TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 Fax: (207) 439-6806

WORKSHOP
6:00 PM

The Town Council will receive a presentation from the Rice Public Library.

July 11, 2016 Council Chambers

Kittery Town Council
Regular Meeting
7:00 p.m.

1. Call to Order

2. Introductory

3. Pledge of Allegiance

4. Roll Call

5. Agenda Amendment and Adoption

6. Town Manager's Report

7. Acceptance of Previous Minutes – **None**

8. Interviews for the Board of Appeals and Planning - **None**

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.

(070116-1) The Kittery Town Council moves to approve the release of funds for the Spruce Creek Sonde Collection Proposal. **Enclosed in your packet is a copy of the proposal**

10. PUBLIC HEARINGS

(070116-2) The Kittery Town Council moves to approve a renewal application from Tributary Brewing Company LLC, 5 Winding Brooke Lane, South Berwick, Maine, for a Special Activity Amusement Permit for Tributary Brewing Company 10 Shapleigh Road. **The Code Enforcement Officer has completed the inspection and the establishment is in compliance.**

11. DISCUSSION

a. Discussion by members of the public (three minutes per person)
b. Response to public comment directed to a particular Councilor
c. Chairperson's response to public comments

12. UNFINISHED BUSINESS

(070116-3) The Kittery Town Council moves to approve changes to the Eaton & Peabody Contract. **Enclosed in your packet is a copy of the changes**

13. NEW BUSINESS

a. Donations/gifts received for Council disposition - **None**

b. (070116-4) The Kittery Town Council moves to approve the disbursement warrants

c. (070116-5) The Kittery Town Council moves to vote its nomination for the 2016-2018 Legislative Policy Committee (LPC). **Enclosed in your packet is a memo and ballot from MMA.**

d. (070116-6) The Kittery Town Council moves to schedule a public hearing for 7/25/16 to ordain and adopt the 2016-2017 Sewer Budget. **At the 6/27/16 meeting Council resolved to extend the Sewer Budget no later than 7/29/16.**

e. (070116-7) The Kittery Town Council moves to schedule a public hearing for 7/25/16 to ordain amendments to Title 16 of the Kittery Town Code. **Copies of the proposed amendments are in your packet as proposed by the Planning Board.**

f. (070116-8) The Kittery Town Council moves to schedule a public hearing for 7/25/16 to ordain proposed amendments to Title 4 of the Kittery Town Code. **This item is on the agenda at the request of Chairperson Beers.**

