



# KITTERY TOWN PLANNING BOARD MEETING

Council Chambers – Kittery Town Hall 200 Rogers Road, Kittery, Maine 03904

Phone: 207-475-1323 - Fax: 207-439-6806 - [www.kittery.org](http://www.kittery.org)

LDH

**AGENDA for Thursday, August 28, 2014**

**6:00 P.M. to 10:00 P.M.**

**CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE – APPROVAL OF MINUTES – 7/24/2014**

**PUBLIC COMMENTS** - Public comment and opinion are welcome during this open session. However, comments and opinions related to development projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate. Those providing comment must state clearly their name and address and record it in writing at the podium.

## **PUBLIC HEARING/OLD BUSINESS**

**ITEM 1 – (30 min.)– Brave Boat Conservation at Sawyer Lane – Cluster Subdivision —Preliminary Plan Review**

Action: Hold a public hearing and grant or deny preliminary approval. Owner and Applicant Jonathon & Kathleen Watts are requesting consideration of their plans for a 4-lot cluster subdivision at 143 Brave Boat Harbor Road, Tax Map 63, Lot 19, Residential Rural Zone, with a portion in the Shoreland Overlay Zone. Agents are Ken Markley, Easterly Surveying, Inc.

## **NEW BUSINESS**

**ITEM 2– (20 minutes) – Betty Welch Road Cluster Subdivision - Sketch Plan Review**

Action: Review and schedule Site Walk. Landmark Properties, LTD., owner and Chinburg Builders, Inc., applicant, propose to develop a 24-lot single family cluster subdivision on 86.5 +/- acres. The site is identified as Tax Map 22 Lots 2A & 8 in the Residential Rural and Shoreland Overlay Zones. Agent is Jeff Clifford, P.E., Attar Engineering.

## **OLD BUSINESS**

**ITEM 3– (20 minutes) – Town Code Amendment - Title 16.8.10.2.C Signs – General Requirements.** Action: review amendment and schedule a public hearing. Proposed amendment re-defines Light-emitting diode (LED) lighting.

**ITEM 4– (20 minutes) – Town Code Amendment - Title 16.8.10.2 Signs – General Requirements.** Action: Schedule a workshop. Discuss code amendments related to gas price signage and other message board sign standards.

**ITEM 5 – (30 min.) – Quality Improvement Plan for Kittery Shore and Harbors**

Action: review and make recommendation to Town Council for adoption. Town advisory committee is transmitting draft plan for Town Planning Board review, hearings and recommendation to Town Council for adoption. The QIP Plan is a specific plan that includes goals/policies and implementation strategies for improving/protecting the Town's shores and harbors.

**ITEM 6 – (15 minutes) - Board Member Items / Discussion**

A. Action List

B. Town Council & Planning Board Joint Workshops

1. September 8th at 6pm – Town Code Amendments re: Net Residential Acreage and Sewage Disposal.
2. October – Other Town Code Amendments, TPB Activities, other

C. Route 1 – BP District Quality Improvement Plan TPB Advisory Committee.

D. Quality Improvement Overlay Zone (Kittery Crossing and Coastal Route 1 Malls)

E. TPB Kittery Foreside Committee per Title 16

F. Committee Updates

**ITEM 7 – (5 minutes) - Town Planner Items:**

A. Town Code amendment - Outdoor Seating due by 12-31-2014; and B. Other.

**ADJOURNMENT - (by 10:00 PM unless extended by motion and vote)**

NOTE: ACTION LISTED IN ABOVE AGENDA ITEMS IS FOR REFERENCE ONLY AND THE BOARD MAY DETERMINE A DIFFERENT ACTION. DISCLAIMER: ALL AGENDAS ARE SUBJECT TO REVISION ONE WEEK PRIOR TO THE SCHEDULED TOWN PLANNING BOARD MEETING. TO REQUEST A REASONABLE ACCOMMODATION FOR THIS MEETING CONTACT STAFF AT (207) 475-1323 OR (207) 475-1307.

