

1 **TOWN OF KITTERY, ME**
2 **PLANNING BOARD MEETING**
3 **Council Chambers**

UNAPPROVED
FEBRUARY 11, 2016

4
5 **Meeting called to order: 6:00pm**
6

7 **Roll Call:**

8 Board members present: Vice Chair Karen Kalmar, Robert Harris, Deborah Lynch, Secretary Debbie
9 Driscoll-Davis, Mark Alesse

10 Board members absent: Chair Ann Grinnell, Dutch Dunkelberger

11 Staff present: Chris Di Matteo, Town Planner
12

13 **Pledge of Allegiance**
14

15 **Minutes: January 28, 2016**

16 Line 63 – change “reversed” to “reserved”

17 Line 120 – change “Conversation Commission” to “Open Space Committee”
18

19 **Mr. Alesse moved to approve the January 28, 2016 minutes, as amended.**

20 **Ms. Lynch seconded.**

21 **Motion passed 5-0-0.**
22

23 Public Comment: Ms. Kalmar opened the floor for public comment. Hearing none, Ms. Kalmar closed
24 public comment.
25

26 **ITEM 1- Wentworth Dennett Artist Studios – Public Hearing**

27 Action: Hold a public hearing. Approve or deny plan. Owner/applicant Jeff Apsey requests consideration of
28 plans to add 4 1-bedroom apartments to the top floor of an existing principal building located at 78
29 Government St. (Tax Map 3 Lot 144) in the Business Local 1 (BL-1) zone.
30

31 Ms. Kalmar noted this item has been withdrawn. Mr. DiMatteo noted the applicant informed staff on
32 February 10, 2016 that the proposed development was not progressing as intended and requested to withdraw
33 the plan.
34

35 **ITEM 2 – 3 Knight Ave – Shoreland Development Plan Review**

36 Action: Hold a public hearing. Approve or deny plan. Owner/applicant Christopher G. Eckel requests
37 consideration of plans to remove and reconstruct an unattached garage and implement several improvements
38 to the lot including a stairway, two pathways, and a retaining wall within 75 feet of a protected water body.
39 The lot is located at 3 Knight Ave (Tax Map 4 Lot 70) in the Mixed Use – Kittery foreside (MU-KF) and
40 Shoreland Overlay (OZ-SL-250’) zones. Agent is Ken Markley, North Easterly Surveying.
41

42 Mr. Markley’s testimony included the following statements:

- 43 • The plan intends to rotate and expand the existing garage. It will be easier to access from the street
44 when the entrance is more parallel to the road. Widening the garage will allow room for two cars to
45 free up space for street parking.
- 46 • The topography of the land causes rainfall to roll across the front of the property toward the
47 foundation of the house. Installing a small drainage pipe would divert the water away from the
48 foundation out to the side of the house.
- 49 • Mr. Eckel decided to remove the steps from the plan.
- 50 • Structures within the Shoreland Zone can be relocated as long as they are farther away from the
51 protected resource and in the most practical location. Moving the retaining wall would be the best
52 solution, but Mr. Markley does not intend to do so.
- 53 • An engineer will be designing the retaining wall in the next month. The retaining wall is eroding.
54

55 Ms. Kalmar opened the public hearing.

56

57 Mr. Ned Savoy – citizen and owner of 1, 6, and 8 Knight Avenue.

58 Mr. Savoy's testimony stated how this plan will improve the functionality, safety, and appearance on this
59 section of Knight Ave. It is difficult to plow snow on the private road due to the overhang and location of the
60 retaining wall. This poses a risk for potential damage to surrounding structures. The solution is to set the
61 corner of the wall back a few feet to follow the course of the road. Mr. Savoy and other neighbors expressed
62 full support for the project and realize the generosity of Mr. Eckel funding this project.

63

64 Ms. Wells suggests Mr. Eckel consider placing a rain garden in the grass to avoid unfiltered water entering
65 into the Piscataqua River.

66

67 **Ms. Kalmar closed the public hearing at 6:15 PM.**

68

69 Mr. DiMatteo highlighted the changes in the revised plan to include; minor edits to zoning and findings of
70 facts, removal of item 4 under conditions of approval regarding re-planting, and addition of item 7 under
71 conditions of approval regarding the unpermitted structures.

72

73 Ms. Lynch asked what the plans currently entail for the steps leading to the front entrance of the house. Mr.
74 DiMatteo explained that the existing steps located at the street down to the property will be returned. The
75 front steps Ms. Lynch referred to are a product of the change in grade. Once the grade is returned, those steps
76 will be unnecessary.

77

78 Mr. Markley further explained that the front entrance of the house sits lower than the level of the street. The
79 entry way consisted of a downward set of stairs from the street to a downward slope, and an upward set of
80 stairs leading to the front door. Regrading of the middle section levels the slope, therefore, making the
81 upward steps leading to the house unnecessary.

