

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

**UNAPPROVED
JULY 28, 2016**

1 Meeting called to order: 7:39 pm

2
3 Pledge of Allegiance

4
5 Roll Call:

6 Board members present: Chair Ann Grinnell, Vice Chair Karen Kalmar, Dutch Dunkelberger, Debbie
7 Driscoll-Davis, Mark Alesse

8 Board members absent: Robert Harris, Brett Costa

9 Staff present: Chris Di Matteo, Town Planner

10
11 Public Comment: Ms. Grinnell opened the floor for public comment. Hearing none; the floor was closed
12 for public comment.

13
14 Minutes: None.

15
16 **OLD BUSINESS**

17
18 **ITEM 1 – Beatrice Lane –Major Subdivision; Final Plan Review**

19 Action: Review application. Approve or deny plan. Owner Operation Blessing LP, and applicant Richard
20 Sparkowich, propose a five-lot subdivision on remaining land from the previously approved 3-lot subdivision
21 located between Highpointe Circle and Kittree Lane (Tax Map 61 Lot 8), in the Residential-rural (R-RL)
22 Zone.

23
24 Mr. Markley’s response to conditions of approval as noted in the plan review staff notes were discussed as
25 follows:

- 26 1. The applicant agrees with the considerations for wetland impact mitigation. The exact area of open
27 space is pending determination upon DEP review of the culverts.
- 28 2. A stone wall is proposed that will be the same size as the adjacent stone wall. Ms. Grinnell reminded
29 that it be installed prior to any building permits.
- 30 3. The boundary plan was verified and the survey will be updated to remove note (#4).
- 31 4. The road acceptance petition application would be discussed at the end of the presentation.
- 32 5. An ‘as of’ date for the term “net residential acreage” will be added.
- 33 6. The re-delineation of the wetland area has been taken care of.
- 34 7. Discussion regarding the driveway configuration was had and a consensus was reached that both non-
35 conventional cul-de-sac designs would not to be proposed. Further deliberations as to what lots
36 require what permits.
- 37 8. It was suggested by the Board to have the Town attorney review stipulations in the road association
38 and back parcel covenant for open space maintenance to clarify the correct authorities and required
39 reports.

40
41 Mr. Richard Sparkowich explained the complexities that make the subdivision atypical in terms of ownership
42 and land area and emphasized that Parcel S would most likely not be in common use. Ms. Kalmar clarified
43 that the intent so that interval inspections be detailed.

44
45 There was further discussion amongst the Board, staff, and applicant regarding an additional condition of
46 approval that would call to define a mechanism for monitoring the open space either through a formal
47 association or other form of agreement.

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49 Mr. Markley continued to explain his responses to conditions of approval as noted in the plan review staff
50 notes as follows:

- 51 1. The wetland alteration application was completed.
- 52 2. The suggested cul-de-sac alternative from staff was well received by the applicant, with a few minor
53 exceptions that were explained.
- 54 3. The bank requires the final plan for a performance guaranty, which will be depicted in a condition of
55 approval.

56
57 Mr. Brett Taylor and the Board discussed concerns for changing the street name. Ms. Driscoll-Davis
58 recommended that a permanent note be indicated on the tax card with a 'formerly known as' for Beatrice
59 Way.

60
61 Mr. Markley suggested a gravel road surface instead of paved for White Pine Road given the open spaces and
62 vernal pools. Ms. Earledean Wells discussed the letter from the Conservation Commission expressing
63 concerns for Woods Road not being protected as open space so that potential connections could not be made.
64 After further discussion, the Board agreed to retain the 20-foot wide road and to include restrictions of paving
65 in certain areas.

66
67 Mr. Joseph Gasbarro, 11 Highpointe Circle, hoped that Planning Board could help to correct the signage
68 issues that delineates Kittree Lane, Highpointe Circle, and Lewis. Several issues have arisen due to the lack of
69 signage. He questioned why the residents who maintain Kittree Lane have to pay for the damages resulting
70 from heaving construction vehicle traffic and suggested that those vehicles utilize Highpointe Circle since it
71 is Town-owned.

72
73 Ms. Mary-Ellen Ciali, 10 Kittree Lane, expressed several legal considerations in a situation that would
74 change where Kittree Lane and Highpointe Circle would end. She noted that Mr. Sparkowich owns Kittree
75 Lane, but does not maintain it. She echoed the concerns raised by Mr. Gasbarro.

76
77 Mr. Sparkowich provided a brief history as to how the traffic patterns have become the way they are. Ms.
78 Grinnell reminded that the Board is charged with only deciding where the signage will be place and where the
79 two roads will start or end. The Board reached consensus that the name change could be accepted for
80 recommendation to Council based upon the new road being built and that proper signage be detailed in the
81 plan as a condition.

82
83 Mr. Gasbarro expressed concerns for Right-of-Way access changes and maintenance responsibilities for
84 Kittree Lane.

85
86 **Ms. Kalmar made a motion to approve the name as Highpointe Circle for the 2008 roadway section**
87 **and recommend to Town Council that it be accepted as a Town road with waivers to exclude sidewalks**
88 **and include proper signage should the roadway be accepted.**

89 **Mr. Dunkelberger seconded.**

90 **Motion passed 5-0-0.**

91
92 **Ms. Kalmar made a motion to continue the application until August 11, 2016.**

93 **Mr. Dunkelberger seconded.**

94 **Motion passed 5-0-0.**

95
96 **NEW BUSINESS**

97

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98 **ITEM 2 – Town Code Amendments – Town Code Amendments – 16.2.2 Definitions**
99 Action: Review amendment. Schedule a public hearing. The proposed amendment addresses language and
100 organization within the definitions chapter of Title 16.

101
102 **Mr. Dunkelberger made a motion to schedule a public hearing to August 25, 2016 for proposed Town**
103 **Code Amendments – 16.2.2 Definitions.**
104 **Ms. Kalmar seconded.**
105 **Motion passed 5-0-0.**

106
107 **ITEM 3 – Board Member Items / Discussion**

108 A. Committee Updates – None.
109 B. Action List – None.
110 C. Other – None.

111
112 **ITEM 4 – Town Planner Items**
113 A. Request to reschedule 9/22/2016 meeting – None.
114 B. Other – None.

115
116 **Mr. Alesse moved to adjourn.**
117 **Ms. Dunkelberger seconded.**
118 **Motion carried 5-0-0.**

119
120 The Kittery Planning Board meeting of July 28, 2016 adjourned at 9:01 p.m.

121
122 Submitted by Marissa Day, Minutes Recorder, on August 4, 2016.

123
124 *Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst every effort*
125 *has been made to ensure the accuracy of the information the minutes are not intended as a verbatim*
126 *transcript of comments at the meeting, but a summary of the discussion and actions that took place. For*
127 *complete details, please refer to the video of the meeting on the Town of Kittery website at*
128 <http://www.townhallstreams.com/locations/kittery-maine>.