

**TOWN OF KITTELY, MAINE  
PLANNING BOARD MEETING  
Council Chambers**

**APPROVED  
OCTOBER 22, 2015**

Meeting called to order: 6:04

**Roll Call:**

Board members present: Chair Ann Grinnell, Vice Chair Karen Kalmar, Mark Alesse, Secretary Debbie Driscoll-Davis, David Lincoln, Deborah Lynch and Robert Harris

Staff present: Chris Di Matteo, Town Planner and Rebecca Spitko, Assistant Town Planner

**Pledge of Allegiance**

**Minutes: September 24, 2015**

Ms. Driscoll-Davis reviewed the audio to verify the clarity of lines 61, 95, 270 and 279. Ms. Driscoll-Davis stated the minutes were an accurate representation of the September 24, 2015 meeting.

**Mr. Lincoln moved to approve the minutes of September 24, 2015 as written**

**Ms. Lynch seconded**

**Motion carried: 7-0-0**

**Minutes: October 8, 2015**

**Ms. Driscoll-Davis moved to approve the minutes of September 24, 2015 as written**

**Ms. Kalmar seconded**

**Motion carried: 7-0-0**

**Public Comments:** Ms. Grinnell provided an opportunity for public comment.

Ken Markley - 8 Pickernell Ln

Mr. Markley approached the Board and asked for a review of road standards. Mr. Markley stated he felt the Town is overbuilding roads Negative impacts of overbuilding roads include:

- A decrease in rural character
- An increase in storm water run off
- An increase in erosion
- Unnecessary devegetation

Mr. Markley requested the Town form a group to address these concerns. Ms. Grinnell suggested Mr. Markley speak further with Mr. Di Matteo to create a task group, of which Mr. Markley could chair.

Upon hearing no further comments, Ms. Grinnell closed public comment.

**ITEM 1 – Memorial Circle and Related Improvement Plan**

Action: Hear presentation and public comments and make recommendations.

Ms. Jennifer Claster of Wright-Pierce Engineers and Mr. Don Ettinger of Gorrill-Palmer traffic engineers gave an informational presentation to the public. Ms. Claster began with the general information, the project's background, and timeline.

Background: The project originated in 2012 with a purpose to upgrade memorial circle and construct a sidewalk to connect the circle, Adams Dr and the Kittery Community Center. Due to budgetary restrictions, the planned sidewalks along Adams Drive, Rogers Road and connecting to the Community Center have been dropped. The project as it stands today is to construct a shared-use path with a grassed esplanade and granite curb around the perimeter of Memorial Circle along Route 1 from Memorial Circle to Adams Drive. Additionally, the project will make improvements to Memorial Circle.

A general timeline of the project is as follows:

- A final preliminary report will be completed mid November 2015
- Second public information meeting January 2016
- Right of way process and permitted to be completed around July 2016
- Project out to bid early August 2016
- Project awarded by the end of August 2016
- Some construction to begin Fall 2016 with the majority of it to occur Spring/Summer 2017
- Project to be completed by the end of 2017

Ms. Claster will return to explain the details of the path along Route 1 after Mr. Ettinger reviews the changes to Memorial Circle.

Mr. Ettinger stated the purpose of the project was to improve safety for vehicular traffic, bicycles and pedestrians; operational improvements by using geometry to control speed so the circle operates more like a roundabout; and improve capacity by redesigning curving and roadway with to allow for an easy addition of a second lane, if desired, in the future. Mr. Ettinger clarified that there are no plans to add a second lane in this project.

Mr. Ettinger described the project in detail, highlighting the following points.