82

83 Mr. Markley questioned why the Conservation Committee would ask for a rain garden in that area. Ms. Wells
84 clarified that the suggested rain garden would be located on either sides of the house, not by the front
85 entrance. Mr. DiMatteo stated that the proposed development will likely not worsen the current level of
86 runoff. Mr. Savoy added that the runoff from the road travels over the embankment creating a sluiceway
87 toward the river and is killing the trees and grass. Proper drainage will help to prevent this water from running
88 straight down toward the Piscataqua River and help to preserve the vegetation.

89

90 Mr. Markley added that depending how the proposed retaining wall is designed; the water will be able to filter
91 through the wall rather than over the top of it. There are no plans to add drainage around either side of the
92 existing cobblestone. Mr. Markley will suggest to Mr. Erkel to consider placing rain gardens on either corners
93 of the house.

94

95 Mr. Alesse asked if the retaining wall be built sooner than the garage. Mr. Markley noted that everything
96 should be built at once and the street will most likely have to be closed down for a few hours at a time.

97

98 Ms. Kalmar confirmed to Ms. Driscoll-Davis that the proposed stone walkway, stairs beside the garage, and
99 walkway to the shed will be removed.

100

101 **Mr. Alesse made a motion to grant approval with conditions for the Shoreland Development Plan**
102 **Application dated December 23 2015 from Christopher G. Eckel for 3 Knight Ave (Tax Map 4 Lot 70)**
103 **located in the Mixed Use – Kittery Foreside, Shoreland Overlay and Commercial Fisheries/Maritime**
104 **Uses Zones upon review and voting in the affirmative of the findings and facts.**

105

106 **Mr. Harris seconded.**

107

108 **ITEM 3 – Yankee Commons Mobile Home Park Expansion – Final Subdivision Plan Review**

109 Action: Approve or deny plan. Owner/applicant Stephen A. Hynes Real Property Trust Agreement requests
110 consideration of plans for a 78-lot expansion of the Yankee Commons Mobile Home Park for the property

111 located at US Route 1, Tax Map 66, Lot 24 in the Mixed Use (MU) and Residential – Rural (R-RL) Zones.
112 Agent is Thomas Harmon, Civil Consultants.

113
114 Thomas Harmon – Civil Consultants representing Yankee Commons
115 Cliff Lippitt – Hydrologist, S.W. Cole Engineering

116 Mr. Lippitt’s presentation from his hydro-geological report included the following statements:

- 117 • Mr. Lippitt assessed the hydrologic soil group C and D used by soil conservation to evaluate
118 infiltration mounts. After calculation, the total proposed development of 20.66 acres will generate a
119 5% increase of runoff year to year. Given the average rainfall of 47” per year, the current runoff is
120 estimated at 16,472,000 gallons per year. Considering the impervious layers and lawn use, the total
121 run off of the proposed plan is estimated at 17,352,000 gallons. The 5% difference in runoff becomes
122 virtually insignificant when considering the variable levels of runoff, infiltration, and evaporation.
- 123 • The drainage pattern map (Map C4) portrays the overall drainage basin of roughly 140 acres. The
124 proposed development covers only 15% of that area making the area an insignificant contributor.
- 125 • The bedrock cut is less than 20 feet and most being less than 10 feet. The primary cut is at the south
126 end of the site from the hill. The potential mounding of the plan will not change the infiltration to fall
127 to the sides of the mounding.
- 128 • The closest well is over 1,000 feet away on Parsons Road and has 80 feet of casing making the bedrock
129 roughly about 75 feet.
- 130 • Mr. Lippitt assessed as a whole the overall drainage basin, surface flow, and infiltration of both the
131 current soil bedrock state and with the proposed development. There is no interpreted adverse impact
132 on the bedrock. The lowering of the bedrock surface will allow the water infiltration to remain
133 localized. The bedrock removal and/or re-contouring of the ground will not significantly change
134 ground water flow or recharge to the wetlands and streams.

135
136 Don Moore, Conservation Commission

137 Mr. Moore stated that the facts provided by Mr. Lippitt well support his findings and requests that Mr. Lippitt
138 state those facts in writing for his staff to review.

139
140 Mr. Harris pointed out the water level and runoff will not change once the proposed plan is complete.

141
142 Mr. DiMatteo asked if any section would have an adverse impact on the existing site. Mr. Lippitt responded
143 he would be most concerned if; the cut were cutting a sand and gravel aquifer, there were seeps and streams
144 surrounding the hill, or the adjacent wetland sat at a high elevation. None of those circumstances apply in this
145 plan since the infiltration system is not being changed, but instead lowered.

146
147 Ms. Driscoll-Davis requested a written report from S.W. Cole Engineering to assess how it will tie in with the
148 blasting.

