

ITEM 4

**Town of Kittery
 Planning Board Meeting
 October 13, 2022**

ITEM 4 – 90 Goodwin Road – Shoreland Development Plan Review

Action: Accept or deny application as complete; if accepted: continue application to a subsequent meeting, set public hearing and/or site walk (discretionary), or approve or deny application:
 Pursuant to of §16.4 Land Use Regulations and §16.9.3 Shoreland Development Review of the Town of Kittery Land Use and Development Code, owner/applicant Yang Living Trust and agent Tim DeCoteau request approval to reconstruct a legally non-conforming dwelling unit on a legally non-conforming lot within the base zone setback of the Shoreland Overlay Zone located on real property with the address of 90 Goodwin Road, Tax Map 58, Lot 63, in the Residential-Rural Conservation Zone (R-RC), Shoreland Overlay Zone (OZ-SL-250’), and Resource Protection Overlay Zone (OZ-RP)/FEMA Flood Zone.

PROJECT TRACKING

REQUIRED	ACTION	COMMENTS	STATUS
No	Sketch Plan	N/A	N/A
No	Site Visit	9/15/22	Held
Yes	Completeness / Acceptance	8/11/22	Accepted
No	Public Hearing	N/A	Not Held
Yes	Final Plan Approval	10/13/22	Pending

PROJECT INTRODUCTION

90 Goodwin Road is located on Gerrish Island along the shore of the Atlantic Ocean within the Rural Residential Conservation Zone (R-RC), Shoreland Overlay Zone (OZ-SL-250), and Resource Protection Zone (OZ-RP)/FEMA Flood Zone. The property is a legally non-conforming lot of approximately 0.75 acres, according to Town records (30,569sf with 80,000sf required in the R-RC Zone), containing a legally, non-conforming dwelling unit. The existing dwelling unit (2,262 square feet, including an attached garage) is positioned within the base zone setback (100 feet) of the Shoreland Overlay Zone as well as the base zone setback (100 feet) for a Wetland of Special Significance in the Resource Protection Zone. In addition, the existing building sits partially within the AO Floodplain Zone based on the 1984 FEMA Floodplain Map which makes it again, non-conforming in regards to the Resource Protection Zone. The site’s existing total de-vegetated area – 4,035 square feet (including the dwelling, deck, steps, driveway, generator pad, walkways) – is 13.2%, below the zone’s requirement of 20% maximum de-vegetation.

The existing house was built in 1983. The file for the property contains a hand-drawn site plan which shows a basic outline for the building which roughly matches the footprint of the current building along with setbacks as existed at that time. The building permit issued contains blanks for dimensions and total square footage so the Town does not have that historic information.

36 The owner proposes to remove the existing house and re-construct a new dwelling which will align
37 somewhat with the old building's footprint. The new building will be moved back a bit on three
38 sides and moved outward to the east from the existing building's eastern wall, including what is
39 currently part of the deck. On the south side, the deck will be expanded as compared to the existing
40 deck's footprint with part of the expansion due to the building's wall being moved back. The new
41 building will be 2,260sf: two square feet less than the existing building.

42 **APPLICATION & PLAN REVIEW**

43 Applicant is putting in new septic and the old well identified off the deck on the September 15th
44 site walk will be capped

45 Staff reviewed the submitted application and plan from North Easterly Surveying, dated July 21,
46 2022 and have the following comments:

- 47 1. The site is a legal, nonconforming lot of record with a legal, non-conforming dwelling unit,
48 which is within overlapping base zone setbacks of the Shoreland Overlay Zone (100 feet)
49 as well as the base zone setback for a Wetland of Special Significance in the Resource
50 Protection Zone (100 feet). Additionally, the existing building sits partially within the AO
51 Floodplain Zone based on the 1984 FEMA Floodplain Map which makes it non-
52 conforming in regards to the Resource Protection Zone. The site limits the area in which
53 any structure could become conforming. The applicant notes that moving the structure
54 closer to the road encroaches on the septic system to the north and closer to the wetland to
55 the south.
56
- 57 2. The proposed plan maintains the conforming 21-foot side setback along the northern
58 property boundary and increases the side setback on the southern property boundary, which
59 is still non-conforming at 20.7 feet, but farther than the existing 19 feet. The proposed plan
60 likewise increases the setback to the wetland of special significance to the south from 29.6
61 feet to 33.2 feet. The proposed plan maintains the same 80.5 feet from the HAT as the
62 existing structure. This appears to satisfy § 16.1.8C(2)(a), which states:

