

1 **CALL TO ORDER**

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3 Vice Chair Kalmar called the meeting to order at 6:00 p.m.

4
5 **ROLL CALL**

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7 Members Present: Dutch Dunkelberger, Karen Kalmar, Debbie Driscoll-Davis, Mark Alesse,
8 Robert Harris, Marissa Day

9
10 Member Absent: Ann Grinnell

11
12 Staff Present: Chris Di Matteo, Town Planner

13
14 **PLEDGE OF ALLEGIANCE**

15
16 **AGENDA**

17
18 Vice Chair Kalmar requested to move Review of Minutes to the end of the meeting. The Board
19 agreed.

20
21 **PUBLIC COMMENT**

22
23 The Vice Chair opened the public comment section. There being none, the Vice Chair closed the
24 public comment section.

25
26 **PUBLIC HEARING/OLD BUSINESS**

27
28 **ITEM 1 - 412 Haley Road – Conventional Subdivision Approval**

29 Action: Hold a public hearing. Approve or deny final plan. Owner Norwich Investments, LLC,
30 and applicant, Green & Company, requests consideration of an 8-lot conventional subdivision
31 located at 412 Haley Road (Tax Map 34 Lot 3) in the Residential-Rural (R-RL) and Shoreland
32 Overlay (SH-OZ-250') Zones. Agent is Joseph Coronati, Jones and Beach Engineers, Inc.

33
34 Joe Coronati, Jones and Beech Engineering, went over their progress from the last meeting
35 which included approval of special exception and waivers. They have made minor changes as
36 requested by the Board which includes moving the mitigation to areas adjacent to the wetland
37 and the hammerhead-shaped right of way will now follow the pavement line. Also, they located
38 trees as requested and found to no existing trees in one cul de sac and four trees in the other.
39 This has been added on the plan along with the proposed plantings. Input has been received
40 from an on-site meeting with some of the abutters, CMA and Mr. Di Matteo. In response to the
41 information, they have changed the grading of the road and have details that show the proposed
42 grades at the end of the McCartney and Robbins' driveways the additional detailing for the
43 Schill's driveway. Mr. Coronati added Mr. Grenier's email requesting providing a note to the
44 plan to lock-in his easement access will be done. They have received all DEP permits for the
45 development for wetlands and stormwater. All items have been addressed in writing and are on
46 the plans.

47
48 Ms. Driscoll-Davis asked if anything else has changed. Mr. Coronati added they have made
49 tweaks to the net residential area calculations as requested and he has itemized this in his letter.
50

51 Vice Chair Kalmar asked the applicant if they have reviewed the new staff comments starting on
52 Page 5 of 18 and if they agree with them. The applicant is in agreement. Vice Chair Kalmar also
53 recommended using an alternative species of tree for the buffer instead of white pine due to
54 white pine disease. The applicant agreed and will use red cedar which is growing on the site.
55

56 Comment No. 13 requests adding a similar buffer to one section along Lot 1. Mr. Di Matteo
57 asked for clarification of the relationship between the drainage easement and the trees in the
58 same easement. He suggested the whole setback area be the buffer area and added it is not clear
59 if the easement is a perpetual easement to maintain the drainage work. It is important to
60 maintain the trees and drainage to prevent damage to the buffer. Mr. Coronati explained the
61 proposed trees will be planted on the backside of the drainage area and he is not expecting
62 erosion because the trees will stabilize the area. He added if there is erosion, it will be filled in
63 and the buffer and swale will be maintained and the expectation will be clarified in the Home
64 Owner's Association (HOA) documents. Mr. Di Matteo explained the HOA documents are
65 reviewed by the Town attorney who looks at the items the Town is requiring.
66

67 Mr. Di Matteo added the street naming can be included in the Conditions of Approval and the
68 applicant does not plan to burden the existing homeowners with any expenses regarding changes
69 to their addresses.
70

71 Bill Straub, CMA Engineers, performed the peer review and gave an update of his meeting with
72 the Schills and Mr. McCartney to clarify concerns. For the drainage issue, he reviewed the
73 applicant's modifications and stated they will work because the road will be super elevated so no
74 water will go to the Schill's driveway. A positive spot will be added in order for the water to
75 cross to the other side. Also, there will be an inlet that will go to a catch basin and to the new
76 drainage system. He believes this is a good solution. The other driveway has steep slopes to the
77 new roadway and this area has been redesigned and the road will be lowered to address the
78 drainage issues. Mr. Straub stated the applicant has addressed these issues to his satisfaction.
79 They have a reasonable design and there will be no impact to stormwater management. Mr.
80 Coronati added they will bring a water line to the Robbins' house with a shut off and reconnect
81 them. The McCartney's have a well and the applicant will provide a shut off valve if they
82 choose to be connected to town water. The Schill's have town water now and do not need a new
83 service. The applicant agrees with the suggested language in Comment No. 20.
84

85 Mr. Dunkelberger asked for clarification of the costs associated with address changes for the
86 abutters. Mr. Di Matteo explained the street naming application has language that implies the
87 abutters will pay for a street sign as well as associated costs in changing addresses. Mr. Di
88 Matteo has proposed the applicant pays for street signs and other fees if applicable. Mr. Coronati
89 stated the applicant would be willing to cover some of the reasonable costs.
90

91 Vice Chair Kalmar opened the public hearing
92

93 Jane Schill, 424 Haley Road, commented that much has been addressed in planning note No. 15
94 along with other comments in the notes. She explained her concern of the mitigation for Lots 8
95 and 1 and looked at Map C2 that shows the mitigation land is in the setbacks. She reviewed
96 Code 16.9.3.9 (a) preventing structures to be built within a setback area. She believes the
97 proposed mitigation area does not meet the Code's definition and she would like clarification.
98 Mr. Di Matteo explained buildings or structures are not allowed but uses such as parking, a
99 garden or yard space are allowed.

