



# TOWN OF KITTERY MAINE

## TOWN PLANNING AND DEVELOPMENT DEPARTMENT

200 Rogers Road, Kittery, Maine 03904

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[www.kittery.org](http://www.kittery.org)

### CLUSTER DEVELOPMENT PLAN REVIEW

<b>FEES FOR REVIEW:</b>  <input type="checkbox"/> \$500.00 <u>PLUS</u>  <input type="checkbox"/> \$50.00/LOT OR DWELLING UNIT	<b>Application Fee Paid:</b> \$ _____  Date: _____	<b>Map #:</b> _____ <b>Lot #:</b> _____ <b>Zones:</b> Base _____ Overlay(s) _____	
	<b>Review Escrow Fee Paid:</b> \$ _____  Date: _____	<b>Physical Address:</b> _____	

<b>PROPERTY OWNER/APPLICANT INFORMATION*</b> (print clearly) <small>*Applicant must also provide owner's signed authorization to act on their behalf.</small>	Owner's Name:		Owner's Mailing Address:	
	Phone:			
	Email:			
	Applicant's Name:		Applicant's Mailing Address:	
	Phone:			
	Email:			

<b>APPLICANT'S AGENT INFORMATION</b> (print clearly)	Name:		Name of Business	
	Phone:		Mailing Address	
	Fax:			
	Email:			

<b>PROJECT DESCRIPTION</b>	Existing Use(s):				
	Number of Proposed Lots		Subdivision Name		
	Proposed Road Name: _____				
	(A separate application is required and approval received from Public Safety/DPW/Planning Board prior to final plan signature.)				
	Ownership: (check)	<input type="checkbox"/> Fee- Simple <input type="checkbox"/> Condominium	Responsibilities: (check)	<input type="checkbox"/> Total Development <input type="checkbox"/> Other	<input type="checkbox"/> Landscaping <input type="checkbox"/> Road

<b>ADDITIONAL SUBMITTAL INFORMATION</b>	<b><u>Article XI, Chapter 8 – Cluster Residential and Cluster Mixed-Use Development</u></b>				
	To begin Preliminary Plan Review for Cluster Development, the Applicant must have received Sketch Plan acceptance through Planning Board action, including all requirements for Sketch Plan submittal as described in Title 16.8.11.5. As part of the preliminary plan review, sketch plan review submittal information must be attached to this plan application, including documentation of Planning Board action on the sketch plan. All other requirements as outlined in Article XI, Chapter 8 must be addressed at the Preliminary Plan Review level and included herein.				
	To begin Final Plan Review for Cluster Development, the Applicant must have received Preliminary Plan approval through Planning Board action.				
	Throughout plan review, it is the responsibility of the Applicant/Agent to provide information as required in Chapter 16.8 Design and Performance Standards-Built Environment, Chapter 16.9 Design and Performance Standards-Natural Environment and Chapter 16.10 Development Plan Application and Review, and other requirements as referenced.				

<b>Title 16.7.4.1:</b>		In granting modifications or waivers, the Planning Board must require such conditions as will, in its judgment, substantially meet the objectives of the requirements so waived or modified.
<b>REQUESTED WAIVERS</b>	<b>Ordinance Section</b>	<b>Describe why this request is being made.</b>
	***EXAMPLE*** 16.32.560 (B)- OFFSTREET PARKING.	***EXAMPLE*** Requesting a waiver of this ordinance since the proposed professional offices have a written agreement with the abutting Church owned property to share parking.

## ☐ **ABUTTER NOTIFICATION**

**16.10.5.1.1. Preliminary Plan Application Filing and Completeness Review.** The application must be accompanied by a Plan and the required fee together with a certification the applicant has notified abutters by mail of the filing of the Plan application for approval.

Submitted Applications must include a list of the names and addresses of the abutters and date notification mailed.  
The abutter Notice of Filing must include the owner/applicant name, address and description of the proposed project.