- Plans to improve the circle and all approaches
- Based off of data collected over the three year period of 2012-2014, the circle qualifies as a high crash area with 33 accidents reported, including one bicycle accidents.
- Construct a multi-use path along the perimeter of the circle and along all approaches. All entry points will have an accompanying entry/exit for bicycles.
- Multi-use path will be 8'-10' wide and separated from the road by a 5'-10' grassy esplanade.
- The planned circle has a matching footprint with existing conditions and construction will not require complete reconstruction. The inner circle layout will remain the same. Adjustments will be to the curbing, drainage, and geometric alterations that will discourage high speeds while entering and exiting the circle.

- Access points for businesses surrounding the circle will be tightened to identify specific points of entry/exit to improve circulation around the circle
- Signs are to be added on approach points prior to the circle to instruct drivers prior to entering the circle.
- Construction can occur primarily during the evenings and not affect the traffic.
- Total construction costs for the circle improvements: \$1.5 million.

Ms. Claster returned to the podium to review details of the mixed-use path along Route 1. Highlights of her presentation are as follows:

- Goal is to provide continuous access from Memorial Circle to the outlet for bicyclists and pedestrians
- Multi-use path will be 8'-10' wide and separated from the road by a 3'-5' grassy esplanade.
- Current barriers are a highway directional sign and a telephone man hole that on the esplanade and could impede on ADA accessibility requirements.
- There is currently not enough room on the right of way for the travel lane and the multi-use path/esplanade as currently designed. The project is going through design review with DOT to resolve this issue and possibly receive a design exception to reduce the width of the travel land. Another possibility is to reduce the width of the esplanade. This is in the preliminary stages. A decision is anticipated November 2015.
- One potential recommendation from the design review is to stencil shared lane markings (bicycle and two chevron lines) on Adams Drive and have the concrete sidewalk continue along the corner to terminate on Adams Drive. Proposed alterations on Adams Drive received public opposition in 2012 – Ms. Claster indicated she is particularly interested in feedback regarding this suggestion.
- There is a large tree with an attached utility wire located on Route One that could be a potential barrier.
- DOT in process of reviewing for public land impact and historic impact.
- Local and state permitting from DEP will be planned once design is further along in the process
- Norm Albert, commissioner of public works, met with property owners along the planned path.

Public presentation concluded. Ms. Grinnell opened the floor to questions from the public.

Barbara Jenny – 230 U.S. Route 1

Ms. Jenny expressed concerns regarding the plan to remove part of an access point to her property at 230 U.S. Route 1. Ms. Jenny feels this will reduce both the value and the safety of her property and she will have to share an access point with the neighboring property. Ms. Jenny stated she would be open to allowing cyclists and pedestrians to use the driveway as a path, but that she does and will not support the complete removal of the driveway.

Ken Markley - 8 Pickernell Ln

Mr. Markley announced his support for the project, however he is disappointed to see the plans to create a T intersection on both ends of Rogers Road Extension were eliminated. Mr. Markley expressed concern over the safety of that intersection as it currently stands, noting that, because of the yield sign, drivers approach the intersection checking Route One over their shoulder and do not check forward

before proceeding through the intersection. Mr. Markley asked the engineers to consider returning this piece to the project.

Bill Widi – Owner of The Dog House business on Memorial Circle

Mr. Widi stated that the plan as it currently stands involves the reduction of entry/exit space by approximately 20'. Mr. Widi worried this could prevent contractors, who regularly frequent his establishment, from being able to locate a parking space, especially during busy hours. Additionally, Mr. Widi stated that delivery trucks usually have scheduled drop off times during the businesses' busy hours. If a delivery truck were parked in front of the business, there would not be any remaining parking spots for customers to park. Mr. Widi stated there is not room behind his establishment to add additional parking because of a dumpster.

D. Allen - 4 Colonial Rd

Mr. Allen expressed support over the project but would like to know why there are no longer plans to include a sidewalk connecting the circle and the community center. Mr. Allen also stated he would like to see a sidewalk connecting Rogers Road to the Dairy Queen.

Ms. Grinnell stated the sidewalk to the community center was removed from the plan due to budgetary reasons.

