

CALL TO ORDER

Chair Grinnell called the meeting to order at 6:00 p.m.

ROLL CALL

Members Present: Robert Harris, Dutch Dunkelberger, Karen Kalmar, Ann Grinnell, Mark Alesse, Ronald Ledgett, Russell White

Staff Present: Kathy Connor, Interim Town Planner

PLEDGE OF ALLEGIANCE

AGENDA

APPROVAL OF MINUTES - January 11, 2018

Line 341 - add "completeness" after "plan"

Line 114 - change "dosen's" to "docent's"

Line 93 - should be 6-1-0 and also in Election of Officers

Line 108 - change end of sentence to "Maine Army National Guard"

Line 335 - change "has" to "have"

Mr. Dunkelberger moved to approve the January 11, 2018 Minutes as amended.

Mr. Ledgett seconded the motion.

All in favor and the motion carried 7-0-0.

APPROVAL OF SITE WALK MINUTES - November 2, 2017 Shoreland Development

Vice Chair Kalmar moved to accept the November 2, 2017 Shoreland Development site walk Minutes as presented.

Mr. Dunkelberger seconded the motion.

The motion carried 7-0-0.

PUBLIC COMMENT

The Chair opened the public comment. There being none, the Chair closed the public comment.

OLD BUSINESS

ITEM 1 – 21 Bond Road – Shoreland Development Plan Review

Action: Set a site walk date. Owner/Applicant, Victor Messier requests consideration of the reconstruction of a "bait shed" located on Bond Road (Tax Map 25, Lot 8) in the Residential – Kittery Point Village (R-KPV) and the Shoreland Overlay (OZ-SL) Zones. Agent is Brian Rodonets, Coastal Architects.

A site walk was scheduled for February 21, 2018 at 10:00 a.m.

ITEM 2 – 459 U.S. Route 1 – Site and Subdivision Preliminary Plan Review

Action: Accept or deny application. Owner/Applicant, Landmark Hill LLC and DSS Land Holdings LLC, requests consideration of a mixed-use development for a 20-+/- acre site located on U.S. Route 1 (Tax Map 60, Lot 24) in the Mixed-Use (MU) and Rural Residential (R-RL) Zones. Agent is Ken Wood, Attar Engineering.

The applicant clarified the address to be 459 U.S Route One. Landmark Hill LLC is the correct name of the applicant and the owner is DSS Land holdings LLC.

Lou Chamberlain, Attar Engineering, filled in for Ken Wood. He explained a bulleted document was submitted addressing the staff comments. There were no concerns about completeness from staff or from the Board.

Mr. Chamberlain commented on the following staff comments:

- The requirement of the plans to be 1 inch equals 50 have been included;
- The surveyors stamp was added to the boundary survey;
- The amount of acreage, the amount of the right of way and land to be disturbed is done and is plan Note 12;
- Abutters on Adams Road has been corrected;
- The 20 ft. wide road was added to the travel way plan;
- A better aerial map was submitted;
- The Water District's letter of capacity is included in the package;
- There is no letter of endorsement for erosion control but the applicant will give to CMA for review.

Mr. Chamberlain addressed the following additional review considerations:

1. The size of the units and square footage have been added to plans. They have removed the sewer easements from net residential density calculations which changed the number of units from 24 to 22 units;
2. Deduction of travel ways and parking - the applicant explained they have not completed this because there is no right of way depicted on the plan. Vice Chair Kalmar explained the Board needs to make this decision and it is not how the Board sees it. The right of way, travel ways and parking need to be deducted regardless if it were done differently in another case. The Board agreed. Mike Brigham commented it was done with his other development, Landmark Hill, and he explained he was given a legal opinion of the Code and if they included the parking lots and travel ways in a proposed right of way it would affect the parking dramatically. After discussion of the language in Code 16.7.8.2 ensued, the Board determined the applicant needed to make the deductions. Vice Chair Kalmar requested a chart for the next meeting showing the net residential acreage.
3. Ms. Connor explained the applicant has submitted a narrative regarding the senior facility and the Board should decide if it is sufficient since they have approved the sketch

plan. The applicant explained the narrative is in the January 17th letter. The Board was accepted the letter.

4. Setbacks to the wetland - the applicant explained there was a concern of grading in their previous plan because of a wetland of special significance. Mr. Chamberlain added they are not proposing to fill the wetlands and he explained they have had discussions with the DEP who told them some buffering is needed. The applicant explained they plan to grade with 50 ft. and 25 ft. of buffer. Vice Chair Kalmar explained structures cannot be within 100 ft. of a wetland of special significance. Mr. Chamberlain replied his interpretation is that the development cannot be within 100 feet but a treatment pond is not a structure and they have worked with the DEP. Vice Chair Kalmar replied the Town Code is more restrictive than the State and more restrictive applies. Discussion of the definition of a structure and how it relates to the applicant's plan ensued. The Board requested the applicant find another place where it resides. The applicant agreed to look at this again.
5. Size of the elderly single-family units - Mr. Brigham explained the reason the units have three bedrooms is because it is a plan he has used many times. The design is for capes with smaller second floors which will give the owners the option to add two bedrooms.

Mr. White moved to find the preliminary plans dated 1/18/2018 and accompanying application complete subject to the boards requirements discussed tonight. as prepared by Attar Engineering, Inc and presented by agent, Ken Wood, Attar Engineering, for 459U.S. Route 1 (Tax Map 60 Lot 24) in the Mixed Use Zone.