**Applications will not be accepted without submittal of all plan requirements as specified herein, and without a complete, signed application page (page 5).**

# Minimum Plan Submission Requirements (Title 16.10.5.2)

- ☐ 15 COPIES OF THIS APPLICATION ☐ 15 COPIES OF THE PLAN – 5 OF WHICH MUST BE 24" X 36"
- ☐ 1 PDF OF THE SITE PLAN SHOWING GPS COORDINATES

Prior to starting the review process, the Planning Board will decide whether sufficient information has been provided and will vote to **DETERMINE COMPLETENESS/ACCEPTANCE**. The applicant is responsible to clearly describe the project. The following requirements must be addressed, and noted if not applicable.

**Paper size:**

- ☐ No less than 11" X 17" (reduced) or greater than 24" X 36" (full)

**Scale size:**

- ☐ Under 10 acres: no greater than 1" = 30'
- ☐ 10 + acres: 1" = 50'

**Title block:**

- ☐ Applicant's name and address
- ☐ Name of preparer of plans with professional information and professional seal
- ☐ Parcel's tax map identification (map – lot)
- ☐ Date of plan preparation

**Boundary survey performed and sealed by licensed surveyor:**

- ☐ Identify all existing boundary markers
- ☐ Show all proposed boundary monuments (per ordinance)

**Provide orientation:**

- ☐ Arrow showing true north and magnetic declination
- ☐ Graphic scale ☐ Parcel Owners and map and lot
- ☐ Deed docket and page numbers ☐ Signature blocks

**Show location and description of:**

- ☐ All structures ☐ Floor plans
- ☐ Elevations of principle structures
- ☐ All structures and accesses within 100 feet

**Show parcel data:**

- ☐ Total parcel area ☐ Rights-of-way area ☐ Wetlands area
- ☐ Area to be disturbed ☐ Length of street frontage
- ☐ Building setback lines ☐ Wetland setbacks
- ☐ All parcels of land proposed to be dedicated to public use and the conditions of such dedication

**Indicate how the existing ground will change by showing:**

- ☐ Existing contours ☐ Proposed contours ☐ % grade
- ☐ Finished grades ☐ Proposed slopes ☐ Finished floor elevations

- ☐ Show names and addresses of all owners of record on abutting parcels and the assessor's map and lot numbers.

- ☐ Label all zoning districts abutting the property boundaries.

- ☐ Show locations of natural physical features such as water bodies, watercourses, forest cover, and ledge outcroppings.

Show the locations of existing and proposed utilities and identify which utilities are to be privately owned/ municipally owned:

- ☐ Overhead Electric ☐ underground electric ☐ Water mains ☐ Wells
- ☐ Gas mains ☐ Cable TV ☐ Sewer mains ☐ Test pits ☐ Septic tanks
- ☐ Leach fields ☐ Storm drain lines ☐ Catch basins ☐ Culverts
- ☐ Gutters ☐ Stormwater storage basins ☐ Rain gardens
- ☐ Nearest fire hydrant

**Indicate required landscaping including:**

- ☐ Type of plant material ☐ Plant/Tree sizes
- ☐ Placement ☐ Irrigation systems

**Show natural and historical topography:**

- ☐ Rock walls ☐ Railroad beds
- ☐ The location of all natural features or site elements to be preserved.

Provide a **locus map** showing the property in relation to surrounding roads, within 2,000 feet of any property line of the development.

Provide a **vicinity map and aerial photograph** at a scale not more than **400 feet to the inch** showing the relation to other properties and geographic features and show:

- ☐ All the area within five hundred (500) feet of the boundary line of the proposed development including roads, geographic features, natural resources (wetlands, etc.), historic sites, applicable comprehensive plan features such as proposed park locations, land uses, Zones and other features;
- ☐ Any smaller area between the tract and all existing streets, provided any part of such a street used as part of the perimeter for the vicinity map is at least five hundred (500) feet from any boundary of the proposed development.

**Show the locations of any:**

- ☐ Parks ☐ Open space ☐ Conservation easement

**Identify and locate each:**

- ☐ Easements ☐ Rights-of-way ☐ Street alignments
- ☐ All intersecting property lines within 50 feet of the parcel.

Include plans, profiles and typical sections of all **roads and other paved ways**, including all relevant street data.