63 *Except as otherwise provided in this title, a nonconforming condition must not be*
64 *permitted to become more nonconforming*

65 The proposed new dwelling will be no taller than the existing structure at 26.6 feet.
66

- 67 3. The proposed plan lists the total lot area at .38 acres in Note 2 yet the lot area shown in the
68 Building Coverage and De-vegetated Coverage calculations shows 30,569 square feet,
69 which would be .70 acres. This is still different from the Tax Assessor records showing the
70 lot at .75 acres, or 32,670 square feet. The applicant's calculations show an increase in the
71 overall de-vegetated area from 13.2% to 15.5%, which is still under the 20% allowable
72 threshold.
73
- 74 4. The zoning district requires a maximum building coverage of 6%, which is 1,834 square
75 feet. The applicant provides calculations showing the existing building coverage at 2,262

76 square feet (or 7.399% of the 30,569sf lot area shown on the plan), which is non-
77 conforming, and the proposal slightly reduces building coverage to 2,260 square feet, or
78 7.393%, which is at the required threshold. Town records indicate the site is 32,670sf (.75
79 acre), in which case the building coverage area would be 6.92% existing and 6.91%
80 proposed. In either case, the building coverage is being slightly reduced.

- 81
82 5. Title 16 has additional regulations for the expansion of structures within the shoreland
83 overlay base zone setback. This plan is subject to Section 16.1.C.8.(4)(b)[3](e)[v][A],
84 which states:

85 *[A] For structures located less than the base zone setback from the normal high-*
86 *water line of a water body, tributary stream, or upland edge of a coastal or*
87 *freshwater wetland, the maximum combined total footprint for all structures may*
88 *not be expanded to a size greater than 1,000 square feet, or 30% larger than the*
89 *footprint that existed on January 1, 1989, whichever is greater. The maximum*
90 *height of any portion of a structure that is located within the base zone setback may*
91 *not be made greater than 20 feet, or the height of the existing structure, whichever*
92 *is greater.*

93 The above means that there is a limit to structure expansion based on what structures
94 existing in 1989. That 30% expansion limit is applied cumulatively over the years and can
95 never be exceeded. The applicant has provided calculations of the existing structures in
96 place in 1989 (all structures not including the driveway), which amount to 2,752 square
97 feet. 30% of that figure is 825.6 square feet for a total allowable expanded footprint of
98 3,577.6 square feet (inclusive of all structures). Staff notes that the dwelling unit proposed
99 will actually reduce in size by 2 square feet. The plan proposes a total structure footprint
100 of 2,846 square feet, which is under the allowable expansion threshold.

- 101 6. Any shoreland development plan submitted for final approval shall carry the surveyor or
102 engineer's signature and seal, the Planning Board signature block, and the York County
103 Registry of Deeds block.
104

105 **Staff Review Update 10/13/22:**

106 Revised plans show accurate information regarding the lot size, de-vegetated area, and the
107 applicant has provided architectural elevations showing a revised building height. A new state
108 law now allows for up to 3 feet of additional freeboard height that will not count against the total
109 building height within the shoreland overlay zone. Thus, the building's new height complies with
110 the shoreland overlay zone requirements. Staff believes this increase in freeboard height will
111 protect the new structure from extreme flooding events and is a practice that should be replicated
112 in similar projects throughout Town.

113 **DISCUSSION, NEXT STEPS, AND RECOMMENDATIONS**

114 Planning Board should discuss the plan and determine if it meets the requirements to approve the
115 plan and/or direct the applicant to make any changes that are necessary.