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson
b. Committee Reports

16. EXECUTIVE SESSION

17. ADJOURNMENT

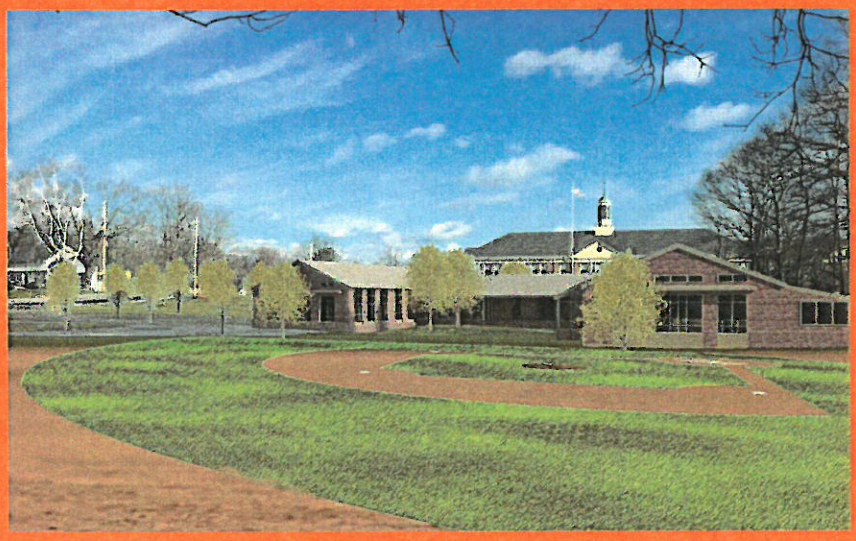
Posted: July 7, 2016

WORKSHOP MATERIAL

RICE PUBLIC LIBRARY

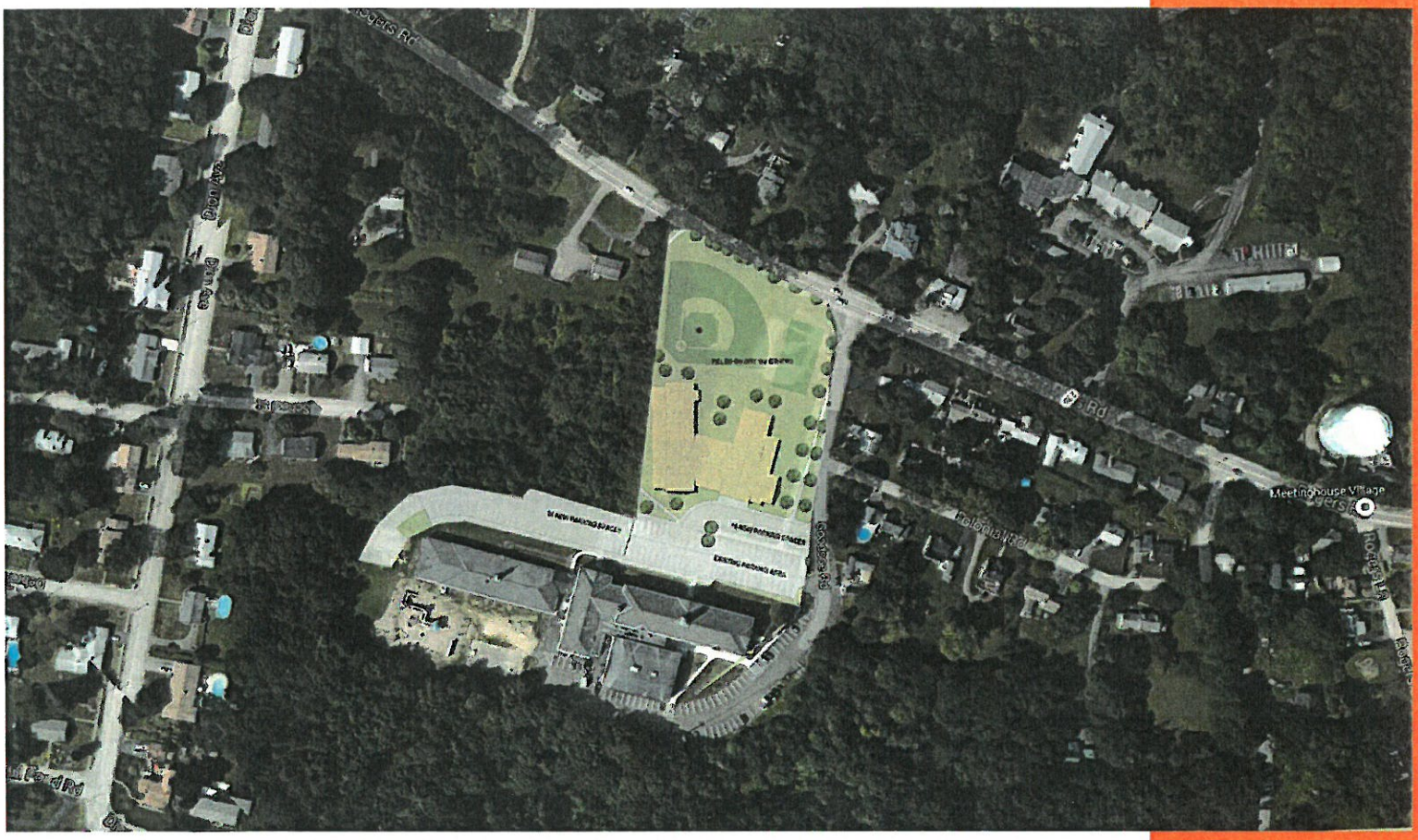
Kittery, Maine

July 2016

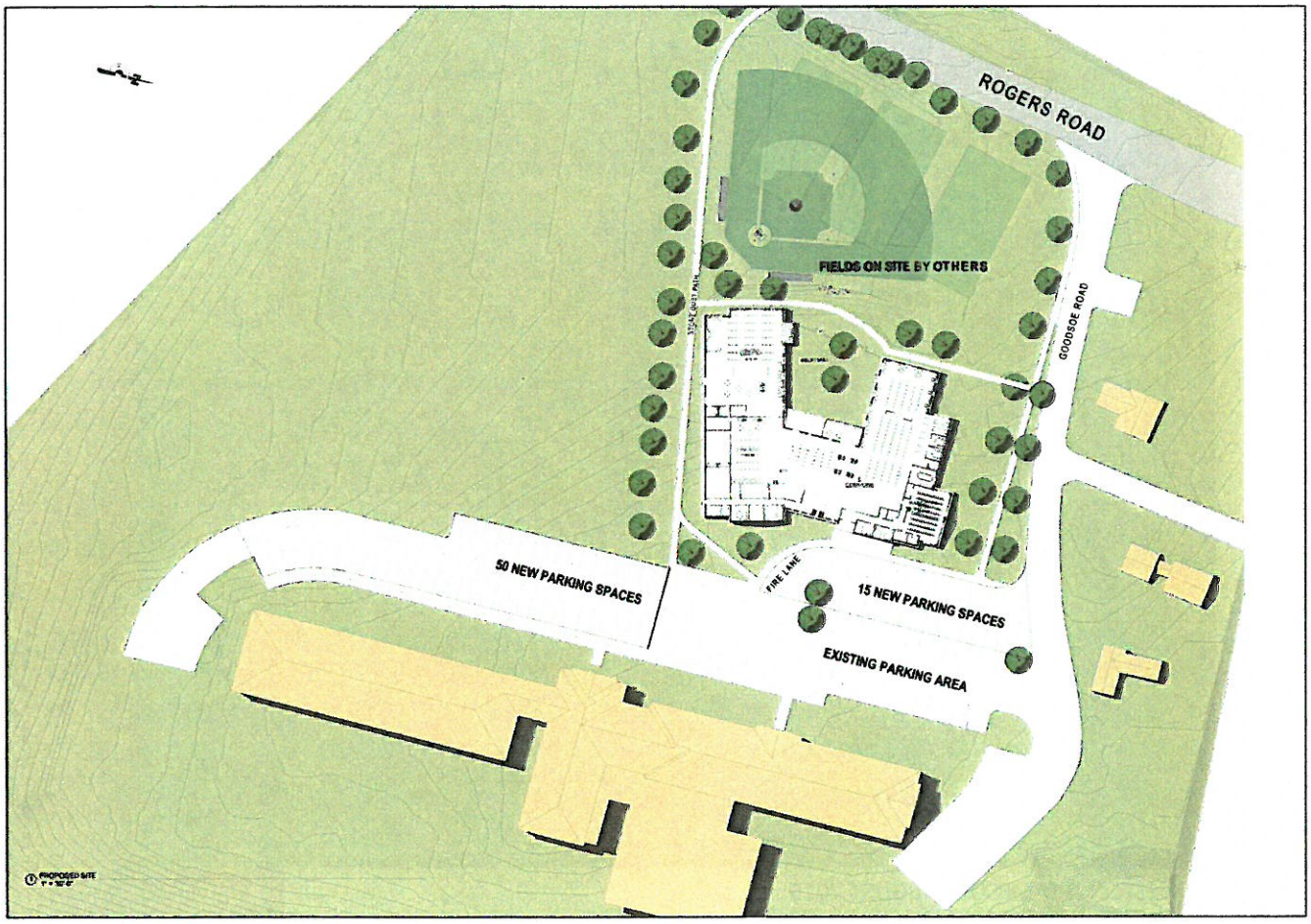


7/5/2016

LASSEL
ARCHITECTS PA



AERIAL VIEW



LASSEL ARCHITECTS PA

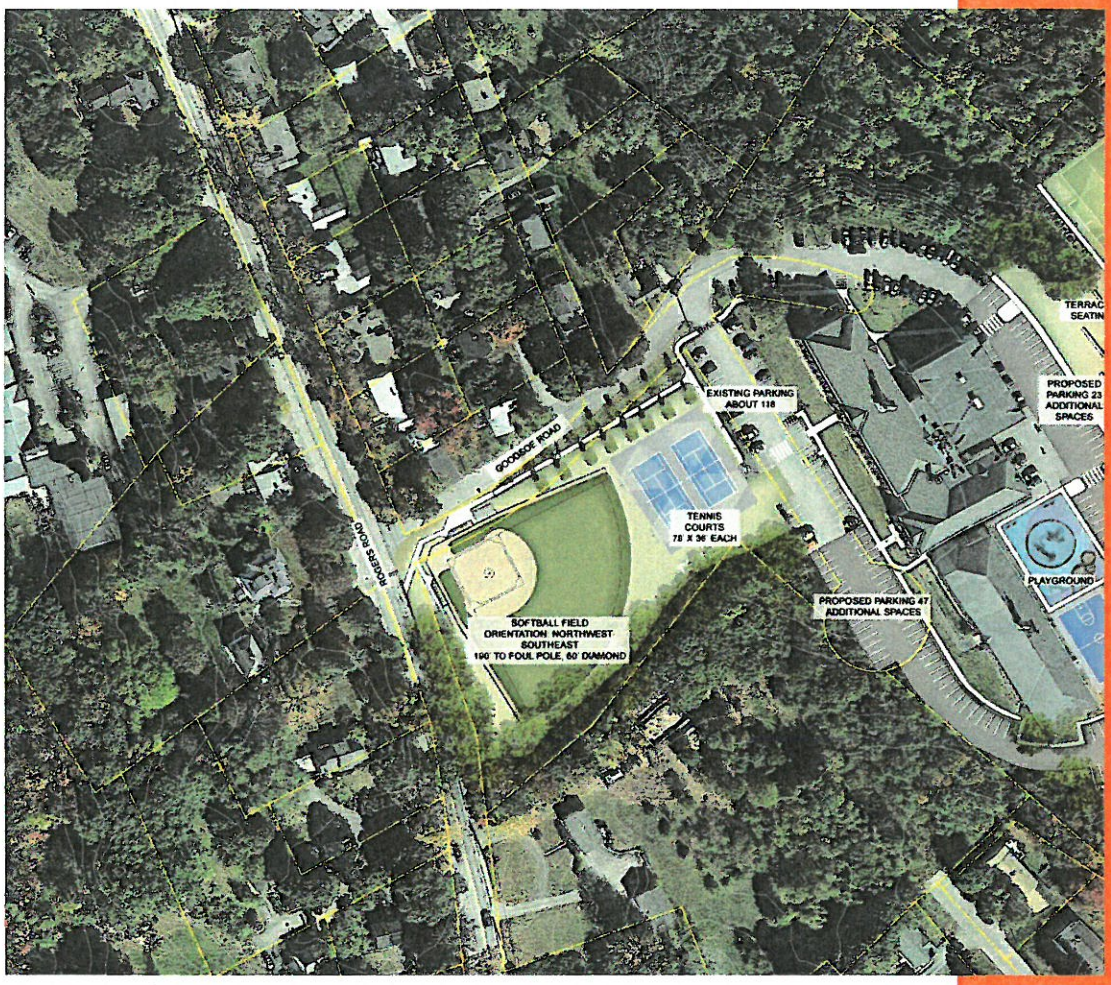
Rice Library
PRICING SET
Kittery, ME

SITE PLAN

A 0.1

7/5/2016

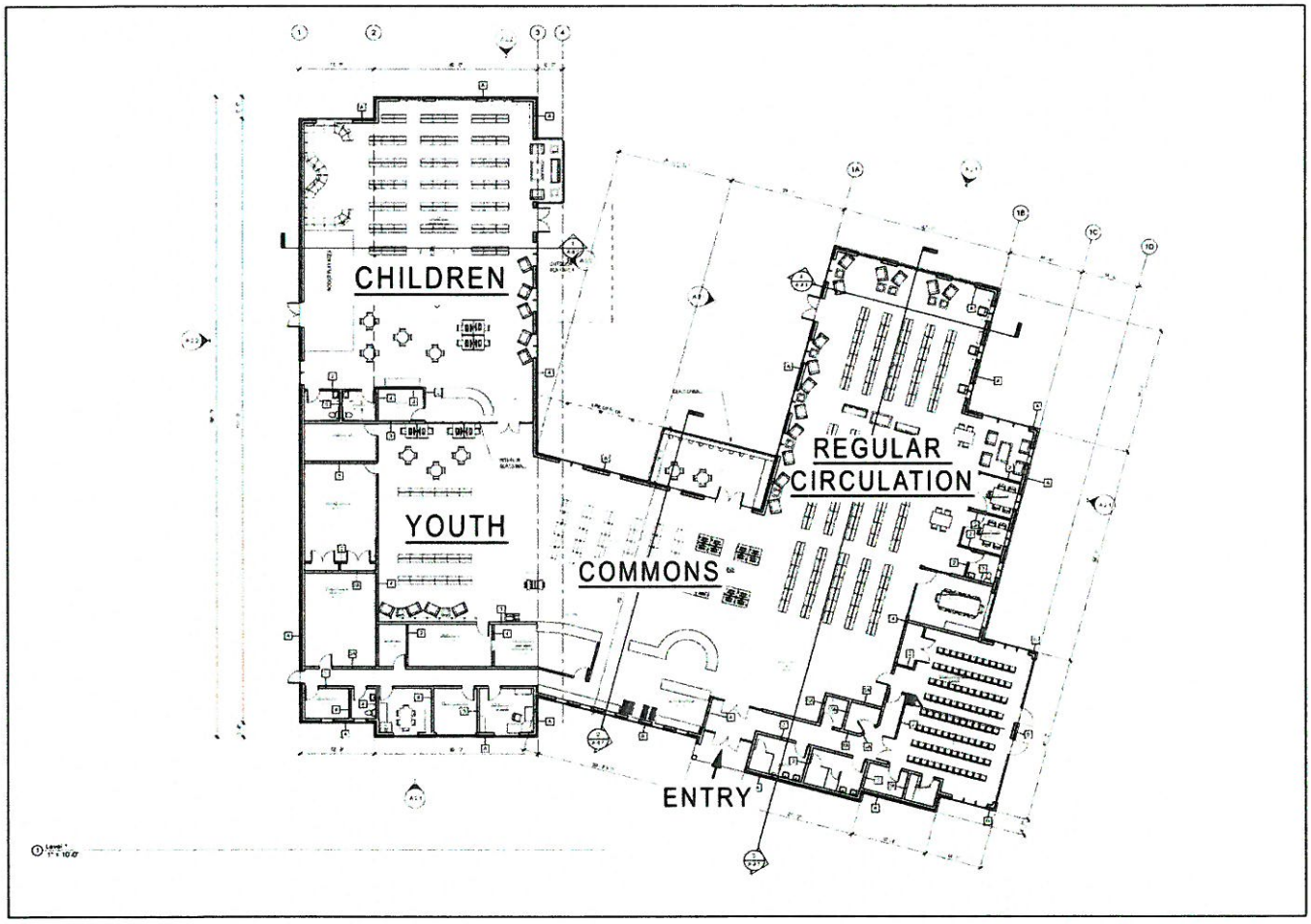
SITE PLAN



BY WESTON & SAMPSON, AUGUST 2015

ATHLETIC FIELDS MASTER PLAN

7/5/2016



LASSEL ARCHITECTS PA

RICE LIBRARY
KITTERY ME

Rice Library
PRICING SET
Kittery, ME

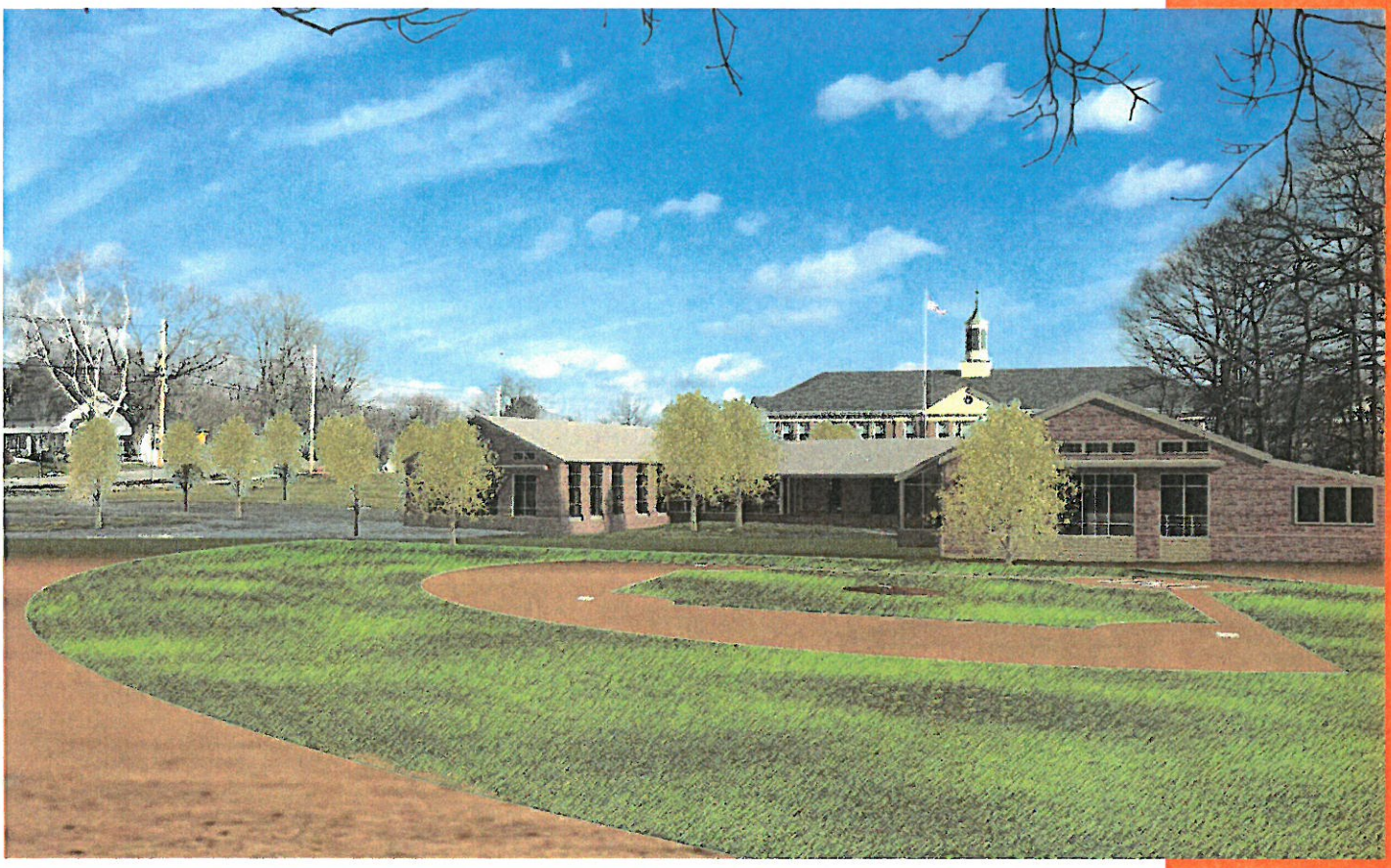
REVISIONS

FIRST FL PLAN

A 1.1

7/5/2016

FLOOR PLAN



VIEW FROM ROGERS RD

VIEW FROM GOODSOE RD

Table 1 – Phase 1 Energy Model Results

Wall Type	Window Type	Cooling Load (Tons)	Heating Load (MBH)	Yearly Utility Costs
Wall 1	Window 1	38.4	159	$9,247
Wall 2	Window 1	37.7	156	$9,140
Wall 3	Window 1	38.2	159	$9,253
Wall 1	Window 2	32.7	120	$8,071
Wall 2	Window 2	32.5	118	$8,046
Wall 3	Window 2	32.5	119	$8,108

PHASE 2

The Phase 2 cooling and heating loads, and yearly utility costs are shown in Table 2 below. The breakdown of the cooling loads are shown in Table 3 below. Detailed Phase 2 energy model results are in Appendix 1.

Table 2 – Phase 2 Energy Model Results

Wall Type	Window Type	Cooling Load (Tons)	Heating Load (MBH)	Yearly Utility Costs
Wall 4	Window 3	32.4	150	$8,048

Table 3 – Phase 2 Cooling Load Breakdown

Total Cooling Load	Envelope Load	Lighting Load	People Load	Ventilation Load
32.4 Tons	16%	26%	32%	26%

The Phase 2 energy model results showed System Loading (based on average monthly temperatures and occupancy rates instead of design day) showed that the cooling system only operated 96 hours per year, and only 31 hours per year were more than 24 Tons, with no hours above 30 Tons.

ANALYSIS

PHASE 1

The dominant factor in Phase 1 was the type of window. While yearly utility costs differed by no more than $1,200, the capacity of the required cooling equipment decreased by almost 20% from Double Pane to Triple Pane windows. The difference in utility costs between the wall compositions was negligible – less than $200 per year.

RECOMMENDATIONS

All of the occupancy numbers in this study were based on people per square foot estimates. Ripcord Engineering (RE) recommends studying projected occupancy of the new library to ensure that HVAC systems are not over- or under-sized based on actual expected occupancy numbers.

RE recommends updating the energy model based on actual proposed window performance data by pre-selecting one or more window manufacturers to evaluate. RE also recommends evaluating different window performance by building face – for example adjusting solar heat gain (SHG) or R-value to optimize building performance and cost.

RE recommends evaluating a separate HVAC system for the Multi-Purpose Assembly room during Schematic Design. Some considerations would be the effect of winter cooling in the Multi-Purpose Assembly room on re-heat requirements for other zones, cost of an additional system, and the benefits of separate control of a system that may be used frequently outside of Library business hours.

RE recommends considering installing a cooling plant smaller than the design cooling capacity, due to the unlikely concurrence of maximum occupancy with the highest outside air temperature, humidity, and solar gain. The Design Engineer will need to coordinate with the Authority Having Jurisdiction (AHJ) prior to submitting plans for permitting.

RE recommends a building envelope of:

- 4" of rigid insulation under the whole slab
- R-30+ wall with exterior insulation
- Vented roof with 15+" of blown cellulose insulation
- Triple-pane, low-e, low SHG, insulated spacer windows
- ≤ 1 ACH_{50} airtightness

RE recommends installing a central multi-zone VAV system with energy recovery. The Server Room may require its own computer room unit.