- ☐ Intersections or ☐ Distance to nearest intersection
- ☐ Driveways onsite ☐ Distance to nearest driveway
- ☐ Sight visibility lines

**Show all existing and proposed lighting**

- ☐ Map of all street lighting, attached lighting, and area lighting
- ☐ Location of lighted signs ☐ Photo-metrics map

- ☐ Indicate the location of any permanently installed machinery likely to cause appreciable noise at the lot lines.

**Provide description of these materials stored on the property:**

- ☐ Hazardous ☐ Toxic ☐ Raw Waste

**Indicate the location and dimensions of (existing and proposed):**

- ☐ Sidewalks ☐ Curbs ☐ Driveways
- ☐ Fences ☐ Retaining walls ☐ Other artificial features

**Show parking calculations and parking spaces on the site plan and:**

- ☐ Existing parking, if applicable ☐ proposed parking spaces
- ☐ Handicapped spaces

**Copies of State and Local permit applications:**

- ☐ Notice of Intent ☐ NRPA ☐ Permit by Rule
- ☐ all other applicable permits

- ☐ Copy of **FIRM Map** showing proposed parcel boundary.

**PRIOR TO A SITE WALK, TEMPORARY MARKERS MUST BE ADEQUATELY PLACED THAT ENABLE THE PLANNING BOARD TO READILY LOCATE AND APPRAISE THE LAYOUT OF THE DEVELOPMENT.**

**SUBMITTALS THE TOWN PLANNER DEEMS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE SCHEDULED FOR PLANNING BOARD REVIEW.**

## Plan Findings of Fact

**The following Findings (Title 16.10.8.3.4) must be sufficiently addressed in writing by the applicant/agent and submitted to the Planning Department with the Preliminary Plan application. These Findings must be updated as necessary during the review process, and the Plan must be in compliance with these Findings prior to Final Plan approval by the Planning Board.**

- 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.
- 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.
- 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.
- D. *Water Supply Sufficient*** The proposed development has sufficient water available for the reasonably foreseeable needs of the development.
- E. *Municipal Water Supply Available*** The proposed development will not cause an unreasonable burden on an existing water supply, if one is to be used.
- F. *Sewage Disposal Adequate*** The proposed development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.
- 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.
- 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.
- I. *Groundwater Protected*** The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
- 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 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.
- K. *Stormwater Managed*** The proposed development will provide for adequate stormwater management.
- L. *Erosion Controlled*** 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.
- M. *Traffic Managed*** The proposed development will:
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
  2. Provide adequate traffic circulation, both on-site and off-site.
- 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.

<b>O. Aesthetic, Cultural and Natural Values Protected</b>	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.
<b>P. Developer is Financially and Technically Capable</b>	Developer is financially and technically capable to meet the standards of this section.
<b>Q. Wireless Communication Facility Development (requirements as specified)</b>	
<b>R. Shoreland, Resource Protection or Commercial Fisheries/Maritime Use Overlay Zone Development (requirements as specified)</b>	
<b>S. Right-of-Way Plan (requirements as specified)</b>	
<b>T. Special Exception Use (requirements as specified)</b>	

#### 16.10.8.2.5 - Conditions or Waivers.

Conditions required by the Planning Board at the final plan review phase must have been met before the final plan may be given final approval unless so specified in the condition or specifically waived, upon written request by the applicant, by formal Planning Board action wherein the character and extent of such waivers which may have been requested are such that they may be waived without jeopardy to the public health, safety and general welfare.

#### Title 16.10.8.2.6 - Conditions on Plan

The decision of the Planning Board, plus any conditions, must be noted on three copies of the final plan to be recorded at the York County Registry of Deeds, when required. One copy must be returned to the applicant, one retained by the Town Planner and one forwarded to the Code Enforcement Officer.

