid in the workshop discussion:

- 1) Excerpts from the 1997 Revitalization Strategy for the Kittery Foreside District. (the entire document is on-line on the Planning page of the town’s website)
- 2) Original 1997 code amendment that created the MU-KF zone.
- 3) 1997 Planning Board minutes related to the zoning amendment.
- 4) An annotated excerpt of Title 10.3 as it relates to parking in the Foreside.
- 5) Annotated map that shows how the streets in the zone are regulated related to parking in the Foreside

Review

Staff reviewed the recent building permit information over the past year and it is not evident that there has been a great increase in commercial development that might indicate potential issues related to parking in the residential portion of the Foreside. The major growth as everyone is aware of is the former Masonic Hall building at 7-17 Wallingford Square that includes Anju Noodle Bar, Me Meats, Lil’s Café and Maine Squeeze Juice Bar. Outside of this there have been new businesses in the area and some expansions, i.e. Annika Jans, however, the majority of them have been in-kind as it relates to use/intensity. Though the new business have taken advantage of the exemptions, in many cases additional off-street parking was still required and was made available at off-site parking sites if not accommodated on site.

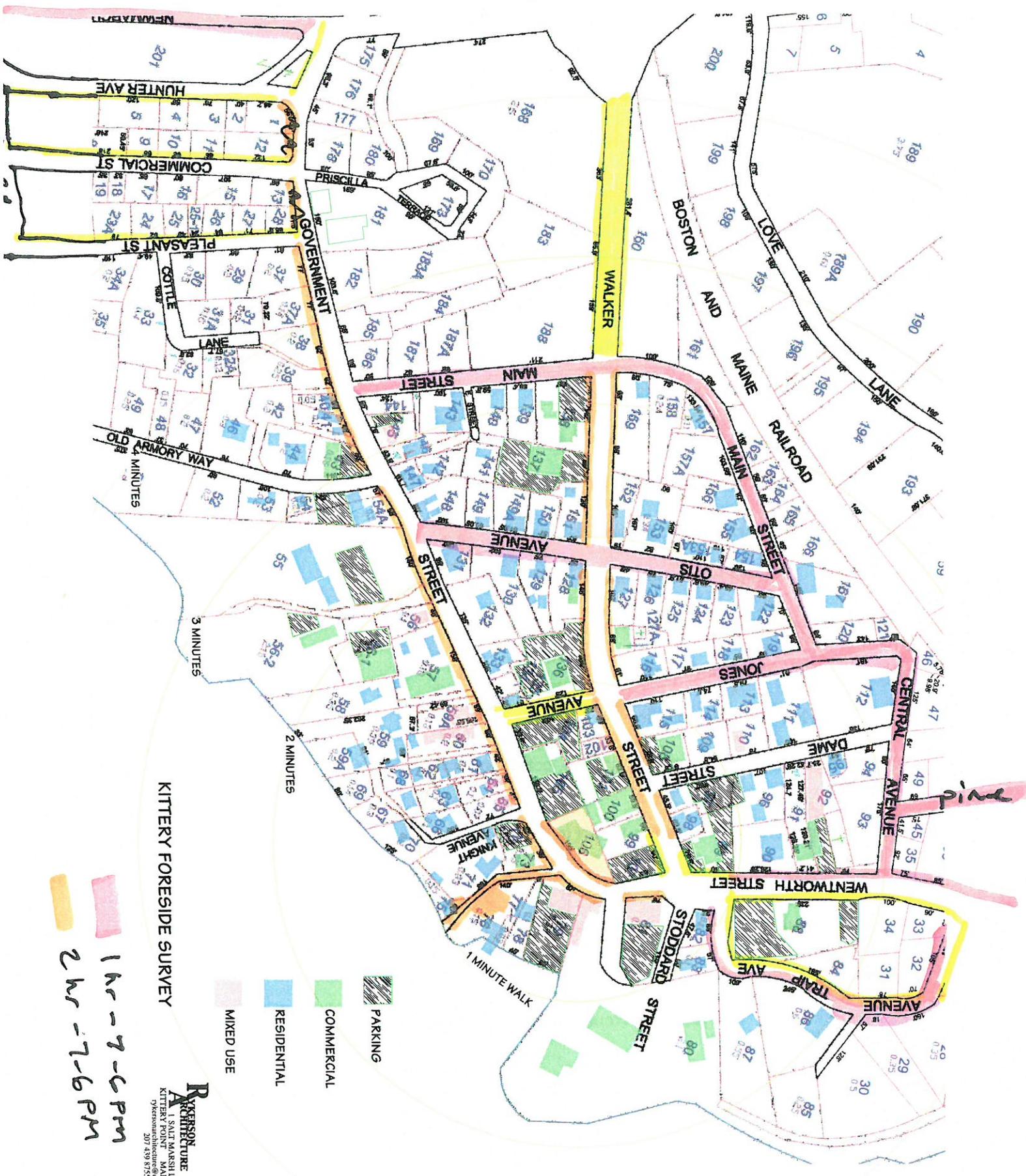
The application of the parking exemptions as outlined in 16.3.2.15.E has been reviewed and discussed amongst staff. The term “nonresidential use” is not synonymous with “business”. Reviewing past

practice the great majority of cases where the first three parking spaces are exempt for each nonresidential use did not have duplicative exemptions for the same property. For example, if a building consists of an attorney's office, a restaurant and book store, they would all each receive the three space exemption. If the same building wanted to add an office for an architect, the exemption would not apply. If the new business, however, was a bank, even though it is a nonresidential use described in 'Retail, business office, or bank facilities' (16.3.2.15.E.c) it would be allowed an exemption.

Staff received some feedback from the Police Chief with regard to the annotated map showing parking regulations and if Police Department was aware of any significant issues related to parking in the Foreside. The only issues they have recently dealt to a minor extent is ticketing employees that have parked longer than allowed in the 2-hour parking areas. The entire area is part of routine enforcement for parking.

It is clear with review of the 1997 Revitalization Strategy for the Kittery Foreside and the planning board minutes leading up to the code amendment that created the Mixed-Use Foreside zone that a great deal of thought and effort had been expended. Prior to 1997 the Foreside area was local business (in the vicinity of the historical downtown) and urban residential. It is evident from the zone change that it was supported that some existing residential properties may eventually redevelop into commercial or a mix of commercial and residential uses. With that said, it is important that the existing residential component of the Foreside not be marginalized or adversely impacted simply to benefit the commercial component. These two components need to work harmoniously in order to achieve a healthy and vibrant mixed-use neighborhood.

If the notion of a mixed use neighborhood is no longer supported, then that is a change in policy and big-picture issue that should be vetted through the comprehensive plan process and not necessarily addressed by tweaking the land use code. Current parking regulations on most of the residential streets appear to be one-hour parking. This should, with routine enforcement, help curb parking impacts to the residential neighborhood if properties begin to redevelop sooner than later. In addition, outside of a minor home occupation, a business use change is required for commercial redevelopment in this area. Title 16.10.3.6.3 anticipates that a "new commercial or business entity in an existing facility" where the intensity of use is significantly different requires Planning Board review. It should be evident to staff that any commercial redevelopment of a residential property that cannot adequately accommodate the parking on the premises is mostly likely going to have a "significantly different" intensity of use.



RYERSON ARCHITECTURE
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 207 839 8753

On Bridge Street at Old Post Road;
On Cutts Island Lane at Chauncey Creek Road, southeast;
On Exit off U.S. Route 1 By-Pass at Rotary, southeast;
On Goodwin Road at Pocahontas Road;
On Old Post Road at Rotary, northeast;
On Old Post Road at Rotary, northwest;
On Route 103 at Old Post Road, northeast;
On Route 236 at Rotary, northeast;
On Route 236 at Rotary, southeast;
On Route 236 at U.S. Route 1, northeast;
On Route 236 at U.S. Route 1, southeast;
On U.S. Route 1 at Rotary, northeast;
On U.S. Route 1 at Rotary, northwest;
On U.S. Route 1 at Rotary, southeast;
On Walker Street at U.S. Route 1, northeast.

Chapter 10.3 STOPPING, STANDING AND PARKING

10.3.1 General Parking Regulations.

10.3.1.1 Prohibited at All Times.

Parking is prohibited at all hours in the following locations:

Within ten (10) feet of any hydrant;

Within ten (10) feet of any corner;

Within ten (10) feet of pavement on Route 1, both sides, from Spruce Creek to the Kittery-York Town line;

From the right-of-way to Frisbee's Wharf to the land of A. Blake;

The cul-de-sac at the end of Dion Avenue;

Adams Drive, no parking on westerly side from the intersection of Route 1 in a southerly direction to its end and on the easterly side from the intersection with Route 1 to the driveway of 7 Adams Drive;

Bowen Road, northwest side from Route 103 to land of Milton Hall, a distance of seven hundred seventy-eight (778) feet;

Bowen Road, southeast side, from land of James O. McNally, easterly to Old Ferry Lane, a distance of one hundred sixty-five (165) feet;

RECODIFICATION - ORDAINMENT – 07/26/2010

Bridge Street, northerly side, excepting that the first three hundred (300) feet from Old Post Road—the first one hundred fifty (150) feet, no time limit; the second one hundred fifty (150) feet, one-hour time limit;

Bridge Street, southerly side;

Chauncey Creek Road on the north side, beginning at CMP Pole #30 and continuing in an easterly direction to CMP Pole #36;

Chauncey Creek Road on the north side, beginning at Tenney Hill Road, and CMP Pole #16, continuing in an easterly direction three hundred sixty-two (362) feet;

Chauncey Creek Road on the south side, beginning at the intersection of Pepperell Road and Tenney Hill Road, and continuing in an easterly direction to CMP Pole #33, excepting any parking off the public way;

Commercial Street, on the west side, beginning at the intersection of Government Street and continuing southerly to the intersection of Water Street;

Fernald Road, north and south side, beginning at the intersection of Route 236 in a westerly direction to CMP Pole #22;

Fort Foster, paved road, both sides, from gate house to pier, a distance of two thousand five hundred (2,500) feet;

Government Street, south side, from U.S. Highway No. 1 to Hunter Avenue.

Hunter Avenue beginning at Water Street and continuing northerly to the intersection of Government Street;

Jones Avenue, both sides, from Government Street to Walker Street;

Love Lane, east side, beginning at its point of intersection with Government Street, north one hundred fifty (150) feet;

Love Lane, east side, between its point of intersection with Government Street to the end of the property of the Wentworth-Dennett School;

Manson Road, from the intersection with Stevenson Road in a northerly direction five hundred (500) feet, and in a southerly direction for three hundred (300) feet;

Old Post Road, on the northerly side, from Bridge Street to Cook Street;

RECODIFICATION - ORDAINMENT – 07/26/2010

Old Post Road, on the southerly side, from Bridge Street to Cook Street, with the exception of two hundred (200) feet from Bridge Street, which is to be one-hour automobile only parking;

Oxpoint Drive, both sides, from the intersection of Adams Drive in an easterly direction to the driveway of 2 Oxpoint Drive;

Pleasant Street, on the west side, beginning at the intersection of Water Street and continuing northerly to the intersection of Government Street;

Rogers Road on both sides, beginning at its point of intersection with Shapleigh Road (Route 236) to the point where Rogers Road intersects with Wentworth Street (Route 103);

Route 103, east side, from the north side of the property of Edward Thomson, south to where Route 103 intersects with Paul Street;

Seapoint Road, north side, from the intersection of Thaxter Road and Seapoint Road, a distance of six hundred ninety-eight (698) feet in an easterly direction to New England Telephone pole number 4;

Seapoint Road, south side, from the western end of the designated parking area along Seapoint Road, a distance of two hundred twenty (220) feet in a westerly direction;

Stevenson Road, from the intersection with Manson Road on the southerly side in a westerly direction for a distance of one hundred (100) feet;

Stevenson Road at a point where the property of Map 29 Lot 28A intersects with the property of Map 29 Lot 28 on the southerly side in a westerly direction for a distance of one tenth of a mile;

Stevenson Road, from the intersection with Manson Road on the northerly side in a westerly direction for a distance of one hundred and six (106) feet.

Stevenson Road, from the main (middle) entrance driveway on the northerly side in a westerly direction for a distance of one hundred and forty seven (147) feet to the westerly entrance driveway;

Stevenson Road at a point where the town of Kittery property, Map 29, Lot 24, intersects with Map 29, Lot 23, westerly direction for a distance of one-tenth of a mile;

Tilton Avenue, northwest side, from Whipple Road, a distance of thirty-five (35) feet;
Tilton Avenue, southeast side;

Traip Avenue, north and westerly side, a distance of four hundred twenty (420) feet from its southerly intersection with Wentworth Street;

Walker Street, south side and north side from U.S. Highway No. 1 to Main Street;

Walker Street, north side, west of Wentworth Street, from the northeast corner of Wentworth/Walker Street intersection to a point ten (10) feet westerly;

Walker Street, south side, west of Wentworth Street, from the southwest corner of the Wentworth/Walker Street intersection to a point fifty seven (57) feet westerly;

Walker Street, north side, from the west side of the property of Dr. Charles W. Kinghorn to the property belonging to the U.S. Navy;

Walker Street, south side, from the west side of the Sugrue Block to the property of the U.S. Navy;

Water Street, on the south side from CMP Pole #16 continuing easterly to CMP Pole #51;

Wentworth Street, east side, between its two points of intersection with Traip Avenue;

Wentworth Street, east side, from the north corner of the Sugrue Block to the south entrance of Traip Avenue;

Wentworth Street, north side, east of Walker Street, from the northeast corner of the Wentworth/Walker Street intersection to a point ninety (90) feet east;

Whipple Road, north side, beginning at its point of intersection with Rogers Road, easterly to its point of intersection with Shapleigh Road;

Whipple Road, north side, from Keene Circle to Philbrick Road;

Williams Avenue, both sides, starting at the exit of Traip Academy's parking lot and continuing in an easterly direction, ending at the beginning of 24 Williams Avenue.

10.3.1.2 Prohibited from 7:00 a.m. to 4:00 p.m., Monday through Friday.

Parking is prohibited from 7:00 a.m. to 4:00 p.m. in the following location:

On the south side of Williams Avenue commencing at property known as R.W. Traip Academy.

10.3.1.3 One-Hour Parking from 7:00 a.m. to 6:00 p.m.

One-hour parking is permitted from 7:00 a.m. to 6:00 p.m., (Unrestricted parking is permitted on Sundays and holidays), in the following locations:

Central Street, Cross Street, Friend Street, Jones Avenue, Love Lane, Main Street, Newmarch Street, Otis Avenue, Pine Street, Prince Avenue, Rice Avenue, Stimson Street, Trefethen Avenue, Williams Avenue, Woodlawn Avenue;

Manson Avenue from Rogers Road to Boush Street;

Old Post Road, both sides, for a distance of four hundred fifty (450) feet northeasterly towards Memorial Field from its intersection with Dennett Road;

Philbrick Road from Whipple Road to Cross Street;

Ranger Drive, the west and east side in a northerly direction from the intersection at Gorges Road to the end of Ranger Drive, including the cul-de-sac.

Rogers Road from the junction of Rogers Road and Whipple Road to Orchard Grove Cemetery;

Traip Avenue, westerly side, from Rice Library lot to the northerly intersection with Wentworth Street; easterly side for its entire length;

Wentworth Street, west side, from Wallingford Square to the railroad crossing, from south end of Traip Avenue to the railroad crossing;

Whipple Road from the junction of Woodlawn Avenue and Whipple Road to Tilton Avenue.

10.3.1.4 Four Hour Maximum Parking.

Allowed between signs in the following locations during school hours and public events:

Stevenson Road at a point one hundred (100) feet from the intersection with Manson Road on the southerly side in a westerly direction to a point five hundred and fifty (550) feet, to the point where the property of Map 29 Lot 28A intersects with the property of Map 29 Lot 28;

Stevenson Road, from a point one hundred and six (106) feet from the intersection with Manson Road on the northerly side in a westerly direction for a distance of one hundred and twenty-two (122) feet to the main (middle) school entrance;

Stevenson Road, from the westerly school entrance driveway on the northerly side in a westerly direction for a distance of two hundred and fifty (250) feet to a point where the town of Kittery property, Map 29, Lot 24, intersects with Map 29, Lot 23.

10.3.1.5 Time Period Restrictions.

A. It is unlawful to leave a motor vehicle parked, standing, or unattended on any public way in the Town:

1. November 1st to April 1st, inclusive:
 - a. Between the hours of 12:00 midnight and 6:00 a.m.,
 - b. More than four hours between 6:00 a.m. and 12:00 midnight;

2. April 2nd to October 31st, inclusive:

a. More than four hours between 6:00 a.m. and 6:00 p.m., Monday through Friday.

B. The Town Manager is authorized to declare a total parking ban on any or all public ways in the Town for the purpose of snowplowing or snow removal operations.

C. Parking is prohibited from 5:00 a.m. to 7:00 a.m. and from 5:00 p.m. to 7:00 p.m. in the following locations:

1. On the north side of Pepperrell Road starting at Smith Lane and running east for sixty (60) feet.

2. It is unlawful for any person to park longer than two consecutive hours in the municipal parking lot located at the southeast side of the Rice Public Library. All-day parking permits may be obtained from the police department. These permits will be limited to business owners and employees of businesses located in the Kittery Foreside zone as defined in the zoning ordinance (Section 16.12.150). These permits are for the purpose of freeing up on-street parking for customers. The all-day permits will be issued to specific individuals and will be numbered. The permits must be displayed in the driver's side windshield area during the time the vehicle is parked in the municipal lot. When the ownership of a business changes or an employee leaves the employment of a business located in the Kittery Foreside zone, the parking permit is then cancelled and must be returned to the police department.

3. Parking in the municipal parking lot between the hours of 12:00 midnight and 6:00 a.m. will be restricted to permit holders. Overnight parking permits may be obtained from the police department. These permits will be limited to individuals who reside in the Kittery Foreside zone as defined in the land use and development code, Section 16.3.2.15E, Kittery Foreside - KF. The overnight parking spaces are limited to six in number and are located on the southeast boundary of the parking lot. These individuals may also apply for twenty-four (24) hour parking permits.

4. The overnight or twenty-four (24) hour permits will be issued to specific individuals and will be numbered. The permits must be displayed in the driver's side windshield area during the time the vehicle is parked in the municipal lot. When the individual no longer resides in the Kittery Foreside zone, the parking permit is then cancelled and must be returned to the police department. Residents will be allowed to park their vehicles overnight or for twenty-four (24) hours only in an area within the municipal lot that is designated and posted for use by residents. Each resident permit holder will be responsible for snow removal in the immediate area surrounding their parked vehicle.

D. Two-hour parking will be permitted from 7:00 A.M. to 6:00 P.M., (Unrestricted parking is permitted on Sundays and holidays), in the following locations:

Government Street, south side, from Hunter Avenue to Wallingford Square and north side across from Knight Avenue to Wallingford Square;

Wallingford Square, both sides, including the town wharf and its approaches;

Walker Street, south side, beginning fifty seven (57) feet west of Wentworth Street westerly to the intersection of Walker and Main Street;

Walker Street, north side, beginning ten (10) feet west of Wentworth Street, westerly to the intersection of Walker and Main Street.

E. The Town's parking lot located on the east side of Moore Street is restricted to permit holders and their guests only. Permit holders are limited to residents of Moore Street who do not have off-street parking available. Parking permits may be obtained from the police department. The owner or operator of any vehicle found in violation of this section will be summonsed and the vehicle will be towed at the owner's expense as provided in this chapter.

F. Parking in the Municipal Parking Lot located in Wallingford Square at the corner of Walker Street is restricted to a maximum of two (2) consecutive hours from 7:00 a.m. to 6:00 p.m. and three (3) consecutive hours from 6:00 p.m. to 7:00 a.m. Parking is not permitted between the hours of midnight and 6:00 a.m. from November 1st through March 31st, inclusive.

10.3.2 Parking Within Lines.

Failure to park within prescribed lines as laid out on any street is a violation of the parking rules.

10.3.3 Parking on Sidewalks.

Parking vehicles of any kind on sidewalks anywhere in Town is prohibited.

10.3.4 Blocking Driveways.

It is unlawful for any person to park, leave standing or unattended any vehicle on the public ways of the Town, in such manner so as to block any driveway, public or private, as to prevent egress or entrance to such driveway.

10.3.5 Handicapped Reservation – 33 Government Street

The two marked parking spaces in front of #33 Government Street on the south side are designated handicapped parking spaces on Thursday from 9:00 a.m. to 12:00 noon and on Sunday from 8:00 a.m. to 12:00 noon.

10.3.6 Parking in Handicapped Spaces.

Parking in a marked handicapped space is prohibited unless the vehicle is displaying a handicapped sticker or handicapped license plate(s). The owner or operator of any vehicle found in violation of this section will be summonsed and the vehicle towed at the owner's expense.

10.3.7 Parking in Fire Lanes.

Parking is prohibited at all times in designated fire lanes. The owner or operator of any unauthorized vehicle found parked in a fire lane will be summonsed and the vehicle towed at the owner's expense.

10.3.8 General Penalties.

A. Penalties for violations of any of the following parking regulations are as follows:

1. Overtime parking	\$15.00
2. Parked on crosswalk	15.00
3. Parked less than (10) feet from corner	15.00
4. Parked on sidewalk	15.00
5. Parked within (10) feet of hydrant	15.00
6. Blocking driveway	15.00
7. Violation of all-night parking	15.00
8. Parked interfering with snow removal	15.00
9. Violation of parking ban	15.00
10. Violation of (4) hour parking	15.00
11. Other restricted areas	15.00
12. Fire lane	25.00
13. Handicapped parking	25.00
14. Failure to display dump sticker or permit at Seapoint Beach	50.00

B. For first violations, penalty fees must be paid within thirty (30) days. After thirty (30) days unpaid, first violation penalty fee doubles. Any violator who does not pay the required penalty fee within forty-five (45) days is to be issued a summons to appear and answer in the York District Court for failure to pay such penalty and, upon conviction, is to be fined not more than fifty dollars (\$50.00) for each offense plus court cost.

C. For second and subsequent offenses, the violator will be summoned to court and fined a sum not to exceed twenty dollars (\$20.00) for violations of Section 10.3.1, and thirty dollars (\$30.00) for violations of Sections 10.3.2, 10.3.3, or 10.3.4.

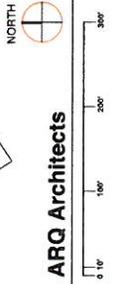
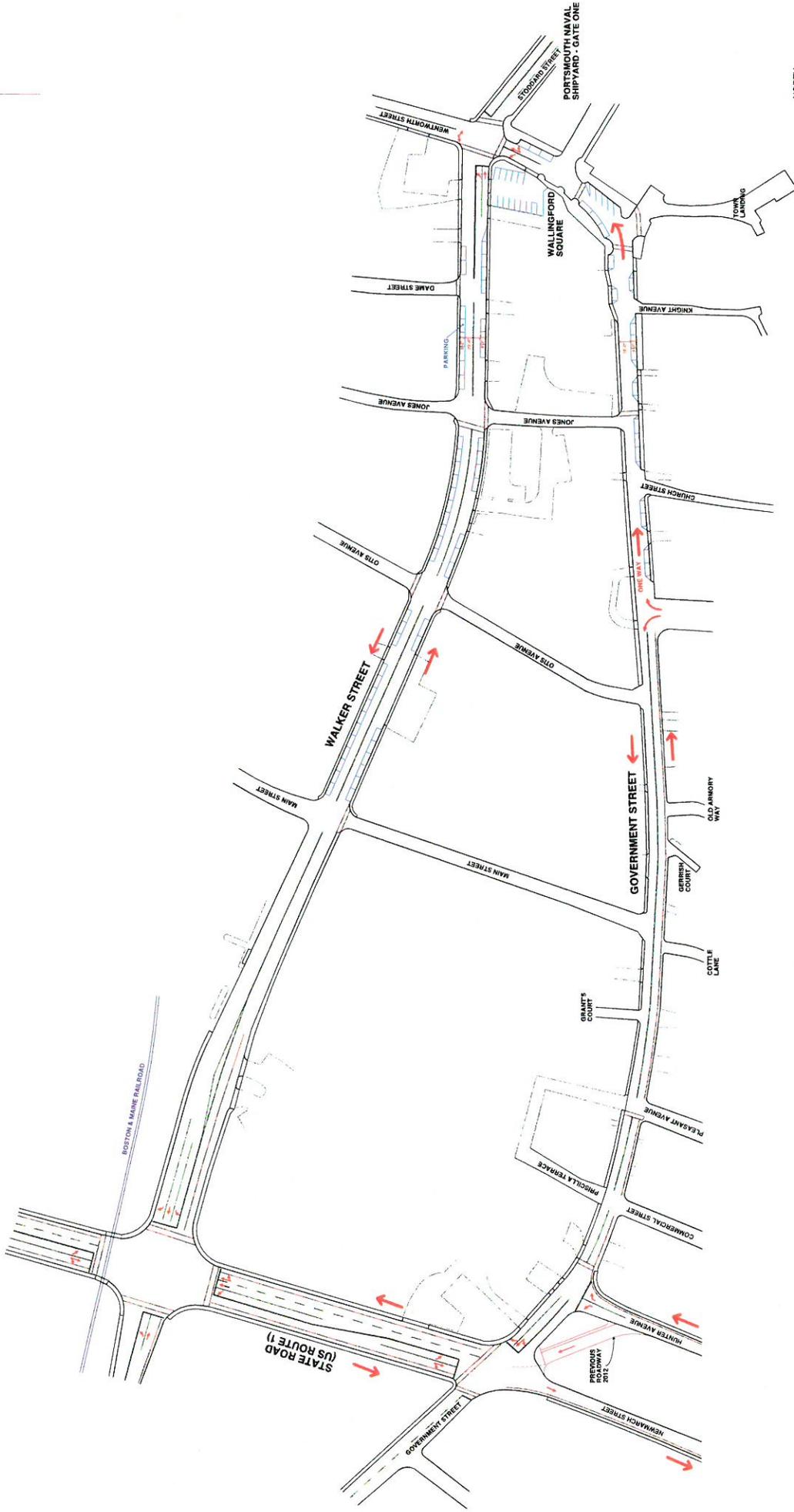
10.3.9 Parking on Bellamy Lane—Penalty for Violations.

10.3.9.1 Prohibition.

It is unlawful for any person having custody or control of any vehicle to park such vehicle upon Bellamy Lane between April 1st to October 15th, provided however, that this section does not pertain to vehicles while engaged in the loading or unloading of freight.

10.3.9.2 Penalty.

Any person found in violation of this section will be fined not more than twenty dollars (\$20.00) for each offense.



FORESIDE - STREETS + PARKING, EXSITING CONDITIONS
TOWN OF KITTERY, MAINE
 June 2014

Overview

The functioning of the traffic flow and the provision of an adequate parking supply are components that are part of a successful revitalization effort. This chapter inventories and evaluates such elements as vehicular circulation, curb and sidewalk locations, road conditions, gateways, parking locations, parking supply and demand, and broader transportation connections.

It is important to understand that while traffic flow and parking are important, they should not drive all revitalization decisions. It has been found in other revitalization projects, that economic, promotion, and design are usually more important priorities. Clearly parking is needed, but it should not be viewed as a panacea. In fact, this chapter will show that the Kittery Foreside district has an unusual supply of parking going unused from the days when the Naval Shipyard had much higher employment.

Traffic and Pedestrian Circulation and Conditions

The Kittery Foreside district is serviced primarily with two way streets throughout. There are two principal exceptions. There is a one-way pair of streets that provides circulation on the east and west sides of the John Paul Jones Park. Hunter Street is one way north on the east side and Newmarch Street is one way south on the west side of the park. The other one way segment is located on Government Street from about the Congregational Church eastbound into Wallingford Square and ending at the intersection of Walker Street and Wentworth Street.

Government Street and Walker Street are collector streets that link the Route 1 arterial with the entrance/exit to the Naval Shipyard via Gate 1. Walker Street is a street built in the 1950s which has a 40 foot to 42 foot travel way with two lanes of traffic and parallel parking on both sides. It is considered the highest volume street and carries most of the traffic in and out of Gate 1. Government Street has a much narrower width that ranges from the mid-20 foot range down to as narrow as 18 feet in one location. The only other collector street in the district is Wentworth Street, which is wider than Government but narrower than Walker Street.

The remainder of the streets are local streets which run roughly perpendicular off either or both Walker and Government Streets. Virtually, all of these streets are narrow, ranging anywhere from about 16 feet to 22 feet of travelway. Some have even more

constricted corners that allow the passage of only one vehicle at a time. See the vehicular circulation map on the next page.

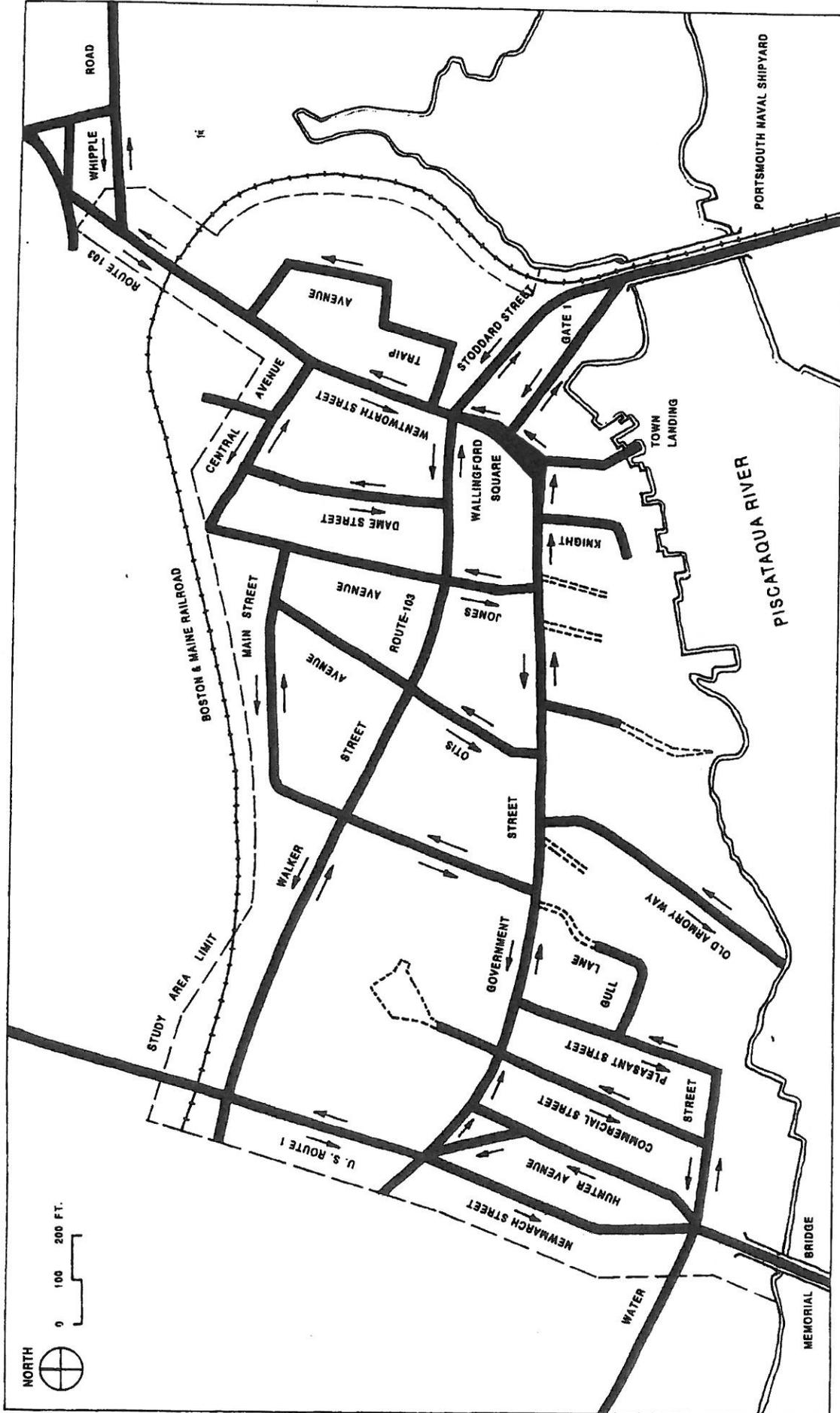
Vehicular Circulation Analysis. As part of the assignment, the consultants examined the feasibility of changing the vehicular circulation in Wallingford Square. There are only three options—one way in the current direction (counterclockwise), two way through Wallingford Square, and one way in the opposite direction (clockwise). There was some feeling that business might be improved if there was two way traffic in the square. Others felt it would be more convenient for potential patrons coming south on Wentworth to drive directly into Wallingford Square rather than going around the block.

The consultants observed traffic flow, interviewed numerous businesses, analyzed physical conditions, and then prepared alternative layouts to assess which pattern seemed to work the best. As a result of this analysis, the consultants arrayed the advantages and disadvantages of each option before coming to a conclusion.

Two Way Circulation. The advantages of this approach are that there are equal approach and departure routes in all directions; and there is maximum visibility of businesses in Wallingford Square by drivers. The disadvantages are that it requires wider street width (two travel lanes always required); there is insufficient street width for turning and sidewalks at Jones and Government Street intersection; it requires widening and most improvements to Jones Avenue; and loses the most Government Street and Wallingford Square parking.

One Way Clockwise Circulation. The advantages of this circulation pattern are that southbound Wentworth Street traffic has direct entry into the square; and it creates a right turn pattern in the Wallingford Square area. The disadvantages are that it requires all eastbound Government Street traffic to turn on to Jones Avenue at a very constricted intersection; requires the widening of Jones Avenue; creates a confusing intersection at Jones and Government Street; and creates an unfamiliar traffic pattern.

One Way Counterclockwise Circulation. The advantages of this circulation pattern are that it requires the least changes to the Government Street and Jones Avenue intersection; it loses the least amount of parking in Wallingford Square (assuming the pedestrian enhancements are completed); it builds on a familiar traffic pattern; and it allows a potential for making all of Government Street one way eastbound to pick up more parking west of Government Street. The disadvantage is that it prevents direct access into Wallingford Square by southbound Wentworth Street traffic.