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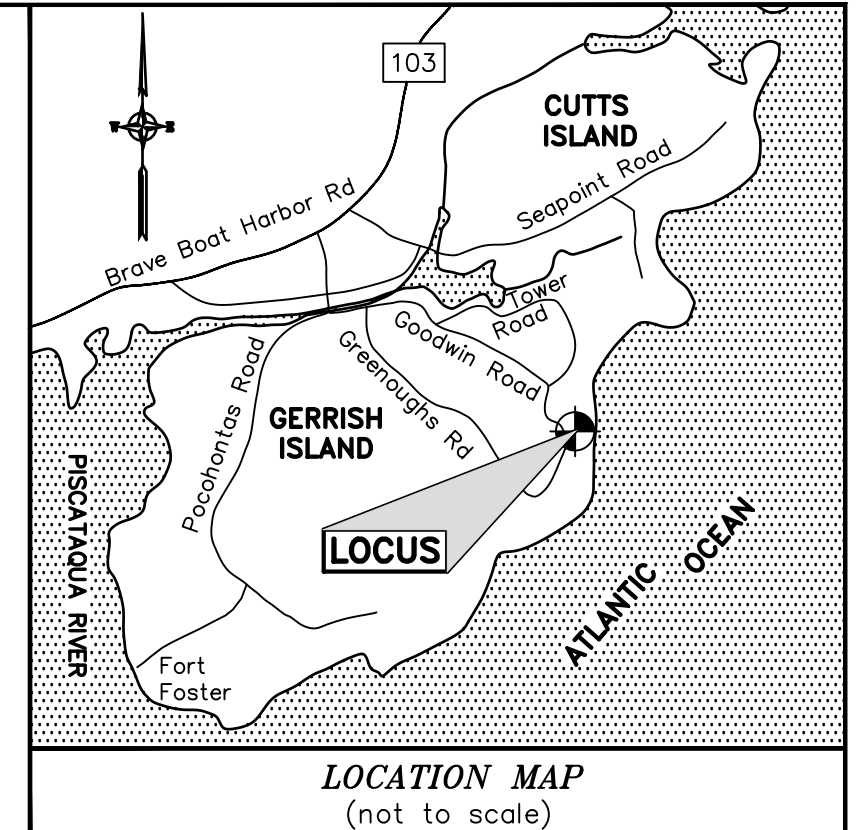
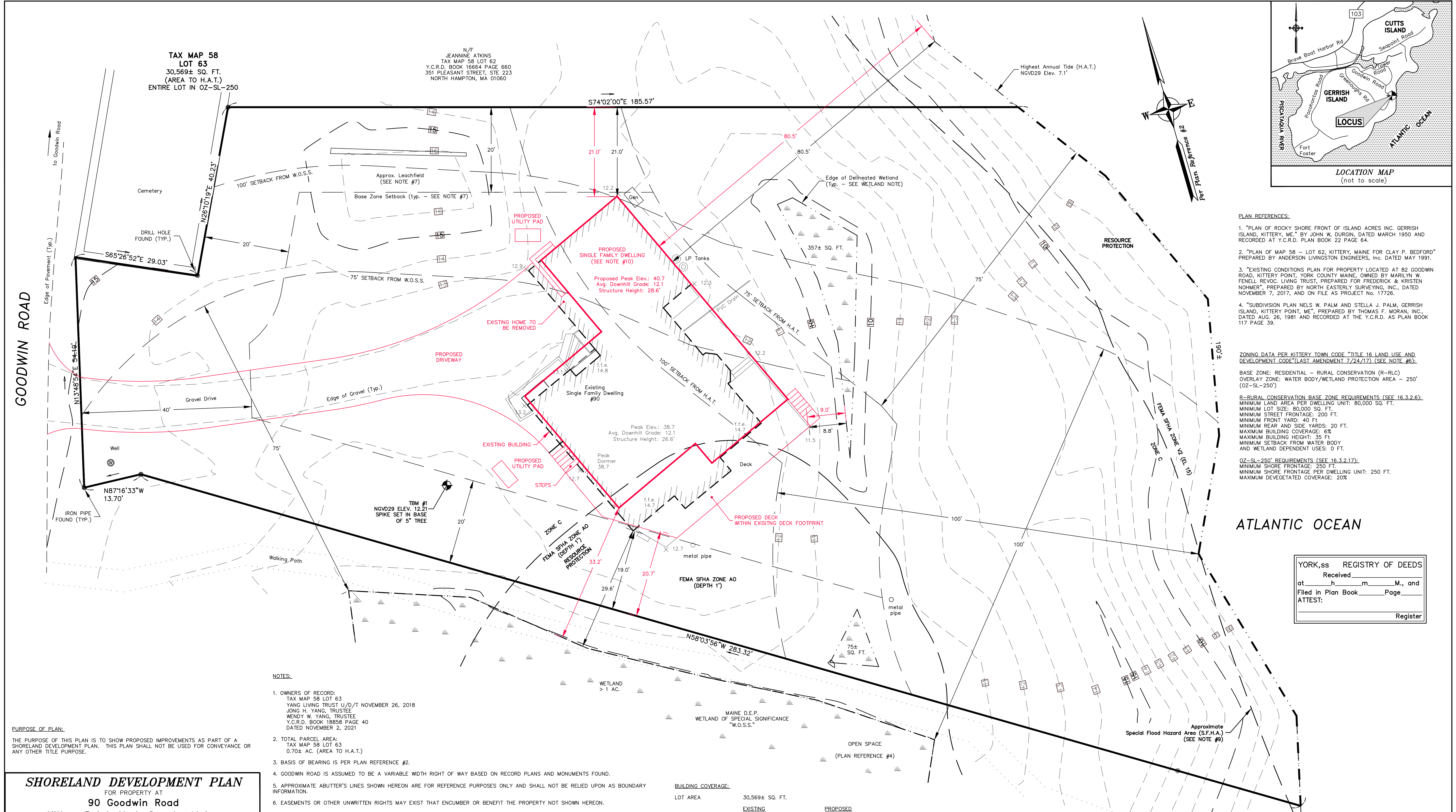
117 **RECOMMENDED MOTIONS**