100
101 Laney McCartney, direct abutter, believes the right of way was illegally cut through an existing
102 wetland and the wetland scientist the abutters hired concurred. The road was cut from a wetland
103 and she referred Earldean Wells' opinion from a previous meeting that the road sits on top of a
104 wetland and, therefore, is one continuous body of wetland. She described the current condition
105 of the road and referred to Code 16.9.3.2(b) requiring development of the wetlands be
106 determined by a qualified wetland scientist. She questioned why core samples were not taken,
107 especially in front Lot 8 and believes there is a reason. If the sample determined there was a
108 wetland, this would change the setbacks and impact the current design. She spoke of her concern
109 of leaving a small HOA with a road that will fail. She questioned the transfer from the applicant
110 to the owners and the amount of escrow. She stated it is a cop out by the Town to impose these
111 burdens on the HOA and the Town made an error allowing a road and her development to be
112 built. Ms. McCartney brought a civil engineer to look at Lot 8 and he stated it was a greedy lot
113 between the slope and the wetland. She spoke of her concern of the septic systems being located
114 on the slope which will to the drainage pond then into Spruce Creek. Ms. McCartney requested
115 the Board have this project done the correct way now. She requested a third-party soils scientist
116 to review a core sample of the road.

117
118 Shea Robbins, 402 Haley Road, stated she appreciates the previous abutter's comments and
119 those of Jane Schill. She asked Mr. Straub to look at the new updated plans. She questioned
120 how the Board can get through the information from the September 14th meeting already and
121 believes the information was given to the Board in a spotty manner. She stated questions have
122 not been answered and her emails do not reach the Board members. She added the Board
123 members ask questions but do not get answers. She referred to the June meeting when their
124 lawyer gave a document from 1997 listing past owners. The road was approved and registered
125 which indicated it was another person's property. She asked the board to look at this information
126 and determine if the road is illegally placed through the wetland. She referred to the Law in
127 State of Maine regarding utility easements and stated they include water and sewage. She is
128 concerned there will be clear cutting within 100-ft. of wetlands. She discussed her concern
129 regarding the stormwater basin and believes a basin is a structure. She also questioned the
130 wetland mitigation plan regarding the crossing of Lot 8 being within a 100-ft. setback. She
131 requested the Board to have the questions answered before final plan is approved.

132
133 Dave McCartney, abutter, spoke of his concern with the culverts. He pointed out the grass on the
134 existing right of way is always soaked. He is concerned with the new plan's alternative draining
135 going into Lot 8 and the additional water to his culvert. He would like to have it looked at.

136
137 There being no further comments, the Vice Chair closed the public hearing.

138

139 The comments were addressed as follows:

140

141 Wetland being connected - Mark West, wetland scientist, addressed this issue and stated he did
142 discuss this at last meeting. He described his interpretation of the 1987 aerial photo, which was
143 emailed to Mr. Di Matteo. The plan shows an overlay of what is existing today. He studied the
144 land in May. He determined a crossing of a wetland at the Schill lot and added he had Joe
145 Noelle work with him on the delineation. They found upland soil conditions between the
146 wetland and the road and there was no evidence the road was built on the wetland. He has also
147 addressed the percentage of impact and it does appear there was a historical crossing in one area.
148 Mr. Alessi asked if core samples would help to determine what Ms. McCartney's suggested
149 regarding the potholes. Mr. West explained a core sample would show if there was fill. He
150 believes the condition of the road is due to its construction and is an engineering question. He
151 further explained clay under fill will not verify whether it was a wetland. Mr. Di Matteo pointed
152 out the Board could require core samples and give the results before the construction meeting.
153 Mr. Straub believes Mr. West has provided evidence that is correct. He is satisfied with the
154 construction details and the applicant is bringing in good materials. He did not see anything as
155 an issue for resolution before construction and agrees it is probably too late unless wetland soils
156 were deep and undisturbed.

157

158 Mr. Straub looked at Jones and Beech's drainage analysis for Mr. McCartney's property and
159 including the proposed plan of the road being super-elevated, the water will be taken off and will
160 go to the north side. The water increase is compensated from the decrease of water from the road
161 being tipped away from the water shed. Mr. Straub sees no reason for the culvert to be expanded
162 because the model flow does not exceed the existing condition for the them.

163

164 Future problems with the culvert - Mr. Bosen, attorney for the applicant, commented for the
165 record the decision from the last meeting of no discussion tonight of what has already discussed.
166 If problems occur in the future, it is a civil matter and not within the purview of this board. He
167 pointed out there has been extensive engineering on both sides. He added Article 4 explains the
168 procedure of the HOA taking effect. The developer stays for two years or until the last lot is
169 sold. Mr. Di Matteo added this will be a requirement for a performance guarantee.

170

171 Ms. Robbins' concerns with utility easements - Mr. Bosen stated there is no water easement
172 listed in the Registry and water easements are part of a general easement. Water rights will not
173 be impacted. If something happened to the water line, depending on what caused the problem,
174 the property will be HOA's. The developer will be responsible if it is within the first two years.
175 Mr. Bosen added the Robbins will have the ability to tie into the water line. Mitigation is
176 adjacent to the wetland and is within the wetland setback and a wetland of special significance.

177

178 Mr. Straub explained historically in Kittery, passive stormwater features have been allowed in
179 wetland setbacks. Mr. Di Matteo stated if located a coastal wetland, they would be treated
180 differently. Mr. Coronati pointed out there is a 100-ft. buffer line around the property outside of
181 the 100-ft setback. The ponds are not within the 100-ft. setbacks.