**Revitalization Strategy for Kittery-Foreside District
Inventory Plan - Vehicular Circulation**

Stafford Consulting Group, Ltd.
Sasaki Associates, Inc.
March, 1997

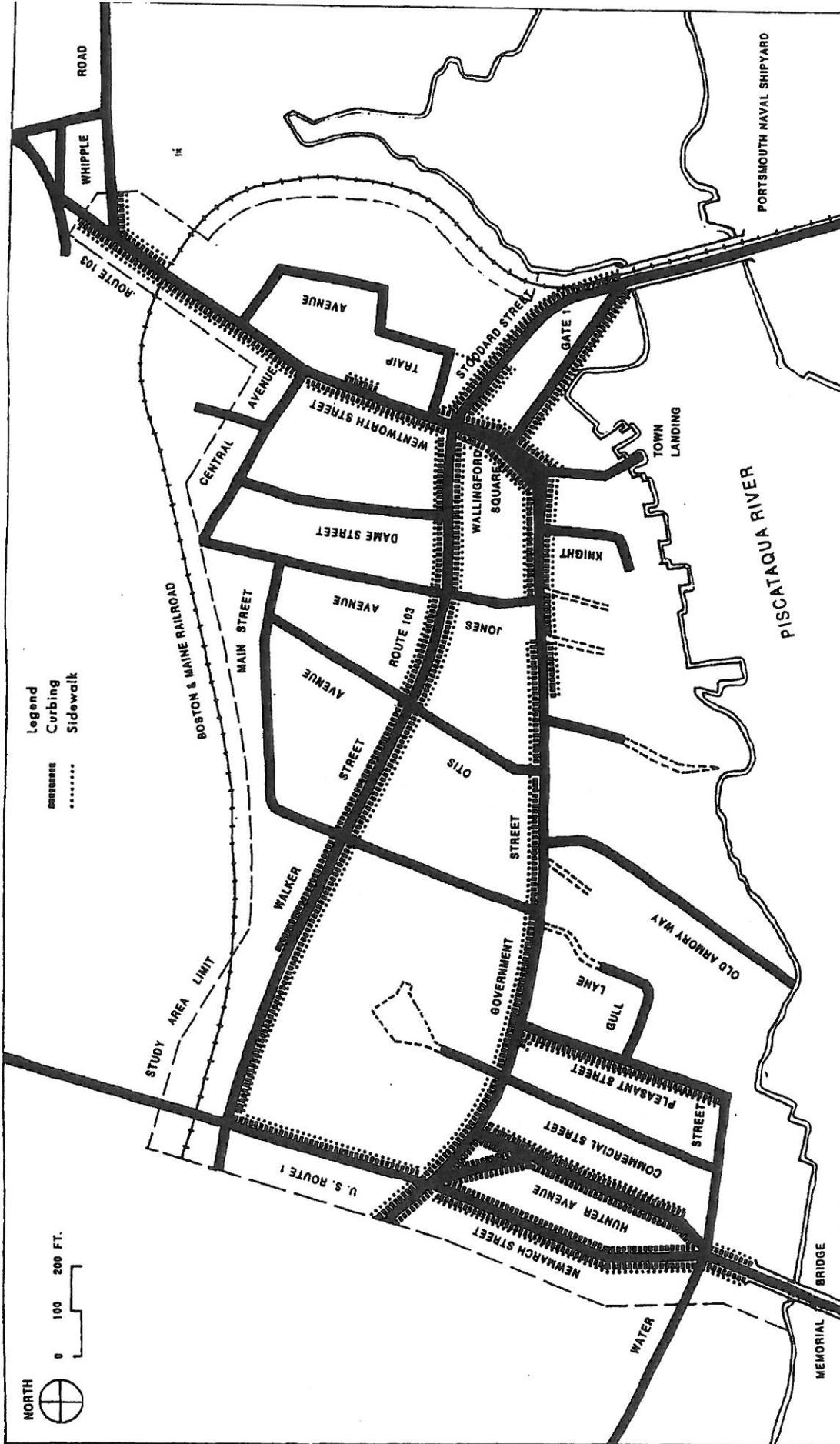
After evaluating the three options, the consultants could find no compelling evidence to recommend altering the existing traffic pattern. In fact, we believe there are some distinct disadvantages to the other two patterns. A constant stumbling block to significant change is the Government Street and Jones Avenue intersection which is extremely constricted by street width and a house which sits virtually on the travelway.

Conditions Review. Roadway conditions affect the public's perception of the quality of an area. Road conditions in Kittery Foreside are generally good. Walker Street appears to be in the best condition with a smooth and continuous wearing surface. Many other side streets are in reasonable condition, but some have cracked pavement conditions or occasional rough spots. A few streets like Knight Avenue and Gull Lane are rough and in poor condition. Two arterial streets (Newmarch and Hunter around the Jones Park) are also in poor condition creating a negative image for the drivers coming into the district from the south or driving through the district from the north. Apparently, the road segment has an underlayment of concrete from several years ago which is causing the top layers of pavement to break up. According to the Public Works Commissioner, these streets are scheduled for grinding and repaving in the very near future, perhaps the summer of 1997.

The Kittery Foreside district has a limited amount of sidewalks and granite curbing. For the most part curbing and sidewalks are limited to the Route 1 corridor, Walker Street, Government Street, Wentworth Street, Wallingford Square, and the entrance roads to Gate 1. In addition, Pleasant Street has newly constructed sidewalks and curbs. The sidewalk and curb map on the following page shows where the sidewalks and curbs are located.

The remaining local streets have no sidewalks and because of the very narrow travelways and the close proximity of structures to the travelway, it is unlikely that sidewalks would prove feasible.

The sidewalks for the most part are in fair to good condition. Most have existed from several to many years, and they exhibit cracking, spawling, chipping and discontinuity of surfaces. The sidewalk construction and replacement program run by the Public Works has had success in replacing or building new sidewalks. In the last year or so the Town crew built a new sidewalk from Central Avenue to Walker Street on Wentworth Street which also included new vertical granite curbing. One stretch of sidewalk in poor condition is on Hunter Street between Water and Government Streets. This segment is overgrown with privately owned shrubs and it has many holes and cracks in it. This segment is scheduled for improvement when Hunter Street is repaved.



**Revitalization Strategy for Kittery-Foreside District
Inventory Plan - Curb and Sidewalk**

Stafford Consulting Group, Ltd.
Sasaki Associates, Inc.
March, 1997

Gateways

The Kittery Foreside district has four major gateway or entrance points to the district that set the tone for the area. From the south, the gateway is at Route 1 where it comes into the John Paul Jones Park and surroundings; from the northwest, the gateway entrance is at the intersection of Walker Street and Route 1; from the east, the gateway is from the shipyard's Gate 1; and from the northeast the gateway or entrance is at the intersection of Wentworth and Whipple Road. Each of these creates different views of the district.

South Gateway. In many ways this is the most attractive because of the John Paul Jones Park. Coming across the bridge from Badger's Island, a large pleasant green space with mature trees attracts attention. There is a powerful but partially obscured bas relief soldiers' and sailors' memorial in the center of the park. The mature trees, particularly the conifers, tend to obscure views in some locations. The multiple signs scattered along the edges of the park detract from its character and visually pollute this area. This park is principally a "viewing park" because there is no place to park cars in or near it. With some enhancement such as coordinated signs, selective thinning, seasonal color, careful lighting, and a high level of maintenance, it could be a stunning entrance into the Kittery Foreside district.

Northwest Gateway. The northwest gateway by contrast is the least attractive entrance into the district. It is dominated by uncoordinated traffic signs, traffic lights, commercial signs, poorly designed and scaled buildings, overly wide streets, and poor or absent landscaping. This is a more challenging gateway to enhance because of all of the traffic functions that must be accommodated. Nevertheless, traffic signs and advertising signs can be clustered with a strong gateway sign. Seasonal color can be added to traffic islands and cared for through an adopt-a-spot program. Finally, well placed and good-sized street trees can be added to give the street a sense of enclosure and definition.

East Gateway. This gateway is largely unseen by the general public. Only Shipyard workers and visitors to the Shipyard see this gateway as they leave the Yard, usually in a hurry. The streets are unadorned and one has a metal fence railing that is falling down. Historically, the streets had a large cluster of "acorn" street lights which gave definition and a sense of arrival to these streets. This gateway might be enhanced with a limited number of street trees.

Northeast Gateway. This gateway is shaped by the Catholic Church, followed by several old structures on both sides of the street. A largely unused parking lot is found on the east side of Wentworth Street. Many houses are very close to the street, but some have substantial yards where regularly spaced street trees could be placed. This gateway is perhaps the least commercial of the four and has a more intimate residential scale.

Parking Supply and Locations

An issue always of concern to merchants and other businesses is the supply of parking. There has been a prevailing perception that if only there was more parking, the problems of downtown would be solved. Yet many studies have found that the availability of parking is of less importance to consumers than many other factors having to do with the quality and diversity of offerings, service, and similar factors. Nevertheless there has to be a reasonable amount of parking available, even if less than most people think.

At the present time, it is the consultants' judgment that the Kittery Foreside district (particularly the Wallingford Square area) does not have a shortage of parking supply in the aggregate. During multiple visits to the district, the consultants always found multiple parking spaces available on-street regardless of the time of day or night. Some of the parking is not distributed where principal activity occurs and some of it is available but private, and would require funding to be available. The parking supply is as follows:

Table 4.1: Parking Supply

On-Street Parking	76
Off-Street, Public Ownership	71
Off-Street, Commercial (For clients, customers, and/or employees)	347
Off-Street, Semi-Public/Leasable	235
	729
U.S. Government (Gate 1)	117

The on-street parking is public parking and is principally located on Government Street, Wallingford Square, and Walker Street (although there is no designation shown on the pavement). The off-street parking is found around the two Rice Library buildings. Much of that is limited to the users of the library. However, there is an

unpaved area south of the main building which historically had been available for lease on a monthly basis to Shipyard workers, but now it stands largely vacant due to lack of demand.

The off-street commercial category represents those developments and uses which provide all or most of their parking needs on their own sites. Examples include the Fleet Bank, the Sparkle Spot, and other buildings with their own supply.

The final category is the off-street semi-public or leasable supply. The semi-public spaces consist principally of on-site or off-site parking lots owned by churches which are used mostly on Sundays. Some of these spaces have been leased during the week (usually to Shipyard workers) when there was demand. At present these lots are mostly empty. The final category is leasable lots owned by individuals. These are usually small scale parking lots of 10 to 20 spaces created by property owners to meet the Shipyard demand. Most of the spaces now sit unused. Sometimes an active business needing parking sits near to these vacant spaces and yet for some reason they remain vacant. The map of the following page shows the distribution of parking in the district.

Parking Demand

The demand for parking can be measured in a variety of ways. The two most common are based on industry standards and zoning requirements. Specific industries (i.e. shopping centers, office parks, etc.) conduct their own studies to determine how much space they should provide for their users. Zoning ordinances also set parking standards. Sometimes they closely parallel industry standards, but many times they do not. Zoning ordinances may have other policy objectives (like limiting development) and hence the standards are sometimes excessive. Furthermore, standards appropriate for part of the community may be inappropriate for other areas depending on the existing development pattern. For this analysis, the demand is based on the current zoning ordinance and a proposed zoning amendment laid out in this report. The demand is shown below.

Table 4.2: Estimated Parking Demand

	Current	Proposed Zoning ¹
Assembly	170	33
Bed & Breakfast Inns	14	14
Industrial/Warehouse/Misc	33	33
Office/Professional	135	84
Retail/Banks	182	80

	Current	Proposed Zoning ¹
Assembly	170	33
Restaurants	210	94
TOTAL	744	317

¹ Based on the parking requirements in the zoning amendment proposed in Chapter 5.

The parking demand in the current zoning ordinance in the consultants' judgment is excessively high. It relies on demand requirements that may be appropriate for the level of activity found on the Route 1 strip, but is clearly not appropriate for the Kittery Foreside district. Even assuming these standards were appropriate, finding that amount of off-street parking would be impossible without the wholesale destruction of many existing buildings to make way for the needed parking.

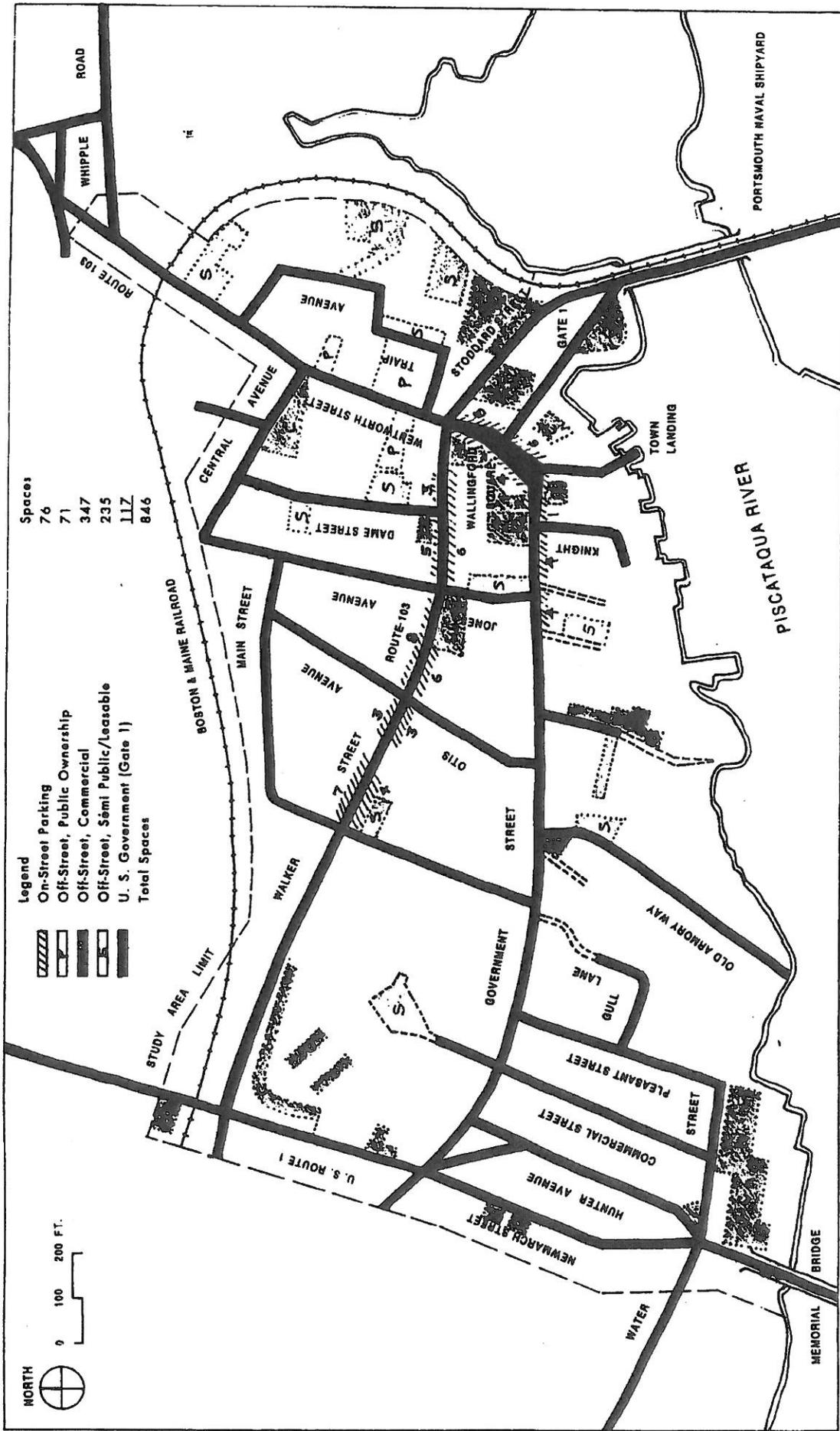
Furthermore, the existing zoning ordinance assumes that all parking demand needs to be met at the same time. Of course, everyone knows this is not the case. For example, churches have their demand on Sundays when most other businesses are closed. The Masonic organization meets at night, also when most businesses are closed. Some uses have early morning demand and some have late afternoon or evening demand. For example, housing units need space in the evening and night, and during the day many of their occupants are at work. Therefore, the proposed zoning ordinance (See Chapter 5) was designed to reflect these complex realities.

It can be seen that even under the current zoning, the demand and supply are about equal. However, with the revised demand, there are about 2.3 parking spaces of supply for each parking space of demand. In other words, there is more than enough supply to meet current and almost any foreseeable future commercial demand based on a more realistic set of demand requirements.

Broader Transportation Challenges

The Kittery Foreside Committee had discussed ways to make the Foreside district more accessible to the driving public and to find other creative ways to link it with the malls and/or downtown Portsmouth. For example, they suggested a trolley from the malls and water shuttle from downtown Portsmouth.

The consultants conducted an overview assessment of these options, and made the following observations. First, the road network is generally adequate to provide access



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into the core area of Wallingford Square. Walker Street is a high volume well-laid out contemporary street. Government Street is relatively narrow for all of the functions that it performs and might benefit from one-way eastbound movement into Wallingford Square with parking on one side and a continuous sidewalk in the other.

The principal problem of perceived inaccessibility has to do with a lack of directional signage. In order to be successful, however, this signage needs to have crisp graphics, be coordinated, and be carefully located at all of the gateway locations. (See Design, Chapter 6).

The consultants believe that it is premature to recommend a shuttle trolley between Kittery Foreside and the malls. We do not believe that there is currently a critical mass of activity that would be of interest to tourists, unless just a narrative trip through old Kittery is all that is envisioned. Even that, at present, would be of limited interest. However, once there is physical change in the Foreside and once there are additional activities and tourist amenities (like restaurants, etc.), then a shuttle concept should be re-visited in a few years.

Similarly, the consultants believe that Kittery Foreside as a destination of a water shuttle would prove to be of little interest for the reasons articulated above. The Kittery waterfront and the Shipyard are of interest to riders on water from boats, but at present these are likely to be based in Portsmouth, which is the center of tourist-based activity. In the future, Kittery Foreside may be of interest as a potential stop.

A local entrepreneur who runs horse drawn carriages in Portsmouth has attended a couple of the Kittery Foreside forums. She believes there may be a market for carriage rides in Kittery Foreside in the future. If that happens, it will enhance the character of the district.

Conclusions and Recommendations

The inventory and analysis of traffic and parking suggests a number of conclusions could be drawn which, if implemented, could enhance the potential for the revitalization of the Kittery Foreside district. Overall, even though the roads are in generally good condition, there are a number of exceptions in very visible locations which adversely affect the overall perception of the district. The roads around John Paul Jones Park are in the worst condition, but fortunately the Town's highway department has early plans to correct these inadequacies.

Similarly, the sidewalks need some upgrading because many have reached the age for replacement. Here again the Town does have a sidewalk replacement program, and the Town crew has been trained to install concrete sidewalks with granite curbing. However, due to time limitations they are not able to install at the rate that might be needed.

The gateway locations were discussed in detail earlier and ideas for their improvement were suggested. Those ideas will be explored more fully in the Design Component (Chapter 6) of this report. However, several recommendations are offered to improve the John Paul Jones Park gateway area. Detailed recommendations are provided in the following paragraphs.

Recommendation 4.1: Since the John Paul Jones Park area is one of the most important gateway areas into the Kittery Foreside district, and since several steps are needed to improve its quality, this recommendation deals with traffic issues (other recommendations are made in the Design Component, Chapter 6).

Tasks: 1. Form a special task force of the Kittery Foreside Committee to take responsibility for monitoring and facilitating the implementation tasks. 2. Grind and repave Hunter and Newmarch Streets from Government Street south to the Badger's Island bridge. 3. Repair and/or replace sidewalks on the east side of Hunter Street and remove private shrubbery that intrudes on the travelway. 4. Remove and replace public highway signs with a coordinated signage system. 5. Consider removing the left turn leg that cuts diagonally through the north end of the Park if studies show that it can be removed. 6. Add sensor timing devices at the Government Street and Route 1 intersection traffic signals to reduce waiting time when there is no traffic using the other lanes.

Responsibility: Special Task Force of Kittery Foreside Committee to work cooperatively with Public Works Commissioner, the Town Council, and State highway officials. Implementation is the responsibility of the Town and State.

Priority: Varies depending on tasks, with Tasks 1, 2, and 3 as Priority One; 4 as Priority Two; and tasks 5 and 6 as Priority Three.

Timeline: 1997 through 1999

Estimated Cost: To be Determined (TBD) with primary funding from Town and State.

Recommendation 4.2: There are several sidewalk improvement needs in the district other than those mentioned in the previous recommendation. For example, there is no sidewalk on the east side of Wentworth Street between Traip Avenue and the Rice Library. That segment is important because it provides a pedestrian link between the library and Wallingford Square. In addition, some of the sidewalk components on Government Street need replacement/upgrading and missing components need to be added. Finally, major sidewalk improvements are needed in Wallingford Square. However, these sidewalks should only be replaced when redesign of the Square is complete as shown in the Design chapter.

Tasks: 1. Design Committee of the Kittery Foreside Committee should take the primary responsibility for recommending and advocating the sidewalk improvements.
2. Develop an annual prioritized replacement/upgrading of sidewalk segments with the Wentworth Street segment being the highest priority.

Responsibility: Design Committee working cooperatively with the Public Works Commissioner and staff, and funding from the Town's annual sidewalk replacement budget.

Priority: Three

Timeline: 1997 through 1999.

Estimated Cost: TBD based on linear feet replaced annually. Funds would come from annual sidewalk replacement budget.

Recommendation 4.3: The consultants examined the traffic circulation options particularly as they related to Wallingford Square. Despite a desire by some to have two-way traffic through the Square, it did not appear to be feasible because of narrow street widths in selected locations and the loss of the most parking of three options. Similarly, the consultants concluded that a one-way pattern in a clockwise direction had more disadvantages than advantages. The final conclusion was that the existing traffic pattern should be maintained because it requires the least amount of road improvements, it loses the least amount of parking, it allows for Government Street to become inbound (east) to Wallingford Square and it builds on a familiar traffic pattern.

Tasks: 1. Have the Design Committee (or subcommittee thereof) investigate the pros and cons of having Government Street inbound (easterly flow) because of the opportunity of creating parallel parking on the south side and a continuous sidewalk on the north side.

2. Work with the Town's streetscape design consultant to finalize the traffic pattern and layout of the traffic flow in the Jones, Government, Wallingford Square, and Walker Streets block.

Responsibility: Design Committee or a subcommittee thereof.

Priority: Three

Timeline: 1998-1999

Estimated Cost: TBD, part of Wallingford Square improvements.

Recommendation 4.4: The Kittery Foreside district would benefit from a larger supply of publicly controlled parking in close proximity to Wallingford Square. A logical location is on the south side of the Rice Library, which has been used for parking in the past on a leased basis. It is currently owned and controlled by the Trustees of the Rice library, a non-profit organization that provides library services for the Town's citizens and receives most of its funding from municipal taxes. The lot is currently sloped and unpaved, and therefore it is unstriped. It can park as many as 50 cars, but when laid out for public circulation and striped, it would likely have a capacity of 40 or somewhat less. Since technically this property is not owned by the Town (even though the Library is supported by Town taxes), it would be necessary to discuss such a plan with the Trustees and to reach consensus between the parties for the parking lot to be created.

The Kittery Foreside Committee should also explore other parking options like leasing the Congregational Church lot during the week if there is an additional demand for off-street parking and releasing to users who have a need.

Tasks: 1. Create a task force with membership from the library Trustees, the Town Council, the Town Attorney, and members from the Kittery Foreside Committee to explore the options.

2. Identify needs and desires of all stakeholders.

3. Lay out a parking lot configuration at the Rice Library.

4. Determine the benefits and costs to each stakeholder.

5. Reach consensus to allow lot to be created and assign responsibilities for implementation.

6. Explore other off-street parking options, including leasing space from the Congregational Church should downtown demand justify it.

Responsibility: Special Task Force with membership as above.

Priority: Two Timeline: 1998

Estimated Cost: TBD depending on layout.

Overview

Zoning ordinances are the typical way that a community regulates its land use and controls the density of development. Other regulatory tools such as subdivision regulations, sign ordinances and building codes exert additional controls over the development pattern. These regulatory controls, depending on how they are drafted, can act as a stimulus or an impediment to certain types of development. Such regulations can be so restrictive that they impede virtually any type of development. Over the long term such restrictions have the effect of causing economic disinvestment in buildings and decreasing the value of such property.

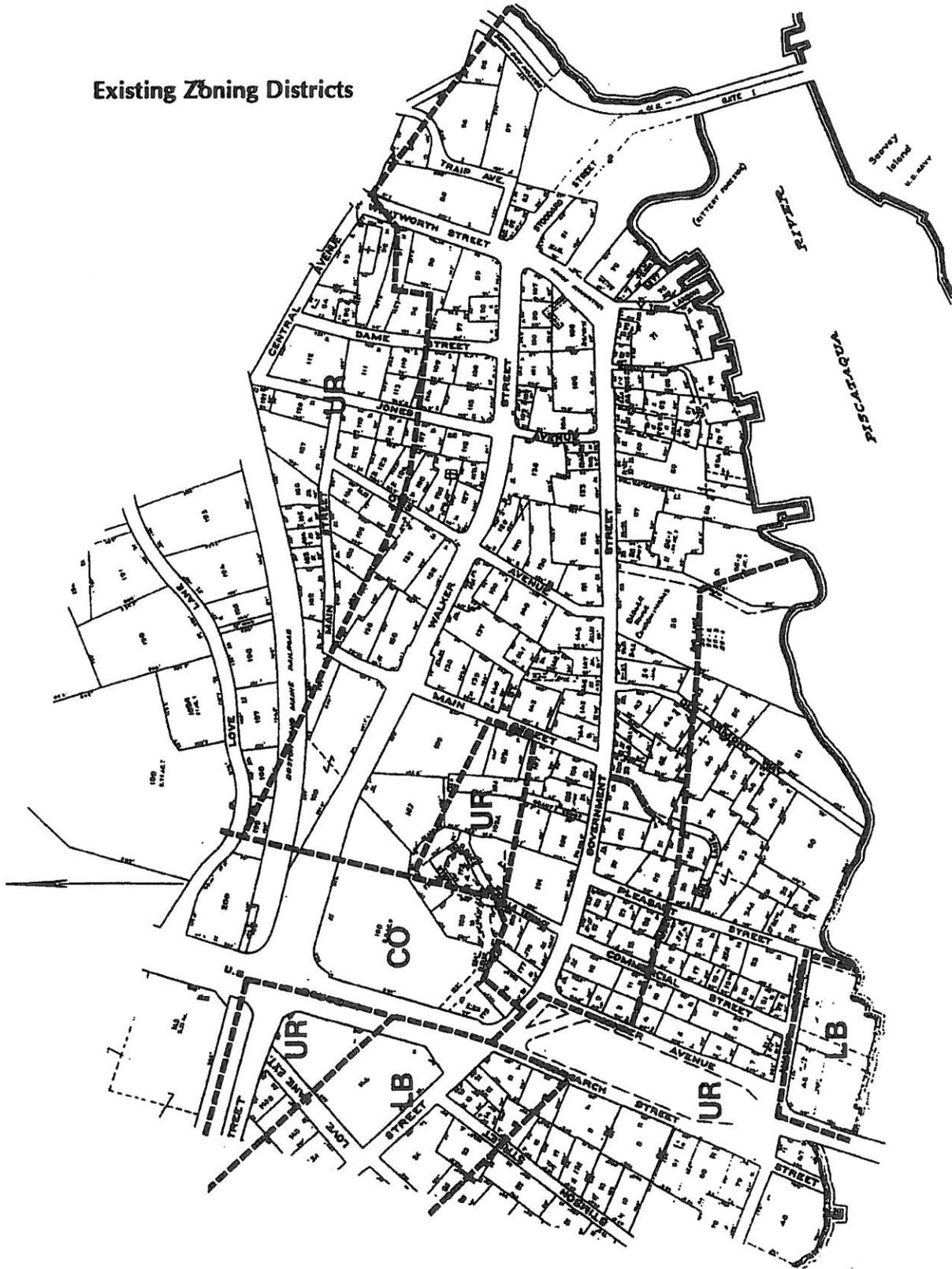
Part of the consulting assignment was to examine the Town's existing zoning ordinance to determine what effect, if any, it was having on the development of the Kittery Foreside area. This chapter reviews the existing Zoning Ordinance and makes recommendations for the Planning Board and the Town Council to consider.

Existing Ordinance

The Kittery Foreside District currently has three different districts—Local Business, Urban Residence, and Commercial. Most of the area is Local Business, a small amount is zoned Commercial along Route 1, and the Urban Residence is located in the southern end and the northern end of the district. The Local Business district is one of the most flexible districts in Kittery which allows both commercial and residential use (although at a very low density of one unit per 20,000 square feet by invoking the Urban Residence characteristics). See the Existing Zoning Map on the following page.

Use Pattern: The Kittery Foreside District is predominantly mixed use in character. The west end (Route 1) and the east end (Wallingford Square area) are predominantly commercial in character. The Government and Walker Street corridors also have a variety of commercial activities located along them. The shoreline along the river also has commercial and fishing activities as well. The balance of the area is predominantly residential in character with structures ranging from single family units up to about 8 to 10 apartment units per building. The residential uses typically far exceed the density permitted in the Urban Residence district which prevails throughout the Kittery Foreside area.

Existing Zoning Districts



Lot Sizes: The existing lot sizes are varied, ranging in size from about 2.5 acres down to about 2178 square feet, according to the Town's tax records. Based on a survey of 222 lots (almost all of the district), the average lot size is about 9900 square feet. Of the total, 205 of those lots (about 92 percent) are less than 20,000 square feet in size, the minimum lot size for residential lots. Some 32 percent of the lots are less than 5000 square feet in size. In other words, the average size of the lots in the district is fairly small, and a majority of the lots are well below the 20,000 square feet size required for all residential uses.

Dimensional Characteristics: Since this area was mostly developed prior to the advent of zoning, there has been a very compact development pattern. Many of the buildings, particularly commercial, were built right along the lot lines and even residential structures have modest setbacks. Since the Assessor Maps do not have buildings placed on them, it is not possible to determine how many properties fail to meet the setback requirements. But from observations of existing conditions, it is likely that many buildings violate current setback requirements.

The Local Business dimensional characteristics are fairly minimal in many respects. There is no minimum lot size, and no maximum building coverage, and no minimum open space requirement. The minimum front yard is 30 feet and the side and rear yards are 10 feet each. All of the above apply to the commercial uses only.

If residential uses are contemplated in the Local Business District, then compliance with the Urban Residence district characteristics is required. For the Urban Residence, the minimum lot size is 20,000 square feet, the minimum lot area per dwelling unit is 20,000 square feet; minimum lot front yard is 30 feet and minimum side and rear yards is 15 feet; maximum building height is 35 feet, and maximum building coverage is 20 percent of the lot area. These characteristics are far more restrictive than the Local Business district and in most respects they are far greater than can be provided in this largely built up area of the community.

The Commercial district has the following standards: minimum lot size - 40,000 square feet; minimum street frontage - 150 feet; minimum front yard - 30 feet, with some buffer provisions; maximum building height - 40 feet; maximum building coverage - 40 percent. This district is designed to provide for commercial development in previously undeveloped land areas where such dimensional standards can be reasonably employed.

Parking Requirements: Current parking standards, particularly those which were developed for the Route 1 commercial strip, provide a very severe burden for anyone trying to reuse existing property. Many commercial properties cannot provide any off-

street parking or very little because the existing building covers most or all of its lot. As a result, either relief must be obtained from the Board of Appeals or the building cannot be reused. From interviews with Kittery Foreside businesses and the Kittery Foreside Committee, it appears that the off street parking requirements have been a substantial stumbling block for reuse of properties in the district.

The existing Zoning Ordinance requires that off-street parking shall be provided when there is any change of use (or new construction or alterations). Thus, any time an existing building has a change of use, the parking requirements are invoked. Most building lots cannot supply it. Many prospective tenants or owners simply abandon proposed developments rather than apply for required variances from the Board of Appeals.

Conclusion: The overall conclusion is that even though the Local Business district is fairly flexible, the invocation of the Urban Residence restrictions and the excessive parking requirements have adversely affected reuse potential of the Kittery Foreside area. The task is to develop a flexible district that will allow a mixture of uses and will allow existing buildings to be reused without constantly having to seek relief from the Zoning Ordinance.

Overview of Proposed Zoning

The proposed zoning ordinance was developed by the consultants in draft form for discussion with the Kittery Foreside Committee and the Planning board. Based on their input a few revisions were crafted to address various concerns.

The proposed Kittery Foreside District is a reworking of the Town's current Local Business District to allow more realistic residential use of property, to allow a more realistic determination of parking demand, and to allow a flexible way to accommodate needs.

Use Pattern: Only a few changes were made to the permitted uses. Dwelling units of all types (excluding mobile homes) are permitted up to 12 dwelling units per lot based on a new density standard. Almost all of the other permitted uses are retained, and a few uses by right have been added—bed and breakfast inn, places of public assembly, including a theater, recreational marinas, and commercial boating and fishing uses and facilities. These changes are designed to reflect what is actually occurring in the area already and to reflect those uses which would be appropriate for the district.

Lot sizes:The current Local Business District has no minimum lot size but when there is a residential use it invokes the standard found in Urban Residence of 20,000 square feet. This requirement is unrealistic since 92 percent of the lots are below that size. This ordinance recommends a lot size of 5000 square feet which would reduce the non-compliance rate to about 32 percent.

Dimensional Characteristics: The minimum land area per dwelling unit has been reduced from 20,000 square feet per dwelling unit to 2500 square feet per dwelling unit to reflect more realistically the actual density and what you might expect to find in an urban village. The front yard has been reduced to 10 feet from 30 feet. The side and rear yards remain the same. The maximum height remains the same at 40 feet. Maximum building coverage at 80 percent and minimum open space at 10 percent have been defined explicitly where previously there was no maximum lot coverage and no open space requirement. While these standards are somewhat more restrictive than what currently exists in the Local Business district, they are less restrictive than what exists in the Urban Residence and Commercial districts.

Parking Requirements: First, there are several revised parking standards which more accurately reflect the likely demand in the Foreside area. They are more like what is customarily found in zoning ordinances. Second, there is a modest exemption allowed for the first three spaces of demand for each use to take into account the availability of on-street parking in the vicinity of the use. Third, the off-street parking can be supplied on-site, off-site, or in joint use parking lots either on-site or off-site. This allows for a flexible way to meet the demand. Kittery Foreside is very unusual in that it has over two hundred parking spaces that were created primarily to meet the needs of shipyard workers. These spaces are now largely vacant and could be used to satisfy parking demand from other lots. The concept is that parking should not be an impediment to the full use of existing structures. Empty structures deteriorate, adversely affect other structures, and decrease in value.

The proposed ordinance is provided on the following pages.

46. Mr. White said he would like to ask Mr. Petty about the division of the lot. Mr. Petty said when creating the right-of-way, it was created for frontage the site, all around the perimeter, so a house could be built in the restricted area between the existing house and the ocean. He felt it was important that the Board look at all the possibilities. Mr. Rhoades said the way the plan was drawn now, the right-of-way was wholly owned by the remaining land. He said to create another lot would require going through this process all over again because the line was drawn as a dotted line which mean it was in the ownership of 64-9. Mr. Rhoades said if a lot was created here, the plan would have to come back to the Board to re-define the right-of-way and it's ownership because the lot itself could not own the right-of-way; it had to belong to another piece of property. Mr. Sullivan suggested adding as a note to the plan that there be no additional lots without Board approval. Mr. Rhoades said it was already a requirement of the ordinance.