Vice Chair Kalmar seconded the motion.

Earl Dean Wells asked of an unmarked area on the plan. Mr. Brigham explained the area is for a passive recreation and is also planning to have a walking trail.

The motion carried 6-1-0. (Mr. Harris opposed)

A site walk was scheduled for March 20th at 10:30. The applicant will have the property staked as requested by the Board.

NEW BUSINESS

ITEM 3 – Landmark Hill Lane - Street Naming

Action: Accept or deny application. Grant or deny approval of street name. Owner/applicant Landmark Hill LLC requests consideration of naming a new private drive Landmark Hill Lane (Tax Map 67 Lot 2).

Vice Chair Kalmar moved to grant approval for street name Landmark Hill Lane for property located at 518 U.S. Route 1, Tax Map 67 Lot 2).

Mr. Dunkelberger seconded the motion.

The motion carried 6-0-1. Mr. Harris abstained.

ITEM 4 – 412 Haley Road – Major Amendment to an Approved Subdivision Plan

Action: Accept or deny application, Approve or deny plan. Owner Norwich Investments, LLC, and applicant, Green & Company, request consideration of a major modification to a subdivision approved on October 12, 2017 and located at 412 Haley Road (Tax Map 34, Lot 3) in the

Residential-Rural (R-RL) and Shoreland Overlay (SH-OZ-250') Zones. Agent is Joseph Coronati, Jones and Beach Engineers, Inc.

Mr. Coronati explained they are requesting to make a modification to the approved plan. The lot with the existing house, was to have water access to a common dock with easements. The house owner did not want the easements on the land. The applicant is proposing adjusting the lot line by 1 acre for open space that consists of 255-ft. of shoreland frontage. This will bring the lot size with the existing house to 3.38 acres. Minimum frontage will remain, and the lot is conforming.

Mr. Ledgett asked if it is a new lot. The applicant explained it not a new lot and they would be creating an open space lot which is not developable because it is encumbered by a 100-ft wetland buffer. Mr. Ledgett asked the Board if there are any limitations on creating a lot that cannot be developed. Ms. Connor explained it is considered as open space and the documentation of being held in common and not being developed is outlined in the Home Owner's documents. She added it is undevelopable as well. Mr. Coronati suggested adding a plan note and add "nonbuilding lot".

Mr. Ledgett pointed out the following incorrect wording in Note 19 on A-5 drawing: "The Homeowner's Association reserves the right to construct a community dock along the shoreline". Mr. Coronati agreed to reword the note to: "The Homeowner's Association reserves the right to apply to the Port Authority for a community dock along the shoreline". Mr. Ledgett expressed his concern of the hammerhead could be used for parking. The applicant agreed to post a no parking sign. Mr. Ledgett advised the applicant to have a plan for kayak storage, which will be required on their permit application for the dock.

**Vice Chair Kalmar moved to find the application for a major modification to a subdivision plan dated January 16, 2018 from owner, Norwich Investments, and applicant, Green & Company for a previously approved subdivision located at 412 Haley Road (Tax Map 34 Lot 3) in the Residential-Rural and Shoreland Overlay Zones complete.
Mr. Alesse seconded the motion.**

The motion carried 6-1-0. Mr. Harris opposed.

**Vice Chair Kalmar moved to approve subject to conditions the major modification to a subdivision plan dated January 16, 2018 from owner, Norwich Investments, and applicant, Green & Company for a previously approved subdivision located at 412 Haley Road (Tax Map 34 Lot 3) in the Residential-Rural and Shoreland Overlay Zones upon the review and voting, in the affirmative on the Findings of Fact.
Mr. Dunkelberger seconded the motion.**

The motion carried 6-1-0. (Mr. Harris opposed)

KITTERY PLANNING BOARD

APPROVED

FINDINGS OF FACT

412 Haley Road

Major Modification to an Approved Subdivision Plan

Note: This approval by the Planning Board constitutes an agreement between the Town and the Developer incorporating the Development plan and supporting documentation, the Findings of Fact, and all waivers and/or conditions approved and required by the Planning Board.

WHEREAS: Owner Norwich Investments LLC, and applicant, Jones & Beach, request consideration of a lot line adjustment to Lot 34-3-13 to create an additional 43,569 square feet of waterfront open space for a subdivision previously approved for 412 Haley Road (Tax Map 34 Lot 3) in the Residential-Rural (R-RL) zone and a portion in the Shoreland Overlay (OZ-SL-250') Zone.

Hereinafter the "Development".

Pursuant to the Plan Review meetings conducted by the Planning Board as duly noted in the Plan Review Notes dated 2/8/2018;

Major Modification Site Plan Application Completeness Review	Found complete by a vote of 6 in favor, 1 opposed, 0 abstaining.	2/8/2018
Major Modification to Subdivision Plan Approval	Approved by a vote of 6 in favor, 1 opposed, 0 abstaining.	2/8/2018

and pursuant to the Project Application and Plan and other documents considered to be a part of the approval by the Planning Board in this finding consist of the following and as noted in the Plan Review Notes dated 2/8/2018 (Hereinafter the "Plan").