182

183 Mr. Di Matteo pointed out the Board can continue or have the conditions of approval cover the
184 issues. He added they are within the 90-day deadline.

185

186 Additional conditions of approval will include the applicant will be paying for the cost of
187 signage and will not burden the abutters with expenses incurred for changing of address and
188 removal of vegetation in Lots 6 and 7 of the Shoreland zone must conform to all Shoreland
189 regulations.

190

191 The Board discussed having the core samples as part of the conditions of approval. Mr.
192 Dunkelberger commented he likes what he is hearing from the engineers and would recommend
193 the applicant get samples as part of being a good neighbor. Mr. Di Matteo thought it was
194 determined there was no compelling evidence there was illegal fill. Vice Chair Kalmar
195 commented that she does not want to assume there was illegal fill and is uncomfortable to decide
196 based on a presumption. Ms. Driscoll-Davis agreed the road is in bad condition. Vice Chair
197 Kalmar stated the peer review engineer said the road proposed road design is 12-ft. wide and
198 they are raising it and having additional material brought in. Discussion of the benefit to have a
199 core sample ensued. The applicant stated they will continue with their plan regardless of the
200 core sample results and believes there is clay beneath the road. Vice Chair Kalmar added there is
201 no evidence when the road was filled without a written record.

202

203 Mr. Dunkelberger said he understands the abutters frustrations. He applauds applicant and
204 abutters and again encouraged the applicant to do core samples.

205

206 **Mr. Dunkelberger moved to approve with conditions the final subdivision plan dated**
207 **September 30, 2017 from owner Norwich Investments, LLC, and applicant, Green &**
208 **Company, requests consideration of an 8-lot conventional subdivision located at 412 Haley**
209 **Road (Tax Map 34 Lot 3) in the Residential-Rural (R-RL) and Shoreland Overlay (SH-OZ-**
210 **250') Zones upon he review and voting, in the affirmative on the Findings of Fact.**
211 **Mr. Harris seconded the motion.**

212

213 **The motion carried 5-1-0.**

214

215

M 34 L 3

216

217 **KITTERY PLANNING BOARD**

APPROVED

218 **FINDINGS OF FACT**

219 **for**

220 **412 Haley Road**

221 **Subdivision Plan**

222

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

226

227 **WHEREAS:** Owner Norwich Investments LLC, and applicant, Green & Company, request consideration
228 of an 8-lot conventional subdivision located at 412 Haley Road (Tax Map 34 Lot 3) in the Residential-
229 Rural (R-RL) zone and a portion in the Shoreland Overlay (OZ-SL-250') Zone.

230

Hereinafter the "Development".

Pursuant to the Plan Review meetings conducted by the Planning Board as duly noted in the Plan Review
Notes dated 10/12/2017;

231

Sketch Plan Review	Held	3/23/2017
Site Visit	Held	6/5/2017
Preliminary Plan Completeness Review	Held, accepted	5/11/2017
Public Hearing	Held	6/8/2017
Preliminary Plan Approval	Granted (conditional)	6/11/2017
Final Plan Approval	Granted (conditional)	10/12/2017

232

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 10/12/2017 (Hereinafter the "Plan").

1. Application and associated and subsequent submittal information dated 4/20/2017 through 9/30/2017.
2. Cover Sheet, Jones & Beach Engineers, Inc., dated September 30, 2016; revised September 28, 2017.
3. Existing Conditions Plan, Jones & Beach Engineers, Inc., dated September 30, 2016; revised September 28, 2017.
4. Overview Plan, Jones & Beach Engineers, Inc., dated July 20, 2016; revised September 28, 2017.
5. Overview Wetland Plan, Jones & Beach Engineers, Inc., dated July 20, 2016; revised September 28, 2017.

6. Subdivision Plan, Sheets A1-A4, Jones & Beach Engineers, Inc., dated July 20, 2016; revised September 28, 2017.
7. Demolition Plan, Jones & Beach Engineers, Inc., dated September 30, 2016; revised September 28, 2017.
8. Grading and Drainage Plan, Sheets C2-C3, Jones & Beach Engineers, Inc., dated September 30, 2016; revised September 28, 2017.
9. Utility Plan, Sheets U1-U2, Jones & Beach Engineers, Inc., dated September 30, 2016; revised September 28, 2017.
10. Milliken Road Profile P1-P2, Jones & Beach Engineers, Inc., dated July 20, 2016; revised September 28, 2017.
11. Heron Road Profile, Jones & Beach Engineers, Inc., dated July 20, 2016; revised September 28, 2017.
12. Detail Sheet, Sheets D1-D4, Jones & Beach Engineers, Inc., dated September 30, 2016; revised September 28, 2017.
13. Erosion and Sediment Control Details, Jones & Beach Engineers, Inc., dated September 30, 2016; revised September 28, 2017.
14. Net Acreage, Jones & Beach Engineers, Inc., dated January 19, 2017; revised September 28, 2017.

233

<p>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:</p>
<p>FINDINGS OF FACT</p> <p>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:</p>
<p>A. Development Conforms to Local Ordinances.</p>
<p><i>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.</i></p>
<p>Finding: The proposed development is a residential use in a residential zone.</p> <p>Board approved a special exception use for the conventional rather than a cluster subdivision.</p> <p>Waivers for street standards were granted and are itemized further below in these findings.</p> <p>Conclusion: This standard appears to be met.</p>
<p>Vote of <u>5</u> in favor <u>0</u> against <u>1</u> abstaining</p>
<p>B. Freshwater Wetlands Identified.</p>

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 are several wetlands identified on the property. Their respective total sizes and sizes located on the lot are labeled.

