

**CALL TO ORDER**

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

**ROLL CALL**

Board Members Present: Karen Kalmar, Mark Alesse, Robert Harris, Ann Grinnell, Dutch Dunkelberger, Debbie Driscoll-Davis, Marissa Day  
Staff Present: Chris Di Matteo

**PLEDGE OF ALLEGIANCE**

**AMENDMENT TO AGENDA**

**APPROVAL OF MINUTES – March 23, 2017**

Line 165 – add “Code 16.8.2.3 E.1” instead of Page 29

**Mr. Dunkelberger moved to accept the Minute of March 23, 2017 as amended.  
Vice Chair Kalmar seconded the motion.**

**The motion carried 6-0-1.**

**PUBLIC COMMENT**

The Chair opened the public hearing. There being no comments, the Chair closed the public hearing.

**OLD BUSINESS / PUBLIC HEARING**

**ITEM 1 – Town Code Amendment – 16.8.22.3 Major Home Occupation Standards.**

Action: Hold a public hearing. Recommend to Town Council. The proposed amendment prohibits retail marijuana use while permitting medical marijuana use under a major home occupation.

Mr. Di Matteo summarized the information from the past meetings and explained this is a short-term plan to regulate medical marijuana use and not be in conflict with the state statute. The proposed amendment would permit medical marijuana use under major home occupation. He also stated odor referenced was added to the nuisance standard at the last meeting.

Mr. Di Matteo explained major home occupation requires a person who owns a business to be living in the building. Major home occupation requires approval from the Board of Appeals. If the property is in the shoreland zone or is a special exception, Planning Board approval is required. The Code Enforcement Officer oversees the enforcement.

The Chair opened the public hearing.

Resident Dave Burgess, George Street, stated his concerns which include people who live next to a facility and must deal with the smell and how the Town and State regulate the amount of marijuana a person is growing.

Earldean Wells, Conservation Commission, stated there has been no discussion of what to do with plants when they are no longer viable and if there is special consideration of disposing of them. Mr. Di Matteo replied the cultivation and management process is outlined in the State statute and people need to be licensed and certified.

Resident Kala Burgess, George Street, stated her concerns with the odor in her neighborhood from a neighbor who has plants. She added she does not believe the neighbor is being regulated and there has been no enforcement.

Resident Kurt May, 110 State Road, stated he deals with the odor in his neighborhood on a daily basis. The smell is very unpleasant and his children have seen the plants. It has ruined relationships with neighbors. He does not believe it should be in residential or mixed-use zones and there is a need to have significant buffers.

Jan May, 110 State Road, stated her concern of having one person from the State who oversees regulating. Odor is an issue and they live across the street from a little league field.

Phyllis Ford, Kittery Point, stated she has concerns as well but since medical marijuana is legal in Maine, the Town can decide where it should be. She believes it should not be in residential areas. The odor is a hardship on abutters and the Town needs to protect them as well.

Mr. May asked if the plants are allowed to grow outside. Mr. Dunkelberger read an excerpt from the state statute stating plants need to be screened from view.

Kendra Amaral, Town Manager, explained recreational marijuana can be outdoors if it is not visible from a public way. She added this will make it complex to oversee and enforce the rules. She also explained the reason they chose major home occupation is because it eliminates traffic and requires an annual review. Municipalities are not allowed to make medical marijuana use more restrictive but towns can modify nuisance standards and the locations.

Discussion ensued of adding requirements such as distance from another building, buffers and the nuisance clause.

Shay Robbins, Haley Road, explained she was moved when she heard the May's story. She explained she researched and discovered there are reasonably-priced charcoal devices that help eliminate the odor. She also spoke with the Fire Marshall and reviewed his concerns. She asked if it is possible to require those that are growing marijuana currently to install the charcoal devices and expressed her concern regarding land use issues.

Jan May expressed her concern with the character of the community and the resale value of her property.