RIPCORD ENGINEERING

Economic Summary

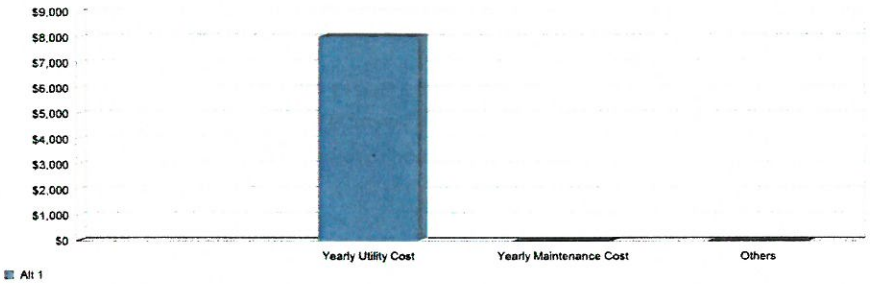
Project Information

Location	KITTERY, ME	Study Life:	20 years
Project Name	RICE LIBRARY ENERGY MODELING	Cost of Capital:	10 %
User	SONIA BARRANTES	Alternative 1:	16001 2x6 Dense Wall R-55 Roof 3Pane
Company	RIPCORD ENGINEERING		
Comments			

Economic Comparison of Alternatives

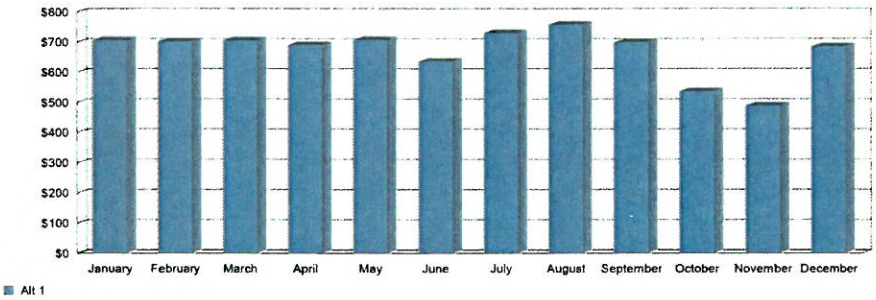
Yearly Savings ($)	First Cost Difference ($)	Cumulative Cash Flow Difference ($)	Simple Payback (yrs.)	Net Present Value ($)	Life Cycle Payback (yrs.)	Internal Rate of Return (%)	Life Cycle Cost

Annual Operating Costs



Yearly Total Operating Cost ($)	Yearly Utility Cost ($)	Yearly Maintenance Cost ($)	Plant kWh/ton-hr

Monthly Utility Costs



RIPCORD ENGINEERING

Rice Library Total Project Budget
Draft - 5/31/2016
8 Wentworth Street
Kittery, Maine

ITEM DESCRIPTION	Estimate	Comments
Part One: Construction Costs		
Site/Building Construction Costs	$4,764,776	WRC Estimate dated 5/17/16
P&P Bond	In Construction Costs	Payment & Performance Bonds
CM Fee	In Construction Costs	Construction Manger's Fee
Estimating/Design Contingency	In Construction Costs	Typically carried in Construction Budget - reduced as project is developed.
Tele/Data Wiring	$40,000	Allowance - needs to be refined
Tele/Data Equipment - supply & Install	$25,000	Need to work with Library IT to refine
A/V Equipment - Supply & Install	$10,000	Need to define a scope
Door Control / Card Access Systems	In Construction Costs	Carried a $6,000 Allowance
Building Security Systems - cameras, etc.	$30,000	Allowance
Abatement of Hazardous Materials	$0	Assume none
Subtotal Construction Costs	$4,869,776	
Part Two: Fees & Services		
Arch./Engineering Design Fees	$400,000	Design fees for Building & Site
Interior Designer Fees	$25,000	
Approvals & Permitting A/E Fees	In A/E Fees above	
Boundary/ Topo Survey	$2,000	Existing Topo needs to be augmented
Construction Manager Precon Fees	$15,000	
CM Reimbursable Precon Expenses	$500	
Traffic Study	TBD	Not sure if this will be needed
A/E Reimbursable Expenses	$5,000	Lassel Architects
Soils Testing / Borings / Geotech Engineering Report	$5,000	Once site is selected
Utility Impact Fees		
Storm Water	$0	Will need input from local Utilities
Water	$0	Will need input from local Utilities
Sewer	$0	Will need input from local Utilities
Natural Gas	$0	
CMP Design, Transformer & Connection Fee	$15,000	Will need input from local Utilities
Quality Control Materials Testing (During Construction)	$3,000	Estimate - need to get quote
State Fire Marshal's Office Building Permit & ADA Permit	$1,513	Based on 20,310 gsf
Town of Kittery Building Permit	$0	Assume will be waived
Abatement Monitoring Services during Abatement	$0	Assumed not needed
Commissioning	$5,000	estimate - need to get quote
IBC Special Inspections	$0	Part of A/E Fee
Subtotal Fees & Services	$477,013	
Part Three Administrative Costs		
Land Acquisition costs	$0	Land to be Owned or donated by Town?
Furnishings, Fixtures & Equipment	$238,239	Roughly 5% of Construction Cost
Legal Costs	TBD	Town/Library's legal fees
Fundraising Costs	TBD	
Bonding Costs	TBD	Town costs asscoalted with selling bonds to finance project
Insurance (Builders Risk)	$24,750	Estimate based on WRC's rating
Moving & Storage	$5,000	
Artwork	TBD	
Owner's Rep.	$30,000	
Subtotal Administrative Costs	$297,989	
Owner's Construction Contingency (7%)	$340,884	
Owner's Soft Costs Contingency (7%)	$54,250	
TOTAL	**$6,039,912**	

Next Steps

- Rice Public Charrette Committee is reviewing options for Rice Library 1888 building.
- Taylor Court - sold and use funds realized as partial of payment for New RPL project.
- Consider a Workshop to review current status of Rice PL as a private non-profit and considerations for future.

Presentation of the Proposed NEW Rice Public Library at Frisbee Commons

Presented by

Rice Public Library Board

For

The Kittery Town Council

July 11, 2016

- Project Costs and Operating Budget
  - Review of Current and Future Budget
  - Review of Project Costs – Wright-Ryan/Lassel Architects

- Future Utilization of Current Rice Library Buildings
  - Charrette Group Findings and Discussion

- Next steps
  - Discussion with Council on New Library as a Town Building with RPL operating under a Lease Agreement
  - Discussion on Pros and Cons of RPL Employees becoming Town Employees
  - Discussion on the transition of the current Rice Public Library
  - Binding or Non-Binding Referendum in November

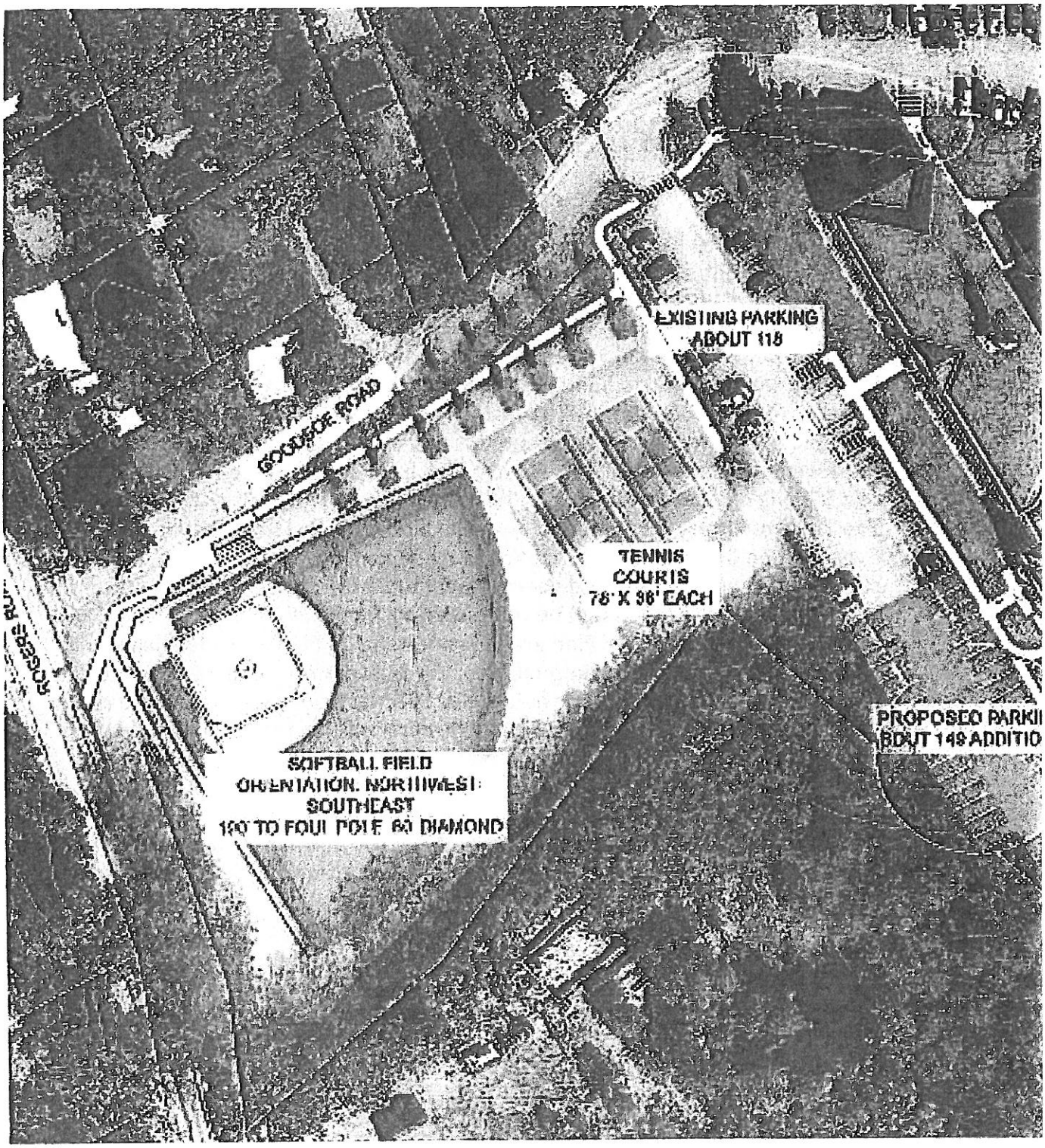
TO: TOWN OF KITTERY
FROM: KITTERY ATHLETIC FIELD IMPROVEMENT COMMITTEE (KAFI)

Town Council Members,

KAFI presents this document to you in support of maintaining Frisbee Field as a recreational area for our Kittery community. We respectfully but strongly advocate for this not to be considered as a potential site for library construction, for the reasons outlined below:

- KAFI was founded in early 2014 by a group of citizens wishing to improve and expand upon the athletic fields and recreational open spaces in our town.
- The committee includes representation from; the Kittery School Board and Athletic Director, the Kittery Recreation Department, the Commissioner of Kittery Public Works, and Board members from youth sporting organizations.
- KAFI has worked hand in hand with the Town of Kittery via the proper channels in a thoughtful and methodical manner to achieve our goals.
- A partnership between the Town and KAFI funded a substantial Field Improvement Master Plan. This Master Plan has been presented to Town Council and is being utilized as a blueprint for future development.
- The Town of Kittery was recently awarded a prestigious Land and Water Conservation Grant to initiate the first stage of the Master Plan. Specifically this represents improvements and development to Emery Field, which are currently underway and are expected to be completed by Spring 2017.
- Incorporated in the Master Plan are improvements to Frisbee Field, please see the attached diagram. The compilation of the Master Plan included extensive research on the current athletic field space in Kittery and projected usage needs. This research showed conclusively that we currently do not have the field infrastructure to support our youth and those wishing to use outdoor recreational areas.
- Frisbee Field is a critical component of the Master Plan designed to increase field space to provide the necessary facilities for our community. Please refer to the Master Plan for more details on planned improvements to Frisbee field and how this will positively impact field requirements.
- Frisbee Field is used intensively as is, and supports and benefits many community members.
- Community forums were held and well attended. The Master Plan reflects the wishes of the community via feedback from these forums.

KAFI would like to reiterate that extensive research, care and thought was invested in the Master Plan, based on actual numbers and field usage requirements. KAFI has worked diligently for over two years to ensure that we are planning for providing the outdoor facilities that the Town requires , and do not believe that Frisbee Field should be considered for any usage other than green open space.


EXISTING PARKING
ABOUT 118
GOODSIDE ROAD
TENNIS
COURTS
78' X 36' EACH
SOFTBALL FIELD
ORIENTATION: NORTHWEST-
SOUTHEAST
190 TO FOUL POLE 60 DIAMOND
PROPOSED PARKI
ABOUT 149 ADDITIO

120 Rogers Road, Kittery, ME 03904
207-439-3800 • Fax: 207-439-1780

Recreation Director Janice Grady
Assistant Director Jeremy Paul
Program Coordinator Todd Henley
S.A.F.E. Coordinator Dawn Sciascia

Frisbee Field Programming

In compiling information as part of their Master Plan project, Weston and Sampson, estimated that the annual use of field space at Frisbee Common was nearly 250 hours just for the sports use in the Fall and Spring. In addition to the athletic programs housed at Frisbee, there are a number of other activities held. Most of them are held to bring the Kittery Community together.