47. A vote was taken on the motion to approve with Mr. White, Mr. Mangiafico and Mr. Rhoades in favor and Mrs. Lakin and Mrs. Fellows in opposition. Motion passes. Mr. White moved that the Chairman be authorized to sign the plan for the Board after the conditions have been completed. Mr. Mangiafico seconded the motion and a vote was taken with all in favor. There was a recess from 9:50 p.m. to 9:59 p.m.

 BOARD DELIBERATION AND POSSIBLE RECOMMENDATION TO THE TOWN COUNCIL ON THE KITTERY FORESIDE ZONING ORDINANCE.

48. Mr. Rhoades said the Board had held a joint public hearing with the Town Council. He said one of the issues at that time was that the proposed zoning map had to leave the urban residence triangle of land where the Wentworth Dennett School was located. Mr. Rhoades said the Board tried to eliminate that triangle and included it as local business but Councilor Dennett pointed out that that couldn't be done without a public hearing on the issue. He said the second issue was that the proposed westerly boundary for the Foreside District was one lot deep along Newmarch Street and the lots along Stimson Street would remain in the current zoning. Mr. Rhoades said there was discussion at the public hearing that three lots on the corner of Government Street and Stimson Street should be changed from local business to Foreside. He asked if doing that would create a domino effect up the street. Mr. Rhoades asked Ray Smith, Chairman of the Foreside Committee, if it was a conscious decision to go one lot deep on Newmarch Street. Mr. Smith said he couldn't recall.

49. Judy Kehl said the three properties which were requesting to be part of the Foreside had limited parking and the flexibility of parking requirements would be provided by becoming a part of the Foreside District. She felt the three properties would be an enhancement to the Foreside. Mr. Rhoades said the ordinance wasn't dealing with creating parking. Ms. Kehl said the Foreside district talked about flexibility for parking which would be good for these three properties. Mr. White asked if the public hearing would have to be readvertised to include these three lots. Mr. Rhoades said inasmuch as this idea came up at the public hearing and was aired then, he thought the Board could make a case for moving them into the District.

50. Mrs. Lakin asked how the zoning line could be moved for these three properties when it couldn't be moved at the Wentworth Dennett School. Mr. Rhoades said the urban residence triangle didn't have anything to do with the Foreside zoning. He said the Board hadn't advertised that urban

residential area was proposed to be changed to local business. Mrs. Lakin thought the request to move these three properties would be on the same basis. Mr. Rhoades said no, because the requested Stimson Street change was contiguous to the proposed zone and it had been brought up at the public hearing. Mr. White said there hadn't been any objections raised when this request was suggested at the public hearing.

51. Mr. McCrillis felt that adjusting the boundaries of the zone had been encompassed in the public hearing, but his concern was how many offshoots of the zone the Board would have if they allowed moving these three properties into the Foreside. Mr. Mangiafico suggested that the whole area should be looked at. Mr. White said he didn't have a problem with expanding the zone to include those three lots at the end of Stimson Street to be in the Foreside District. Mrs. Fellows asked if the lots on Stimson Street were residences. Mr. Mangiafico said yes. Mrs. Fellows asked if the lots requesting to be changed were residences with businesses. Mr. Rhoades said yes and they were now in the local business zone. Mr. Mangiafico asked if Lots 23 and 24 should also be looked at, since parking wasn't the only issue here. Mr. White said no one had asked that those lots be changed.

52. Mr. Mangiafico asked why the Foreside Committee stopped at the proposed line. Mr. Smith said he couldn't recall any big discussion about this issue. Mr. Mangiafico asked about Lot 15 on Stimson Street. Mrs. Kehl said that lot has always been in the residential zone and the three lots on the end of Stimson Street have always been in the local business zone. Mr. Mangiafico said he had no problem with putting those three lots in the Foreside District but questioned what affect that would have on the abutters and asked if the Board should look at that whole area. Mr. Rhoades thought that because these three lots were brought up at the public hearing and there was a consensus to move the boundary to include these three properties, that was covered by the public hearing, but he would not agree to any further extensions at this time. Mr. Mangiafico said some abutters may have a concern that the District shouldn't extend to those three properties. Mr. White said there wasn't any objection raised at the public hearing. Mr. Mangiafico said it wasn't part of the proposal at that time. Mr. McCrillis said he had no objection to adding those three properties to the Foreside.

53. Mrs. Fellows asked why the owners of these three properties didn't approach the Foreside Committee about adding their properties before the map was drawn up. Mrs. Kehl said it was after receiving the notice of the hearing when it was first realized where the lines would be. She said Dr. Dion owned one building, she owned the Stover House and the other property was a residence. Mrs. Fellows asked Mr. Kehl why she didn't approach the Committee about adding these properties into the Foreside District. Mrs. Kehl said she did as soon as she saw where the lines were on the map. The consensus of the Board was to move the zoning line to go up Government Street to include those three properties.

54. Mr. Rhoades said another issue was a concern about possible dense subdivision occurring along the water. He said lots 50 and 51 were the largest in that area. Mrs. Lakin asked what the building coverage and open space requirements were in the shoreland zone. Mr. Rhoades said the maximum building coverage wasn't 80% as was proposed here, so that would have to be brought down. He said the State standard was for 70% maximum building coverage and 30% minimum open space and if the lot was over 10,000 square feet, it was 50/50. Mrs. Fellows suggested making the maximum

building coverage 60% and the minimum open space requirement 40% as was done on Badgers Island. The Board agreed.

55. Mr. McCrillis said John Ockerbloom had talked at the public hearing about the potential for a residential explosion in this area because of the reduced land area requirement and whether someone could secure all the store fronts and make apartments out of them. Mr. Rhoades said the proposal was to drop the minimum land area per dwelling unit from 20,000 square feet to 2,500 square feet but except for a few properties, most were around 5,000 square foot lots. The Board agreed to leave the minimum land area per dwelling unit at the proposed 2,500 square feet.

MOTION

56. Mr. White moved to recommend that the Town Council adopt the Kittery Foreside Zoning Ordinance as amended, with the change to include the three lots on the corner of Stimson and Government Streets as part of the Foreside District, undoing the deletion of the urban residence zone at the corner of State Road and Walker Street, that the last sentence in the Preamble to the parking standards would delete the wording "for the use of the existing buildings and properties" and in 16.12.140.D.2 that the maximum building coverage be changed to 60% and the minimum open space be changed to 40%. Mr. Mangiafico seconded the motion.

57. Mrs. Fellows noted that #8 under Permitted Uses was a restaurant, coffee shop, bakery, cafes and similar food service operations, excluding drive-in facilities. She said in the housekeeping amendments, the definition of a restaurant had changed, and she felt this definition should be changed to go along with that one. Mr. Rhoades said a definition for fast food restaurant had been added to the definitions after redefining "restaurant", so by saying "restaurant", that would preclude a fast food outlet. Mr. Mangiafico said that would also preclude having a take-out window for an ice cream or sandwich shop. He suggested wording it to allow for fast food outlets and snack bars but to leave out the drive-in restaurant wording. Mrs. Fellows said coffee shops and bakeries and cafes were taken away from the other zones but kept in the wording for the Foreside. She asked why that was done. Mr. Rhoades said that would be something for the Board to change in the future. He suggested that the wording for "restaurant" be left as it was for now and the Board could work on that later.

58. A vote was taken on the motion with all in favor.

OLD/NEW BUSINESS

59. Robert Grant - Mrs. Lakin said she would like to move for reconsideration of the Board's approval of Robert Grant's wetland crossing on Lot 17-1 and 17-3. Mr. Rhoades noted that Mr. Mangiafico and Mr. White hadn't been here at the last meeting to vote on that issue. Mrs. Fellows said she would also like to change her vote on the matter. Mr. Rhoades asked Mrs. Lakin and Mrs. Fellows what their issue was with the Board's decision. Mrs. Fellows said instead of having the crossing where it was approved, she would like to move it down further. Mr. Rhoades said the Board had addressed that at the hearing and it was stated that doing that would create a situation where the lot was not economically viable. He said that would be asking someone else to grant an easement across their property for someone else to pass over.

how they should proceed under Planner's Time tonight. Mr. White said he wasn't sure the Board was in a position to answer Mrs. Kline's question at this point. Mrs. Kline thought the developer might need some help in how to approach MDOT with the right questions.

 BOARD DISCUSSION ON PROPOSED ZONING AMENDMENTS TO THE LAND USE AND DEVELOPMENT CODE ACCORDING TO THE RECOMMENDATIONS CONTAINED IN THE "REVITALIZATION STRATEGY FOR THE KITTEERY FORESIDE DISTRICT" REPORT PREPARED BY THE STAFFORD CONSULTING GROUP LTD. FOR THE KITTEERY FORESIDE COMMITTEE.

6. Mr. Rhoades said the Board gave the Committee a blank slate to figure out what to do and they came up with some reasonable ideas on how to deal with the parking, which was a big issue. Mrs. Fellows said on page 36, under Task #1, paragraph #5 there was a recommendation to consider removing the left turn leg by John Paul Jones park, heading north. She thought that could cause a traffic tie-up back to the Memorial Bridge, especially during the summer. Mr. Rhoades noted that wasn't part of the proposed ordinance. He thought it would be an issue for the revitalization committee to bring to Rick Rossiter. Mr. Bohn thought the suggestion to do that was to add to the integrity of the Park and to encourage more people to turn right into the Foreside District.

7. Mr. Rhoades asked for comments from the Board on the proposed ordinance. Mrs. Fellows said one of the Permitted Uses allowed accessory uses including home occupations. She felt it should be listed as major or minor home occupations as it was in other zones. Mr. Rhoades felt the home occupation ordinance would kick in from there and all the requirements of that ordinance would have to be followed. He asked if the Board felt it would be appropriate to not allow major home occupations in this crowded area. Mr. Rhoades asked if the Foreside Committee and looked at the two different levels of home occupation. Bill Campion of the Foreside Committee said yes, and felt that either major or minor home occupations should be a permitted use.

8. Mr. Rhoades said the zoning was now urban residence and required 20,000 square foot lots, but 80% of the lots in this district were nonconforming already. He said the required lot size would now be 5,000 square feet, but one-third of the lots would still be nonconforming. Mr. Rhoades said with that kind of density, he wanted to know what the Committee's thinking was in allowing a minimum land area per dwelling unit of 2,500 square feet. He said if he had a 6,000 square foot lot, he could put another dwelling unit on that very tiny lot, and that as a worse case scenario, could double the population, the traffic and the parking. Mr. Rhoades asked what the rationale was for allowing that kind of unit growth in an already densely populated neighborhood. Mr. Campion said he wasn't sure that either he or Bruce Herron were qualified to answer that, as they were removed from the actual planning of this document.

9. Mr. Bohn said this was a designated growth area. Mr. Rhoades said he understood that but questioned if it was appropriate. He said at the Comprehensive Plan Update Committee meeting last night, there was discussion about the designated growth areas which were crammed full of everything while there were areas in town where there was nothing which were non-growth areas by omission. Mr. Rhoades said that may be more of an issue for the Comprehensive Plan Update Committee. Mr. White said this area didn't feel dense when walking down there. He felt it was a prime residential location because it was walking distance from downtown Portsmouth, and with a

development scheme, could become a much more desirable place to live and rents could increase in the area. Mr. Mangiafico said Mr. Thoreson's overview talked about this area not necessarily attracting a lot of people from outside but trying to create a community with businesses for locals. He said an environment would have to be created that made it a nice place to live, but it was also more of an urban area.

10. Mr. McCrillis said he still hadn't heard a basis for the 2,500 square feet per dwelling unit, but judging from what he recalled as the number of apartments in this area, if that figure was critical to get the number of people up to bring the Foreside District forward, he wouldn't have a problem with that number. Mr. Wilson said he would also support the 2,500 square foot figure. He asked where the parking standard for restaurants came from. Mr. Bohn thought that number was based on the approach used by Portsmouth for their parking requirements. Mr. Wilson said he had no problem with any of the components of the proposed zoning amendment and if one appeared to be a problem down the road, it would be easy to change. He said he would support the ordinance as proposed.

11. Mr. Rhoades asked Mr. Wilson if he felt #3 on page 47, Joint Use Parking, gave the Board too much flexibility. He said he liked the idea of an analysis being based on a "most frequent" basis, not a "worst case" scenario. Mr. Wilson said the Board could look at this as an incubator to see if it would work here and if it did, to look at it in other areas. Mrs. Fellows asked how many parking spaces would be done away with. Mr. White said the proposal was to add 45 spaces and do away with 10 or 20 spaces. Mr. Rhoades thought it would be foolish to say that the bank parking spaces couldn't be used for evening parking. He said that was why it talked about an analysis, not only on a most frequent basis, but when the parking was used, such as with a church, when the use occurred on the weekend.

12. Mrs. Fellows said if it was a coffee shop which served breakfast and lunch, that may create a problem with parking. Mr. Mangiafico said most downtown businesses would like to have that situation. Mrs. Fellows said she was thinking of downtown Portsmouth which now has a parking problem. Mr. Rhoades said that was because Portsmouth exempted business from having to provide parking. Mrs. Fellows said she was looking at the long term and the parking that would be generated if things started going well here. Mr. Rhoades said the ordinance could always be tweaked. Mrs. Lakin said a business couldn't be forced to share their parking lot. Mr. White said if the bank and other businesses were interested in the downtown area, they would cooperate. Mr. Wilson said someone who came in with a shared use proposal would have already found someone who agreed to share parking before coming to the Board.

13. Mr. McCrillis thought one of the problems identified early on in this area had to do with the restrictive parking standards. He said he had no problem with trying what was proposed to see what happened and he felt there would be opportunities for adjustment if needed. Mr. McCrillis said the whole proposal as presented was acceptable to him. Mr. Wilson said his reading of paragraph E in the Preamble on page 46 was that the parking standards only applied to existing structures. Mr. Wilson asked if a new building would need to have two spaces for every dwelling unit. He said his sense would be to make this District-wide, whether it was for new or existing construction. Mr. Rhoades suggested taking out the wording "for the use of existing buildings and property within the District". The Board agreed.

14. Mr. Bohn thought the Board should also consider the boundaries of the District. He said the Wentworth Dennett School wasn't included in the District and this might be a time to see how that property should be treated. Mr. Bohn said another issue to consider was the exemption of meeting the parking standards for the first three required parking spaces. He questioned if that should apply to residential uses because on-street, overnight parking wasn't allowed. Mr. Bohn said the residential parking requirement was already being cut back 50% to be one parking space per unit. Mr. Rhoades said it could be stated that non-residential uses shall be exempt from providing off-street parking, so the exemption for the first three spaces would be only for non-residential uses. The Board agreed.

15. Mr. Bohn said the amendment proposed a 10' front yard setback, and currently the local business district had no required front yard setback. He said where the existing buildings came right up to the sidewalk was now permissible, and this ordinance would require the building to be 10' back, or to take the average of the setbacks of the buildings on either side. Mr. Rhoades said Mr. Thoreson could be asked for his rationale on the 10' setback. He asked if someone could go to the Board of Appeals for a waiver. Mr. Bohn said that Board usually went by their rule of allowing structures "no closer than" what was already existing. Mrs. Fellows said she liked the idea of staggering building setbacks. Mr. McCrillis said he could see a problem with zero setbacks in other parts of the District but not at the end of Government Street because it was mostly built up already. Mr. Bohn said one way to do it would be to establish a given setback on certain streets. Mr. White agreed, saying that a zero setback might not make sense on one of the residential streets. Mr. Rhoades suggested that the setbacks on Government and Walker Streets be zero, as it would make those situations conforming. The Board agreed.

16. Mr. Wilson said the Sparkle Spot was a commercial piece, so it was hard to move this District past that to get to the Wentworth Dennett school. Mr. Bohn said the Wentworth Dennett lot was split as urban residential in the back half and local business in the front. He said the recommendation was to move Wentworth Dennett completely into the local business zone. Mr. Rhoades thought that was a separate issue and wasn't part of the Foreside, unless the Sparkle Spot was also added. He asked why the Sparkle Spot wasn't added as part of the Foreside. Mr. Bohn said there was a mechanical oriented use there and that wasn't a use the Committee wanted to allow throughout the District. Mr. Rhoades said it would be a grandfathered use. He said a boat could be repaired, washed and painted on Darren LaPierre's property which was within the Foreside District, but it couldn't be done on a car. Mr. Wilson said on the LaPierre property, the fence could come down fairly easily and the building be reused but the Sparkle Spot didn't have that flexibility.

17. Mr. McCrillis thought bringing the Foreside District to the Wentworth Dennett building would be a stretch. He said he would be in favor of changing the zoning, but not within this proposal. Mr. Rhoades felt it was an ancillary issue that could go forward at the same time as a result of the same hearing but that there should be separability from the Foreside District ordinance. Mr. McCrillis said residents that may be affected by the zoning of the school may be more in favor of it being a local business district rather than the Foreside district. Mr. Rhoades said Route One seemed to be the logical boundary for the Foreside District.

18. Mr. Bohn said there were no street frontage requirements but just a lot area requirement in the amendment. He said in theory, a new lot could be created with no or very little street frontage. Mr.

Bohn said there wasn't any mechanism to prevent someone from splitting a lot and creating a flag shaped lot and it wouldn't be considered a subdivision so it wouldn't be reviewed by anyone. He said he didn't know if that was a real problem in this District. Mr. Bohn said the narrow part of a lot couldn't be put near the shore frontage because of shoreland zoning requirements. Mrs. Fellows suggested putting in a street frontage requirement to be safe. Mr. Bohn said there was a lot of land area off of Government Street which was close to the water, so street frontage may create more problems than it was worth having. Mr. White didn't feel that needed to be put in.

19. Mr. Bohn asked who would make the determination as to whether the parking demand in the district was being met for #13 under Permitted Uses. Mr. White suggested that #13 be taken out. Mr. Bohn noted that #14 under Permitted Uses was for recreational marinas and support facilities where other parts of the ordinance just said "marinas" nothing about recreation or support facilities. Mr. Rhoades felt the wording should match that used in the existing ordinance. Mr. Bohn said #12 under Permitted Uses read "Bed and breakfast inn". He said the ordinance listed a bed and breakfast as a home occupation and an inn was limited to 12 guests. Mr. Bohn thought the intent would be served by saying "inn". He said #10 listed "specialty food store". Mr. McCrillis suggested that "specialty" be taken out.

20. Mr. Rhoades said if the Board agreed, he would write a letter to the Chairman of the Town Council suggesting a joint public hearing on this issue. The Board agreed. Mrs. Lakin asked if the people who lived in this area would be notified. Mr. Rhoades said they probably wouldn't be officially notified by the Town, but he thought the Foreside Committee would get the word out. Mr. Bohn said the properties that were zoned urban residence would be notified that new commercial uses would be allowed under the new district, and that would require mail notification to those properties. He said a closer look would be needed at properties in the local business district to see if there were new commercial uses that would be allowed which weren't previously allowed. Mrs. Fellows asked if the cost of all this would be discussed at the public hearing. Mr. Rhoades said that wasn't part of the ordinance. He said after the zoning was in the place, the people within the zone would go forward on the other issues. Mr. McCrillis said the Board was working on the ordinance wording. He said the implementation of the program, if it was implemented, was a Council issue. Mr. McCrillis said someone would have to solicit the Council for the improvements. Mr. Campion said there was also federal grant money available for these types of improvements.

BOARD DISCUSSION ON A PROPOSED WORK PROGRAM CALENDAR FOR THE PLANNING BOARD

21. Mr. Rhoades handed out copies of his suggested calendar, which the Board reviewed. He said most of the things on the first page were pursuant to State law. Mr. Rhoades said one item was a timber harvesting regulation outside of wetlands. He suggested that he could write a letter to the Chairman of the Conservation Commission asking them to submit some draft language. The Board agreed. Mr. Rhoades outlined some of the issues as follows: a derelict buildings ordinance; location of towers and their visual impact; road standards; rezoning Fernald Road from commercial to residential; rezoning Route One south of the circle from commercial to local business to reflect what is actually happening, and asking for an "open space" configuration to a subdivision plans and proof that a subdivision couldn't be done in that way before it could be divided up into 25 one acre lots.

there were already setbacks that were less than 75' in that area and if the Town could adequately protect the area and not increase any detrimental impact to the river, it may be appropriate.

10. Mr. Quimby said the Conservation Commission felt that the Town should get it in writing from DEP that from Gate One to Badgers Island could be a general development zone. He said he would hate to see the Town adopt that type of zoning and then have DEP turn around and say no, it wasn't a general development zone. Mr. Bohn said the Town might get a different answer in asking an advisory question in general versus it being a full blown ordinance proposal. He said the ordinance stated that once the zoning was adopted at the local level, it would go to the State for their review to see if it was acceptable to the State standards. Mr. Rhoades suggested that Mr. Bohn check with the State to see if they had any guidelines or a check list for allowing a 25' setback.

BOARD DISCUSSION OF PRELIMINARY DRAFT ZONING AMENDMENTS PREPARED BY THE KITTERY FORESIDE COMMITTEE TO SUPPORT THEIR STRATEGY FOR REVITALIZING THE FORESIDE AREA IN ACCORDANCE WITH THE 1989 COMPREHENSIVE PLAN UPDATE.

11. Ray Smith, Chairman of the Foreside Committee, said this proposal was new to the Committee and the Committee itself was not yet united on some points. He said for the objections the Board might hear from members of the Foreside Committee itself, he didn't want the Board to throw the whole thing out for one or two areas that may need more discussion by the Committee. Bob Thoresen said what was being proposed was a document to react to and gain input from before a final set of recommendations was made to the Committee and the Board.

12. Mr. Thoreson said the permitted uses in the draft were similar to what were now allowed in the local business district. He displayed drawings and outlined the Foreside area boundaries. Mr. Thoreson said a large part of this area was zoned local business. He said his initial thinking was to unify this district into a Foreside District which would be a mixed use development district allowing residential development and a broad range of commercial development. Mr. Thoreson said 92% of all these lots were less than 20,000 square feet and one-third were less than 5,000 square feet, so there were some small lots in the area. He said there were also some substantial sized lots along the water front. Mr. Thoreson said Sparkle Spot was probably the largest in the area at 2.5 acres.

13. Mr. Thoreson said it didn't make any sense to have a density here that was essentially substandard with 20,000 square foot lots for each dwelling unit. He said that would mean that 90% of the lots in this area would be in violation. Mr. Thoreson said he looked at the general size of these lots and came up with a suggested minimum lot size of 5,000 square feet. Mr. Rhoades asked what the average existing lot size was. Mr. Thoreson said it was about 9,800 square feet. Mr. McCrillis took his place on the Board at this time and was appointed by Mr. Rhoades as a full member for the meeting.

14. Mr. Thoreson said there had been a suggestion that it might make sense to leave some of the larger lots in the area as urban residential. He said his feeling was that it made sense to integrate these lots to make them more the same. Mr. Thoreson said if the Board had a concern with these lots being chopped up into little pieces along the water front, that could be changed. He suggested that this mix of uses area encompass the area around the John Paul Jones Park because there were a

lot of commercial uses there already. Mr. Thoreson said the proposed special exceptions were really no different than what was existing in the current local business section of the ordinance.

15. Mr. Thoreson said for the dimensional standards, he looked at what was on the ground, what had been proposed in the UPDC and what the current zoning ordinance allowed. He said the minimum lot size now ranged from zero in the local business zone to 20,000 square feet in the urban residence zone. Mr. Thoreson said the UPDC proposed a minimum lot size of 6,000 and this proposal was for 5,000 square feet. He said that was to get in the ball park of what he thought was happening here in general and to avoid having too many of the lots being nonconforming. Mr. Wilson noted that the 6,000 square foot figure had been picked for the UPDC because that was what the State imposed for mobile homes.

16. Mr. Thoreson said the minimum land area per dwelling unit was proposed to be 2,500 square feet. He said what was currently happening was zero to 20,000 square feet minimum land area. Mr. Thoreson didn't think it would make any sense to have a minimum land area per dwelling unit of 20,000 square feet as that was more of a suburban land development pattern and not urban land development. He said the minimum front yard setback was proposed at 10' where it was now a 30' setback and 10' side and rear setbacks. Mr. Thoreson said a minimum of a 20' setback between buildings was common in an urban area. He said the proposed 48' for building height was to allow for a four story building. Mr. Thoreson said he knew there was some contention over whether the existing 40' height limit should be raised in town. He said he was not advocating the 48' as being essential, but he felt the height could go to that.

17. Mr. Thoreson said the minimum setback from streams, water bodies and wetlands for water dependent uses was proposed at zero, which he believed was currently allowed. He said along the water front, out of 10 or 12 lots, 8 or 10 had zero setbacks to the water or were over the water now. Mr. Thoreson said the proposal was that all other uses would require a 25' setback. He said that could be a source of discussion and suggested that the setback could be increased for the larger lots. Mr. Thoreson thought most of the buildings already on these lots had setbacks of less than 75' to the water. He said the proposal was for a maximum building coverage of 80%. Mr. Rhoades noted that the shoreland zoning overlay would drop that amount to 70% within 250' of the water. Mr. Thoreson said the proposal for minimum open space was 10%. He said there was no provision in the current ordinance for open space.

18. Mr. Thoreson said the big change as compared to the current ordinance were the parking standards. He displayed a graphic showing that there were 76 on-street public parking spaces; 71 off-street in public lots such as the library; off-street commercial lots which served a given property, such as the Sparkle Spot totaled 347 parking spaces and 235 parking spaces which were off-street semi-public lots, such as church parking lots. Mr. Thoreson said the parking lot by Gate One of the Ship Yard was also a source of supply of 117 parking spaces but those were not available now. He said he took the current zoning ordinance and assessed a demand number of 744 parking spaces which would be required for the current uses, which was close to the supply number indicated of 729 parking spaces, or 836 when including the Ship Yard parking lot.

19. Mr. Thoreson said he had never seen all of these parking spaces full. He was there was always plenty of on street and off street space available. Mr. Thoreson said he felt the figures in the demand

column of the graphic were excessive. He said in reality, there was not a problem with parking in the Foreside area. Mr. Thoreson said he reduced the required number from the ordinance to a demand number of 338 parking spaces, to be closer to reality and which may be still high. He said he had allowed flexibility on-site or off-site or in a shared facility with another use that maybe counter loaded in another way, such as a church which used their parking lot mostly on Sunday. Mr. Thoreson said another more aggressive approach was to simply exempt providing off-street parking in a very densely developed urban area, so a developer would not be required to provide off-street parking. He said he would take the Board's input on this proposal and meet with the Foreside Committee and discuss that and the Committee would make comments as well and then come up with a set of recommendations for the Committee to consider.

20. Mr. Rhoades asked how a person buying property in the Foreside could get a piece of the 76 on-street public parking spaces. He asked how that person could count all or some of those as required parking for their business. Mr. Thoreson said he didn't conclude counting on-street spaces as one of the options to meet part of a parking requirement for a businesses. He said he was only talking about off street lots or joint use of off street lots under a lease agreement. Mr. Thoreson said the Masons met at night and didn't create a daytime demand for parking but theoretically, that group would need a supply of 30 to 40 parking spaces. He said he didn't provide a way for those public spaces to be counted to meet the demand for parking for a development. Mr. Thoreson said there was only 116,100 square feet of commercially used space in this whole district and 49,000 square feet was on the Route One corridor with the balance in the interior of the district. He said that suggested that this wasn't a "downtown" in the traditional sense of being a core area but more of an urban village, and he felt that needed to be recognized.

21. Mr. Rhoades asked what the impact would be if the Navy Yard closed and Seavey Island was developed as a commercial port. He said that traffic from Seavey Island would go out in quantity through Gate One and onto Walker Street. Mr. Rhoades asked what 18 wheelers coming in and out of Gate One did to the idea of a downtown village. Mr. Smith didn't feel that would keep people from coming to the downtown area. He thought more traffic would allow the area to grow with restaurants and other businesses.

22. Mr. Rhoades asked Mr. Thoreson if he advocated changing the existing traffic pattern. Mr. Thoreson said he had looked at it and concluded at the moment that the traffic pattern should stay the way it was. He said there were advantages and disadvantages to turning the traffic pattern around. Mr. Thoreson said at a Foreside workshop, someone had suggested making Government Street one-way east bound in as a single 18' wide travel lane to allow for a continuous sidewalk all the way down and put parking on the other side of the street and have a uniform curb line and some setback area where trees could be planted.

23. Mr. Quimby asked Mr. Thoreson what his general vision was for the future and what the optimum use of the Foreside District would be. Mr. Thoreson said he was a strong believer in the way the marketplace functioned. He said he didn't have an optimum use that he wanted to impose on the district. Mr. Thoreson said he wanted to make sure there was a lot of flexibility in the area so the marketplace could function so commercial activity could be brought in. He said he was trying to remove impediments which would prevent the commercial use of this area. Mr. Quimby said Mr.

Thoreson's presentation talked about a more realistic residential use of the property. He asked if that should be amended to be residential and commercial uses of property. Mr. Thoreson said yes.

24. Mr. Quimby said a 25 room bed and breakfast had been added as a permitted use. He asked why Mr. Thoreson had picked as many as 25 rooms. Mr. Wilson noted that a bed and breakfast by definition was six rooms or less, an inn was 12 rooms or less and 20 or more was a hotel. Mr. Thoreson said he just wanted it to be large enough to be economically viable for the owner. He said if the Committee felt 25 rooms was too intense, he wouldn't have a problem with reducing that number. Mr. Wilson noted that there seemed to be no definition in the ordinance for a facility which had between 13 and 19 rooms. The Board agreed that if the 25 room wording was kept in, it should be changed to read "hotel" rather than "bed and breakfast".

25. Mr. Quimby said during the Badgers Island public hearing, the deputy fire chief had stated that the fire department didn't have the equipment to handle a fire in a four story building. Mr. Thoreson said there were already four story buildings in the Foreside, such as the Cook Building. Mr. Rhoades felt the height issue was something for the Foreside Committee to work out at their level so it was agreed on prior to the public hearing. Mr. Quimby said the proposal was requiring less than 10% open space on a lot. He asked what the rationale was for maximizing the rest of the space on the lot. Mr. Thoreson said in terms of what was already happening in the Foreside, there were buildings that covered the entire lot. He said in his judgment, a lot of open space was inappropriate for a urban area especially with the reality of what was actually happening here. Mr. Quimby asked what the rationale was for the 10% versus 5% or 20%. Mr. Thoreson said it was a judgment call. Mr. Quimby asked what the average open space situation was. Mr. Rhoades thought the buildings in the Foreside maximized most of the lots. He said it wouldn't make sense to have higher open space standards if 99% of the lots in the area wouldn't conform to it.

26. Mr. Quimby felt that a 25' setback to the water was sometimes reasonable, sometimes was too restrictive and sometimes not restrictive enough. He asked if there was a better way of establishing a setback rather than saying it was a flat 25' from high tide. Mr. Quimby said if the land starting at 25' from high tide dropped off over a cliff, he felt that was a reasonable area where there could be a 25' setback because there was no vegetation or habitat to be protected. He said another consideration could be what the existing setbacks were on the abutting properties to the immediate left and right. Mr. Quimby said if those buildings were set back at 75' from the water, why should a new structure be set back at only 25' from the water. Mr. Thoreson said from an administration point of view, that was difficult. He said it could become a nightmare to have flexible standards that applied to different lots based on different conditions.

27. Mr. Wilson said DEP wouldn't accept anything less than a 25' setback, so it was really a moot question as to whether it could be administered or not. He asked what would happen when the abutting lots had existing setbacks of 5' and 7' from the water. Mr. Quimby said the Town first had to ask the State if they would allow anything less than a 75' setback in this area. Mr. Quimby thought the Committee would have a problem with selling a 25' setback locally. He thought if it was based on something more rational than a flat 25', it might be more sellable. Mr. Rhoades said if the Town wanted a 25' setback, the Town should go to the State and define the conditions under which that setback could be granted. He didn't believe the shoreland zoning act was intended to protect places like Badgers Island and the Foreside but the places like Gerrish Island and other more pristine

areas. Mr. Rhoades said with the character and development of what was existing now and the reduced setbacks to the water, it didn't make sense to impose a 75' setback in that same area. He said if a 25' setback made sense in this area, he thought the Town should be pro-active about it and try to get it. Mr. Rhoades said he would like to have a recommendation from the Committee as to whether that should be done or not.

28. Mr. Bohn said most of the focus on the work done so far by Mr. Thoreson was on the Government Street and Walker Street corridors and most of those areas weren't on the water front. He asked how critical the water front setback issue was to the revitalization of the Foreside. Mr. Thoreson said in one section of the Foreside, all the lots were pretty much developed and paved right down to the water. He said on the other side, the character changed somewhat. Mr. Thoreson said the Town may want to look at the more developed area differently than the more residential area. He didn't think it was critical to get down to the water in the less developed areas. Mr. Mangiafico also thought it would be a hard sell to DEP to have a general development area in that less developed section of the water front. He said he didn't see the 25' setback issue as critical except for the more developed areas. Mr. Bohn said shoreland zoning required the Town to establish a minimum shore frontage per dwelling unit and per lot for each area within the 250' shoreland area, so this could be somewhat managed through the shoreland zoning standards.

29. Mr. Wilson asked Mr. Thoreson for his reasoning for the 12 dwelling units per lot. Mr. Thoreson said the concept was that if there was a large lot, not to let the dwelling units go on forever. Mr. Wilson said in terms of the two acre lot in the Foreside with the condominiums on it, what was the evil to see that piece developed as densely as the rest of the downtown. Mr. Thoreson said the idea was to prevent very large scale development on an oversized lot.

30. Mrs. Lakin asked what the Foreside Committee's goal was for revitalizing the downtown area. She asked if it was mainly to get businesses in there. Mr. Thoreson said it was his understanding was that he was to revitalize the commercial area because it was stagnating. Mr. Smith read the Foreside Committee's mission statement which stated in part to revitalize the Foreside by stimulating community awareness and provide economic development while respecting the residential and historic character of the area. He said the Committee has found that 95 to 98 percent of the residences in the Foreside were full. Mr. Smith said businesses which have changed hands in the last few years have seen a loss in property value an average of 60% since 1988. He said the Committee wasn't in the business of saving businesses but to improve the businesses and the property values and that would do nothing but help the residents and the whole community to build the area up.

31. Mr. Rhoades asked what percentage of the commercial properties in the Foreside were owned by people who lived in this area. Mr. Thoreson said most of the property was owned by people who lived in Kittery or the immediate surrounding towns. Mr. Rhoades felt a major key to the success of the Foreside was owner occupancy. He asked if there was support in the neighborhood for the proposed changes. Mr. Smith said lately, there had been more residents present at their meetings than business people. Mr. Thoreson said he has talked to one person who was a significant property owner in the Foreside and he had agreed to make improvements to the four store fronts he owned.

32. Mr. Wilson said he had no problem with the proposed 10% open space requirement. He felt the amount of trees there now provided a tremendous character to the neighborhood. Mr. Wilson asked

if there would be some way to protect the urban trees within that district, such as cutting a tree 4" and above in diameter would require Board of Appeals approval, so the trees that were there now could be preserved. Mr. Rhoades asked about standards on how buildings were designed and standards for signs in this district. Mr. Thoreson said his suggestion for the moment was that that was best done by jawboning and convincing business owners that enhancing their building would attract better tenants. He said he has written lots of historical district ordinances and he didn't like to bring design standards in during a fragile time in a revitalization ordinance as those could be a deal breaker.