Phyllis Ford suggested the Town keep in mind how it defines abutters and not just include the residents in the abutter notification. She also requested the Board to tighten up the nuisance code and described the amount of plants allowed during the growth phases.

There being no further comments, the Chair closed the public hearing.

Mr. Harris stated he understands that medical marijuana is needed but he is concerned the Code Enforcement Officer will not be able to cover the Town.

Some Board members expressed concern of not being ready to vote at tonight's meeting. Mr. Dunkelberger pointed out under the home occupation standards there is room for the Board to add requirements such as buffers and filters.

Ms. Driscoll-Davis recommended meeting with the Board of Appeals before their public hearing to discuss this further. Chair Grinnell asked about those who have the business now and members discussed having this retroactive. Mr. Di Matteo stated tonight's meeting will not be the last time this item will be reviewed and will need to go before the Town Council.

After further discussion, the Board decided to amend the ordinance as follows:

E.1 – New sentence reading “In the case of a medical marijuana home occupation, fumes or odors should not extend beyond a 10-foot setback from the facility or home.”

E.2 – Add “and tenants” following property owners.

M.7 – New ordinance reading “Medical marijuana use is restricted to single-family residences only.”

**Mr. Alesse moved to recommended to Town Council Town Code Amendments to 16.8.22.3 Major Home Occupation Standards including the amendments discussed.**

**Mr. Dunkelberger seconded the motion.**

**The motion carried 6-1-0.**

**ITEM 2 - Landmark Hill Plaza –Major Subdivision Preliminary Plan Review**

Action: Hold a public hearing. Approve or deny preliminary plan. Owner, Landmark Properties LTD, and applicant, Michael Brigham, request consideration of a mixed-use plaza located at 518 U.S. Route 1 (Tax Map 67 Lot 2) in the Mixed Use (MU) Zone. Agent is Tom Harmon, Civil Consultants.

Due to the stakes not being present at the site walk, Chair Grinnell stated she is not sure there can be a public hearing tonight. Mr. Di Matteo explained tonight is to continue the plan before another

meeting and the stakes will be available before they go out to see the property again. He doesn't believe not seeing the stakes is a requirement for tonight's decision.

Tom Harmon from Civil Consultants apologized for the miscommunication. The following staff comments were addressed:

Comment 12 - Mr. Harmon explained the existing area is developed and is an approved project. Staff notes require to treat the entire area as a new project. The applicant does not believe this is a requirement and would need to dig up the parking lot to plant trees. Mr. Harmon explained the proposed plan has extended greenspace. Mr. Di Matteo explained the requirement to put in 1 tree per 8 parking spaces and the applicant would need to go by current standards not by the previous project. Chair Grinnell asked if the applicant is considering adding birch trees to the front of the residential and commercial units. She suggested adding the birch trees into the calculation for Comment 12. The trees would be adjacent to the parking lot. The applicant agreed.

Earledean Wells explained the reason of having trees within parking lots is to control the heat from the sun. She further explained this lot has a large area of black top and will generate a large amount of heat.

Comment 13 - The Chair requested the Town Planner to have a calculation done to make sure the applicant is meeting the 10 percent requirement.

Comment 18 -The applicant was granted a variation for the required number of parking spaces by the Board of Appeals on April 11, 2017. Planning staff will amend this comment.

The applicant requested a waiver of the setback to go from 60 ft. to 30 ft.

Ms. Day expressed her concerns with the entrance to Building 1 for restaurants and commented on the parking for the day care facility and greenspace use. Mr. Harmon explained the proposed plan is to remove the road in front and renovate the Building 1 to have a stairway. Mr. Michael Brigham, developer, explained the day care can use the greenspace and the play area will have a privacy fence.

Discussion of the location of the dumpsters ensued. Mr. Harmon explained the location gives better access to removal trucks but he will look at other locations.