# ITEM 1

## **PUBLIC HEARING/OLD BUSINESS**

### **ITEM 1 – (30 min.)– Brave Boat Conservation at Sawyer Lane – Cluster Subdivision — Preliminary Plan Review**

Action: Hold a public hearing and grant or deny preliminary approval. Owner and Applicant Jonathon & Kathleen Watts are requesting consideration of their plans for a 4-lot cluster subdivision at 143 Brave Boat Harbor Road, Tax Map 63, Lot 19, Residential Rural Zone, with a portion in the Shoreland Overlay Zone. Agents are Ken Markley, Easterly Surveying, Inc.

PLEASE BRING YOUR AUGUST 14 (ITEM #1) PACKETS FOR THIS ITEM.

Attached are two abutter letters regarding this project.

There is no additional information.

FYI. THIS ITEM WAS RE-NOTICED FOR TONIGHT'S PUBLIC HEARING.

**From:** Gabrielle Burke <[cndsurfchick@gmail.com](mailto:cndsurfchick@gmail.com)>

**Date:** August 14, 2014 at 6:58:59 AM EDT

**To:** Chris DiMatteo <[CDiMatteo@kitteryme.org](mailto:CDiMatteo@kitteryme.org)>, Daniel Morin <[dmorin95@icloud.com](mailto:dmorin95@icloud.com)>

**Subject: Public Comment Regarding John Watts Development on Brave Boat Harbor**

Dear Town of Kittery Planning Board,

Thank you for receiving our concerns regarding the John Watts Development that will clearly impact our 139 Brave Boat Harbor Rd. property. We apologize that we are unable to attend the public hearing as we are out of the country.

Below is a list of our immediate concerns.

1. The lots in our area of Kittery Point are all small. Our lot is only .20 acres. We feel over development just re-emphasizes how small the lots are and we feel the character of the land and properties are in jeopardy if this development is implemented as planned.
2. Our basement is a wet basement. If 3 houses are clustered in this development, we feel we are at risk with the additional septic systems and leach fields seeping into our basement.
3. The tranquility and character of our community is at risk for multiple years as it will take time to clear the land, blast the ledge, build a road, and construct 3 houses. Again, because these lots are so close together, this will have a major impact to existing households.
4. We have concern over the older trees behind our house. There are many mature trees on the property, and even with selective harvesting, the thinning of the woods will put these trees at risk from high winds.
5. The Kittery Housing market is saturated. There are many houses within developments, similar to Mr. Watts, that have been for sale for over a year. I cannot be in support of more houses for sale in our town, built by people who don't even live here. How does over development affect our community and the housing market for those who reside in Kittery?
6. We have concern for the neighboring wetlands that feed into the Brave Boat Harbor. One of our favorite aspects of pristine environment is the Snowy Owl hooting up a storm in the evenings. We would be very sad if they did not return.

In conclusion, as a property owner adjacent to the John Watts cluster development; we hope the board considers rejecting Mr. Watts request as is. Perhaps reducing the number of houses would be a reasonable compromise?

Thanks again for listening. I am available for additional comments or clarification at 603 553-2188.

Sincerely,

Gabrielle Burke and Daniel Morin

139 Brave Boat Harbor Rd.

Kittery Point, ME

145 Brave Boat Harbor Road  
Kittery Point, Maine 03905  
11 August, 2014

Town of Kittery  
200 Rogers Road  
Kittery, Maine 03904  
Attn: Town Planner

RECEIVED  
AUG 17 2014

BY: .....

Dear Mr. Myrolie:

I am writing in regard to a follow-up on my previous letter pertaining to the Watts subdivision at 143 Brave Boat Harbor Road. I have spoken to Mr. Watts recently about the buffer between our properties and he has purchased a fence and I know he will install it when he does the landscaping. He has been very helpful and I feel the other concerns will be addressed also. I know the public hearing is due in a few days, and I just wanted to give you an update before the hearing.

Thank you for your consideration.

Sincerely,

  
Shirley Clough

# ITEM 2

## **PUBLIC HEARING/OLD BUSINESS**

### **ITEM 2– (20 minutes) – Betty Welch Road Cluster Subdivision - Sketch Plan Review**

Action: Review and schedule Site Walk. Landmark Properties, LTD., owner and Chinburg Builders, Inc., applicant, propose to develop a 24-lot single family cluster subdivision on 86.5 +/- acres. The site is identified as Tax Map 22 Lots 2A & 8 in the Residential Rural and Shoreland Overlay Zones. Agent is Jeff Clifford, P.E., Attar Engineering.