118 Below is staff's recommended motion for the Board's consideration:

119

120 *Motion to approve*

121 Move to approve the shoreland development application from owner/applicant Yang Living Trust
122 and agent Tim DeCoteau request approval to reconstruct a legally non-conforming dwelling unit
123 on a legally non-conforming lot within the base zone setback of the Shoreland Overlay Zone
124 located on real property with the address of 90 Goodwin Road, Tax Map 58, Lot 63, in the
125 Residential-Rural Conservation Zone (R-RC), Shoreland Overlay Zone (OZ-SL-250'), and
126 Resource Protection Overlay Zone (OZ-RP)/FEMA Flood Zone.



- PLAN REFERENCES:**
- "PLAN OF ROCKY SHORE FRONT OF ISLAND ACRES INC. GERRISH ISLAND, KITTERY, ME." BY JOHN W. DURGIN, DATED MARCH 1950 AND RECORDED AT Y.C.R.D. PLAN BOOK 22 PAGE 64.
 - "PLAN OF MAP 58 - LOT 62, KITTERY, MAINE FOR CLAY P. BEDFORD" PREPARED BY ANDERSON LIVINGSTON ENGINEERS, INC. DATED MAY 1991.
 - "EXISTING CONDITIONS PLAN FOR PROPERTY LOCATED AT 82 GOODWIN ROAD, KITTERY POINT, YORK COUNTY MAINE, OWNED BY MARILYN W. FENELL REVOC. LIVING TRUST, PREPARED FOR FREDERICK & KRISTEN NOHMER", PREPARED BY NORTH EASTERLY SURVEYING, INC., DATED NOVEMBER 7, 2017, AND ON FILE AS PROJECT No. 17726.
 - "SUBDIVISION PLAN NELS W. PALM AND STELLA J. PALM, GERRISH ISLAND, KITTERY POINT, ME", PREPARED BY THOMAS F. MORAN, INC., DATED AUG. 26, 1981 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 117 PAGE 39.

ZONING DATA PER KITTERY TOWN CODE "TITLE 16 LAND USE AND DEVELOPMENT CODE" (LAST AMENDMENT 7/24/17) (SEE NOTE #6):

BASE ZONE: RESIDENTIAL - RURAL CONSERVATION (R-RLC)
 OVERLAY ZONE: WATER BODY/WETLAND PROTECTION AREA - 250' (OZ-SL-250')

R-RURAL CONSERVATION BASE ZONE REQUIREMENTS (SEE 16.3.2.6):
 MINIMUM LAND AREA PER DWELLING UNIT: 80,000 SQ. FT.
 MINIMUM LOT SIZE: 80,000 SQ. FT.
 MINIMUM STREET FRONTAGE: 200 FT.
 MINIMUM FRONT YARD: 40 FT.
 MINIMUM REAR AND SIDE YARDS: 20 FT.
 MAXIMUM BUILDING COVERAGE: 6%
 MAXIMUM BUILDING HEIGHT: 35 FT.
 MINIMUM SETBACK FROM WATER BODY AND WETLAND DEPENDENT USES: 0 FT.