1. Application and associated and subsequent submittal information dated 1/18/2018
2. Site Plan Amendment, Jones & Beach Engineers, Inc. dated 1/16/2018

NOW THEREFORE, based on the entire record before the Planning Board as and pursuant to the applicable standards in the Land Use and Development Code, the Planning Board makes the following factual findings as required by Section **16.10.8.3.4** and as recorded below:

FINDINGS OF FACT

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

A. Development Conforms to Local Ordinances.

The proposed development conforms to a duly adopted comprehensive plan as per adopted provisions in the Town Code, zoning ordinance, subdivision regulation or ordinance, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

Finding: The modification pertains to an approved residential development in a residential zone. The modification will increase the open space within the subdivision and provide all lots in the subdivision with waterfront access.

Conclusion: This standard appears to be met.

Vote of 6 in favor 1 against 0 abstaining

B. Freshwater Wetlands Identified.

All freshwater wetlands within the project area have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.

Finding: There is one area of wetlands identified within the proposed open space.

Conclusion: This standard appears to be met.

Vote of 6 in favor 1 against 0 abstaining

C. River, Stream or Brook Identified.

Any river, stream or brook within or abutting the proposed project area has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in 38 M.R.S. §480-B, Subsection 9.

Finding: No rivers, streams, or brooks have been identified on site.

Conclusion: This standard is not applicable.

Vote of <u>6</u> in favor <u>1</u> against <u>0</u> abstaining
D. Water Supply Sufficient.
<i>The proposed development has sufficient water available for the reasonably foreseeable needs of the development.</i>
Finding: Because this modification proposed is a lot line adjustment to create open space, there is no impact to water supply. Conclusion: This standard is not applicable.
Vote of <u>6</u> in favor <u>1</u> against <u>0</u> abstaining
E. Municipal Water Supply Available.
<i>The proposed development will not cause an unreasonable burden on an existing water supply, if one is to be used.</i>
Finding: Because this modification proposed is a lot line adjustment to create open space, there is no impact to water supply. Conclusion: This standard is not applicable.
Vote of <u>6</u> in favor <u>1</u> against <u>0</u> abstaining
F. Sewage Disposal Adequate.
<i>The proposed development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.</i>
Finding: Because this modification is a lot line adjustment resulting in increased open space, there is no impact to the sewage waste disposal. Conclusion: This standard is not applicable.
Vote of <u>6</u> in favor <u>1</u> against <u>0</u> abstaining
G. Municipal Solid Waste Disposal Available.

The proposed development will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be used.

Finding: Because this modification is a lot line adjustment resulting in increased open space, there is no impact to solid waste.

Conclusion: This standard is not applicable.

Vote of 6 in favor 1 against 0 abstaining

H. Water Body Quality and Shoreline Protected.

Whenever situated entirely or partially within two hundred fifty (250) feet of any wetland, the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

Finding: The proposed lot line adjustment creates additional open space by removing approximately 1 acre of land along the shore from Lot 34-3-13. Lot 34-3-13's building envelope remains the same as previously approved (outside of the required 100-foot setback) and will not adversely affect the water quality or disturb the shoreline.

Conclusion: This standard appears to be met.

Vote of 6 in favor 1 against 0 abstaining

I. Groundwater Protected.

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

Finding: The proposed lot line adjustment, creating additional open space, will not affect the previously approved development's use of individual septic systems designed by a Licensed Professional.

Conclusion: This standard appears to be met.

Vote of 6 in favor 1 against 0 abstaining

J. Flood Areas Identified and Development Conditioned.

All flood-prone areas within the project area have been identified on maps submitted as part of the application based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the proposed development, or any part

<i>of it, is in such an area, the applicant must determine the one hundred (100) year flood elevation and flood hazard boundaries within the project area. The proposed plan must include a condition of plan approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least one foot above the one hundred (100) year flood elevation.</i>
Finding: There is no construction proposed by this lot line adjustment within a flood prone area. Conclusion: This standard is not applicable.
Vote of <u>6</u> in favor <u>1</u> against <u>0</u> abstaining
K. Stormwater Managed.
<i>Stormwater Managed. The proposed development will provide for adequate stormwater management</i>
Finding: The proposed lot line adjustment, creating additional open space will not affect stormwater. Conclusion: This standard is not applicable.
Vote of <u>6</u> in favor <u>1</u> against <u>0</u> abstaining
L. Erosion Controlled.
<i>The proposed development will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.</i>
Finding: The proposed lot line adjustment, creating additional open space, will not affect soil erosion. Conclusion: This standard is not applicable.
Vote of <u>6</u> in favor <u>1</u> against <u>0</u> abstaining
M. Traffic Managed.
<i>The proposed development will:</i> <ol style="list-style-type: none"> <i>1. Not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed; and</i> <i>2. Provide adequate traffic circulation, both on-site and off-site.</i>
Finding: The proposed lot line adjustment will create additional open space with no impact on traffic. Conclusion: This standard is not applicable.
Vote of <u>6</u> in favor <u>1</u> against <u>0</u> abstaining

N. Water and Air Pollution Minimized.

The proposed development will not result in undue water or air pollution. In making this determination, the following must be considered:

- 1. Elevation of the land above sea level and its relation to the floodplains;*
- 2. Nature of soils and sub-soils and their ability to adequately support waste disposal;*
- 3. Slope of the land and its effect on effluents;*
- 4. Availability of streams for disposal of effluents;*
- 5. Applicable state and local health and water resource rules and regulations; and*
- 6. Safe transportation, disposal and storage of hazardous materials.*

Finding: Because the modification consists of a lot line adjustment to create additional open space, with no development involved, there is no impact on the factors listed above.

Conclusion: This standard is not applicable.