Ms. Jenny asked for an explanation on how reducing the access points to businesses controls traffic.

Mr. Ettinger explained that wider combined entry/exit points can create confusion among drivers, increasing the risk of an accident. The goal for this project was to create defined, and where possible, individualized entry/exit points and therefore control where drivers are entering and exiting. Mr. Ettinger noted the access points will be wide enough to enter/exit at an appropriate speed to avoid slowing to a dangerous speed while on the circle.

A clarification was made among Planning Board members that because this is a general public presentation, and not a presentation to the board, all comments from board members are as citizens of the Town of Kittery and not representatives of the Planning Board.

Mr. Lincoln stated he did not believe the project as described met the three stated objectives of safety, operational and capacity improvements. Mr. Lincoln asked if there were any numbers for bicycle and pedestrian use of Memorial circle. Mr. Ettinger stated there are none, but that is generally low. Mr. Lincoln agreed and stated he felt the project was expensive and addressing a nonexistent need.

Mr. Lincoln verified the following specifics of the project with Mr. Ettinger: Inner circle will retain its current footprint; 5" curbing will be installed; Lighting will not be along the perimeter of the circle, but will be along all six approaches. No direct lighting will exist on the actual circle.

Ms. Grinnell asked for an update on the plan's legend to replace the terminology "sidewalk" with "shared use path" as there could be some confusion between the two. Mr. Ettinger agreed.

Ms. Kalmar clarified there will be another opportunity for public input before this project is executed. She asked if there were more budgetary concerns that could impact the resolution of the project. Ms. Claster stated that the bid for the project will likely occur in three phases. The primary phase will be improvements to the traffic circle, including the path along the circle's perimeter. Alternate bid 1 will be the multi-use path from Memorial Circle to Kittery Estates and alternate bid 3 will be the path from Kittery Estates to Adams Drive. The primary bid will be completed first. Alternate bid 1 will occur with remaining funds and alternate bid 2 will occur only if there is enough remaining from the first two bids. Ms. Kalmar asked the likelihood of all three bids coming to fruition. Ms. Claster stated it is less likely bid 2 will be affordable, but the primary bid (Memorial Circle) will be affordable. Ms. Kalmar expressed concern of inviting bicyclists and pedestrians into the circle if they will not ultimately be able to connect that path to get out of the circle.

Ms. Grinnell agreed and stated that placing a path along Route 236 to Route 1 bypass did not seem logical when there are not sidewalks to go across the interstate. Ms. Driscoll-Davis stated she felt students who work at the outlets might use the path instead of walking through the circle. Ms. Driscoll-Davis stated she felt access between the circle and the outlets should be prioritized above circle improvements that could adversely affect businesses.

Mr. Harris stated it would be dangerous to have intersections with bicyclists, motor vehicles and pedestrians. A discussion between board members and Mr. Ettinger ensued surrounding the safety of the mixed-use path including one vs. two way path traffic and crosswalks at driveways vs. intersections. Ms. Grinnell expressed concern over the change of right of way between pedestrians and cars around the circle. Pedestrians have the right of way in an intersection but not in a driveway. Ms. Grinnell stated this could be confusing to both vehicles and pedestrians. Mr. Widi asked if the driveways along the circle would have lights as the approaches do. Mr. Ettinger responded negative.

Ms. Claster asked to address the issue of the T-intersection along Rogers Road Extension. Ms. Claster stated the Town made the decision to cut that portion of the project. Ms. Grinnell asked specifically who was involved in making that decision. A specific group of people were unable to be identified and it was determined possible those involved in making that decision are no longer working with the project. (i.e. Past Commissioner, etc.)