Fall Season

Home of Kittery Recreation Soccer Program (120+ participants in various age groups) and practice space for Kittery Soccer Club if needed

- 6-10 Teams using the field 5-6 days per week

Kittery Community Halloween Celebration held on site

- Held in conjunction with the PNSY MWR Program
  - 2015 was the biggest turnout in a few years and the lower field was used for parking.

Spring Season

Kittery Recreation Easter Egg Hunt

Kittery Little League Coach Pitch and Kittery Recreation T-Ball Program

- 4-6 Teams using the field 4-5 days per week

Summer Season

Kittery Recreation Summer Daycamp Programs use for check-in and check-out every morning and afternoon for 9 weeks (weather permitting)-100 + youth per day

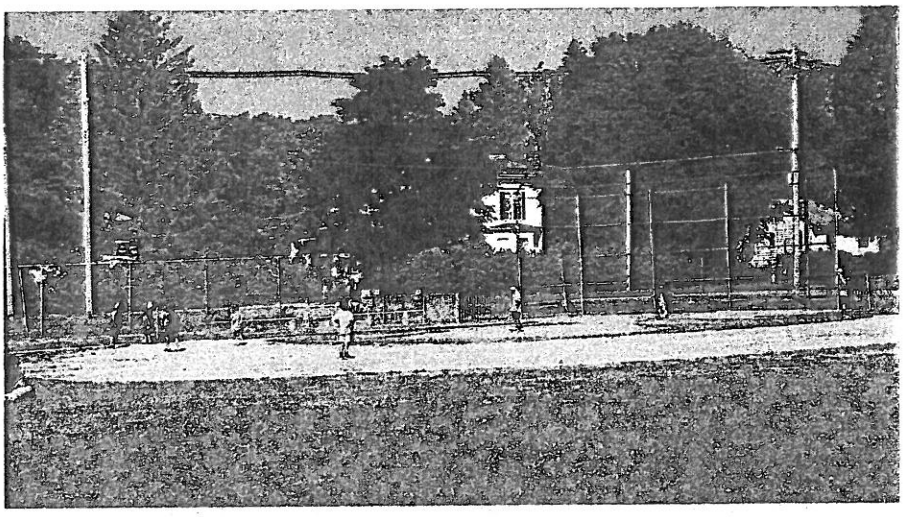
- Used on site by those programs as well for activities, programs and special events

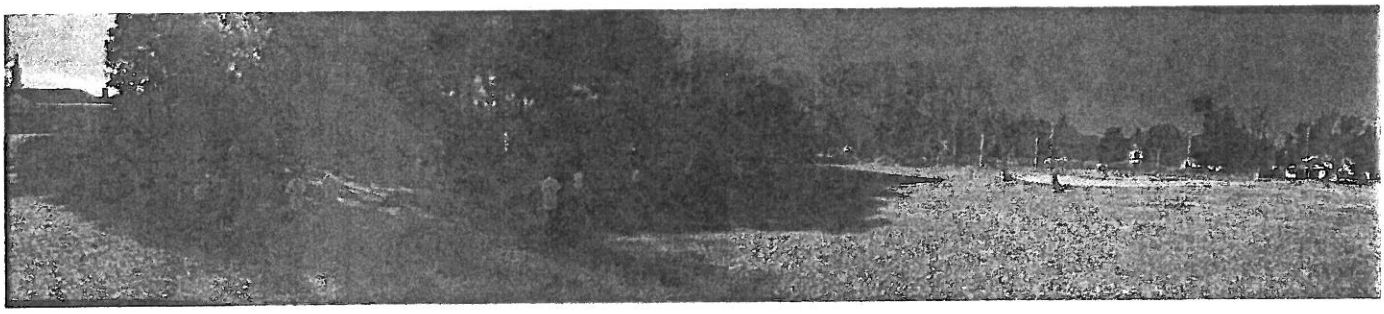
Home of the Summer Concerts on the Common

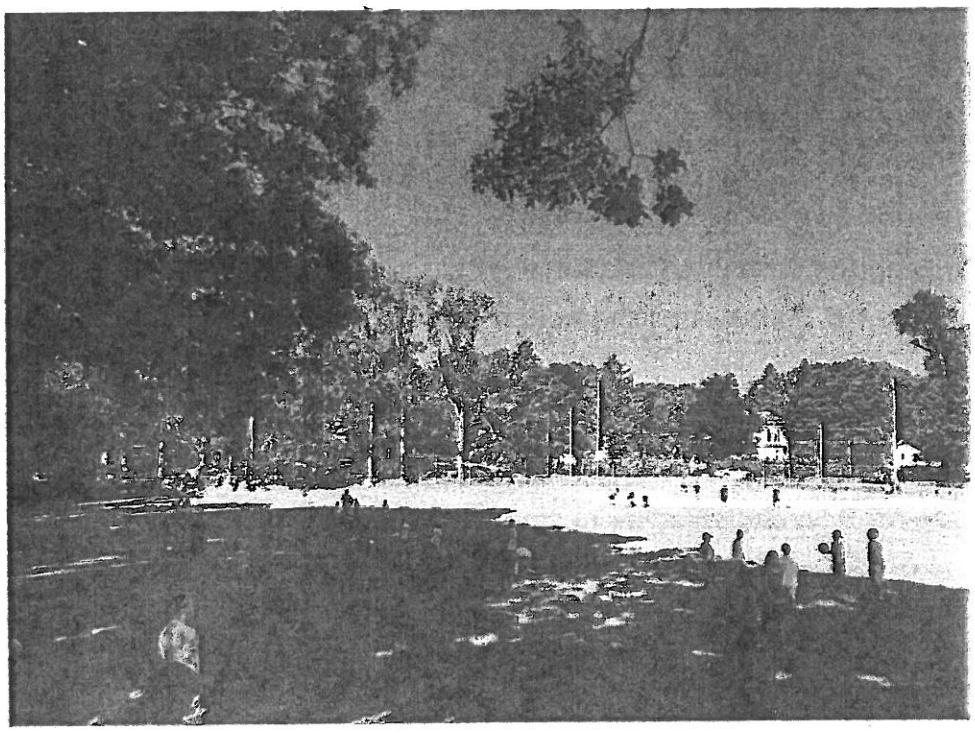
- This year increasing in partnership with PNSY MWR Program for a full 8-week series

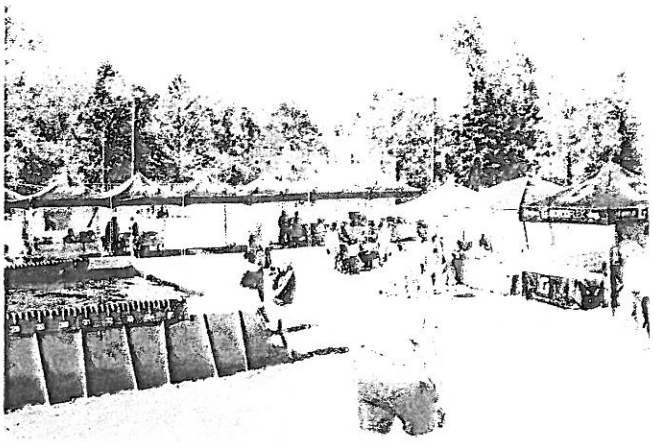
Dog Daze (moved to July this year, previously held in September)

- Partner with the PNSY MWR Program









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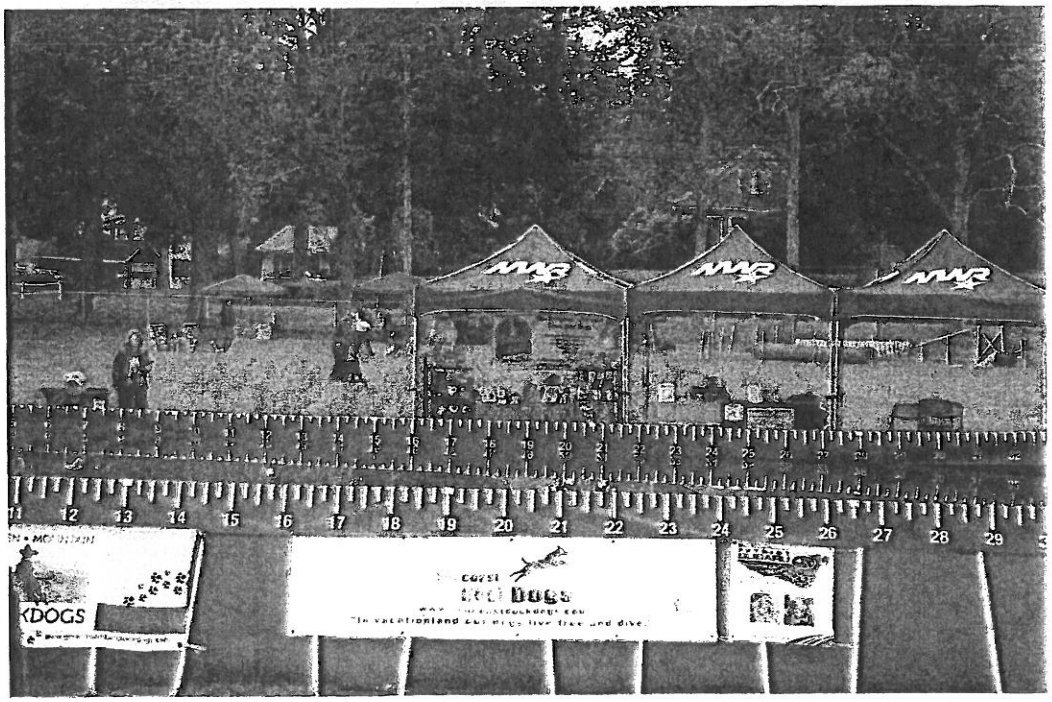
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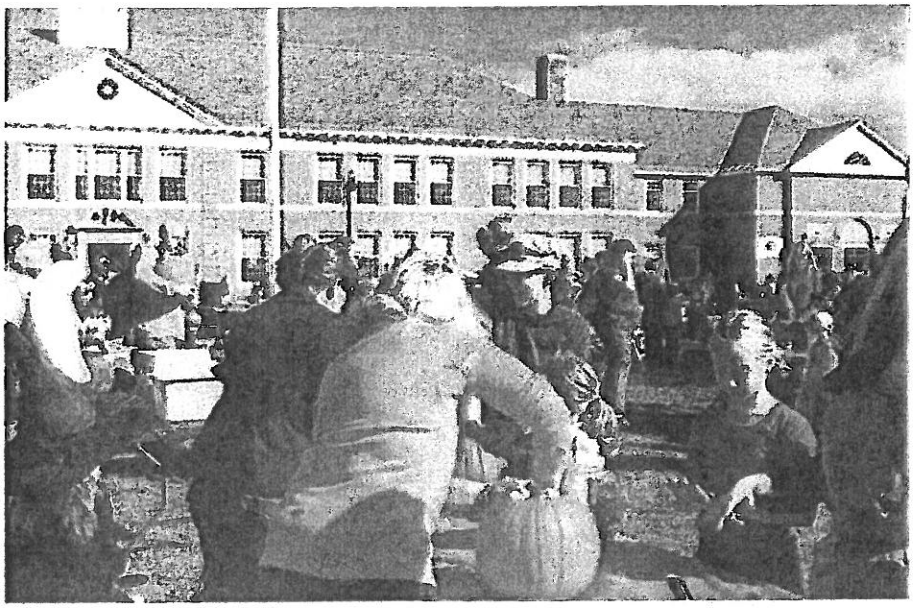

TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

cgranfield@kitteryme.org

Carol M. Granfield
Interim Town Manager

Town Manager's Report to the Town Council
July 6, 2016

1. **Retirement** – Our Commissioner of Public Works, Norm Albert who has been with the Town 38 years is retiring August 31. Recruitment for this position is in progress.

2. **Sewer Betterments –** As a result of feedback from both the Town Council and public regarding the initial proposed plan that was reviewed for discussion purposes, some updates and modifications are in progress. They will be reviewed with the Town Council at a Workshop on July 18 in preparation for final plan adoption at the Special Meeting on August 15 which will be held at 6:00 pm at the Shapleigh School.

3. **John Paul Jones Park –** As an update on the status of the maintenance agreement for the park, we have been in the process of finalizing an updated agreement to continue to provide maintenance of the park and are waiting on a response from the Maine Bureau of Parks and Lands regarding modifications. Additionally, the Bureau hopes to be able to convey the park to the town as soon as it is able to acquire authorization to do so.

4. **Town Manager Search** – Eaton Peabody will begin the recruitment for the position on July 18. They are also soliciting citizens to assist with an interview panel and information is on the town's website along with other locations for advertisements.

5. **PNSY – Traffic –** We continue to meet the Shipyard regarding traffic situations at the Gates and have involved myself, Police Chief and Commissioner of Public Works. Items in discussion include updating a Memorandum of Agreement regarding traffic assistance, a change in outbound traffic at Gate 1, along with continued monitoring of traffic-related issues.

6. **Kittery Water/Island Areas –** Chief Soucy and I viewed the various Kittery harbor water and island areas with the Harbormaster and developed some positive insight into the areas and any related issues. The folks we met along the way appreciated having the visibility of both the Chief and Manager and I believe the Chief plans to have somewhat more police presence in those areas from time to time.

7. **Parking in Foreside Area –** Due to some parking concerns expressed in the Foreside area, I have been working with the Police Chief and Town Planner and will be inviting the businesses and owners of property in the area to a meeting in August to discuss some ideas and seek input for improvement.