The applicant will need an easement for a public sidewalk and is waiting for Town Code Amendment 16.3.2.13 is passed to finalize the plan for the landscaping in the front. Mr. Harmon explained the entrances and the roundabout will facilitate traffic in the parking lot. There will be sprinklers in the buildings. Mr. Harris mentioned the applicant needs to keep in mind snowplowing issues with a roundabout.

The Chair opened the public hearing. There being no comments, the Chair closed the public hearing.

Earldean Wells asked about the median strip. Mr. Harmon stated it will be greenspace. She also asked the applicant to look at storm water management system with regard to snow events because sediment will impact effectiveness. Mr. Harmon replied there will be a catch basin.

**Vice Chair Kalmar moved to continue the preliminary site plan dated February 16, 2017 from owner Landmark Properties, LTD and applicant, Michael Brigham, for 518 U.S. Route 1 (Tax Map 67 Lot 2) in the Mixed-Use Zone, not to exceed 90 days.**

**Ms. Day seconded the motion.**

**The motion carried 7-0-0.**

## **OLD BUSINESS**

### **ITEM 3 – ITEM 3 – Town Code Amendment – 16.3.2.13 Mixed Use Zone**

Action: Review Amendment. Schedule a public hearing. Applicant, Landmark Hill LLC, requests several amendments to the Mixed-Use Zone to reduce the required front yard and landscape planting strip standards.

The Chair requested Item 3 moved after Item 5 if time allows. The Board agreed.

## **NEW BUSINESS**

### **ITEM 4 – Betty Welch Road Cluster Subdivision - Sketch Plan Review**

Action: Accept or deny application. Approve or deny sketch plan. Owner, Landmark Properties, LTD., and applicant, Chinburg Builders, Inc., request consideration of a 20-lot cluster subdivision on 86.6 +/- acres located on Betty Welch Road (Tax Map 66 Lots 2A, 8 & 8A) in the Residential Rural and Shoreland Overlay Zones. Agent is Jeff Clifford, P.E., Altus Engineering.

Robert Harris recused himself due to being an abutter.

Jeff Clifford, P.E. Altus Engineering, explained they had previous sketch plan approval but the time has expired due to studies being completed. He explained the surveyors discovered an error with the tax map for one lot. Chinburg Builders is in the process of purchasing the parcels. Mr. Clifford has permission from the owner to represent them tonight. He further explained the upland is not far above adjacent wetlands and he reviewed the location of the proposed septic systems, which will be community leech field. Because of the size of the open space is 76 acres, Mr. Clifford stated he did not map the wetlands.

The following staff comments were addressed:

- Comment 3 – the boundary survey is almost completed.
- Comment 5 - after discussion, the Board was in consensus the area was developable.
- Comment 7- the applicant needs to get State approval

- Comment 8 – the applicant is asking for a modification of a 50-ft. right of way. The Board is unable to modify the width of the road because it is a cluster. The Board decided the road should be 60-ft. but they can modify the setback.
- Comment 9 - sidewalks – a waiver was granted to not include sidewalks. The applicant agreed place a sign for walk against traffic, bike ride with traffic.
- Comment 11 - applicant will be submitting a wetland alternation application and is talking with the Army Corps of Engineers.
- Comment 13 - Lot 12 and Lot 13 – applicant asked for a waiver for the lot shape. The Board was in consensus to allow the lot shape requested for both lots.
- Comment 14 – applicant will ask for the language from Town Planner.
- Comment 15 – a snow removal plan will be added.

**Mr. Dunkelberger moved to accept the sketch plan application dated March 2, 2017 from Owners Landmark Properties and Kingsbury and Veronica Bragdon, and applicant Chinburg Builders, for a 20-lot cluster subdivision located on Betty Welch Road (Tax Map 66 Lots 2,4,8 & 8A) in the Residential Rural and Shoreland Overland Zones.**

**Vice Chair Kalmar seconded the motion.**

**The motion carried 6-0-1.**

Earldean Wells stated community septic systems do not take out substances, such as nitrates, that can harm the wetland. She further explained these systems require a lot of maintenance and it takes a while to get them back on line. The proposed plan has the systems crossing the large wetland three times and the potential of impacting the wetland is high. Mr. Clifford responded that there is redundancy in the system because there is more than one septic system in place and explained the safeguards.