Ms. Grinnell asked Ms. Claster and Mr. Ettinger to address the concerns of Ms. Jenny. Ms. Claster thanked Ms. Jenny for her feedback and stated that her understanding of the property line was that removing that access point would not cause two properties to have to share a driveway. Ms. Jenny clarified that her property does, indeed, have two access points, but she feels she should not be mandated to lose one because they are an asset to the property. Ms. Jenny stated one of the access points, although private, appears as if it could be a road and she would be willing to having a crosswalk painted on that. It was clarified that if a crosswalk is painted on a private property it becomes the Town's responsibility to maintain it in the future. Ms. Claster agreed to take this feedback and look at alternate solutions for the property.

A discussion ensued to explore the possible consequences of rejecting the project. It was noted that the Town would be responsible to reimburse all federal funds that have been put in the project to date.

Additionally, the town may not be selected for another LAP or other federal funds in the future. Mr. Allesse stated he believes this is a good project, but needs some modifications to realign it with its original intention. Ms. Driscoll-Davis agreed and reiterated the original intent was to create connectivity between the community center, Route 1 and the outlets – which has not been achieved. Norm Albert, commissioner of public works, stated they were unable to put a sidewalk along Rogers Road due to several features along Rogers Road that do not allow sidewalks. Therefore, in order for a sidewalk along Rogers Road it would have to cross the street several time and result in a broken path. That aspect, along with the cost measures, was likely the reasoning behind the sidewalk being removed from the project.

Ms. Grinnell stated that by removing these pieces of the project, the project is no longer what the community was looking for in 2012. Ms. Lynch inquired about the possibility of completing the path along Route 1 first, as the primary bid, and then moving on to the circle if funds allow. Ms. Grinnell agreed this would be preferable, as it matches the original scope of the project. The discussion concluded with a plan for the engineers to return to the department and look at the feedback gained from the night.

Ms. Cluster asked the public's opinion of the possible improvements and shared lane markings to Adams Drive. Mr. Albert instructed any opposition should be directed to public works – 439-0333. Mr. Albert stated he would relay all communication to the engineers.

**Item closed: 8:01. Ms. Grinnell called for a 5 minute break.**

**Meeting convened: 8:09**

**ITEM 2 – 24 Williams Ave – Shoreland Development Plan Review**

Action: approve or deny plan. Owners/applicants Doug and Karen Beane request consideration of their plan to construct a new deck with pergola, garage and breezeway to an existing single family dwelling within the required 100-foot setback, and front and side yard setbacks (Tax Map 9, Lot 16) in the Residential – Urban (R-RU), Shoreland Overlay (OZ-SL-250'), Zones. Agent is Ken Markley, Easterly Survey.

Ken Markley approached the podium and gave a brief description of the project.

**Ms. Kalmar moved to accept the application**

**Mr. Lincoln seconded**

**Motion Carried 7-0-0**

**Ms. Kalmar moved to grant conditional approval**

**Mr. Lincoln seconded**

**Motional carried 7-0-0**

Kittery Planning Board

**Findings of Fact**

**For 24 Williams Ave**

**Shoreland Development Plan Review**

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**WHEREAS:** Doug & Karen Beane requested approval of their Shoreland Development Plan to construct a garage, breezeway and reconstruct a deck less than 500 square feet in size and located further than 75 feet from the HAT attached to an existing nonconforming dwelling located at 24 Williams Ave (Tax Map 9, Lot 16) in the Residential-Urban and Shoreland Overlay Zones, hereinafter the “Development” and

Pursuant to the Plan Review meetings conducted by the Town Planning Board as noted;

Shoreland Development Plan Review	10/22/2015
Site Walk	
Public Hearing	
Approval	10/22/2015

And pursuant to the application and plan and other documents considered to be a part of a plan review decision by the Town Planning Board in this Finding of Fact consisting of the following (hereinafter the “Plan”):

1. Shoreland Development Plan Application, received September 24, 2015.
2. Site Plan, Easterly Surveying, Inc., September 17, 2015

**NOW THEREFORE,** based on the entire record before the Town Planning Board and pursuant to the applicable standards in the Land Use and Development Code, the Town Planning board makes the following factual findings and conclusions:

**FINDINGS OF FACT**

**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: The proposed development's devegetated area does not exceed twenty (20) percent of the lot area.