Minimum conditions include:

1. Prior to the issuance of a Building Permit by the Town's Code Enforcement Officer, the Developer must submit:
  - A. A recorded copy of the Plan and all related legal documents that may be required.
  - B. Payment of all outstanding fees associated with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
  - C. A Performance Guarantee and/or an escrow account to pay for any required field inspections (see attached 'Cost Estimates').
2. Before construction or soil disturbance:
  - A. The owner and/or developer must stake all corners of the building envelope, as shown on the plan. 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.
  - B. The owner and/or developer, in an amount and form acceptable to the town manager, must file with the municipal treasurer an instrument to cover the cost of all infrastructure and right-of-way improvements and site erosion and stormwater stabilization (see attached 'Cost Estimates').

#### 16.10.9.1.2 - Plan Revisions After Approval

No Changes, erasures, modifications or revisions may be made to any Planning Board approved final plan, unless in accordance with the Planner's and CEO's powers and duties as found in Chapter 16.4, or unless the plan has been resubmitted and the Planning Board specifically approves such modifications.

**I certify, to the best of my knowledge, the information provided in this Application is true and correct, abutters to the project have been notified, and I will not deviate from the approved plan without following code requirements. Permission is granted to Town Staff to access the property associated with this application to aid in the regulatory review.**

Applicant's  
Signature:  
Date:

\_\_\_\_\_  
\_\_\_\_\_

Owner's  
Signature:  
Date:

\_\_\_\_\_  
\_\_\_\_\_

## TOWN OF KITTERY

Planning & Code Enforcement

### COST ESTIMATES

for Improvements to be Covered by  
PERFORMANCE ASSURANCE

Prior to the issuance of building permits, the applicant shall secure performance assurances and escrow agreements. All conditions of approval shall be included on the record reproducible plan.

*(Note: The Excel format of this application is available separately and in Site and Subdivision applications on Kittery's web site)*

<b>Parcel No.</b>		<b>M:</b>	<b>B:</b>						
<b>Project Name:</b>									
<b>Project Address / Location</b>									
COMPLETE WHERE APPLICABLE	Unit Measure	# Units	ON-SITE Unit Cost	Subtotal	Unit Measure	# Units	OFF-SITE Unit Cost	Subtotal	
1. STREET/SIDEWALK									
Roads				0				0	
Paving				0				0	
Granite Curbing				0				0	
Sidewalks				0				0	
Esplanades				0				0	
Monuments				0				0	
Street Lighting				0				0	
Street Opening Repairs				0				0	
Other:				0				0	
2. EARTH WORK				0				0	
Cut				0				0	
Fill				0				0	
3. SANITARY SEWER				0				0	
Manholes				0				0	
Piping				0				0	
Connections				0				0	
Main Line Piping				0				0	
House Service Piping				0				0	
Pump Stations				0				0	
Other:				0				0	
4. WATER MAINS				0				0	
5. SITE LIGHTING				0				0	
6. STORM DRAINAGE				0				0	

		Unit Measure	# Units	Unit Cost	Subtotal		Unit Measure	# Units	Unit Cost	Subtotal
	Manholes				0					0
	Catchbasins				0					0
	Piping				0					0
	Detention Basin				0					0
	Other*:				0					0
					0					0
7.	EROSION CONTROL				0					0
	Silt Fence				0					0
	Check Dams				0					0
	Pipe Inlet/Outlet Protection				0					0
	Level Lip Spreader				0					0
	Soil Stabilization				0					0
	Geotextile				0					0
	Hay Bale Barriers				0					0
	Catch Basin Inlet Protection				0					0
	Other*:				0					0
8.	RECREATION & OPEN				0					0
	SPACE AMENITIES				0		0	0		0
9.	LANDSCAPING				0					0
	(Attach detail for landscaping; inc. units & cost)									
10.	MISCELLANEOUS				0					0
	TOTAL:				-					-
				Grand Totals:	\$ -					
				Total Required for LOC:	\$ -				Issued by Bank. Lending Institution	
				INSPECTION FEES = 2% OF GRAND TOTALS:	\$ -				Payable to the Town of Kittery; Check, Cash, MO	
	*other									
	Item 5. Includes connections to the existing system.					Prepared By:				
	Item 7. Includes dust control, tree protection, and cleaning of storm drains/structures upon project completion.					Print & Sign				
						Date:				