Conclusion: This standard appears to be met.

Vote of 5 in favor 0 against 1 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 6 in favor 0 against 0 abstaining

D. Water Supply Sufficient. {and}

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.

Finding: The Kittery Water District provided a letter of evaluation verifying its capacity to supply water to the proposed project.

Conclusion: This standard appears to be met.

Vote of 6 in favor 0 against 0 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: The proposed development will use individual septic systems. Reserve areas have been identified for lots with restrictive layers within 24" in the septic area.
Conclusion: This standard appears to be met.
Vote of <u>5</u> in favor <u>0</u> against <u>1</u> abstaining
G. Municipal Solid Waste Disposal Available.
<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>
Finding: The proposed development will not cause an unreasonable increase in solid waste.
Conclusion: This standard appears to be met.
Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining
H. Water Body Quality and Shoreline Protected.
<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>
Finding: The development is partially within 250 feet of any regulated (non-forested) wetland as it relates to the Shoreland Overlay Zone. All proposed development in the overlay zone is 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 <u>5</u> in favor <u>0</u> against <u>1</u> abstaining
I. Groundwater Protected.
<i>The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.</i>
Finding: The proposed development will use individual septic systems designed by a Licensed Professional.

Conclusion: This standard appears to be met.

Vote of 5 in favor 0 against 1 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 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.

Finding: There is no proposed construction located within a flood prone area.

Conclusion: This standard is not applicable.

Vote of 6 in favor 0 against 0 abstaining

K. Stormwater Managed.

Stormwater Managed. The proposed development will provide for adequate stormwater management

Finding: CMA, town peer-review engineer reports that the applicant has prepared a complete stormwater design and associated analysis and the proposed development meets the requirements of Title 16. The proposed development is located within the Town's designated MS-4 area. The applicant has provided an Inspection and Maintenance plan to comply with the standards outlined in 16.4.4.4.

Conclusion: This standard appears to be met.

Vote of 5 in favor 0 against 1 abstaining

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.

Finding: The Contractor shall follow MDEP best management practices for erosion and sediment control (silt fencing, silt sacks, etc.), and CMA engineers will be notified to observe application during construction (see conditions of approval #2). The proposed development conforms to Title 16.8.8 Surface Drainage and will provide for adequate erosion and sediment control measures on site.

Conclusion: This standard appears to be met.

Vote of 5 in favor 0 against 1 abstaining

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.*

Finding: The proposed development does not meet the threshold for a full traffic study. The proposed development includes a two-way cul-de-sac roadway with adequate circulation and a roadway with a terminus cul-de-sac and a hammerhead located at the location where the roadway changes from a Class III to a Class I private street and provides adequate traffic circulation. The proposed development conforms to Title 16.8.9 Parking, Loading and Traffic and will provide for adequate traffic circulation.

Conclusion: This standard appears to be met.

Vote of 6 in favor 0 against 0 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;*

<p>4. <i>Availability of streams for disposal of effluents;</i></p> <p>5. <i>Applicable state and local health and water resource rules and regulations; and</i></p> <p>6. <i>Safe transportation, disposal and storage of hazardous materials.</i></p>
<p>1. All proposed development is located outside of a Flood Hazard Area.</p> <p>2. Test pits have been performed on each lot for septic disposal. On lots where there is a limiting factor within 24", a reserve septic area has been identified.</p> <p>3 thru 6. Not applicable to the proposed development.</p>
<p>Finding: It does not appear the proposed development will result in undue water or air pollution</p>
<p>Conclusion: This standard appears to be met.</p>
<p style="text-align: right;">Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining</p>
<p>O. Aesthetic, Cultural and Natural Values Protected.</p>
<p><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></p>
<p>Finding: The property does not include any significant aesthetic, cultural or natural values that require protection.</p>
<p>Conclusion: This standard appears to be met.</p>
<p style="text-align: right;">Vote of <u>5</u> in favor <u>0</u> against <u>1</u> abstaining</p>

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<p>P. Developer Financially and Technically Capable.</p>
<p><i>Developer is financially and technically capable to meet the standards of this section.</i></p>
<p>Finding: The developer will 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.</p>
<p>Conclusion: This standard appears to be met.</p>
<p style="text-align: right;">Vote of <u>6</u> in favor <u>0</u> against <u>0</u> abstaining</p>

Chapter 16.6 DECISION APPEAL, VARIANCE and OTHER REQUESTS

16.6.4.4 Special Exception Use Request.

B. The Planning Board will review, decide and may approve an applicant's Special Exception Use request where the proposed project requires Planning Board review as defined in Section 16.10.3.2 or is located in a Shoreland or Resource Protection Overlay Zone. The Planning Board must find the proposed project and use meets the criteria set forth in Section 16.10.8.3.4 and 16.6.6.

Finding:

The proposed use of the Development as a conventional residential major subdivision located in the Residential- Rural zone appears to have no adverse impact with consideration of the *conditions* and *factors* outlined in 16.6.6, including:

1. Proposed use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use zones;
2. Use will not prevent the orderly and reasonable use of permitted or legally established uses in the zone wherein the proposed use is to be located, or of permitted or legally established uses in adjacent use zones;
3. Safety, the health, and the welfare of the Town will not be adversely affected by the proposed use or its location; and
4. Use will be in harmony with and promote the general purposes and intent of this Code.

Conclusion:

The requirement appears to be met

(Board acted 9/14/2017) **Vote of 7 in favor 0 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...