**Mr. Dunkelberger moved to approve the sketch plan (CC-3) dated March 2, 2017 From Owners Landmark Properties and Kingsbury and Veronica Bragdon, and applicant, Chinburg Builders, for a 20-lot cluster subdivision located on Betty Welch Road (Tax Map 66 Lots 2A, 8 & 8A\_ in the Residential Rural and Shoreland Overlay Zones.**

**Vice Chair Kalmar seconded the motion.**

**The motion carried 6-0-0.**

Ms. Wells requested her comments and concerns of the use of the septic and the contaminants be in the Minutes.

**ITEM 5 – 118 Rogers Rd –Cluster Subdivision Preliminary Plan - Completeness Review**  
Action: Accept or deny application. Schedule a public hearing. Owner Dorothy Fitzpatrick and applicant Murat Ergin requests consideration of plans of a lot split and 4-unit cluster subdivision located at 118 Rogers Road (Tax Map 15 Lot 92) in the Residential-Urban Zone. Agent is Joseph Mulledy, Ambit Engineering.

Ms. Day recused herself due to Mr. Ergin being her landlord. Mr. Dunkelberger stated he works with Mr. Mulledy on another business matter. Board members did not think Mr. Dunkelberger needed to recuse himself.

Joseph Mulledy from Ambit Engineering explained he has added a drainage plan and reviewed some of the staff comments.

- The proposed dimensional modification and the dimensional standards – Mr. Mulledy explained the residential plan was revised and the three and three-quarter acre lot was changed. It is now indicated as Lots 2 and 3 to avoid duplication on the tax map.
- Mr. Mulledy presented a revised plan showing the new sewer easement and will be recorded.
- The applicant will record the standard boundary survey plans.
- The setback proposed is 13.7 ft. for Lot 2 not zero.
- Propane tanks will be separate.
- Mr. Fitzpatrick explained the water runs into the wetland but the majority is from the ball fields. The proposed plan has a dry pond and will drain down to the wetland.

**Vice Chair Kalmar moved to accept the cluster subdivision preliminary plan application dated March 10, 2017 from owner, Dorothy Fitzpatrick, and applicant, Murat Ergin, for 118 Rogers Rd (Tax Map 15 Lot 92) in the Residential Urban Zone and moved to schedule a public hearing for the cluster subdivision preliminary plan dated January 23, 2017 on May 11, 2017.**

**Mr. Dunkelberger seconded the motion.**

**The motion carried 6-0-0.**

**Mr. Dunkelberger moved to schedule a site walk for the cluster subdivision preliminary plan dated January 2017 from owner, Dorothy Fitzpatrick, and applicant, Murat Ergin, for 118 Rogers Rd (Tax Map 15 Lot 92) in the Residential Urban Zone on May 1, 2017 at 1:00 p.m.**

**Vice Chair Kalmar seconded the motion.**

**The motion carried 6-0-0.**

The incorrect name of the abutter was amended.

#### **ITEM 6 – Appledore Island – Shoreland Development Plan Review**

Action: Accept or deny application. Approve or deny plan. Owner, Star Island Corp., and applicant, Ross Hansen, requests consideration of plans to reconstruct a porch associated with Celia Thaxter's cottage and garden for public use. The site is located on Appledore Island (Tax Map 70

Lot 17) in the Residential – Rural Conservation (R-RLC), Shoreland (OZ-SL-250') and Resource Protection (OZ-RP) Overlay Zones. Agent is Ross Hansen, Shoals Marine Lab.

Ross Hansen, Shoals Marine Lab, described the project and added it will be done in two phases. He further explained they are looking to build a deck which will be converted into a porch eventually. The reconstruction will bring the public through to oversee gardens in the summer. He further added the area will be located where the original porch was constructed and will have the same dimensions.