Vote of 6 in favor 1 against 0 abstaining

O. Aesthetic, Cultural and Natural Values Protected.

The proposed development will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

Finding: The property does not include any significant aesthetic, cultural or natural values that require protection so the lot line adjustment will have no impact.

Conclusion: This standard appears to be met.

Vote of 6 in favor 1 against 0 abstaining

P. Developer Financially and Technically Capable.

Developer is financially and technically capable to meet the standards of this section.

Finding: The previous subdivision approval required that the developer provide a performance guarantee and an inspection escrow in an amount suitable to cover the costs of required infrastructure including on-site inspection by the Peer Review Engineer to ensure the proposed development is constructed according to the approved plan. The proposed lot line adjustment will have no effect on these transactions.

Conclusion: This standard appears to be met.

Vote of 6 in favor 1 against 0 abstaining

Chapter 16.3 LAND USE ZONE REGULATIONS

16.3.2.17.D Shoreland Overlay Zone

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

Finding: Maximum devegetated area in the Shoreland Overlay Zone is 20%. The previously approved development does not exceed the devegetated coverage amounts and this proposed lot line adjustment will have no effect.

Conclusion: This standard appears to be met.

Vote of 6 in favor 1 against 0 abstaining

Chapter 10 DEVELOPMENT PLAN APPLICATION AND REVIEW

Article 10 Shoreland Development Review

16.10.10.2 Procedure for Administering Permits

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

- 1. Maintain safe and healthful conditions;*
- 2. Not result in water pollution, erosion or sedimentation to surface waters;*
- 3. Adequately provide for the disposal of all wastewater;*
- 4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;*
- 5. Conserve shore cover and visual, as well as actual points of access to inland and coastal waters;*
- 6. Protect archaeological and historic resources;*

- 7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district;*
- 8. Avoid problems associated with floodplain development and use;*
- 9. Is in conformance with the provisions of this code;*
- 10. Be recorded with the York county Registry of Deeds.*

Findings: The proposed modification consisting of a lot line adjustment to create an additional acre of open space with waterfront access will not have an adverse impact on the factors above.

Conclusion: This standard appears to be met.

Vote of 6 in favor 1 against 0 abstaining

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

1. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
2. This approval is limited to the specific modification referenced herein and is considered a modification to a subdivision plan approved by the Planning Board on October 12, 2017.
3. Revise Note 19 as follows: "The Homeowners Association reserves the right to apply to construct a community dock along the shoreline within the open space."
4. Label the new created open space lot "Open Space – To Remain Undeveloped".
5. Add a note, to be labeled as 21, as follows: "A "no parking" sign shall be placed at the hammerhead turnaround" and re-number the rest of the notes accordingly.
6. All Notices to Applicant contained in the Findings of Fact (dated: 2/8/2018).

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

7. 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.

Notices to Applicant: (not to be included on the final plan)

1. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with review, including, but not limited to, wetland mitigation fee, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
2. State law requires all subdivision and shoreland development plans, and any plans receiving waivers or variances, be recorded at the York County Registry of Deeds within 90 days of the final approval.
3. One (1) mylar copy and one (1) paper copy of the final plan (recorded plan if applicable) and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department. Date of Planning Board approval shall be included on the final plan in the Signature Block.
4. Copies of all applicable state and federal permits submitted to the Town prior to the issuance of a building permit.
5. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating the Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

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

Vote of 6 in favor 1 against 0 abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON _____

Ann Grinnell, Planning Board Chair

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

ITEM 5 – Debra Lane – Major Amendment to an Approved Subdivision Plan

Action: Accept or deny application, Approve or deny plan. Owner/Applicant, Ronald L. Dalrymple requests consideration of a major modification to a subdivision last approved on October 10, 2002 and located on Debra Lane (Tax Map 15, Lots 11-1 through 11-12) in the Residential – Urban (R-U) Zone.

Joe Mulledy, Ambit Engineering, explained the 11-lot subdivision that was approved and constructed 20 years ago had a drainage design that included a V-notch weir. This was intended to be constructed to balance the drainage flow so the subdivision could be built out

with no impacts to stormwater. The V-notch weir was never built. Mr. Mulledy passed out his analysis. He explained he reviewed the original analysis and the design from 20 years ago and pointed out he wasn't the engineer at the time. Mr. Mulledy noted the engineer at the time properly analyzed the area and explained the CN value for the trees. The new drainage analysis shows more trees and less grass. He explained the table in his analysis is a tabulation of all the perimeters in the drainage model and compares the 1998 CN values with today's CN values. The results have allowed them to propose the V-notch weir is no longer needed.

Ronald Dalrymple explained this was discovered during a discussion with the buyer of his house as they were walking the property lines. Mr. Dalrymple explained the reason they V-notch weir was not constructed was due to the subdivision being an "as built" development and they did extra work for the drainage. Mr. Ledgett questioned the impact of not having a weir on the current vegetation. Mr. Mulledy replied whenever a lot owner make changes there could be impacts. There was no enforcement action involved and the buyer was released.

**Mr. White moved that the application for a major modification to a subdivision plan dated January 18, 2018 from owner and applicant, Ronald L. Dalrymple for a previously approved subdivision located on Debra Lane (Tax Map 15, Lots 11-1 through 11-12) in the Residential-Urban Zone is complete.
Vice Chair Kalmar seconded the motion.**

The motion carried 7-0-0.