Findings: Maximum devegetated area in the Shoreland Overlay Zone is 20%. The proposed development does not exceed devegetated coverage amounts

Conclusion: The requirement appears to be met.

Vote of 6 in favor 0 against 0 abstaining

Chapter 9 DESIGN AND PERFORMANCE STANDARDS – NATURAL ENVIRONMENT

Article III Conservation of Wetlands Including Vernal Pools

16.9.3.7 Wetlands Alteration Approval Criteria

A. In making the final determination as to whether a wetland application should be approved, the Planning Board will consider existing wetland destruction and the cumulative effect of reasonably anticipated future uses similar to the one proposed. Preference will be given to activities that meet wetland setbacks, have a reasonable stormwater management plan (subject to Planning Board review and approval), and that dedicate easements for the purposes of maintaining the wetland and the associated drainage system. Approval to alter a wetland will not be granted for dredging or ditching solely for the purpose of draining wetlands and creating dry buildable land areas. An application for a wetlands alteration will not be approved for the purpose of creating a sedimentation or retention basin in the wetland. Increased peak runoff rates resulting from an increase in impermeable surfaces from development activities are not allowed.

Findings: The total 6,840 square foot wetland impacts do not appear to have adverse impacts on the remaining wetland areas.

Conclusion: This requirement appears to be met.

Vote of 5 in favor 0 against 1 abstaining

B. It is the responsibility and burden of the applicant to show that the proposed use meets the purposes of this Code and the specific standards listed below to gain Planning Board approval to alter a wetland.

The Planning Board will not approve a wetlands alteration unless the applicant provides clear and convincing evidence of compliance with the Code.

Findings: The intent of the roadway is to widen an existing road that accesses four single-family dwellings and to access an additional lot (lot 8) that is part of the proposed subdivision, which is a special exception use in the R-RL zone. Driveways are a permitted activity within regulated wetlands. The proposed driveway for lot 8 crosses the wetland using retaining walls to minimize the impact. Clear and convincing evidence of compliance with the Code has been provided.

Conclusion: This requirement appears to be met.

Vote of 6 in favor 0 against 0 abstaining

C. In evaluating the proposed activity, the Planning Board may need to acquire expert advisory opinions.

The applicant must be notified in writing, by the Town Planner at the Planning Board's request, that the applicant will bear the expenses incurred for the expert persons or agencies. The Planning Board will consider the advisory opinion, including any recommendations and conditions, provided by the Conservation Commission.

Findings: The proposed development has a total wetland impact of less than 6,840 square feet and requires a wetland mitigation report. The report has been reviewed by the Town and its peer-review engineer.

Conclusion: This requirement is not applicable.

Vote of 6 in favor 0 against 0 abstaining

D. When the Planning Board finds the demonstrated public benefits of the project as proposed, or modified, clearly outweigh the detrimental environmental impacts, the Planning Board may approve such development, but not prior to granting approval of a reasonable and practicable mitigation plan, (see Section 16.9.3.9) and not prior to the completion of all performance guaranties for the project, (see Section 16.10.8.2.2).

Findings: The final plan depicts the preservation of an undisturbed upland buffer zone adjacent to the one on-site wetland boundary equal in size to the wetland alteration. A wetland mitigation fee is also required.

Conclusion: This requirement appears to be met

Vote of 6 in favor 0 against 0 abstaining

E. The applicant must submit applicable documentation that demonstrates there is no practicable alternative to the proposed alteration of the wetland. In determining if no practicable alternative exists, the Board will consider the following:

The proposed use:

- 1. Uses, manages or expands one or more other areas of the site that will avoid or reduce the wetland impact;*
- 2. Reduces the size, scope, configuration or density of the project as proposed, thereby avoiding or reducing the wetland impact;*
- 3. Provides alternative project designs, such as cluster development, roof gardens, bridges, etc., that avoid or lessen the wetland impact; and*
- 4. Demonstrates that the proposed development meets or exceeds best management practices for stormwater management in the wetland areas.*

Finding: The proposed roadway was shifted southeast to impact the lower functioning wetland more than the larger and higher functioning wetland and to reduce overall wetland impact. The other two wetland impacts include slope impacts and outlet protection related to maintaining an existing culvert. The entire roadway is located outside of the 100-foot tidal buffer zone. Three driveway scenarios were evaluated for access to lot 8 and the one with the least impact was chosen.

Conclusion: This requirement appears to be met.

Vote of 5 in favor 0 against 1 abstaining

F. In determining if the proposed development plan affects no more wetland than is necessary the Planning Board will consider if the alternatives discussed above in subsection A of this section accomplish the following project objectives {described in 16.9.3.7.F}:

The proposed use will not:

- 1. Unreasonably impair or diminish the wetland's existing capacity to absorb, store, and slowly release stormwater and surface water runoff;*
- 2. Unreasonably increase the flow of surface waters through the wetland;*
- 3. Result in a measurable increase in the discharge of surface waters from the wetland;*
- 4. Unreasonably impair or diminish the wetland's capacity for retention and absorption of silt, organic matter, and nutrients;*

5. *Result in an unreasonable loss of important feeding, nesting, breeding or wintering habitat for wildlife or aquatic life; all crossings must be designed to provide a moist soil bed in culvert inverts and to not significantly impede the natural migration of wildlife across the filled area;*
6. *Result in a measurable increase of the existing seasonal temperature of surface waters in the wetland or surface waters discharged from the wetlands.*
7. *Result in a measurable alteration or destruction of a vernal pool.*

Findings: The 6,840 square foot wetland impacts do not appear to have an adverse impact on the remaining wetlands.

Conclusion: This requirement appears to be met.