33. Mr. Bohn questioned if it would be difficult for a restaurant use, even with the reduced standards, to find parking. Mr. Rhoades said he would like the Foreside Committee to reach a conclusion as to whether the parking on the street would work and no further parking standards were needed. Mr. Mangiafico said he didn't feel most of these businesses needed parking as there was already plenty of on-street parking. He said it may be that only businesses which needed overnight parking facilities, such as a bed and breakfast, would need to provide parking spaces because of snow removal considerations. Mr. Thoreson said he had made recommendations both ways. He said what Mr. Mangiafico had suggested was the more aggressive approach and it may be appropriate here.

34. Mr. McCrillis said in a lot of cases, any parking requirements in this area would be unreasonable. He suggested that there could be a set number and when the parking numbers got close to that number, to find a way to use off-street semi-public areas rather than have a blanket standard of there being no parking requirements for any development. Mr. Thoreson said he could look at a threshold number. Mr. Bohn said another issue was not to have employees parking in customer spaces. He suggested that the semi-private spaces might be a good place for employees to park.

35. Mrs. Lakin said she hadn't heard that increasing water related uses was a goal of the Foreside, so she felt the current setback from the water should be left as it was. She suggested that the focus stay in Wallingford Square where the revitalization of the businesses would be and not go outside of that area. Mr. Mangiafico said he had a problem with the proposed 25' setback as he didn't see the rationale in what was proposed and didn't feel a 25' setback made sense throughout the whole zone. He said he would agree with Mr. Wilson's comment for protecting the existing urban trees. Mr. Mangiafico said he didn't have a problem with the proposed increase to allow for four story buildings. Mrs. Lakin said the Town didn't have fire fighting equipment for a four story building. Mr. Thoreson said that was why the Town had mutual aid. Mr. Rhoades felt the height issue needed to be looked at and how it fit with the height restrictions in the rest of the town.

36. Mr. Wilson said he would support the less aggressive parking stance. He said he would agree with having standards and providing a mechanism where those standards could be jointly used for off site parking. Mr. Thoreson asked about a cut-off threshold number. Mr. Wilson said if a business had a demand for six spaces, those spaces would have to be somewhere, so why shouldn't the business owner have to provide them somehow, but for the Town to be flexible in allowing a developer to do that. Mr. Rhoades felt the Town had to allow some way of counting the 76 on-street public parking spaces. Mr. Wilson said that was done by rationally looking at what the uses might be. He said if there were 76 spaces and there was a demand for 76 spaces, that wasn't a

problem, but if the demand was for 125 spaces, a business should have to provide their share of the needed spaces to make up that difference.

37. Mr. Rhoades said there could be a parking load for the entire zone and look at what was happening there and develop reasonable standards. He said if the load for the various businesses in the Wallingford Square area didn't overload the on-street parking that was there, there could be a zero parking requirement. Mr. Wilson said if that could be rationally shown, he wouldn't have a problem with that. Mr. Thoreson said some of these uses had a demand that was off cycle, so the chances of that type of use having to supply any parking was pretty much zero. He said making that type of use comply to the parking standards would be self-defeating.

38. Mr. Bohn said the proposal talked about having one parking space per dwelling unit. He felt there needed to be a comfort level with that being enough parking per dwelling. Mr. Rhoades thought Mr. Thoreson could look at the area and see what worked currently and if there was a problem now. Mr. Bohn questioned if one parking space per dwelling unit made sense for new development. He said this could drastically change the number of dwelling units allowed in this area. Mr. Bohn said another question was if there was a possibility that some of the commercial space could be turned into residential space and if that would be counterproductive to what the Town wanted to happen in the Foreside. Mr. Rhoades said that would be driven by the market and asked if the Town should create an artificial barrier against that. Mr. McCrillis said fundamentally, he didn't want to see residences taking over commercial stores that were there now, so he would say yes to barriers to prevent this from turning into all residential. Mr. Rhoades said he would like the Foreside Committee to tell the Board what was right for this area.

39. There was a recess from 9:52 to 10:02.

BOARD RECOMMENDATION TO THE TOWN COUNCIL REGARDING TECHNICAL AMENDMENTS TO THE RECENTLY ADOPTED VILLAGE RESIDENCE DISTRICT.

40. Mr. Bohn said these changes resulted from his not putting in some elements of the Code into the village residential zone change. He said the change to 16.32.490.N.1.a was to add that the minimum shore frontage per residential dwelling unit be 100' in the Village Residence District. Mr. Bohn said paragraph f under 16.32.490 had a limitation and he was suggesting to treat the village residence district like the urban residence district. He said the final change was in 16.32.580 regarding signage. Mr. Bohn said these changes should bring the village residence district language in line with the rest of the Code.

MOTION

41. Mr. Wilson moved to recommend to the Town Council the adoption of the technical addendum to the Village Residence District, latest revision dated April 15, 1997. Mr. Mangiafico seconded the motion and a vote was taken with all in favor.

PLANNER'S TIME

42. Capital improvements program - Mr. Bohn said the Manager had received the Board's recommendations but didn't feel there were enough resources to put all of them in the recommended

Latest Revision: 29 December, 1997/ASR

Adopted: 29 December 1997

Effective: 28 January 1998

Proposed Kittery Foreside Zoning Amendment

The Town of Kittery hereby ordains to amend Title 16 - Land Use and Development Code - of the Kittery Town Code to create a Kittery Foreside District as set forth below:

Chapter 16.12

Sections:

Article II. Zone Definitions, Uses, Exceptions, Standards

add 16.12.140 Kittery Foreside--KF to the list of zones.

16.12.020 Establishment of zones.

To implement the provision of this title, the Town of Kittery is divided into the following classes of districts:

- Rural residence RR
- Suburban residence SR
- Urban residence UR
- Village residence VR
- Rural conservation RC
- Resource protection RP
- Local business LB
- Commercial C
- Industrial I
- Mixed use MU
- Badgers Island urban BI
- Kittery Foreside KF

16.12.140 Kittery Foreside - KF

The Kittery Foreside district is defined as encompassing generally the area between Route 1(south) (Newmarch St.) on the west, one lot depth on Newmarch St., except at the corner of Government St. where it extends to Stimson St., and except for the existing Commercial zone (slightly reduced by the residential lots west of Priscilla Terrace); the railroad and Central Street to the north extended over to the Piscataqua River; and the Piscataqua River forming the east and southern boundaries.

A. Purpose. To provide business, service, and community functions within the Kittery Foreside District and to provide a mix of housing opportunities in the historic urbanized center of the community and to allow for use patterns which recognize the densely built-up character of the district and the limitations for providing off-street parking.

B. Permitted Uses.

1. Dwelling units in single family, duplex, and multi-family configurations up to 12 dwelling units per lot, but excluding mobile homes.
2. Public open space recreational uses.
3. School (including day nursery), hospital, nursing, convalescent home, municipal or state building or use, church, or any other institution of educational, religious, philanthropic, fraternal, political or social nature, which is not used for residential occupancy.
4. Accessory uses including home occupation and church rectory.
5. Retail business and service establishments excluding those where the principal activity entails outdoor sales and/or storage.
6. Business and professional offices, including financial institutions.
7. Shuttle service and ride sharing facilities.
8. Restaurant, coffee shop, bakery, cafes and similar food service operations but excluding drive-in facilities.
9. Art studio/gallery.
10. Grocery store, food store.
11. Personal and/or business service.
12. Inn.
13. Commercial or private parking lots.
14. Marinas.
15. Commercial boating and fishing uses and facilities, provided only incidental cleaning and cooking of seafood occur at the site.
16. Place of assembly, including theater.
17. Temporary, intra-family dwelling unit.

C. Special Exceptions.

1. Research laboratories.

2. Public utility facilities, including substations, pumping stations, and sewage treatment facilities.

D. Standards.

1. The design and performance standards of Chapter 16.32 shall be observed except where specifically altered in this subsection.
2. The following space standards shall apply:

<u>Minimum land area per dwelling unit</u>	<u>2,500 sq. ft.</u>
<u>Minimum lot size</u>	<u>5,000 sq. ft.</u>
<u>Minimum street frontage</u>	<u>0 ft.</u>
<u>Minimum front yard:</u>	
<u>along Government or Walker streets</u>	<u>0 ft.</u>
<u>along other streets</u>	<u>10 ft.</u>
<u>Minimum rear and side yards</u>	<u>10 ft.</u>
<u>Maximum building height</u>	<u>40 ft.</u>
<u>Minimum setback from water bodies and wetlands:</u>	
<u>water-dependent uses</u>	<u>0 ft.</u>
<u>all other uses (incl. buildings & parking as modified by the terms of 16.12.130(E) below</u>	<u>75 ft.</u>
<u>Maximum building coverage</u>	<u>60 percent</u>
<u>Minimum open space on the site</u>	<u>40 percent</u>

E. Special Parking Standards.

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

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

Notwithstanding the off-street parking requirements in subsections 16.32.530-560, parking requirements for the uses below are modified as specified herein:

- a. Dwelling units regardless of how configured:

1 parking space per dwelling unit.

- b. Retail, business office, or bank facilities:

1 parking space for each 400 sq. ft. of gross floor area.

- c. Professional office:

1 parking space for each 300 sq. ft. of gross floor area.

- d. Inn:

1 parking space for each guest room.

e. Church:

None required, if primary use occurs on weekends.

f. Restaurants:

1 parking space for each 100 sq. ft. of gross floor area used by the public.

For each use in the district, the total parking demand shall be calculated using the standards above or in Section 16.32.530 if not modified above. Then each nonresidential use shall be exempt from providing off-street parking for the first three required spaces. For uses requiring a demand of greater than three, then the off-street parking is to be provided on site and/or in accordance with subsections 2 and 3 that follow.

2. Off-Site Parking. Required off-street parking may be satisfied at off-site locations provided such parking is on other property owned by the applicant or is under the terms of a contractual agreement that will insure such parking remains available for the uses served. Applicant shall present evidence of a parking location and a contractual agreement to the Town board or officer with jurisdiction to review and approve.

3. Joint Use Parking. Required off-street parking may also be satisfied by the joint use of parking space by two or more uses if the applicant can show that parking demand is non-conflicting and will reasonably provide adequate parking for the multiple uses without parking overflowing into undesignated areas. Non-conflicting periods may consist of day time as opposed to evening hours of operation or weekday as opposed to weekends or seasonal variation in parking demand. In making this determination under development plan review, the Planning Board shall consider the following factors:

a. Such joint parking areas must be held under ownership of the applicant or under terms of a contractual agreement that insures such parking remains available to all users of the shared parking spaces.

b. Analysis is to be based on a "most frequent basis," not a "worst case" scenario.

c. Joint use parking areas must be located within reasonable distance to the uses served, but do not need to be located on the same lot as the uses served.

d. Ease and safety of pedestrian access to shared parking by the users served, including any improvements or shuttle service necessary.

e. Such joint parking areas must not be located in residential zoning districts of the Town of Kittery.

The Planning Board shall make a final determination of the joint use and/or off-site parking spaces that constitute an acceptable combination of spaces to meet the required parking demand.

16.32.460 Noise abatement

B.

Residential Districts, Kittery Foreside District, Badger's Island District, Rural Conservation and Resource Protection Districts

16.32.490 Shoreland zoning.

M. Table of Land Uses.

Table 16.32.490 - Land Uses in the Shoreland Zone

In column heading of Districts add KF to the LB/MU/BI column to become the "LB/MU/BI/KF" districts column.

N. Land use Standards.

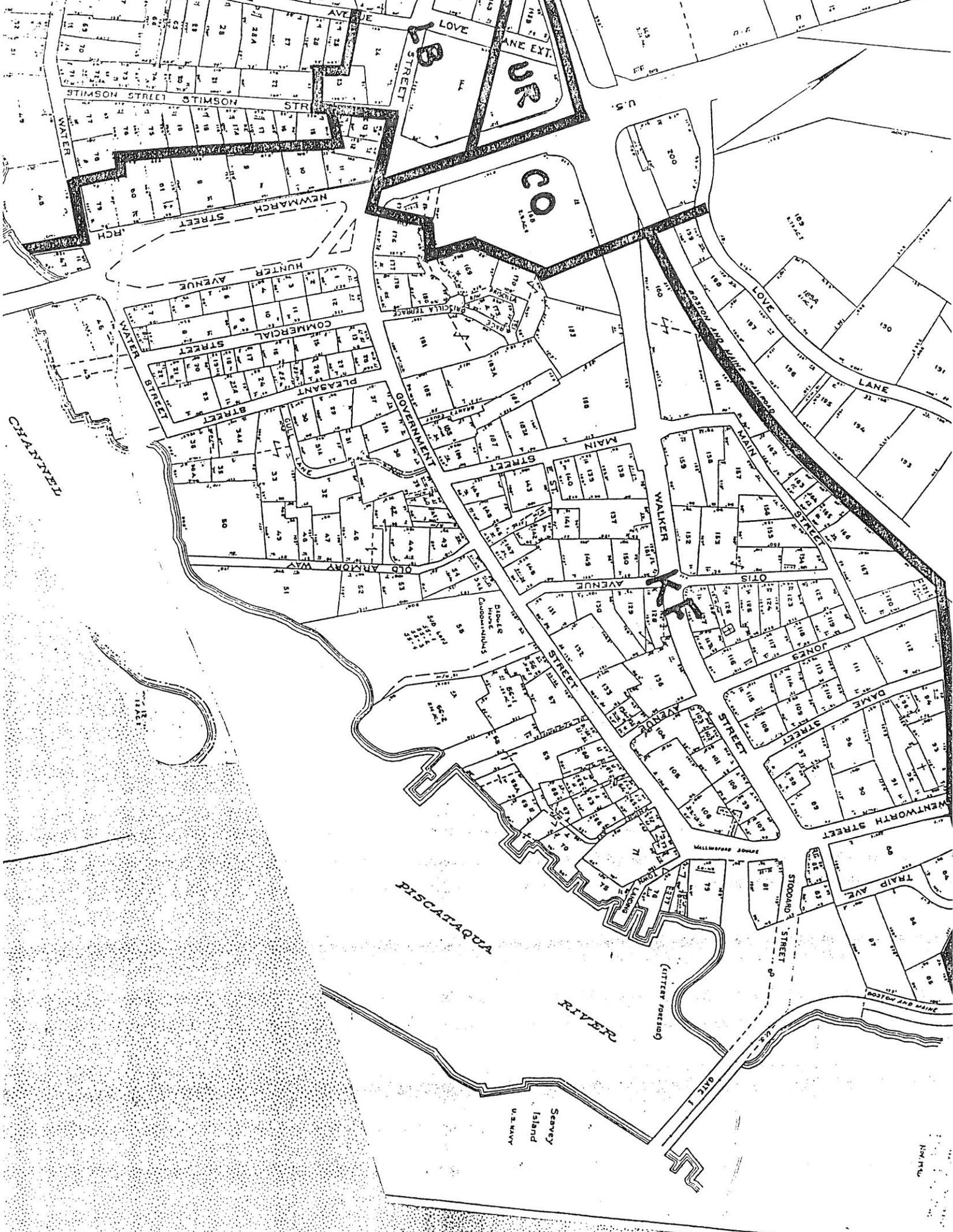
1. Minimum Lot Standards.

a. In the column Minimum Shore Frontage (feet), add "25 in the KF district" after the BI entry.

2. Principal and Accessory Structures.

a. All new principal and accessory structures (except certain patios and decks) shall be set back at least one hundred (100) feet, horizontal distance, from the normal high water line of any water bodies, tributary streams, the upland edge of a coastal wetland, or the upland edge of a freshwater wetland shown on the official shoreland zoning map, and seventy five (75) feet, horizontal distance, from the normal high-water line of any water bodies, or the upland edge of a wetland on Badger's Island and the Kittery Foreside district, unless modified according to the terms of 16.12.130(E), except that in the commercial fisheries/maritime activities district there shall be no minimum setback.

f. The total area of all structures, parking lots and other nonvegetated surfaces within the shoreland zone shall not exceed twenty (20) percent of the lot, or a portion thereof, located within the shoreland zone, including land area previously developed, except in the Badger's Island urban and Kittery Foreside districts, where lot coverage shall not exceed sixty (60) percent ... (more)



**TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING**

**UNAPPROVED
AUGUST 27, 2015**

1 **Council Chambers**

2

3 Meeting called to order: 6:01 p.m.

4 Board members present: Chair Ann Grinnell, Vice Chair Karen Kalmar, Robert Harris, Deborah
5 Lynch, Secretary Debbie Driscoll-Davis and Mark Alesse.

6 Members absent: David Lincoln.

7 Staff present: Chris DiMatteo, Town Planner.

8

9 Pledge of Allegiance

10

11 Minutes: August 6, 2015 Site Walk

12 **Ms. Kalmar moved to approve the site walk minutes of August 6, 2015 as written.**

13 **Ms. Driscoll-Davis seconded.**

14 **Motion carried: 6-0-0**

15

16 Public Comment: None.

17

18 **OLD BUSINESS**

19

20 **ITEM 1A – Parking in the Foreside**

21

22 Ms. Driscoll-Davis commented that the Foreside is a residential and commercial zone. She noted
23 that comments had been received regarding the roads in the area being narrow and the potential
24 pending increase of development and suggested a temporary solution until the comprehensive
25 plan has been completed. She commented on section 16.3.2.15 in the zoning ordinance, section E
26 (special parking standards), noting that if they were to add in a sentence that says “[...] if the
27 properties abut Government Street, Walker Street or Wallingford Square”, it would help prevent
28 the overflow of parking into the nearby residential areas. Ms. Driscoll-Davis added that public
29 parking has 11 spaces plus 2 handicap spaces, there are 12 striped spaces on Government Street,
30 one at the corner of the Masonic Lodge, 9 spaces going up to Main Street, 56 spaces on Walker
31 Street, 8 striped spaces in Wallingford square plus 3 in front of the old masonic building and 1 in
32 front of Maine Squeeze. Additionally, most of the parking at the Rice Public Library is paid
33 private parking and if they move to another location, the parking may not be available for the
34 public at all.

35

36 Ms. Driscoll-Davis noted that the primary area of business is centered on Government Street,
37 Walker Street and Wallingford Square. Ms. Grinnell asked how much of these roads are to be
38 considered and Ms. Driscoll-Davis replied that it would extend on Government Street from
39 Commercial Street to Wallingford Square and all of Walker Street. She commented that if you
40 were to open a business in your home you would get the three parking credits and there is not

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PLANNING BOARD MEETING**

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41 enough room for that in certain areas right now. Ms. Grinnell stated that only people in this
42 proposed area would get parking credits and no other area would receive them. Mr. DiMatteo
43 commented that if someone wanted to start a business out of their home outside of this area, they
44 would find it difficult to do so. Ms. Grinnell questioned why they would not extend it to the end
45 of Government Street and asked if they would consider putting this plan into effect until the
46 comprehensive plan is completed and the Foreside Group come up with a better solution. Mr.
47 DiMatteo asked if there was a need for this at this time and Ms. Driscoll-Davis responded that
48 she has seen a need for this in applications already.

49
50 Mr. DiMatteo stated that they need to understand the big picture and the intent of the 2006 mixed
51 use zone ordinance. He noted that since the entire area is walkable, they were intending for
52 people to be able to park anywhere in the zone. He added that since the area is so small, there
53 must be give and take and people need to have the ability to park in other areas or they will run
54 out of parking. He then stated that they need to discuss how to interpret the rule and whether it is
55 3 credits per business or per building. They also need to prove an expressed need to provide a
56 solution at this time. Ms. Driscoll-Davis responded that there is a strong force to revitalize the
57 Foreside and the commercial aspects of the Foreside are stretching out wherever it can. She
58 added that she has heard from residents who are not happy with this happening near their homes.
59 Mr. DiMatteo responded that it depends on the individual business and how much parking that it
60 would need. Mr. Alesse asked if they could utilize no parking signs or resident-only parking
61 signs in areas with limited parking. Ms. Driscoll-Davis responded that signs such as those would
62 require police enforcement.

63
64 Ms. Grinnell commented that if they were to restrict parking, then anyone who wants to start a
65 business would have to go to the Town office to get a permit and the parking situation in the
66 proposed area would be evaluated at that time. Ms. Driscoll-Davis noted that they could also get
67 permission from abutters to allow parking in their area or from the church or hospital to let
68 people park in their spaces. Ms. Grinnell responded that as the Foreside grows and more parking
69 credits are given out they will eventually run out of spaces. She added that the idea of a parking
70 garage has been a topic of discussion for at least 6 years. Ms. Driscoll-Davis noted that Kittery is
71 more heavily residential so businesses should help to foot the cost for the parking garage. Ms.
72 Lynch commented that they do not need to build a parking garage at the taxpayers' expense.

73
74 Mr. Harris stated that most roads in this area are too narrow for on street parking, such as Love
75 Lane, and are no place for a business to be. Ms. Kalmar responded that they cannot stop a
76 business from going in a certain area since the entire zone is mixed use. She then noted that they
77 should get the EDC and the comprehensive plan to weigh in on the issue. Ms. Driscoll-Davis
78 responded that the comprehensive plan will not be completed for a few years and this will give
79 the residents some protection in the interim. Mr. DiMatteo noted that the situation is not black
80 and white; it's important to not let residents get overrun but you cannot restrict business since the

81 zone is mixed use. Ms. Kalmar commented that the mixed use zone ordinance expanded the
82 Foreside zone and they did not know what the consequences would be. Ms. Grinnell responded
83 that she understands that this is a mixed use zone but there must be a balance. Mr. DiMatteo
84 noted that if streets are too narrow for parking in a certain area then that area might need to be
85 rezoned. Ms. Driscoll-Davis asked why they would give parking credits in an area where there is
86 no room for parking and there are no sidewalks.

87
88 Mr. Alesse suggested they view this on a street by street or case by case basis. He noted that
89 certain areas where the roads are too narrow would not get parking credits. Ms. Kalmar
90 commented that she liked the idea of a case by case basis so you can review their parking needs
91 based on their type of business. Mr. Alesse stated that they should make it a rule that the
92 Planning Board must review parking credits before they are allotted. Mr. Harris asked why they
93 cannot change the zones so businesses are not allowed in certain areas. Ms. Kalmar responded
94 that analyzing the zones is part of the comprehensive plan, which is more of a long term goal,
95 and this is just a temporary fix for now.

96
97 Ms. Driscoll-Davis commented that members of the public wanted a moratorium on tearing
98 down old buildings and she did not think the situation was enough of an emergency for the
99 Council to agree. She noted that this would just deal with parking spaces in this particular zone.
100 Ms. Grinnell suggested that they hold a workshop on September 24th with the EDC and the
101 Foreside Group. She then asked about the possibility of parking meters in the area. Ms. Driscoll-
102 Davis commented that having parking meters would give the Police Department more reason to
103 enforce parking in the area.

104
105 **ITEM 1B – Action List**

106
107 Ms. Earldean Wells, Chair of the Conservation Committee, commented that she had written a
108 letter about manmade wetlands which should be on the action list. The letter was regarding the
109 protection of wetlands. Ms. Driscoll-Davis suggested that they add it as item #28. Mr. DiMatteo
110 commented that they need to discuss the factors that define a wetland. Ms. Wells responded that
111 they should have a scientist look at the wetlands. Ms. Grinnell commented that they are currently
112 working on #5 (Cluster Ordinance) and this fall they are going to work on #21 (Parking credits)
113 and #28 (Wetland protection).

114
115 **ITEM 2A – Code Amendment Update**

116
117 Mr. DiMatteo noted that the document included in the packet is part of the Code Amendments
118 that have been previously approved and are now making their way to the Council for review.
119 There are no substantial changes just slight reworking. Ms. Kalmar commented that she approves
120 of the changes and agrees with Mr. DiMatteo that there are no substantive changes. Ms. Kalmar

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121 and Ms. Driscoll-Davis then provided some grammatical changes to the document. Ms. Driscoll-
122 Davis questioned the section regarding holding tanks and commented that she would like to
123 know what the State says about holding tanks in nonresidential areas. If it says nothing then they
124 should discuss the issue further. Mr. DiMatteo responded that this document has already been
125 reviewed and finalized and they can add holding tanks to the action list if they want to discuss it
126 further. Ms. Driscoll-Davis stated that she would like to know what the State law is regarding
127 holding tanks and how many there are in Kittery. Ms. Grinnell suggested they add that to the
128 action list as #29.

129
130 Mr. DiMatteo noted that he would like this to get on the Council agenda for September and
131 maybe have a public hearing on the adoption in October. Ms. Wells suggested that they add a
132 discussion regarding the limit of how far a leach field can be from a structure if it is serving a
133 multi-family unit. She noted that they had the situation come up in the past but they never
134 discussed distance. Ms. Grinnell asked if there was anything in State law regarding this issue.
135 Ms. Wells responded that she did not know and that nothing came up in the past when the
136 situation arose before the Board. Ms. Grinnell asked Mr. DiMatteo to review State laws and add
137 this as #30 on the action list.

138
139 Mr. Alesse commented that he was reviewing the ordinances and it says that municipal impact
140 analysis must be included in the final plan. He stated that it should be noted in the findings of
141 fact and they should direct the staff to always do this analysis and include it in the findings of
142 fact. Ms. Kalmar commented that it is required for the final plan but does not need to be in the
143 findings of fact. Ms. Driscoll-Davis noted that it does need to be in the final plan. Mr. DiMatteo
144 responded that the findings of fact talk about code compliance and this is submittal. Mr. Alesse
145 noted that it talks about cost and revenue and it should be in the findings of fact so that the Board
146 can confirm that they have received a cost benefit analysis. Ms. Kalmar noted that this is one of
147 the codes that the plan must conform to. Ms. Grinnell suggested that Mr. DiMatteo start
148 requesting this of the applicant.

149
150 Ms. Wells asked what the impact of the FEMA letter was. Mr. DiMatteo responded that he needs
151 to look into it further.

152
153 **Mr. Harris moved to adjourn.**

154 **Ms. Kalmar seconded.**

155 **Motion carried: 6-0-0**

156
157 The Kittery Planning Board meeting of August 27, 2015 was adjourned at 7:14 p.m.

158
159 Submitted by Valerie Porrazzo, Minutes Recorder, September 2, 2015.

7:30 A.M. Rockwell Homes, 89 Route 236 – Preliminary Site Plan Review

Owner/applicant Rockwell Homes, LLC request consideration of plans for a single, 2,520-square-foot building containing business offices and a showroom and a drive-through-only restaurant at 89 Route 236 (Tax Map 28, Lot 14-2) in the Commercial 2 (C-2) Zone. Agent is Ryan McCarthy, Tidewater Engineering & Surveying, LLC.

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

Staff present: Chris Di Matteo, Town Planner.

Other committee members present: Earldean Wells, Conservation Commission Chair.

Agents and Owner present: Ryan McCarthy, Tidewater Engineering, Robbie Woodburn, Woodburn & Co., and Aaron Wiswell, owner Rockwell Homes, LLC.

Abutters and members of the public: none

At 7:35 am Ms. Kalmar opened the meeting.

After a presentation and orientation to proposed development plan by the agent the group moved from the center of the shared entrance drive to the front corner of the proposed building.

The agent explained the majority of the trees along Rt. 236 are to be removed and replaced with new plantings. The extent of the tree clearing is to the vicinity of an existing stone wall and mature white pine tree. The need for the clearing was discussed. Some Board members expressed an interest in limiting the opening due to the likely direction of potential vehicles for the proposed Aroma Joe's drive-thru. This perspective was countered by the owner and agent expressing the need for commercial buildings to have good visibility, for what is currently proposed and future uses.

The removal of vegetation within the small adjacent wetland was discussed. The agent suggested it was created by the construction of the roadway and the natural grade sloping in this direction. It was suggested to the agent that a wetland scientist would need to assess the functions of the existing wetland before the Board could determine if the proposed planting and clearing would be a significant impact. The conservation commission voiced her concern with the proposed removal of trees within the wetland.

The Fernald Road intersection and the existing tree cover outside of the lot was discussed in the context of what the extent of the tree clearing really needs to be. Visibility westbound on Rt.236 will not be increased with greater clearing along Fernald Road since there is existing vegetation along Rt, 236 in this vicinity that is outside the limits of the subject lot.

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

Adjournment: 8:15 a.m.

9:00 A.M. Kolod Seawall Replacement–Shoreland Development Plan Review

Owner/applicant Jeffrey and Deborah Kolod requests consideration of plans for replacement of an existing seawall and the expansion of a waterfront shed. The 0.45-acre lot is located at 92 Whipple Road (Tax Map 10, Lot 19) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL-250') Zones. Agent is Barney Baker, Baker Design Consultants.

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

Staff present: Chris Di Matteo, Town Planner.

Other committee members present: Earledean Wells, Conservation Commission Chair, and Steve Hall, Conservation Commission.

Agents and Owner present: Barney Baker, Baker Design Consultants, and owner Jeffrey Kolod
Abutters and members of the public: Gene Smith, 91 Whipple Rd. and Clifton Trefethen, 100 Whipple Rd.;

At 9:05 am Ms. Grinnell opened the meeting.

After the agent orienting the group to the proposed reconstruction/replacement of the existing stone wall from the land side the group proceeded down to the dock and on the floats to view the existing water from the water's side. The agent further described the extent of the construction related to the new granite wall, the proposed lower and upper wall design to the southwesterly side of the property, where a lower wall is planned to accommodate what the agent referred to as an 'intertidal beach' area that exists now. In the same vicinity, the owner plans to use the area to launch kayaks negotiating up and down a very steep slope.

The agent described and oriented the group where the lower wall and upper wall would be located, showing that the lower wall is aligned along the existing wall before angling back towards the shore and the abutting property's sea wall. The proposed upper wall starts angling towards the abutter's seawall earlier than the lower, in the vicinity of a break in the timbers that align the top of the existing stone wall. The large oak tree evident along the shore above the wall on the slope was noted and the agent stated that its vitality has been considered with their proposed design.

The agent discussed the state, federal and local permits necessary, including the Port Authority, and noted that he has not followed up as yet with MDEP to discuss their unsupported position related to the lower wall and the intertidal beach area, and is waiting to complete the site walk and Planning Board's public hearing.

Plantings along the slope and their impact and proposed replacement was discussed and stated that the proposed planting has been contemplated, however, is on a plan that was not included in the submission but is noted on the site plan. {9:19 am Chair loses notes in water, retrieved by Vice Chair.} Agent discussed the maintenance of the plantings and the proposed walkway planned behind the new wall.

The group proceeded back up to the dock and the junction of the seawall where the agent pointed out the vicinity of the proposed 3-foot wide maintenance walk behind the new wall. Here there was also a discussion related to the plans to expand and re-build the existing shed and the agent oriented the group to the extent of the expansion. It was noted that the agent will need to demonstrate to the Board that no more than 50% of the market value of the shed is being removed as part of the renovations, otherwise the Board will have to determine if the structure meets the setback from the water to the greatest practical extent, and also noting that the structure is not considered part of a water dependent use.

In addition, there was a discussion regarding the existing seawall on the abutter's side of the property and if and how it may be impacted by the planned construction. The agent did conclude that there may be some unintended consequences with the new constructed seawall and with the abutter's permission the scope of the new wall construction can include stacking stone to reinforce the portion of the abutting wall in question limit any future adverse impacts. The abutter expressed his willingness knowing that his wall was going to be strengthened.

The group moved to the location above the vicinity of the lower and upper walls and existing oak tree, with the agent noting the construction and associated equipment will not be in this area or close enough to impact the tree. The intertidal beach area (transition platform as noted on the plans) was further discussed along with the plans for the remains of the marine railway. Noting the interest to use this area for launching kayaks the planner suggested looking into steps that would facilitate the intended use and perhaps forgoing the lower wall.

Ms. Kalmar moved to adjourn. Ms. Davis seconded and the motion passed unanimously.
Adjournment: 10:00 a.m.

10:00 A.M. Kittery Point Yacht Yard Renovations –Shoreland Development Plan Review
Owner and applicant MGX, LLC a.k.a Kittery Point Yacht Yard, Corp. requests consideration of plans for replacement of an existing marine railway with an at-grade boat ramp requiring fill within the intertidal zone. The 1.3-acre lot is located at 48 Bowen Road (Tax Map 17, Lot 10) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL) and Commercial Fisheries/Maritime Activities (OZ-CMFU) Overlay Zones. Agent is Barney Baker, Baker Design Consultants.

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

Staff present: Chris Di Matteo, Town Planner.

Other committee members present: Earledean Wells, Conservation Commission Chair,

Agents and Owner present: Barney Baker, Baker Design Consultants, and owner Tom Allen, KPYE, Inc.

Abutters and members of the public: Milton Hall, 51 Bowen Rd;

At 10:11 am Ms. Grinnell opened the meeting.

Owner Mr. Allen started by orienting the group which had assembled in the parking area located in front of the office for the Yard. He pointed out the areas that are available for parking on the site which included: the area adjacent to the office, adjacent to Bowen Road, behind the building along Old Ferry Road and within the yard itself.

Mr. Allen continued with the describing the proposed development, replacement of the marine railway with an at-grade boat ramp. The group moved to the vicinity of the railway and further details on the use of the railway and how the operation will change with the ramp. The improvements will provide greater efficiency in pulling boats out of the water which will help in future storm events. The adjacent winch house was discussed and how the current operation with the railway and the amount of grease and chemicals used no longer fits in with the Yard's 'green marina' goals and objectives. The structure is being renovated to house restrooms and showers for the public/transient boating component of the improvements. Mr. Allen clarified that the new ramp will not be available as a public boat launch.

Mr. Allen also discussed his interest in pursuing a state grant for the furnishing and installation of a pump-out station. Questions relating to how the station would be maintained were asked and it was stated that the station will be connected to town sewer.

The proposed 90-foot long 5-foot wide walkway connecting from the transient boater slips and the public restrooms was described in detail including its location, to be cut into the rip-rap slope since the approach for the boat ramp will be narrower than it presently exists.

**TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING**

**UNAPPROVED
SEPTEMBER 10, 2015**

1 **Council Chambers**

2

3 Meeting called to order: 6:02 p.m.

4 Board members present: Chair Ann Grinnell, Vice Chair Karen Kalmar, Robert Harris, Deborah
5 Lynch, David Lincoln, Secretary Debbie Driscoll-Davis and Mark Alesse.