149
150 Brian Rayback - Pierce Atwood

151 Mr. Rayback requested that any specific conditions that the Planning Board requests to include it under the
152 conditions of approval of the subdivision plan. In example, if equipment is swapped shouldn’t need a permit
153 amendment. These conditions should be pulled out of the plan and made explicit to understand what their
154 company is obligated to do and avoid confusion.

155
156 Mr. DiMatteo agreed that the certain aspects of the plan not pertaining to the public should not have to be
157 scrutinized by the town or boards. It’s suggested that the applicant clearly state what those items are and
158 compile them into a list. Ms. Lynch asked for changes since last meeting to be highlighted in the plan. Mr.
159 Harmon stated the plan notes highlight those changes and that he will itemize them to include suggestions
160 from Mr. DiMatteo.

161
162 Mr. Harmon stated that a phasing plan will not be included since only one contractor will perform most of the
163 blasting, utility installation, and roadwork. It is tentative that the homes construction will be phased by dividing
164 each road into a phase. Mr. Harmon and Mr. DiMatteo clarified the duration of the plan for roads and
165 infrastructure is 3 years and the entire proposed development is 5 years.

166
167 Ms. Kalmar extended appreciation for the cross walk lights, offer to submit permitting and monitoring
168 reports, and providing rabbit habitation.

169
170 Mr. Alesse asked if the air quality will be continuously monitored. Mr. Harmon responded that this
171 operation will not have actual testing and equipment will be wet down to reduce the dust.

172
173 Ms. Wells asked if there was water being used in the extraction process of the rocks. Mr. Lippitt explained
174 that the water used during the extraction process is primarily for dust control.

175
176 Ms. Kalmar asked if the adjacent mobile home parks will be monitored. Mr. Harmon finds no reason why
177 the applicant should not.

178
179 Mr. Harmon asked to postpone the street numbering application until prior to occupancy as a condition of
180 approval.

181
182 Mr. Harmon confirmed they are not opposed to having a preconstruction meeting.

183
184 **Ms. Driscoll-Davis made a motion to continue the application for the Yankee Commons Mobile Home**
185 **Park Expansion – Final Subdivision Plan Review until March 10, 2016.**

186 **Ms. Lynch seconded.**

187 **Motion passed 5-0-0.**

188
189 **ITEM 4 - Town Code Amendments – 16.8.11 - Cluster Residential and Cluster Mixed-Use**
190 **Development. 16.8.11.1 Purpose; 16.8.11.3 Dimension Standards Modifications; 16.8.11.5**
191 **Application Procedure; 16.8.11.6 Standards; 16.8.20.1 Green Strip; 16.9.1.7 Buffer areas; and**
192 **16.2.2 Definitions**

193 Action: review and schedule a public hearing. The proposed amendments provide clarity with regard to
194 open space and other requirement standards in cluster residential and cluster mixed-use development.

195
196 Mr. DiMatteo explained the biggest change resulting from the workshop with the Town Council is the
197 definition of reserved open space. This is a new provision focused on ecological conservation efforts.

198
199 Ms. Kalmar asked to define “scenic vista” to replace all written as “viewscape”, “viewshed”, and “view
200 corridor”.

201
202 Line 188-189 - Ms. Kalmar feels it fails to address an actual development obstructing a scenic view
203 which is an issue that likely cannot be addressed in cluster ordinance. There is currently not any
204 legislative mechanism in place to preserve these scenic views over private property. This will be
205 discussed with the comprehensive planning board.

206
207 Line 72 – The question was raised if the ordinance can reference to the comprehensive plan and if so,
208 would it be adequate. Also, the question was raised to find the opinion on legal ramifications to varying
209 upland requirements by zone. Ms. Kalmar asked Mr. DiMatteo to inquire with MMA for those answers.
210 The board wants to be able to encourage growth versus discourage growth in other areas. Ms. Lynch
211 added the concern that some areas may not qualify for cluster development. Mr. DiMatteo suggests
212 bringing up various concerns in the future and focus on the existing condition now.

213
214 The board discussed several minor formatting and grammatical edits to be changed in the Town Code
215 Amendments.

216
217 **ITEM 5 – Board Member Items / Discussion**

218 The next Comprehensive Planning Board committee meeting will be held on February 17, 2016 from 5:00-
219 7:00pm.

220
221 The first public forum for comprehensive planning will be held on March 12, 2016 from 10:00-12:30pm at
222 the Kittery Community Center. Food and beverages will be provided.
223

224 **ITEM 6 – Town Planner Items:**

225 A. The next meeting’s agenda will include the public meeting for the continuation of the Memorial Circle
226 improvements and two public hearings for the code amendments.
227

228 B. The Old Post Road development plan will return in March.
229

230 **Mr. Alesse made a moved to adjourn.**

231 **Ms. Driscoll-Davis seconded.**

232 **Motion carried 6-0-0.**
233

234 The Kittery Planning Board meeting of February 11, 2016 adjourned at 8:13 p.m.
235

236 Submitted by Marissa Day, Minutes Recorder, on February 18, 2016
237

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