The abutter sent in a letter stating no objections.

**Vice Chair Kalmar moved to accept the shoreland development plan application dated 3/9/2017 for owner, Star Island Corp., and applicant, Ross Hansen, for Appledore Island (Tax Map 70 Lot 17) in the Residential – Rural Conservation, Shoreland and Resource Protection Overlay Zones.**

**Mr. Dunkelberger seconded the motion.**

**The motion carried 7-0-0.**

**Vice Chair Kalmar moved to approve with conditions the shoreland development plan application dated 3/9/2017 for owner, Star Island Corp., and applicant, Ross Hansen, for Appledore Island (Tax Map 70 Lot 17) in the Residential – Rural Conservation, Shoreland and Resource Protection 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.**

## **FINDINGS OF FACT**

Kittery Planning Board

**Findings of Fact**

**For Appledore Island**

**Shoreland Development Plan Review**

**M 70 L 17**

**APPROVED**

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**WHEREAS:** Owner, Star Island Corp., and applicant, Ross Hansen, requests consideration of plans to reconstruct a porch associated with Celia Thaxter's cottage and garden for public use. The site is located on Appledore Island (Tax Map 70 Lot 17) in the Residential – Rural Conservation, Shoreland and Resource Protection Overlay Zones, hereinafter the "Development" and



**TOWN OF KITTERY, Maine  
PLANNING BOARD MEETING  
Council Chambers**

**APPROVED  
April 13, 2017**

Pursuant to the Plan Review meetings conducted by the Town Planning Board as noted {in the plan review notes prepared for 4/13/2017}

Shoreland Development Plan Review	4/13/2017	HELD
Shoreland Development Plan Approval	4/13/2017	GRANTED

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”): {as noted in the plan review notes prepared for 4/13/2017}

1. Shoreland Development Plan Application, received 3/9/2017
2. Site Plan titled ‘Shoals Marine Laboratory Celia’s Cottage’, prepared by Bruce J. Parsons Design LLC, dated 1/19/2017

**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**

<b>16.3.2.17.D Shoreland Overlay Zone</b>
<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>
<u>Findings:</u> Staff estimates the perimeter of the lot to be approximately 10,000 feet. The perimeter of the lot encompasses almost the entirety of the shoreline, resulting in an area located within the Shoreland and Resource Protection Overlay Zones of ~2,500,000 sf (10,000*250). The proposed development results in an increase of devegetated area of approximately 480 sf, or 0.02% of the lot area located within the Shoreland and Resource Protection Overlay zone, significantly under the 20% devegetated area threshold for the lot.
<u>Conclusion:</u> The requirement appears to be met.
<b>Vote: <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</b>

**Chapter 10 DEVELOPMENT PLAN APPLICATION AND REVIEW**

**Article 10 Shoreland Development Review**

<b>16.10.10.2 Procedure for Administering Permits</b>
<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>
<i>1. Maintain safe and healthful conditions;</i>
<u>Finding:</u> The proposed development as represented in the plans and application does not appear to have an adverse impact.
<u>Conclusion:</u> This requirement appears to be met
<b>Vote: <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</b>
<i>2. Not result in water pollution, erosion or sedimentation to surface waters;</i>