PLEASE BRING YOUR AUGUST 14 (ITEM #6) PACKETS FOR THIS ITEM.

There is no additional information.

## ITEM 3

**ITEM 3– (20 minutes) – Town Code Amendment - Title 16.8.10.2.C Signs – General Requirements.** Action: review amendment and schedule a public hearing. Proposed amendment re-defines Light-emitting diode (LED) lighting.

PLEASE BRING YOUR AUGUST 14 (ITEM 2) PACKETS FOR THIS ITEM.

There is no additional information.

## ITEM 4

**ITEM 4**– (20 minutes) – **Town Code Amendment - Title 16.8.10.2 Signs – General Requirements.** Action: Schedule a workshop. Discuss code amendments related to gas price signage and other message board sign standards.

PLEASE BRING YOUR AUGUST 14 (ITEM 3) PACKETS FOR THIS ITEM.

There is no additional information.

## ITEM 5

### **ITEM 5 – (30 min.) – Quality Improvement Plan for Kittery Shore and Harbors**

Action: review and make recommendation to Town Council for adoption. Town advisory committee is transmitting draft plan for Town Planning Board review, hearings and recommendation to Town Council for adoption. The QIP Plan is a specific plan that includes goals/policies and implementation strategies for improving/protecting the Town's shores and harbors.

PLEASE BRING YOUR JULY 24 (ITEM 3) PACKETS FOR THIS ITEM.

Please bring Debbie's edits to this document that were provided at the July 24 Meeting.

No additional information.

# ITEM 6

## **ITEM 6 – (15 minutes) - Board Member Items / Discussion**

- A. Action List
- B. Town Council & Planning Board Joint Workshops
  - 1. September 8th at 6pm – Town Code Amendments re: Net Residential Acreage and Sewage Disposal.
  - 2. October – Other Town Code Amendments, TPB Activities, other
- C. Route 1 – BP District Quality Improvement Plan TPB Advisory Committee.
- D. Quality Improvement Overlay Zone (Kittery Crossing and Coastal Route 1 Malls)
- E. TPB Kittery Foreside Committee per Title 16
- F. Committee Updates

7/24/14 ACTION LIST UPDATE ATTACHED

No additional information.

2012-2014  
PLANNING BOARD ACTION ITEMS

ITEM #	START DATE	ITEM	PRIORITY	ACTION TAKEN	COMPLETE
1	8/9/2012	16.10.9.2 REDEFINE FIELD CHANGES; Major/Minor	1	Ongoing;	
2	10/11/2012	REVIEW 16.10 (WORKSHOP ITEM #1 FROM 10/11/12 WORKSHOP) Plan Application Review	3		
3	10/11/2012	Post Building Permits on Web Site		Requested; Shelly Bishop; TBD	
4	10/11/2012	SUGGESTED ORDINANCE CHANGES BE AVAILABLE ONLINE	2		
5	10/11/2012	ABUTTER'S LIST TO PB EARLY ON, BEFORE PUBLIC HEARING	1	at sketch plan- 4/24/13	Ongoing
6	10/13/2012	DPW PROJECTS COME BEFORE PB; NEED UPDATED LIST	2	No DPW update submitted since October, 2012	
7	10/13/2012	BUSINESS OVERLAY ZONES: WHERE AND WHAT CHANGES; 16.3.2.20 Proposed Quality Improvement Overlay; form based code vs. individual ordinances (Bob M.)	2	Workshop; Sustain So ME; set up January 2014 workshop (1/24 AM)	Ongoing
8	2/14/2013	DEFINE COMMERCIAL RECREATION	2	In process	
9	2/28/2013	UPDATE DESIGN STANDARDS FOR LED LIGHTING:	3		
10	3/28/2013	Set up Workshop to discuss High Pointe Circle Issues: Road Extension & Gate and use of woods road; review prior approvals and minutes	1	Staff (GM) will attempt to resolve and report to KPB (4/25/13)	
11	3/28/2013	CONTINUE WORKSHOP WITH KCPC, KOSC REGARDING 1 - 3 ACRE RR; and future land use regulation; restrict # building permits issued per year (See also: VIII.3.i.i 2015 Code Amendments: Briefing Book)		May 15, 2013 Workshop; December 3, 2013 workshop, w Soil Suitability;	Ongoing
12	4/11/2013	Format of Comp Plan		strike out and underline existing 3/25/2002 CP	Ongoing
13	4/25/2013	WORKSHOP: Cluster Ordinance needs work USABLE OPEN SPACE RETAIN ROAD FRONTAGE (Buffers) TRAFFIC STUDIES	2	KOSC wants input	
14	4/26/2013	ROADS / SIDEWALKS TO NOWHERE (ROW plans)	1	Ongoing	
15	8/22/2013	No site work while application before Planning Board; site dev pre-meeting; CMA construction inspection;	1		
16	10/24/13 Amendment	DPW Road Cuts; Title 5 amendment; approved by PB 10/24/13; to Council 11/25/13		Revise per Council Action (on Hold)	
17	10/24/2013	Shoreland definition			
18	10/24/2013	HAT - Highest Annual Tide: no Elevation 6			
19	10/24/2013	Definition: Substantially complete re: development vs. building permits			
20	10/24/2013	Soil Suitability Guide; discontinue;	1	Workshop December 3, 2013	Ongoing
21	11/14/2013	Waivers; legal issue?		January 2014	
22	11/14/2013	Fines			
23	11/14/2013	16.7.3.5.6 Reconstruction periods			