OZ-SL-250' REQUIREMENTS (SEE 16.3.2.17):
 MINIMUM SHORE FRONTAGE: 250 FT.
 MINIMUM SHORE FRONTAGE PER DWELLING UNIT: 250 FT.
 MAXIMUM DEVEGETATED COVERAGE: 20%

YORK,ss REGISTRY OF DEEDS

Received _____

at _____ h _____ m _____ M., and

Filed in Plan Book _____ Page _____

ATTEST: _____

Register

NOTES:

- OWNERS OF RECORD:
 TAX MAP 58 LOT 63
 YANG LIVING TRUST U/D/T NOVEMBER 26, 2018
 JONG H. YANG, TRUSTEE
 WENDY W. YANG, TRUSTEE
 Y.C.R.D. BOOK 18858 PAGE 40
 DATED NOVEMBER 2, 2021
- TOTAL PARCEL AREA:
 TAX MAP 58 LOT 63
 0.70± AC. (AREA TO H.A.T.)
- BASIS OF BEARING IS PER PLAN REFERENCE #2.
- GOODWIN ROAD IS ASSUMED TO BE A VARIABLE WIDTH RIGHT OF WAY BASED ON RECORD PLANS AND MONUMENTS FOUND.
- APPROXIMATE ABUTTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
- EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.
- THE LEACHFIELD LOCATION SHOWN HEREON IS APPROXIMATE. REFERENCE IS MADE TO SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION (HHE-200) DATED 6/14/84.
- THE ENTIRE LOT FALLS WITHIN THE OZ-SL-250 SHORELAND ZONE WITH PORTIONS BEING IN THE RESOURCE PROTECTION ZONE. ZONING INFORMATION AND SETBACKS SHOWN HEREON ARE FOR REFERENCE PURPOSES. CONFIRM CURRENT ZONING REQUIREMENTS WITH THE TOWN OF KITTERY PRIOR TO DESIGN OR CONSTRUCTION.
- SPECIAL FLOOD HAZARD AREAS (SFHA) SHOWN ARE APPROXIMATE. REFERENCE IS MADE TO FEMA FIRM 230171 0003 C, EFFECTIVE DATE JULY 5, 1984.
- REFER TO ARCHITECTURAL PLANS SUBMITTED BY THE APPLICANT FOR BUILDING DIMENSIONS, ELEVATIONS AND SPECIFICATIONS.

WETLAND NOTE:

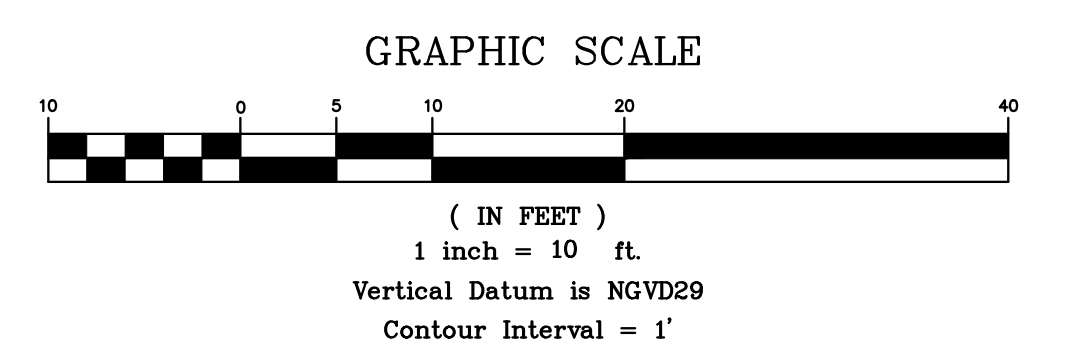
THE WETLAND BOUNDARY AS DEPICTED ON THIS PLAN WAS DELINEATED/FLAGGED BY JOSEPH W. NOEL, MAINE LICENSED SOIL SCIENTIST #209, ON JANUARY 27, 2022. THE FLAGS WERE LOCATED BY NORTH EASTERLY SURVEYING, INC., THE DELINEATION WAS CONDUCTED IN ACCORDANCE WITH THE U.S. ARMY CORPS OF ENGINEERS DOCUMENT "CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL", (1987) ALONG WITH THE REQUIRED "REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTH-CENTRAL AND NORTHEAST REGION", (VERSION 2, JANUARY 2012).