8. **Employee Recognition –** Starting in August we will begin recognizing employee service awards once a month at Town Council meetings.

Respectfully Submitted,

Carol

Carol M. Granfield

TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

REPORT TO TOWN COUNCIL

Meeting Date:	July 11, 2016
From:	Norman Albert, Commissioner of Public Works
Subject:	Spruce Creek Sonde Collection Proposal
Councilor Sponsor:	Gary Beers, Chairman

EXECUTIVE SUMMARY

The Department of Public Works (DPW) is requesting Town Council to authorize the release of funds from unassigned surplus (unencumbered surplus) in an amount not to exceed $10,000 to complete the proposed sonde deployment in Spruce Creek for continuous water quality data collection. These funds will count as match for the Maine DEP 319 Spruce Creek Watershed Improvement Project, Phase IV. The estimated project budget will not exceed $10,000 and though not required, an attempt to receive a minimum of three Quotations will be made to select a suitable contractor to complete the work. Data collection will occur in August and September 2016.

STATEMENT OF NEED

Continuing the annual monitoring program is important to the successful continuation of a water quality assessment in the main channel of Spruce Creek and to perform a historical trend analysis.

BACKGROUND

The Town of Kittery has funded annual water sampling efforts since 2008, including bracket sampling to determine point-sources of bacterial contamination in hotspots in the watershed as well as the use of a sonde, or continuous data logger, to assess the overall health of the main channel.

The Maine Department of Marine Resources (DMR) is required to randomly sample select locations six times a year for fecal coliform bacteria, called grab bag sampling. These locations are not the same locations from previous water sampling efforts funded by the Town and are located near known clamflats, not in the main channel. DMR, nor any other agency or interested party, deploys a sonde to collect continuous data.

FACTS BEARING ON THE EQUATION

The Town has collected sonde data in Spruce Creek in 2012, 2013, 2014 and 2015. Having a fifth year of sonde data would enable a historical trend analysis of all of the data, providing the Town with a much more comprehensive understanding of the overall health of the main channel of Spruce Creek. One of the primary benefits of using a sonde, or data logger, is the ability to automatically collect data on a 24-hour basis. Upon activation, the sonde is deployed and anchored in Spruce Creek and left unattended for several weeks to measure and record information for the duration of the monitoring period. The sonde measures dissolved oxygen, temperature, and conductivity (and some years also have relative depth for tracking tidal cycles, turbidity, and ORP), which are indicators of overall health and water quality. The sonde does not measure bacteria, instead provides complimentary information to the bacterial sampling efforts of DMR and previous bacterial sampling

efforts of the Town.

CURRENT SITUATION

At the June 13, 2016 meeting Town Council voted to not fund the 2016 Spruce Creek Sampling Proposal. One component of that proposal included a main channel water quality analysis to determine overall water quality, which the Department of Public Works feels is vital for completion this Summer.

PROPOSED SOLUTION/RECOMMENDATION

The proposed solution is to select a qualified contractor to deploy two continuous data loggers in the main channel of Spruce Creek to determine overall water quality and report back to the Town those results as well as a 5-year historical trend analysis using previous data collected from 2012-2015.

RATIONALE FOR THE PROPOSED SOLUTION (INCLUDING COSTS)

While significant discoveries and improvements have been made over the last ten years in the Spruce Creek watershed, there is still more work to be done. One concern raised by a resident at the March 28, 2016 meeting was a request for a trend analysis of the data collected. In order to have scientific validity, a minimum of five years of data collection is required so having one more year of data collection is vital to achieving this goal. All project funds will count as match for the Maine DEP 319 Spruce Creek Watershed Improvement Project, Phase IV. The estimated Project Budget will not exceed $10,000.

√

TOWN OF KITTERY
Office of the Town Clerk
200 Rogers Road
Kittery, Maine 03904
Phone 207-474-1328 Fax 207-439-6806

RECEIVED
JUN 13 2016
BY:_____

APPLICATION FOR SPECIAL ACTIVITY/AMUSEMENT PERMIT
(Pursuant to 28-A M.R.S.A. Sec. 1054)

Name, address and legal status of individual(s) or entity seeking to hold permit:

Tributary Brewing Co., LLC Galen + Tod Mott
5 Winding Brooke Ln., S. Berwick, ME 03908

Name and mailing address of the premises where the special activity/amusement will occur:

Tributary Brewing Co., 10 Shapleigh Rd., Ste. A, Kittery

Mailing address and telephone number of owner of the real estate: Driscoll Realty Inc.
PO Box 207, Kittery Point 03905 207-

Describe the specific portion of the premises where the special activity/amusement will occur:

Tasting Room

Set forth the specific time periods between which the special activity/amusement will occur:

Wed-Sat 12 pm - ~~12 am~~ 11 pm; Sunday 1pm - 9 pm.

Describe the specific activity or type of amusement for which the permit is requested:

Music - small bands, duos, or solo performers with potential for dancing

Has any individual(s), partner(s), majority shareholder(s) of the business entity, seeking to hold this permit, been convicted of a felony or had any similar type of amusement or activity permit been denied or revoked within the past ten (10) years by any other municipal or state authority, agency or board? Yes___ No ✓

If so, give the state of conviction for any felony and describe specifically the circumstances of any such denial or revocation giving the state or city and date of such denial or revocation:

(Over)

Give any additional information to support your request for the permit sought herein:

As part of this application process, the individual or business entity seeking the permit herein acknowledges that the Municipal Officers, pursuant to 28-A M.R.S.A. Subsection 1054(7) may suspend or revoke the permit applied for herein on the grounds that the activity or amusement constitutes a detriment to the public health, safety or welfare, or violates municipal ordinances or regulations.

Give the authority and legal relationship of the applicant signing below to the entity seeking permit:

Owner & Business Manager

NOTE: In granting this permit, the Town relies on the accuracy and truth of the facts represented herein. Any misleading or incorrect information set forth in this application shall be grounds for denial or immediate revocation of the permit issued. By signing this application, the applicant represents the truth of the facts herein stated.

DATE OF APPLICATION: June 13, 2016

SIGNATURE OF APPLICANT: Galen Mott

APPLICANT'S NAME: Galen Mott
(please print)

ADDRESS: 5 Winding Brooke Ln., S. Berwick, ME 03908
(please print)

TELEPHONE NUMBER: 207 703-0093

FEE: $20.00 per year **Must be renewed annually with liquor license.**

PLEASE SUBMIT THIS FORM AND APPROPRIATE FEE TO THE TOWN CLERK'S OFFICE

TOWN OF KITTERY

Office of the Town Manager
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1329 Fax: 207-439-6806
cgranfield@kitteryme.org

Carol M. Granfield
Town Manager

CONTRACT FOR PROFESSIONAL SERVICES

AGREEMENT entered this seventeenth day of May 2016, by and between the TOWN OF KITTERY, a duly organized Maine municipal corporation with a principal address at 200 Rogers Road, Kittery, Maine (the "Town") and Eaton Peabody Consulting Group, LLC a Maine limited liability company with a principal address of 77 Sewall Street, Suite 3000, Augusta, Maine ("the CONTRACTOR"):

WHEREAS, the Town seeks to engage the services of a firm to assist in the recruitment of a new Town Manager;

WHEREAS, the lowest responsible bid was submitted by Eaton Peabody Consulting Group, LLC a firm with the ability, capacity, and will to perform these services;

NOW THEREFORE, in consideration of the mutual exchange of promises and other provisions herein, the parties hereto agree as follows:

1) Scope of Work. The Contractor shall provide assistance in the recruitment of a new Town Manager. The recruitment process will include:

- developing an overall recruitment strategy with the Town;
- assisting the Town in determining the essential skills and experiences required for the next Town Manager to assist with the issues and challenges facing Town;
- determining, with the Town the process and timeline that will be used in the search;
- preparing a draft employment advertisement for review by the Town;
- determining with the Town where and in what media to advertise (i.e. nationally, regionally, locally, internet and/or newspapers);
- receiving and reviewing all applications including performing initial investigation of the applicants, preparing information packets for the Town on applicants, and assisting the Town regarding suitable applicants to interview;
- scheduling all interviews, assisting with suggested questions, and participating in the interviews as an observer;
- after the Town have selected the finalist(s), complete background checks on the top candidate(s) for the Town and schedule second interviews with questions if necessary,
- be available to answer any questions and assist the Town in their evaluations and selection;
- assisting in contract negotiations for the terms of employment with the selected candidate, if so directed by the Town.
-

2) Dates of performance. The Contractor shall begin work on this Project upon return of this signed Professional Services Agreement and services will continue until such time as a new Manager is hired, or until such time as it is terminated in accordance with Section 11 of this Agreement.

3) Contract Sum. The Town agrees to pay the Contractor the sum of $7,500 (seven thousand five hundred dollars) plus reimbursement of direct expenses such as mileage, printing, and other reasonable expenses incurred, for the services provided in accordance with the terms and conditions herein,

4) The Contract Documents: The following, together with this Agreement, form the Contract and all are as fully a part of the Contract as if attached to this Agreement or herein repeated: Attachment A: **CLICK HERE TO ENTER TEXT.**.

5) Insurance: Throughout the term of this Agreement, the CONTRACTOR agrees to furnish at its sole expense and maintain insurance per the specifications and minimum limits set forth herein:

All insurance is to be provided by a company or companies licensed in the State of Maine

a. Commercial General Liability on an occurrence (as opposed to claims-made) basis with general aggregate limit applicable per policy ~~project~~ (ISO CG2503 or equivalent)

- Each occurrence limit $1,000,000
- General aggregate limit $2,000,000
- Products/Comp. op. aggregate limit $2,000,000

An additional insured provision is to apply for the TOWN, its officers, officials, agents, and employees on a primary, non-contributory basis. Coverage for contractual liability is to be included for the indemnification provisions of this Agreement.

b. Auto Liability for owned, hired and non-owned autos with a single limit for each accident of $1,000,000. Eaton Peabody Consulting Group does not own any vehicles.

c. Workers' Compensation insurance to comply with the requirements of Maine statutes, plus employers' liability for:

- Each accident: $500,000
- Each employee (disease): $500,000
- Policy limit (disease): $500,000

All policies shall be so written that the Kittery Town Manager will be notified of cancellation or restrictive amendment ~~at least ten (10) days prior to the effective date of such cancellation or amendment~~ in accordance to policy provisions. A certificate of insurance from the CONTRACTOR'S insurance carrier showing at least the coverage and limits of liability specified above and the inception and expiration dates shall be filed with the Town Manager at least seven (7) calendar days before operations are begun.

6) Payments. Payment will be made by the Town based upon receipt of an invoice from the Contractor. The Town shall issue payment to the Contractor within thirty (30) days of receipt of the invoice or Application for Payment.

7) Independent Contractor. The Town and the Contractor intend that the relationship established between them pursuant to this Contract is that of client and independent contractor. No agent, employee, or servant of the Contractor is or may deemed to be an employee, agent or servant of the Town.

8) Maine Law. This Contract will be construed in accordance with and governed by the laws of the State of Maine.

9) Town's Representative. The Town's representative under this Contract is Carol M. Granfield. All notices or communications required under this Contract shall be in writing and sent to Carol M. Granfield at the forgoing address.

10) Indemnification. Notwithstanding the availability and policy limits of any insurance, the Contractor hereby agrees to defend, indemnify and hold harmless the Town, its officers, officials, and employees ("Indemnified Parties") against any claims made or legal actions brought against an Indemnified Party(ies) by any person or entity as a result of or arising from injuries, damages, expenses and losses actually or allegedly incurred by such a person or entity ("Liabilities") arising out of or relating to the Contractor's gross negligence in the performance or failure to perform pursuant to this Contract, except where the Liabilities are the result of an Indemnified Party's own direct and sole gross negligence. This obligation shall survive the termination, completion or expiration of this Contract. The Contractor shall promptly notify the Town of any claim or action brought in connection with this Contract and thereupon shall promptly take over and defend any such claim or action.

11) Termination. If the Contractor is adjudged a bankrupt, or if he shall make a general assignment for the benefit of his creditors, or if a receiver of his property is appointed, or if the work to be done under the Contract is abandoned, or if the Contract or any part thereof is sublet without the previous written consent of the Town, or if the Contract or any claim thereunder is assigned by the Contractor otherwise than as herein specified, or if at any time the Town is of the opinion that the work, or any part thereof, is unnecessarily or unreasonably delayed, or that the Contractor has violated any of the provisions of the Contract, the Town may notify the Contractor to discontinue all work, or any part thereof and thereupon the Contractor shall discontinue such work or such part thereof as the Town may designate, remove his equipment, tools, supplies and materials as the Town directs, and the Town may thereupon, by contract or otherwise, as it may determine, complete the work, or such part thereof, and charge the entire expense of so completing the work or any part thereof to the Contractor. Contractor may terminate this Agreement upon a breach by Town or on reasonable notice in the event Don Gerrish is not able or available to perform services on behalf of Contractor under this Agreement.

12) Severability of Provisions. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

13) Amendments. This Contract may be amended by a written amendment duly executed by the parties hereto. No modifications, waiver or alternation of the Contract or any term herein is enforceable unless it is in writing and duly executed by both the Town and the Contractor.

14) Entire Agreement. This Contract constitutes the entire agreement between the parties with respect to the matters addressed herein.

IN WITNESS WHEREOF, the parties hereto intending to be legally bound have caused their duly authorized representatives to set their hands on seals on their behalf on the date and year set forth below.