Conclusion: The requirement appears to be met.

Vote: 7 in favor 0 against 0 abstaining

## **Chapter 16.7 GENERAL DEVELOPMENT REQUIREMENTS**

### **Article III Nonconformance**

#### **16.7.3.1 Prohibitions and Allowances**

*A. Except as otherwise provided in this Article, a nonconforming conditions must not be permitted to become more nonconforming*

#### **16.7.3.5 Types of Nonconformance**

##### **16.7.3.5.5 Nonconforming Structure Repair and/or Expansion**

*A. A nonconforming structure may be repaired or maintained and may be expanded in conformity with the dimensional requirements, such as setback, height, etc., as contained in this Code. If the proposed expansion of a nonconforming structure cannot meet the dimensional requirements of this Code, the Board of Appeals or the Planning Board (in cases where the structure is located in a Shoreland Overlay or Resources Protection Overlay Zone) will review such expansion application and may approve proposed changes provided the changes are no more conforming than the existing condition and the Board of Appeals or the Planning Board (in cases where the structure is located in a Shoreland overlay or Resources Protection Overlay Zone) makes its decision per section 16.6.6.2.*

*See 16.6.6.1 and its reference to 16.6.6.2 below.*

#### **16.6.6 Basis for Decision**

**16.6.6.1.B In hearing appeals/requests under this Section, the Board of Appeals [note: Planning Board is also subject to this section per 16.7.3.5.5 above] must use the following criteria as the basis of a decision:**

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.

The Board must also give consideration to the factors listed in 16.6.6.2.

Finding: The proposed garage and breezeway are located outside the required setbacks. The proposed deck and pergola is less than 500 square feet in area and allowed between the 100-foot and 75 foot setback from the HAT. The deck, however, is located within the side yard, though less than the existing 4.3 foot encroachment of the building.

The proposed development does not increase nonconformity.

Conclusion: The requirement appears to be met.

Vote: 7 in favor 0 against 0 abstaining

### **16.7.3.6 Nonconforming Structures in Shoreland and Resource Protection Zones**

#### **16.7.3.6.1 Nonconforming Structure Expansion**

*A nonconforming structure may be added to, or expanded, after obtaining Planning Board approval and a permit from the Code Enforcement Officer. Such addition or expansion must not increase the non-conformity of the structure and must be in accordance with the subparagraphs [A through C] below.*

*A. After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure will not be permitted to expand, as measured in floor area or volume, by thirty percent (30%) or more during the lifetime of the structure.*

*B. If a replacement structure conforms to the requirements of Section 16.7.3.6.1.A and is less than the required setback from a water body, tributary stream or wetland, the replacement structure will not be*

*permitted to expand if the original structure existing on January 1, 1989, has been expanded by 30% in floor area and volume since that date.*

*C. Whenever a new, enlarged or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 16.7.3.5.2 – Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 16.7.3.5.3, above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it will not be considered to be an expansion of the structure.*

**Finding:** The existing nonconforming structure is not expanding within the 100-foot setback from the HAT. The proposal does not increase nonconformity.

**Conclusion:** Standards A-C are not applicable.

**Vote: \_7\_ 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;*

**Finding:** The proposed development does not appear to have an adverse impact.

**Conclusion:** This requirement appears to be met

**Vote: \_7\_ in favor \_0\_ against \_0\_ abstaining**

*2. Not result in water pollution, erosion or sedimentation to surface waters;*

Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction (see conditions #2 and #3) to avoid impact on adjacent surface waters.

Conclusion: This requirement appears to be met

**Vote: \_7\_ in favor \_0\_ against \_0\_ abstaining**

*3. Adequately provide for the disposal of all wastewater;*

Finding: The development is connected to two sewer.