<p><u>Finding:</u> With consideration of condition of approval #2, Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction to avoid impact on adjacent surface waters.</p> <p><u>Conclusion:</u> This requirement appears to be met</p>
<p style="text-align: right;"><b>Vote: <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</b></p>
<p><i>3. Adequately provide for the disposal of all wastewater;</i></p> <p><u>Finding:</u> The proposed development does not require a wastewater disposal system.</p> <p><u>Conclusion:</u> This requirement is not applicable</p>
<p style="text-align: right;"><b>Vote: <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</b></p>
<p><i>4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;</i></p> <p><u>Finding:</u> The proposed development is limited in size and does not appear to have an adverse impact.</p> <p><u>Conclusion:</u> This requirement appears to be met.</p>
<p style="text-align: right;"><b>Vote: <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</b></p>
<p><i>5. Conserve shore cover and visual, as well as actual points of access to inland and coastal waters;</i></p> <p><u>Finding:</u> The proposed development is limited in size and does not appear to have an adverse impact on shore cover.</p> <p><u>Conclusion:</u> This requirement appears to be met.</p>
<p style="text-align: right;"><b>Vote: <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</b></p>
<p><i>6. Protect archaeological and historic resources;</i></p> <p><u>Finding:</u> The Maine Historic Preservation Commission has reviewed the development and determined the proposed development will not adversely impact any archeological or historic resources.</p> <p><u>Conclusion:</u> This requirement appears to be met.</p>
<p style="text-align: right;"><b>Vote: <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</b></p>
<p><i>7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district;</i></p> <p><u>Finding:</u> The proposed development is not located in the commercial fisheries/maritime uses zone.</p> <p><u>Conclusion:</u> This requirement is not applicable.</p>
<p style="text-align: right;"><b>Vote: <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</b></p>
<p><i>8. Avoid problems associated with floodplain development and use;</i></p> <p><u>Finding:</u> The proposed development does not appear to have an impact on a floodplain or flood-prone area.</p> <p><u>Conclusion:</u> This requirement appears to be met.</p>
<p style="text-align: right;"><b>Vote: <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</b></p>
<p><i>9. Is in conformance with the provisions of this code;</i></p> <p><u>Finding:</u> The proposed development as presented appears to comply with all applicable standards of Title 16.</p> <p><u>Conclusion:</u> This requirement appears to be met.</p>
<p style="text-align: right;"><b>Vote: <u>7</u> in favor <u>0</u> against <u>0</u> abstaining</b></p>
<p><i>10. Be recorded with the York county Registry of Deeds.</i></p>

Finding: With consideration of condition # 5, a suitable plan will 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**

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, subject to any conditions or waivers, as follows:

**Waivers:** None

**Conditions of Approval** (to be depicted 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. No trees are to be removed without prior approval by the Code Enforcement Officer or the Shoreland Resource Officer. Efforts to protect existing trees must be in place prior to construction.
4. All Notices to Applicant contained herein (Findings of Fact dated 4/13/2017).

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

5. Incorporate any plan revisions on the final plan as recommended by Staff and Planning Board, and submit for Staff review prior to presentation on final Mylar to be recorded at the York County Registry of Deeds.

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 of 7 in favor 0 against 0 abstaining**

APPROVED BY THE KITTERY PLANNING BOARD ON April 13, 2017

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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 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.

**Ms. Day moved to extend the meeting to 10:15 p.m.**

**Ms. Driscoll-Davis seconded the motion.**

**The motion carried 4-2-0.**

**ITEM 7 – 17 Island Ave – Shoreland Development Plan Review, Major Modification to an Approved Plan**

Action: Accept or deny application. Approve or deny plan. Owner/applicant Shelley Wieler requests consideration to modify an approved plan to demolish and reconstruct, in an expanded footprint, an existing single-family dwelling, located within the 100-foot setback from a protected water body. The site is located at 17 Island Ave (Tax Map 1 Lot 8) in the Residential-Urban (R-U) and Shoreland Overlay (SH-OZ-250') Zones. Agent is Doug Greene, Port City Designs

Because of the time, the Board was in consensus to hear this item at the next Planning Board meeting.

**ITEM 8 – Board Member Items / Discussion**

None.

**ITEM 9 – Town Planner Items**

None.

**Mr. Alesse moved to adjourn the meeting.**

**Mr. Harris seconded the motion.**

The Kittery Planning Board meeting of April 13, 2017 adjourned at 10:15 p.m.

Submitted by Mary Mancini, Minute Recorder, on April 18, 2017.

*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>*