Vote of 6 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;*
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 development does not appear to have an adverse impact to the factors above with consideration that: the proposed development is outside of the required 100-foot required setback; Maine DEP Best Management Practices will be followed for erosion and sedimentation control during roadway and building construction to avoid impact on adjacent surface waters; proposed lots within the shoreland overlay zone will be required for devegetated area to be accounted for and have an approved subsurface waste water system; there is no development proposed within the flood zone; and the subdivision plan will be recorded at the registry.

Conclusion: This requirement appears to be met

Vote of 6 in favor 0 against 0 abstaining

Article III. Street Signage

16.8.3.1 Names.

Streets which join or are in alignment with streets of abutting or neighboring properties must bear the same name. Names of new streets may not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality and are subject to the approval of the Planning Board.

Finding: The applicant has completed a Street Naming Application that has been reviewed by appropriate town departments, including public safety and find the proposed street names, *Heron Point Lane* and *Milliken Cove Way* conform to the ordinance.

Conclusion: This requirement appears to be met

Vote of 6 in favor 0 against 0 abstaining

235

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.

236

Waivers: (approved 9/14/2017)

- 16.8.4 - Sidewalks and pedestrian way
- 16.8.4.6 - Centerline
- 16.8.4 Table 1, street width design standards for paved and gravel shoulders

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. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated with site and building construction to ensure adequate erosion control and slope stabilization.
3. Prior to the commencement of grading and/or construction within a building envelope, as shown on the Plan, the owner and/or developer must stake all corners of the envelope. These markers must remain in place until the Code Enforcement Officer determines construction is completed and there is no danger of damage to areas that are, per Planning Board approval, to remain undisturbed.
4. Prior to the issuance of a building permit, all legal documents associated with easements and declarations and bylaws must be reviewed and approved by the Town Attorney.
5. Prior to the issuance of a building permits for lots 1, 2 and 8 a plan is required to be submitted to the Town that: identifies the location of invasive exotic vegetation within the 20-foot wide buffer; provides the method of removal of the said vegetation; and the proposed re-planting suitable for a screen, to be reviewed and approved by the Shoreland and Resource Protection Officer or Code Enforcement Officer.
6. The owner and/or developer must notify abutters of the time and location of the preconstruction meeting and prior to the onset of construction. Within each notice, a designated contact for the developer/contractor must be made available.
7. Removal of vegetation of all lots including 6 and 7 in the Shoreland zone must conform to Shoreland zoning regulations.
8. All Notices to Applicant contained in the Findings of Fact (dated: 10/12/2017).

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

9. 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.

10. Prior to recording at the York County Registry of Deeds, all new map and lot IDs must be reviewed and approved by the Town Assessor

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

- 238 1. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with
239 review, including, but not limited to, wetland mitigation fee, Town Attorney fees, peer review,
240 newspaper advertisements and abutter notification.
- 241 2. State law requires all subdivision and shoreland development plans, and any plans receiving waivers
242 or variances, be recorded at the York County Registry of Deeds within 90 days of the final approval.
- 243 3. One (1) Mylar copy and one (1) paper copy of the final plan (recorded plan if applicable) and any and
244 all related state/federal permits or legal documents that may be required, must be submitted to the
245 Town Planning Department. Date of Planning Board approval shall be included on the final plan in the
246 Signature Block.
- 247 4. Copies of all applicable state and federal permits submitted to the Town prior to the issuance of a
248 building permit.
- 249 5. The owner and/or developer, in an amount and form acceptable to the town manager, must file with
250 the municipal treasurer an instrument to cover the cost of all infrastructure and right-of-way
251 improvements and site erosion and stormwater stabilization, including inspection fees for same.
- 252 6. This approval by the Town Planning Board constitutes an agreement between the Town and the
253 Developer, incorporating the Plan and supporting documentation, the Findings of Fact, and any
254 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.

255

256

Vote of 6 in favor 0 against 0 abstaining

257

APPROVED BY THE KITTERY PLANNING BOARD ON OCTOBER 12, 2017

258

259

260

Ann Grinnell, Planning Board Chair

261

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.

262 Vice Chair Kalmar added Mr. Dunkelberger only read the highlighted findings tonight and all
263 the findings are included.

264
265 **OLD BUSINESS**

266
267 **ITEM 2 - 459 U.S. Route One - Mixed-use development - Sketch Plan Review**

268 Action: Approve or deny concept plan. Owner, Landmark Properties, LTD, and applicant,
269 Michael Brigham, request consideration of a mixed-use development consisting of 36 elderly
270 housing units and two buildings with two retail/commercial units and 24 apartments located at
271 459 U.S. Route 1 (Tax Map 60 Lot 24) in the Mixed Use (MU) Zone. Agent is Ken Wood, Attar
272 Engineering.

273
274 Ken Wood, representing the applicant, described the changes made to the design from the
275 comments he received at the sketch plan review. There are six mixed-use buildings and they
276 have added one commercial building. The applicant is requesting an extension of the mixed-use
277 zone granting a 50-foot extension. Mr. Wood gave a history of the project and explained Mr.
278 Brigham, the developer, has a good plan. He would like to move the project forward.

279
280 Mr. Alessi asked how many commercial businesses have shown an interested? Mr. Brigham
281 replied none at this time. He explained he has added a walking trail and is considering creating a
282 picnic area. The commercial area will be facing the Dominos building. He is looking to have
283 retail space and a restaurant. Entering by Route 1 will not interfere with the residential area in
284 the back. Mr. Brigham stated he has a small office client now and will not look further until the
285 sketch plan approval.

286
287 Vice Chair Kalmar asked how the applicant will have community-shared space as the definition
288 of elderly housing requires. Mr. Brigham replied there will be a park and he is looking into a
289 clubhouse situation in one of the proposed structures.