Conclusion: This requirement appears to be met.

**Vote: \_7\_ in favor \_0\_ against \_0\_ abstaining**

*4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;*

Finding: Maine DEP Best Management practices will be followed for erosion and sedimentation control during site preparation and building construction (see conditions #2 and #3) to avoid impact on adjacent surface waters. These conditions should be added to the plan.

Conclusion: The proposed development does not appear to have an adverse impact. With the suggested conditions #2 and #3, this standard appears to be met.

**Vote: \_7\_ in favor \_0\_ against \_0\_ abstaining**

*5. Conserve shore cover and visual, as well as actual points of access to inland and coastal waters;*

Finding: Shore cover is not adversely impacted

Conclusion: This requirement appears to be met.

**Vote: \_7\_ in favor \_0\_ against \_0\_ abstaining**

*6. Protect archaeological and historic resources;*

Finding: There does not appear to be any resources impacted.

Conclusion: This requirement appears to be met.

**Vote: \_7\_ in favor \_0\_ against \_0\_ abstaining**

*7. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district;*

Finding: The proposed development does not appear to have an adverse impact.

Conclusion: This requirement appears to be met.

**Vote: \_7\_ in favor \_0\_ against \_0\_ abstaining**

*8. Avoid problems associated with floodplain development and use;*

Finding: the proposed development is not within the floodplain

Conclusion: This requirement appears to be met.

**Vote: \_7\_ in favor \_0\_ against \_0\_ abstaining**

*9. Is in conformance with the provisions of this code;*

Finding: The proposed development appears to be in conformance with the provisions of this code.

Conclusion: This requirement appears to be met.

Vote: 7 in favor 0 against 0 abstaining

10. Be recorded with the York county Registry of Deeds.

Finding: A plan suitable for recording has been prepared.

Conclusion: As stated in the Notices to Applicant contained herein, shoreland Development plans must be recorded with the York County Registry of Deeds prior to the issuance of a building permit.

Vote: 7 in favor 0 against 0 abstaining

Based on the foregoing Findings, the Planning Board finds the applicant has satisfied each of the review standards for approval and, therefore, the Planning Board approves the Shoreland Development Plan Application of Doug & Karen Beane, owner and applicant, to construct a garage and breezeway; and a 336 square foot accessory structure deck to an existing, non-conforming single family dwelling located at 24 Williams Ave (Tax Map 9, Lot 16) in the Residential-Urban (R-U) and Shoreland Overlay (OZ-SL-250') zones and subject to any conditions or waivers, as follows:

**Waivers:** None

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

1. No changes, erasures, modifications or revisions may be made to any Planning Board approved final plan. (Title 16.10.9.1.2)
2. Applicant/contractor will follow Maine DEP *Best Management Practices* for all work associated with site and building construction to ensure adequate erosion control and slope stabilization.
3. 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. No trees are to be removed without prior approval by the Code Enforcement Officer or the Shoreland Resource Officer.
5. All Notices to Applicant contained herein (Findings of Fact dated 10/22/15).

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

6. 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 on final Mylar.

The Planning Board authorizes the Planning Board Chair to sign the Final Plan and the Findings of Fact upon confirmation of compliance with any conditions of approval.

Vote of 7 in favor 0 against 0 abstaining

APPROVED BY THE KITTERY PLANNING BOARD ON October 22, 2015

**Notices to Applicant:**

1. 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.
2. Prior to the release of the signed plans, the applicant must pay all outstanding fees associated with the permitting, including, but not limited to, Town Attorney fees, peer review, newspaper advertisements and abutter notification.
3. One (1) mylar copy of the final plan and any and all related state/federal permits or legal documents that may be required, must be submitted to the Town Planning Department for signing. Date of Planning Board approval shall be included on the final plan in the Signature Block. After the signed plan is recorded with the York County Registry of Deeds, a mylar copy of the signed original must be submitted to the Town Planning Department.
4. This approval by the Town Planning Board constitutes an agreement between the Town and the Developer, incorporating as elements the Development Plan and supporting documentation, the Findings of Fact, and any Conditions of Approval.