6 Members absent: None.

7 Staff present: Chris DiMatteo, Town Planner.

8

9 Pledge of Allegiance

10

11 Minutes: August 20, 2015

12 **Ms. Kalmar moved to approve the minutes of August 20, 2015 as written.**

13 **Mr. Lincoln seconded.**

14 **Motion carried: 6-1-0 with Mr. Harris in opposition.**

15

16 Public Comment: None.

17

18 **PUBLIC HEARING/OLD BUSINESS**

19

20 **ITEM 1 – Rockwell Homes, 89 Route 236 – Preliminary Site Plan Review**

21 Action: hold public hearing, approve or deny preliminary plan. Owner/applicant Rockwell
22 Homes, LLC request consideration of plans for a single, 2,520-square-foot building containing
23 business offices and a showroom and a drive-through-only restaurant at 89 Route 236 (Tax Map
24 28, Lot 14-2) in the Commercial 2 (C-2) Zone. Agent is Ryan McCarthy, Tidewater Engineering
25 & Surveying, LLC.

26

27 Ryan McCarthy of Tidewater Engineering approached the podium to give a brief description of
28 the project:

- 29 • Mr. McCarthy noted that the project will include a multi-use building. A portion of the
30 building will be an Aroma Joes drive through and the remaining part of the building will
31 be three office units. There will be parking off to the side of the building for visitors and
32 towards the rear for employees.

33

34 Ms. Grinnell opened the public hearing.

35

36 Anita Bunting, Fernald Road resident

- 37 • Ms. Bunting commented that on the paperwork it says something about storage units and
38 she is not crazy about having them her backyard.

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- 39 • Ms. Bunting is mostly concerned about Aroma Joes because of its location near the
40 transfer station where there are constantly accidents and increased traffic will create more
41 of a safety hazard than there already is.

42

43 Beth Hallissey, Fernald Road resident

- 44 • Ms. Hallissey asked how many stories the building will have and if Aroma Joes is a
45 separate building.
46 • Mr. McCarthy responded to her questions stating that it is a two story building that
47 consists of Aroma Joes and office units. He noted that Aroma Joes is to the side of first
48 story. Ms. Hallissey asked which side of the building the Aroma Joes will be on and Mr.
49 McCarthy responded that it will be on the Fernald Road side.

50

51 Ms. Grinnell closed the public hearing.

52

53 Ms. Driscoll-Davis commented that the storage units are a separate project on the lot and that the
54 only project at hand is the building with Aroma Joes and Rockwell homes. She stated that she is
55 concerned about the landscaping and the traffic. She noted that pulling out of the property after
56 the sitewalk was difficult and that there is not good access on and off of Route 236. Ms. Grinnell
57 asked if a traffic study had been done by our consultants and Mr. DiMatteo responded that it had
58 not and would be done by CMA peer review. He suggested that if the Board was hesitant about
59 preliminary approval and traffic they could make a condition of approval stating that traffic
60 should be reviewed and resolved.

61

62 Ms. Grinnell asked the Board to state their views of the traffic issue at the site. Mr. Lincoln noted
63 that he is concerned about the traffic and that he does not believe that the current traffic analysis
64 was accurate or insightful. He commented that when the Shipyard is changing shifts, Route 236
65 becomes a superhighway. He added that the storage unit question is relevant because they plan to
66 share a driveway with this current project so traffic would be increased to an extent. Mr. Harris
67 commented that the easiest solution is to make Fernald Road a one way street and maybe add a
68 traffic light. Ms. Lynch noted that because Fernald Road is at an angle, it creates a hazard for
69 people pulling out of the property. Ms. Grinnell commented that there is very little chance of the
70 Town making Fernald Road a one way street since it would create problems for the residents on
71 that street. The Board came to a consensus that the traffic issue at the site must be resolved as a
72 condition of approval.

73

74 Mr. McCarthy responded to some of the concerns of the Board. He noted that at peak hour 130
75 trips were generated to the site but of those 130 trips, 85% are passerby trips, meaning that they
76 were already on Route 236 to start with. He added that they had also incorporated the storage
77 units into the traffic report which only added four peak trips. Mr. McCarthy further noted that
78 Route 236 has wide shoulders which allow vehicles to move around stopped vehicles and that

79 the biggest impact is on those turning left onto Route 236 heading north. He commented that the
80 DOT analyzes the site with a level of service that ranges from A through F. This site has As, Bs
81 and a couple Cs (from turning left out of the site and turning into the site). They still need to
82 have a meeting with Maine DOT but the report has already been submitted to them. Ms. Grinnell
83 asked if the Town Planner could also attend the meeting.

84
85 Mr. Alesse asked if they could change the site so that cars would exit onto Fernald Road. Mr.
86 McCarthy responded that it was a consideration during the conceptual design process but
87 because of the size of the site, it is difficult to get out of the drive through and make a hard turn
88 onto Fernald Road. Additionally, they cannot move the drive through windows back because it
89 would affect other vehicles cueing in line.

90
91 Ms. Kalmar read the CMA comments aloud and noted that she is eager to hear the CMA's input
92 on the traffic reports. She added that it would be in the applicant's best interest to address the
93 Conservation Commission's concerns in writing. Mr. McCarthy responded that he received the
94 letter from the Conservation Commission a few moments ago and responded to a few of their
95 concerns. He noted that he has a letter from the scientist regarding the function of the wetlands
96 which states that this wetland holds little wetland function in value and mostly collects sediments
97 and treats pollutants coming off the roads. He added that they do not want to wipe out the
98 wetland completely and if they remove the trees they will promote a denser vegetation on the
99 ground cover which will let the wetland take over and improve the values for sediment and
100 pollutant removal. Ms. Grinnell asked the applicant to address the concerns in writing for the
101 next packet.

102
103 Ms. Driscoll-Davis asked how far back the building is from the right of way. Mr. McCarthy
104 responded that it is about 30 feet but he would have to measure to be sure. Mr. Lincoln noted that
105 in the staff analysis it mentions the tree cutting issue. He commented that he would like to have
106 the issue resolved in writing for the next meeting. Ms. Kalmar asked if the Board could give the
107 applicant an idea of whether or not they approve the parking calculation. The Board came to a
108 consensus that they do agree with the parking calculation as it has been done.

109
110 **Ms. Kalmar moved to approve the preliminary plan dated July 21, 2015 for 89 Route 236**
111 **(Tax Map 28 Lot 14-2) located in the Commercial 2 (C-2) Zone for owner and applicant**
112 **Rockwell Homes LLC.**

113 **Mr. Alesse seconded the motion.**

114
115 Mr. DiMatteo asked if they wanted to site the plan notes for the conditions. Ms. Kalmar read the
116 conditions aloud which included:

- 117 1. Revise plan to limit the extent of clearing and increase the clearing limits closest to
118 Fernald Road by 50 ft.

- 119 2. Revise the landscape plan to accommodate planting that will effectively screen the
120 parking at the front of the building and drive through vehicles
- 121 3. Address Planning Board CMA and staff comments prior to submitting a final plan, add
122 additional handicap parking space, show additional test pit, reserve area for septic, details
123 for storm water basins, sign details, submit final permits and address Conservation
124 Commission's concerns in writing
- 125 4. Address traffic concerns
- 126

127 **Motion carried: 7-0-0**

128

129 Mr. McCarthy noted that they changed the style of the building to incorporate the signage which
130 included adding gables on the front of the building and they also changed to a hip roof.

131

132 **ITEM 2 – Kolod Seawall Replacement – Shoreland Development Plan Review**

133 Action: hold public hearing, approve or deny plan. Owner/applicant Jeffrey and Deborah Kolod
134 requests consideration of plans for replacement of an existing seawall and the expansion of a
135 waterfront shed. The 0.45-acre lot is located at 92 Whipple Road (Tax Map 10, Lot 19) in the
136 Residential-Urban (R-U) and Shoreland Overlay (OZ-SL-250') Zones. Agent is Barney Baker,
137 Baker Design Consultants.

138

139 Jeffrey Kolod, owner of the property, approached the podium to state a few points:

- 140 • He noted that they have two issues. The first is that the seawall comes apart and the land
141 drains into the bay. They want to prevent losing the bank which has come down several
142 inches over the past couple years. The second issue is the boat shed. It's small and needs
143 some repair, windows and a new roof. The shed would hold boating supplies.
- 144

145 Barney Baker of Baker Design Consultants gave a short presentation to the Board which
146 included the following points:

- 147 • Mr. Baker noted that they have submitted applications to Maine DEP, Army Corp. and
148 KPA. They have made some changes to the plan. Ms. Grinnell stopped Mr. Baker and
149 asked him why they did not have a copy of the plan if changes were made to it. She noted
150 that the public hearing is to accept or deny the plan and they do not have copy of the
151 current plan. Mr. DiMatteo noted that the changes were based on comments made at the
152 sitewalk. Ms. Grinnell responded that they are being asked to approve or deny a plan that
153 they do not have a copy of. Mr. DiMatteo commented that in the notes, the Board is
154 recommending that they continue the plan and noted that the Code allows for the Board
155 to review and approve once they see the plan.
- 156 • Mr. Baker commented that because they received so many comments regarding the lower
157 seawall, they have pulled it out of the plan. They now only want to include the upper
158 seawall which goes along the existing wall. They have also removed a note that says they

159 would regrade the marine ways and they are now going to leave it as it is. Mr. Baker also
160 noted that there have been no changes to the proposed building expansion which is not
161 going to increase value by more than 50% or be more nonconforming than it already is.
162 • Mr. Baker commented that the Planner requested they perform an accounting of the
163 impervious areas that have changed and they have included that on the plan. He noted
164 that the location of the Highest Astronomical Tide (HAT) has changed since they last
165 renovated the property. The HAT is published by the DEP on an annual basis. For this
166 plan they used the 2015 HAT which is at a marginally lower elevation than the one on the
167 2013 plan. The new HAT adds about 40 sq. ft. to the overall property area. Mr. Baker
168 noted that if they take the seawall away and add the new seawall which has additional
169 impervious areas they are adding 67 ft. to the impervious area. He commented that he
170 also included the expansion of the shed and deducted the increased area from the new
171 HAT line to come up with the new impervious area calculation which has increased from
172 22.8% to 23.2%. He noted that the zoning criteria is 20%.

173

174 Ms. Grinnell opened the public hearing.

175

176 Eugene Smith, Whipple Road resident

- 177 • Mr. Smith noted that the seawall in question abuts the seawall on his property line. He
178 stated that the seawall on the Kolod property is 6 or 7 ft. wide and supports most of
179 boathouse that is going to be repaired. He commented that if the Kolod's replace the wall
180 with solid slab, it will affect the tidal flow and he is concerned about a high tide or storm
181 surge washing out his wall that has been stable until now.
- 182 • Mr. Smith stated that he would like, as a condition of approval, permission to extend his
183 privacy fence without being hassled. He noted that when the initial construction was
184 done, they lost almost all of the tree canopy. Mr. Smith had planned to put up one section
185 of fence but were harassed by neighbors and received a call from the former CEO and
186 Mr. Kolod's lawyer. Mr. Smith commented on a situation when they were notified by the
187 gas company of Mr. Kolod's intent to open a bed and breakfast on his property and
188 reiterated his request to extend his fence if needed without hassle from the Town and/or
189 his neighbors.

190

191 Earldean Wells, Chair of the Conservation Committee, asked the Board if they were addressing
192 one wall or both. Ms. Grinnell responded that they are only addressing the upper wall since the
193 lower wall no longer exists.

194

195 Ms. Grinnell closed the public hearing.

196

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197 Mr. Kolod approached the podium to respond to comments made. He noted that there were two
198 large trees removed on his property which could not be saved and neither tree was near the fence.
199 He stated that they also added a new tree and that no canopy had existed on the property.
200

201 Mr. Baker explained the property lines and marine ways as they are drawn on the new plan to the
202 Board. Ms. Grinnell asked Mr. Baker to explain the wall. Mr. Baker responded that a second
203 wall came in along the existing wall and made a diagonal cut across to the wall on the neighbor's
204 property. The intent was to create a transition but because they received so much negative
205 comment about the wall they removed it from the plan. They are going to leave the remnants of
206 the lower wall which is essentially at grade with the marine railway construction that is there
207 now. Ms. Driscoll-Davis asked where the new 67 ft. figure came from and Mr. Baker explained
208 it using the plan.
209

210 Ms. Wells asked Mr. Baker about the reconstructed seawall on the front of the property and
211 whether it is reconstructed or remains as it is today. Mr. Baker noted that the new seawall
212 extends from the neighbor's property along the front to the point near the marine ways. He added
213 that the KPA did not want them to alter the rockweed in that area. Ms. Driscoll-Davis asked if
214 they had included the swimming pool in the calculation of the impervious area. Mr. Kolod
215 commented that when they originally went through the property with an architect and a surveyor
216 they had a plan to put a pool in but have since decided not to go forward with the pool. He added
217 that the 22.8% calculation included the pool, the area around the pool and a deck. Ms. Kalmar
218 asked if they were going to remove the pool from the plan and Mr. DiMatteo noted that they
219 would need to bring the plan in and modify it.
220

221 Ms. Grinnell reopened the public hearing by request.
222

223 Susan Thompson, Whipple Road resident

- 224 • Ms. Thompson noted that the swimming pool has not been constructed but they do have a
225 hot tub with a platform underneath it. She commented that the hot tub and surrounding
226 area needs to be added to the modified plan.
227

228 Ms. Grinnell closed the public hearing.
229

230 Ms. Lynch commented that the patio needs to be added to the plan as well. Mr. Lincoln asked if
231 the proposed replacement seawall would be the same footprint and the same height. Mr. Baker
232 responded that it is the same footprint and the same height as the existing wall at the dock but the
233 existing wall drops 18 inches to meet the wall on the neighbor's property. They would keep the
234 same elevation all the way across the front, raising the wall approximately 18 inches. Mr.
235 Lincoln commented that the background section discusses five elements for the new application
236 and the original document mentions two elements. He asked Mr. Baker to clarify. Mr. Baker read

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237 the five items aloud and commented on them. Ms. Driscoll-Davis asked if they were still trying
238 to work around the roots of the tree. Mr. Baker responded that they will do the best they can and
239 they will not disrupt the marine ways on the property. Mr. DiMatteo asked what portion of the
240 wall will be above or below the HAT line. Mr. Baker responded that the HAT comes from the
241 neighbor's wall to the boat ramp and upwards of the marine ways, following the existing
242 seawall. He added that they are filling approximately 45 sq. ft. of the shaded area, which he has
243 reported to Maine DEP.

244
245 Ms. Grinnell asked if they planned on removing the shed, fixing it somewhere else and putting it
246 back. Mr. Baker commented that they have to remove the shed and place it in an upland location
247 temporarily to build the wall underneath. Ms. Grinnell questioned whether or not they are
248 allowed to put the shed back once it has been removed. Mr. DiMatteo commented that they can
249 pick it up and put it back without problem as long as they do not expand it to more than 50% of
250 the market value. If they are, then the Board needs to determine if the building is as far away
251 from the protected resource as possible. Ms. Driscoll-Davis gave an example of the deck on her
252 property which she is allowed to repair but cannot remove and put back. Mr. DiMatteo suggested
253 that the applicant remove the shed to repair the wall and put it back, expanding it once it is back
254 in place.

255
256 Ms. Wells questioned whether they were allowed to build on their dock as she was under the
257 impression that the CEO did not allow that. Mr. DiMatteo gave an example of a Knight Avenue
258 property. Mr. Lincoln asked how much larger the building would be once they expand it. Mr.
259 Baker responded that they are trying to keep it under 30%. Mr. DiMatteo asked whether it would
260 have a new foundation and commented that the applicants needs to go through the process and
261 see if the improvements that they are looking to do will make the structure great than 50% of its
262 market value. Ms. Driscoll-Davis asked if the stone wall was part of the foundation of the
263 structure. Mr. Baker commented that the building is upland and not over the water and that it is
264 sitting on the wall. Mr. Kolod noted that there is no foundation under the shed and that it is not
265 on the water.

266
267 Mr. Baker responded to Mr. Smith's comments about water eroding the wall on his property. He
268 noted that the wall will create increased splashing but should not harm the wall. He added that
269 they would like to put Mr. Kolod's wall in and then stack some stone in front of it up to the high
270 water mark so that a wave will not know the difference between the rough rock surface on his
271 wall and the stone packed in front of it. Ms. Wells commented on the infill behind the new wall,
272 noting that they would be taking away substantial amount of rock and other material. Mr. Baker
273 responded that they would take the stone and reuse it for drainage purposes. They would also
274 meet the existing grade at the land behind the wall and there will only be minor infilling.

275

276 Ms. Kalmar moved to continue, not to exceed 90 days, the Shoreland Development Plan
277 dated July 23, 2015 for 92 Whipple Road (Tax Map 10, Lot 19) in the Residential-Urban
278 (R-U) and Shoreland Overlay (OZ-SL-250') Zones for owner and applicant Jeffrey and
279 Deborah Kolod.

280 Mr. Harris seconded the motion.

281
282 Ms. Grinnell noted that they are going to continue the plan, not the public hearing, to have a
283 further discussion on the project. She noted that in order to have that discussion they will need to
284 have copies of the same things that are being presented. Ms. Kalmar noted they need the DEP
285 input as well.

286
287 Motion carried 7-0-0.

288
289 ITEM 3 – Kittery Point Yacht Yard Renovations –Shoreland Development Plan Review

290 Action: hold public hearing, approve or deny plan. Owner and applicant MGX, LLC a.k.a
291 Kittery Point Yacht Yard, Corp. requests consideration of plans for replacement of an existing
292 marine railway with an at-grade boat ramp requiring fill within the intertidal zone. The 1.3-acre
293 lot is located at 48 Bowen Road (Tax Map 17, Lot 10) in the Residential-Urban (R-U) and
294 Shoreland Overlay (OZ-SL) and Commercial Fisheries/Maritime Activities (OZ-CMFU)
295 Overlay Zones. Agent is Barney Baker, Baker Design Consultants.

296
297 Barney Baker of Baker Design Consultants approached the podium to give present a few facts
298 regarding the project:

- 299 • Mr. Baker noted that they have a DEP permit, an Army Corp. permit, and an application
300 pending with the KPA. They anticipate approval in the KPA's October meeting. He noted
301 that the project is almost entirely at sea and there is little change in upland area. Mr.
302 Baker added that they are replacing the marine railway with a boat ramp. The ramp is
303 steeper and starts at same point that railway does. They are also going to be filling in the
304 upland area and creating an ADA accessible facility for transient boaters. He added that
305 they also want to put in a pump out facility which they would like to be part of plan.

306
307 Mr. Grinnell opened the public hearing and, hearing no comments, closed the public hearing.

308
309 Mr. Lincoln asked if the KPA would need to sign off on the plan first. Ms. Grinnell noted that
310 they could make that a condition of approval. Ms. Kalmar asked if they could get a sense of the
311 Board's opinion on the parking situation. Ms. Grinnell asked the Board their opinion on the
312 parking. Ms. Driscoll-Davis asked about the valet parking. Mr. DiMatteo responded that the
313 parking depends on the demand and most of it is not used. He noted that an area of the parking
314 on the plan is not accurate and it actually lies in the right of way. Tom Allen, owner of the
315 property, responded that the valet parking acts as an overflow for the primary parking area.

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Ms. Driscoll-Davis asked if they had restrictions against party boats parking at the facility. Mr. Allen responded that they will not allow party boats to take up spaces on the property and the grant does not specify who is or who is not allowed to stay there. Ms. Lynch asked about floating bars or restaurants. Mr. Allen responded that those would not be allowed either. Ms. Wells commented that there is no increase in the devegetated area but asked about planting in a specific area. Mr. Allen assured her that there are plants in that area now.

Ms. Lynch moved to approve with conditions the Shoreland Development Plan at 48 Bowen Road (Tax Map 17, Lot 10) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL) and Commercial Fisheries/Maritime Activities (OZ-CMFU) Overlay Zones for owner and applicant MGX, LLC a.k.a. Kittery Point Yacht Yard, Corp. Mr. Harris seconded the motion

Ms. Kalmar mentioned adding the condition about the pump out facility to the plan. Ms. Driscoll-Davis commented that she would not want to hold up the process by making that a condition of approval.

Motion carried: 7-0-0

Mr. Allen explained the process of the pump out facility and noted that they received a grant for it. Mr. DiMatteo noted that it would not require review from the Board. Ms. Driscoll-Davis asked about the pump out line. Mr. Allen noted that the line goes from the tanks to the Town sewer. Ms. Driscoll-Davis asked if the existing sewer line is adequate to handle the changes. Mr. Allen responded that it is adequate but he might need to replace his pump.

**FINDINGS OF FACT
For 48 Bowen Road, Kittery Point Yacht Yard
Shoreland Development Plan Review**

WHEREAS: Owner and applicant MGX, LLC a.k.a Kittery Point Yacht Yard, Corp. requested approval of plans for replacement of an existing marine railway with an at-grade boat ramp requiring fill within the intertidal zone with an increase of slips and the addition of transient boating services . The 1.3-acre lot is located at 48 Bowen Road (Tax Map 17, Lot 10) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL) and Commercial Fisheries/Maritime Activities (OZ-CMFU) Overlay Zones. Agent is Barney Baker, Baker Design Consultants,

hereinafter the “Development;” and

And pursuant to the Plan Review meetings conducted by the Planning Board as noted; *{in the Plan Review Notes prepared for 9/10/2015}*

Shoreland Project Plan Review	August 20, 2015
Site Walk	September 3, 2015
Public Hearing	September 10, 2015
Approval	Approved, September 10, 2015

358
 359 And pursuant to the application, plans and other documents considered to be a part of the
 360 approval by the Planning Board in this finding consist of the following;{ *as noted in the Plan*
 361 *Review Notes prepared for 9/10/2015*} (hereinafter the “Plan”):

362
 363 1. Development Plans C-1 through C-3 dated September 2015

364
 365 **NOW THEREFORE**, based on the entire record before the Town Planning Board and pursuant
 366 to the applicable standards in the Land Use and Development Code, the Town Planning Board
 367 makes the following factual findings and conclusions:

368
 369 **FINDINGS OF FACT**

370
 371 **Chapter 16.3 LAND USE ZONE REGULATIONS**

16.3.2.17. D Shoreland Overlay Zone

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

Findings: The property is nonconforming with regard to this standard, however, it does not appear the proposed development will increase the nonconformity and the plans are to be revised to demonstrate this.

Conclusion: With condition #5 this standard appears to have been met.

Vote: 7 in favor 0 against 0 abstaining

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Chapter 10 DEVELOPMENT PLAN APPLICATION AND REVIEW

Article 10 Shoreland Development Review

16.10.10.2 Procedure for Administering Permits

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

1. ***Maintain safe and healthful conditions;***

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

Conclusion: This requirement appears to be met.

Vote: 7 in favor 0 against 0 abstaining

<p>2. <i>Not result in water pollution, erosion or sedimentation to surface waters;</i> <u>Finding:</u> Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction. (see conditions #2 and #3) to avoid impact on adjacent surface waters. <u>Conclusion:</u> The proposed development does not appear to have an adverse impact. With the suggested conditions #2, and #3, this requirement appears to be met.</p>
<p style="text-align: right;">Vote: <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>3. <i>Adequately provide for the disposal of all wastewater;</i> <u>Finding:</u> The development has a tank that is pumped to town sewer. <u>Conclusion:</u> This requirement appears to be met.</p>
<p style="text-align: right;">Vote: <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>4. <i>Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;</i> <u>Finding:</u> Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction. (see conditions #2 and #3) to avoid impact on adjacent surface waters. These conditions should be added to the plan. <u>Conclusion:</u> The proposed development does not appear to have an adverse impact. With the suggested conditions #2 and #3, this standard appears to be met.</p>
<p style="text-align: right;">Vote: <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>5. <i>Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;</i> <u>Finding:</u> Shore cover is not adversely impacted <u>Conclusion:</u> This requirement appears to be met.</p>
<p style="text-align: right;">Vote: <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>6. <i>Protect archaeological and historic resources;</i> <u>Finding:</u> There does not appear to be any resources impacted. <u>Conclusion:</u> This requirement appears to be met.</p>
<p style="text-align: right;">Vote: <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>7. <i>Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/ maritime activities district;</i> <u>Finding:</u> The proposed development does not appear to have an adverse impact. <u>Conclusion:</u> This requirement appears to be met.</p>
<p style="text-align: right;">Vote: <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>8. <i>Avoid problems associated with floodplain development and use;</i> <u>Finding:</u> The proposed development is not within the floodplain. <u>Conclusion:</u> This requirement appears to be met.</p>
<p style="text-align: right;">Vote: <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>9. <i>Is in conformance with the provisions of this Code;</i> <u>Finding:</u> The proposed development appears to be in conformance with the provisions of this Code with a reasonable reduction of required parking based on past actual parking demand incurred by the marine-related services provided by the yacht yard. In addition, the plan states</p>

and demonstrates compliance with the percent of lot area allowed to be devegetated. See condition #5

Conclusion: This requirement appears to be met.

Vote: 7 in favor 0 against 0 abstaining

10. ***Be recorded with the York County Registry of Deeds.***

Conclusion: As stated in the Notices to Applicant contained herein, Shoreland Development plans must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.

Vote: 7 in favor 0 against 0 abstaining

376
377 Based on the foregoing Findings, the Planning Board finds the applicant has satisfied each of the
378 review standards for approval and, therefore, the Planning Board approves the Shoreland
379 Development Plan Application of MGX, LLC a.k.a Kittery Point Yacht Yard, Corp. located at 48
380 Bowen Road (Tax Map 17, Lot 10) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-
381 SL) and Commercial Fisheries/Maritime Activities (OZ-CMFU) Overlay Zones. Zones and subject
382 to any conditions, waivers or modifications, as follows:

383
384 **Modifications:** 16.8.9.4 Off-Street Parking Standards

385
386 **Conditions of Approval** (to be included on final plan to be recorded):

- 387
- 388 1. No changes, erasures, modifications or revisions may be made to any Planning Board
389 approved final plan. (Title 16.10.9.1.2)
 - 390 2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work
391 associated with site and building construction to ensure adequate erosion control and slope
392 stabilization.
 - 393 3. Prior to the commencement of grading and/or construction within a building envelope, as
394 shown on the Plan, the owner and/or developer must stake all corners of the envelope.
395 These markers must remain in place until the Code Enforcement Officer determines
396 construction is completed and there is no danger of damage to areas that are, per Planning
397 Board approval, to remain undisturbed.
 - 398 4. All Notices to Applicant contained herein (Findings of Fact dated 8/20/15).

399
400 **Conditions of Approval** (not to be included on final plan):

- 401 5. Incorporate any plan revisions on the final plan as recommended by Staff, Planning
402 Board, or Peer Review Engineer, and submit for Staff review prior to presentation on
403 final Mylar.
- 404 6. Approval by the Kittery Port Authority, Maine DEP and the US Army Corps of
405 Engineers is required. If any of these approvals requires changes to the plan, additional
406 approval by the Planning Board is required.

407
408 The Planning Board authorizes the Planning Board Chair to sign the Final Plan and the Findings
409 of Fact upon confirmation of compliance with any conditions of approval.

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Vote: 7 in favor 0 against 0 abstaining

Approved by the Kittery Planning Board on September 10, 2015

Notices to Applicant:

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

Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.

OLD BUSINESS

ITEM 4 – Yankee Commons Mobile Home Park Expansion – Subdivision Preliminary Plan Review

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

Jay Stevens of Civil Consultants approached the podium and responded to the staff review. He noted that the density calculations have been resolved. He further noted that they had requested a waiver for the sidewalks as they are not necessary and the other parks do not have sidewalks. This project is for residents who are 55 years of age and older so there will not be children. Mr.

**TOWN OF KITTERY, MAINE
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**UNAPPROVED
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450 Stevens commented that they are concerned with the request to add more pavement which would
451 add almost another half acre of impervious area. Ms. Kalmar asked how much pavement there is
452 for people to walk on. Mr. Stevens responded that there are three different road sections. The
453 first comes in from Idlewood lane and leads into the site, next is a split section and then there are
454 the internal roads. The internal section of road is 22 ft. of paved roadway with a couple ft.
455 shoulder on each side. The divided section has 14 ft. of pavement on each side and the internal
456 roads are the narrowest with only 20 ft. of pavement, two 10 ft. lanes and 2 ft. shoulders on
457 either side. He noted that the shoulders are gravel.

458
459 Mr. DiMatteo asked if there would be striping on the roads. Gary Beers responded that there
460 would be striping and that the speed limit is only 10 mph. He noted that with the amount of
461 traffic anticipated, there would rarely be two cars passing each other. Ms. Driscoll-Davis asked if
462 there would be speed bumps. Mr. Beers responded that they would not have speed bumps
463 because that would make it difficult for first responders to access the site, especially in the
464 winter. Ms. Driscoll-Davis asked who polices the speed limit. Mr. Beers responded that the park
465 does that and they have strict punishments for violating the rules.

466
467 Mr. DiMatteo asked if they would consider having 9 ft. travel lanes and 3 ft. shoulders and
468 striping the roadway to reflect that. Mr. Beers said that they would not oppose that. Ms. Driscoll-
469 Davis commented that gravel shoulders would not comply with ADA standards. Mr. Beers stated
470 that sidewalks are not required by Maine standards. Ms. Kalmar commented that they just
471 wanted a safe place for people to walk. Mr. Beers commented that they could make all interior
472 traffic one way and add a paved sidewalk. Ms. Lynch asked if that would affect first responders.
473 Mr. Stevens noted that they would have to narrow the road in order to make it a one way. Mr.
474 DiMatteo noted that they would have to have enough width for emergency cars and firetrucks.
475 Mr. Beers commented that they could review the plan and discuss it again with the Board after
476 they meet with the police and fire departments. He added that a narrower road might also prevent
477 people from parking on the street, which he was in favor of.

478
479 Mr. Stevens commented on the required setbacks, noting that the 20 ft. does not allow them to do
480 what they want with the site but they are willing to change the plans to reflect the 20 ft. setback.
481 He stated that they are providing dumpsters and that everything from the development into the
482 wetlands will be open space. He added that they are willing to give an easement to the Town for
483 the area from the outside property to the non-disturbed land buffer. He noted that the total sq. ft.
484 exceeds the requirement for the open space. Mr. DiMatteo asked how they created the property
485 line between the open space and the reserved area. Mr. Stevens responded that they created it
486 based upon specific required distances from individual structures.

487
488 Ms. Driscoll-Davis asked if any of the conservation area will be excavated. Mr. Stevens
489 responded that they will only excavate areas where units are and where the treatment facilities

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**UNAPPROVED
SEPTEMBER 10, 2015**

490 are. Mr. Beers noted that they are waiting for conformation from the Army Corp. that they only
491 require a 100 ft. non-disturbance zone for the vernal pool. Mr. Stevens commented that they are
492 still trying to come up with a subdivision plan that meets Mr. DiMatteo's request. He noted that
493 they would like to work that out with Mr. DiMatteo and have it prepared for the final plan.
494

495 Mr. Stevens noted that they did provide a traffic study and they are prepared to cap activity at 68
496 vehicles per day. Ms. Driscoll-Davis asked if they would create a condition for their contractors
497 regarding the route they are required to take when entering and exiting the site. Mr. Stevens
498 commented that they could give a suggested route but the location of their customers determine
499 where they take the product after they leave the site. Mr. DiMatteo commented that the site is not
500 a quarry and it is only important to remove the rock, storing it off site if they have to. Mr. Beers
501 stated that he met with two contractors who do this kind of work and explained the
502 circumstances. They mentioned that the principal consideration they have is where the storage
503 site is and they want to retain the ability to control logistics and shipping schedule without a
504 predetermined conclusion.
505

506 Mr. Alesse asked what the least and greatest amount of blasts would be. Mr. Beers responded
507 that the contractors would not give that to them due to unforeseeable factors. Mr. DiMatteo
508 asked if they could take the worst case scenario and see what that looks like to give them an
509 opportunity to understand the state requirements would be on a worst case scenario. Mr. Stevens
510 responded that a worst case scenario would be 300,000 cubic yards of material. Mr. Beers
511 estimated that it would be 14 or 15 blasts. Mr. Stevens noted that they intend to blast the trench
512 areas deeper than the rest but that they cannot estimate the density of the rock. Mr. Lincoln noted
513 that he is not comfortable with the speculation and he supports a comprehensive excavation plan.
514 He also requested more information on why the trucks have to go south instead of traveling
515 north. He noted that what the contractor wants to do does not supersede what is in the code and
516 findings of fact.
517

518 Ms. Wells asked about the SW Cole report and the conditions in the wetlands after the blasting
519 has occurred. She stated the concerns from another person at the Conservation Commission
520 regarding SW Cole not factoring in future conditions after the blasting and did not define the
521 existing water table or groundwater flow regime. She added that they have no idea if the water
522 table is within the bedrock level or below it and asked how the blast will impact the flow of
523 water. She noted that it is important to know which direction the water flows. Mr. Beers objected
524 to Ms. Wells' comments being made after the public hearing was closed and without being
525 presented to the applicants with enough time to review them in advance.
526

527 Mr. Alesse commented on an environmental report regarding diesel fuel emissions. He noted that
528 the real issue is with the trucks running and idling all day for a month. He would like an analysis
529 of the environmental impact resulting from 60 or more trucks coming and going plus excavators

530 on the hill. He stated that he would like to know that the air pollution question will be addressed.
531 Mr. DiMatteo noted that there is a Maine state statute that deals with idling requirements. Mr.
532 Alesse responded that it involves a time limit on the idling, noting that the limit is five minutes
533 for every 60 minute period if the temperature is above a certain point and that the requirement
534 changes depending on the time of year. Ms. Grinnell noted that they would need a third party to
535 monitor that. Ms. Driscoll-Davis asked about the discussion of a mitigation plan to the damage to
536 Idlewood lane. Ms. Grinnell responded that they would not discuss it at the point but would
537 make it a condition.

538
539 **Ms. Kalmar moved to grant conditional approval for preliminary plan review for a 78-lot**
540 **expansion of the Yankee Commons Mobile Home Park located at US Route 1, Tax Map 66,**
541 **Lot 24 and 25 in the Mixed Use (MU) and Residential – Rural (R-RL) Zones for**
542 **owner/applicant Steven A. Hynes Real Property Trust Agreement. Conditions to include:**

- 543 **1. Modification to the road layout to accommodate sidewalk**
- 544 **2. Development of a comprehensive plan for earth rock removal that complies with**
545 **applicable provisions of the State of Maine**
- 546 **3. Address limits to the daily trucking rate for rock removal**
- 547 **4. Development of a mitigation plan for Idlewood Lane damage, including financial**
548 **assurance and concurrence with Kittery Commissioner of Public Works**
- 549 **5. Amendment to traffic report to address traffic questions in the CMA's**
550 **September 1st letter**
- 551 **6. Provide an estimate of the level of diesel emissions at the site with respect to**
552 **particulates, nitrous oxides, carbon monoxide, volatile organic compounds and**
553 **ozone**
- 554 **7. Supply input from the Open Space Committee**
- 555 **8. Respond to the concerns from the Conservation Commission in writing**
- 556 **9. Address traffic concerns about removal of material**

557 **Mr. Lincoln seconded the motion.**

558
559 Mr. Lincoln requested to modify condition #3 to include a plan for the removal of the excavated
560 material including routes to be taken. Ms. Grinnell clarified that Mr. Lincoln was requesting a
561 traffic plan for the removal of the material off the site and suggested that they make that #9. Ms.
562 Kalmar commented that the applicants mentioned that they could not predict the routes to be
563 taken. Ms. Driscoll-Davis commented that the traffic analysis should cover some of those issues
564 and that the applicant is very aware that the Board is concerned about the rock removal going
565 through the outlets. Mr. Harris commented that they cannot get any answers to their questions
566 until the project starts. He noted that the Town's snowplows are diesel and no one cares about
567 those. Mr. Alesse responded that these trucks will be making 60 or more trips in and out of one
568 location. Mr. Harris noted that the questions that they are asking cannot be answered until the

569 project starts. Ms. Grinnell responded that the applicant is going to do their due diligence to get
570 the answers.