TOWN OF KITTERY
By its Interim Town Manager

_____
Carol M. Granfield

Date: _____, 2016

CONTRACTOR
Eaton Peabody Consulting Group LLC

By: _____
Name: Rickmond K. McCarthy
Title: Managing Director

Date: _____, 2016

I hereby certify that sufficient
Funds are available for this Contract.

_____
Cindy Saklad, Finance Director

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 6/13/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME: Jodie Herrick
Cross Insurance 74 Gilman Road P.O. Box 1388 Bangor ME 04401	PHONE (A/C, No, Ext): (207) 947-7345 FAX (A/C, No): E-MAIL ADDRESS: jherrick@crossagency.com
INSURED	INSURER(S) AFFORDING COVERAGE / NAIC #
Eaton Peabody Consulting Group, LLC P.O. Box 1210 Bangor ME 04402	INSURER A: Chubb Ins Co INSURER B: Peerless Insurance Co. INSURER C: Hanover Insurance Group INSURER D: INSURER E: INSURER F:

COVERAGES **CERTIFICATE NUMBER:** CL1661375359 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
B	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC			BOP9294607	02/01/2016	02/01/2017	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 50,000 $ 5,000 $ 1,000,000 $ 2,000,000 $ 2,000,000
B	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS X HIRED AUTOS X NON-OWNED AUTOS			BOP9294607	02/01/2016	02/01/2017	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $
B	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED X RETENTION $ 10,000			CU9294907	02/01/2016	02/01/2017	EACH OCCURRENCE AGGREGATE	$ 5,000,000 $ 5,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		WC9638654	10/01/2015	10/01/2016	X WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 500,000 $ 500,000 $ 500,000
A	Professional Liability			8221-4551	12/09/2015	12/09/2016	Each Claim/$5,000 Retention	$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

A 30 day notice of cancellation applies with the exception of cancellation for non-payment of premium, which provides a 10 day notice. The Certificate Holder is named as Additional Insured but only with respect to general liability arising out of the operation of the named insured as required by written contract.

CERTIFICATE HOLDER

Town of Kittery
Carol Granfield
Interim Town Manager

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Jodie Herrick/JAH Jodie Herrick

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Maine Municipal Association
60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

Memorandum

To: Key Municipal Officials of MMA's Member Municipalities
From: Stephan Bunker, President, Maine Municipal Association
Date: June 23, 2016
Re: Ballots for Election to MMA'S Legislative Policy Committee

MMA's member municipalities have made their nominations for the 2016-2018 Legislative Policy Committee (LPC). It is now time to elect your representatives to serve on the Committee. The election ballot is enclosed. The ballot must be completed by the Board of Selectmen or Town or City Council of your municipality.

Number of votes

Most municipalities are asked to vote for two candidates, because there are two elected LPC members for most districts. Some municipalities only vote for one candidate, because the other LPC member in that district is appointed. ***You are instructed on the ballot (above the list of candidates) whether to vote for two candidates or just one.***

Candidate profiles

If you are not familiar with any of the candidates, please review the Candidate Profiles on the back of the ballot. Feel free, also, to contact the candidates directly.

Write-in candidates

In addition to the candidates listed on the ballot, you may vote for a candidate whose name you write in. The write-in candidate need not be from your municipality, but must be an elected or appointed official from a municipality in your Senate/LPC district. *Check to be sure the write-in candidate is willing to serve if elected!* Write-in candidates should be communicating their interest in serving among the municipal officers within their district.

If you are instructed to vote for two candidates and only one candidate is on the ballot, please use the "write-in" line for your second vote if you know of someone who is willing to serve.

Deadline for returning ballot

Return ballot by 5:00 p.m. on **August 5, 2016** to:

State and Federal Relations Dept.
Maine Municipal Association
60 Community Drive, Augusta, ME 04330
FAX: 624-0129

Your participation is important – Thank You!

OFFICIAL BALLOT – District 35

Maine Municipal Association's Legislative Policy Committee
July 1, 2016 – June 30, 2018

VOTE FOR TWO:

☐ Perry Ellsworth, Manager, Town of South Berwick

☐ _____ (✎ write in)
(name) (position) (municipality)

Candidate Profiles Are On Reverse Side

MUNICIPALITY: _____ DATE: _____

✍ BY SELECTMEN/COUNCILORS:

_____ _____
signature print name

_____ _____
signature print name

_____ _____
signature print name

_____ _____
signature print name

_____ _____
signature print name

Return by 5:00 p.m., August 5, 2016 to:

Laura Ellis, Maine Municipal Association
60 Community Drive, Augusta, ME 04330
Fax: 624-0129
(over)

LPC Senate District 35

Berwick (part)	Kittery	South Berwick
Eliot	Ogunquit	York

Candidate Profile:

Perry Ellsworth has served municipal government in a variety of capacities for 34 years. He has served the Town of South Berwick as Manager for 5 ½ years. Prior to that he was Manager in Rangeley for 6 ½ years, Selectman Chair in Strong for 7 years, served on Planning Board and School Boards including as Director and served on the Franklin County Budget Committee for 6 years. He also served on the Maine Town and City Managers' Executive Board. Mr. Ellsworth has enjoyed representing his District on the LPC over the past two terms and would like to continue his service because he feels that municipalities continue to lose their fair share of funding as established by legislation passed through previous Legislatures or through questions at annual meetings. He has testified on bills at the Legislature and currently chairs the York County Advocacy Group. He has the full support of his Council to continue his time and efforts in this regard and his Council has often testified along with him.

TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

REPORT TO TOWN COUNCIL

Meeting Date:	July 11, 2016
From:	Ann Grinnell, Planning Board Chair & Chris Di Matteo, Town Planner
Subject:	Town Code amendments to Title 16, Land Use & Development Code
Councilor Sponsor:	Gary Beers, Chair

EXECUTIVE SUMMARY

The following sections of Title 16 require code amendments in order to provide greater clarity, remove outdated references and inconsistencies, and update provisions to allow for more conformance with the Town's Comprehensive Plan. The final amendments have been revised following comments from Town Council during a joint workshop on May 16, 2016 and have received required planning board review and public hearing notice per Maine Revised Statue 30-A § 4352 Zoning Ordinance.

ITEM 1 – 16.10.3 – Development Plan Review and Approval Process; 16.10.3.2 Other Development Review; 16.10.3.4 Shoreland Development Review; 16.10.10 Shoreland Development Review; 16.10.10.1.1 Permits Required; 16.10.10.1.2 Permit Application; 16.10.10.2 Procedure for Administering Permits

- This group of amendments was developed to respond to the many review applications the Planning Board receives that do not include development within the 100 or 75-foot setback in the Shoreland Overlay Zone.
- The amendments allows for the Code Enforcement Officer to review and approve development in the Shoreland Overlay Zone that is not within the required setback, no longer requiring planning board review.
- The final draft takes into consideration comments from Town Council's review at the joint workshops held on February 1, and May 16, 2016, a public hearing held February 25, 2016 and a review from MDEP. The Planning Board voted to recommend the amendments to Town Council following the February 25 public hearing.

Initial Review	Public Notice	Public Notice	Public Hearing	Vote to Recommend to Town Council
1/14/2016	2/12/2016	2/18/2016	2/25/2016	2/25/2016

ITEM 2 - 16.3.2.17.D – Shoreland Overlay Zone Standards; and 16.2.2 - Definitions

- The proposed amendment remove redundancies and improves consistency with regard to language and intention specifically addressing the provision to require no more than 20% devegetated area on the lot within the Shoreland Overlay Zone.
- The final draft reflects revisions from an several reviews with the Planning Board, MDEP and Town Council during a joint workshop held on May 16, 2016. A public hearing was held on

June 28, 2016. The Planning Board voted unanimously to recommend the amendment to Town Council following the public hearing.

Initial Review	Public Notice	Public Notice	Public Hearing	Vote to Recommend to Town Council
3/24/2016	6/9/2016	6/15/2016	6/23/2016	6/23/2016

ITEM 3 –16.2 Definitions; 16.8.8.2.3 Applicability; 16.10.7.2 Final Plan Application Submittal Content

- The proposed amendments provide clarity to requirements and applicability for a Post-Construction Stormwater Management Plan, required as part of the Town's Municipal Separate Storm Sewer System (MS4) permit.
- The final draft incorporates comments and suggestions provided by the Planning Board and Town Council during the joint workshops, held on February 1 and May 16, 2016.

Initial Review	Public Notice	Public Notice	Public Hearing	Vote to Recommend to Town Council
1/14/2016	2/12/2016	2/18/2016	2/25/2016	2/25/2016

ITEM 4 - Table 1 – chapter 16.8, Article IV – Design and Construction Standards for Streets and Pedestrian Ways

- The proposed amendment removes the cul-de-sac standards for *Secondary Collectors* listed in Table 1, items a, b, and c. In addition second access requirement for *Secondary Collectors* has been modified to not allow for "emergency access only" as a substitute.
- The amendment is consistent with 16.8.4.2.C that development requiring 201 or more trips per day ADT is "to have at least two street connections with existing public street(s)" and in keeping with the general understanding that "collectors" are not dead-end streets.
- The amendment was introduced for initial review on March 24, 2016 and was reviewed with Town Council during the joint workshop on May 16, 2016. The Planning Board voted to recommend for adoption following the June 23, 2016 public hearing.

Initial Review	Public Notice	Public Notice	Public Hearing	Vote to Recommend to Town Council
3/24/2016	6/9/2016	6/15/2016	6/23/2016	6/23/2016

ITEM 5 - 16.3.2.15.A - Mixed Use – Kittery Foreside Purpose; 16.3.2.15.D -Standards; 16.3.2.15.F – Design Review

- The proposed amendment removes language referencing the inactive Kittery Foreside and Foreside Design Review Committee from the Mixed Use – Kittery Foreside base zone. The design standards still remain and will be administered by the Planning Board, or the Code Enforcement Officer where applicable, as with other required standards. Or the reviewing authority can require a peer-review of the architectural design for more involved and complex proposals as provided under 16.10.3.7 Independent Peer Review.
- The Planning Board completed an initial review on April, 28, 2016. Final review of the amendment was held following a public hearing on May 26, 2016. The Planning Board voted to recommend the amendments to Town Council at that date.

Initial Review	Public Notice	Public Notice	Public Hearing	Vote to Recommend to Town Council
4/28/2016	5/13/2016	5/19/2016	5/26/2016	5/26/2016

STATEMENT OF NEED

The Town Council adoption of the subject amendments listed above is required for greater clarity, and updated references and definitions, and up-to-date provisions that allows for more consistency when applying the code, and provides for greater conformance to the Town's Comprehensive Plan

BACKGROUND

The proposed amendments have received substantial review by the Planning Board. Required public hearings have been properly noticed and held, and a joint workshop with the Council and the Board took place on May 16, 2016. The Planning Board review notes have not been included, however, can be provided if needed.

FACTS BEARING ON THE EQUATION

See Executive Summary

CURRENT SITUATION

The question to adopt proposed amendments to the Town Code, Title 16 comes before the Council.

PROPOSED SOLUTION/RECOMMENDATION

Schedule a public hearing on July 25, 2016

RATIONALE FOR THE PROPOSED SOLUTION (INCLUDING COSTS)

There is no budgetary cost to the Town of Kittery with regard to these amendments

Chapter 16.2 Definitions

16.2.2 Definitions.

Development means:
1) a change in land use involving alteration of the land, water or vegetation, or
2) the addition or alteration of structures or other construction not naturally occurring.

Chapter 16.10 Development Plan Application and Review

Article III. Development Plan Review and Approval Process

16.10.3.1 General Development, Site, and Subdivision Plans Review.

All proposed development including site, subdivision, business use and other development must be reviewed for conformance with the procedures, standards and requirements of this Code by the Planning Board except as provided herein, but in all cases by the Town Planner and Code Enforcement Officer and where required the Board of Appeals as provided herein.

16.10.3.2 Other Development Review.

~~An applicant or applicant's authorized agent must obtain Planning Board approval in accordance with this Code for all development except the following, unless located within the Shoreland Overlay or Resource Protection Overlay Zones:~~ Unless subject to a Shoreland Development Plan Review per 16.10.3.4, the following do not require Planning Board approval:

A. Single and duplex family dwellings~~,~~. ~~except if within either a Shoreland or Resource Protection Overlay Zone,. in addition to other criteria specified in Article X of Chapter 16.10, applicable to the granting of a special exception use request, the Planning Board must review and may approve a development plan for a one to two family residential structure, provided the applicant meets all of the applicable Design and Performance Standards.~~

B. Expansion of existing use where the expanded use will require fewer than six additional parking spaces.

C. Division of land into lots (i.e., two lots) which division is not otherwise subject to Planning Board review as a subdivision.

D. Business use as provided in Section16.4.3.5.

16.10.3.4 Shoreland Development Review.

A. All development in the Shoreland, Resource Protection, and Commercial Fisheries/Maritime Uses Overlay Zones involving the use, expansion, change or replacement of an existing use or structure, or renewal of a discontinued non-conforming use must be reviewed and approved as provided in 16.10.10 and elsewhere in this Code, and tracked as a shoreland development for reporting purposes.