2012-2014  
PLANNING BOARD ACTION ITEMS

24	11/14/2013	Structure replacement outside of shoreland zone (missing from code)	1		
25	11/14/2013	Federal standards, re: road design			
26	11/14/2013	By-Law changes	1	Markup provided; discussed 11/13; 12/13; 1/14; 3/14; 7/14	Ongoing
27	11/14/2013	Review flood hazard ordinance, 16.5.3.4		Coordinate w CMA; need estimates	
28	12/12/2013	Structure replacement inside shoreland/excavation	1		
29	12/12/2013	Pedestrian / Bike paths			
30	12/12/2013	Minor subdivisions; density; septic			
31	1/23/2014	Outdoor Seating, extend to other zones (See also: VIII.3.i.iv 2015 Code Amendments: Briefing Book, #38)	1	TBD: September 2014	
32	1/24/2014	Findings of Fact workshop			
33	2/27/2014	Approved Plan Expiration; Requests for Extension; Expiration of Wetland Alteration Permit	1	Reviewed 3/27/14; PB approval 6/26/14	6/26/2014
34	2/27/2014	List of Committees/Boards to monitor ?			
35	2/27/2014	Flag Lots (16.8.-16.9)			
36	3/13/2014	Septic pretreatment requirement as bonus (See also: VIII.3.i.ii 2015 Code Amendments: Briefing Book, #38)			
37	3/13/2014	Proof of building materials (ie. sand from Alfred for septic systems)			
38	3/27/2014	FY 2015 Amendments: Briefing Book <ul style="list-style-type: none"> <li>ii. Septic pretreatment</li> <li>iii. Quality Improvement Development Standards update</li> <li>iv. Outdoor seating to other zones</li> <li>v. Adjacent off-site improvement update</li> <li>vi. Consolidate RR and RC zones</li> <li>vii. Consolidate BL and L-1 zones</li> <li>viii. Sign standards/education/enforcement</li> </ul>			
39	3/27/2014	Kittery Historic Resources; historic designation identification			
40	5/8/2014	Sign ordinance changes (see also Briefing Book, #38)		Workshop: 7/14/14	
41	5/22/2014	Invasive plants			
42	5/22/2014	Encourage rain gardens in parking areas (parking credits/bicycle racks)			
43	5/22/2014	Shared driveways (Conserv. Comm)			
44	5/22/2014	Committee Updates			
45	7/24/2014	LED/Message boards/internal & external lights & timers			
46	7/24/2014	Window/A-frame & portable signs/banners			
47	7/24/2014	Sign character/appearance/administration & enforcement			





# ITEM 7

**ITEM 7 – (5 minutes) - Town Planner Items:**

A. Town Code amendment - Outdoor Seating due by 12-31-2014; and B. Other.

PLEASE BRING YOUR AUGUST 14 (ITEM #5) PACKETS FOR THIS ITEM.

There is no additional information.