571

572 **Motion carried: 6-1-0 with Mr. Harris in opposition.**

573

574 **ITEM 5 – Spruce Creek Ventures, II – Minor Subdivision Sketch Plan Review**

575 Action: approve or deny sketch plan. Owner/applicant Spruce Creek Ventures II requests
576 consideration of a three-lot subdivision of 3.02 acres located at 9 Cook Street and Old Post Road
577 (Tax Map 3, Lot 77-A) in the Residential – Urban (R-U) Zone. Agent is Chris Wilber, Chris
578 Wilber Consulting.

579

580 Chris Wilber of Chris Wilber Consulting approached the podium to provide the following points:

- 581 • Mr. Wilber noted that, subsequent to the sitewalk last month, they had taken comments
582 received into consideration and changed the sketch plan to show a cluster of six units as
583 opposed to the original three-lot subdivision.
- 584 • The six units are in close proximity in order to leave open space in the center with a foot
585 path going in between the right of way. Mr. Wilber commented that they are going to try
586 and save as many trees as possible. He added that the road is virtually unchanged.

587

588 Ms. Grinnell asked about the roadway and Mr. DiMatteo responded that it is a private road. Ms.
589 Kalmar asked the applicant to get together with Mr. DiMatteo to discuss the gradient on the
590 roadway because it is currently too high. Mr. Wilber noted that they are trying to minimize
591 blasting and impact on the site and it is difficult to balance grade and length of road to minimize
592 impacts. Ms. Grinnell responded that they would prefer that the Mr. Wilbur meet with Mr.
593 DiMatteo to get the plan within the limits of the code. Ms. Kalmar asked Mr. Wilbur if he had
594 read Mr. DiMatteo's notes about the footprint of the current plan. Mr. Wilber commented that he
595 did not receive Mr. DiMatteo's notes prior to this meeting but after reading it quickly, noted that
596 Mr. DiMatteo had mentioned the idea of multi units but that he spoke to Mr. Bischoff who
597 recommended a single family scenario which would best fit the current market.

598

599 **Ms. Kalmar moved to continue the sketch plan application dated June 18, 2015 from**
600 **owner/applicant Spruce Creek Ventures II for a three-lot subdivision of 3.02 acres located**
601 **at 9 Cook Street and Old Post Road (Tax Map 3, Lot 77-A) in the Residential-Urban (R-U)**
602 **Zone not to exceed 90 days.**

603 **Ms. Driscoll-Davis seconded.**

604

605 **Motion carried: 7-0-0**

606

607

608

609 NEW BUSINESS

610

611 **ITEM 6 – Weathervane-Badgers Is. Redevelopment — Subdivision/Shoreland**

612 **Development – Sketch Plan Review**

613 Action: approve or deny sketch plan. Owner Gagner Family Limited and applicant Stephen Kelm
614 requests consideration of a 7-dwelling subdivision of 0.8 acres located at 31 Badgers Island West
615 (Tax Map 1, Lot 31) in the Mixed Use – Badgers Island (MU-BI) Zone and Shoreland Overlay
616 (OZ-SL) and Commercial Fisheries/Maritime Activities (OZ-CMFU) Overlay Zones. Agent is
617 Eric D. Weinrieb, P.E., Altus Engineering.

618

619 Eric Weinrieb of Altus Engineering approached the podium to present the following points:

- 620 • Mr. Weinrieb described the aerial view of the property and noted that their intent is to
621 take away the commercial use of the property and make it solely residential. He noted
622 that they would like to have seven units on the property even though they only have
623 density for five units. Mr. Weinrieb commented that they will be able to provide
624 stormwater management and will continue to have a sewer pump system.
- 625 • Mr. Weinrieb noted that he would like feedback on the public access that was noted on
626 the plan for the restaurant. He stated that since this is now a residential property, he
627 would like to eliminate the possibility of public access and requested a waiver on the high
628 intensity soil survey on the site. Mr. Weinrieb asked for feedback on the number of units
629 as well as the reconstruction of the building, which he will need to tear down and rebuild
630 because it currently sits on piles. He noted that whether the building has five units or
631 seven units it will remain the same size, only the sq. ft. of the units will change.

632

633 Ms. Grinnell commented on the nonconforming use of the building and confirmed that they
634 wanted to tear the building down and rebuild it on the same footprint. Mr. DiMatteo commented
635 that if greater than 50% of the market value is removed then the Board will need to determine if
636 the building is the furthest distance away as practicable from the protected resource. Ms. Grinnell
637 noted that they would have to waive the requirement and requested that the applicant make the
638 case as to why they cannot move the building back further. Ms. Kalmar questioned the
639 nonconformity of the building as a residential site versus its former capacity as a seafood
640 restaurant. She stated that she believes that the nonconformity will be greater as a residential
641 building. Ms. Driscoll-Davis agreed that the former lobster business was required to be on the
642 water and was therefore more nonconforming.

643

644 Mr. Lincoln asked if the current building is over the water. Mr. Weinrieb responded that parts of
645 the building are over the water. Mr. Lincoln asked if the parts of the building that are over the
646 water will be rebuilt as part of the condos. Mr. Weinrieb responded that they have moved it back
647 some, which is depicted by the dark red line on the plan. Mr. Alesse asked why the building
648 could not be pulled back fully onto the land to which Mr. Weinrieb responded that it would be

649 intruding on the parking lot. Ms. Driscoll-Davis asked if they could include more parking under
650 the building. Mr. Weinrieb commented that moving the building off the water would lower the
651 market value of the property. Ms. Grinnell commented that if they tear the building down
652 completely, the new building would be required to be moved back 75 feet from the water. Ms.
653 Kalmar noted that the code calls for the building to be moved back to the greatest extent practical
654 and noted that the applicant should work these issues out with the Town Planner. Ms. Kalmar
655 read the factors that the Board would use to decide how far back the new building would have to
656 be.

657

658 Mr. DiMatteo noted that they would need to discuss public access on the property. Ms. Grinnell
659 asked about the size of the building and commented that there can only be 5 units in the building
660 and they are currently unsure whether the building can be rebuilt over the water. Mr. Lincoln
661 noted that the applicant might want to consider reconfiguring the design. He stated that they
662 might not be able to get water views but at least they would be able to proceed. Mr. Alesse asked
663 if waterfront or maritime activity was required on the property and Ms. Driscoll-Davis responded
664 that they are required to allow that if the building is not set back far enough from the water.

665

666 **Ms. Kalmar moved to continue sketch plan application dated August 20, 2015 for owner**
667 **Gagner Family Limited and applicant Stephen Kelm for 31 Badgers Island West (Tax Map**
668 **1, Lot 31) in the Mixed Use-Badgers Island (MU-BI) Zone and Shoreland Overlay (OZ-SL)**
669 **and Commercial Fisheries/Maritime Activities (OZ-CMFU) Overlay Zones not to exceed**
670 **90 days.**

671 **Mr. Lincoln seconded.**

672 **Motion carried: 7-0-0**

673

674 **ITEM 7 – Board Member Items/Discussion**

675

676 Ms. Kalmar commented that the Board needs to entertain the idea of extending a six month
677 extension for the Operation Blessing plan and they require a vote on it tonight.

678

679 **Mr. Alesse moved to approve a six month extension for the Operation Blessing plan.**

680 **Ms. Kalmar seconded the motion.**

681

682 Ms. Kalmar noted that they are entitled to an extension because the code states that if you are at
683 the final plan and have a written request you are allowed an extension.

684

685 **Motion carried 7-0-0**

686

687

688

**TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING**

**UNAPPROVED
SEPTEMBER 10, 2015**

- 689
690 **Mr. Alesse moved to adjourn.**
691 **Mr. Lincoln seconded.**
692 **Motion carried: 7-0-0**
693
694 The Kittery Planning Board meeting of September 10, 2015 was adjourned at 9:47 p.m.
695
696 Submitted by Valerie Porrazzo, Minutes Recorder, September 15, 2015.

**Town of Kittery Maine
Town Planning Board Meeting
September 24, 2015**

73 Tower Road – Shoreland Development Plan Review-Modification to an Approved Plan

Action: approve or deny plan. Owners/applicants Robert & Megan Ramos request consideration of a modification to their recently approved shoreland development plan to construct a new, more conforming single-family dwelling at 73 Tower Road (Tax Map 58, Lot 42) in the Residential – Rural Conservation (R-RLC), Shoreland Overlay (OZ-SL-250’), and Resource Protection Overlay (OZ-RP) Zones. Agent is Robert MacDonald, Detail Design Builders, LLC.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Sketch Plan Review		NA
NO	Site Visit	At the Board’s discretion, 6/30/2015	HELD
YES	Determination of Completeness/Acceptance	Granted on 6/11 and scheduled for 9/24	PENDING
NO	Public Hearing	At the Board’s discretion, 7/9/2015	HELD
YES	Final Plan Review and Decision	Approved on 7/9/2015, Plan Modification on 9/24/2015	PENDING

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

Background

The Planning Board’s review of this modified plan is required by 16.10.9.1.2 Plan Revisions after Approval, where in this instance the building footprint changed in a manner that encroached upon the setback that the Board approved as part of the 7/9 Shoreland Development Plan review. The Board may recall that part of the existing house was located within the 100-foot setback from the ocean, but front and side setbacks are met. The distance from the former building to the HAT (Highest Annual Tide) was approximately 75 feet. The Board approved the new building’s location as close as 89.3 feet from the HAT, with the proposed building footprint represented on the plan with no protrusions. The exception was a balcony that was represented in the architectural drawings.

It became evident during the review of the applicant’s building permit application and construction drawings that the proposed building foot print changed within the area of the 100-foot setback. Staff informed the applicant that the changes to the building design were not reflected in the planning board approved plan and such changes require Board approval.

Review

The Board approved 1,958.54 square feet of floor area and 14,030.57 cubic feet of volume on July 9, 2015. The proposed plan modification includes a modest increase of approximately 0.783% and 7.35% respectively, while still remaining well below the less than 30% increase allowed. See attached calculations the applicant has included.

The plan modification differs from the original plan in two respects: 1) the building footprint includes a three foot bump-out and a second floor balcony and 2) the deck adjacent to the breezeway is expanded to behind the garage and removed from the vicinity of the principal structure. The revised calculations, including the slight 0.2% increase in devegetated area, are reflected on the new shoreland development plan.

Recommendations

Staff finds the modification within the 100-foot setback reasonable and still well within what is allowed by the Town Code, in fact, the floor area and volume within the setback remain decreases from the existing nonconforming building. When considering this along with the modest increase to the devegeatated area, the Board should find the proposed plan modification does not change the Shoreland Development Plan's conformance with Title 16.

If the Board finds the shoreland development plan remains conforming to the Town Code they could consider the following motions:

Move to accept the Shoreland Development Plan application dated September 10, 2015 from owners and applicants Robert and Megan Ramos for 73 Tower Road (Tax Map 58, Lot 42) in the Residential – Rural Conservation and Shoreland Overlay Zones.

and

Move to approve the plan modification presented in the Shoreland Development Plan application dated September 10, 2015 and amend the previously approved Findings of Fact dated July 9, 2015 as presented in the 9/24/15 Plan Review Notes, owners and applicants Robert and Megan Ramos for 73 Tower Road (Tax Map 58, Lot 42) in the Residential – Rural Conservation and Shoreland Overlay Zones.

The following amended findings of fact were drafted in anticipation of the Board, if they concur with staff's recommendation, to vote on only those standards where information changed due to the proposed plan modification. The other minor edits are highlighted that can be referenced if the Board chooses, however, staff does not suggest reading the entire Findings, only that which is being voted on. As always, the Board may add, remove, or modify as it sees fit.

FINDINGS OF FACT
For 73 Tower Road
Shoreland Development Plan Review

UNAPPROVED

WHEREAS: Owners and applicants Robert and Megan Ramos request approval of their Shoreland Development Plan for reconstruction of an existing, nonconforming structure located at 73 Tower Road (Tax Map 58, Lot 42) in the Residential – Rural Conservation (R-RLC), Shoreland Overlay (OZ-SL-250’) and Resource Protection Overlay (OZ-RP) Zones, hereinafter the “Development,” and

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

Shoreland Development Plan Review	6/11, 7/9, 9/24
Site Walk	6/30
Public Hearing	7/9

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

1. Shoreland Development Plan Application, May 21, 2015 and September 10, 2015
2. Shoreland Development Plan, Frank Emery, PLS, May 5, 2015 revised June 3, June 11 and September 9, 2015.
3. Architectural Plans, Detail Design Builders, May 27 and September 10, 2015

NOW THEREFORE, based on the entire record before the Planning Board, including previously approved Findings of Fact dated July 9, 2015 and pursuant to the applicable standards in the Land Use and Development Code, the Planning Board makes the following factual findings and conclusions:

FINDINGS OF FACT

Chapter 16.3 LAND USE ZONE REGULATIONS

16.3.2.17. D Shoreland Overlay Zone (updated and voted again on 9/12)

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

Findings: Existing conditions on the 30,469-square-foot lot include 3,959 square feet (13%) of devegetated area. The revised proposed to be devegetated area is 3,887 square feet (12.8% of the lot).

Conclusion: This standard appears to be met.

(at the 9/24/15 meeting) **Vote: 0 in favor 0 against 0 abstaining**

Chapter 16.7 GENERAL DEVELOPMENT REQUIREMENTS

Article III Nonconformance

16.7.3.1 Prohibitions and Allowances

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

Finding: This is an existing, nonconforming lot with an existing single-family dwelling structure located partially within 100 feet of a waterbody. The proposed development's floor area, volume and devegetated area do not exceed what is allowed under Title 16.

Conclusion: The proposed development does not increase the nonconformity. The requirement appears to be met.

(at the 9/24/15 meeting) **Vote: 0 in favor 0 against 0 abstaining**

16.7.3.5.6 Nonconforming Structure Reconstruction. (Effective 2/28/15)

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

B. In no case will a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it may not be any larger than the original structure, except as allowed pursuant to Section 16.7.3.5.5, Nonconforming Structures Repair and Expansion and 16.7.3.6.1 Nonconforming Structure Expansion, as determined by the nonconforming floor area and volume of the reconstructed or replaced structure at its new location.

C. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure may be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation to reconstruct a structure, vegetation must be replanted in accordance with Section 16.7.3.5.4.C, Nonconforming Structure Relocation. Application for a demolition permit for any structure that has been partially damaged must be made to the Code Enforcement Officer.

D. Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and removed, damaged or destroyed by any cause by the owner by 50% or less of the market value of the structure before such damage, destruction or removal, may be reconstructed in-place if a permit is obtained from the Code Enforcement Officer or the Planning Board (in cases where the structure was located in the Shoreland Overlay or Resources Protection Overlay Zone) within twelve (12) months of the established date of damage, destruction, or removal.

E. In determining whether the structure reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or Code Enforcement Officer must consider, in addition to the criteria in Section 16.7.3.5.4, Nonconforming Structure Relocation, the physical condition and type of foundation present, if any.

Finding: The existing nonconforming structure will be destroyed by more than 50% of its market value. D is not applicable. The proposed structure does not expand in area or volume within the required setback from the water and does not increase nonconformity.

Conclusion: With the proposed conditions (#5), the standards of 16.7.3.5.6 appear to be met.

(at the 7/9/15 meeting) **Vote: 5 in favor 0 against 0 abstaining**

16.7.3.5.4 Nonconforming Structure Relocation

B. In determining whether the structure relocation meets the setback to the greatest practical extent, the Board of Appeals or Planning Board (in cases where the structure is located in a Shoreland Overlay or Resources Protection Overlay Zone.), must consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

Finding:

1. Lot. The lot is 30,469 square feet, which is comparable to adjacent properties but nonconforming to the 80,000-square-foot minimum.
2. Slope. The lot slopes toward the ocean and toward the road. The existing house is built into the slope, with a portion of the basement level accessible from the outside.
3. Soil erosion. Increased soil disturbance increases the potential for soil erosion. Proposed development limits the total amount of necessary excavation and thus the increased potential for soil erosion.
4. Other Structures. There are no other structures on the property. Structures on abutting properties meet the side setbacks and are nonconforming to the 100-foot setback from the ocean.
5. Septic System. The applicant proposes an expansion of the existing septic system.
6. Vegetation. No removal of vegetation is proposed or permitted.

Conclusion: The structure relocation meets the setback to the greatest practical extent.

(at the 7/9/15 meeting) **Vote: 5 in favor 0 against 0 abstaining**

16.7.3.6 Nonconforming Structures in Shoreland and Resource Protection Zones

16.7.3.6.1 Nonconforming Structure Expansion

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

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

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

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

Finding: The proposed reconstruction *reduces* floor area and volume within the setback from the water.

Conclusion: The requirements of this section appear to be met.

(at the 7/9/15 meeting) **Vote: 5 in favor 0 against 0 abstaining**

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

<p>16.10.10.2 Procedure for Administering Permits <i>D. An Application will be approved or approved with conditions if the reviewing authority makes a positive finding based on the information presented. It must be demonstrated the proposed use will:</i></p>
<p>1. Maintain safe and healthful conditions; <u>Finding:</u> The proposed development does not appear to have an adverse impact. <u>Conclusion:</u> This requirement appears to be met.</p>
<p>(at the 7/9/15 meeting) Vote: <u>5</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>2. Not result in water pollution, erosion or sedimentation to surface waters; <u>Finding:</u> Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction. (see conditions #2 and #3) to avoid impact on adjacent surface waters. <u>Conclusion:</u> The proposed development does not appear to have an adverse impact. With the suggested conditions #2, #3, this requirement appears to be met.</p>
<p>(at the 7/9/15 meeting) Vote: <u>5</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>3. Adequately provide for the disposal of all wastewater; <u>Finding:</u> The applicant has submitted a HHE 200 septic system application for the proposed expansion to the existing septic system. <u>Conclusion:</u> This requirement appears to be met.</p>
<p>(at the 7/9/15 meeting) Vote: <u>5</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat; <u>Finding:</u> Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction. (see conditions #2 and #3) to avoid impact on adjacent surface waters. <u>Conclusion:</u> The proposed development does not appear to have an adverse impact. With the suggested conditions #2 and #3, this standard appears to be met.</p>
<p>(at the 7/9/15 meeting) Vote: <u>5</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>5. Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters; <u>Finding:</u> Shore cover is not affected by this development. Vegetation will be increased. There are no points of access. <u>Conclusion:</u> The requirement appears to be met.</p>
<p>(at the 7/9/15 meeting) Vote: <u> </u> in favor <u> </u> against <u> </u> abstaining</p>
<p>6. Protect archaeological and historic resources; <u>Finding:</u> The proposed development does not appear to have an adverse impact. <u>Conclusion:</u> The requirement appears to be met.</p>

(at the 7/9/15 meeting) Vote: <u>5</u> in favor <u>0</u> against <u>0</u> abstaining
7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/ maritime activities district; <u>Finding:</u> The proposed development does not appear to have an adverse impact. <u>Conclusion:</u> This requirement appears to be met.
(at the 7/9/15 meeting) Vote: <u>5</u> in favor <u>0</u> against <u>0</u> abstaining
8. Avoid problems associated with floodplain development and use; <u>Finding:</u> The existing development is within the floodplain. The proposed development is not within the floodplain. <u>Conclusion:</u> This requirement appears to be met.
(at the 7/9/15 meeting) Vote: <u>5</u> in favor <u>0</u> against <u>0</u> abstaining
9. Is in conformance with the provisions of this Code; <u>Finding:</u> The proposed development appears to be in conformance with the provisions of this Code. <u>Conclusion:</u> This requirement appears to be met.
(at the 7/9/15 meeting) Vote: <u>5</u> in favor <u>0</u> against <u>0</u> abstaining
10. Be recorded with the York County Registry of Deeds. <u>Conclusion:</u> As stated in the Notices to Applicant contained herein, Shoreland Development plans must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.
(at the 7/9/15 meeting) Vote: <u>5</u> in favor <u>0</u> against <u>0</u> abstaining

Based on the foregoing Findings, the Planning Board finds the applicant has satisfied each of the review standards for approval and, therefore, the Planning Board approves the Shoreland Development Plan Application for Robert and Megan Ramos, owners and applicants, for reconstruction of a nonconforming single-family dwelling located at 73 Tower Road (Tax Map 58, Lot 42) subject to any conditions or waivers, as follows:

Waivers: None

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

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

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

1. No changes, erasures, modifications, or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated with site and building construction to ensure adequate erosion control and slope stabilization.
3. Prior to the commencement of grading and/or construction within a building envelope, as shown on the Plan, the owner and/or developer must stake all corners of the envelope. These markers must remain in place until the Code Enforcement Officer determines construction is completed and there is no danger of damage to areas that are, per Planning Board approval, to remain undisturbed.
4. All Notices to Applicant contained herein (Findings of Fact dated **9/24/15**).
5. A replanting plan to mitigate past unpermitted tree removal in the Shoreland Zone showing tree species, sizes, and planting locations will be submitted to and approved by the Town of Kittery Shoreland Resource Officer, who will also confirm conformance to 16.10.10.2.D.2.

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

(at the 7/9/15 meeting) **Vote of 5 in favor 0 against 0 abstaining**

APPROVED BY THE KITTERY PLANNING BOARD ON 7/9/15 and 9/24/15

Ann Grinnell, Planning Board Chair

Notices to Applicant:

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

Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.

SHORELAND DEVELOPMENT PLAN APPLICATION



TOWN OF KITTEERY
Planning & Development Department
 200 Rogers Road, Kittery, ME 03904
 Telephone: 207-475-1323 Fax: 207-439-6806

MAP	LOT
DATE:	9/10/15
FEE:	\$ 200.00
ASA*:	

PROPERTY DESCRIPTION	Physical Address	79 TOWER ROAD KITTEERY		
	Base Zone	R-PLC	Overlay Zone (s)	RESOURCE PROTECTION
OWNER INFORMATION	Name	ROBERT FRANCO		Mailing Address 37 HONETHORNE DR. BEDFORD NH.
	Phone	603-494-8948		
	Email	FRANCO@FRANCOGROUP.COM		
AGENT INFORMATION	Name	ROBERT L. MACDONALD		Company DETAIL DESIGN BUILDERS LLC
	Phone	603-809-8062		
	Email	bob@detaildesignbuilders.com		Mailing Address 13 COLUMBIA DRIVE UNIT 7 AMHERST, NH 03031
	Fax	603-594-1869		
APPLICANT INFORMATION	Name	EDWATED DELANEY		Mailing Address DETAIL DESIGN BUILDERS LLC 13 COLUMBIA DRIVE UNIT 7 AMHERST, NH 03031
	Phone	603-809-8062		
	Email	ed@detaildesignbuilders.com		

PROJECT DESCRIPTION	<u>Existing Use:</u>	SINGLE FAMILY HOME
	<u>Proposed Use (describe in detail):</u>	SINGLE FAMILY HOME

PROJECT DESCRIPTION	Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)
	<i>SHORELAND OVERLAY ZONE, NON CONFORMANCE</i>

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

Applicant's Signature:	<i>Robert M. Moore</i>	Owner's Signature:	<i>Robert M. Moore</i>
Date:	<i>9/10/15</i>	Date:	<i>9/10/15</i>

*Applicant Service Accounts: Fees to pay other direct costs necessary to complete the application process, not including application fees. Title 3, Chapter 3.3.

MINIMUM PLAN SUBMITTAL REQUIREMENTS

15 Copies of this Application Form, all supporting documents, and the Development Plan and Vicinity Map 12 plan copies may be half-size (11"x17") and 3 must be full-size (24"x36")

Shoreland Development Plan format and content:

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

B) Plan Scale

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

10 + acres: 1" = 50'

C) Title Block

Title: Shoreland Development Plan

Applicant's name and address

Name of preparer of plan with professional information

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

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

D) Signature Block

Area for signature by Planning Board Chair and Date of Planning Board Approval

Development Plan must include the following existing and proposed information:

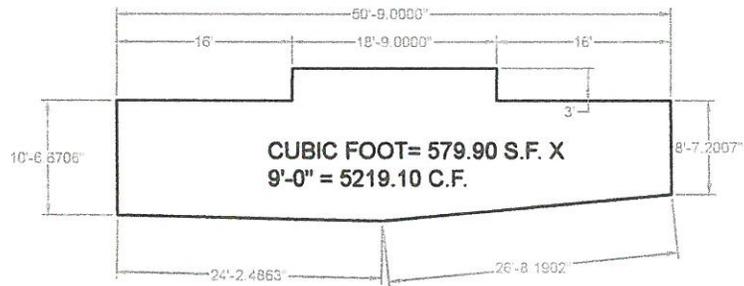
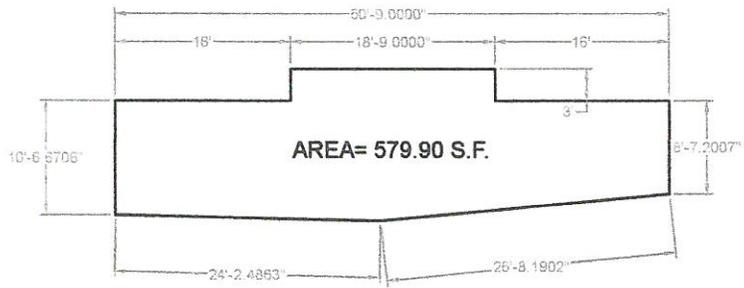
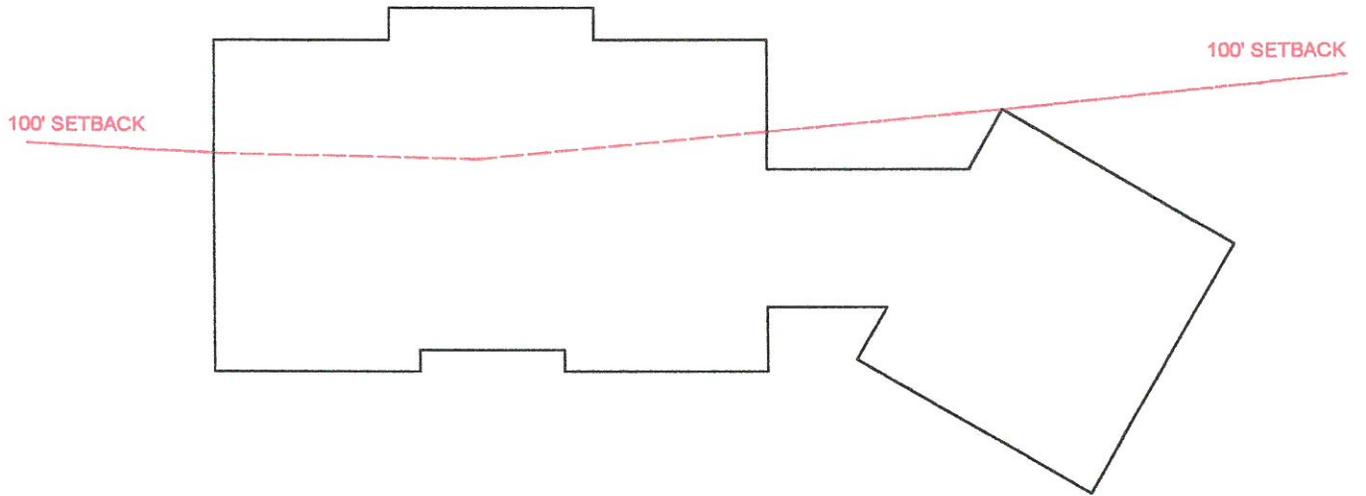
<p>Existing:</p> <p><input type="checkbox"/> Land Use Zones and boundaries</p> <p><input type="checkbox"/> Topographic map (optional)</p> <p><input type="checkbox"/> Wetlands and flood plains</p> <p><input type="checkbox"/> Water bodies and water courses</p> <p><input type="checkbox"/> Parcel area</p> <p><input type="checkbox"/> Lot dimensions</p> <p><input type="checkbox"/> Utilities (Sewer/septic, water, electric, phone)</p> <p><input type="checkbox"/> Streets, driveways and rights-of-way</p> <p><input type="checkbox"/> Structures</p> <p><input type="checkbox"/> Distance from structure to water body and property lines</p> <p><input type="checkbox"/> Floor area, volume, devegetated area, and building coverage</p>	<p>Proposed: (Plan must show the lightened existing topography under the proposed project plan for comparison.)</p> <p><input type="checkbox"/> Recreation areas and open space</p> <p><input type="checkbox"/> Setback lines and building envelopes</p> <p><input type="checkbox"/> Lot dimensions</p> <p><input type="checkbox"/> Utilities (Sewer/septic, water, electric, phone)</p> <p><input type="checkbox"/> Streets, driveways and rights-of-way</p> <p><input type="checkbox"/> Structures</p> <p><input type="checkbox"/> Floor area, volume, devegetated area, and building coverage</p> <p>Distance to:</p> <p><input type="checkbox"/> Nearest driveways and intersections</p> <p><input type="checkbox"/> Nearest fire hydrant</p>
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Proposed Analysis of Construction Within 100' Setback

	<u>Floor Area</u>	<u>Volume</u>
<u>Existing House</u>		
Existing Basement	1,017.27	7,120.89
<u>Existing Main Level</u>	<u>1,429.8 w/patio</u>	<u>13,128.7</u>
Total	2,438.07	20,249.59
 Proposed New House		
New Basement	579.90	5,219.10
New First Floor	770.85 w/deck	5,210.82
<u>New Second Floor</u>	<u>623.13 w/balcony</u>	<u>4,631.84</u>
Total	1,973.88	15,061.76
Change Percent	-19.04% Decrease	-25.62% Decrease

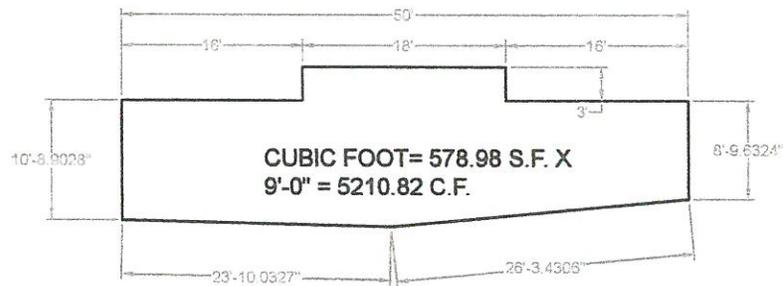
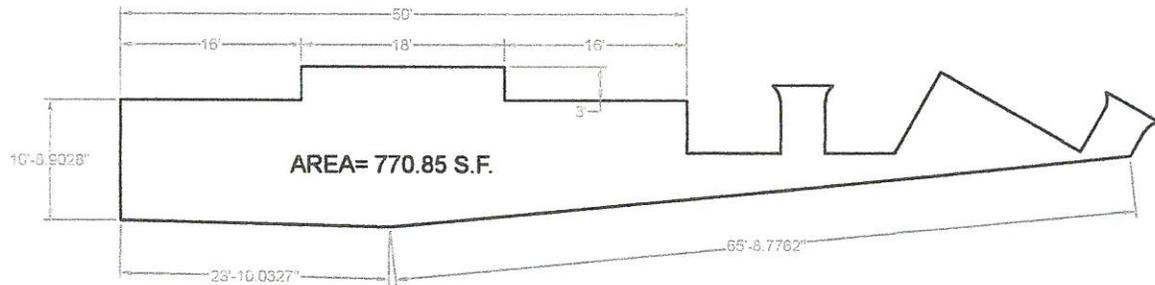
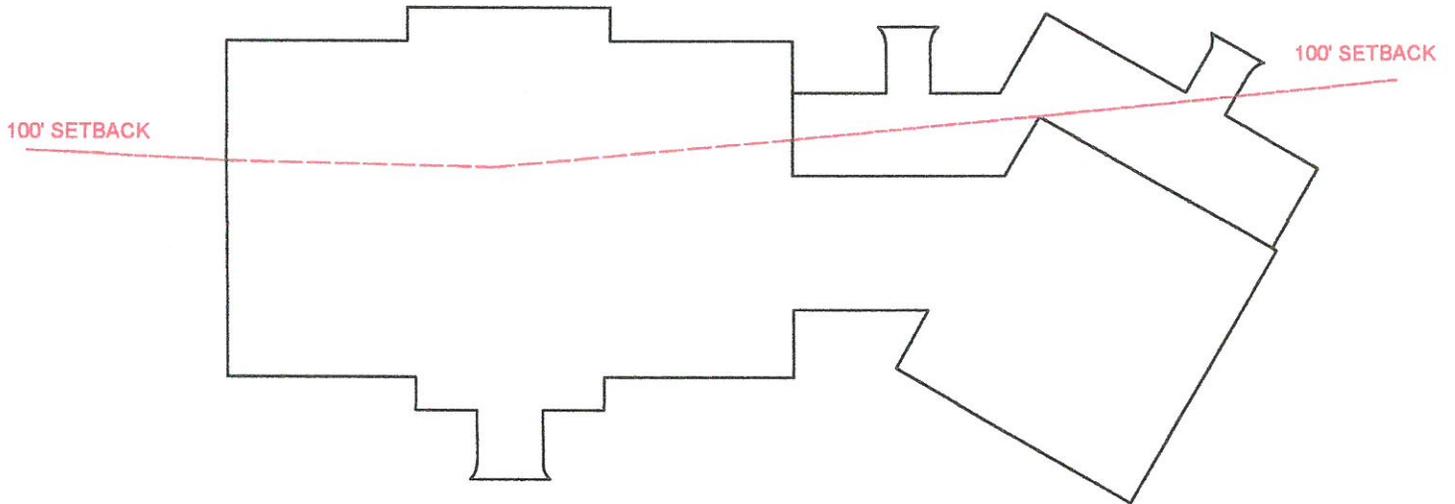
REVISED AREA CALCULATIONS