**Vice Chair Kalmar moved to approve with conditions the major modification to a subdivision plan dated January 18, 2018 from owner and applicant, Ronald L. Dalrymple, for a previously approved subdivision located on Debra Lane (Tax Map 15, Lots 11-1 through 11-12) in the Residential-Urban Zone upon the review and voting, in the affirmative on the Findings of Fact.
Dunkelberger seconded the motion.**

The motion carried 7-0-0.

**KITTERY PLANNING BOARD
FINDINGS OF FACT
for
Debra Lane
Major Modification to an Approved Subdivision Plan**

APPROVED

Note: This approval by the Planning Board constitutes an agreement between the Town and the Developer incorporating the Development plan and supporting documentation, the Findings of Fact, and all waivers and/or conditions approved and required by the Planning Board.

WHEREAS: Owner and applicant, Ronald L. Dalrymple, requests consideration of the removal of a requirement to construct a "V-shaped" weir designed to limit flow through an inlet into an existing pond located within a previously approved subdivision located on Debra Lane (Tax Map 15, Lots 11-1 through 11-12) in the Residential-Urban Zone.

Hereinafter the “Development”.

Pursuant to the Plan Review meetings conducted by the Planning Board as duly noted in the Plan Review Notes dated 2/8/2018;

Major Modification Plan Application Completeness Review	Found complete by a vote of 7-0-0	2/8/2018
Major Modification to Subdivision Plan Approval	Approved by a vote of 7-0-0	2/8/2018

and pursuant to the Project Application and Plan and other documents considered to be a part of the approval by the Planning Board in this finding consist of the following and as noted in the Plan Review Notes dated 2/8/2018 (Hereinafter the “Plan”).

1. Application and associated and subsequent submittal information dated 1/18/2018
2. Revised Drainage Analysis and Subcatchment Plans, Ambit Engineering, Inc. dated 1/16/2018

NOW THEREFORE, based on the entire record before the Planning Board as and pursuant to the applicable standards in the Land Use and Development Code, the Planning Board makes the following factual findings as required by Section **16.10.8.3.4** and as recorded below:

FINDINGS OF FACT

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

A. Development Conforms to Local Ordinances.

The proposed development conforms to a duly adopted comprehensive plan as per adopted provisions in the Town Code, zoning ordinance, subdivision regulation or ordinance, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

Finding: The modification pertains to an approved and existing residential development in a residential zone. The modification will remove the requirement for a weir originally designed to control stormwater runoff but never built. A revised drainage analysis, signed and stamped by Joseph L. Mulledy, P.E., supports the idea that the weir is not necessary.

Conclusion: This standard appears to be met.

Vote of 7 in favor 0 against 0 abstaining

B. Freshwater Wetlands Identified.

All freshwater wetlands within the project area have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.

Finding: No revisions to the existing subdivision except for removal of a requirement for a stormwater-related weir that was never constructed are proposed so no site plan showing wetlands is required.

Conclusion: This standard is not applicable.
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining
C. River, Stream or Brook Identified.
<i>Any river, stream or brook within or abutting the proposed project area has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in 38 M.R.S. §480-B, Subsection 9.</i>
Finding: The modification proposed will simply remove the requirement for a stormwater-related weir that was never constructed.
Conclusion: This standard is not applicable.
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining
D. Water Supply Sufficient.
<i>The proposed development has sufficient water available for the reasonably foreseeable needs of the development.</i>
Finding: Because this modification proposes the removal of the requirement for stormwater-related weir, there is no impact to water supply.
Conclusion: This standard is not applicable.
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining
E. Municipal Water Supply Available.
<i>The proposed development will not cause an unreasonable burden on an existing water supply, if one is to be used.</i>
Finding: Because this modification proposes the removal of the requirement for stormwater-related weir, there is no impact to water supply.
Conclusion: This standard is not applicable.
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining
F. Sewage Disposal Adequate.
<i>The proposed development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.</i>

<p>Finding: The proposed modification concerns the removal of a requirement for a stormwater-related weir, with no impact on sewage disposal.</p> <p>Conclusion: This standard is not applicable.</p>
<p>Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>G. Municipal Solid Waste Disposal Available.</p>
<p><i>The proposed development will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be used.</i></p>
<p>Finding: Because this modification proposes the removal of the requirement for a stormwater-related weir, there is no impact to solid waste.</p> <p>Conclusion: This standard is not applicable.</p>
<p>Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>H. Water Body Quality and Shoreline Protected.</p>
<p><i>Whenever situated entirely or partially within two hundred fifty (250) feet of any wetland, the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.</i></p>
<p>Finding: Because this modification proposes the removal of the requirement for a stormwater-related weir which was never constructed, there no impact to a wetland or water body.</p> <p>Conclusion: This standard appears to be met.</p>
<p>Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>I. Groundwater Protected.</p>
<p><i>The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.</i></p>
<p>Finding: Because this modification proposes the removal of the requirement for stormwater-related weir, there is no impact to groundwater.</p> <p>Conclusion: This standard appears to be met.</p>
<p>Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>J. Flood Areas Identified and Development Conditioned.</p>