BUILDING COVERAGE:	
LOT AREA	30,569± SQ. FT.
BUILDING	2,262± SQ. FT.
TOTAL	2,262± SQ. FT. (7.4%)
DEVEGETATED COVERAGE CALCULATION:	
LOT AREA:	30,569± SQ. FT.
BUILDINGS	2,262± SQ. FT.
REAR DECK/STEPS	413± SQ. FT.
STEPS/WALK	60± SQ. FT.
GRAVEL DRIVEWAY	1,283± SQ. FT.
GEN./OTHER	17± SQ. FT.
TOTAL	4,035± SQ. FT. (13.2%)
EXISTING	2,260± SQ. FT.
PROPOSED	2,260± SQ. FT. (7.4%)
EXISTING	2,260± SQ. FT.
PROPOSED	2,260± SQ. FT. (7.4%)
EXISTING	4,035± SQ. FT. (13.2%)
PROPOSED	4,893± SQ. FT. (16.0%)

Kittery, Maine - Planning Board Approval

Date of Approval _____

Chair _____ Date _____



SHORELAND DEVELOPMENT PLAN
 FOR PROPERTY AT
90 Goodwin Road
 Kittery Point, York County, Maine

OWNED BY
Yang Living Trust u/d/t/ November 26, 2018
Jong H. Yang & Wendy W. Yang, Trustees
 3813 Whiterose Lane, Santa Barbara, CA 93110

North
EASTERLY SURVEYING, Inc.
 SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1
 (207) 439-6333 KITTERY, MAINE 03904

SCALE: 1" = 10'	PROJECT NO. 21802	DATE: 7/21/2022	SHEET: 1 OF 1	DRAWN BY: A.M.P.	CHECKED BY: P.L.A.
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DRAWING No: 21802_SITE
 FIELD BOOK No: "Kittery Point #15" **Tax Map 58 Lot 63**

ISSUED FOR PB REVIEW

REV.	DATE	STATUS	BY	CHKD	APPD.
A	9/28/22	REVISE ELEVATION AND STAIRS	A.M.P.		A.M.P.



NEW RESIDENCE
90 Goodwin Road
Kitterypoint Maine

09-29-2022

Ridge Height Not to Exceed
Existing Ridge
40' - 8 51/128"

Second Floor
27' - 8 51/128"

First Floor
16' - 8 51/128"

Garage
14' - 4"

Crawl Space
11' - 11"



1 West
1/8" = 1'-0"

Ridge Height Not to Exceed
Existing Ridge
40' - 8 51/128"

Second Floor
27' - 8 51/128"

First Floor
16' - 8 51/128"

Garage
14' - 4"

Crawl Space
11' - 11"



2 North
1/8" = 1'-0"



439 YORK STREET SUITE A
YORK HARBOR MAINE 03911
207.641.9739
LINDSEYARCHITECTS.COM

NEW RESIDENCE
90 Goodwin Road
Kitterypoint Maine

Elevations
09-29-2022
Page

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1 OF 6

Ridge Height Not to Exceed
Existing Ridge
40' - 8 51/128"

Second Floor
27' - 8 51/128"

First Floor
16' - 8 51/128"

Garage
14' - 4"

Crawl Space
11' - 11"

East
1/8" = 1'-0"



Ridge Height Not to Exceed
Existing Ridge
40' - 8 51/128"

Second Floor
27' - 8 51/128"

First Floor
16' - 8 51/128"

Garage
14' - 4"

Crawl Space
11' - 11"

South
1/8" = 1'-0"



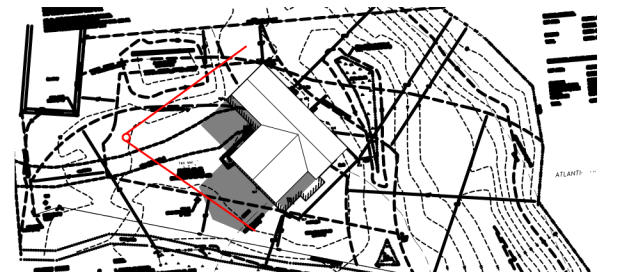
439 YORK STREET SUITE A
YORK HARBOR MAINE 03911
207.641.9739
LINDSEYARCHITECTS.COM

NEW RESIDENCE
90 Goodwin Road
Kitterypoint Maine

Elevations
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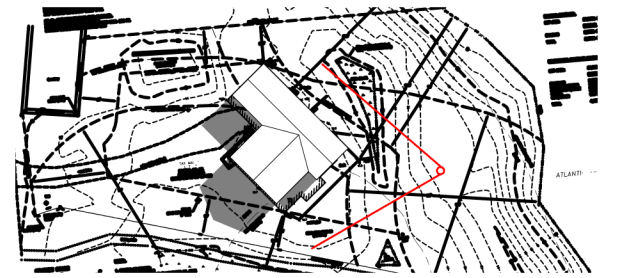