BASEMENT



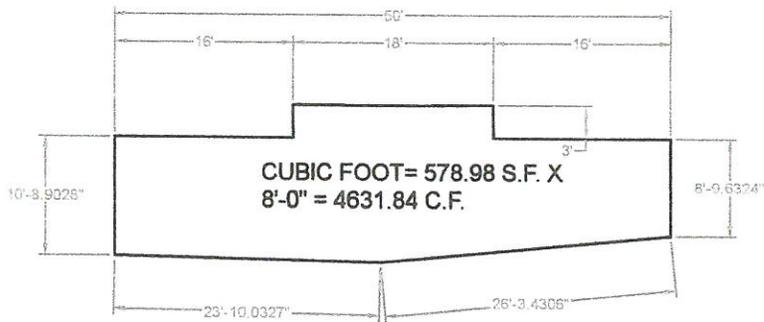
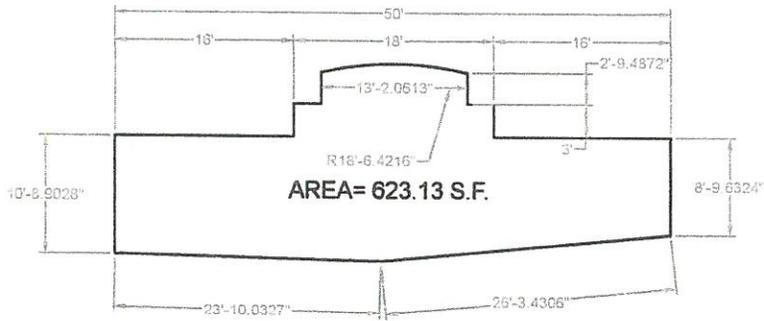
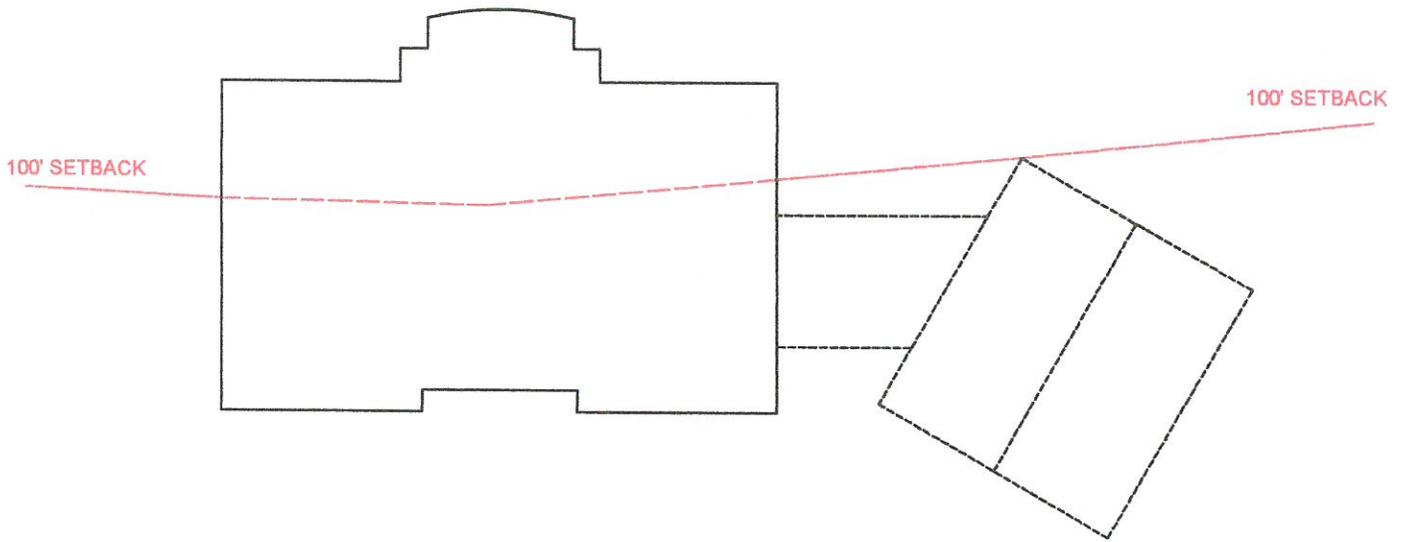
REVISED AREA CALCULATIONS

FIRST FLOOR



REVISED AREA CALCULATIONS

SECOND FLOOR



NOTES CONTINUED:

4. EXISTING BUILDING CALCULATIONS:

- A. BASEMENT SF = 541, VOLUME = 3624 CF
- B. GARAGE ,SF = 286, VOLUME = 1919 CF
- C. MAIN FLOOR SF = 2369, VOLUME = 20,650 CF
- D. TOTAL SF = 3196, VOLUME = 26,193 CF

5. PROPOSED ANALYSIS OF CONSTRUCTION WITHIN 100' SETBACK

EXISTING HOUSE	FLOOR AREA	VOLUME
EXISTING BASEMENT	1017.27 S.F.	7120.89 C.F.
EXISTING MAIN LEVEL W/PATIO	1429.8 S.F.	13128.7 C.F.
TOTAL	2438.07 S.F.	20249.59 C.F.
PROPOSED NEW HOUSE	FLOOR AREA	VOLUME
NEW BASEMENT	579.90 S.F.	5219.10 C.F.
NEW FIRST FLW/DECK	770.85 S.F.	5210.82 C.F.
NEW SECOND FL W/BALCONY	623.13 S.F.	4631.84 C.F.
TOTAL	1973.88 S.F.	15,061.76 C.F.
CHANGE PERCENT	-19.04% DECREASE	25.62% DECREASE

CALCULATIONS PROVIDED BY DETAIL DESIGN BUILDERS



LOCATION MAP

PLAN REFERENCES:

1. TOWN OF KITTERY TAX MAP 58, LOT 42.
2. RECONFIGURATION OF LOTS, FOR RAYMOND J. ARRIS & MARY THRON, TOWER ROAD, KITTERY, MAINE REVISED DATE: 04/03/15 RECORDED IN THE Y.C.R.D. MAY 15, 2015 IN BK. 376, PG. 1

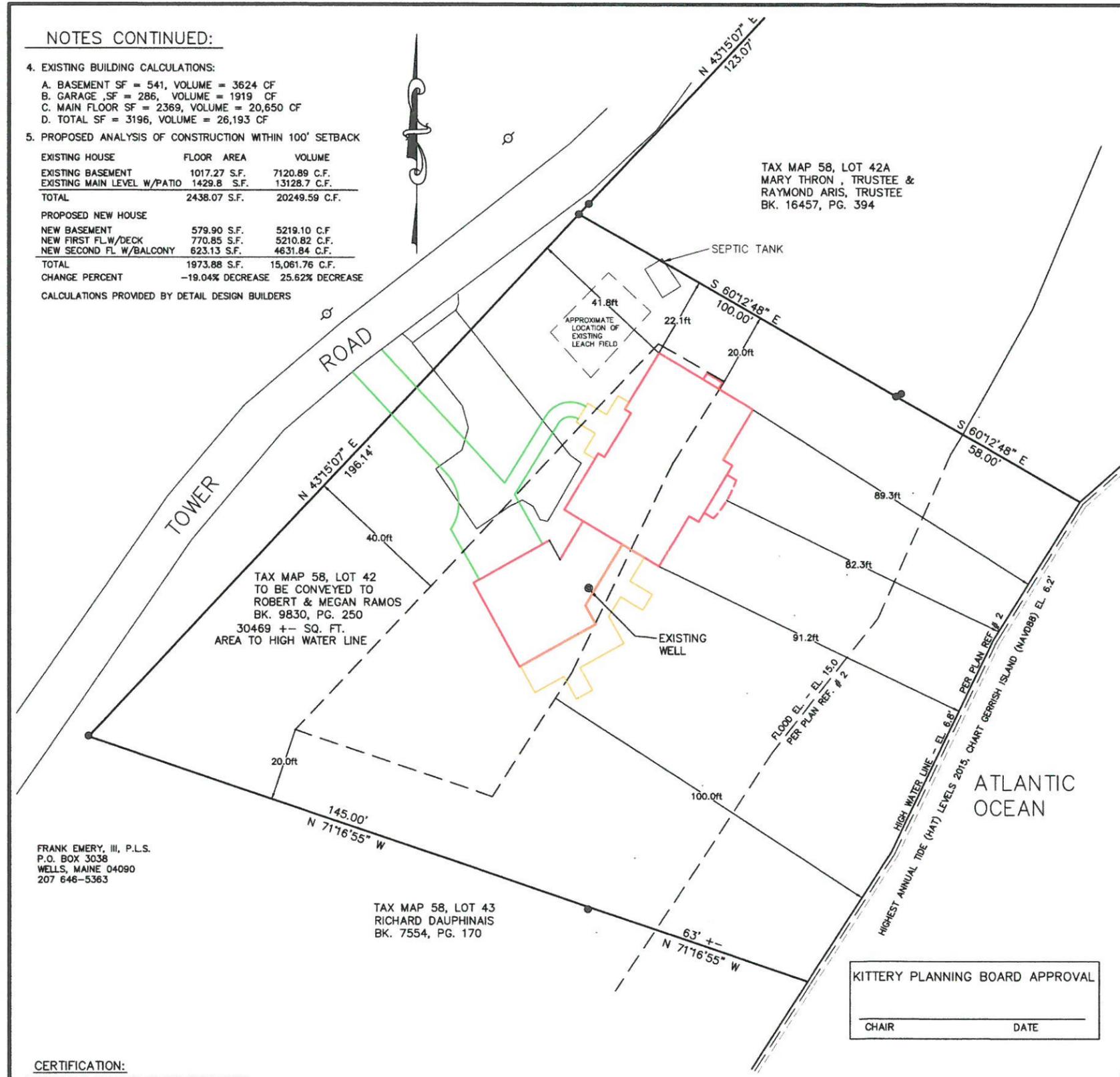
DEED REFERENCE:

1. WARRANTY DEED FROM RAYMOND J. ARRIS, TRUSTEE & MARY THRON TRUSTEE TO ROBERT RAMOS DATED: JUNE 3, 2015 RECORDED IN THE Y.C.R.D. BOOK 1702B, PAGE 871

NOTES:

1. THERE WERE NO EXPANSIONS AFTER JANUARY 1, 1989.
2. ZONING DISTRICT - ZONE - R-RLC, RESOURCE PROTECTION OVERLAY ZONE - WATERBODY/WETLAND PROTECTION - 250'

R-RC MIN LOT SIZE 80,000 S.F. MIN. STREET FRONTAGE 200' SETBACKS FRONT YARD 40' SIDE & REAR YARD 20' MAX BUILDING COVERAGE 6% MAX BUILDING HEIGHT 35'	OZ-SL-250' MIN SHORE FRONT 150' MAX. NON-VEGETATED COV 20% FROM NORMAL HIGH WATER 100'
---	---
3. LOT COVERAGE (DE-VEGETATIVE)- LOT AREA: 30,469 S.F.
 EXISTING LOT COVERAGE -
 BUILDING WITH OVERHANG 2554 S.F. 8.4%
 PATIO AND STEPS 270 S.F. 0.9%
 CONCRETE DRIVEWAY 1135 S.F. 3.7%
 TOTAL 3959 / 30469 S.F. = 13%
 PROPOSED LOT COVERAGE (DE VEGETATIVE) -
 NEW HOUSE 2402 S.F. 7.9%
 NEW DECKS & STEPS 623 S.F. 2.0%
 NEW DRIVEWAY & WALKWAY 862 S.F. 2.8%
 TOTAL 3887 S.F. / 30469. = 12.8%



FRANK EMERY, III, P.L.S.
P.O. BOX 3038
WELLS, MAINE 04090
207 646-5363

TAX MAP 58, LOT 43
RICHARD DAUPHINAIS
BK. 7554, PG. 170

KITTERY PLANNING BOARD APPROVAL

CHAIR	DATE
-------	------

SHORELAND DEVELOPMENT PLAN

FOR
ROBERT & MEGAN RAMOS
73 TOWER ROAD
KITTERY, MAINE

OWNER OF RECORD
 ROBERT RAMOS
 9 KNOLLCREST DRIVE
 BEDFORD, N.H. 03110

FRANK EMERY, III, P.L.S.
 DATE: MAY 5, 2015
 DRAWN BY: F.E. III

LAND SURVEYORS
 SCALE: 1 IN. = 20 FT.
 DRAWING No. 050515

CERTIFICATION:

THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CHAPTER 90: STANDARDS OF PRACTICE, EXCEPT AS NOTED ON THIS PLAN.
 WITH EXCEPTION: NO SURVEYORS REPORT AND DEED DESCRIPTION PREPARED.



REVISED: 09/09/2015, revise building and decks, update vol. calc
 REVISED: 08/11/15 PER TOWN COMMENTS
 REVISED: 06/03/15 SHOW SETBACK LINES

TAX MAP 58, LOT 42



Ramos Residence

LAYOUT PAGE TABLE			
LABEL	TITLE	DESCRIPTION	COMMENTS
A.0.0	PROJECT OVERVIEW		
A.1.0	FOUNDATION PLAN		
A.2.0	FIRST FLOOR PLAN		
A.2.1	SECOND FLOOR PLAN		
A.3.0	FRONT ELEVATION		
A.3.1	REAR ELEVATION		
A.3.2	RIGHT SIDE ELEVATION		
A.3.3	LEFT SIDE ELEVATION		
S.1.0	FIRST FLOOR FRAMING PLAN		
S.1.1	SECOND FLOOR FRAMING		
S.1.2	ROOF FRAMING PLAN		
S.1.3	BUILDING SECTIONS		

KITTERY PLANNING BOARD APPROVAL	
CHAIRMAN	DATE

REVISION TABLE	
NUMBER	DATE



DRAWINGS PREPARED FOR:
 Robert & Megan Ramos
 73 Tower Road
 Kittery Point, Maine

DRAWINGS PROVIDED BY:
 Robert L. MacDonald Jr.
 Detail Design Builders, LLC
 13 Columbla Drive, Unit #7
 Amherst, NH 03031

DATE:
 9/10/15

SCALE:

SHEET:
 A.0.0

FOUNDATION NOTES:

ALL FOOTINGS TO REST ON CLEAN, FIRM UNDISTURBED SOIL. STEP FOOTINGS AS REQUIRED TO MAINTAIN REQUIRED DEPTH BELOW FINISH GRADES.

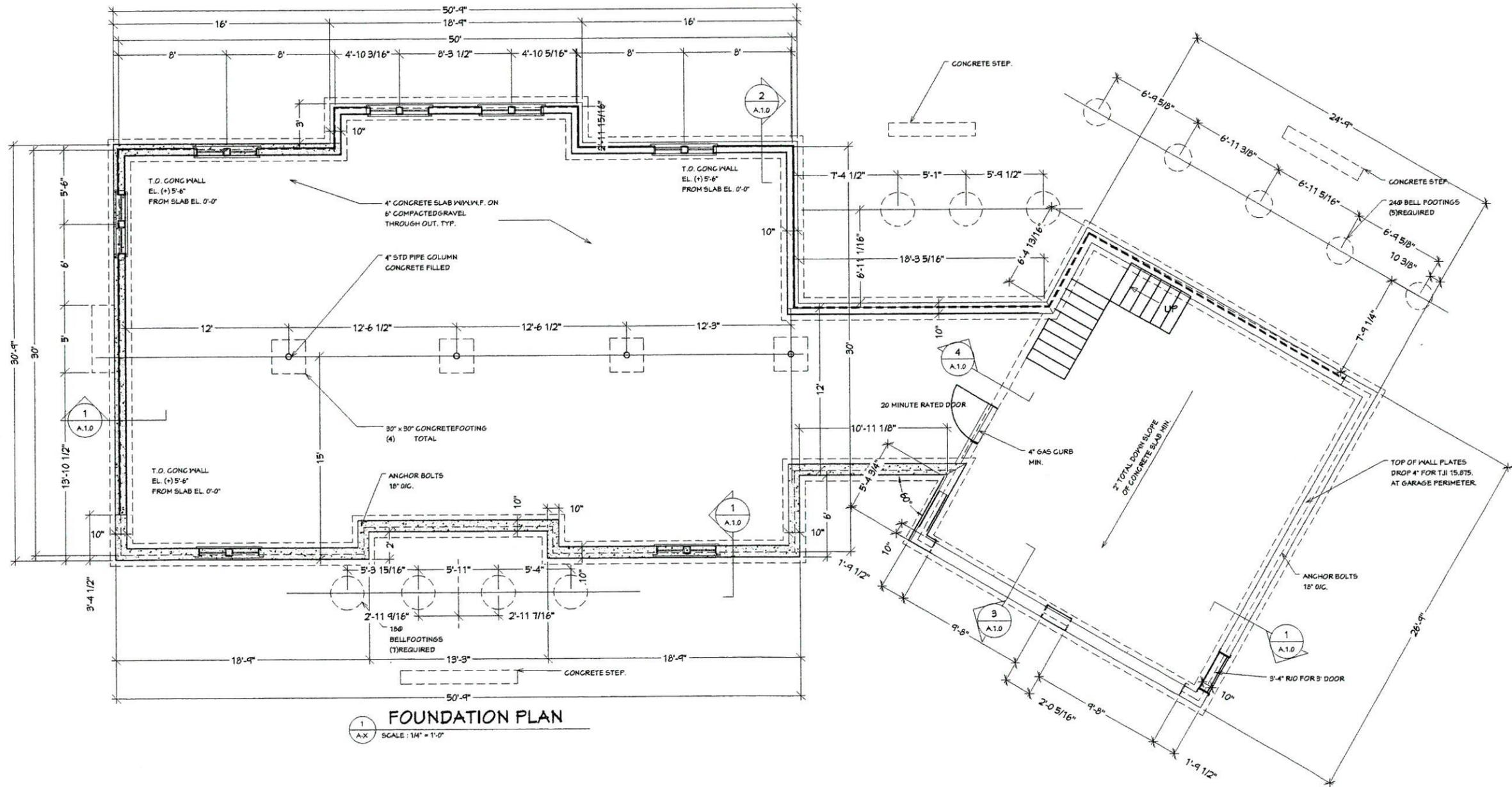
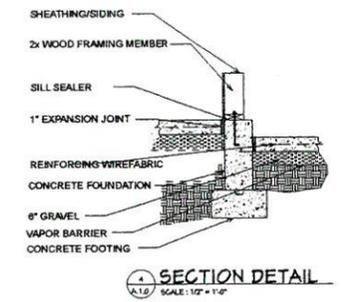
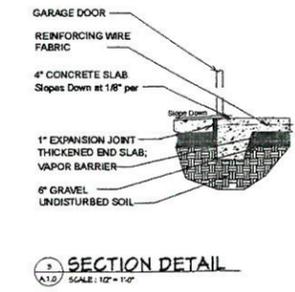
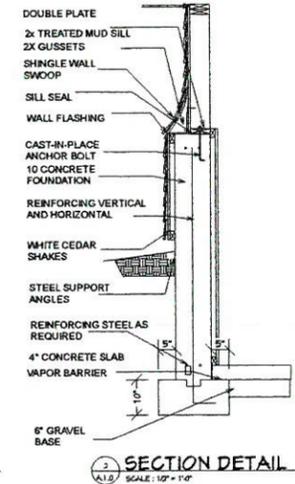
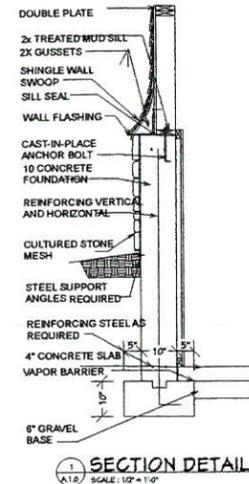
CONCRETE STRENGTH,
3,000 PSI AT 28 DAYS FOR ALL SLABS. (FOUNDATION DESIGN BASED ON 2,500 PSI)
3,000 PSI AT 28 DAYS FOR ALL OTHER CONDITION.
MAXIMUM SLUMP, 4"

USE ASTM A-615 GRADE 60 DEFORMED REINFORCING BARS UNLESS NOTED OTHERWISE

CONCRETE EXPANSION ANCHORS SHALL BE 'SIMPSON WEDGE'. ALL STUD ANCHORS OR ENGINEER APPROVED EQUAL. EPOXY TO BE SIMPSON 'SET' ADHESIVE OR APPROVED EQUAL.

INFILTRATION. ALL OPENINGS IN THE EXT. BLDG. ENVELOPE SHALL BE SEALED AGAINST AIR INFILTRATION. THE FOLLOWING AREAS MUST BE SEALED.

- JOINTS AROUND WINDOW AND DOOR FRAMES
- JOINTS BETWEEN WALL CAVITY AND WINDOW/DR. FME.
- JOINTS BETWEEN WALL AND FOUNDATION
- JOINTS BETWEEN WALL AND ROOF
- JOINTS BETWEEN WALL PANELS
- UTILITY PENETRATIONS THROUGH EXTERIOR WALLS



REVISION TABLE	REVISOR	DESCRIPTION

DETAIL DESIGN

DRAWINGS PREPARED FOR:
Robert & Megan Ramos
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Kittery Point, Maine

DRAWINGS PROVIDED BY:
Robert L. MacDonald Jr.
Detail Design Builders, LLC
13 Columbia Drive, Unit #7
Amherst, NH 03031

DATE:

9/10/15

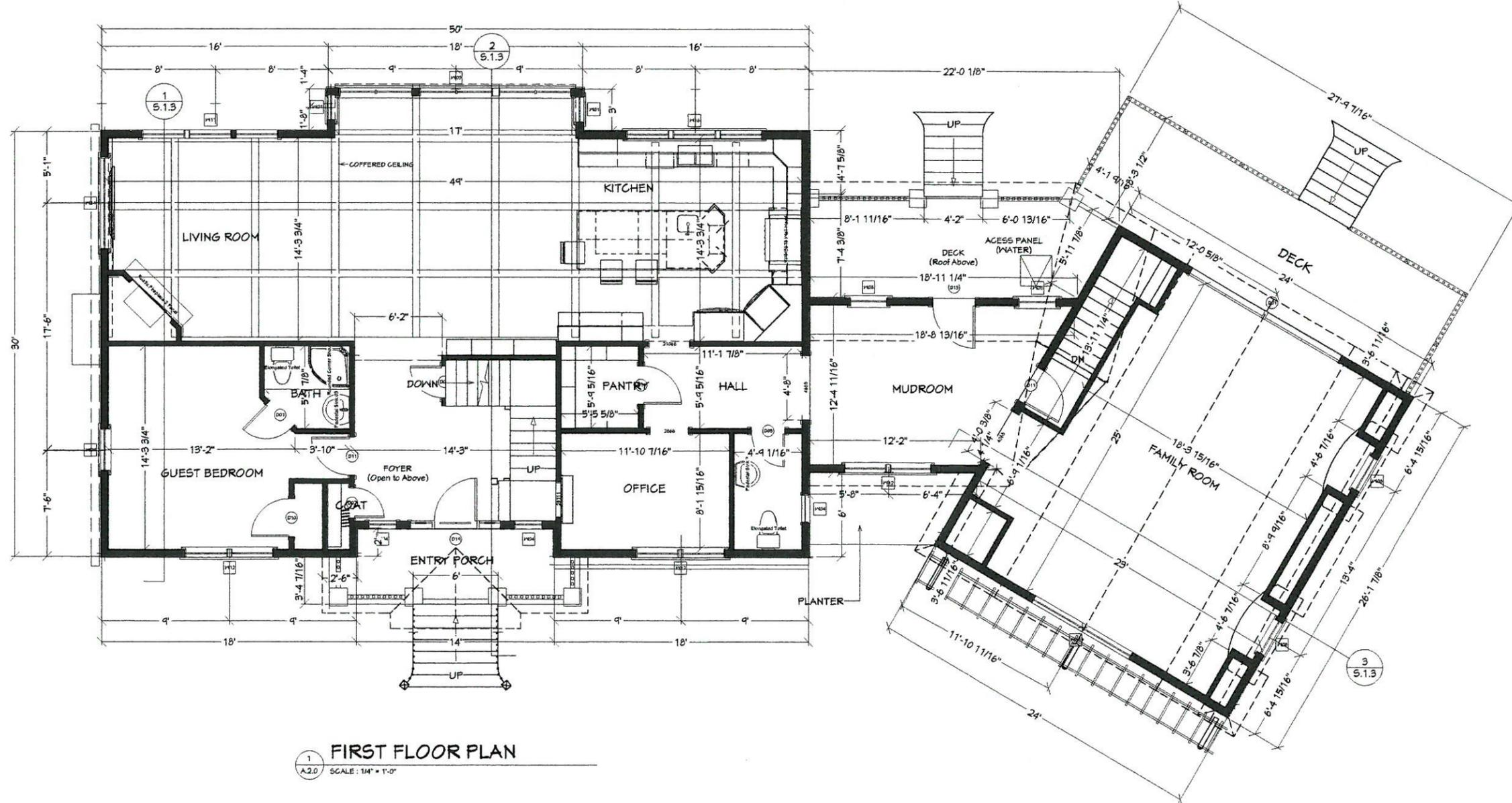
SCALE:

SHEET:

A.1.0

DOOR SCHEDULE													
NUMBER	LABEL	QTY	FLOOR	SIZE	WIDTH	HEIGHT	R/O	DESCRIPTION	HEADER	THICKNESS	CODE	MANUFACTURER	COMMENTS
D01	1236MU	1	1	1236	147"	80"	148"X81"	MULLED UNIT	2X12X151" (2)				
D02	2168	1	1	2168 R IN	25"	80"	27"X82 1/2"	HINGED-DOOR P04	2X12X30" (2)	1 3/8"			
D03	2268	1	2	2268 R IN	26"	80"	28"X82 1/2"	HINGED-DOOR P04	2X12X31" (2)	1 3/8"			
D04	2368	1	1	2368 R IN	26 9/16"	80"	28 9/16"X82 1/2"	HINGED-DOOR P04	2X12X31 9/16" (2)	1 3/8"			
D05	2468	1	1	2468 L IN	28"	80"	30"X82 1/2"	HINGED-DOOR P04	2X12X33" (2)	1 3/8"			
D06	2468	1	2	2468 R IN	27 1/2"	80"	29 1/2"X82 1/2"	HINGED-DOOR P04	2X12X32 9/16" (2)	1 3/8"			
D07	2568	1	1	2568 R IN	28 3/4"	80"	30 3/4"X82 1/2"	HINGED-DOOR P04	2X12X33 3/4" (2)	1 3/8"			
D08	2568	1	2	2568 R IN	29 5/16"	80"	31 5/16"X82 1/2"	HINGED-DOOR P04	2X12X34 5/16" (2)	1 3/8"			
D09	2668	2	2	2668 R IN	30"	80"	32"X82 1/2"	HINGED-DOOR P04	2X12X35" (2)	1 3/8"			
D10	2868	1	1	2868 L IN	32"	80"	34"X82 1/2"	HINGED-DOOR P04	2X12X37" (2)	1 3/8"			
D11	2868	3	1	2868 R IN	32"	80"	34"X82 1/2"	HINGED-DOOR P04	2X12X37" (2)	1 3/8"			
D12	2868	4	2	2868 L IN	32"	80"	34"X82 1/2"	HINGED-DOOR P04	2X12X37" (2)	1 3/8"			
D13	3068	1	1	3068 L EX	36"	80"	38"X83"	EXT. HINGED-GLASS	2X12X41" (2)	1 3/4"			
D14	4068	1	2	4068 L/R	48"	80"	48"X82 1/2"	DOUBLE POCKET-DOOR P04	2X12X101" (2)	1 3/8"			
D15	5068	1	2	5068 L/R IN	60"	80"	62"X82 1/2"	DOUBLE HINGED-DOOR P04	2X12X65" (2)	1 3/8"			
D16	3068	1	0	3068 L EX	36"	80"	38"X83"	EXT. HINGED-DOOR E21	2X12X41" (2)	1 3/4"			
D17	7068	1	2	7068 L/R EX	84"	80"	86"X83"	EXT. DOUBLE HINGED-GLASS	2X12X89" (2)	1 3/4"			
D18	9080	2	0	9080 L/R EX	108"	96"	110"X99"	EXT. DOUBLE HINGED-CUSTOM BARN DOOR	2X12X113" (2)	1 3/4"			
D19	6468MU	1	1	6468	76"	80"	77"X81"	MULLED UNIT	2X12X80" (2)				

WINDOW SCHEDULE													
NUMBER	LABEL	QTY	FLOOR	SIZE	WIDTH	HEIGHT	R/O	EGRESS	DESCRIPTION	HEADER	CODE	MANUFACTURER	COMMENTS
W01	110605C	2	1	110605C	22"	72"	23"X73"		SINGL. CASEMENT-HR	2X12X26" (2)			
W02	12646MU	1	2	12646	150"	54"	151"X55"		MULLED UNIT	2X12X154" (2)			
W03	16560MU	1	1	16560	147 1/8"	72"	148 1/8"X73"		MULLED UNIT	2X12X201 3/16" (2)			
W04	2020FX	3	1	2020FX	24"	24"	25"X25"		FIXED GLASS-CT	2X12X28" (2)			
W05	2020FX	2	2	2020FX	24"	24"	25"X25"		FIXED GLASS-CT	2X12X28" (2)			
W06	2836DH	2	2	2836DH	32"	42"	33"X43"		DOUBLE HUNG	2X12X36" (2)			
W07	2844DH	2	2	2844DH	32"	52"	33"X53"		DOUBLE HUNG	2X12X36" (2)			
W08	2846DH	4	1	2846DH	32"	54"	33"X55"		DOUBLE HUNG	2X12X36" (2)			
W09	3050DH	1	1	3050DH	36"	60"	37"X61"		DOUBLE HUNG	2X12X40" (2)			
W10	3244DH	2	2	3244DH	36"	52"	37"X53"		DOUBLE HUNG	2X12X42" (2)			
W11	4520MU	1	0	4520	53"	24"	54"X25"		MULLED UNIT	2X12X57" (2)			
W12	6350MU	3	1	6350	75"	60"	76"X61"		MULLED UNIT	2X12X74" (2)			
W13	64110FX	1	2	64110FX	76"	22"	77"X23"		FIXED GLASS-AT	2X12X80" (2)			
W14	6616FX	1	1	6616FX	78"	18"	79"X19"		FIXED GLASS	2X12X87" (2)			
W15	8060CU	1	1	8060CU	46"	72"	46"X72"		ORIEL	2X12X99" (2)			
W16	9740MU	1	1	9740	115"	48"	116"X49"		MULLED UNIT	2X12X119" (2)			
W17	9760MU	1	1	9760	115"	72"	116"X73"		MULLED UNIT	2X12X119" (2)			



1
A.2.0 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

REVISION TABLE	REVISION BY	DESCRIPTION
NUMBER	DATE	

DETAIL DESIGN

DRAWINGS PREPARED FOR:
Robert & Megan Ramos
73 Tower Road
Kittery Point, Maine

DRAWINGS PROVIDED BY:
Robert L. MacDonald Jr.
Detail Design Builders, LLC
13 Columbia Drive, Unit #7
Amherst, NH 03031

DATE:
9/10/15

SCALE:
1/4" = 1'-0"

SHEET:
A.2.0

CARPENTRY:

SAWN LUMBER DESIGN IS BASED ON THE NATIONAL DESIGN SPECIFICATION, LATEST EDITION. SAWN LUMBER SHALL CONFORM TO WEST COAST LUMBER INSPECTION BUREAU OR WESTERN WOOD PRODUCTS ASSOCIATION GRADING RULES. ALL LUMBER NOT SPECIFICALLY NOTED TO BE D.F. #2 OR BETTER. ALL WOOD IN PERMANENT CONTACT WITH CONCRETE OR CMU SHALL BE PRESSURE TREATED UNLESS AN APPROVED BARRIER IS PROVIDED. FRAMING ACCESSORIES AND STRUCTURAL FASTENERS SHALL BE MANUFACTURED BY SIMPSON STRONG-TIE COMPANY (OR ENGINEER APPROVED EQUAL) AND OF THE SIZE AND TYPE SHOWN ON THE DRAWINGS. HANGERS NOT SHOWN SHALL BE SIMPSON HU OF SIZE RECOMMENDED FOR MEMBER. ALL HANGERS AND NAILS IN CONTACT WITH PRESSURE TREATED LUMBER SHALL BE SIMPSON Z-MAX HANGERS OR STAINLESS STEEL. ALL SHEAR WALL SHEATHING NAILS SHALL BE COMMON NAILS. ALL FRAMING NAILS SHALL BE COMMON NAILS. OR HOT DIPPED GALVANIZED BOX NAILS. FRAMING NAILS SHALL BE PER IBC TABLE 2304.9.1 OR IRC TABLE R602.3(1).

PLYWOOD PANELS SHALL CONFORM TO THE REQUIREMENTS OF "U.S. PRODUCT STANDARD PS 1 FOR CONSTRUCTION AND INDUSTRIAL PLYWOOD" OR APA PRP-108 PERFORMANCE STANDARDS. UNLESS NOTED, PANELS SHALL BE APA RATED SHEATHING, EXPOSURE 1, OF THE THICKNESS AND SPAN RATING SHOWN ON THE DRAWINGS. PLYWOOD INSTALLATION SHALL BE IN CONFORMANCE WITH APA RECOMMENDATIONS. ALLOW 1/8" SPACING AT PANEL ENDS AND EDGES, UNLESS OTHERWISE RECOMMENDED BY THE PANEL MANUFACTURER.

ALL ROOF SHEATHING AND SUB-FLOORING SHALL BE INSTALLED WITH FACE GRAIN PERPENDICULAR TO SUPPORTS, EXCEPT AS INDICATED ON THE DRAWINGS. ROOF SHEATHING SHALL EITHER BE BLOCKED, TONGUE-AND-GROOVE, OR HAVE EDGES SUPPORTED BY PLYCLIPS. SHEAR WALL SHEATHING SHALL BE BLOCKED WITH 2X FRAMING AT ALL PANEL EDGES. NAILING NOT SPECIFICALLY IDENTIFIED ON THE DRAWINGS TO CONFORM WITH IRC TABLE R602.3(1).

GLUED LAMINATED MEMBERS SHALL BE FABRICATED IN CONFORMANCE WITH U.S. PRODUCT STANDARD PS 56, "STRUCTURAL GLUED LAMINATED TIMBER" AND AMERICAN INSTITUTE OF TIMBER CONSTRUCTION, AITC 117. EACH MEMBER SHALL BEAR AN AITC OR APA-EWS IDENTIFICATION MARK AND BE ACCOMPANIED BY A CERTIFICATE OF CONFORMANCE. ONE COAT OF END SEALER SHALL BE APPLIED IMMEDIATELY AFTER TRIMMING IN EITHER SHOP OR FIELD. GLULAM HANGERS NOT SHOWN SHALL BE SIMPSON EG. BEAMS SHALL BE VISUALLY GRADED WESTERN SPECIES INDUSTRIAL GRADE, AND OF THE STRENGTH INDICATED BELOW.