<i>All flood-prone areas within the project area have been identified on maps submitted as part of the application based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the proposed development, or any part of it, is in such an area, the applicant must determine the one hundred (100) year flood elevation and flood hazard boundaries within the project area. The proposed plan must include a condition of plan approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least one foot above the one hundred (100) year flood elevation.</i>	
Finding: There is no construction proposed by the removal of the requirement of a stormwater-related weir.	
Conclusion: This standard is not applicable.	
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining	
K. Stormwater Managed.	
<i>Stormwater Managed. The proposed development will provide for adequate stormwater management</i>	
Finding: The modification pertains to an approved and existing residential development in a residential zone. The modification will remove the requirement for a weir originally designed to control stormwater runoff but never built. A revised drainage analysis, signed and stamped by Joseph L. Mulledy, P.E., supports the idea that the weir is not necessary.	
Conclusion: This standard has been met.	
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining	
L. Erosion Controlled.	
<i>The proposed development will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.</i>	
Finding: The revised drainage analysis supports the idea that under current conditions (without the weir), no significant runoff occurred through hydrologic modeling of 2, 10, 15, 50 and 100-year, 24-hour storm events which in turn would mean soil erosion is not also not significant.	
Conclusion: This standard has been met.	
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining	
M. Traffic Managed.	
<i>The proposed development will:</i> <i>1. Not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed; and</i>	

2. <i>Provide adequate traffic circulation, both on-site and off-site.</i>
Finding: The proposed removal of a stormwater-related weir requirement has no impact on traffic. Conclusion: This standard is not applicable.
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining
N. Water and Air Pollution Minimized.
<i>The proposed development will not result in undue water or air pollution. In making this determination, the following must be considered:</i>
<ol style="list-style-type: none"> 1. <i>Elevation of the land above sea level and its relation to the floodplains;</i> 2. <i>Nature of soils and sub-soils and their ability to adequately support waste disposal;</i> 3. <i>Slope of the land and its effect on effluents;</i> 4. <i>Availability of streams for disposal of effluents;</i> 5. <i>Applicable state and local health and water resource rules and regulations; and</i> 6. <i>Safe transportation, disposal and storage of hazardous materials.</i>
Finding: Because this modification proposes the removal of the requirement for stormwater-related weir that was never constructed, there is no impact on the factors listed above. Conclusion: This standard is not applicable.
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining
O. Aesthetic, Cultural and Natural Values Protected.
<i>The proposed development will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.</i>
Finding: Removing a requirement for a stormwater-related weir will have no impact on aesthetic, cultural or natural values since the subdivision already exists. Conclusion: This standard appears to be met.
Vote of <u>7</u> in favor <u>0</u> against <u>0</u> abstaining
P. Developer Financially and Technically Capable.
<i>Developer is financially and technically capable to meet the standards of this section.</i>
Finding: The subdivision for which this modification is proposed already exists. The proposed modification proposes to remove a requirement and does not involve construction. Conclusion: This standard appears to be met.

Vote of 7 in favor 0 against 0 abstaining

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

1. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
2. This approval is limited to the specific modification referenced herein and is considered a modification to a subdivision plan last approved by the Planning Board on October 2, 2002.
3. All Notices to Applicant contained in the Findings of Fact (dated: 2/8/2018).

Conditions of Approval (Not to be included as notes on the final plan):

4. 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.

Notices to Applicant: (not to be included on the final plan – not all may be applicable)

1. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with review, including, but not limited to, wetland mitigation fee, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
2. State law requires all subdivision and shoreland development plans, and any plans receiving waivers or variances, be recorded at the York County Registry of Deeds within 90 days of the final approval.
3. One (1) mylar copy and one (1) paper copy of the final plan (recorded plan if applicable) and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department. Date of Planning Board approval shall be included on the final plan in the Signature Block.
4. Copies of all applicable state and federal permits submitted to the Town prior to the issuance of a building permit.
5. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating the Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

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

Vote of 7 in favor 0 against 0 abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON _____

Ann Grinnell, Planning Board Chair

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

Item 6 - 88 Pepperrell Road - Shoreland Development Plan Review

Action: Accept or deny application. Approve or deny plan. Owner/Applicant, 1828 Pepperrell Cove LLC requests consideration of the removal of a vestibule and two overhangs and the addition of a new overhang on a building located on 58 Pepperrell road (Tax Map 27, Lot 49) in the Business - Local (B-L) and the Shoreland Overlay (OZ-SL) Zones. Agent is Carla Goodknight, CJ Architects.

Carla Goodknight explained the changes requested exist partially within the 100-ft. offset line from the highest annual tide. She referred to Page 3 of the submittal picturing the overhangs and vestibule that are proposed to be removed. She added on Page 2 the square footages have been quantified and the proposed new overhang represented shows a 9-sq. ft. reduction overall to the impact. The area within the 100 ft. zone is reduced to 35 sq. ft.

The Board was in consensus this item does not need to go to a public hearing.

**Mr. White moved the application for Shoreland Development Plan dated January 18, 2018 from owner Street LLC and applicant 1828 Pepperrell Cove LLC (Tax Map 27 Lot 49) in the Business – Local and Shoreland Overlay Zones, is complete.
Mr. Ledgett seconded the motion.**

The motion carried 7-0-0.

**Vice Chair Kalmar moved to approve with conditions the Shoreland Development Plan dated January 18, 2018 from owner Street LLC and applicant 1828 Pepperrell Cove LLC (Tax Map 27 Lot 49) in the Business – Local and Shoreland Overlay Zones, upon the review and voting in the affirmative on the Findings of Fact.
Mr. Dunkelberger seconded the motion.**

The motion carried 7-0-0.