439 YORK STREET SUITE A
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NEW RESIDENCE
90 Goodwin Road
Kitterypoint Maine

Perspective
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439 YORK STREET SUITE A
YORK HARBOR MAINE 03911
207.641.9739
LINDSEYARCHITECTS.COM

NEW RESIDENCE

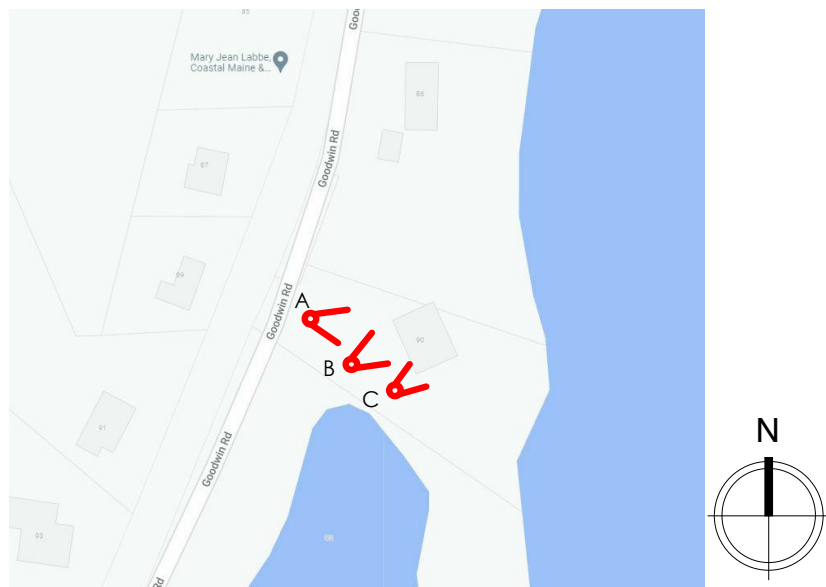
90 Goodwin Road
Kitterypoint Maine

Perspective

09-29-2022
Page

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Existing House and Site Photos Showing Current Condition



A



B



C



Existing House and Site Photos Showing Current Condition



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Kittery Planning Board
Findings of Fact
For 90 Goodwin Road
Shoreland Development Plan Review

UNAPPROVED
M 58 L 63

WHEREAS: Owner Yang Living Trust requests approval to reconstruct a legally non-conforming dwelling unit on a legally non-conforming lot within the base zone setback of the Shoreland Overlay Zone located on real property with the address of 90 Goodwin Road, Tax Map 58, Lot 63, in the Residential-Rural Conservation Zone (R-RC), Shoreland Overlay Zone (OZ-SL-250'), and Resource Protection Overlay Zone (OZ-RP)/FEMA Flood Zone.

Hereinafter the "Development" and

Pursuant to the Plan Review meetings conducted by the Planning Board as noted in the plan review notes prepared for 7/14/2022

Shoreland Development Plan Review	8/11/2022 & 10/13/2022
Site Walk	9/15/2022
Public Hearing	none
Approval	10/13/2022

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, received 7/27/2022
2. Shoreland Development Site Plan dated September 28, 2022 from North Easterly Surveying, Inc.

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 16.4 LAND USE ZONE REGULATIONS

16.4.28.E. Shoreland Overlay Zone

(2) 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:

(a) Mixed-use. Badgers Island (MU-BI) and Mixed-Use - Kittery Foreside (MU-KF) Zones, where the maximum devegetated area is 60%. The Board of Appeals may approve a miscellaneous appeal application to increase allowable devegetated area in the Mixed-Use - Badgers Island (MU-BI) Zone to 70% where it is clearly demonstrated that no practicable alternative exists to accommodate a water-dependent use.

Finding: The proposed development's devegetated area is 16.0%, which is under the allowed threshold.

Conclusion: The requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

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Chapter 9 MARITIME AND SHORELAND RELATED DEVELOPMENT

Article III Planning Board Shoreland Development Review

16.9.3.F. Findings of Fact

(2) 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:

(a) Maintain safe and healthful conditions;

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

Conclusion: This requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

(b) Not result in water pollution, erosion or sedimentation to surface waters;

Finding: The proposed development as represented in the plans and application will not result in water pollution and best practices for erosion and sedimentation will be observed.