290
291 Mr. Brigham explained single family homes will allow smaller businesses to be there and the
292 businesses that will be there will benefit the residential residents. He described the homes which
293 are detached single homes and explained duplexes are not as desirable. The applicant agrees
294 with the staff comments. The homes are 2,800 sq. ft. including the garage. The applicant will be
295 talking with Maine DOT.

296
297 Vice Chair Kalmar commented the applicant provided evidence that the development is
298 applicable for a special exception use. Mr. Dunkelberger agreed.

299
300 Ms. Driscoll-Davis stated they may need a street signal at Lewis Road and Route 1. Mr. Di
301 Matteo replied that issue will be part of the preliminary plan and studies will be done. Mr. Wood
302 explained he has a valid entrance permit from the last project and he will send the revised sketch
303 plan to the DOT including the Board's question of a signal.

304
305 **Mr. Dunkelberger move to approve the sketch plan dated September 27, 2017 prepared by**
306 **Attar Engineering, Inc. and presented by applicant Michael Brigham, Landmark Hill,**
307 **LLC for 459 U.S, Route 1 (Tax Map 60 Lot 24) in the Mixed Use (MU) Zone.**

308 **Mr. Alessi seconded the motion.**

309

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

311

312 **NEW BUSINESS**

313

314 **ITEM 3 - 74 State Road - Mixed Use Development - Site and Subdivision Preliminary Plan**
315 **Completeness Review.**

316 Action: Accept or deny application: Schedule a public hearing. Owner, PB 'R' US and
317 applicant, Millwork City Internet Service, Corp. request considerations of a mixed-use
318 development for a 1.00 +/- acre parcel located on State road (portion of Tax Map 8 Lot 41A) in
319 the Business Local (B-L) zone. Agent is Christopher Baudo, Architect.

320

321 Mr. Baudo gave a summary of the proposed project including the phases of construction. The
322 area is 71,401 sq. ft. and in mixed-use project. There will be 21,420 sq. ft. of open space area, 63
323 parking spaces of which three are handicapped. The plan is for hotel units and townhouses.
324 there is a waiver for the required soils survey and a waiver to accept the Altus survey which is in
325 place. The project is on ledge and serviced by water.

326

327 The staff notes were reviewed. The applicant agreed to address missing details. Mr. Baudo
328 stated the property has not yet been purchased and the purchase and sale agreement has an
329 addendum. A closing is tentatively scheduled for January 2018. Vice Chair Kalmar pointed out
330 Page 6 of 7 explains the need for professional evaluations including environmental and rock
331 removal. She expressed her concern of the rock removal and the impact on the abutting
332 properties. Mr. Baudo replied he has reviewed this item with the engineer and the engineer will
333 have an analysis. She added net residential acreage needs to be charted. The applicant said it is
334 charted on Page 2 of the plan. Mr. Di Matteo stated the earth work information is needed for the
335 public hearing which will be held within three weeks. Ms. Driscoll-Davis would like a complete
336 set of documents before the public hearing and the other Board members agreed. Discussion of
337 scheduling and extending the public hearing ensued. The applicant agreed to extend to 60 days
338 if he receives approval tonight.

339

340 Ms. Driscoll-Davis asked why a boundary survey was not completed. Mr. Baudo replied he used
341 the existing survey and the engineers have reviewed it. He added there is an existing conditions
342 plan. Mr. Baudo explained the history of the lot and explained the land north had been surveyed
343 and was to be subdivided. Mr. Baudo stated he submitted the deed description in the application
344 and a surveyor has verified the metes and bounds. Mr. Di Matteo said a boundary survey would
345 provide the rights to the right of way. Mr. Baudo replied the current owner owns the right of
346 way and he has submitted a copy of the existing boundary. Ms. Driscoll-Davis recommended a
347 real survey be completed.

348

349 The Board requested all information be given to them within 30 days and schedule the public
350 hearing in 60. Mr. Straub stated they have not done the complete technical review.

351

352 **Mr. Dunkelberger moved to accept the preliminary sketch plan, dated September 11, 2017,**
353 **as complete from owner, PB 'R' US and applicant, Millwork City Internet Service, Corp.**
354 **for 74 State Road (Tax Map 8 Lot 41A) in the Business Local zone.**

355 **Ms. Day seconded the motion.**

356

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

358

359 **Mr. Dunkelberger moved to schedule a public hearing on December 14, 2017 for the**
360 **preliminary site and subdivision plan application from owner, PB 'R' US and applicant,**
361 **Millwork City Internet Service, Corp. for 74 State Road (Tax Map 8 Lot 41A) in the**
362 **Business Local zone.**

363 **Vice Chair Kalmar seconded the motion.**

364

365 **The motion carried 6-0-0**

366

367 **ITEM 4 - 117 Haley Road - Right of Way Plan Review**

368 Action: Accept or deny application: Schedule a public hearing. Owner and applicant, Pauline
369 Grover and Christopher Mende requests consideration of a new right-of-way a 3.92+/- parcel
370 located off Haley Road (Tax Map 48 Lot 8B) in the Residential Rural (R-RL). Agent is Tome
371 Harmon, Civil Consultants.

372

373 Tom Harmon, representing the applicant, commented they have all the information in place and
374 the application is complete. The applicant would like to move forward without a public hearing.
375 He added the applicant has attempted to get responses from abutters and received two.