KITTERY PLANNING BOARD

APPROVED

FINDINGS OF FACT

88 Pepperrell Road

Shoreland Development Plan Review

WHEREAS: Owner, Chatham Street LLC, and Applicant, 1828 Pepperrell Cove LLC requests consideration of a plan to remove existing overhangs and entry vestibule and construct a new porch overhang at 88 Pepperrell Road, Tax Map 27 Lot 49, in the Business - Local (B-L) and the Shoreland Overlay (OZ-SL-250') Zones, hereinafter the “Development” and Pursuant to the Plan Review meetings conducted by the Planning Board as noted in the plan review notes prepared for 2/8/2018.

Shoreland Development Plan Application Completeness Review	2/8/2018	HELD
Site Walk		TBD
Public Hearing		TBD
Shoreland Development Plan Approval	2/8/2018	APPROVED

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

1. Shoreland Development Plan Application dated 1/18/18
2. Shoreland Development Plan

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

FINDINGS OF FACT

Chapter 16.3 LAND USE ZONE REGULATIONS

16.3.2.17.D Shoreland Overlay Zone
<p><i>1.d The total footprints of the areas devegetated for structures, parking lots and other impervious surfaces, must not exceed twenty (20) percent of the lot area, including existing development, except in the following zones...</i></p> <p>Finding: This property is fully developed with previously existing structures, travel ways and parking areas.</p> <p>Conclusion: This standard appears to be met.</p>
Vote: <u> 7 </u> in favor <u> 0 </u> against <u> 0 </u> 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: The plan as proposed makes one of the existing buildings less non-conforming by removing 35 sf of structure from within the 100-foot setback.

Conclusion: This standard appears to be met.

Vote: 7 in favor 0 against 0 abstaining

16.7.3.3.2 Nonconforming Structure Repair and/or Expansion

E. In addition to the standards in the above subsections 16.7.3.3.2.A-D, the expansion of nonconforming structures located in the Shoreland or Resource Protection Overlay Zone must meet the following:

1. *Wherever a new, enlarged, or replacement foundation is constructed under a nonconforming structure the structure and new foundation must be placed such that setback requirements are met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Title 16.7.3.3.1.B, Nonconforming Structure Relocation.*

2. *Expansion of any portion of a structure that is located within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a coastal or freshwater wetland is prohibited.*

3. *Notwithstanding Title 16.7.3.3.2.E.2 above, if a legally existing nonconforming principal structure is entirely located less than 25-feet from the normal high-water line of a waterbody, tributary stream, or upland edge of a coastal or freshwater wetland, that structure may be expanded as follows,*
a. the maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater. Roof slope must not be less than an 8:12 pitch.

4. *Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a coastal or freshwater wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or coastal or freshwater wetland setback requirement. All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or coastal or freshwater wetland setback requirements may be expanded or altered as follows:*

a. For structures located less than 100 feet from the normal high-water line of a water body, tributary stream, or upland edge of a coastal or freshwater wetland, the maximum combined total footprint for

all structures may not be expanded to a size greater than 1,000 square feet, or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet, or the height of the existing structure, whichever is greater. Roof slope must not be less than an 8:12 pitch.

b. For structures that are located within the Resource Protection Overlay Zone, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet, or 30% larger than the footprint that existed at the time the Resource Protection Overlay Zone was established, whichever is greater. The maximum height of any structure may not be greater than 25 feet, or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 100 feet from the normal high water line of a waterbody, tributary stream, or upland edge of a coastal or freshwater wetland must meet the footprint, roof pitch and height limits in 16.7.3.3.2.E.4.a, above.

Finding: The proposed removal of the vestibule and two overhangs together with the addition of a new overhang results in a decrease in the square footage of the structure within the Shoreland Overlay Zone.

Conclusion: This standard appears to be met.

Vote: 7 in favor 0 against 0 abstaining

16.7.3.3.3 Nonconforming structure reconstruction

A. In the Shoreland or Resource Protection Overlay Zone(s), any nonconforming structure which is located less than the required setback from a water body, tributary stream, or coastal or freshwater wetland and which is removed, damaged or destroyed, by any cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within 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 coastal or freshwater wetland setback requirement to the greatest practical extent as determined by the Planning Board. In determining whether the structure reconstruction meets the setback to the greatest practical extent the Planning Board must consider, in addition to the criteria in Section 16.7.3.3.1,B Nonconforming Structure Relocation, the physical condition and type of foundation present, if any.

B. In the Shoreland or Resource Protection Overlay Zone(s), any nonconforming structure which is located less than the required setback from a water body, tributary stream, or coastal or freshwater wetland and removed, damaged or destroyed by any cause 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 within twelve (12) months of the established date of damage or destruction.

C. Outside of the Shoreland or Resource Protection Overlay Zone(s), any nonconforming structure which is removed, damaged or destroyed by any cause may be restored or reconstructed in-place if a

permit is obtained from the Code Enforcement Officer within eighteen (18) months of the date of said removal, damage or destruction. Such restoration or reconstruction must not make the structure more nonconforming than the prior nonconforming structure.

D. Nothing in this section prevents the demolition of the remains of any structure damaged or destroyed. Application for a demolition permit for any structure that has been partially damaged or destroyed must be made to the Code Enforcement Officer.

E. In the Shoreland or Resource Protection Overlay Zone(s), if the total footprint of the original structure can be reconstructed beyond the required setback area, no portion of the reconstructed structure may be reconstructed at less than the setback requirement for a new structure. 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 in Title 16.7.3.3.2, Nonconforming Structure Repair and Expansion.