B. All development in the Shoreland, Resource Protection, and Commercial Fisheries/Maritime Uses Overlay Zones must be approved by the Planning Board except for the following:

---

1. Proposed development of principal and accessory structures in compliance with 16.3.2.17.D.2. when not subject to Planning Board review as explicitly required elsewhere in this Title. Such proposed development must be reviewed and approved by the Code Enforcement Officer (CEO) prior to issuing a building permit. The total devegetated area of the lot (that portion within the Shoreland Overlay Zone) must be calculated by the applicant and verified by the CEO and recorded in the Town's property records. Any development proposed in the Resource Protection and Shoreland - Stream Protection Area Overlay Zones must be approved by the Planning Board.

2. Piers, docks, wharves, bridges and other structures and uses extending over or below the Highest Annual Tide (HAT) elevation, subject to review and approval by the Port Authority as outlined in Title 16.11 Marine related development.

3. Division of a conforming parcel that is not subject to subdivision as defined in 16.2.2,

4. Clearing of vegetation for activities other than timber harvesting. These are subject to review and approval by the Shoreland Resource Officer or Code Enforcement Officer.

Article X. Shoreland Development Review

16.10.10.1 General.

16.10.10.1.1 Permits Required.

A. After the effective date of this code, no person may, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the shoreland or resource protection overlay zones in which such activity or use would occur, or expand, change or replace an existing use or structure, or renew a discontinued nonconforming use.

B. When replacing an existing culvert, the watercourse must be protected so that the crossing does not block fish passage, and adequate erosion control measures must be taken to prevent sedimentation of the water in the watercourse.

C. A permit is not required for the replacement of an existing road culvert provided the replacement culvert is not:

1. More than one standard culvert size larger in diameter than the culvert being replaced,

2. More than twenty-five (25) percent longer than the culvert being replaced, and

3. Longer than seventy-five (75) feet.

D. A permit is not required for an archaeological excavation provided the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

E. Any permit required by this Section is in addition to any other permit required by other law or ordinance.

16.10.10.1.2 Permit Application.

A. Every applicant for a Shoreland Development Review permit must ~~complete and~~ submit a completed ~~Kittery~~ application form and a site plan drawn to scale as indicated in Section 16.10.5.2.B, to the Code Enforcement Officer ~~appropriate official as indicated in Section 16.10.5.2B~~. With consideration of the development's overall limited scale and impact to the site, the appropriate reviewing authority may waive or modify application submittals required in 16.10.5.2.B.

B. All applications must be signed by the owner, ~~owners or lessee of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property then that person must submit a letter of authorization from the owner or lessee.~~ or an agent with written authorization from the owner, to apply for a permit hereunder, certifying that the information in the application is complete and correct.

C. All applications must be dated, and the Code Enforcement Officer, ~~Town Planner, Town Clerk or Kittery Port Authority, as appropriate~~ or designee, must note upon each application the date and time of its receipt ~~by each~~.

D. Whenever the nature of the proposed structure requires the installation of a subsurface sewage disposal system, a completed application for a subsurface wastewater disposal permit must be submitted. The application must include a site evaluation approved by the Plumbing Inspector.

16.10.10.2 Procedure for Administering Permits.

Within thirty five (35) days of the receipt of a written application, the Town Planner for Planning Board review or Code Enforcement Officer for all other review, and as indicated in Section 16.10.~~5.2B~~3.4, must notify the applicant in writing that the application is or is not complete. If the application is incomplete, the written notification must specify the additional material required to complete the application.

A. The Code Enforcement Officer is required to approve, approve with conditions or deny all permit applications in writing within thirty-five (35) days of receiving a completed application.

B If the Planning Board has a waiting list of applications, a decision on the application will occur within thirty-five (35) days after the first available date on the Planning Board's agenda following receipt of the completed application, or within thirty-five (35) days of the public hearing, if one is held.

C. Permits will be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this section.
The applicant is required to demonstrate, to the satisfaction of the reviewing authority, that the proposed land use activity is in conformance with the purposes and provisions of this Code.

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 that 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; and
10. recorded with the York County Registry of Deeds.

Chapter 16.3 Land Use Regulations
Article II. Zone Definitions, Uses, Standards
16.3.2.17 Shoreland Overlay Zone

16.3.2.17.D. Standards. (Effective 2/28/15)

1. Minimum lot standards

a. Minimum lot size by base zone, within the

Residential–Village (R-V) zone	8,000 square feet
Residential–Urban (R-U) zone	20,000 square feet
Residential–Rural (R-RL), Residential–Suburban (R-S) and Residential–Kittery Point Village (R-KPV) zones	40,000 square feet
Commercial (C1), (C2), (C3), Industrial (IND), Business-Local (B-L) and Business-Local 1 (B-L1)zones	60,000 square feet
Residential-Rural Conservation (R-RLC) zone	80,000 square feet
Business-Park (B-PK) zone	120,000 square feet
Mixed-Use Badgers Island (MU-BI) zone	6,000 square feet
Mixed-Use Kittery Foreside (MU-KF) zone	10,000 square feet

b. Minimum land area per dwelling unit by base zone, within the

Residential–Village (R-V) zone	8,000 square feet
Business-Pa rk (B-PK) zone	10,000 square feet
Residential–Urban (R-U), Business-Local (B-L) and Business-Local 1 (B-L1) zones	20,000 square feet
Mixed Use (M-U), Residential–Rural (R-RL), Residential–Suburban (R-S) and Residential–Kittery Point Village (R-KPV) zones	40,000 square feet.
Residential-Rural Conservation (R-RLC) zone	80,000 square feet.
Mixed-Use Badgers Island (MU-BI) zone	6,000 square feet
*3,000 square feet for the first two dwelling units	
Mixed-Use Kittery Foreside (MU-KF) zone	10,000 square feet

c. Minimum Shore frontage by base zone per lot and dwelling unit

Mixed Use-Badgers Island (MU-BI)	25 feet
Residential-Village (R-V), Residential Urban (R-U), and Mixed-Use Kittery Foreside (MU-KF) zones	50 feet
Mixed Use (M-U), Commercial (C1), (C2), (C3),Industrial (IND), Business-Park (B-PK), Business-Local (B-L) and Business-Local 1 (B-L1) zones (shore frontage per lot)	150 feet
(shore frontage per dwelling unit)	50 feet
Residential-Rural (R-RL), Residential-Suburban (R-S), and Residential-Kittery Point Village (R-KPV) zones	
(shore frontage per lot)	150 feet
(shore frontage per dwelling unit)	100 feet
Residential-Rural Conservation (R-RLC) zone (per lot and dwelling unit)	250 feet

The minimum shore frontage requirement for public and private recreational facilities is the same as that for residential development in the respective zone.

d. The total footprint of ~~areas~~ devegetated area ~~for structures, parking lots and other impervious surfaces,~~ must not exceed twenty (20) percent of the lot area located within the Shoreland Overlay Zone, ~~including existing development,~~ except in the following zones:

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

ii. Commercial (C1, C-2, C-3), Business – Local (B-L and B-L1), and Industrial (IND) Zones where the maximum ~~lot coverage~~ devegetated area is seventy (70) percent.

iii. Residential – Urban (R-U) Zone where the lot is equal to or less than ten thousand (10,000) square feet, the maximum devegetated area is fifty (50) percent. ~~Notwithstanding the above limits, vegetated surfaces must exceed fifty (50) percent of the lot area when the lot, being no greater in size than ten thousand (10,000) square feet, is situated in both the Residential - Urban Zone (R-U) and the Shoreland Overlay Zone.~~

iv. ~~In the Shoreland Overlay zone within the Mixed Use (M-U) zone, the maximum lot coverage is 20%.~~

2. Principal and Accessory Structures – Setbacks and Development.

a. All new principal and accessory structures (except certain patios and decks per Section 16.3.2.17.D.2.b~~,~~) must be set back ~~as follows:~~ at least one hundred (100) feet, horizontal distance, from the normal high water line of any water bodies, tributary streams, the upland edge of a coastal wetland, or the upland edge of a freshwater wetland, with the following exceptions:

i. In the Mixed Use – Badgers Island and Kittery Foreside Zones, the setback requirement is seventy-five (75) feet, horizontal distance, from the normal high-water line of any water bodies, or the upland edge of a wetland unless modified according to the terms of Sections 16.3.2.14.D & E and 16.3.2.15.D.

ii. In the Resource Protection Overlay Zone the setback requirement is 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in the zone, in which case the setback requirements specified above apply.

iii. The water body, tributary stream, or wetland setbacks do not apply to structures that require direct access to the water body or wetland as an operational necessity, such as piers and retaining walls, nor does it apply to other functionally water-dependent uses, as defined in 16.2.

~~i. At least one hundred (100) feet, horizontal distance, from the normal high water line of any water bodies, tributary streams, the upland edge of a coastal wetland, or the upland edge of a freshwater wetland, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any water bodies, or the upland edge of a wetland on the Mixed Use - Badgers Island and the Kittery Foreside Zones, unless modified according to the terms of Sections 16.3.2.14.D & E and 16.3.2.15.D &E,, except~~

~~that in the Commercial Fisheries/Maritime Uses Overlay Zone there is no minimum setback requirement. In the Resource Protection Overlay Zone the setback requirement is 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in the zone, in which case the setback requirements specified above apply.~~ **{Item moved to be included with 16.3.2.17.D.2.a, 16.3.2.17.D.2.a.i and 16.3.2.17.D.2.a.ii}**

~~ii. The water body, tributary stream, or wetland setback provision does not apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers and retaining walls, nor does it apply to other functionally water-dependent uses.~~ **{Item moved to be included with 16.3.2.17.D.2.a.iii}**

b. Accessory patios or decks no larger than five hundred (500) square feet in area must be set back at least seventy-five (75) feet from the normal high water line of any water bodies, tributary streams, the upland edge of a coastal wetland, or the upland edge of a freshwater wetland. Other patios and decks must satisfy the normal setback required for principal structures in the Shoreland Overlay Zone.

c. If there is a bluff, setback measurements for principal structures, water and wetland must be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant to its "Classification of Coastal Bluffs" and published on the most recent Coastal Bluff map. If the applicant and Code Enforcement Officer are in disagreement as to the specific location of a "highly unstable" or "unstable" bluff, or where the top of the bluff is located, the applicant is responsible for the employment a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, or a Maine State Geologist qualified to make a determination. If agreement is still not reached, the applicant may appeal the matter to the Board of Appeals.

d. Public access to the waterfront must be discouraged through the use of visually compatible fencing and/or landscape barriers where parking lots, driveways or pedestrian routes abut the protective buffer. The planting or retention of thorny shrubs, such as wild rose or raspberry plants, or dense shrubbery along the perimeter of the protective buffer is encouraged as a landscape barrier. If hedges are used as an element of a landscape barrier, they must form a solid continuous visual screen of at least three feet in height immediately upon planting.

e. On a nonconforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the Code Enforcement Officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure must not exceed eighty (80) square feet in area nor eight (8) feet in height, and must be located as far from the shoreline or tributary stream as practical and meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case will the structure be allowed to be situated closer to the shoreline or tributary stream than the existing principal structure.

f. The lowest floor elevation or openings of all buildings and structures, including basements, must be elevated at least one foot above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils.

~~g. The total footprint of 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. Badgers Island and Kittery Foreside Zones, where the maximum lot coverage is sixty (60) percent. The Board of Appeals may approve a miscellaneous appeal application to increase allowable lot coverage in the Badgers Island district to seventy (70) percent where it is clearly demonstrated that no practicable alternative exists to accommodate a water-dependent use.~~

~~ii. Commercial (C-1, C-2, C3), Mixed Use (MU), Business – Local (B-L and B-L1), and Industrial (IND) Zones where the maximum lot coverage is seventy (70) percent.~~
~~Notwithstanding the above limits, non-vegetated surfaces must not exceed fifty (50) percent of the lot area when the lot, being no greater in size than ten thousand (10,000) square feet, is situated in both the Residential - Urban Zone (R-U) and the Shoreland Overlay Zone~~ {See 16.3.2.17.D.1.d}

~~h.~~g. Stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided the:

i. structure is limited to a maximum of four feet in width;

ii. structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S. §480-C); and

iii. applicant demonstrates that no reasonable access alternative exists on the property.

~~i~~h. If more than one dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel in the Shoreland Overlay zone, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

Chapter 16.2 Definitions

16.2.2 Definitions

Designated historic building means a building listed on or located within an historic district listed on the National Register of Historic Places or a list of historic buildings or local historic districts published by the Maine Historic Preservation Office, or contained in the Town's adopted comprehensive plan.

Devegetated Area means the total area of all existing and proposed structures, driveways, parking areas and other non-vegetated surfaces located in the Shoreland Overlay and Resource Protection Zones.

Developer means any person, firm, corporation, or other legal entity that makes application for any type of development within the Town.

Chapter 16.2 Definitions

16.2.2 Definitions.

Post-Construction Stormwater Management Plan means an Inspection and Maintenance Plan as required by rule for projects that require approval by the Maine Department of Environmental Protection (MDEP) under Chapter 500, Stormwater Management; or a plan to inspect and maintain Best Management Practices (BMPs) and Stormwater Management Facilities employed by a new development or redevelopment, not subject to MDEP Chapter 500 rules, to meet the stormwater standards of ~~the municipality's subdivision, site plan, or other zoning, planning or other land use ordinances~~ this Code.