Per Title 16.6.2.A - An aggrieved party with legal standing may appeal a final decision of the Planning Board to the York County Superior Court in accordance with Maine Rules of Civil Procedures Section 80B, within forty-five (45) days from the date the decision by the Planning Board was rendered.

### **ITEM 3 – Board member items**

#### **A. Review findings from site walk of Foreside neighborhood**

Ms. Grinnell recommended item be moved to the November 12, 2015 planning board meeting. Ms. Spitko will compile minutes from the site walk and distribute notes to the board for review.

#### **B. Action List**

Ms. Kalmar suggested Board members focus on a few specific items in preparation for a meeting with the Town Council scheduled for February 2016. Ms. Driscoll-Davis recommended item 5, cluster ordinance, and item 21, parking credits, with a slight modification to specify parking revisions rather than credits. There was a discussion regarding item 23, Foreside Review Committee, where it was determined the committee is no longer active and the council did not vote for it to continue. Mr. Di Matteo stated items 25 – 28 were staff projects and could be included in the items to prepare for the February meeting with Town Council.

Mr. Alesse suggested an addition to the Action List. He would like to look at the Town's bylaws and add a provision that would require Planning Board members to attend a workshop by Memun designed for planning boards. Ms. Lynch added that individuals currently on the planning board wait list could also benefit from attending a workshop. Mr. Alesse stated it would not be appropriate to require that from applicants; however, it could be a requirement upon appointment to the planning board. Ms. Grinnell and Ms. Kalmar agreed. Item will be on the Action List as Item 29.

#### **C. Committee Updates**

Mr. Lincoln suggested inviting the police chief, fire chief, and public works commissioner to write up their opinions from the Kittery Foreside site walk and the parking code as it currently stands. Mr. Di Matteo and Ms. Spitko agreed to pursue this.

Ms. Driscoll-Davis reviewed the tour of Kittery with the comprehensive plan committee planned for Thursday October 29, 2015. There is not a finalized tour list as of yet.

Ms. Grinnell asked to give a Kittery Port Authority update. She stated KPA has elected a new chair, Peter Whitman, and vice chair, Bruce Crawford. Upon stepping down from their positions, the previous chair and vice chair remain active as board members. The KPA lost one member, who resigned. There was a vote taken not to reappoint the harbormaster, which did not pass.

Ms. Grinnell stated she would like to address an incident brought up during the KPA and Council Meetings. Ms. Grinnell reported that at 5:00 pm, while in a boat between Whaleback Light House and Wood Island, she hit a rock and disabled the boat's engine. Ms. Grinnell called the harbormaster who then tied their boats together and transported them to the bridge on Spruce Creek. At that time, the harbormaster left and Ms. Grinnell paddled to shore. Ms. Grinnell noted this was not a misallocation of resources and the harbormaster would respond accordingly to any call for assistance.

### **ITEM 4 – Town Planner Items**

Mr. Di Matteo presented the board with an update on amendment items stating the final two items will be presented at the Council Meeting on Monday, October 26, 2015.

Mr. Di Matteo requested a 90-day extension on behalf of Altus Engineering regarding an application approved on July 9, 2015 for 42 State Road (M3; L 5, 6, 7). The project is currently under review with MDOT.

**Mr. Lincoln moved to grant 90 extension**

**Ms. Kalmar seconded**

**Motion carried 7-0-0**

**Mr. Alesse moved to adjourn**

**Ms. Driscoll-Davis seconded**

**Motion carried 7-0-0**

The Kittery Planning Board meeting of October 22, 2015 adjourned at 8:46 p.m.

Submitted by Rebecca Spitko, Assistant Town Planner, on October 27, 2015.