F. When it is necessary to remove vegetation to reconstruct a structure, vegetation will be replanted in accordance with Section 16.7.3.3.1.C, Nonconforming Structure Relocation.

G. Except where expressly permitted in this code, in no case may a structure be reconstructed or replaced so as to increase its non-conformity.

Finding: The building is being renovated with small portions proposed for removal and a new overhang proposed to be added which will decrease the square footage within the Shoreland Overlay Zone.

Conclusion: This standard appears to be met.

Vote: _7_ in favor _0_ against _0_ abstaining

Chapter 10 DEVELOPMENT PLAN APPLICATION AND REVIEW

Article 10 Shoreland Development Review

16.10.10.2 Procedure for Administering Permits

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

1. Maintain safe and healthful conditions;

Finding: The proposed development as represented in the plans and application does not appear to have an adverse impact.

Conclusion: This standard appears to be met.
Vote: <u> 7 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining
<i>2. Not result in water pollution, erosion or sedimentation to surface waters;</i> Finding: The proposed development will have little impact on surface waters. Conclusion: This standard appears to be met.
Vote: <u> 7 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining
<i>3. Adequately provide for the disposal of all wastewater;</i> Finding: The proposed development will not affect the existing wastewater disposal system. Conclusion: This standard appears to be met.
Vote: <u> 7 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining
<i>4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;</i> Finding: The proposed development does not appear to have an adverse impact. Conclusion: This standard appears to be met.
Vote: <u> 7 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining
<i>5. Conserve shore cover and visual, as well as actual points of access to inland and coastal waters;</i> Finding: Because the property is already fully developed, shore cover is not adversely impacted Conclusion: This standard appears to be met.
Vote: <u> 7 </u> in favor <u> 0 </u> against <u> 0 </u> abstaining
<i>6. Protect archaeological and historic resources;</i>

Finding: The building under consideration is part of the historical fabric of Kittery Point.

Conclusion: This standard appears to be met.

Vote: _7_ in favor _0_ against _0_ abstaining

7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district;

Finding: The proposed development does not adversely impact existing commercial fishing or maritime activities.

Conclusion: This standard appears to be met.

Vote: _7_ in favor _0_ against _0_ abstaining

8. Avoid problems associated with floodplain development and use;

Finding: The property is already fully developed. The proposed changes do not appear to have an impact on a floodplain or flood-prone area.

Conclusion: This standard appears to be met.

Vote: _7_ in favor _0_ against _0_ abstaining

9. Is in conformance with the provisions of this code;

Finding: The proposed development complies with the applicable standards of Title 16.

Conclusion: This standard appears to be met.

Vote: _7_ in favor _0_ against _0_ abstaining

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

Finding: A plan suitable for recording will be prepared.

Conclusion: As stated in the Notices to Applicant contained herein, Shoreland Development plans must be recorded with the York County Registry of Deeds within 90 days of approval prior to the issuance of a building permit.

Vote: _7_ in favor _0_ against _0_ abstaining

NOW THEREFORE the Kittery Planning Board adopts each of the foregoing Findings of Fact and based on these Findings determines the proposed Development will have no significant detrimental impact, and the Kittery Planning Board hereby grants final approval for the Development at the above referenced property, including any waivers granted or conditions as noted.

Waivers: None

Conditions of Approval (to be depicted on final plan notes 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. All Notices to Applicant contained herein (Findings of Fact dated 02/8/2018).

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

3. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board or Peer Review Engineer, and submit for Staff review prior to presentation on final Mylar.
 - a. Change title of plan from "Shoreline" to "Shoreland".

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

Vote: _7_ in favor _0_ against _0_ abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON _____

Ann Grinnell, Planning Board Chair

Notices to Applicant:

1. Incorporate any plan revisions on the final plan as required by Planning Board and submit for Staff review prior to presentation of final mylar.
2. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
3. 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 and a paper 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.

ITEM 7 - BOARD MEMBER ITEMS/DISCUSSION

Chair Grinnell requested the Board review their “to do list” once staff is in place.

Vice Chair Kalmar explained the requirement in their Bylaws of members attending MMA training. Board members will find out when the next training occurs.

The Board was in consensus to have Mr. White as the representative on the Comprehensive Planning Committee. Mr. White informed the Board they have shrunk down the executive summary from feedback of the workshops. They will have a public hearing and it will be sent to the State for another review.

ITEM 8 -TOWN PLANNER ITEMS

Ms. Connor has spoken with Jeff Clifford from Altus Engineering regarding extending the Betty Welch Road subdivision. Vice Chair Kalmar acknowledged that the time since August 24, 2017 should not be counted as the six-month deadline because another agency was stalling them.

Vice Chair Kalmar moved that the Board formally acknowledge the time for the Huntington Run Subdivision since August 24, 2017 has not counted towards the six-month deadline of the Huntington Run Subdivision application in accordance with 16.10.7.1.3.A

Mr. Dunkelberger seconded the motion.

The motion carried 7-0-0.

ITEM 9 - ADJOURNMENT

**Mr. Alesse moved to adjourn the meeting.
Mr. Dunkelberger seconded the motion.**

The motion carried 7-0-0.

The Kittery Planning Board meeting of February 8, 2018 adjourned at 7:58 p.m.

Submitted by Mary Mancini, Minute Recorder, on February 23, 2018.

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