Chapter 16.8 Design and Performance Standards – Build Environment

Article VIII Surface Drainage

16.8.8.2 Post-Construction Stormwater Management

16.8.8.2.3 Applicability.

A. In General.

This Section applies to all new development or ~~construction~~ redevelopment (any construction activity on premises already improved that ~~does~~ alters stormwater drainage patterns) ~~activity~~ including one acre or more of disturbed area, or activity with less than one acre of total land area that is part of a subdivision, if the subdivision will ultimately disturb an area equal to or greater than one acre. ~~and; redevelopment or construction activity on premises already improved with buildings and structures or activities or uses, but does not include activities such as exterior remodeling.~~

Chapter 16.10 Development Plan Application and Review

Article VII Final Plan Review and Decision

16.10.7.2 Final Plan Application Submittal Content.

R. Stormwater management plan for stormwater and other surface water drainage prepared by a registered professional engineer including the location of stormwater and other surface water drainage area~~,~~; a Post-Construction ~~Maintenance~~ Stormwater Management Plan ~~and Agreement~~ that defines maintenance responsibilities, responsible parties, shared costs, and schedule for maintenance; a draft Maintenance Agreement for Stormwater Management Facilities; and, where applicable, draft documents creating a homeowners association referencing the Maintenance responsibilities. Where applicable, ~~a~~ the Maintenance Agreement must be included in the Document of Covenants, Homeowners Documents and/or as riders to the individual deed and recorded with the York County Registry of Deeds.

Table 1 - Chapter 16.8, Article IV

DESIGN AND CONSTRUCTION STANDARDS FOR STREETS and PEDESTRIAN WAYS

Page ONE	**PUBLIC STREETS**						**PRIVATE STREETS**		
Design and Construction Standards	Arterial Highways	Secondary Highways	Commercial Light Industrial Mixed Use Developments	Primary Collectors	Secondary Collectors	Minor Streets	Class III	Class II	Class I
Average Daily Trips (ADT)	**9,001 or more**	**3,001 to 9,000**	**ADT and Peak**	**801 to 3,000**	**201 to 800**	**35 to 200**	**72 to 800**	**35 to 71**	**12 to 35**
Street Width Design:	Streets in this classification will generally be affected by development rather than constructed, and may require drainage, soil, use, traffic safety, and impact studies beyond the scope of this title for required improvements and/or construction.		Commercial, li ght industrial and mixed use development(s) streets shall be constructed to no less than secondary collector standards and may be subject to higher standards depending upon the traffic generation and use(s) intended.				Same standards as public streets (~~Primary collectors,~~ secondary collectors, and minor streets) based on average daily trips count (ADT) calculated from the latest edition of the ITE Codes.		
a. Right-of-way				60'	60'	60'		40'	40'
b. Travel Pavement				22'	22'	20'		20'	18' gravel
c. Sidewalk/Pedestrian way				6'	6'	5'		5'	5'
d. Paved Shoulder				2' walk side 8' opp. Side	2' walk side 8' opp. Side	2' walk side 8' opp. Side		N/A	N/A
e. Gravel Shoulder				2' opp. Side	2' opp. Side	2' opp. Side		both sides	N/A
f. Enclosed Drainage				sidewalk side	sidewalk side	Not required		N/A	N/A
g. Parking				one side	emergency	emergency		emergency	No
Street Gradients:									
a. Longitudinal (Min. to Max)				.05% to 6%	.05% to 7%	.05% to 8%		.05% to 9%	1.0% to 10
b. Slide Slope (horiz. to vert.)				3 to 1	3 to 1	3 to 1		2 to 1	2 to 1
c. Road Crown				1/4"per ft	1/4" per ft	1/4"per ft		¼" to ½" per ft	¼" to ½" per ft
Cul-de-sac:									
a. Street Length to Radius				N/A	~~1,500'~~ N/A	1,200'		600'	400'
b. Boundary Radius				N/A	~~65'~~ N/A	60'		50'	50' or 40 X 40 turn tee
c. Paved Radius				N/A	~~50'~~ N/A	50'		40'	gravel 40' 18' X 18'
~~d.~~ Second Access				Yes	Yes~~; can be emergency only~~	Not desirable		Not Allowed	Not Allowe

Chapter 16.3 Land Use Zone Regulations

Article II Zone Definitions, Uses, Standards

16.3.2.15 Mixed Use - Kittery Foreside MU-KF.

16.3.2.15.A. Purpose.

To provide business, service, and community functions within the Mixed Use - Kittery Foreside zone and to provide a mix of housing opportunities in the historic urbanized center of the community and to allow for use patterns which recognize the densely built-up character of the zone and the limitations for providing off-street parking. Design ~~review is~~ standards are used to facilitate the revitalization of downtown Kittery Foreside as a neighborhood center, while promoting economic development of service businesses and walk-in shopping as well as respecting the zone's historic and residential character.

[NOTE: The existing sections 16.3.2.15.B and 16.3.2.15.C are not being amended]

D. Standards.

1. The design and performance standards of Chapters 16.8 and 16.9 must be met except where specifically altered in this subsection.

2. Dimensional Standards. The following space standards apply:

Minimum land area per dwelling unit	5,000 square feet
Minimum lot size	5,000 square feet
Minimum street frontage	0 feet
Minimum front yard along:	
Government Street east of Jones Avenue including Lot 107 at the corner of Government and Walker Streets	0 feet
other streets	10 feet
Wallingford Square (Ordained 9/24/12; effective 10/25/12)	0 feet
Minimum rear and side yards	10 feet
Minimum separation distance between principal buildings on the same lot	10 feet
Maximum building height	40 feet*
*Except that for buildings located on lots that abut tidal waters, the highest point on the primary structure of the building including the roof, but excluding chimneys, towers, cupolas, and similar appurtenances that have no floor area, may be not more than thirty-five (35) feet above the average grade between the highest and lowest elevations of the original ground level adjacent to the building.	
Minimum setback from:	
water body and wetland water dependent uses	0 feet
all other uses (including buildings and parking)	75 feet unless modified, according to the terms

	of subsection (E) of this Section.
Maximum building coverage	60 percent
Minimum open space on the site	40 percent
Minimum land area per unit for eldercare facilities that are connected to the public sewerage system:	
dwelling unit with two or more bedrooms	3,000 square feet
dwelling unit with less than two bedrooms	2,500 square feet
residential care unit	2,000 square feet
Minimum land area per bed for nursing care and convalescent care facilities that are connected to the public sewerage system	1,500 square feet

3. Maximum Building Footprint.

The maximum area of the building footprint of any new building is one thousand five hundred (1,500) square feet unless the building is replacing a larger building that existed on the lot as of April 1, 2005.

A. If the footprint of the pre-existing building was larger than one thousand five hundred (1,500) square feet, ~~the maximum size of the footprint of the pre-existing building was larger than one thousand five hundred (1,500) square feet,~~ the maximum size of the footprint of the new building may be no larger than the footprint of the pre-existing building.

B. If the footprint of the new building is larger than one thousand five hundred (1,500) square feet, the width of the new building as measured parallel to the front lot line may not be greater than the width of the pre-existing building.

4. Design Standards.

Any new building, or additions or modifications to an existing building that:

(1) cumulatively increases the building footprint or building volume by more than thirty percent (30%) after April 1, 2005, or

(2) is subject to shoreland overlay zoning as set forth in Section 16.7.3.5.1 must conform to the following standards.

NOTE: This requirement does not apply to the replacement of a building destroyed by accidental or natural causes after April 1, 2005 that is rebuilt within the pre-existing building footprint and that does not increase the pre-existing building volume by more than thirty percent (30%).

a. Placement and Orientation of Buildings Within a Lot.

i. The placement of buildings on the lot must acknowledge the uniqueness of the site, the neighboring buildings, and the natural setting. Existing views and vistas must be preserved in the design of the site and buildings, and buildings must be placed to frame, rather than block, vistas.

ii. Buildings and the front elevation must be oriented facing the street on which the building is located. The siting of buildings on corner lots must consider the placement of buildings on both streets.

b. Overall Massing of Buildings.

The overall massing objective is to simulate a concentrated use of space in the Foreside zone while avoiding the use of large, multi-unit buildings. In the interest of this objective, building footprints must ~~meet~~ not exceed the maximums set forth ~~above~~ within this subsection. Larger parcels may be developed but will require the use of multiple buildings with smaller footprints. The smaller scale of the buildings will allow new projects to fit in with the existing architectural styles of the Foreside zone.

c. Grouping of Smaller Buildings.

When smaller buildings that are part of one project are placed adjacent to one another on the same lot or adjacent lots, each building must have its own structure and elevation treatment that is different from its neighbor. Small decorative wings may be attached to larger structures if well integrated into the overall arrangement of shapes.

d. Building Details.

Buildings must include architectural details that reflect the historic style of the Foreside zone. Molding and trim must be used to decorate or finish the surface of buildings and doors. Eaves and overhangs should be incorporated into the design.

e. Roof Slopes and Shapes.

i. Allowable roof shapes include a simple gable, gambrel, saltbox, and hip. The minimum roof pitch must be 8:12 (rise over run) except in the case of a hip roof where a lesser pitch is acceptable.

ii. The roof pitch of elements that link buildings or portions of buildings must be the same or greater than the pitch of the roofs on the buildings that are being linked.

iii. Flat or nearly flat shed roofs are not allowed except for porches, dormers, or attachments distinct from the primary structure or where systems are concealed by standard roof forms.

iv. The roof pitch of additions or wings must be similar to the pitch of the primary roof. Clusters of buildings must apply the same roof plan principles to pitch and link roofs.

f. Fencing and Walls.

i. Fencing may be used to separate public and private spaces, mark property lines, and protect plantings.

ii. Fences must harmonize with nearby structures and not unduly interfere with existing scenic views or vistas.

iii. Picket and other medium height fences and low stone walls are permitted.

iv. Modern concrete walls and similar structures are prohibited.

v. Chain-link and stockade fences are not appropriate in front yards and may be used in side and rear yards only if compatible with the overall design of the site.

vi. Waste receptacles, dumpsters, exterior systems, service entrances and similar areas must be screened with board fences, board and lattice fences, and/or landscaping.

g. Utilities.
All utilities serving a new building including electricity, telephone, cable, Internet, and alarm systems must be placed underground from the access pole.

h. Preservation of Trees.
Existing large, healthy trees must be preserved if practical.

5. Signage
Display of signboard and/or products for sale may be placed on a Town sidewalk only if:

a. Products for sale displayed outside the building are limited to an area extending no greater than two feet from the front facade of the building;

~~b. Signboards are permitted in accordance with a design detailing style and size submitted by Kittery Foreside Committee and approved by the Planning Board and on file in the planning office;~~

~~c.~~b. Signboards and/or products for sale must be removed from the sidewalk at the close of each business day;

~~d.~~c. An annual permit must be obtained from the Code Enforcement Officer. Permits are issued for a calendar year or portion thereof, to expire December 31st of each year. Sign permit application fee, reference Appendix A.

[NOTE: The existing section 16.3.2.15.E is not being amended]

~~**F. Design Review.**~~
~~KFC advisory design review is required for any project involving the construction of a new building, or the enlargement or modification of an existing building that:~~

~~(1) cumulatively increases the building footprint or building volume by more than thirty percent (30%) after April 1, 2005, or~~

~~(2) is subject to the shoreland overlay zone requirements as set forth in Section 16.43.2.17 , is subject to an advisory design review by the Kittery Foreside Committee (KFC).~~

~~**NOTE:** This requirement does not apply to the replacement of a building destroyed by accidental or natural causes after April 1, 2005 that is rebuilt within the pre-existing building footprint and that does not increase the pre-existing building volume by more than thirty percent (30%). This review is limited to consideration of the project's conformance with the design standards set forth in subsection (E)(4) of this Section. Upon receipt of an application for a project in the district that is subject to this requirement, Town~~

~~staff shall forward the application to the chair of the KFC. The application must contain adequate information to allow the committee to evaluate the project's conformance with the design standards of subsection (E)(4) of this Section.~~

~~The KFC has a maximum of forty-five (45) days to complete its review of the project. The KFC is to provide a written report documenting its findings relative to conformance with the design standards and any recommendations for changes to the project needed to conform to the standards. The design review must be completed prior to approval of a development plan under Chapter 16.10, or the issuance of a building permit if development review is not required, unless the KFC fails to complete its review within forty-five (45) days in which case the application must be processed without the KFC review. The findings of the design review must be provided to the Planning Board and/or CEO for consideration in their actions relative to the project.~~

2016 TENTATIVE AGENDA ITEMS

July 18, 2016 – 6:00pm – Workshop

- Betterments
- Marijuana Ordinance
- Adult Video Ordinance
- Interim Town Manager Projects, Direction
- Athletic Master Plan

July 19, 2016 – 6:00pm – Workshop

- 6:00pm – 6:45pm – Parks Commission

July 25, 2016

- Disbursement warrants
- Schedule a public hearing for 8/15/16 to ordain amendments to Title 13
- Public Hearing – Sewer Budget ordainment and adoption?
- Public Hearing – Title 16 amendments
- Public Hearing – Title 6 and 12 for 8/8/16
- Resolution authorizing redemption of Town's bonds and issuance of refunding bonds in amount of 140,000.00

August 8, 2016

- Disbursement warrants

August 15, 2016 – Special Meeting

- Adopt the Sewer Betterment Assessment Plan
- Establish the date, time and place for hearings for sewer assessments
- Town Council to sign the notice to the Town Clerk on lots benefited and amounts of benefit assessments on each lot resulting from sewer construction projects
- Public Hearing – Title 13 amendments

August 22, 2016

- Disbursement warrants
- Public Hearing – Title 2 amendments