Conclusion: This requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

(c) Adequately provide for the disposal of all wastewater;

Finding: The applicant has an operational septic but will pursue a new system for the new structure.

Conclusion: This requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

(d) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

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

Conclusion: The requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

(e) Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

Finding: Shore cover is conserved in accordance with the Code. There are no adverse impacts to visual or actual points of access to waters.

Conclusion: This requirement appears to be met.

Vote: ___ in favor ___ against ___ abstaining

(f) Protect archaeological and historic resources;

<p><u>Finding:</u> There does not appear to be any archaeological nor historic resources impacted.</p> <p><u>Conclusion:</u> This requirement appears to be met.</p> <p style="text-align: right;">Vote: ___ in favor ___ against ___ abstaining</p>
<p><i>(g) Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district;</i></p> <p><u>Finding:</u> The property is not located in the Commercial Fisheries / Maritime Use Zone and will have no adverse effect on commercial fishing nor maritime activities.</p> <p><u>Conclusion:</u> This requirement is not applicable.</p> <p style="text-align: right;">Vote: ___ in favor ___ against ___ abstaining</p>
<p><i>(h) Avoid problems associated with floodplain development and use;</i></p> <p><u>Finding:</u> The proposed new residence will be built on piers with adequate freeboard to protect the building from flooding.</p> <p><u>Conclusion:</u> This requirement appears to be met.</p> <p style="text-align: right;">Vote: ___ in favor ___ against ___ abstaining</p>
<p><i>(i) Is in conformance with the provisions of this code;</i></p> <p><u>Finding:</u> The proposed project is in conformance with the provisions of Title 16.</p> <p><u>Conclusion:</u> This requirement appears to be met.</p> <p style="text-align: right;">Vote: ___ in favor ___ against ___ abstaining</p>
<p><i>(j) Be recorded with the York County Registry of Deeds.</i></p> <p><u>Finding:</u> A plan suitable for recording once the Surveyor's stamp is added has been prepared by North Easterly Surveying, Inc.</p> <p><u>Conclusion:</u> As stated in the Notices to Applicant contained herein, a Shoreland Development Plan must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.</p> <p style="text-align: right;">Vote: ___ in favor ___ against ___ abstaining</p>

37
38 Based on the foregoing Findings, the Planning Board finds the applicant has satisfied each of the review
39 standards for approval and, therefore, the Planning Board approves the Shoreland Development Plan
40 Application subject to any conditions or waivers, as follows:

41
42 **Waivers:** None

43
44 **Conditions of Approval** (to be depicted on final plan to be recorded):

- 45
46 1. No changes, erasures, modifications or revisions may be made to any Planning Board approved
47 final plan per Title 16.9.3.I.
- 48 2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated
49 with site and construction to ensure adequate erosion control and slope stabilization.

50 3. All Notices to Applicant contained herein (Findings of Fact dated 10/13/2022).

51

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

53 1. Incorporate any plan revisions on the final plan as recommended by Staff, Planning Board or Peer
54 Review Engineer, and submit for Staff review prior to presentation on final plan.

55 2. Surveyor’s stamp must be on the final plan.

56

57 **Notices to Applicant:**

58

59 1. Incorporate any plan revisions on the final plan as required by Planning Board and submit for
60 Staff review prior to presentation of final plan.

61 2. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with
62 the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper
63 advertisements and abutter notification.

64 3. One (1) copy of the final plan and any and all related state/federal permits or legal documents that
65 may be required, must be submitted to the Town Planning Department for signing. Date of Planning
66 Board approval shall be included on the final plan in the Signature Block. After the signed plan is
67 recorded with the York County Registry of Deeds, a copy of the signed and recorded original must be
68 submitted to the Town Planning Department.

69 4. This approval by the Town Planning Board constitutes an agreement between the Town and the
70 Developer, incorporating as elements the Development Plan and supporting documentation, the
71 Findings of Fact, and any Conditions of Approval.

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

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76 **Vote: ___ in favor ___ against ___ abstaining**

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78 APPROVED BY THE KITTELY PLANNING BOARD ON October 13, 2022

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Dutch Dunkelberger, Planning Board Chair

85 Per Title 16.2.12. - An aggrieved party with legal standing may appeal a final decision of the Planning
86 Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section
87 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.

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89