DEPTH	COMBINATION SYMBOL	SPECIES	USE (SIMPLE SPAN) (CONT. OR CANTILEVER)
ALL	24F - V4	DF/DF	(SIMPLE SPAN)
ALL	24F - V8	DF/DF	(CONT. OR CANTILEVER)

PREMANUFACTURED WOOD JOISTS: PREMANUFACTURED WOOD JOISTS SHALL BE OF THE SIZE AND TYPE SHOWN ON THE DRAWINGS, MANUFACTURED BY THE TRUS JOIST COMPANY, OR AN ENGINEER APPROVED EQUAL. PROVIDE BRIDGING IN CONFORMANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. JOISTS AND BRIDGING SHALL BE CAPABLE OF RESISTING THE WIND UPLIFT NOTED ON THE DRAWINGS. THE JOIST MANUFACTURER SHALL VISIT JOB SITE AS REQUIRED AND VERIFY THE PROPER INSTALLATION OF JOISTS IN WRITING TO THE ARCHITECT/ENGINEER. PREMANUFACTURED WOOD JOIST ALTERNATES WILL BE CONSIDERED, PROVIDED THE ALTERNATE IS COMPATIBLE WITH THE LOAD CAPACITY, STIFFNESS, DIMENSIONAL, AND FIRE RATING REQUIREMENTS OF THE PROJECT, AND IS ICBO APPROVED.

LUMBER SPECIES:

- A. POSTS, BEAMS, HEADERS, JOISTS, AND RAFTERS TO BE DF-#2
- B. EXPOSED ARCH BEAMS TO BE DF-#1 OR BETTER
- C. SILLS, PLATES BLOCKING, AND BRIDGING TO BE DF-#2.
- D. ALL STUDS TO BE DF-#2 OR BETTER.
- E. PLYWOOD SHEATHING SHALL BE AS FOLLOWS:
 ROOF SHEATHING SHALL BE 1/2" CDX INT-APA RATED 32/16.
 WALL SHEATHING SHALL BE 1/2" INT-APA RATED 32/16 OR 7/16" OSB.
 FLOOR SHEATHING SHALL BE 3/4" T & G INT-APA RATED OSB.
- F. "1" JOISTS SHALL BE MANUFACTURED BY TRUS JOIST OR ENGINEER APPROVED EQUAL.
- G. ALL WOOD IN CONTACT WITH CONCRETE SHALL BE PRESSURE TREATED.

VENTILATION NOTES:

ALL COMBUSTION APPLIANCES WILL BE VENTED DIRECTLY TO THE EXTERIOR. FURNACE FIREBOX AND TANKLESS WATER HEATER SHALL HAVE OUTSIDE COMBUSTION AIR SUPPLY PURSUANT TO REGIONAL AND LOCAL CODES.

ATTIC SHALL HAVE VENTILATION EQUAL TO 1 SQ. FOOT PER 150 SQ. FEET OF ATTIC SPACE. VENTILATION SHALL BE PROTECTED FROM SNOW AND RAIN AND SHALL BE COVERED WITH GALVANIZED WIRE SCREEN. OPENINGS SHALL BE LOCATED TO PROVIDE CROSS VENTILATION.

EXHAUST ALL VENTS AND FANS DIRECTLY TO OUTSIDE VIA METAL DUCTS. PROVIDE 90 CFM (MIN) FANS TO PROVIDE 5 AIR CHANGES PER HOUR IN BATHS CONTAINING TUB AND / OR SHOWER AND IN LAUNDRY ROOMS.

GARAGES SHALL BE VENTED WITH 60 SQUARE INCHES LOCATED 6" ABOVE THE FLOOR SURFACE.

UNDER FLOOR SPACES SHALL HAVE VENTILATION EQUAL TO ONE SQ. FOOT PER 150 SQ. FEET OF FLOOR SPACE. VENTS SHALL BE CAST INTO THE CONCRETE STEM WALLS AND COVERED WITH GALVANIZED WIRE SCREEN. VENTS SHALL BE LOCATED TO PROVIDE CROSS VENTILATION.

GENERAL NOTES AND SPECIFICATIONS

THE GENERAL CONTRACTOR SHALL FULLY COMPLY WITH THE 2009 IBC AND ALL ADDITIONAL STATE AND LOCAL CODE REQUIREMENTS. 2009 IEC AND 2009 IMC SHALL BE USED.

THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ANY WORK KNOWINGLY PERFORMED CONTRARY TO SUCH LAWS, ORDINANCES, OR REGULATIONS. THE CONTRACTOR SHALL ALSO PERFORM COORDINATION WITH ALL UTILITIES AND STATE SERVICE AUTHORITIES.

WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. THE GENERAL CONTRACTOR SHALL VERIFY AND IS RESPONSIBLE FOR ALL DIMENSIONS (INCLUDING ROUGH OPENINGS) AND CONDITIONS ON THE JOB AND MUST NOTIFY THIS OFFICE OF ANY VARIATIONS FROM THESE DRAWINGS.

THE GENERAL CONTRACTOR IS RESPONSIBLE FOR THE DESIGN AND PROPER FUNCTION OF PLUMBING, HVAC AND ELECTRICAL SYSTEMS. THE GENERAL CONTRACTOR SHALL NOTIFY THIS OFFICE WITH ANY PLAN CHANGES REQUIRED FOR DESIGN AND FUNCTION OF PLUMBING, HVAC AND ELECTRICAL SYSTEMS.

THIS OFFICE SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS AND METHODS, ACTS OR OMISSIONS OF THE CONTRACTOR OR SUBCONTRACTOR, OR FAILURE OF ANY OF THEM TO CARRY OUT WORK IN ACCORDANCE WITH THE CONSTRUCTION DOCUMENTS. AN DEFECT DISCOVERED IN THE CONSTRUCTION DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THIS OFFICE BY WRITTEN NOTICE BEFORE PROCEEDING WITH WORK. REASONABLE TIME NOT ALLOWED THIS OFFICE TO CORRECT THE DEFECT SHALL PLACE THE BURDEN OF COST AND LIABILITY FROM SUCH DEFECT UPON THE CONTRACTOR.

DESIGN CRITERIA: 2006 IRC AND IBC
 ROOF: 54 PSF LL
 15 PSF DL

FLOOR: 40 PSF LL
 10 PSF DL

SOIL: *2,000 PSF ALLOWABLE (ASSUMED). TO BE AT TIME OF EXCAVATION

FROST DEPTH: '4'-0"

SEISMIC ZONE: 2A

WIND: 90 MPH (90 MPH 3 SEC GUST), EXPOSURE C.

THIS STRUCTURE SHALL BE ADEQUATELY BRACED FOR WIND LOADS UNTIL THE ROOF, FLOOR AND WALLS HAVE BEEN PERMANENTLY FRAMED TOGETHER AND SHEATHED.

INSTALL POLYISOCYANURATE FOAM TYPE INSULATION AT FLOOR AND PLATE LINES, OPENINGS IN PLATES, CORNER STUD CAVITIES AND AROUND DOOR AND WINDOW ROUGH OPENING CAVITIES.

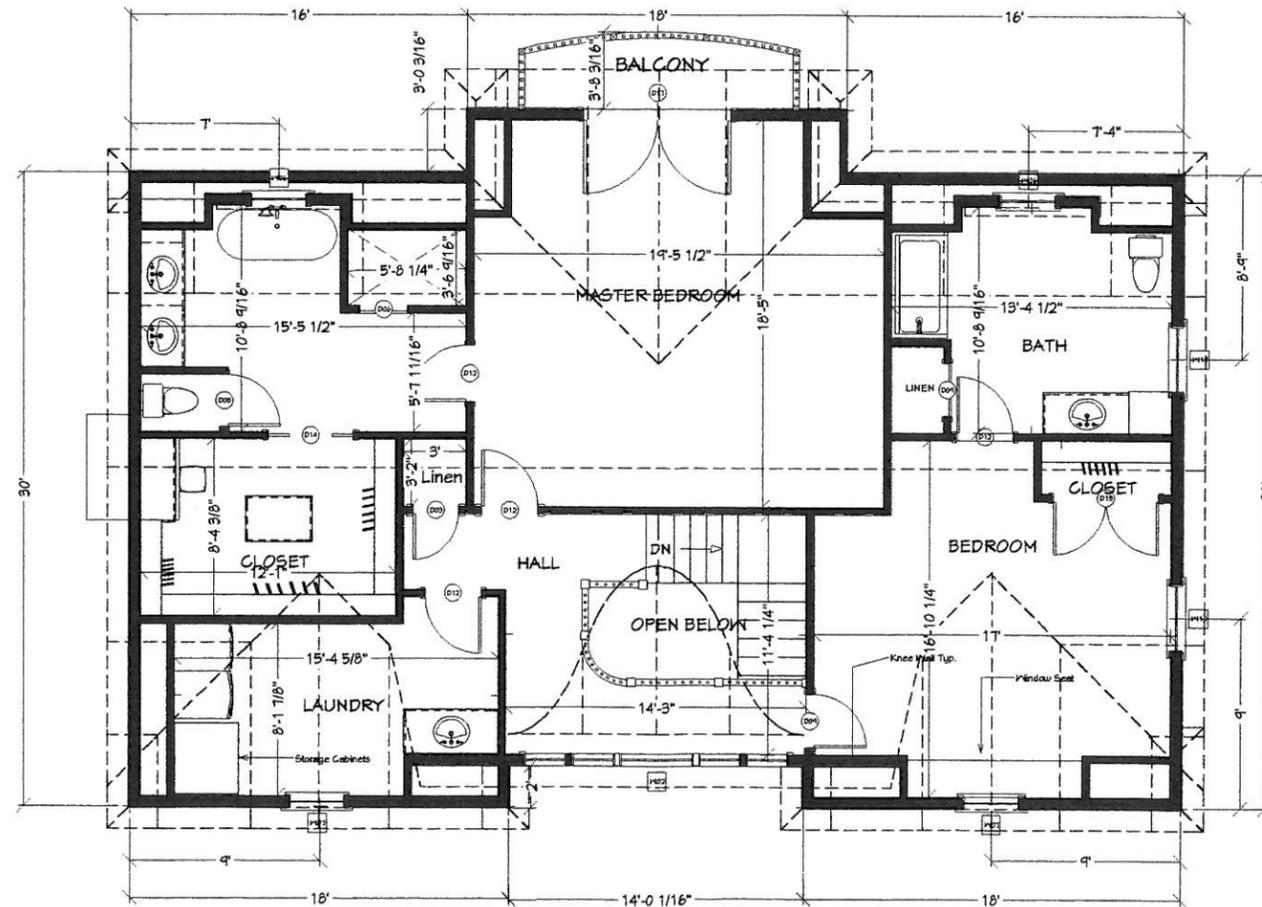
INSTALL WATERPROOF GYPSUM BOARD AT ALL WATER SPLASH AREAS TO MINIMUM 70" ABOVE SHOWER DRAINS.

INSULATE WASTE LINES FOR SOUND CONTROL.

EXHAUST ALL VENTS AND FANS DIRECTLY TO OUTSIDE VIA METAL DUCTS. PROVIDE 90 CFM (MIN) FANS TO PROVIDE 5 AIR CHANGES PER HOUR IN BATHS CONTAINING TUB AND / OR SHOWER AND IN LAUNDRY ROOMS.

ALL RECESSED LIGHTS IN INSULATED CEILINGS TO HAVE THE I.C. LABEL.

PROVIDE SOLID BLOCKING UNDER ALL BEARING WALLS PERPENDICULAR TO JOISTS AND OTHER BEARING POINTS NOT OTHERWISE PROVIDED WITH SUPPORT.



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

REVISION TABLE	DESCRIPTION
NUMBER	DATE

DETAIL DESIGN

DRAWINGS PREPARED FOR:
 Robert & Megan Ramos
 73 Tower Road
 Kittery Point, Maine

DRAWINGS PROVIDED BY:
 Robert L. MacDonald Jr.
 Detail Design Builders, LLC
 13 Columbia Drive, Unit #7
 Amherst, NH 03031

DATE:

9/10/15

SCALE:

1/4" = 1'-0"

SHEET:

A.2.1



1 FRONT ELEVATION
 A.3.1 SCALE: 1/4" = 1'-0"

NUMBER	DATE	REVISION	DESCRIPTION

DETAIL DESIGN

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 Detail Design Builders, LLC
 13 Columbia Drive, Unit #7
 Amherst, NH 03031

DATE:

9/10/15

SCALE:

SHEET:

A.3.0



1
A.3.1 REAR ELEVATION
SCALE: 1/4" = 1'-0"

REVISION TABLE	NUMBER	DATE	REVISOR	DESCRIPTION

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Amherst, NH 03031

DATE:
9/10/15

SCALE:

SHEET:
A.3.1



1
A.3.2 **RIGHT ELEVATION**
SCALE: 1/4" = 1'-0"

REVISION TABLE	NUMBER	DATE	REVISION BY	DESCRIPTION

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DRAWINGS PREPARED FOR:
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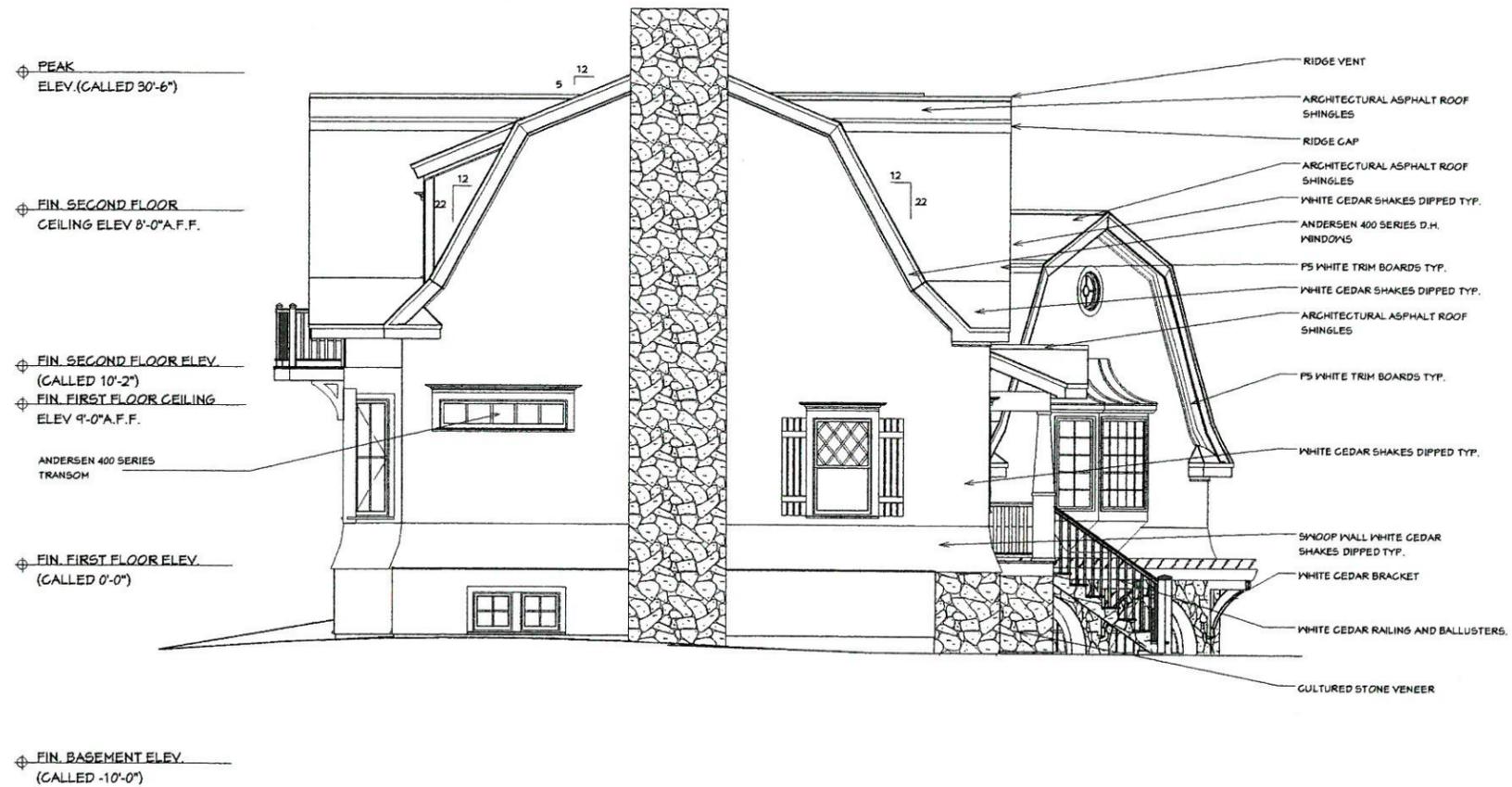
DATE:

9/10/15

SCALE:

SHEET:

A.3.2



1
 A.3.3 SCALE: 1/4" = 1'-0"
LEFT ELEVATION

NUMBER	DATE	REVISION	TABLE	DESCRIPTION

DETAIL DESIGN

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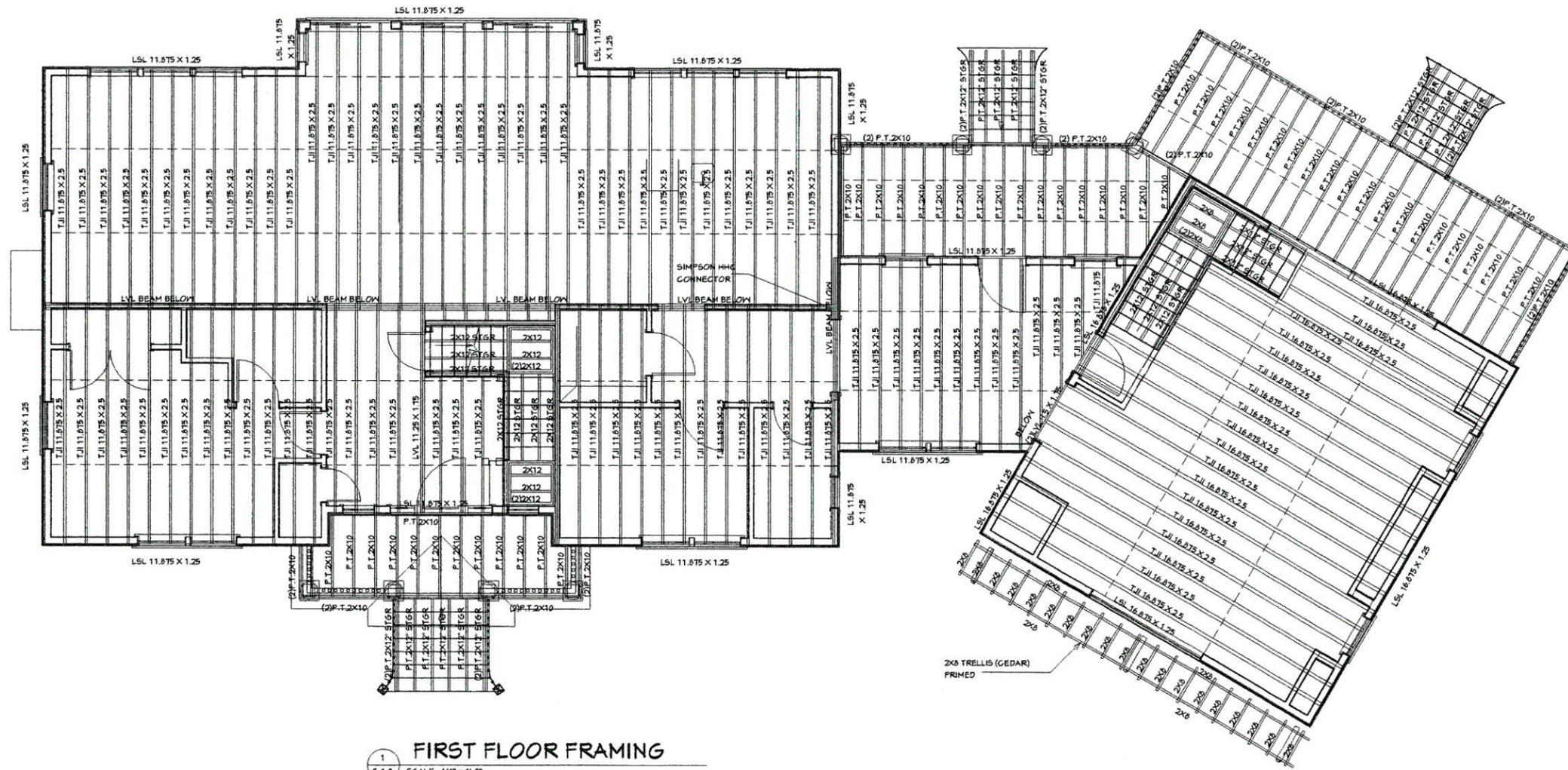
DATE:

9/10/15

SCALE:

SHEET:

A.3.3



1
5.1.0 FIRST FLOOR FRAMING
SCALE: 1/4" = 1'-0"

NUMBER	DATE	REVISION TABLE	REVISOR	DESCRIPTION

DETAIL DESIGN

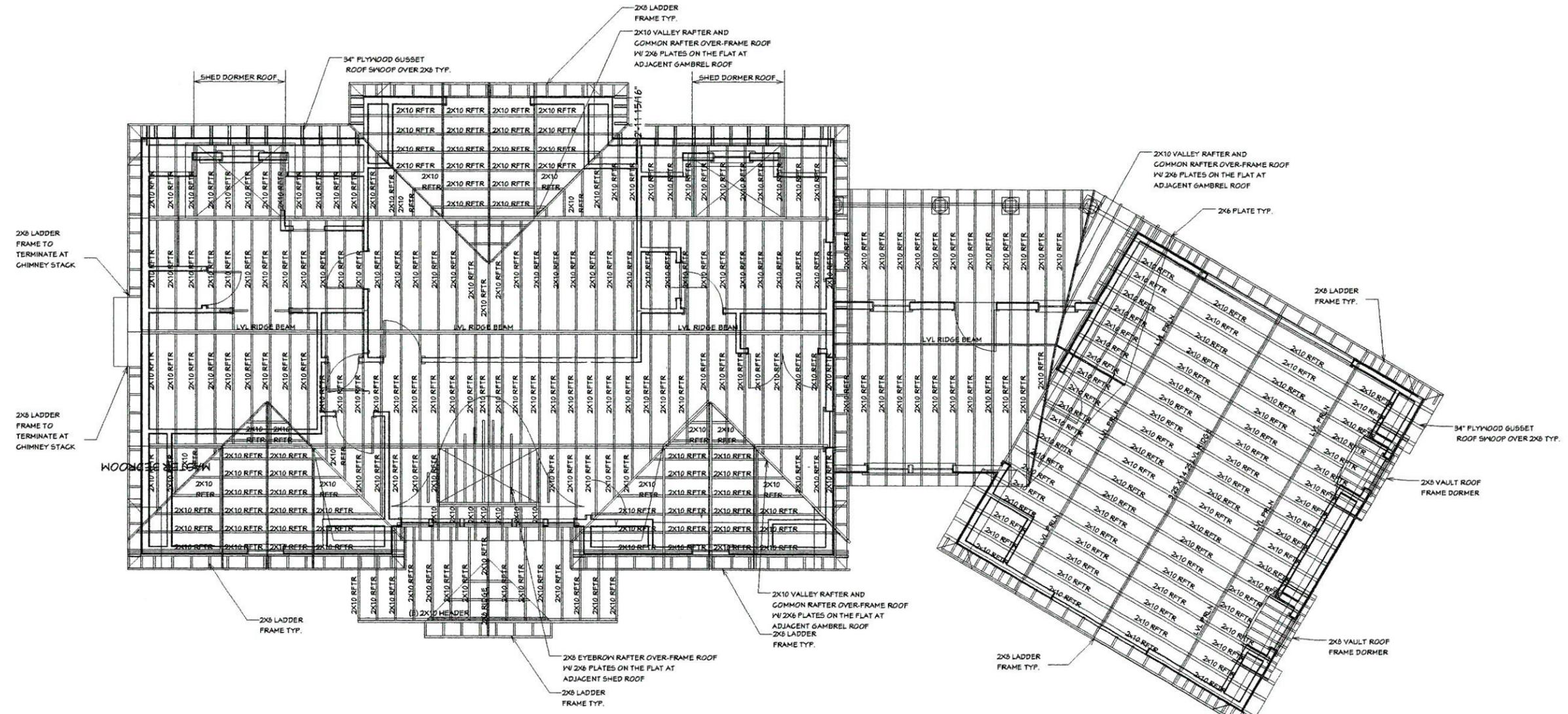
DRAWINGS PREPARED FOR:
Robert & Megan Ramos
73 Tower Road
Kittery Point, Maine

DRAWINGS PROVIDED BY:
Robert L. MacDonald Jr.
Detail Design Builders, LLC
13 Columbia Drive, Unit #7
Amherst, NH 03031

DATE:
9/10/15

SCALE:

SHEET:
5.1.0



1
5.12 ROOF FLOOR FRAMING
SCALE: 1/4" = 1'-0"

NUMBER	DATE	REVISION TABLE	DESCRIPTION

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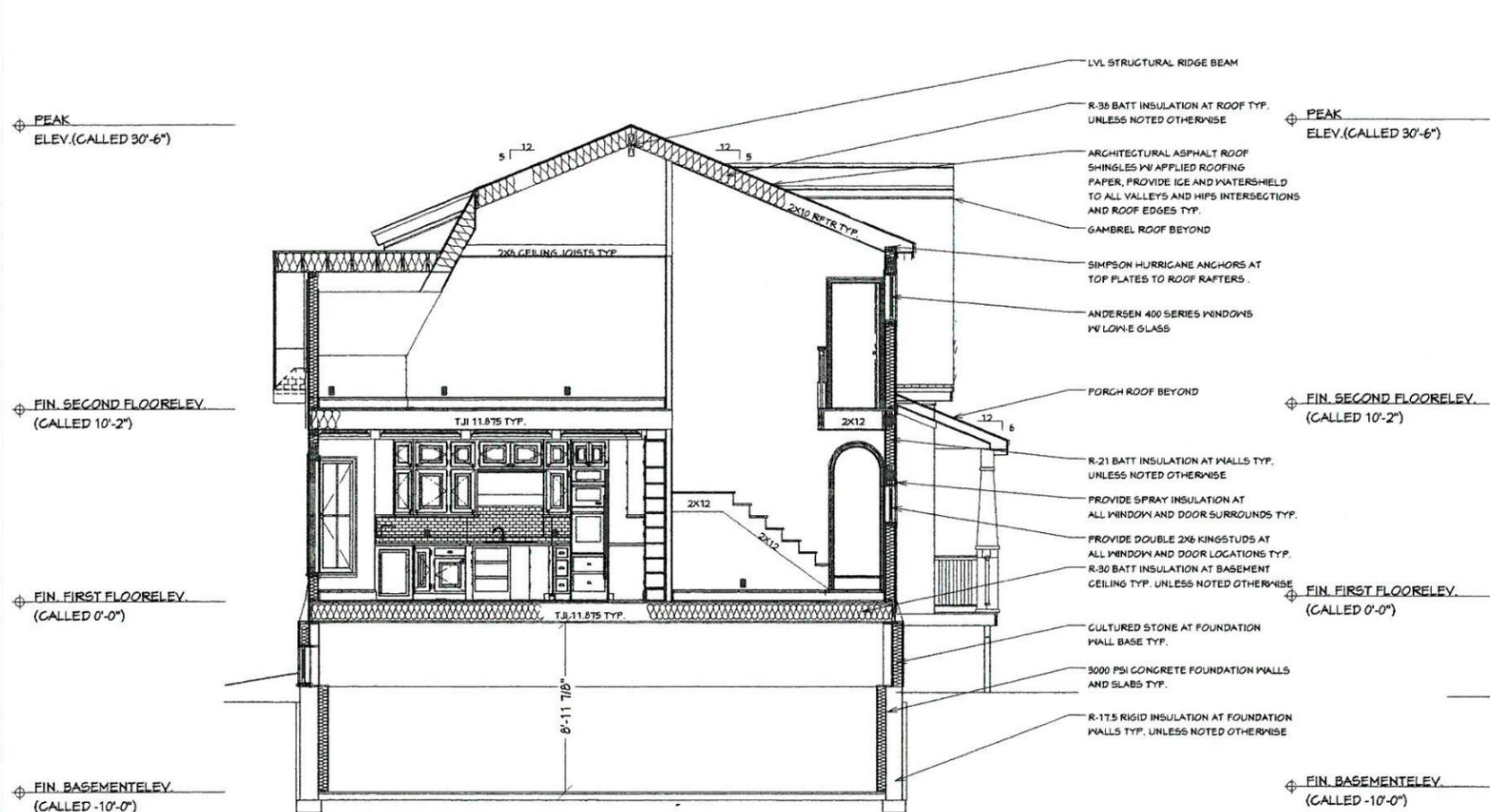
DATE:

9/10/15

SCALE:

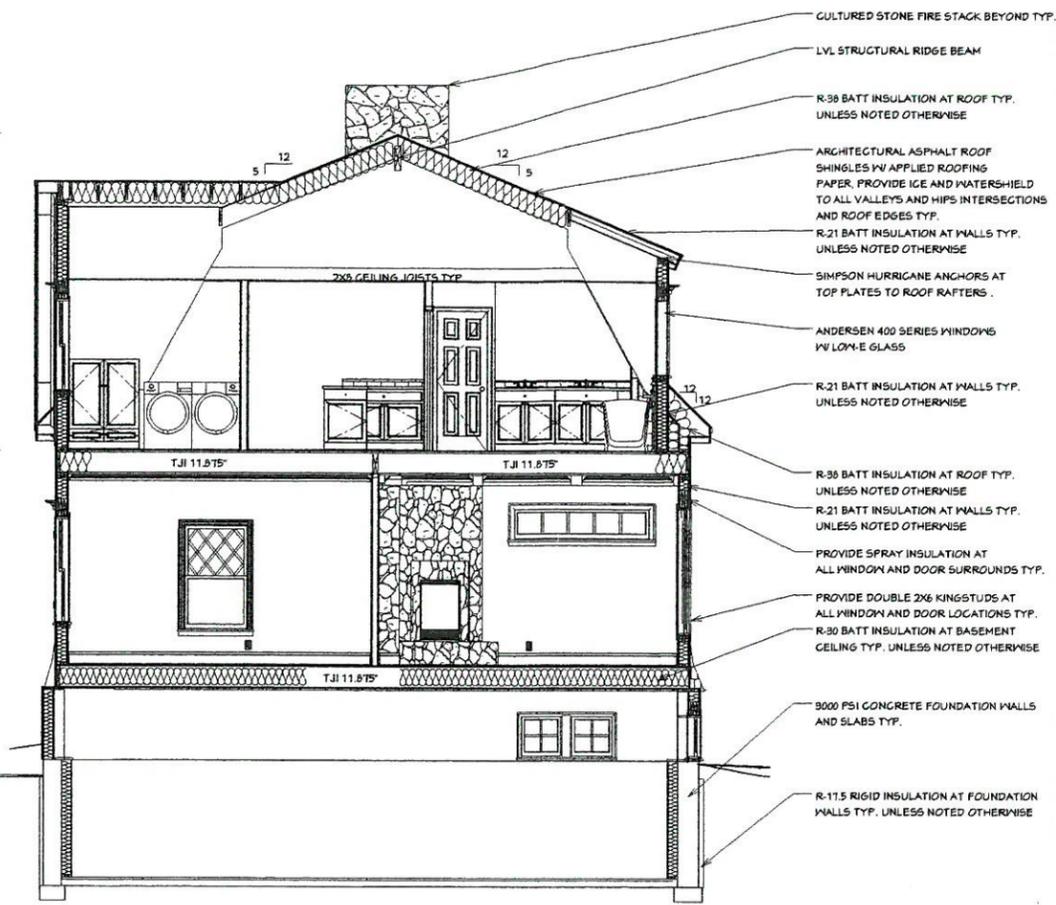
SHEET:

5.12



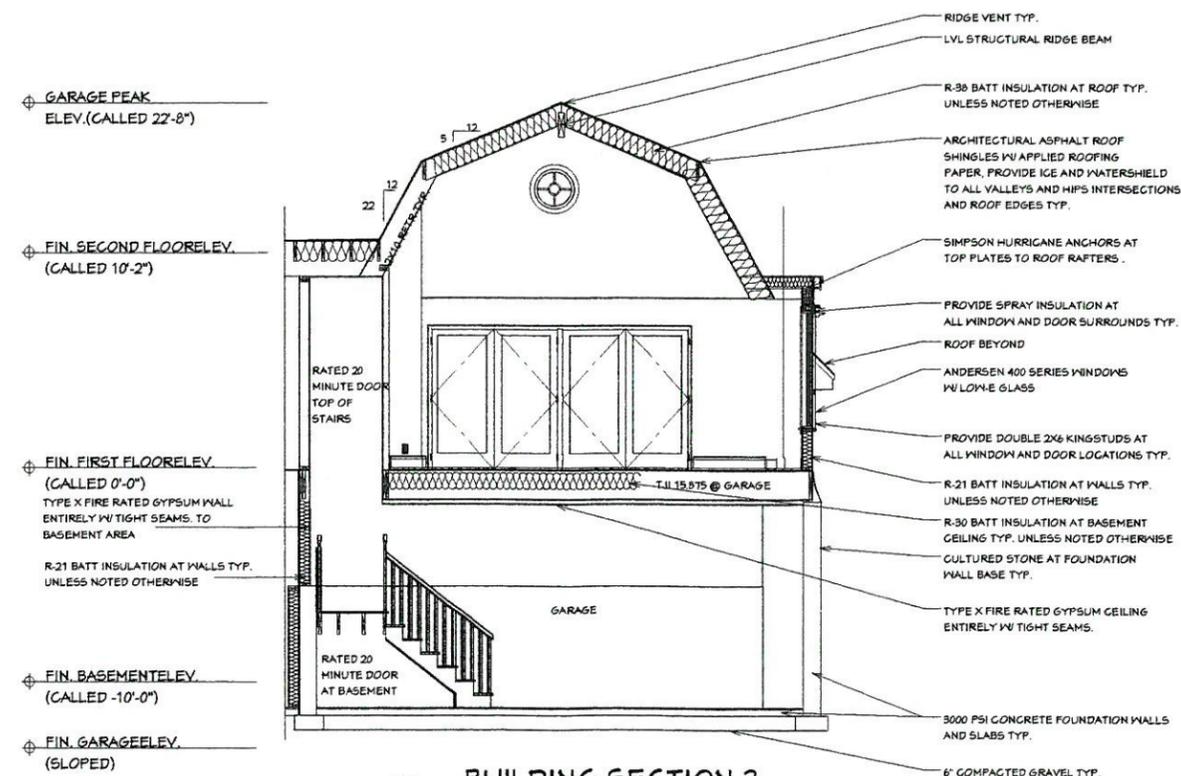
BUILDING SECTION 2

2
S.1.3 SCALE: 1/4" = 1'-0"



BUILDING SECTION 1

1
S.1.3 SCALE: 1/4" = 1'-0"



BUILDING SECTION 3

3
S.1.3 SCALE: 1/4" = 1'-0"

NUMBER	DATE	REVISION BY	DESCRIPTION

DETAIL DESIGN

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Kittery Point, Maine

DRAWINGS PROVIDED BY:
Robert L. MacDonald Jr.
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13 Columbia Drive, Unit #7
Amherst, NH 03031

DATE:
9/10/15

SCALE:

SHEET:
S.1.3