376

377 **Mr. Alessi moved to accept the application dated August 15, 2017 from owner and**
378 **applicant, Pauline Grover for consideration of a new right-of-way located off Haley Road**
379 **(Tax Map 48 Lot 8B) in the Residential Rural (R-RL).**

380 **Ms. Day seconded the motion.**

381

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

383

384 **Mr. Dunkelberger moved to continue the right of way plan application dated August 15,**
385 **2017 from Pauline Grover and Christopher Mende for a right-of-way off Haley Road (Tax**
386 **Map 48 Lot 8B) not to exceed 90 days.**

387 **Mr. Alessi seconded the motion.**

388

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

390

391 **ITEM 5 - 10 Spinney Cove Drive - Shoreland Development Plan Review**

392 Action: Accept or deny application. Approve or deny plan. Owner and applicant, Lobo Realty,
393 LLC request consideration to demolish and replace a nonconforming single-family dwelling on a
394 0.44+/- acre parcel located on Spinney Cove Drive (Tax Map 2 Lot 64) in the Residential
395 Suburban (R-S) and Shoreland Overlay (OZ-SL-250') zones. Agent is Bob Bourdeau, Lobo
396 Realty, LLC.

397

398 Bob Bourdeau explained he purchased the property in 2004 and has been using it as a summer
399 home. His intention is to eventually retire and live there year-round. He explained he would like
400 to replace the building because there are many issues with it. He is planning to keep the same
401 footprint but it will be 5 feet further away from the water which will make the building a
402 conforming setback. He would also like to add a garage in an area that is now decking. The
403 expansion increases the square footage 1 to 1.5 % and will reduce the nonvegetative area on the
404 property. The applicant has hired Robbie Woodburn and is working with the Shoreline Resource
405 Officer, Jessa Kellogg. A plan in place for an area that is erosion. Mr. Bourdeau is working
406 with Jessa Kellogg regarding the issues with trees. He is proposing to replace the walkway.

407
408 Ms. Driscoll-Davis asked if the applicant's dock is a commercial float. Mr. Bourdeau replied it
409 is not and explained the length of the dock is to allow getting to deep water at low tide. He
410 added he does not require more parking and parking is available on the street. Discussion of the
411 requirement of an in-kind walkway ensued. Mr. Bourdeau is working with the DEP and he will
412 forward the emails to Mr. Di Matteo.

413
414 A site walk will be scheduled.

415
416 **Mr. Dunkelberger moved to accept the application dated September 12, 2017 from owner
417 and applicant, Bob Bourdeau for 10 Spinney Cove Road (Tax Map 2 Lot 64) in the
418 Residential Suburban and Shoreland Overlay Zones.**

419 **Ms. Day seconded the motion.**

420
421 **The motion carried 6-0-0.**

422
423 A site walk was scheduled for November 2, 2017 at 1:00 p.m. The applicant will have the
424 building points and the path for the walkway marked.

425
426 **Mr. Dunkelberger moved to schedule a public hearing on November 9, 2017 for the
427 Shoreland Development Plan application dated September 12, 2017 from owner and
428 applicant, Bob Bourdeau for 10 Spinney Cove Road (Tax Map 2 Lot 64) in the Residential
429 Suburban and Shoreland Overlay Zones.**

430 **Ms. Day seconded the motion.**

431
432 **The motion carried 6-0-0.**

433
434 **TOWN PLANNER ITEMS**

435
436 a. Extension request for Sawyer Lane Subdivision Brave Boat Harbor Road.

437
438 The applicant is requesting an extension for two years.

439
440 **Mr. Dunkelberger moved to extend the approval for the Sawyer Lane Subdivision, Brave
441 Boat Harbor Road, until November 13, 2019.**

442 **Ms. Day seconded the motion.**

443

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

445

446 After Board discussion regarding the extension date, the following motion was made:

447

448 **Ms. Driscoll-Davis moved to reconsider the extension of the approval of the Sawyer Lane
449 Subdivision, Brave Boat Harbor Road.**

450 **Ms. Day seconded the motion.**

451

452 **The motion carried 5-1-0.**

453

454 **Ms. Driscoll-Davis moved to add two years to the required completion date of the Sawyer
455 Lane Subdivision, Brave Boat Harbor Road.**

456 **Ms. Day seconded the motion.**

457

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

459

460 Mr. Di Matteo announced the public hearing will take place on October 25th for the Foreside
461 Report draft recommendations.

462

463 **BOARD COMMENTS**

464

465 None.

466

467 **APPROVAL OF MINUTES**

468

469 Site Walk Minutes - 412 Haley Road

470 **Vice Chair Kalmar moved to approve as written the site walk Minutes of 412 Haley Road**

471 **Mr. Alesse seconded the motion.**

472

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

474

475 Minutes of September 28, 2017

476 Line 50 - change "Earl Dean to "Earldean"

477 Ms. Wells pointed out the letter from the Conservation Committee regarding Huntington Run
478 should be attached. Mr. Di Matteo explained the public comment segment was not the correct
479 forum to provide information. Ms. Wells stated the Chair told her to do it in that way.

480 Line 84 - "application" not site

481 Line 86 - change to "is spending money and requested"

482 Line 93 - add "the Board" after requested

483 Line 114- strike out "and"

484 Line 148 strike out "will"

485 Line 36 - strike the whole line

486

487 **Mr. Dunkelberger moved to accept the September 28, 2017 Minutes as amended.**

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

489

490 **The motion carried 5-0-1.**

491

492 Minutes of August 24, 2017

493 The Board agreed to address this at the next meeting on October 26, 2017.

494

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

496 **Vice Chair Kalmar seconded the motion.**

497

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

499

500 The Kittery Planning Board meeting of October 12, 2017 adjourned at 9:25 p.m.

501

502 Submitted by Mary Mancini, Minute Recorder, on October 17, 2017

503

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